

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
July 8, 2021

6:58 PM

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

OFFICIALS ABSENT: Council Member Andrew Watkins

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

OTHERS PRESENT: Nelson Phillips, Larry Holmes, Marion Stokes, Melanie Barnhill

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: PUBLIC HEARING

A. Regarding Ordinance 21-K Vacating a Public Right of Way at Approx. 3800 S 1200 W.

Robert Barnhill explained that this is at the end of 1200 W where the Perry/Willard boundary is (that was just completed). During the construction process, the contractor went outside of the boundaries of the project and impacted the Marion Stokes property. In discussion with the family involved with this property, it was discovered that the corner where the family farms, falls in the road right of way. They discussed that to make sure there are no issues moving forward, the proposal would be to vacate the right of way giving 3000 square feet to Marion Stokes. In return, they would dedicate 2900 square feet along the edge of the road (that would be area that was impacted by construction) and would include fill slope along the side of the road.

Mayor Jeppsen opened the public hearing at 7:02 p.m. No comments were received. Mayor Jeppsen closed the public hearing.

ITEM 4: ACTION ITEMS

A. Approval of Warrants

The Council reviewed the warrants.

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

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

Motion Approved. 4 Yes, 0 No.

B. Ordinance 21-K Vacating a Public Right of Way at Approximately 3800 S 1200 W

Council Member Wright wondered what the purpose of this was originally (what right of way it was for). Mr. Barnhill said that there is not a rhyme or reason and that nothing has been documented to explain it. He said the whole corridor where the construction was done is much wider than needed until that point. This will make a clear paper trail with these documents recorded with the County.

MOTION: Council Member Montgomery made a motion to approve Ordinance 21-K Vacating a Public Right of Way. Council Member Tueller seconded the motion.

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

Motion Approved. 4 Yes, 0 No.

C. Ordinance 21-L Title 2 Municipal Administration Re-Enacted

Mayor Jeppsen said that the Council has had some opportunity to look this over and that there may be some small things to address still. He suggested that if the Council feels this can be passed with some amendments made to go ahead and go forward, but if not then he would suggest tabling it until those things can be worked out. The Council said they would like some more information on it.

Bill Morris, City Attorney, explained that this was started about a year ago and then was sidetracked due to Covid and some other things. Title 2 is how the government is set up in Perry and he explained it to the Council in detail. This included:

- Form of government
- Oath of office
- Council
- Meetings
- Elections
- State Law
- Campaign Finance
- Vacancy procedures
- Appointed officers
- Compensation schedule (this will be updated anytime a COLA is given)
- Community reinvestment agency (formerly community redevelopment agency-needs resolution to change name)
- Justice Court
- Fire Service
- Financial administrations
- How property is disposed of
- Purchase orders (currently anything over \$250-change it to over \$500 or \$1,000)
- Budget (will no longer have all the work sessions, the Mayor would be the budget officer and would be required to present a balanced budget to the Council every year, the Mayor would be working directly with department heads)

- Monthly reports
- Warrants (done by Mayor or City Administrator-Council would do anything over \$5,000 unless it was a grant, bid contract, budgeted item, or routine expense)
- Municipal property
- Procurement of Engineer and Architect
- Building improvements
- Obligations & Contracts
- Records management
- Basic rules of ethics

Ms. Johnson discussed the details of the payment approval process and expressed some concerns regarding what the council would review for approval. She also asked if the Council had any recommendations on what amount the purchase order should be set at. Mayor Jeppsen said that right now it is set at \$250 and he feels the \$500-\$1000 would be acceptable on a \$5 million budget (he has looked at what other communities do as well and feels it is in line). Council Member Wright said that he thinks that \$1000 would be fine. Mayor Jeppsen agreed and said if no one else has an objection to that, to make that change. Mr. Morris said he would add that change.

Council Member Montgomery expressed feeling sad at not being as involved if the budget process is streamlined. Ms. Johnson stated that one of the powers of the Council is setting the budget. This would streamline the budget process up to tentative and then there would be some work sessions on what the Council wants to review, then they would pass it. Council Member Wright said it puts a little more pressure on them to ask more questions outside of Council. Council Member Tueller said that he gets the redundancy but he does worry about being as transparent. He appreciates the department heads on what they know and what they are doing. He does not feel sad, but he does like knowing what is going on and being able to inform the public if they have questions. He feels that being efficient is good but would also like to maintain transparency. Council Member Montgomery appreciates the dialogue that goes with the budget planning sessions and feels that something would be missing.

