

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  
Brett Jones, City Engineer

OTHERS PRESENT: Eva Jane Marsh, Alicia Olsen, Ken Stephensen, Jason James, David Rogers, Nelson Phillips, Sydne Forsgren, Tyler Lackey, Tresa Peterson, Jan Kerr, Rick Scadden, Brian Billings, Michelle Billings, Opal Jenks, Ardell Jenks, Chuck Palmer, and Jennifer Brown

### **ITEM 1: CALL TO ORDER**

Mayor Jeppsen called the City Council meeting to order.

#### **A. INVOCATION**

Council Member Ostler offered the invocation.

#### **B. PLEDGE OF ALLEGIANCE**

Council Member Watkins 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. FISCAL YEAR 2019 FINANCIAL STATEMENT AND AUDIT REPORT**

David Rogers presented the Fiscal Year 2019 Financial Statement and Chuck Palmer reported on the audit report.

It was stated the City's combined net position increased \$927,152 or 5.0 percent from the prior year (business type activities increased \$284,485 and governmental activities increased \$642,667).

It was stated the Fund Balance for governmental funds increased \$245,329 or 9.7 percent over the prior year's Fund Balance. It was clarified these increases were due to revenues exceeding expenses.

It was stated Fund Balance for the Utility Fund increased \$200,756 over the prior year. It was clarified this increase was due to consistent operating income and increased interest rates.

It was stated impact fees were down this year (See Fiscal Year 2019 Financial Statement for full reports).

Council Member Ostler asked Mr. Palmer if he had noticed any trends in the financial condition of municipalities.

Mr. Palmer said overall most are doing well, he noted that some other cities have seen an increase in building and impact fees while Perry has not which surprised him.

Council Member Ostler asked Mr. Palmer if he had any recommendations to improve Perry's financial condition.

He replied that he felt Perry is going in the right direction and has really turned things around since he first started auditing the City. He said his biggest suggestion is to make an effort to keep good employees.

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

##### **A. PUBLIC HEARING REGARDING AN APPLICATION TO VACATE A PUBLIC RIGHT OF WAY AT 2830 SOUTH AND A PORTION OF 1000 WEST**

Mayor Jeppsen opened the public hearing portion of the meeting.

Mr. Barnhill said that the Council has seen this item before but the public hearing was not properly noticed. He continued that they are re-holding the public hearing, now that it has been properly noticed in the paper and to the surrounding neighbors. He noted some feedback which was dropped off today by community members regarding this application.

He said he has spoken with five neighbors regarding this application who are afraid the road to their home will be closed off. He stated they have been able to clear these concerns up and explain some of the benefits of this application to the concerned parties.

Mr. Barnhill reviewed the proposal to replace the existing trailers with townhomes and the requirement of UDOT of adjusting the current road layout. He said all properties would still maintain public access with these proposed adjustments.

Alicia Olsen and her mother Eva Jane Marsh gave out a handout regarding Ms. Marsh's comments. Ms. Marsh reviewed that there is a water problem in this area which has not been addressed in the application. She summarized the history of her property which neighbors the proposed property, especially regarding the excess water issues. She said currently all excess water flows into the 2830 South Street, and moving it (2830 South) will make the excess water worse in the area. She asked for the City to resolve the water problem before it allows for the moving of the street or the starting of building.

Mayor Jeppsen thanked Eva Jane for her comments.

Michelle Billings expressed her concerns with the water conditions, as well as, the maintenance of this road in the future. She said it is currently not plowed or maintained by the City.

Mayor Jeppsen stated that if it becomes a public right of way, then it will definitely be plowed.

Justin James (developer with JJTL) thanked the public for their comments and said JJTL hopes to improve this area. He said they (he and his business partners) will be addressing

the storm water retention, as well as, finishing the roads off in this area. He explained JJTL is taking on the expense of improving the road situation in this area to make it better for the community. He explained all the proposed roads will be public roads and therefore will be maintained by the City. He said the property owners will all sign off on this road to make sure everyone is happy with it. He said they have started speaking with two of the property owner's (Wheelers and the Stephensen) regarding the road.

