

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

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
Robert Barnhill, City Administrator
Scott Hancey, Chief of Police
Bill Morris, City Attorney

OTHERS PRESENT: Melanie Barnhill, Nelson Phillips, Michelle Drago and Blair Wardle

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the electronic City Council meeting to order. The Mayor read the statement from the CDC and Utah Department of Health regarding electronic meetings: The CDC and Utah Department of Health have declared a national and state pandemic for COVID-19 where social distancing and other requirements are in place to prevent the spread of this infectious disease.

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

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

Mayor Jeppsen requested that this item be removed from the agenda going forward since the warrants are given to the Council Members in their packets.

ITEM 3: PRESENTATIONS

A. REPORT FROM CITY PROSECUTOR, BLAIR WARDLE

Blair Wardle, City Prosecutor, stated that there were 342 cases handled in the Box Elder Justice Court system from July 1, 2019-July 1, 2020. He compared cases during the time since COVID explaining that from March 1, 2019-Aug 4, 2019 there were 221 cases handled and this year from March 1, 2020 to today cases were down to 150. Mr. Wardle said he is not surprised as it seems to be this way in other areas as well and may be due to less interactions with people during the COVID-19 pandemic. Perry City's revenue print outs show from July 2019 to August 2020 earnings equaled \$118,921.67 with most of the revenue coming from misdemeanor fines. During the COVID period this year from March 2, 2020-August 24, 2020 there has been \$38,282.35 in revenue from Perry City. Mr. Wardle discussed that he has implemented a paperless system for videos and reports for Perry City. He also discussed some training he gave to the Police Officers a couple of weeks ago and participation in a sting operation with the Perry Police department trying to eliminate prostitution.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff clarified and discussed the warrants.

MOTION: Council Member Watkins 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 Wright, Yes Council Member Tueller, Yes
Council Member Montgomery, Yes

Motion Approved. 5 Yes, 0 No.

B. RESOLUTION 2020-15 ADOPTING A FINAL TAX RATE AND BUDGET FOR FISCAL YEAR 2021

Mayor Jeppsen stated that this item has been discussed previously. He said the two choices are either adopting the proposed tax rate (equal to the FY2020 rate) or adopting the certified tax rate with no increase. Shanna Johnson explained the PT-800 form required by the County to the Council. The Council discussed the redline changes on Resolution 2020-15. Council Member Ostler wanted to clarify what the City is wanting to accomplish and wanted to state that maintaining the same tax rate year after year is a general policy, it is not saying it will be forever that way and can be changed in the future according to needs. Council Member Watkins expressed his thoughts that the Council cares about the public and wants to blend the needs of the City (improved roads, safety, and parks). He expressed his support of doing small increases periodically to make raising taxes not be a burden to the public. Council Member Ostler discussed the sewer rate and sewer bond refinance. He expressed his thoughts about doing a debt paydown of \$500,000 on the bond (utilizing the refund of debt reserve and unrestricted fund balance) and why he feels it would be good to do (allows for lower user rate, provides interest savings, etc.). Shanna explained that the refund of debt reserve has been included in the budget and helps to make up for the 2 months that the City has not been receiving the proposed sewer rate increase. She explained that the Council can decide whether to paydown the bond or not with available fund balance. Mayor Jeppsen wanted to clarify that the debt reserve money is restricted to only pay the debt and cannot be used to supplement the plant in any kind of emergency. Shanna confirmed that was her understanding. Council Member Tueller wanted clarification on what unrestricted fund balance can be used for. Shanna explained that it can be used for expansion of the plant, large equipment repair, sewer line repair, and lift station improvements. Council Member Tueller explained that he feels inclined to keep money in the reserve (unrestricted fund balance) to help address any problems that may come up. Council Member Montgomery agreed with Council Member Tueller on having money in the reserve. Council Member Watkins agreed with them as well. Council Member Wright stated he understands Council Member Ostler's point but also can see the need for having money in a reserve. Mayor Jeppsen stated that with the consensus going forward, the City will inform the Water Sewer Board to continue filling out their paperwork minus the \$500,000 down payment. The Council discussed making a motion for approving the budget with the changes discussed in the work session regarding the employee reorganization not being passed at this time.

