

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Blake Ostler, Council Member Toby Wright, Council Member Andrew 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
Bill Morris, City Attorney

OTHERS PRESENT: Michael Wood, Kathlene Hoopes, Mel Hurst, Nelson Phillips, Julie Jones

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: PUBLIC HEARING

A. Public Hearing Regarding Ordinance 21-O Emergency Drought Rates

Robert Barnhill reviewed the drought this year and discussion of potential overage charges to help encourage conservation. If this ordinance were adopted it would not go into effect immediately. If there was a state of emergency declared, this would be an option for the Mayor to quickly respond, increasing the overage rates. The rates would be \$2 per 1,000 gallons over 10,000-20,000 gallons and \$4 per 1,000 gallons once you are over 20,000 gallons of usage. This ordinance would make the overage fee the same rate for everyone. Bill Morris, City Attorney, said he had the City Engineer do a rate study so there would be a basis of where to implement this.

Mayor Kevin Jeppsen opened the public hearing.

Kathlene Hoopes does not have secondary water and feels like this would greatly affect people without secondary. She wanted to see the current rates and Mr. Barnhill displayed those for her explaining that this would only be implemented in a state of emergency and if adopted. She feels like this would quadruple the rate and that sounds like a punishment. Mayor Jeppsen said that it is not intended to be a punishment but there needs to be opportunities for conservation of what water we do have, the population is getting larger and there is nothing to indicate we are going to have more water. In the chat box the Box Elder News Journal asked if we have a problem now and Mayor Jeppsen stated that this is being proposed to take timely action if it became necessary. If they shut off secondary water and people water yards and gardens with culinary water, then it may cause problems. This would be in place to try and prevent that. He said we don't feel like we are in a situation at this point, but want to put something into place in

case something happened. Kathlene said she does not feel like it is fair to triple the rate and punish those without secondary water.

Mike Wood agrees with the emergency rate. He said that he feels it is appropriate to have something like this in place. He feels we ought to be working with data, and compiling that data to look at who is regularly going over on usage and try and encourage people to not be wasteful.

Mayor Jeppsen closed the public hearing.

ITEM 4: ACTION ITEMS

A. Approval of Warrants

The Council reviewed the warrants.

MOTION: Council Member Wright made a motion to approve the warrants with pre-approval for sewer line repair (vendor: Rock Art Works LLC, \$4,500.00). Council Member Watkins seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. Ordinance 21-0 Emergency Drought Rates

Council Member Ostler wanted to confirm that the proposed rates are only to be effective if declared by the Mayor. Mayor Jeppsen said that he believes first there has to be an executive order from the Governor and then the Mayor could declare one if there was an issue in Perry City. Mr. Morris said that it would be the declaration of the Mayor, that the Governor would not be involved. Mayor Jeppsen said that he would not be declaring anything unless someone above him did. Council Member Ostler said that he wanted to make sure that these rates are only intended if there were drought conditions. Mr. Morris said that the City Engineer specifically looked at these rates for drought specific situations, if he has made the determination that it is a conservation measure, it should be a drought conservation measure.

Council Member Ostler addressed the public comment from Mrs. Hoopes specifying there may be a need to differentiate the number of gallons allowed for those with/without secondary water or putting everyone into the same schedule in a drought situation. He wondered if secondary water needs to be shut off before these rates would be implemented (and added into the Ordinance as such). Council Member Montgomery said that if there is a drought emergency, she does not see that secondary water would still be available, so everyone would be in the same situation.

Council Member Tueller addressed the public comment from Mrs. Hoopes also, letting her know that there are 3 Council Members that are in her same situation (without secondary water) so she is not unrepresented. He said that executive orders ought to be specified, he would rather have an emergency meeting called where at least 3 Council Members have a say in voting as well (in the case of an emergency) and not just left to the Mayor. He said he has a concern at the state level and what we are doing to build our resources. Conservation is one way but building resources needs to be addressed. He also said the date stating April through October should be a shorter time frame. He agrees there is waste, education would be a good thing to help as well.

Council Member Wright said there is no way to know how much water he is using and does not know how that can be governed. Shanna Johnson said that on the utility bill there is a way to tell what you used the previous month under MW (metered water) it will tell the amount of gallons used.

