

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

OFFICIALS ABSENT: None

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

OTHERS PRESENT: Nelson Phillips, Melanie Barnhill, David Walker, Nate Mueller

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: PRESENTATION

Shanna Johnson presented the tentative budget for Fiscal Year 2021-2022 (FY2022) that was submitted to the City Council noting the following details:

- The FY2022 General Fund Budget is proposed at \$4,236,439
 - She noted additions to the budget since the last review from the council for (\$3,500 added for a soccer net , which increased the use of fund balance to \$108,360)
- A FY2021 Budget amendment is proposed increasing the budget (to \$4,270,893)
 - Adding money to Community Development to address professional and technical costs related to building; and
 - Adding money to Mass Transit Tax to account for projected tax revenue
- She reviewed various budgets within the State Form i.e. the Debt Service fund, and Capital projects including 1200 West North Project (money for environmental study) and Parks Equipment (for Mt. View Park).
- The Utility Fund Budget for operations in FY2022 is projected at \$908,857, we also plan to do some capital improvements totaling \$1,093,482
 - She noted that revenues in the proposed water budget does include a rate increase.
- The Sewer Fund Budget is proposed at \$1,187,764, which includes operations, depreciation and bond interest.
 - She noted that we did do a bond refinance in the last year and the City is now providing cash to the fund in the amount of \$141,860

Ms. Johnson recommended they set a public hearing for the June 10th meeting. She said they will have another meeting on May 27th and a Work Session on June 10th. She explained that at the June 10th meeting they will be considering a tax rate and budget. If they choose to select a tax rate higher than the certified tax rate, it will move them into a truth in taxation with the budget deadline moving to August. If they choose to accept, the certified tax rate then that has to be done by June 22nd and the budget must be approved by June 30th. She suggested they either approve the final budget at the June 10th meeting or create a special meeting for June 17th in order to meet the

deadline for the tax rate, and approve the budget at the same time. Shanna clarified that the budget they have been reviewing considers a tax rate increase – the growth and increase values projects a 7% increase in property tax as compared to only growth, which is projected to generate an increase of only 3%. She explained this would involve truth in taxation. She said the tax rate is not available yet but that it should be available the first week of June.

ITEM 4: ACTION ITEMS

A. Approval of Warrants

The Council reviewed and discussed the warrants.

Council Member Ostler questioned the warrant for the detention pond/Stokes. Tyler Wagstaff, Public Works Director, explained that the City is trying to sod all of the ponds that they can (that have secondary water available to them) to keep them looking nice. Stokes said they would keep it mowed and maintain it. Robert Barnhill explained that Ryan Stokes said he would help maintain it, but this has no relationship to his development. Typically the developer would be responsible for this improvement but for whatever reason, it was not done (as this is an old retention pond) and has looked like a weed patch. Council Member Tueller added that it was not required previously as now it is.

Council Member Watkins asked if the Dale Young Park warrant is for the fence that was installed and Tyler said it was.

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

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

Motion Approved. 5 Yes, 0 No.

Mayor Jeppsen said that the fence was put in place at the Dale Young Nature Park because in winter time or when it rained, there seemed to be vandalism with people cutting cookies on the grass. He added that cars can still get back there for the car show (July 4th).

B. Resolution 2021-08 Approving a Contract with Box Elder County for Election Services

Ms. Johnson said that Council Member Ostler had suggested a few items that could be cleaned up on the contract, including some statements saying “in agreement with Box Elder County” and others stating “Box Elder County Clerk”. She had discussed dropping the word Clerk with Marla Young from the County and said Marla was fine with dropping the word Clerk. Shanna explained the contract with Box Elder County and discussed the benefits to contract with them. She said that we could run our own election as a City but it would cost more. She explained that the City still has responsibilities with proper noticing, following the election laws, accepting declarations and write ins correctly, gathering financial disclosures within the due dates, and informing the County and Lieutenant Governor’s office of candidates. The actual mailing of the ballots, collecting the ballots and counting of the ballots would be contracted with the County. They also help make sure we are meeting all of our legal requirements and become a partner with us. She discussed adding the word neglect to the section discussing their (the County) liability. She explained the cost for the contract is just an estimate and that it will depend on how many registered voters there are, as well as if there is a Primary election or not. Council Member Ostler said that he noticed the Perry

City Council resolution refers to this contract as Exhibit A and the contract refers the cost schedule as Exhibit A. He proposed for this contract to refer to the cost schedule as Schedule A.

MOTION: Council Member Ostler made a motion to approve Resolution 2021-08 Approving a Contract with Box Elder County for Election Services with the following modifications; Exhibit A in the contract for election services agreement be renamed as schedule A, that we add the word neglect in the paragraph as described and that the contract be modified to drop the word clerk so that it is between Box Elder County and Perry City. Council Member Tueller seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

C. Discussion/Action on Adoption of a Tentative Fiscal Year 2021-2022 Budget for Perry City in Accordance with UCA 10-6-113, and Setting a Public Hearing on a proposed Final Budget.

