

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

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder  
Robert Barnhill, City Administrator  
Scott Hancey, Chief of Police  
Bill Morris, City Attorney  
Tyler Wagstaff, Public Works Director

OTHERS PRESENT: Chris Crockett

**ITEM 1: CALL TO ORDER**

Mayor Jeppsen called the City Council meeting to order.

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

**A. PUBLIC COMMENTS**

None.

**ITEM 4: ACTION ITEMS**

**A. APPROVAL OF THE WARRANTS**

The Council and Staff clarified and discussed the warrants.

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

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

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

**B. Ordinance 20-L Amending Title 15 regarding Accessory Dwelling Units (ADU)**

Bob Barnhill presented the Ordinance highlights to the Council and explained an accessory dwelling unit as being when there is a dwelling added to a property that already has a single-family dwelling on it.

- The primary dwelling and the accessory dwelling are tied together on the property; they cannot be sold separately from each other.
- The property owner must maintain the primary dwelling as their primary residence.
- This is a strategy implemented from the General Plan regarding SB34 which was passed regarding affordable housing. Accommodating ADU's takes steps toward following that plan.
- When the property is sold with an ADU on it there will be an affidavit recorded on the property with a new affidavit of compliance for the new owner.
- The Planning Commission proposed that when a new ADU is approved, 40% of the regular impact fees would be paid.
- The Planning Commission also suggested ADU's be allowed in all residential zones with a suggested amendment to also allow any non-conforming single-family property in another zone. This would allow homes in commercial zones that were pre-existing in that area before the zone changes to be included.

Council Member Montgomery asked for clarification on the impact fees. Bob explained that the fees would cover the additional cost of having extra people that would be living in the ADU affecting increase in utility usage.

Bob stated that if this were approved, that a fee schedule and application fee would need to be set. Building permit fees would be separate.

Council Member Tueller inquired about the setbacks for an ADU. Bob stated that it would be an accessory structure and use the outlines for that. He also asked about the sewer hookups and if they would be tied into the existing sewer. Bob stated that it would tie into the existing sewer and water meter.

Council Member Ostler questioned the reasons for regulating ADU's from a City standpoint. The Council discussed the benefits/reasons of regulating ADU's. They also discussed that the cost of the impact fees at 40% may discourage compliance from residents wanting to rent out ADU's. Council Member Tueller suggested making it more affordable by lowering impact fees for residents wanting to do this and make sure that parking and other things are enforced. Council Member Montgomery suggested the impact fee being at 20% for when someone establishes an ADU instead of the 40%. Chris Crockett, legal counsel at the meeting, wanted to make a note that the 20% impact fee would be appropriate but wanted to make it known for the record that any additional household does have an impact on services.

The Council discussed changing the wording on the total area of a garden cottage (detached structure) to be no more than 40% of existing structure.

Bob reviewed the items to consider if a motion is made to approve the Ordinance including:

- Change wording to allow any existing family property regarding the zone it is in instead of only residential
- Total square foot at 40% applies to a detached garden cottage
- Percentage of Impact Fees

**MOTION:** Council Member Tueller made a motion to approve Ordinance 20-L Amending Title 15 regarding Accessory Dwelling Units with 3 notes stated allowing ADUs for existing single family homes in any zone and not just in residential zones, 40% of the square footage applies to detached/garden cottage, and impact fees would start at 20% and evaluate from there. Council Member Andrew Watkins seconded the motion. Council Member Ostler wanted to know if passing this motion makes existing ADU's legal or if they would have to go through the process. It was clarified that they would have to go through the process.

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

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

**C. Ordinance 20-M Amending the Perry City Fee Schedule**

Bob Barnhill addressed the fee schedule highlighting a few areas. He stated that the amount charged for reserving the soccer fields for games was not included in the fee schedule. The amount being charged was \$15 per game so for the season it produced about \$100-200 dollars. After discussion with Tyler Wagstaff, Public Works Director, it was discovered that it cost \$200 for the initial painting of the field. Once the paint is down it costs about \$100 to refresh the paint. Bob stated the proposed amount to reserve the field for games would be \$100 per day of games so that it would be closer to the amount it would cost to cover field use.

Bob also proposed charging an additional fee for subdivision and site plans. This would include two reviews initially and if they need additional reviews there would be an extra charge. He discussed the details of possibly tracking the hours that Jones and Associates uses to charge an hourly rate.

Bob discussed business license late fees and the possibility of updating the table to show the fees.

The last item he addressed is the fee for gravel pits. He discussed the details of the fee for gravel pits and explained how it is currently set up is confusing. He said that Brett Jones suggested that they change it to a \$300 fee to start and then charge the engineer fees after for additional hours needed.

Council Member Montgomery wondered who would pay the \$100 soccer fee for the day of games if it was charged by day instead of per game. Tyler Wagstaff stated that it is usually the same league that plays the whole day. She also asked what Brigham City charges for their fees to compare. Council Member Ostler suggested not subsidizing the soccer leagues since they are like a business and when they reserve the parks no one else can use it. He also stated that the City should never subsidize or get upside down from fees from the additional Engineer reviews as it would have to be covered by public funds making up the difference and receiving no benefit. Bob stated that as of right now in the ordinance the City is not allowed to back bill for site plan reviews.

Council Member Wright suggested tabling this item until the changes are in place from the comments made. Bob reviewed the changes that were suggested being as follows:

- Business licensing update the table rather than relying on title 5.
- Remove the section about plan review fees for subdivisions and rely on ordinance that allows back charging and take a policy approach to that instead of a fee schedule.
- Soccer will be discussed more with Tyler and Bob and come up with a fee suggestion.

Tabled.

**D. Final Approval for Perry Canyon Subdivision Ph 1, 1<sup>st</sup> Amendment, Applicant: Scadden, Location 143 West 1550 South, #03-159-0130**

Tabled.

**E. Final Approval for Mount Pleasant Estates Phase 2 Subdivision, Applicant: Bryan Loveless, Located at approximately 2045 S 150 W, #03-156-0026**

Bob Barnhill reviewed the application for 14 new building lots ranging in size from 0.3 to 1.25 acres. This subdivision was started under the old subdivision code. Planning Commission recommended it come to City Council. Brett Jones had two remaining corrections on his latest memo. These corrections have been made. The Fire Marshall and Irrigation company have been involved and have given their approval of what is being proposed for subdivision. There are 4 flag lots proposed along the East bench next to the canal with private driveways which were reviewed by Brett Jones and the Planning Commission. The Council discussed the subdivision and the egresses.

**MOTION:** Council Member Montgomery made a motion to grant Final Approval for Mount Pleasant Estates Phase 2 Subdivision, Applicant: Bryan Loveless, Located at approximately 2045 S 150 W, #03-156-0026. Council Member Tueller seconded the motion.

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

**F. Discussion and or Action Regarding Resolution 2020-13 Adopting an Interlocal Agreement to Provide police Services to Mantua City**

Tabled.

**ITEM 5: DISCUSSION ITEMS**

**A. Title 2 Amendments**

Bill Morris, City Attorney, stated that he would put this out to the Council and get the comments back from them and go through it that way since it is lengthy.

**B. Bonding for Infrastructure Projects**

Council Member Ostler suggested doing a bond for past due maintenance and ensuring that the City understands what it takes going forward to keep roads nice. He discussed the amounts/rates and length of the bond suggestion and explained it in detail. Council Member Tueller stated that the \$75,000 from the tax rate increase and Class C funds could be used to pay for bonds and get more done to catch up on maintenance. The Council discussed the annual maintenance fees. Shanna Johnson suggested studying this more to find out what the true maintenance fee is and whether the City can afford it. Council

Member Tueller discussed wanting to maximize the \$75,000 from the tax increase and the increase in the property tax to fund it with the Class C road funds as collateral. Shanna clarified that what Council Member Tueller is suggesting is using the entire tax increase exclusively for roads and that this is what would be presented to the citizens. Bob expressed his thoughts that a long-term sustainable plan could be done without debt and losing money to interest payments from his perspective. Council Member Watkins stated based on public opinions from 2 years ago streets was 4<sup>th</sup> out of 5 suggesting it is not as important possibly to the public for the money to go all towards streets. Shanna explained that the truth in taxation meeting has been set for August 13<sup>th</sup> when the presentation to the public will be. She expressed a need for a decision of how the money will be spent for this current year. She stated this could be spent differently in the future. She clarified that how it is presented to the public is how it will have to be spent this year. The budget can be amended in the future if the Council decides to use bonds in the future. The Council discussed what they wanted to have in the presentation to the citizens showing the needs of the City. They also discussed having another work session before the budget being passed on August 27<sup>th</sup>.

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

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

- **June 11, 2020 City Council Work Session Minutes**
- **June 11, 2020 City Council Meeting Minutes**

**MOTION:** Council Member Montgomery made a motion to approve June 11, 2020 City Council Work Session Minutes and June 11, 2020 City Council Meeting Minutes. Council Member Wright seconded the motion.

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

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

- **June 25, 2020 City Council Work Session Minutes**  
Tabled.
- **June 25, 2020 City council Meeting Minutes**  
Tabled.

### **B. MAYOR REPORT**

Mayor Jeppesen reported attending a couple of meetings regarding the sewer bond and expressed that it was a good idea to do the refinance because it saved the residents from having to pay a much higher rate increase. He informed the Council that Mantua City ended up hiring their own police Chief instead of entering into an agreement with Perry City to provide police services to Mantua City.

### **C. COUNCIL REPORTS**

Council Member Wright stated there is a lot to consider with the budget and hopes that everyone can work together to do what is best for the City.

Council Member Ostler apologized for bringing up the bonding for the road's stating he felt it created more confusion than adding value to conversation. He also stated that he saw the new street signs and commented that they looked very good.

Council Member Montgomery complimented Shanna on her hard work on the budget. She also stated that she appreciated Council Member Ostler's suggestions.

**D. STAFF COMMENTS**

None.

**Motion:** Council Member Montgomery made a motion to extend the meeting. Council Member Wright seconded the motion.

**Roll Call:** Council Member Watkins, Yes                      Council Member Ostler, Yes  
                    Council Member Wright, Yes                      Council Member Tueller, Yes  
                    Council Member Montgomery, Yes

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

**E. PLANNING COMMISSION REPORT**

Commissioner Kerr stated that the Planning Commission will be discussing urban livestock and chickens as an action item at the next meeting. She also stated they will be working on signs, food trucks, and Title 15.

**ITEM 7: EXECUTIVE SESSION**

- None required.

**ITEM 8: 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 10:03 P.M.

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Susan Obray, City Recorder

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Kevin Jeppsen, Mayor

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Shanna Johnson, Chief Deputy Recorder