

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

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

OTHERS PRESENT: Rick Scadden, Shanna Ricks, Delone Ricks, Ed Christensen, Marie Christensen, Michele Drago, and Matt Hales

### **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 Montgomery led the audience in the Pledge of Allegiance.

### **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.

### **ITEM 3: PRESENTATIONS**

#### **A. STATE OF THE CITY ADDRESS**

Mayor Jeppsen presented the State of the City, noting the following points:

- Financial Health is good:
  - The City's net position increased by \$927,152 or 5%
  - Long Term Debt decreased by 8.8%
  - The City had no instances of non-compliance and complied in all material respects to general compliance requirements.
  - General fund balance is in line with state law at 24%.
- Competitive wage increases have reduced attrition by 10%
- We are fully staffed, resulting in improved services for public infrastructure and public safety
- We have obtained \$2.5M in corridor preservation grants
- The City implemented a new General Plan
- Updated Multi-Family Housing Guidelines
- The 1200 West Expansion to South Boundary project will begin in the Spring which includes \$2M in State Grant funds

- We have completed our short-range pistol venue, parking improvements, and storage building at the gun range, which also was possible due to tourism and recreation grant monies.
- The City has been working and will continue to update the Perry Municipal Code
- We have been working to go paperless and have created many online forms including building permits, business licenses, landfill voucher and our new online timekeeping system. Our next initiative will be to make utility billing statements available online and continue to allow for online or automatic payments.

**ITEM 4: PUBLIC HEARING AND/ OR PUBLIC COMMENT**

**A. PUBLIC COMMENTS**

No public comment given.

**ITEM 5: ACTION ITEMS**

**A. APPROVAL OF THE WARRANTS**

The Council and Staff discussed and clarified the warrants (Davis & Bott, preapprovals, etc.).

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

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

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

**B. RESOLUTION 2020-02 ADOPTING A MUNICIPAL WASTEWATER PLANNING PROGRAM ANNUAL REPORT FOR YEAR ENDING 2019**

Shanna Johnson & Bill Morris reviewed Resolution 2020-02 with the Council and Staff, which reviews the operations of the wastewater treatment during 2019.

Bill Morris noted the excellent job Ms. Johnson did on writing this Resolution.

Ms. Johnson noted one grammatical error regarding mgd (million gallons per day) usage vs. capacity noting the report should reflect that 0.68 mgd of the 2mgd was used on average during 2019. She advised that Jeff Hollingsworth called the State and they will be correcting this.

Ms. Johnson reviewed the finances stating sections reflecting capital projects are new. She noted the city does not have any capital project funds set up for the wastewater treatment plant at this time.

Ms. Johnson also advised that she answered no on the question regarding whether or not the City had updated the Capital Facilities Plan in the last 5 years, noting that there has been a change to State Law regarding the renewal of the Capital Facilities Plan, and no longer requires that these be updated within a timeframe.

The Council and Staff discussed the current Capital Facilities Plan and concluded that it doesn't need updating at this time.

It was clarified this Municipal Wastewater Planning Program Report is for the calendar year not the fiscal year of 2019.

The Council and staff discussed the last Rate Study and what would need to take place to do another Rate Study.

**MOTION:** Council Member Wright made a motion to approve Resolution 2020-02 adopting a Municipal Wastewater Planning Program Annual Report for calendar year ending 2019. Council Member Tueller seconded the motion.

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

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

**C. ORDINANCE 20-A APPLICATION FOR ZONE CHANGE FROM NC3 TO RE ½ FOR SHANNA RICKS AT 3555 S HWY 89; PARCEL # 02-037-0027**

Bob Barnhill reviewed Ordinance 20-A to the Council and Staff. He reviewed the location of the property and the current surrounding land uses in the area. He explained the reason for the requested zone change is to create a new building lot for a family member of the applicant.

Mr. Barnhill noted there is culinary water available in this area but no sewer, so the home would be on septic.

He said the Planning Commission had no objection to this zone change and felt it was in line with the General Plan.

The Council and Staff discussed the access to the property, which the property owner will have to work out with UDOT to obtain.

The Council and Staff discussed whether they felt this zone change followed the General Plan.

**MOTION:** Council Member Montgomery made a motion to approve Ordinance 20-A application for zone change from NC2 to RE ½ for Shanna Ricks. Council Member Tueller seconded the motion.

**AMENDED MOTION:** Council Member Montgomery amended her motion noting the agenda should list the current zone as NC3 instead of NC2. Council Member Tueller seconded the motion.

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

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

**D. ORDINANCE 20-B APPLICATION FOR ZONE CHANGE FROM NC2 TO R2 FOR RICK SCADDEN AT 143 W 1550 S; PARCEL # 03-159-0130**

Mr. Barnhill reviewed Ordinance 20-B with Council and Staff. He reviewed the location of the property and the current surrounding land uses in the area. He explained the reasoning for the requested zone change is to allow for 8000 sq. ft. multi-family housing lots.

Mr. Barnhill noted this ordinance does not approve the development but reviewed the plans for the development to further clarify the desire of 8000sqft lot option.

Mr. Barnhill reviewed the Public Hearing regarding this item and noted that there was one neighbor who stated some concerns regarding having a multi-family housing development in this area.

Council Member Ostler noted the listed parcel number was incorrect on the agenda stating the correct parcel number as 03-159-0137.

The Council and Staff discussed the utilization of the R2 zone and if it would be appropriate for this area.

The Council and Staff discussed whether having a larger one single-family lot would be more appropriate than having two smaller single-family lots.

It was clarified that this property is not part of the Quail Point Subdivision.

The Council noted that this application is regarding the zone change and not the development itself.

The Council and Staff discussed the utilization of a development agreement for this property, with the inclusion of the concept plan, including the buffer of the single-family lots.

Rick Scadden introduced a more updated drawing for the planned development, which addresses the storm drain problem in the area. He reviewed the open space and parking. He said he would be open to a development agreement with the City.

**MOTION:** Council Member Montgomery made a motion to approve Ordinance 20-B application for zone change from NC2 to R2 subject to the concept plan as submitted tonight by the applicant and the negotiation of the development agreement with the applicant. Council Member Watkins seconded the motion.

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

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

**E. ORDINANCE 20-C STORM WATER REGULATIONS**

Bill Morris reviewed Ordinance 20-C with the Council and Staff. He explained the State has put a mandate on the City to update their Storm Water Regulations. He said there are a few typos they can fix at any time per State Code.

Mr. Morris reviewed this ordinance and how it will allow them to comply with the State Codes (See City Council Packet). He reviewed sections of the ordinance including:

- Prohibited structures
- Prohibited discharges
- Prohibited storage and debris
- Best Management Practices
- Authority to Enter and Inspect
- Requirement to monitor and analyze
- And other federal and state regulations

Mr. Morris noted that penalties are detailed within the ordinance to address non-compliance and the document details that the storm water utility fee will be based on an equivalent residential unit equal to 2,800 square feet of impervious surface area.

Mr. Morris noted that the document requires a permit for storm water construction and a permit fee in the amount of \$650 will be added to each building permit.

The Council and Staff discussed and clarified their questions and concerns regarding this ordinance and how it will impact the City and future developments.

The Council and staff underground storage and agreed that this should not be prohibited.

Mr. Barnhill noted that the City Engineer would like to apply the design standards listed in this ordinance to the Public Works Standards for continuity.

**MOTION:** Council Member Montgomery made a motion to approve Ordinance 20-C for the Storm Water Regulations excluding the comments prohibiting underground storage. Council Member Wright seconded the motion.

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

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

**F. CONDITIONAL USE PERMIT FOR TRAILER SALES FOR ED AND MARIE CHRISTENSEN AT 2765 S HWY 89; PARCELS 02-074-0026, 27, 28**

Mr. Barnhill reviewed the Conditional Use Permit for Trailer Sales from applicants Ed and Marie Christensen. He reviewed the location of the properties and the current use of the property. He explained he is doing trailer sales, which would require a conditional use permit. He reviewed the comments from the Planning Commission and the applicant's willingness to comply with the Codes regarding Conditional Use Permits regarding the sale of vehicles. He reviewed the site plans for the buffer area, site triangle, and storm water retention.

Mr. Barnhill stated the Planning Commission sent a recommendation for approval with the condition of requiring the work to be completed within 18 months after approval of the permit.

The Council and Staff discussed and clarified the buffer zone, landscaping, fencing, etc.

**MOTION:** Council Member Wright made a motion to approve Conditional Use Permit for Trailer Sales for Ed and Marie Christensen with the timeline of 18 months for completion. Council Member Montgomery seconded the motion.

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

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

**G. SITE PLAN APPLICATION FOR LEADING TECH DEVELOPMENT, APPLICANT CHRIS FORSYTH, AT 1835 S HWY 89; PARCEL # 03-159-0057**

Mr. Barnhill reviewed the Site Plan Application for Leading Tech to the Council. He explained the plan is to update their existing construction business. He said the City Engineer has reviewed this application and his comments have been addressed.

Mr. Barnhill said he has asked for specific measurements and the proposed Site Plan includes 20,000 sq. ft., which would require one more tree or shrub in the landscaping. He said Planning Commission recommends this item for approval.

The Council and Staff discussed the site plan in particular the fencing for this property in relation to the steep slope of neighboring properties; the large hole in the back of the property; and clarified if this item complies with City Codes.

Mr. Barnhill stated the Council could request further information on this item regarding the plans for the slope issues.

Mr. Barnhill reviewed the history of this application and why the application has taken almost a year to come before the Council.

The Council and Staff discussed the timeline of completion of the retaining walls and if the City has any leverage to enforce the completion of them.

Bill Morris recommended including in the motion the requirement to adhere to the engineer's comments, to make sure the retaining walls are sufficient.

**MOTION:** Council Member Wright made a motion to approve Site Plan Application for Leading Tech with the conditions outlined by Staff and Engineer for the retaining walls (see attached). Council Member Montgomery seconded the motion.

<b>ROLL CALL:</b>	Council Member Watkins, No	Council Member Montgomery, Yes
	Council Member Tueller, Yes	Council Member Wright, Yes
	Council Member Ostler, Yes	

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

**DISCUSSION:** The Council and Staff agreed to add the City Engineer's Memo with the warning regarding the slope issues to the minutes.

## **ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS**

### **A. APPROVAL OF CONSENT ITEMS**

- **January 9, 2020 City Council Meeting Minutes**
- **January 18, 2020 City Council Retreat Minutes**
- **January 23, 2020 City Council Meeting Minutes**

Council Member Tueller expressed his concerns with some of the changes being unnecessary to the minutes.

Shanna Johnson explained the changes are grammatical or clarifying and do not change the context of the discussion, She stated that as long as the meaning doesn't change, the edits are appropriate.

**MOTION:** Council Member Wright made a motion to approve the January 9, 2020 City Council Meeting Minutes, January 18, 2020 City Council Retreat Minutes, and January 23, 2020 City Council Meeting Minutes. Council Member Watkins seconded the motion.

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

**B. MAYOR REPORT**

None.

**C. COUNCIL REPORTS**

Council Member Wright stated he and Council Member Tueller attended an Emergency Response training in Brigham City and reviewed some of the things he learned regarding Incident Command.

Council Member Watkins reviewed the first Perry City Youth City Council meeting and asked for suggestions of mentors.

Council Member Tueller reviewed that the Wastewater Treatment Plant Board is currently working on their budget. He reviewed some help the Wastewater Treatment Plant needs from the Public Works Department on testing discharge from businesses to the sewer system. He reviewed the plans of the Board to have their budget completed next month to meet their April deadline outlined in the joint interlocal agreement.

The Council and Staff did a brief overview of the current plans and volunteers for the 4<sup>th</sup> of July.

**D. STAFF COMMENTS**

Mr. Barnhill asked for feedback from the Council on if they would like Staff to work on updating the codes regarding preschools.

The Council and Staff discussed and clarified the City’s current codes and the State’s codes regarding preschools.

Mr. Barnhill stated he would bring this item before the Planning Commission to start updating this code.

**E. PLANNING COMMISSION REPORT**

None.

**ITEM 6: EXECUTIVE SESSION**

**MOTION:** Council Member Montgomery made a motion to close the regular meeting and open the executive session regarding discussion of the purchase, exchange, lease, or sale of real property and a strategy 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 Taylor, 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 9:24 PM**

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

**ROLL CALL:** Council Member Taylor, 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 9:57 PM**

**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 9:58 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