Mayor Jeppsen closed the public hearing portion of the meeting.

**B. PUBLIC COMMENTS**

No public comment given.

**ITEM 5: ACTION ITEMS**

**A. APPROVAL OF THE WARRANTS**

The Council and Staff discussed and clarified the warrants (landfill vouchers, bond payment process, 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. MOTION TO ACCEPT THE FISCAL YEAR 2019 FINANCIAL STATEMENT AND AUDIT REPORT**

The Council and Staff discussed and clarified page number 50 reviewing the revenue for Franchise and Energy Taxes, which received less than was budgeted, as well as, the lower impact fees which is based on building and growth.

Shanna Johnson explained the City had planned for more building and growth in the budget than had occurred this year.

**MOTION:** Council Member Watkins made a motion to accept the Fiscal Year 2019 Financial Statement and Audit Report. 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.

**C. APPLICATION TO VACATE PUBLIC RIGHT OF WAY AT 2830 SOUTH AND A PORTION OF 1000 WEST**

Mr. Barnhill reviewed the two stipulations brought up by the Council regarding this application at its last meeting: incorporating the City Engineer's comments and approval of the road vacation would be manifested by the City's execution of the final plat.

Council Member Tueller inquired about Mr. Stephensen's property access with the petition to vacate.

Mr. Barnhill reviewed his meeting with Mr. Stephensen regarding the current petition to vacate, stating access would be preserved.

Council Member Tueller inquired if the City was aware of the water issue.

Mr. Barnhill stated he was made aware when the neighbors came in and discussed it with him. He stated the developer will be responsible for the storm water drainage for the entire property.

Mr. Tueller inquired if UDOT was requiring curb and gutter along the highway.

Mr. Barnhill stated to his knowledge UDOT was not requiring it but the applicant is looking at doing it to improve the area.

The Council and Staff further discussed and clarified the surrounding area and the impact vacating this road will have on it. It was restated that no properties affected by the subject road vacation application would be denied public access.

**MOTION:** Council Member Montgomery made a motion to approve vacating public right of way 2830 S and a portion of 1000 W. Council Member Wright seconded the motion.

**DISCUSSION:** Council Member Ostler inquired about the process of deciding the road width.

Mr. Barnhill stated it is the standard of the City to be either 50ft or 60ft and the City Engineer advised on 60 ft.

Council Member Ostler inquired about the action today versus the previous City Council meeting's motion.

Mr. Barnhill explained that it would be a final approval and as the previous meeting wasn't noticed properly this meeting will be the utilized action.

**AMENDED MOTION:** Council Member Montgomery amended her motion to include the previous meetings stipulations on this application [incorporating City Engineer's comments and execution of vacated road on final plat]. Council Member Wright 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.

Mr. Barnhill invited any public member to come and speak with him with any questions regarding this application and how it will impact the area.

#### **D. ORDINANCE 19-K TRUCK PARKING**

Mr. Barnhill reviewed Ordinance 19-K regarding parking trucks on City streets. He explained Title 15 and Title 10 both address this matter but the language in Title 15 is more functional for code enforcement, therefore, they will be replacing the language in Title 10 with the language in Title 15.

He reviewed the language from Title 15 and how it would help the police to be able to better enforce this code. The changes are as follows:

- Defining Direct Route

- Defining Commercial Vehicle
- Addition of vehicles which are exceptions

The Council and Staff discussed having a vehicle parked on the street, and the need to be flexible as there are circumstances where people need to park on the street in front of their home.

Chief Hancey noted that per State Code if a vehicle is parked continuously for seven days, then the police are allowed to tow it away (especially regarding broken down vehicles).

The Council and Staff discussed some language clarifications and adjustments (commercial vehicle pickup and drop off allowances, acronym clarified, parking limits language, impact of this code for the gravel pit, etc.).

Mr. Barnhill reviewed the discussed amendments, which are as follows: Write out acronym GVWR (Gross Vehicle Weight Rating), remove word person and reword (page 4), remove word vehicle (page 5) and write out 72 consecutive hours (page 5), make exceptions for the gravel pit, and add language about infractions.

**MOTION:** Council Member Montgomery made a motion to approve Ordinance 19-K Truck Parking with the discussed amendments. 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.

**DISCUSSION:** Council Member Wright asked for a report and copy of the final ordinance with changes.

**E. ORDINANCE 19-L AMENDING THE PMC TO ALLOW FOR AND REGULATE CANNABIS PRODUCTS AND OPERATIONS**

Mr. Barnhill reviewed Ordinance 19-L, which is in response to the State’s codes regarding the regulation of cannabis products and operations. He said this ordinance states where cannabis can be grown (Ag zone) and sold in the City (Commercial Zone from a pharmacy).

Council Member Ostler noted a language correction and asked for clarification on advertising of product and signage.

Mr. Barnhill said he would seek the City Attorney’s feedback on the regulation of advertising and signage.

Council Member Ostler noted the need to update the Land Use Chart with this amendment. He asked about allowing it to be sold from all the Commercial Zones and suggested limiting it to one commercial zone.

Mayor Jeppsen recommended waiting to take action on this item until they have the City Attorney in attendance to clarify their questions and concerns.

Mayor Jeppsen tabled the item.

**F. ORDINANCE 19-N AMENDING PMC 15.03 REGARDING PLANNING COMMISSION**

Mr. Barnhill explained this amendment is regarding some adjustments for the Planning Commission. He said a proposed change regarding a Planning Commission quorum would

now read: the majority of the currently appointed members creates a quorum. He noted the adjustments to the application process regarding allowing more time to give public notice.

The Council discussed if there was a need for a minimum number of Planning Commissioners. The Council had a consensus that a majority of appointed members was sufficient.

Mr. Barnhill reviewed the changes to the need of requiring the applicant to be in attendance for the application to be approved.

The Council agreed with the change to not require an applicant to be in attendance for the application to be approved.

**MOTION:** Council Member Montgomery made a motion to approve Ordinance 19-N amending PMC 15.03 regarding Planning Commission. 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.

**G. ORDINANCE 19-O AMENDING THE PERRY MUNICIPAL CODE TO ALLOW THE R2 ZONE**

Mr. Barnhill explained the proposal to allow the R2 Zone, which came up due to a developer seeking to be able to develop some townhomes and possibly some smaller single-family lots on land adjacent to an existing single-family area. Mr. Barnhill said Planning Commission recommends allowing the R2 Zone with a 3 to 1 vote. He reviewed the sentiments behind both the positive and the negative votes.

The Council and Staff discussed and clarified the area for the proposed development and if it would be appropriate to bring back the R2 Zone.

The Council and Staff discussed the reasoning behind removing the R2 Zone (accommodating the old General Plan) and the uses of having this zone with the new direction of utilizing multifamily housing.

The Council and Staff discussed and clarified how and if allowing the R2 Zone would counteract the Conservation Subdivision.

The Council and Staff discussed the impact of this proposed development on the surrounding area.

Mayor Jeppsen noted that this amendment is more about allowing the option of the R2 Zone and not necessarily this specific proposed development.

The Council and Staff discussed utilizing the R2 Zone on a case-by-case basis, and possibly adding the stipulation of it being allowed only on properties which are smaller than 5 acres.

The Council and Staff discussed and clarified the process of a zone change being legislative and not administrative.

**MOTION:** Council Member Montgomery made a motion to approve Ordinance 19-O amending the Perry Municipal Code to allow the R2 Zone with the note that the R2 zone will not be considered for any property larger than 5 acres. Council Member Ostler seconded the motion.

**DISCUSSION:** The Council and Staff discussed if there was a need to place a size limit with it being used on a case-by-case basis.

**MOTION AMENDED:** Council Member Montgomery amended her motion by removing the size limit. Council Member Ostler seconded the motion.

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

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

**H. RESOLUTION 2020-1 ENTERING INTO AN INTERLOCAL AGREEMENT WITH WEBER COUNTY FOR STORM WATER MANAGEMENT**

Mr. Barnhill noted there are some grammatical errors, which will be fixed. He said the Public Works Department is seeking to get more certifications and have more trainings, which Weber County provides. He explained the fee is \$1600 per year to participate.

Council Member Montgomery noted the exit clause is very straight forward. She expressed her support of this agreement and the positive impact it would have on the Public Works Department.

**MOTION:** Council Member Wright made a motion to approve Resolution 2020-1 entering into an Interlocal Agreement with Weber County for Storm Water Management. 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.

**ITEM 6: DISCUSSION**

**A. POINTE PERRY**

Mayor Jeppsen stated this item would be discussed in the upcoming City Council Retreat.

**B. VOLUNTEER PROJECTS**

Mayor Jeppsen stated this item would be discussed in the upcoming City Council Retreat.

**C. LANDFILL VOUCHERS**

Mr. Barnhill said he has spoken with the County regarding adjusting its agreement with the City for landfill vouchers, which the County was not in favor of. He said the County desires a deal to have all Perry City's garbage go to their landfill. He said the County will be continuing with the current agreement for the vouchers and possibly revisiting it when Perry City's agreement with Republic Services expires.

Mayor Jeppsen said they can further discuss this item at the City Council Retreat.

The Council and Staff were in favor of continuing the vouchers for another year and seeing how the community responds.

**D. COUNCIL RETREAT**

Shanna Johnson stated the time of the retreat has been changed from 7 am to 8 am and requested breakfast orders be submitted promptly.

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

**A. APPROVAL OF CONSENT ITEMS**

- **December 12, 2019 City Council Meeting Minutes**

Shanna Johnson reviewed the amendments to the minutes, which she emailed to the Council.

**MOTION:** Council Member Montgomery made a motion to approve the December 12, 2019 City Council Meeting Minutes. Council Member Tueller seconded the motion.

**DISCUSSION:** Council Member Ostler asked if this motion was for the amended minutes or the original draft.

**AMENDED MOTION:** Council Member Montgomery amended her motion to include the amendments to the December 12, 2019 City Council Meeting Minutes. Council Member Tueller seconded the motion

**All Council Members were in favor**

**B. MAYOR REPORT**

Mayor Jeppsen stated there is a petition going around to stop a landfill being put in Hal Valley. He said there are a considerable number of people who are against the location of this landfill. He said if the Council is interested in participating in this petition to watch for it.

He said he has not heard back from the Box Elder County Commission on the Pointe Perry tax credit. He said he would be attending its next meeting to try to move things forward.

**C. COUNCIL REPORTS**

None.

**D. STAFF COMMENTS**

Chief Scott Hancey reported on the 2019 Police Department Stats (radio system updated, working on evidence room, participated in some excellent programs, which bring in money from the State, reviewed Crime Rate Report from the State for Perry, etc.).

**E. PLANNING COMMISSION REPORT**

Commissioner Peterson stated the Planning Commission is working to have the Design Standards for multifamily housing to the Council by May.

**MOTION:** Council Member Montgomery made a motion to extend the meeting 20 minutes. Council Member Watkins seconded the motion.

**AMENDED MOTION:** Council Member Montgomery amended her motion to extend the meeting 30 minutes. Council Member Watkins seconded the motion.

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

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

**ITEM 8: EXECUTIVE SESSION**

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

**AMENDED MOTION:** Council Member Tueller 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 collective bargaining. Council Member Wright seconded the motion.

**ROLL CALL:** Council Member Ostler, 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 10:03 PM**

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

**ROLL CALL:** Council Member Ostler, 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 10:30 PM**

**ITEM 9: 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 10:31 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