

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

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

OTHERS PRESENT: Julie Jones, Reese DeMille, Val Sanders, Bryan Loveless, and Melanie Barnhill

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

Shanna Johnson passed out the warrants.

C. APPOINTMENT (Took Place after Executive Session @ 10:15pm)

- **RESOLUTION 2020-05 APPROVING A CITY ADMINISTRATOR EMPLOYMENT CONTRACT AND APPOINTING ROBERT BARNHILL AS CITY ADMINISTRATOR**

MOTION: Council Member Montgomery made a motion to approve the appointment and contract of Robert Barnhill as City Administrator. Council Member Tueller seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. PUBLIC HEARING REGARDING ORDINANCE 20-J AMENDING CHAPTER 4.09 COMPREHENSIVE FEE SCHEDULE

Mayor Jeppsen opened the public hearing portion of the meeting.

No public comment given.

Mayor Jeppsen closed the public hearing portion of the meeting.

B. PUBLIC COMMENTS

No public comment given.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff clarified and discussed the warrants (especially those regarding the sewer budget and Utopia).

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

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

Motion Approved. 5 Yes, 0 No.

B. ORDINANCE 20-E AMENDING PMC TITLE 15.33.020 REGARDING DAYCARES AND PRESCHOOLS

Bob Barnhill reviewed Ordinance 20-E with the Council, including the recommendation from the Planning Commission regarding amending this code. He reviewed the current code (12 children max per two providers and required State Certification for both daycare and preschool). He said that as they reviewed other cities codes it was apparent that the codes vary, especially regarding preschools. He stated that the Planning Commission has recommended the amendment of allowing 16 children per two providers for preschools and keeping the requirement of State Certification for preschools. He explained that with the State Certification there does come the requirement of a fenced yard.

The Council and Staff discussed the proposed and amendments, especially regarding the State Certification and requirement of having a fenced yard for preschools.

The Council and Staff discussed the regulations regarding daycares versus preschools.

Mr. Morris noted some typographical errors in the document.

The Council reviewed the request from a concerned resident who runs a grandfathered preschool and is moving locations and will not be able to run their preschool with the current code.

The Council and Staff further discussed and reviewed the differences between daycare regulations and preschool regulations and what is appropriate for Perry City.

The Council and Staff discussed and clarified their viewpoints on the requirement of a fence per State Certification regarding preschools and specifically for the concerned resident.

The Council and Staff discussed and clarified what State Licensure requires and that it includes that if the preschool does not operate 4 or more hours it does not requires State Licensure.

The Council discussed the impact of traffic and on the roads with this change of allowing 16 versus 12 children.

MOTION: Council Member Montgomery made a motion to approve Ordinance 20-E subject to changing the maximum number from 12 children to 16 children with two providers and maintaining State Licensure based on the requirements in State Codes. Council Member Watkins seconded the motion.

DISCUSSION: Council Member Tueller clarified that with this motion, if a pre-school lasts two hours and not 4 or more they would not be required per State Law to be State Certified. Mr. Barnhill confirmed this statement to be correct.

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

Motion Approved. 5 Yes, 0 No.

C. ORDINANCE 20-G AMENDING PMC TITLE 14 AND OTHER RELATED CODE SECTIONS REGARDING SUBDIVISION REGULATIONS

Mr. Barnhill reviewed Ordinance 20-G regarding subdivision regulations. He stated that the Planning Commission held a public hearing regarding these amendments and recommended approval of them to the City Council. He reviewed the highlights:

- Clearly outline subdivision application process
- Clearly outline subdivision approval process
- Make the Planning Commission the Land Use Authority on Subdivisions
- Identify penalties for nonconformance
- Clarifies reimbursement agreements

Mr. Barnhill reviewed some additional proposed changes to the recommended code amendments that came from the Planning Commission, especially regarding reimbursement agreements and giving the City more discretion regarding subdivision regulations.

It was clarified that zone changes will still come before the Council, but subdivisions would only be seen by the Planning Commission.

The Council and Staff discussed and clarified the fencing material regulations for subdivisions and added some clarification to the wording.

The Council and Staff discussed and clarified the reasoning and benefits (more streamlined process for both the applicant and City) behind having the Planning Commission be the Land Use Authority on subdivisions.

The Council thanked Mr. Barnhill and all those who helped create this ordinance for their efforts.