Mayor Jeppsen said that he thinks the real intent here is for the City to be able to participate in some way if there were an extreme emergency. He said that he is fine with a vote from the Council (as Council Member Tueller suggested) because he feels that is why the Council is there. This intent was just to put something in place in extreme emergency only (in planning for the future).

Council Member Ostler wondered if the scope could be broadened and have a focus on consumer education, developing resources, and coming at it from various angles. On the Engineers memo, it indicates what the use of public water priorities should be with landscaping second from the bottom and new demand at the bottom. He would propose talking about new construction consumption of water (approving building permits) as part of the thinking on this matter.

Mayor Jeppsen said he thinks that there has been a recent water study done that projects the plan of culinary water and what is necessary to keep maintaining things. He feels there is a lot of information already available and they just need to get it together.

Julie Jones said she is concerned about water pressure and having drinking water at home if secondary water goes out and everyone starts using culinary water for their yards.

Council Member Tueller suggested tabling the item until some of the changes discussed are incorporated.

Council Member Watkins said he appreciates the forward thinking and is good to table this item.

MOTION: Council Member Tueller made a motion to table Ordinance 21-0 Emergency Drought Rates. Council Member Watkins seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

C. Ordinance 20-T Signs

Mr. Barnhill explained that the purpose of this from Planning Commission is to clarify, clean up, and make it more user friendly. Council Member Tueller said that a couple of years ago there was an ordinance enacted of code enforcement, he feels there is some redundancy in this that goes against code enforcement. Mr. Barnhill said it may be beneficial to add some language that is very specific regarding signs. Mr. Morris said there may be some specific things relating to signs that are more code enforcement related such as removal and abatement but overall he feels that overall you want to follow the same procedure of what you are doing for code enforcement and then tack in specific things (for dangerous signs) under an abatement proceeding. Council Member Tueller also has a concern about a Class B Misdemeanor over a sign. Mr. Morris clarified that the highest offense in the zoning ordinance you can go is a Class C Misdemeanor under state law so that Class B will need

to be changed. Council Member Tueller said he feels he gets a better response with a lien against a property. Mr. Morris explained the different charges and the reason a City would want to be able to have those options in place.

Council Member Watkins discussed electronic displays and sign lighting, he suggested that something should be added about complying with UDOT when it comes to lighting. Mr. Barnhill said that there is a section that talks about complying with UDOT already in it that applies in general.

Council Member Wright discussed section 15, page 30, wanting clarification on signs that are permitted in specific zones. Mr. Barnhill explained that the zones and tables that are listed for each zone specifically.

MOTION: Council Member Tueller made a motion to approve Ordinance 20-T Signs amending the enforcement side to coincide with current code enforcement policy except leaving the abatement of the signs provision and amend the Class B misdemeanor to Class C. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

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

A. Approval of Consent Items

- July 22, 2021 City Council Meeting Minutes

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

Motion Approved, All Council Members were in favor.

B. Mayor's Reports

Mayor Jeppsen discussed posting some links discussing water conservation on social media and adding some of that into the newsletter from utahwatersavers.com. He added that state grant money is being offered by square footage for removing the mow strips on Highway 89 with different material other than sod.

C. Council Reports

Council Member Ostler commended Shanna Johnson on the presentation that she did for the Truth in Taxation hearing. Council Member Watkins said he appreciates the deliberation that goes into all the budget items and general plan. He said it has been an honor to work with this Council and encourages continuing reaching out to the public. Council Member Tueller said in regards to the Mayor's comments on the park strips, he has wondered about implementing a possible ordinance that may encourage not allowing grass in park strips (design standards) as it is a big area that wastes water. In his job as a landscaper, there are a lot of ideas he has that may be helpful in that regard.

D. Staff Comments

Ms. Johnson said she failed to mention something at the truth in taxation meeting. Tom Kotter (from the County) wanted to remind people that if they feel the County is wrong on the valuation of their home, they can contact his office at (Box Elder County Auditor). There is also availability for people on fixed incomes to reach out to his office for assistance.

E. Planning Commission Report

None.

ITEM 7: EXECUTIVE SESSION

None.

ITEM 8: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:56 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Tyra Bischoff, Deputy Recorder