MOTION: Council Member Tueller made a motion to approve Resolution 2020-15 adopting a final tax rate and budget for fiscal year 2021 minus the employee reorganization \$34,385. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

C. ORDINANCE 20-N AMENDING TITLE 15 REGARDING AUCTION ESTABLISHMENTS

Bob Barnhill discussed adding vehicle auction to the land use chart as a permitted use in the IC zone, which is Point Perry. Bob explained this would not be isolated to one specific property but would open it to the entire IC zone. Planning Commission reviewed it and felt comfortable with allowing it with some regulation recommendations as follows:

- Limited to vehicles and other similar items
- No vehicles would be stored longer than 6 months (to avoid a junk pile in the corner)
- 50/50 asphalt versus gravel area (paved in front, could be less formal in back)
- When the adjacent property does not need buffer or if the fence would be ineffective from mitigating views, there could be an exception from the fence requirement
- Landscape enhancements be focused to enhance the most visible areas of the site if they are adjacent to a retail establishment or residential area

Council Member Wright stated that he did not like allowing 6 months for the storing of vehicles and would like it to be 4 months. Mayor Jeppsen suggested that there would not be a way to know how long their inventory was there and felt it would be hard to enforce. He also felt that to keep it looking the best he would have the whole lot paved with curb and gutter instead of allowing half to be gravel area. Council Member Wright felt that the 8-foot fence would make it difficult to see what is available in the lot. Council Member Watkins questioned how the 8-foot fence would affect others around the area as well. Mayor Jeppsen informed the Council that the person wanting to do this auction establishment is planning it to be more for private auctions so being able to see in over a fence would not apply. He also said the location would be in a small area on the north edge of Pointe Perry. Council Member Ostler clarified that this ordinance would open it to the entire zone. He also stated that it seems like a less productive optimal use of the land. Council Member Wright wanted to clarify where the IC zone is located. Bob showed the map of the zone (which is located at the Pointe Perry Commercial area adjacent to I-15) including the area being looked at specifically for the auction establishment. The Council discussed different options if they approve this amendment and whether they want to pass it or not. They discussed building and design standards asking if they are in place, which Bob clarified they are not for this. Council Member Watkins asked if this has already been purchased by the buyer. Mayor Jeppsen said the buyer is positioned to buy 5 acres and another couple of acres in another area, and that their offer would most likely be rescinded if the City does not go forward with the approval. Council Member Watkins clarified the wording regarding landscaping with Bob. The Council discussed making an overlay map to limit the location of Auction Establishments to this certain area within the IC zone.

MOTION: Council Member Ostler made a motion to deny Ordinance 20-N Amending Title 15 Regarding Auction Establishments. Council Member Wright seconded the motion.

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

Motion Denied. 3 Yes, 2 No.

D. ORDINANCE 20-O AMENDING CHAPTER 15-27 REGARDING SIGNS

Bob Barnhill informed the Council that Planning Commission is planning to do a complete revision of the sign code. He said that during this time of revision, Walmart submitted a request for a sign for their new grocery pick-up area addition they are building. The sign Walmart is requesting is beyond the limitation the current sign code would allow. He stated that Planning Commission has more work to do but wanted to make this change to business

advertising in order to help Walmart be able to move forward at this time. The amendment would allow the total square feet of a signage to be 850, in addition the Planning Commission would also like to change the wording to 'approved administratively by staff' instead of 'community area director'. Bob also noted that the Planning Commission did hold a Public Hearing and that they recommended this amendment to the City Council with a unanimous vote.

MOTION: Council Member Montgomery made a motion to grant final approval for Ordinance 20-0 amending chapter 15-27 regarding signs. Failed lack of 2nd motion to approve.

DISCUSSION: Council Member Watkins wanted to know if this would allow a sign to go into an agricultural zone in the future. Bob stated that it would have to be associated with an approved business, so if it were a sign that went with an approved business in an agricultural zone then it could. He added that businesses are not normally approved in agricultural zones. Council Member Watkins stated that his concern is that some of the zones (residential, commercial, agricultural) are very close together in some areas, for example, near Walmart. The Council discussed whether to approve this amendment now or to wait to address it with the Ordinance when the Planning Commission is done revising it.

MOTION: Council Member Ostler made a motion to approve Ordinance 20-0 Amending Chapter 15-27 regarding signs. Council Member Tueller seconded the motion.

ROLL CALL:

Council Member Watkins, Yes	Council Member Ostler, Yes
Council Member Wright, Yes	Council Member Tueller, Yes
Council Member Montgomery, Yes	

Motion Approved. 5 Yes, 0 No.

E. ORDINANCE 20-P AMENDING TITLE 15 REGARDING TEMPORARY USES AND STRUCTURES

Bob Barnhill noted up front that there have been recent conversations regarding this amendment and some potential changes. He recommended most likely tabling this item. Bob gave a quick background stating that there are multiple things that temporary uses/structures could be, and that Planning Commission had some recommended regulations. He explained that they wanted assistance figuring out how to allow for potential conditions on potential negative impact. The Planning Commission wanted to pass the Ordinance Amendment on to City Council asking for input on how to handle some of the potential nuisances that may develop. Bob stated that rather than having it stated as conditional uses, to change the wording to temporary use permit with a separate section for stipulations. Council Member Ostler suggested making sure that it follows state code as well as implementing a temporary use fee.

Tabled.

F. ORDINANCE 20-Q AMENDING THE PERRY MUNICIPAL CODE REGARDING URBAN LIVESTOCK

Bob reviewed the current code with the Council and proposed a point system that the Planning Commission came up with for the land use chart. This would be for single family homes not already in an agricultural zone that allow animal rights as follows:

Type of Animal	Number of Animal Points
Chickens, rabbits, pheasants, ducks, pigeons	3 points each
Turkeys, geese	10 points each
Goats	50 points each
Roosters, donkeys, pigs, cows, horses, ostriches, sheep, llamas	Not Allowed
Nuisance animals (i.e. raccoons, skunks, etc.)	Not Allowed
Any non-domesticated animal, including exotic pets	Not Allowed

Lot Size (in Square Feet)	Number of Animal Points Allowed
8,000 to 14,520	18 points
14,521 to 21,780	45 points
In excess of 21,780	45 points, plus 1 point for every 500 square feet of lot size beyond 21,780, up to a maximum of 90 points

Council Member Ostler suggested adding the wording ‘Urban Livestock should not be allowed where they are prohibited by CCNR’s’. He also questioned if this would grandfather in existing non-conforming uses of this nature. Bill Morris, City Attorney, stated that a grandfather clause would have to be worded into the ordinance. Bob suggested adding the wording ‘so long as they meet the regulations of this section’ to ensure they are grandfathered in only if they are conforming to the regulations. In review the changes discussed were:

1. Criminal charge be removed or changed to Class C only for violations.
2. Coops and pens; remove the line about 25-foot setback because the line was added about meeting the set back of ADU’s.
3. Add the wording Urban Livestock should not be allowed where they are prohibited by CCNR’s.
4. Add the wording allowing Urban Livestock not previously allowed to be grandfathered in so long as they meet the regulations of this section.

MOTION: Council Member Watkins made a motion to pass Ordinance 20-Q Amending the Perry Municipal Code regarding Urban Livestock with the changes noted. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

Shanna discussed the changes on the Minutes with the Council.

- **July 23, 2020 City Council Work Session Minutes**
- **July 23, 2020 City Council Meeting Minutes**

MOTION: Council Member Montgomery made a motion to approve July 23, 2020 work session minutes and July 23, 2020 City Council minutes with the changes noted. Council Member Ostler seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. MAYOR REPORT

Mayor Jeppsen stated that there is increased interest at the Gun range and the extended season. He informed the Council of a \$1000 donation that was made at the range and some higher revenue weekends recently. He also discussed the volunteers that work hard at the range to make that possible.

C. COUNCIL REPORTS

Council Member Tueller commented about wanting to help increase revenue for the City by working with contractors and businesses.

Council Member Watkins stated that the USU board is still meeting periodically and shared that his wife was nominated for the alumni president for the area. He stated that they are looking forward to putting on activities once the campus opens. He also stated that the Perry Youth Council has received their t-shirts and showed the shirt to the Council. He said they will be starting back with activities soon.

Council Member Wright said that the Perry City signs that will be going up look good and will be very nice once they are in.

D. STAFF COMMENTS

Chief Hancey said a grant for a speed trailer should be approved to help with the speeding complaints. He also said he put in for a JAG grant that will help with de-escalation efforts. He also discussed that the police did a sting operation today that focused on prostitution and 4 arrests were made.

E. PLANNING COMMISSION REPORT

None.

ITEM 6: EXECUTIVE SESSION

- None required.

ITEM 7: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 9:10 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder