

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

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

OTHERS PRESENT: Stuart Grover, Nelson Phillips, Dennis Hershey, and Jan Kerr

### ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

#### A. INVOCATION

Council Member Tueller offered the invocation.

#### B. PLEDGE OF ALLEGIANCE

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

Mayor Jeppsen recognized the Scout in attendance.

#### C. REVIEW AND ADOPT THE AGENDA

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

**ROLL CALL:** Council Member Wright, Yes                      Council Member Taylor, Yes  
Council Member Tueller, Yes                      Council Member Watkins, Yes  
Council Member Montgomery, 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. BUSINESS LICENSE(S)

- **Just Chad Handyman**  
Robert Barnhill stated this is a home based business and the City has received everything they need for approval of this business license.
- **TM Finish LLC**  
Robert Barnhill stated this applicant is working towards his contractor license, and suggested approval with the contingency of this license being attained.

- **Interocity LLC**

Robert Barnhill stated this will be a home office where he reviews devices and reports. He stated there would be no visiting clientele.

**MOTION:** Council Member Taylor made a motion to approve the business license for Just Chad Handyman, TM Finish LLC, and Interocity LLC. Council Member Tueller seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No.

### **ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT**

#### **A. PUBLIC HEARING REGARDING ORDINANCE 19-A UPDATING FEES AND PROCESSES ASSOCIATED WITH PERRY CITY UTILITIES**

Robert Barnhill reviewed what the current practice has been in regards to late utility payments stating that the City has been charging a \$5 late fee. He added that staff has been pretty flexible in waiving fees.

Mr. Barnhill reviewed the current code, which calls for a \$25 late fee, and after 60 days of delinquency, the City may disconnect service and charge an 18% annual percentage rate, which equates to about \$2.50 per month. He stated the code is very practical or usable. He said the current code was specifically under water but applies to the entire utility bill.

Mr. Barnhill proposed Ordinance 19-A to update fees for all those who are late or do not pay on their utility bills. He reviewed the details as follows:

- Any payment that is more than thirty (30) days late shall be assessed a late fee of \$10.00.
- Any payment that is more than sixty (60) days late shall be assessed an additional late fee of \$20.00.
- Any payment that is more than ninety (90) days late shall be assessed an additional late fee of \$30.00 and result in termination of services until all delinquencies are paid in full.
- In the event of default or late payments, Perry City shall have the right to institute collection action (including legal proceedings) on all outstanding amounts. Any amounts turned over to an attorney or collection agency for collection shall be assessed an annual interest rate of eighteen (18%) percent. The Property Owner agrees to pay for all court costs and administrative expenses involved in collecting past due amounts including attorney's fees and collection costs of forty (40%) percent of the balance turned over to any attorney or collection agency.

Mr. Barnhill advised that the ordinance currently does not allow staff to remove late fees but language regarding this can be added.

Shanna Johnson reviewed the reasoning behind this update that the current five-dollar fee has not proved to be enough of an incentive for these accounts to pay on time

The Council and Staff discussed implementing the need for a clause regarding extenuating circumstances, which are preventing residents from paying on their account.

Ms. Johnson suggested allowing staff authority for one-time fee removal, with further requests for fee removal due to extenuating circumstances requiring either the Office Administrator or Mayor's approval. The council was in favor of this suggestion and wanted language added to the Ordinance and code to reflect this suggested process.

Mr. Barnhill clarified that the staff could remove one late fee per calendar year.

Mayor Jeppsen opened the Public Hearing portion of the meeting.

Jan Kerr suggested sending a bill to both the tenant and landlord in rental situations.

**B. PUBLIC HEARING REGARDING RESOLUTION 19-03 AMENDING THE FISCAL YEAR 2018-2019 BUDGET**

Shanna Johnson reviewed the needs behind this amendment and reviewed the amendments by department (See Attached Document- Exhibit A, Budget Amendments to 2018-2019 Budget).

**C. PUBLIC COMMENTS**

No public comment received.

**ITEM 4: PRESENTATION**

**A. FLOOD CONTROL BOARD RECOGNITION**

Mayor Jeppsen gave his respects and condolences on the passing of Boyd Hershey and stated the City was in the process of recognizing Mr. Hershey for his incredible service on the Flood Control Board. He stated he was the oldest original Perry Resident and will be truly missed.

Mayor Jeppsen presented the award to Mr. Hershey's son.

**B. STATE OF THE CITY ADDRESS**

Mayor Jeppsen presented his State of the City Address.