Mayor Jeppsen said at this point the discussion is how comfortable the Council feels with the budget and if they want to make any changes. Ms. Johnson said to keep in mind that this is a tentative budget and that approving this makes it available for the public to review before the public hearing. It is not set as final, it is still a moving document and can still have changes made to it.

Council Member Ostler said that he feels it is in a good place right now, the items he feels may need further discussion are the compensation items talked about, tax rate numbers when they become available, and the water rate. As a tentative budget he feels that it is good. The other Council Members agreed with Council Member Ostler.

MOTION: Council Member Tueller made a motion to approve the Adoption of a Tentative Fiscal Year 2021-2022 Budget for Perry City in Accordance with UCA 10-6-113, and setting a public hearing for a proposed final budget for June 10th. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

D. Discussion and/or Action Regarding Setting a Public Hearing for Proposed Water User Rates

Mayor Jeppsen said that with the previous discussions and study that have been had on this topic already, he feels that it should be close to being ready to set up the public hearing. Ms. Johnson said that the date and proposed utility rate need to be outlined and made part of the public hearing notice and sent out in the newsletter. Council Member Wright reviewed that the proposed rate previously discussed being set at \$19.50, so a \$4.00 increase to the base rate, and no change to the quantity (allotment that goes with the base rate). Mr. Barnhill asked if the contemplated increase each year should be included information as well. Shanna said they would need to clarify that with Bill Morris, City Attorney, but that she believes the public

hearing would still need to be held each year the rate increases. The Council Members discussed including that information being beneficial regardless of having to have a public hearing each year the rate increases, to be transparent with the public. They also discussed having the date for the public hearing be June 10th, as there would not be enough time to notice the meeting if they did it in May. Council Member Ostler added that the tier rates that go along with the allocations would go unchanged as well. He asked Council Members Tueller and Wright if this is where they wanted to go with the allocations to refresh his memory. Council Member Tueller said he was not comfortable with the reduction of the allocations because of the community members that are unable to have secondary water. He is comfortable where it is but is not opposed to discussing the upper tiered section to prevent waste (if you use more you pay more). The Council Members discussed the subtle increases being easier for the citizens to get the rate where it needs to be rather than a large increase all at once.

MOTION: Council Member Montgomery made a motion to set the Public Hearing for June 10th for the Proposed Water User Rate of \$19.50. Council Member Watkins seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 5: DISCUSSION ITEMS

A. Design Standards

Mr. Barnhill explained that a bill was passed at the legislature with one aspect stating that they cannot regulate design standards for single family, twin homes or townhomes. He said this would affect the design standards that the City has adopted. This bill was vetoed due to some conflicts with some FEMA regulations but it is supposed to be coming back and be passed with the change. He explained that there are a few ways this could be handled; the City could do nothing, they could undo what they have approved and not allow townhomes in Perry anymore, a moratorium could be passed for 6 months while they figure out what they would like to do going forward, or they could make it be a development agreement (done legislatively with zoning) that is negotiated with the developers (this can cost more for the developer, but he has had a few developers tell him they prefer it that way). Council Member Ostler said that every larger, nicer development that he has seen (in his occupation in the banking industry) has been done under a development agreement. Mr. Barnhill explained how a development agreement process might look. Council Member Tueller asked if the limit and scatter that they put in place would be invalid. Mr. Barnhill said they could still use limit and scatter, they just wouldn't be able to require the design standards. Council Member Tueller said he does not have as many concerns with the design standards as some of the other Council Members do, he feels that the limit and scatter is more important and trusting the builders will build things with quality. It has more to do with how it is taken care of by the individual. The Council Members discussed how a development agreement would work and the options that Mr. Barnhill presented. Mr. Barnhill discussed some of the conversations he has had with developers and some of the ideas that they have had. Council Member Ostler expressed his being disappointed with the legislation, his inclination would be to remove the types of uses as permitted uses and allow for people to come in and develop under a development agreement with the policy statements of design standards and limit and scatter as part of that. His opinion is that laws should be made to the lowest common denominator because the laws are there to enforce or bring the lowest common denominator up to a higher level. He feels it would be easier to make it nice from the beginning rather than trying to enforce it later. Mr. Barnhill said

that if everyone is in consensus of moving in that direction they can go that route, or suggested if needed, it could go to Planning Commission. The Council Members said they would like Bill Morris, City Attorney's, input as well.

B. Zoning Districts

Mr. Barnhill said that the Planning Commission is in the process of trying to update the land use chart and clean up some of the zoning by combining some of the zones (ones that are similar) to reduce the size of the land use chart. Before they do that, they want to make sure they are going in the direction the City Council is wanting to take things. This would include sending letters out to property owners that their zones would be changing, which is not always viewed positively. Mr. Barnhill shared some examples from the zoning map of possible combinations and discussed trying to give the property owner the benefit of the changes. He said that the Planning Commission would want the City's Council approval before going forward with this. Council Member Watkins said that his initial thought is to just deal with the requests as they come and wanted to understand the reasoning behind the idea. Council Member Wright said he is ok with a proposal of the idea. Council Member Watkins said that he is ok with the idea of combining mixed uses but proactively changing code may create more problems than good. Council Member Tueller said that if it gives people more options he is ok with that but he does not want to give more restrictions. Mr. Barnhill explained how the noticing would work if they did have to send letters to the property owners. He said that he could get Planning Commission recommendation on the land use chart and accompanying recommendation on which zones that they would want to see changed. Council Member Ostler said that he would not want to cause damage to property values but that generally speaking simplification is good and something to look at with the general plan.

C. Proposed Development

Mr. Barnhill explained that this stemmed from the fact that Perry City entertained some proposals from a vehicle auction yard (in Pointe Perry) which is not currently allowed. Some of the adjacent property owners now want to have similar proposals (things not allowed but want the Council look at). Mr. Barnhill wanted to know if these are things the Council wants to look at or if they feel it is a waste of their time. Council Member Montgomery said she feels that if it is something that looks promising, she would want to look at it, but if it is a stretch, then not. She feels that Mr. Barnhill knows the direction the Council would like to go and would be able to decide what might be of interest to the Council. The Council Members discussed wanting it to benefit the City in the most possible way and sticking to the principles that have been previously discussed regarding the land at Pointe Perry.

D. Accessory Dwelling Unit Fees

Mr. Barnhill reminded the Council about the ADU fees previously discussed. He explained that he has already had a couple of uncomfortable conversations with people that followed the rules of not using the ADU that they made (for example having their basement available to rent out but not doing so because it was not allowed) and then people that did not follow the rules and used it non compliantly (and now being offered a fee waiver to come into compliance). Council Member Tueller said that he can understand that but also stated that there is an impact with more people using sewer, water, and parking. He also pointed out that people that have been using their ADU's and not being in compliance already are still not coming in to make it compliant anyway (as Mr. Barnhill stated there have only been 3 applications to do so). Mr. Barnhill said that the legislature does not want to allow any impact fees for ADU's in the future. Council Member Watkins said he feels that there may be a few more phone calls but they would then start disappearing. The Council discussed what path they wanted to go and feel they do not want to make any changes and will keep the fee in place.

E. Budget

Ms. Johnson asked the Council to make sure to look at the budget in detail so they can make any changes or adjustments they may want at the next meeting.

F. Fourth of July

Ms. Johnson said that there have been two July 4th committee meetings so far. The deposit has been paid for the fireworks, the parade will be organized by Stacy Thompson with help from office staff the day of, there will be equestrian activities at Dale Young Nature Park, more diverse softball games, and the dates of the activities will be July 1-3. She also added that there will be award nominations sent out for the Council to vote on, a movie in the park and a car show. She discussed the donations that have come in so far. The theme this year is Stars and Stripes Together, and Cheaper than Shirt is working on a design for the t-shirt.

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

A. Approval of Consent Items

- March 25, 2021 City Council Work Session
- April 08, 2021 City Council Work Session
- April 08, 2021 City Council Meeting

Council Member Ostler said on the March 25th Work Session minutes on the 4th page, the bond ratings comment he was unsure of, he meant to say bond rates and wanted to clarify what he said. Ms. Johnson said she could go back and listen to confirm.

Council Member Watkins said on the same page, he did allude to cemetery land acquisition but not construction. Ms. Johnson said she would clarify that as well.

Mayor Jeppsen also wanted to clarify if he read the CDC statement on the April 8, work session minutes.

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

Motion Approved, All Council Members were in favor.

B. Mayor's Reports

Mayor Jeppsen said he has been attending meetings for the Box Elder Together General Plan kick off with a good percent of comment participation from Perry. There have been a lot of good discussions regarding orchard and agricultural area preservation.

He added that he felt that they had accomplished a lot with the budget tonight and there would be another work session or two if needed. The date is set for the Public Hearing and thinks they are in a good place with it.

C. Council Reports

Council Member Watkins wondered if there was a representative that joined a board or committee for the area near the Dollar Tree. Mr. Barnhill stated that there is a joint advisory board for that area and thinks they did have a meeting a while ago that they were included on but was unsure if there was any other meetings coming up. Council Member Watkins said he feels it would be good to reach out and make sure we have a representative there that could be a part of that. Mr. Barnhill said that they did invite some Planning Commission members to

attend that but that they have not had anything regularly scheduled. Mr. Barnhill said he would reach out to the Brigham City Planner and find out more details for going forward.

D. Staff Comments

Mr. Barnhill said that Tresa Peterson has completed her term with Planning Commission. There has been one new appointment made, bringing the commission back to 4 members. He asked the Council to keep in mind anyone that may be interested in serving on Planning Commission to try and get more members.

Ms. Johnson said that declaration for candidacy begins in 12 days and asked for the Council to let anyone know that may be interested in running including current elected officials that need to declare.

Tyler Wagstaff said that 900 W was paved today and the road going to the gun range would be paved on Monday. He also said that they are getting ready for July 4th.

E. Planning Commission Report

None.

ITEM 7: EXECUTIVE SESSION

None.

ITEM 7: ADJOURNMENT

MOTION: Council Member Montgomery proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:45 p.m.

Shanna Johnson, City Recorder

Kevin Jepps, Mayor

Tyra Bischoff, Deputy Recorder