

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
September 22, 2022

7:00 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 Dave Walker and Council Member Ashley Young.

OFFICIALS ABSENT: None

CITY STAFF PRESENT: William Morris, City Attorney
Robert Barnhill, City Administrator
Shanna Johnson, City Recorder
Scott Hancey, Chief of Police
Brittney Rawson, Police Secretary
Frederick Mabrey, Patrol Officer

OTHERS PRESENT: Blake Broadhead, Abby Musselman, Judah Richardson, Mike Sabra, Jane Agren, Milton Farr

ON-LINE: Mike, Mark, Melanie Barnhill, Danny Henriquez

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None.

B. Appointment – Planning Commission

Mayor Jeppsen said he worked with the Planning Commission and now wanted to propose to the City Council that they extend or reappoint Jan Kerr as a Planning Commissioner. He asked if Ms. Kerr was present at the meeting and it was told him she was not. He then asked if any council members wanted to discuss their thoughts or concerns with this proposal. Council Member Wright said he thinks Ms. Kerr had been great and there isn't a reason to hold her back from serving again.

MOTION: Council Member Wright made a motion to approve Jan Kerr for Planning Commission. Council Member Young seconded the motion.

ROLL CALL: Council Member Young, Yes
Council Member Walker, Yes
Council Member Ostler, Yes

Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 5 Yes, 0 No

After the motion Mayor Jeppsen welcomed Commissioner Kerr back and thanked her for her service thus far.

ITEM 3: Action Items (Roll Call Vote)

A. Ordinance 22-N Police & Other Fees

Chief Hancey said recently the Police Department had been getting a ton of records request. He said they noticed it had been getting pricey and he feels they are losing money on this process. He expressed that they want to at least cover their expenses and also to simplify things. He then noted that it has been awhile since the fees had been updated.

Council Member Walker asked what caused the increase in expenses. Chief Hancey responded that time (to compile and review the reports) was the main factor and another was thumb (USB) drives. He said they need a larger size thumb drive for pictures and sometimes it takes several thumb drives per GRAMA request. He indicated that presently the USB fee doesn't offset the cost. He mentioned that they want to update the ordinance to allow them to charge what the State GRAMA Law allows them to do. He also noted that the changes will simplify what they are doing.

Council Member Wright asked Chief Hancey if he knew how much in the hole the department was because of these requests. Chief Hancey said that he doesn't think the department was in the hole but they are trending that way and want to be proactive. He used the example that he recently ordered a 50 package of UBS drives and that they are almost gone. Council Member Wright asked if the police department was able to cover these expenses with the funds they already have. Chief Hancey indicated that right now they were able to cover the cost. Council Member Walker asked the approximate amount of GRAMA requests the police department receives in a month. Ms. Rawson responded that they receive about fifteen to twenty from the public and then there are some from other agencies. She noted that they don't collect a fee if the request comes from another agency.

Council Member Wright asked what the original compared to the proposed fees were so Chief Hancey explained the following:

Description	Old Fee	Proposed Fee
Police Policy Manual (Printed Code)	\$25	\$50
Digital Policy Manual (USB Drive)	\$8	\$10
Good Conduct Letter	\$4	GRAMA
Fingerprint, resident	N/A	\$10 per card
Fingerprint, non-resident	N/A	\$25 per card
Incident Report (No Photos)	\$20	GRAMA
Digital Incident Report (Photos)	\$30	\$10 USB/GRAMA
Printed Photos	N/A	\$1 per photo
Body Camera Video	N/A	\$10 USB/GRAMA

Council Member Young asked who requests these reports. Chief Hancey remarked that it's typically those who are involved in the incident. Ms. Rawson explained that they receive requests from attorneys and insurance companies and it takes time for them to go through the reports before sending them out. And if there are parts of the report she needs to redact then that processes take a lot longer. Council Member Walker suggested that for clarification in the fee chart they should replace the slash with the word "plus".

Chief Hancey continued explaining the proposed ordinance updates by saying they simplified the penalties for parking and other penalties which matches the Utah Bail Schedule. Mr. Barnhill asked if the code violation are for generic code issues. Chief Hancey said it's an infraction under the title of this section. Council Member Ostler ask for clarification if the code violation and penalties are for parking and animal offenses. He wanted to know if we were in conflict with this. He then noted a typo in the Animal Control Fees chart that the word unsprayed should be unspayed. Council Member Walker asked if the ordinance needs to have something put in it to clarify the violations.

Mr. Morris said that Ms. Rawson calls him a few times a week on the police GRAMA requests because they are so complex and she needs legal help with them. He also noted that they take a lot of time to research the answers for each request. In response to the above questions he said with the proposed Uniform Fine Schedule and Penalty clause he, did more to eliminate the inconsistency in the fines and codes. The infraction clause, with a fine not to exceed \$750, was a catch all in case they forget to add something. He said they moved all the traffic issues out of this ordinance and put them into another section of code. Mr. Barnhill commented on the violation section of this ordinance and Mr. Morris said it was specific to the animal control fees.

Ms. Johnson asked if these changes will carry over to the consolidated fee schedule. Mr. Morris said that anything inconstant with this ordinance will be stricken. He then asked if they wanted it in the consolidated fee schedule. There was a brief discussion on possible changes that would need to be done. Mr. Barnhill suggested that before they go any further they should look at the code noting the GRAMA fees already listed on the consolidated fee schedule. Mr. Morris pointed out that this ordinance change was only for police GRAMA and not city administrative GRAMA requests. He also mentioned that with this update they separated the animal control fees from the police department fees. They reviewed the code and found the consolidated fee schedule and this ordinance amendment to be in order.

Council Member Ostler ask if they can include a fee for the time the city attorney spends on the police GRAMA requests. Mr. Morris said they cannot charge any more than the lowest rate of the employee doing the work. He pointed out that he was on a retainer with the city so there isn't additional attorney fees charged to the city.

MOTION: Council Member Walker made a motion to approve Ordinance 22-N Police & Other Fees with changes to the Police Fees to remove the slash and include the word "plus" and correct the typo of unsprayed to unspayed. Council Member Wright seconded the motion.

ROLL CALL: Council Member Young, Yes

Council Member Walker, Yes
Council Member Ostler, Yes
Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 5 Yes, 0 No

B. Discussion and/or Action Regarding the Creation of a Public Works Supervisor Position

Mayor Jeppsen said that this action item will be tabled and addressed in a future meeting by the way of a proposed budget amendment.

Tabled until Budget Amendment

ITEM 4: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- August 11, 2022 Truth in Taxation Meeting Minutes
- August 11, 2022 City Council Meeting Minutes
- August 25, 2022 City Council Meeting Minutes

Council Member Walker said he was entered as Commissioner and not Council in the August 25 meeting minutes. Council Member Wright noted that on line 231 in the August 25 meeting minutes the property tax rate was wrong. It was typed as 0.00245 and should've been 0.002045.

MOTION: Council Member Wright made a motion to approve consent items with changes mentioned. Council Member Walker seconded the motion.

Motion Approved. All Council Members were in favor.

A. Mayor's Reports

Mayor Jeppsen said resident, Bob Thurgood, wants to build and donate a wooden flag for the new city hall. He asked the council members if they had any objections to allowing Mr. Thurgood to provide a wooden flag to the city. There wasn't any objections from the council so Mayor Jeppsen said he will inform Mr. Thurgood to go ahead with the flag project.

Mayor Jeppsen then remarked that the Box Elder News Journal printed misinformation that Perry and Willard were in dispute on a development in an unincorporated area about using the waste facility. He wanted to reiterate that we were or are not in a dispute. He explained that Mr. Barnhill reached out to the County Commissioners to let them know that Perry has not been approached concerning this issue. The inter-local agreement of the operation of the waste facility explicitly outlines out how this situation would work. He said the doors of Perry City are open with anyone interested in using that facility.

B. Council Reports

Council Member Young – none.

Council Member Walker thanked Mont Johnson and the Church of Jesus Christ of Latter-day Saints for helping to coordinate service projects along with all the participants. He said he checked on the history of the pioneer cabin building at Dale Young Park and reported that that it belonged to the Waylee family who were one of the first settlers in Perry. He's planning to contact the Historical Society about what should be done to preserve the building.

Council Member Ostler – none.

Council Member Wright – none.

Council Member Tueller said three seniors from Perry and Box Elder High School wrapped up a Golf Region Championship today.

C. Staff Comments

None.

D. Planning Commission Report

Commissioner Broadhead reported that the Planning Commission approved the final plat for Perry Landing Subdivision at their last meeting. He noted that next month many items are up for review and approval.

ITEM 5: EXECUTIVE SESSION

None.

ITEM 6: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 7:33 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder