

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
OCTOBER 28, 2021

7:02 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Toby Wright, Council Member Blake Ostler, Council Member Watkins and Council Member Esther Montgomery.

OFFICIALS ABSENT: None

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Shanna Johnson, City Recorder
Scott Hancey, Chief of Police
Tyler Wagstaff, Public Works Director
Bill Morris, City Attorney

OTHERS PRESENT: Nelson Phillips,

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the electronic City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None.

ITEM 3: ACTION ITEMS

A. Resolution 2021-17 Updating the Perry City Storm Water Management Plan

Tyler Wagstaff said this is a general plan they will be using going forward to meet the requirements for the State. Robert Barnhill added that it includes goals and a timeframe of completing those goals. Council Member Wright asked why they were doing a resolution for this and if it was to adopt it to the code. Mr. Barnhill said it is not part of the code but the state requires it to be adopted by City Council. Council Member Wright said there were pictures tied to it (the plan Mr. Wagstaff had sent to him) that had people driving over the curb with muddy tires and wondered how they would be able to mitigate that across the entire city. Mr. Wagstaff explained that when a home is being built, they are required to remove the mud in some way before they hit the city streets. The mud goes into the storm water and contaminates the storm water that runs into the low lands and also destroys the water shed. When a home is being built, the dirt is supposed to stay there unless it is transported out. Anytime a truck leaves tire tracks, it is not allowed. Council Member Tueller said that he feels this type of stuff is an overreach of the state. He thinks there are good practices in it but with actual contaminants like diesel or oil. Council Member Wright asked where the priority areas were. Mr. Wagstaff said that new subdivision areas are high priority and places like Maverik (where there is fuel). Council Member Wright asked what would happen if they did not adopt it. Mr. Wagstaff said that they would be in violation and could get fined.

Council Member Montgomery discussed page 7 of the plan and opportunities for public input (public comment will be welcomed any time of the year with public hearings twice a year) as goals. She said that public comment is not currently listed as being on the agenda and may be something that they would like to change.

Mayor Jeppsen said that this started five years ago and he was told that this was actually touched off by a census calculation (the census was last year). He wondered what threshold put them in this new situation. Bill Morris said he is speculating, but about five years ago they changed and put Perry into the Wasatch Front Regional Council as part of the metropolitan statistical area and he thinks that is what triggered it. Council Member Montgomery said that she was here when that discussion happened and she remembers there was a threshold reached with the population and they had new rules they had to conform to. Mr. Morris said there is a huge threshold once you reach 5,000 when there are more studies and things put in place.

Mayor Jeppsen said that most contractors are used to having to comply when they work elsewhere but not when they are in Perry. This puts more of a burden on the Public Works department trying to get them to comply because they have not had to until now. He thinks it is a good thing to get the contractors to comply. The state is not being heavy handed right now and wants them to have a plan and start addressing things. Public Works is trying to do whatever they can do to meet the requirements. As long as they are willing to work with us then we are in a good place. At this point he thinks we just do the best we can and meet the requirements.

The Council discussed disposing of things properly and the fee associated with that. Mayor Jeppsen said they need to look at what it is costing them to dispose of it. Mr. Morris said they would need to look at what is being collected from the monthly storm water utility fee and adjust that fee annually to cover the expense of the program.

MOTION: Council Member Montgomery made a motion to approve Resolution 2021-17.
Council Member Wright seconded the motion.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Ostler, Yes
Council Member Tueller, No
Council Member Watkins, Yes,

Motion Approved. 4 Yes, 1 No.

B. Resolution 2021-18 Approving and Authorizing the Mayor to Execute a Contract with Brandi Davenport for Acquisition Services

Mayor Jeppsen explained that this was discussed previously and wondered if there was discussion on the contract. Council Member Ostler asked if this was the one recommended from Brett Jones. Mr. Barnhill said that Brett has worked with many and some past experiences were not great, this was his recommendation.

MOTION: Council Member Wright made a motion to approve Resolution 2021-18 Approving and Authorizing the Mayor to execute a contract with Brandi Davenport for acquisition services. Council Member Montgomery seconded the motion.

DISCUSSION: Council Member Ostler asked if there is budgetary room for this. Ms. Johnson clarified that there are professional technical dollars within the administration department and community development to handle things like this and that it fits within those dollars.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Ostler, Yes

Council Member Tueller, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 4: DISCUSSION ITEM

A. FY2022 Budget Update

Ms. Johnson explained that this is the quarterly budget update for compliance. She explained the revenues from September 2021 (FY22) as follows:

- 23% general fund
- 26% utility fund
- 23% sewer fund (will receive more reimbursement from Willard later)
- 55% non-operating revenues (mostly impact fees)

She said that they are working on FY21 closeout so a few of the numbers may adjust over the next month. Council Member Ostler said there is no actual on the interest line item for the sewer fund. Ms. Johnson explained that at the end of the year, the accountant goes through each fund and distributes it (so in their packet they receive monthly from her, it will show zero). She said they can adjust it per month on a trend but some things will show as a lag on this report.