Ms. Johnson said that the budget is an extremely important part of the council member's job, if they are comfortable passing this process that is ok, but if they want more involvement then that is ok too. Mayor Jeppsen said that he gets needing transparency but he sees an opportunity that there could be more focus, to look at what the differences are in the budget and looking at things they are concerned about. He feels this will need further discussion but he does not want to take away any transparency. Council Member Ostler said that they have had conversations in the past on streamlining and some efficiencies there. He feels that he trusts the Mayor to do the work with the department heads and putting together a budget (saying he feels this approach is ok- "having the Council getting involved at the 5th draft instead of the 1st draft"). Mayor Jeppsen said that the Council doesn't have to get involved with the "nitty gritty" but they still get a chance to see everything and comment on anything they want to. They are not trying to take anything away from them. Council Member Tueller said there are a lot of things that are standard (things that have to be paid each month i.e., gas bill, electric bill etc.), but he does like to see where increases are and that there should be a balance.

Council Member Ostler added that Shanna Johnson has 14-15 years working across various administrations, and that she may have some valuable lessons (institutional knowledge) of why the things they are considering changing are in place, what led to them, and what might protect the Council or public money, that she could present to the Council before they make changes. Ms.

Johnson briefly commented that when they are upholding the public's trust, one of the biggest ways they can do that is to make sure they are managing the funds appropriately. When you put something into legislation it carries forward no matter who is the department head, mayor or administration. She feels that right now there is a great staff in place, that she trusts wholeheartedly; however, there have been times in the past where the financial controls that have been put in place, have been valuable. She said that the council will want to make sure they understand what financial controls are available to them now and that they are comfortable with how much flexibility they are offering, considering that this will be in place until another administration changes it. She suggests looking at the state law and see what their purchasing limits are. She feels that she is not worried about the purchase order or payment approval amount. The budget portion she is not as worried about either, but the council will need to look at the budget more on their own. She said it depends on the amount of involvement the council wants concerning the finances, and what their comfort level is today, as well as in the future. She said she is not concerned with the staff she works with currently; however, in the past she would have worried about what is being proposed, so proceed with caution.

MOTION: Council Member Wright made a motion to table item Ordinance 21-L Title 2. Council Member Tueller seconded the motion.

Motion approved. All Council Members in Favor.

ITEM 5: Discussion Items

A. Fiscal Year 2021 Budget Update

Ms. Johnson said that it is a requirement by the State that a budget update is presented on a quarterly basis. She reviewed the Fiscal Year 2021 Budget through May 2021 and also looked at June's preliminary numbers since it is at the end of the fiscal year in detail (see attached presentation). She stated that she feels that the City will end the fiscal year on a good note.

B. Truth in Taxation Meeting Notice

Ms. Johnson discussed the notices that would be coming out for truth in taxation. The County will be sending out a group notice that will show all the areas that are considering raising taxes. The notice that will be sent out for Perry (a week prior to the meeting) will show that they are considering keeping the current tax rate, the average amount that the tax rate will raise taxes per household, and the percentage of that increase. The truth in taxation meeting is scheduled for August 12th at 7:00 p.m. (it is required to be a separate meeting from regular Council meeting, so the regular council meeting will start at 7:30pm).

ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- **June 10, 2021 Work Session Minutes**
- **June 10, 2021 City Council Meeting Minutes**

Shanna said there was a revised copy sent out to the Council and wanted to make sure they had all received that.

MOTION: Council Member Montgomery moved to approve the consent items with the changes noted. Council Member Wright seconded the motion.

Motion Approved, All Council Members were in favor.

B. Mayor's Reports

Mayor Jeppsen thanked everyone (staff and volunteers) that participated in the 4th of July celebrations. He thought that everything went great and the feedback he has received from the public has been positive. It was good to have that come back this year.

C. Council Reports

None.

D. Staff Comments

Chief Hancey gave a stats update. At mid-year they are sitting at 2,455 cases, 29 DUI's, 24 drug arrests, 1 aggravated assault (which dropped substantially from prior year at 9), 2 arson cases, 9 sex offenses, 7 use of force incidents, and traffic accidents are also down from 49 to 36.

Mr. Morris asked if more people attended July 4th than usual. The Council Members said that they were equal or up from past years. He also asked about an email he was copied on with Mr. Barnhill and Ms. Johnson about the water rate and drought restrictions, (if he needed to write something as an ordinance). Mr. Barnhill said they are considering implementing additional overage charges to encourage water conservation, especially if the secondary water gets shut off and people try taking care of their yards with culinary water (not sure if the system can handle that). Mr. Morris said that if they do that they will need to notice a public hearing on that for the next meeting. Mr. Barnhill said they were discussing rules and regulations that may have to be implemented on watering and how to enforce that. Some cities are paying public works overtime to be out watching for that and handing out citations. Mr. Morris asked how they would want it written. He said they can also not do a public hearing and just put it on the agenda to be a discussion item to decide what they want to do. Mr. Barnhill said if they do want to have anything in place, it would need to be in effect by the time they start billing for August, but maybe it is not worth doing. Mr. Morris, Mr. Barnhill, and Mayor Jeppsen will have a discussion to decide how they want to proceed.

E. Planning Commission Report

None.

ITEM 7: EXECUTIVE SESSION

None.

ITEM 8: ADJOURNMENT

MOTION: Council Member Montgomery made a motion to adjourn.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:02 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Tyra Bischoff, Deputy Recorder