

PERRY CITY COUNCIL  
MEETING PERRY CITY OFFICES  
August 26, 2021

7:00 PM

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: Shanna Jonson, City Recorder  
Tyra Bischoff, Deputy Recorder  
Scott Hancey, Chief of Police  
Bill Morris, City Attorney  
Tyler Wagstaff, Public Works Director

OTHERS PRESENT: Nelson Phillips, Julie Jones, Bob Anderson, Dave Walker, Jan Kerr, Ashley Young

**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: ACTION ITEMS**

**A. Approval of Warrants**

The Council reviewed the warrants.

**MOTION:** Council Member Wright made a motion to approve the warrants. 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. Resolution 2021-15 Adopting a Final Tax Rate and Budget for Fiscal Year 2022**

Council Member Watkins said he heard some great comments tonight that helped him realize that it would be a mistake to go with the certified tax rate but he does not feel that he can support anything higher than the tentative. He feels there are sufficient funds to meet the needs they planned for years ago from carried over fund balance and the surprise 18% increase in sales tax. He feels they can look at doing some minor budget cuts in the future to meet future needs. He feels that a compromise is needed to meet the various tax needs from citizens throughout the community who have already been burdened with enough raises (water rates and housing materials). For these reasons he would not feel comfortable going higher than the tentative tax rate amount.

Council Member Tueller clarified that the tentative amount (which was a guessed amount when they were planning the budget and did not know what the exact amount would be) was .001970 and the current rate is .002175. Shanna Johnson, City Recorder, confirmed the amounts.

Council Member Ostler wanted to clarify that plans can remain on track from the expense side (roads, public safety, personnel) with each of the options. Ms. Johnson confirmed that they would stay on track and that it would only affect the amount of fund balance (savings) to accomplish those goals and expenses. Council Member Ostler asked where she thought the fund balance percentage would come in if the tentative tax rate were chosen. Mayor Jeppsen said to keep in mind the long term project list is at \$12 million. Council Member Tueller and Council Member Watkins wanted to clarify that part of that \$12 million was including \$9 million for a future city building. Council Member Tueller said that there are still issues and there always will be, but he feels they are making a dent and making progress. He feels the things they are trying to cover are not major wish lists and they are always looking for grants to pay for things when possible. He said they don't know what is going to happen in the future and is good with going with the current rate and what they are trying to plan for. In response to Council Member Ostler's question Ms. Johnson said that with her figures (going with the tentative option) best scenario would be ending at 29% fund balance and worst case 23% fund balance (not knowing what is closed out yet). The cap they can now carry over is 35%.

**MOTION:** Council Member Wright made a motion to adopt the final tax rate of .002175 for FY21 and FY22 as well as the budget for FY21 and FY22. 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, No

**Motion Approved.** 4 Yes, 1 No.

**C. Ordinance 21-M Zone Change from C (Commercial) to R1 (Residential) located at 3457 S 1200 W, Parcel:02-037-0045 Applicant: Josh Adams**

Tyra Bischoff, Deputy Recorder, presented the zone change request to the Council. She explained that this property is approximately ½ acre in size and is located in the commercial zone. The applicant has stated that they wish to develop townhomes on the property and are requesting the R1 zoning district. The C zone does not permit residential development. The surrounding zoning includes R2, R1/3, RE1/2 and AL. This property is located on a corner and 3450 south is a gravel road. 1200 West is paved, but does not include curb, gutter and sidewalk in this area. The General Plan shows this area to be residential. Staff considers the commercial zoning in this area to be inappropriate and recommends support of the zone change request. Planning Commission held a public hearing and recommend approval with a 3-0 vote. There was no public comment received during the public hearing. Ms. Bischoff showed the multi-family grid to the Council and said there are 12 available for this area.

Council Member Wright said that if this is put into a residential zone, the entire property would have to have curb and gutter put in. Bill Morris, City Attorney, added that the asphalt, paving, and sidewalk would be addressed in the site plan phase and not the zone change. Ms. Bischoff explained that a property on that same road from a previous meeting did request (and were granted) a deferral on the sidewalk and gutter.

Council Member Ostler questioned the application having owner's permission as the applicant is listed as Josh Adams and the owner on the County site is listed as Mary Lacey. Council Member Tueller said he knows that property is listed as for sale so it may not be updated. Council Member Ostler said that on the ordinance, the parcel # is listed incorrectly. Mr. Morris said that on the application, if the owner is different than the applicant, there should be a signature line giving permission. Ms. Bischoff checked the application and stated that it is listed with only Josh Adams name.

**MOTION:** Council Member Montgomery made a motion to approve Ordinance 21-M Zone change from C (Commercial) to R1 (Residential) subject to verification that the proper permissions by the property owner are in place as well as correcting the parcel # listed in the ordinance. Council Member Tueller 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.

**D. Ordinance 21-N Zone Change from AL (Agriculture Limited) to R1 located at approximately 3200 S 1200 W, Parcel: 02-034-0038, Applicant: Robert Anderson**

Ms. Bischoff presented the zone change to the Council. The property is approximately 15 acres in size and is currently zoned Agricultural Limited. The applicant is requesting a change to the R1 zoning district. The applicant's intent is to subdivide the property with approximately 50 single family lots and 20 townhomes. The current zoning does not permit townhomes and requires properties to be 2 acres in size. The adjacent property to the south was recently subdivided with single family homes. The adjacent property to the north is an orchard. Nearby zoning designations include, AL, R1, R2, RE1/2, and R1A. The General Plan shows this area to be residential. This request is supported by the General Plan and would match the development to the south. Planning Commission held a public hearing and recommended approval of the request with a 3-0 vote. There was one household that made public comments regarding some issues with the Pheasant Hollow development to the south. The applicant has submitted two concept plans, one of which would necessitate a code change to allow shifting all of the allowed townhome units into one area. Planning Commission recommended not addressing this issue with the zone change request.

Council Member Wright said his concern would be water accessibility (in changing it from Agricultural to Residential). Ms. Bischoff said that the applicant had stated previously (in the Planning Commission meeting) that they would be upgrading the water line to a larger line to address that issue. Council Member Watkins asked if there were any mention of conservation sub-developments. The applicant, Robert Anderson, stated that WRC was the previous owner and is probably not updated on the County Plat but is now owned by him and 2 others. He is the same one that developed the Pheasant Hollow subdivision to the south and they are familiar with the area and the water issue.

Council Member Ostler said he was curious what the public comment was during the public hearing. Julie Jones, from planning commission, explained that the concern was from a resident that bought the last house in the Pheasant Hollow subdivision. His concern was in regards to a 12 foot berm that was left with construction debris and dirt on it near his property line. They let the resident know that did not really have anything to do with the zone change request discussion and

that he could come back to city hall and discuss that, and to let the property owner know about it as well.

**MOTION:** Council Member Tueller made a motion to approve Ordinance 21-N Zone Change from AL to R1. Council Member Wright 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 4: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)**

##### **A. Approval of Consent Items**

- August 12, 2021 Truth in Taxation Meeting Minutes
- August 12, 2021 City Council Meeting Minutes

**MOTION:** Council Member Montgomery made a motion to approve the consent items (with some minor grammatical changes). Council Member Wright seconded the motion.

**Motion Approved, All Council Members were in favor.**

##### **B. Mayor's Reports**

None.

##### **C. Council Reports**

Council Member Montgomery wanted to thank the council members and Ms. Johnson for the input and feedback through the budget process.

Council Member Wright said that it is turning into fall and would be a good time to use the landfill passes available.

Council Member Ostler wanted to discuss zoning and invite the Council to think about the General Plan statement that says 'to ensure that any increase in residential density is met with public parks and greenspace for new and existing residents and neighborhood beautification'. He said that he sees some densities changing and the multi-family housing seems to be a popular option. He does not know how this (greenspace/parks) is being implemented other than impact fees and he does not know if that is enough, or if there are other ways to pursue that. He said that every new residential subdivision is just maximizing its density. He would like public parks and green space (including conservation subdivisions) to be looked at more, and come up with ways to enforce that.

Council Member Watkins added that it would be a wise conversation to have, thinking of how to incentivize a great conservation development option. Maybe it should be advertised and incentivized more.

Council Member Tueller wanted to know how the Council felt about pursuing some sort of ordinance regarding park strips and water conservation. Mayor Jeppsen asked for him to please pursue that.

##### **D. Staff Comments**

Ms. Johnson said that there was a resident that came in today to the office that was concerned about the new subdivision being proposed near Pheasant Hollow (that the zone change request was for today). She said she was unsure if there would be an opportunity for residents to be heard when the application comes forward for that subdivision but wanted the Council to know that there may be need to allow for public comment regarding that.

Tyler Wagstaff, Public Works director, said they are starting the road projects now (chipping started today, paving will be next and then crack seal).

**E. Planning Commission Report**

Jan Kerr said that in addition to the two zone changes tonight, there was a preliminary approval for the Harmony Cove development for 20 townhomes and 2 single family homes. They also approved the Darlene Jensen preliminary and final subdivision which she would have to upgrade the water and sewer line to the end of her property with an 8 inch pipe as well as a deferral on the sidewalk, curb and gutter. She also said the Planning Commission discussed road planning including options for developers for more narrow roads for less maintenance and upkeep. She thinks sign ordinances will be coming up in future discussion as well.

**ITEM 5: EXECUTIVE SESSION**

None.

**ITEM 6: ADJOURNMENT**

**MOTION:** Council Member Montgomery made a motion to adjourn.

**Motion Approved. All Council Members were in favor.**

The meeting adjourned at 7:55 p.m.

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Shanna Johnson, City Recorder

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Kevin Jepps, Mayor

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Tyra Bischoff, Deputy Recorder