She then explained the expenditures as follows:

- 16.25% general fund
- 22.4% utility fund
- 18.7% sewer fund

Expenses as follows:

- Sales tax is coming in much higher than anticipated and much higher than the prior year (averaging 21.6% higher than budgeted within the first two months)
- Mass Transit is also showing higher

Highlights on budget as follows:

- ARPA funding – received first distribution \$162,160 (half of what will be received)
- Sales Tax received - \$46,000 more in last two months compared to prior year
- Building fees and impact fees are trending higher
- Audit financial statement being prepared
- General fund showing healthy spending overall with a few accounts to watch (professional/technical and mass transit)
- Enterprise funds looking good (may need to add additional budget to storm drain)

Council Member Wright wanted clarification on if the ARPA funding has been spent already. Ms. Johnson explained that the CARES act funding has been spent but the ARPA funding is new and there are three years to spend it. ARPA funds are for infrastructure or health in the community type projects.

ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- October 14, 2021 City Council Meeting Minutes

MOTION: Council Member Montgomery made a motion to approve the consent items. Council Member Wright seconded the motion.

ROLL CALL: All in favor.

Motion Approved.

B. Mayor's Reports

Mayor Jeppsen said that we have mostly been focused on the election and had meet the candidate night. He wondered if that could be re-evaluated in the future and possibly be held electronically due to low participation numbers. He felt it went well but wondered what could be done to get more people there.

C. Council Reports

Council Member Wright wondered what the status is of the gun range and how long it would stay open. Mayor Jeppsen said that it is still set to be open on Friday and Saturdays until the end of the month. He discussed the cows that have been out at the gun range and putting in a fence to help keep the cows out of the area.

Council Member Montgomery said that after meet the candidate night, a few policy items she would like to address came up. The first item is how they can explore meeting residential residency as it continues to grow with green space (as laid out in the general plan). The second item is to explore options to incentivize the population to renovate public right of ways as a tool for water conservation. The last item is the public comment on the agenda. She had not noticed that it had disappeared from the agenda until recently. She feels that it is important for the public to feel they have an option to be heard within the timeframe and guidelines. She also discussed candidate Dave Walker mentioning a text service option that would be available to residents to receive information that she also felt would be a good option.

Council Member Watkins said he had a community member contact him because he got an error when he tried to contact the council through the website. He shared the letter with the council which discussed parking concerns. He suggested mentioning that people can contact the council with steps detailing how to do that in the newsletter.

Council Member Ostler discussed a nice meeting that was held a week ago (jointly held between City Council and Planning Commission) regarding multi-family policies, specifically the density map grid. He felt it was a productive meeting with some nice comments in terms of bringing forth thoughts to be considered. He expressed appreciation for those that put that together. He also thanked those that put together meet the candidates night (even though it may have not been well attended). He felt it was well done and it was nice to see some of the interested community members that were there.

Mayor Jeppsen added he attended the joint work session (between the City Council and Planning Commission) as well (listening through zoom). He thinks it is great to have some interaction there and said he liked Council Member Tueller's comments about what the different responsibilities are between the council and commission (and how those differences are what makes it work). He was surprised by some of the focus and comments about the grid. He thinks they are heading in the right direction with the grid and thanked those that have worked on it (and the time that both bodies spent on it). Council Member Ostler added that he understands the need for separate roles between Planning Commission and City Council but due to his time spent previously on the Planning Commission, there was a desire on his part to understand interest level from the City Council (it was discouraging to spend a bunch of time on something and send it to City Council and have it materially changed or not considered). Mayor Jeppsen said that he is not sure how much communication goes on between the Council Members and Commissioners (other than the reports

during council meetings) but maybe that is something that should be looked at in the future so that people don't feel they are wasting their time on things others may not be interested in.

D. Staff Comments

Mr. Barnhill said that if there are concerns in reference to the parking issue that Council Member Watkins received, he is happy to talk to them and explain the ordinance. Chief Hancey could also talk to them about any questions they may have.

Mr. Wagstaff encouraged the Council to reach out to him or Mr. Barnhill about the storm drain compliance and any questions they may have regarding that.

E. Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

MOTION: Council Member Tueller made a motion to adjourn the regular meeting at and go into an executive session to discuss the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms. Council Member Wright seconded the motion.

The executive session started at 7:58 p.m.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

MOTION: Council Member Tueller made a motion to close the executive session and return to the regular meeting. Council Member Wright seconded the motion.

The executive session closed at 8:45 p.m.

ROLL CALL: Council Member Montgomery, Yes
Council Member Wright, Yes
Council Member Tueller, Yes
Council Member Ostler, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 7: ADJOURNMENT

MOTION: Council Member Tueller made a motion to adjourn the meeting. Council Member Wright seconded the motion.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:46 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Tyra Bischoff, Deputy Recorder