- He acknowledged City Planner, Robert Barnhill on what an incredible asset he has been to the City since being hired.
- He reviewed the recently awarded employee competitive wage increase, explaining the Mayor and Council worked with Shanna Johnson who helped them to understand employee compensation as compared to the market and create a plan of action to increase wages and become more competitive with neighboring cities; lowering the rate of turnover in the City. He stated the Mayor and Council would be looking at market surveys regularly to ensure the City continues to be competitive.
- He reported the General Plan Update is being completed and he is looking forward to seeing that come to fruition.
- He reviewed the new hires in the Police Department and Public Works Department, noting that the City is now fully staffed.
- He stated the City has hired a real estate broker for the Pointe Perry Commercial Project, driving new interest in the area.
- He reported that there were 130 new building permits and 100 Business Licenses issued in 2018.
- He stated the City is currently researching Green Waste options and reviewed the Landfill Voucher agreement implementation which allows residents one trip to the Box Elder County Landfill.
- He reported that the City has just opened a request for proposal process for City Civil and Prosecuting legal services and has received roughly a half dozen proposals for each opportunity.

- He noted that the City had a successful financial year in Fiscal Year 2018 with a 4.7% increase in net position (\$836,603), a 7.5% decrease in long-term debt, and all City departments being within budget.

Mayor Jeppsen concluded his State of the City Address by noting that the success of the City is due to the incredible Staff, Elected Officials, and Volunteers who work so hard for the City. He thanked all those who have helped make this an incredible year for Perry City.

**ITEM 5: ACTION ITEMS**

**A. APPROVAL OF THE WARRANTS**

The Council and Staff discussed and clarified the current warrants.

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

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

**Motion Approved.** 5 Yes, 0 No

**B. ORDINANCE 19-A UPDATING FEES AND PROCESSES ASSOCIATED WITH PERRY CITY UTILITIES**

The Council and Staff agreed upon additional language being added to the Ordinance allowing staff to remove one late fee per calendar year, and allowing further fee removals due to extenuating circumstances to be reviewed and if appropriate approved by the Office Administrator or Mayor.

**MOTION:** Council Member Taylor made a motion to approve Ordinance 19-A with the agreed upon language adjustments. Council Member Watkins seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**C. RESOLUTION 19-03 AMENDING THE FISCAL YEAR 2018-2019 BUDGET**

Mayor and Council asked about the surplus in the City’s General Fund asking if the budget amendment would bring the city into compliance. Shanna Johnson stated that she would be evaluating this as she begins planning the Fiscal Year 2020 budget. She noted that she would report her findings in upcoming budget meetings.

Ms. Johnson noted a grammatical error in the proposed Resolution noting she would correct this.

**MOTION:** Council Member Montgomery made a motion to approve Resolution 19-03 with the grammatical errors corrected. Council Member Taylor seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**D. RESOLUTION 19-04 APPROVING THE CHARGING OF FEES FOR SEX OFFENDER AND CHILD ABUSE REGISTRY**

Shanna Johnson stated that the state law has changed so that both sex offenders and child abuse offenders must come and register themselves. She stated the prior law only required sex offenders to register and a fee was applied to this registration. She stated the fees charged for both the Sex Offender and Child Abuse Registries need to be formalized in Resolution form. She clarified this fee is used to pay for the processing of this registration by Police Staff and will be assigned to the Police Department.

**MOTION:** Council Member Taylor made a motion to approve Resolution 19-04 approving the charging of fees for sex offenders and child abuse offender’s registry. Council Member Wright seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**E. MOTION TO AUTHORIZE THE MAYOR TO EXECUTE A RIGHT OF WAY CONTRACT FOR PROPERTY LOCATED AT 1100 WEST 1200 SOUTH**

Robert Barnhill stated this is the first, of what the City hopes will be many, corridor acquisitions to purchase from private owners for transportation right of way.

**MOTION:** Council Member Wright made a motion to allow authorization to the Mayor to execute a right of way contract for this property. Council Member Watkins seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**F. MOTION TO AUTHORIZE THE MAYOR TO EXECUTE CONTRACTS FOR CITY LEGAL SERVICES (CIVIL AND PROSECUTION)**

Tabled.

**G. MOTION TO APPROVE THE DISPOSITION OF UNCLAIMED PROPERTY**

Chief Scott Hancey stated he is trying to clean out the unclaimed property which has accumulated overtime. He explained he is asking for permission to auction off these items and dispose of any which do not sell.

Chief Hancey asked for permission to retain one of the items which is an outdoor speaker that can be utilized for Police and City outdoor events.

**MOTION:** Council Member Taylor made a motion to approve the disposition of unclaimed property. Council Member Wright seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**H. RESOLUTION 19-05 AUTHORIZING THE MAYOR TO EXECUTE A PROPERTY EXCHANGE AGREEMENT WITH UTAH DIVISION OF FIRE, FORESTRY, AND STATE LANDS**

Mayor Jeppsen stated this resolution is to help aide with matters at the gun range. The Council decided to wait to take action on this item until after they had the Executive Session regarding this item.

Tabled until after the Executive Session.

**ITEM 6: DISCUSSION ITEMS**

**A. FY2019 BUDGET UPDATE**

Shanna Johnson reviewed the Fiscal Year 2019 Budget Update for the month of January. She advised that 59% of the fiscal year has elapsed and 40% of General Fund revenue shows as collected. She reported that 60% of Utility Fund Revenues have been collected. Ms. Johnson stated that the Sewer Fund has received 61% of its revenues and reported that the City has collected 44% of non-operating revenues, which are comprised of impact and connection fees.

Ms. Johnson reviewed expenses stating that the General Fund has spent 37.9% of its budget. She reported that 57.1% of the Enterprise Funds show expended and the Sewer Fund has spent 18.5% of its budget, noting that this percentage will increase dramatically after the bond payment for the Wastewater Treatment plant has been issued.

Ms. Johnson reported sales tax received for the month of January (which reflects taxes collected in November) came in 5.83% higher than the prior year and 6.58% YTD as compared to the prior year. She reviewed that Mass Transit Tax collected in January was 7.62% higher than the prior year and 5.32% higher YTD as compared to the prior year.

Ms. Johnson reviewed and clarified the process in moving forward into the Budget Planning Season, and reviewed the upcoming work sessions for preparing for the FY2020 Budget.

**ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS**

**A. APPROVAL OF CONSENT ITEMS**

- **January 10, 2019 City Council Meeting Minutes**
- **January 24, 2019 City Council Meeting Minutes**

**MOTION:** Council Member Wright made a motion to approve the January 10<sup>th</sup> and January 24<sup>th</sup> City Council Meeting Minutes. Council Member Watkins seconded the motion.

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

**Motion Approved. 5 Yes, 0 No**

**B. MAYOR'S REPORT**

None due to State of the City.

**C. COUNCIL REPORTS**

Council Member Montgomery stated the CERT Organization is planning on starting their own classes to train CERT members. She stated the information for these classes can be found on the City website.

Council Member Tueller stated that the Sewer Board is discussing updating their Chairman, as the current Chairman has been in for two years, therefore, the Vice Chair will be taking that position and the Sewer Board will need to vote on a new Vice Chair. He then reviewed the other priorities and projects of the Sewer Board this year.

Council Member Watkins stated he would be willing to run the Easter Egg Hunt again this year. He stated the new City Sign has now been installed on the south side of town and will need to be landscaped.

Council Member Taylor reported that he would be attending the Utah State University Board Meeting is next Thursday.

**D. STAFF COMMENTS**

No Staff comment given.

**E. PLANNING COMMISSION REPORT**

Commissioner Stuart Grover expressed his appreciation for current Planning Commissioners. He reviewed the upcoming items that the Commission is currently working (Land Use Items and Form Base Code).

Mayor Jeppsen inquired if Commission needs another member.

Commissioner Grover stated he is currently pleased with the number they have.

**ITEM 7: EXECUTIVE SESSION**

**MOTION:** Council Member Tueller made a motion to close the regular meeting and open the Executive Session regarding 8A (discussion on purchase, exchange, lease, or sale of real property), 8B (strategy session to discuss the character professional competence, or physical or mental health of individual), and 8D (strategy session regarding pending or reasonably imminent litigation). Council Member Montgomery seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**The Regular Meeting Closed at 8:22 PM.**

**MOTION:** Council Member Tueller made a motion to close the Executive Session and reopen the Regular Meeting. Council Member Taylor seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**The Regular Meeting Reopened at 9:33 PM.**

**ACTION ITEM 5:**

**H. RESOLUTION 19-05 AUTHORIZING THE MAYOR TO EXECUTE A PROPERTY EXCHANGE AGREEMENT WITH UTAH DIVISION OF FIRE, FORESTRY, AND STATE LANDS**

**MOTION:** Council Member Tueller made a motion approve Resolution 19-05 Authorizing the Mayor to Execute a Property Exchange Agreement with Utah Division of Fire, Forestry, and State Lands. Council Member Wright seconded the motion.

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

**Motion Approved.** 5 Yes, 0 No

**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 9:34 PM.

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Susan Obray, City Recorder

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Kevin Jeppsen, Mayor

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Shanna Johnson, Chief Deputy Recorder