MOTION: Council Member Wright made a motion to approve Ordinance 20-G including the redlines which were recently added. Council Member Ostler seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

D. ORDINANCE 20-H ZONE CHANGE FROM R1A TO R1 OR R1/3 AT LOCATION 2045 S 150 W. PARCEL: 03:159:0026, APPLICANT BRYAN LOVELESS

Mr. Barnhill reviewed Ordinance 20-H regarding a zone change from R1A to R1 or R1/3. He stated the applicant is looking at developing the property and is looking for more options than is currently available with the current zoning. He reviewed the current surrounding zoning and land uses with the Council. He stated this zone change is not out of line with the General Plan.

He reviewed the conceptual layout of the plots for the desired development. He stated Planning Commission recommended the R1 zone for a portion of the property and the R1/3 zone for the rest of the property. He reviewed the reasoning behind this recommendation and clarified that the applicant is okay with the recommendation.

He said there were no public comments received opposing this item but there were some questions regarding the zone change effecting the surrounding properties.

The Council and Staff discussed the stub roads and future connection of those roads.

MOTION: Council Member Montgomery made a motion to approve Ordinance 20-H from R1A to R1 and R1/3 as discussed. Council Member Tueller seconded the motion.

DISCUSSION: Council Member Ostler noted that the wrong year was listed on the document.

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

Motion Approved. 5 Yes, 0 No.

E. ORDINANCE 20-I ZONE CHANGE FROM R1A AND R1 TO NC2, LOCATED AT APPROX.: 1875 S HWY 89, PARCEL: 03:159:0016 AND 201, APPLICANT: BRINTON NEFF

Mr. Barnhill reviewed with the Council Ordinance 20-I regarding a zone change from R1A and R1 to NC2. He stated the applicant is seeking to develop town homes on the property. He said it follows the General Plan and reviewed the surrounding land uses of the property. He said that Planning Commission recommended approval and reviewed the public comments received which regarded questions about the future development of the property and not the zone change. Council Member Montgomery asked how the town homes would fit within the City's multi-family grid. Mr. Barnhill reviewed the multi-family map with the council stating that 30 units would be allowed within the area. He noted that a property to the south has filled 8 of the units leaving the remaining 22 units to be filled by this development.

The Council and Staff discussed and clarified the access for this proposed development (one access with a stub road to the south).

The Council and Staff discussed and clarified the impact on traffic to this area with this proposed development. Mr. Barnhill noted that UDOT would most likely require an island in the area preventing left turns to help regulate traffic.

The Council and Staff discussed and clarified matters regarding the detention pond and easement.

The Council and Staff discussed the utilization of the NC2 zone for this particular property.

MOTION: Council Member Montgomery made a motion to approve Ordinance 20-I zone change to NC2. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

F. ORDINANCE 20-J AMENDING CHAPTER 4.09 COMPREHENSIVE FEE SCHEDULE

Mr. Barnhill reviewed Ordinance 20-J with Council regarding amending the Comprehensive Fee Schedule. He reviewed the changes:

- items highlighted in red being removed
- language changes for clarity
- fee changes and reasoning behind changes
 - Facility Reservation Fees increase
 - Special Events and/or Public Events Fees increase
 - Season Rates increased
 - New Asphalt Cut Fee increased
 - Subdivision Application Fees adjusted with the ability to balance bill if base fees do not cover actual costs

- typo corrections

The Council and Staff discussed and clarified the proposed changes, especially regarding the proposed fee changes.

The Council and Staff discussed and clarified how often it would be appropriate to adjust the fee schedule so that they stay in line with cost of living changes. The Council and Staff agreed it would be beneficial to review fee schedule annually.

MOTION: Council Member Montgomery made a motion to approve Ordinance 20-J amending chapter 4.09 Comprehensive Fee Schedule with the identified typos. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

G. RESOLUTION 2020-03 AGREEMENT WITH BRIGHAM CITY FOR THE 1100 SOUTH COMMUNITY DEVELOPMENT PROJECT AREA

Shanna Johnson reviewed Resolution 2020-03 regarding the agreement with Brigham City for the 1100 South Community Development Project Area. She stated the Council would need to pass it with the same changes they approved in the RDA meeting (fix typos, strike item 8D, renumber from number 8 down, strike repeated language in number 12, and correct 1D city name from PC to BC).

Council Member Ostler reviewed some language changes he would like to add to the ordinance regarding clarifying the Council’s reasoning behind this action, for future City Council’s understanding.

Bill Morris advised that these language changes would not be appropriate in the ordinance but could be listed in an attachment.

MOTION: Council Member Montgomery made a motion to approve Resolution 2020-03 with the discussed changes. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

H. RESOLUTION 2020-06 DESIGNATING MUNICIPAL RECOGNITION WEEKS DURING THE MONTH OF MAY

Shanna Johnson reviewed Resolution 2020-06 designating the Municipal Recognition Weeks during the month of May for City Staff.

The Council and Staff discussed the option of having this being a longstanding item and noted some typos.

MOTION: Council Member Montgomery made a motion to approve Resolution 2020-06 Designating Municipal Recognition Weeks during the month of May, with the added language to make this item a longstanding annual item. Council Member Tueller seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

I. SUBDIVISION AMENDMENT: SUNCREST PHASE 3, LOT 23, LOCATED AT APPROX.: 165 W 1900 S

Mr. Barnhill reviewed a subdivision amendment for Suncrest Phase 3, Lot 23, adjusting the easement size. He said there was some confusion regarding the measurement being from the property line versus from the center of the ditch. He said the Planning Commission recommended the easement be measured from the center of the ditch and resolving a gap on a section of property with which the ownership needs to be assigned to the developer.

The Council and Staff noted the need to find the water line to make sure the water line does not run through the easement.

Mr. Barnhill reviewed and discussed with the Council the comments received from the neighbor regarding their fence and shed being possibly affected by this change. He clarified that the property in question was always within an easement.

It was noted the developer will eventually be responsible for putting the ditch underground.

MOTION: Council Member Wright made a motion to approve the Subdivision Amendment for Suncrest Phase 3, Lot 23, with the described changes including the [property line being adjusted to include] 10 ft. from the center of the ditch and the additional land to the south of the property. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 5: DISCUSSION ITEMS

A. BID RESULTS FOR RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL

Mr. Barnhill reviewed the 3 bid results for the City’s Residential Solid Waste Collection and Disposal Contract. The three bids came from the following companies: Republic Services, Waste Management, and Econo Waste. He stated that Republic Services and Econo Waste were the more competitive bids and reviewed each bid with the Council. He said when it comes to the totals Econo Waste was the lowest bid and the lowest rate for the annual increase.

He noted Econo Waste includes taking the waste to the Weber County Landfill while Republic Services would take the waste to the Box Elder County Landfill.

The Council and Staff discussed that the community cleanup program offered by the City would not be needed if they utilized the Box Elder County Landfill, which would save the City \$4,000 (as the landfill offers a free community cleanup program for Perry if the City dumps there).

The Council and Staff discussed the pros and cons of each bid and which they felt would be in the best interest of the City. It was noted the numbers are very close, so it really comes down to the preferred landfill of the Council.

The Council and Staff agreed that they would move forward with negotiations with Republic Services, since they were willing to take waste to the Box Elder County Landfill.

B. FY2021 BUDGET PLANNING

Tabled.

C. COVID-19 UPDATE

Shanna Johnson asked for feedback on how to handle the 4th of July with the current situation of Covid-19.

Mayor Jeppsen asked for the Council to give their direction via email regarding the 4th of July celebration.

ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **April 9, 2020 City Council Work Session Minutes**
Tabled.
- **April 9, 2020 City Council Meeting Minutes**
Tabled.

B. MAYOR REPORT

Mayor Jeppsen stated he took a tour of the culinary water infrastructure and everything is looking well. He said the gun range is going to possibly open May 1st and Smith and Edwards are planning to post pone their event at the gun range until later in the year.

C. COUNCIL REPORTS

Council Member Wright asked for updates on the 1200 West [South Expansion] project which Mr. Barnhill stated is moving forward and will take place over the spring.

Council Member Watkins asked for clarifications on the preschool regulations regarding if someone from Mantua could teach in Perry and if there could be more than two providers. Mr. Barnhill affirmed someone could be a teacher from outside of Perry and there could only be two providers.

Council Member Tueller noted a concern from a public member regarding the increase use of youth on ATV's.

D. STAFF COMMENTS

None.

E. PLANNING COMMISSION REPORT

Commissioner Julie Jones thanked the City for their Easter Chalk Contest. She advised that the action items in this meeting covered what was discussed in Planning Commission.

ITEM 7: EXECUTIVE SESSION

MOTION: Council Member Tueller made a motion to extend the meeting to 10:30. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

MOTION: Council Member Tueller made a motion to close the regular meeting and open the executive session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Wright seconded the motion.

ROLL CALL: Council Member Ostler, 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 9:52 PM

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

ROLL CALL: Council Member Ostler, 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 10:15 PM

ITEM 8: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 10:24 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder