

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Andrew Watkins, Toby Wright, Esther Montgomery, and James Taylor

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
Robert Barnhill, City Planner
Scott Hancey, Chief of Police

OTHERS PRESENT:

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

A. INVOCATION

Council Member Wright offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Tueller led the audience in the Pledge of Allegiance.

C. REVIEW AND ADOPT THE AGENDA

MOTION: Council Member Wright made a motion to approve the agenda. Council Member Taylor seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

B. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)

Shanna Johnson passed out the warrants.

C. APPOINTMENTS

• **Flood Control Chairman, Vice Chairman, and Treasurer**

Mayor Jeppsen recommended the appointment of Bryce Thurgood as Chairman, Kevin Peebley as Vice Chairman and Greg Hansen as Treasurer.

MOTION: Council Member Montgomery made a motion to approve the appointment of Bryce Thurgood as Chairman, Kevin Peebley as Vice Chairman and Greg Hansen as Treasurer. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Watkins, Yes

Council Member Tueller, Yes

Motion Approved. 5 Yes, 0 No.

Mayor Jeppsen invited the new City Prosecuting Attorney to introduce himself to the Council.

City Prosecutor Blaire Wardle introduced himself and reviewed his credentials with the Council.

The Council welcomed Mr. Wardle.

ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. PUBLIC COMMENTS

Mark Mackley reviewed some of the items regarding his application for a zone change and why it was not recommended by the Planning Commission. He stated the Planning Commission did not recommend for approval his application due to the current General Plan in effect, however, the proposed updated General Plan does allow for his requested zone change.

Mike Holt stated he is the real estate agent for the property owners who desire to sell their property to Mr. Mackley. He then reviewed the true need for this zone change, which would allow for more affordable housing in Perry, which is desperately needed currently.

Jeremy Olsen stated he is the real estate agent representing Mark Mackley. He stated Dr. Mackley is a Perry resident and has already benefited the community with his dental practice and other services to the community. He stated they believe that this is the highest and best use for this property to benefit the community.

Keith Witt stated he is the current property owner and reviewed the history of this property with the Council. He stated this property was annexed into Perry from Willard with the promise that they would receive culinary and sewer to this property. He stated he believes that this zone change would be truly beneficial for this property.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff discussed and clarified the current warrants.

MOTION: Council Member Wright made a motion to approve the warrants. Council Member Taylor seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. RESOLUTION 19-08 APPROVING PUBLIC EMPLOYEE CELEBRATION WEEKS

Shanna Johnson reviewed Resolution 19-08 with the Council. She explained this is something, which takes place every year to thank the different City Departments. She stated each department has their own week of celebration to thank them for the service they provide to the community.

MOTION: Council Member Taylor made a motion to approve Resolution 19-08. Council Member Watkins seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

C. FINAL APPROVAL OF SITE PLAN FOR MAVERIK LOCATED AT 1674 W 1100 S PERRY, UT
Bob Barnhill reviewed the changes to the current site (expanded cement area and landscaping alterations) which have been reviewed by both Mr. Barnhill and the City Engineer. He stated neither of them have issue with the presented site plan and the Planning Commission has recommended approval for this item.

MOTION: Council Member Tueller made a motion to approve Final Approval of the Site Plan for Maverik located at 1674 W 1100 S Perry UT. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

D. FINAL APPROVAL OF PAUL NELSON SUBDIVISION LOCATION 1476 W 2950 S PERRY UT, PARCEL #02-034-0041 AND 02-034-0101
Bob Barnhill reviewed the proposed plat for this subdivision application, which expands lot 1 to allow more area for lot 2, which would be a flag lot. He stated the City Engineer and Fire Marshall have both reviewed this application. He stated the Planning Commission has recommended approval for this application with a deferral agreement regarding the curb and gutter.

Council Member Tueller inquired about if the deferral agreement would be made known to whoever buys the properties.

Mr. Barnhill stated it would be made known to whoever buys the property via the title documents.

MOTION: Council Member Tueller made a motion to approve the Final Approval of Paul Nelson Subdivision location 1476 W 2950 S in Perry. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

E. APPLICATION FOR ZONE CHANGE FOR NC3 TO MU-3. LOCATION 3820 S HWY. 89; HARGIS HILL ROAD, PERRY UT. PARCEL #02-038-0013, 02-038-0015, 02-038-0016, AND 02-038-0024
Mr. Barnhill reviewed that this application has four continuous parcels. He stated they currently have two buildings on the property. He reviewed the current surrounding properties, which are mostly agricultural with a few residential dwellings.

He stated the applicant would like to build multifamily housing on this property.

He reviewed the current municipal code, stating there is no cap on the density of the multifamily housing, which he explained was discussed by the Planning Commission.

He stated there are some concerns regarding available utilities in this area.

He stated Planning Commission gave an unfavorable recommendation on this application due it not meeting certain guidelines in the current City Codes for zone changes and the existing general plan.

He said that the proposed General Plan does have this area listed as residential with multifamily housing being scattered throughout the City.

Council Member Tueller inquired about the water and sewer in this area and if the City would be able to provide these for this property.

Mr. Barnhill stated the sewer would have to be provided by crossing over into Willard City and the water situation would have to be reviewed on the actual site.

The Council and Staff discussed utilizing multifamily housing in the City and how the proposed General Plan is trying to define this utilization.

The Council and Staff discussed zoning and how multifamily housing should be identified in the proposed General Plan for the area of the City of which the zone change is proposed, as well as, on Highway 89.

The Council and Staff discussed the issue of the lack of water distribution in this area and if it would be feasible for development in this area with the current lack of water distribution.

Mark Mackley (the applicant) inquired about the density concern and if the Council is willing to give some kind of definition to that concern.

Council Member Tueller explained the concern regarding the density is having an area that should be around 100 units but the developer tries to build 300 units.

Mark Mackley stated they had a water test done and Willard has around twice as much water coming as compared to Perry City. He said it would require either a new well or the two Cities coming to an agreement regarding the water distribution for this area.

MOTION: Council Member Watkins made a motion to table application for a zone change for NC3 to MU-3 location 3820 S Hwy 89 Hargis Hill Rd. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

F. APPLICATION OF ZONE CHANGE FROM NC3 TO MU-C LOCATION 2535 S HWY. 89 PERRY UT PARCEL #02-025-0008 AND 02-025-0009

Mr. Barnhill reviewed this application and stated it is similar to the prior application. He reviewed the surrounding current land uses, which he explained are a good mix of uses. He

said the parcels make up around 1.2 acres and the applicant has stated their intent on using it for multipurpose housing with possible commercial in the front part of the property.

He said the Planning Commission gave an unfavorable recommendation on this application after much deliberation.

Council Member Tueller inquired about the lack of density cap in the code.

Mr. Barnhill stated that without a cap of density in the code it would be difficult to try to enforce any type of density cap.

The Council and Staff discussed the pros and cons of utilizing the mixed-use zone in the City.

The Council and Staff expressed that they felt once the proposed General Plan has been defined further and approved that would be a better time to bring this application forward.

The Council and Staff discussed the intention of the proposed General Plan to allow property owners more freedom to develop their properties as they see fit.

Planning Commissioner Jan Kerr stated the Commission believes this is a great idea but due to the status of the codes and General Plan, they did not recommend approval. She said they are planning a work session for the General Plan and hoping to move quickly to allow this application to be recommended for approval.

MOTION: Council Member Tueller made a motion to approve this item. Council Member Taylor seconded the motion.

DISCUSSION: Council Member Montgomery stated she is hesitant to spot zone when the General Plan update is still in process.

Council Member Tueller stated he feels the General Plan is a recommendation for them to follow but it is not code.

Council Member Wright stated he does not want to set a precedent for changing zones all over Highway 89.

Mr. Barnhill stated future applicants who come in would look at this application, he recommended adding the reasons why this application was approved to give parameters for following applications to meet to be approved.

Council Member Tueller stated he feels this mixed-use zone is appropriate for this location due to the existing structures surrounding this property.

Mayor Jeppsen clarified at this point there is not proposed density for these properties, just a zone change. He stated he felt it would be risky to approve these applications without having the City Codes updated regarding density caps.

ROLL CALL: Council Member Taylor, Yes
Council Member Wright, No
Council Member Tueller, Yes

Council Member Montgomery, No
Council Member Watkins, No

Motion Failed. 2 Yes, 3 No.

The Council agreed to table this item.

ITEM 5 DISCUSSION

A. FY2019 BUDGET UPDATE

Shanna Johnson provided a budget update through February 2019, which is 67% through the current budget year. She reviewed the status of current revenues: General Fund is 49% collected, Utility Fund is 66% collected, Sewer Fund is 69% collected, and Utility Fund- Non Operations is 47% collected.

Ms. Johnson then reviewed the expenses for this budget year: General Fund is 42.8% expended, Utility Fund is 62.4% expended, and Sewer Fund is 20.8% expended.

She reviewed the Sales Tax and stated overall the City is 5.82% better than the prior budget year in General Sales Tax, and 4.51% better than planned in Mass Transit Tax.

Ms. Johnson stated that a representative from the UTA would like to come and meet with the Council to report on their Corridor Preservation project.

She reviewed the planned upcoming work sessions regarding FY2020 Budget Planning (May 9th, May 23rd, June 13th, and June 27th) and what needs to take place at these work sessions to have the budget filed to the State on time (by June 30th).

She inquired due to the CIB meeting happening in May or June how the Council would like to proceed to make sure they are able to get the budget finalized on time. They agreed that an additional work session would be best.

Ms. Johnson stated she would send out date options for the Work Sessions and allow them to give their feedback when they can review their schedules.

ITEM 6 MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- March 14, 2019 City Council Meeting Minutes
- March 14, 2019 Work Session Meeting Minutes
- March 28, 2019 City Work Session Minutes
- March 28, 2019 City Council Meeting Minute

MOTION: Council Member Montgomery made a motion to approve the March 14th City Council and Work Session Minutes as well as the March 28th City Council and Work Session Minutes. Council Member Watkins seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. MAYOR'S REPORT

Mayor Jeppsen reported the City Engineer is working on a proposal for the Short Range Pistol Venue at the Gun Range. He stated the 2700 S road project is progressing nicely.

The Council asked for an update and clarification on the 2700 S road project, including where this will start and stop.

Mayor Jeppsen stated the DNR negotiations are progressing forward.

C. COUNCIL REPORTS

Council Member Taylor inquired about negotiations between Mantua and Perry City.

Mayor Jeppsen stated they are discussing the options of combining Police Forces and being able to utilize Mantua's Justice Court. He said thus far they are still figuring out their options in regards to if the City wants to have their own Justice Court or utilize another city's.

Mayor Jeppsen stated he attended the COG meeting and they received approval for more land acquisition money.

The Council and Staff discussed the status of the new City Sign, which was hit by a car and knocked down.

D. STAFF COMMENTS

Shanna Johnson stated the Staff is working with the Gun Range regarding the Golden Spike Tournament for which they are seeking a grant. She stated the Heritage Theater also plans to put on a melodrama inspired by the Golden Spike.

Ms. Johnson stated the Tour of Utah would also be occurring again this summer and will pass through Perry City.

Bob Barnhill stated a new gas line will start being installed down the highway next month. He said it is projected to take 18-24 months, which will cause the highway to be down to single lanes. He noted this might pose a problem for the tour of Utah. Shanna Johnson stated she would report this to the County Tourism Board.

Ms. Johnson stated the 4th of July is coming and they will need to have recommendations for committee members and sponsors.

She said the Easter Egg Hunt is coming up and there are many events being planned by the County for the Golden Spike Anniversary.

Chief Scott Hancey reported that they sold one of the Police Vehicles and stated he is seeking to get another vehicle to replace the sold vehicle. He requested having the vehicle expenses planned for FY2020 moved up to this Fiscal Year.

The Council asked how this would affect budget. It was determined that the lease payment was equal to the depreciation that would have been due for the sold vehicle therefore the change would be within budget. The Council expressed support for this request.

E. PLANNING COMMISSION REPORT

Jan Kerr stated the Planning Commission is pushing hard to get the General Plan update moving forward quickly.

Council Member Tueller inquired if in the City Codes multi-family housing can be defined clearly, as to what density will be allowed.

The Council, Staff, and Commissioner Kerr discussed options for defining allowable apartments.

Bob Barnhill stated he would put a code amendment regarding apartments on the Planning Commission agenda.

ITEM 7: EXECUTIVE SESSION

MOTION: Council Member Tueller made a motion to close the regular meeting and open the executive session regarding discussion of the purchase, exchange, lease, or sale of real property. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

The Regular Meeting Closed at 9:26pm

MOTION: Council Member Tueller made a motion to reopen the regular meeting. Council Member Watkins seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

The Regular Meeting Reopened at 9:59pm

ITEM 8: ADJOURNMENT

MOTION: Council Member Tueller made a motion to adjourn the City Council Meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 10:00 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder