

**PERRY CITY COUNCIL MEETING
PERRY CITY OFFICES
May 23, 2019**

7:00 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Andrew Watkins, Toby Wright, Esther Montgomery, and James Taylor

OFFICIALS ABSENT: Nathan Tueller

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

OTHERS PRESENT: Brenda Upright (Republic Services), Tyler Lackey, Marisa Egbert (Utah Div. of Water Resources), Hal Johnson (Utah Transit Authority); Michael Holt, Jeremy Olson, Tresa Peterson, Mark Mackley

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

A. INVOCATION

Council Member Montgomery offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Taylor led the audience in the Pledge of Allegiance.

C. REVIEW AND ADOPT THE AGENDA

MOTION: Council Member Montgomery made a motion to approve the agenda. Council Member Taylor seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Watkins, Yes
Motion Approved. 4 Yes, 0 No.

Mayor Jeppsen recognized the Boy Scouts in attendance.

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

Brenda Upright of Republic Services introduced herself to the Mayor and City Council members. She explained that Republic Services is the City's current garbage service provider. She expressed the organizations interest in supporting our community events by

giving a sponsorship and providing additional cans, and gave each member of the council and staff a small token of appreciation (this included a small plastic garbage can filled with a wildflower seed starter).

They discussed future options for recycling including using other recycling markets to dispose of recycling.

ITEM 4: PRESENTATION:

A. PRESENTATION BY UTAH TRANSIT AUTHORITY REGARDING RIGHT OF WAY CORRIDOR

Hal Johnson reviewed the progress of the joint corridor preservation project, preserving a 40 ft. corridor for a two-track frontrunner system and a 100 ft. right of way for a new water line being installed by the Division of Water Quality. (See Attached Presentation).

ITEM 5: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff discussed and clarified the warrants and additional warrants presented.

MOTION: Council Member Taylor made a motion to approve the warrants, including the additional warrants to Fireworks West for a Firework deposit of \$4,000, and sights for the Police Department in the amount of \$2,500. Council Member Watkins seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Watkins, Yes
Motion Approved. 4 Yes, 0 No.

B. DISCUSSION/ACTION REGARDING A CONTRACT WITH BOX ELDER COUNTY FOR ELECTION SERVICES FOR THE 2019 MUNICIPAL ELECTION

Shanna Johnson reviewed the elections contract for the 2019 Municipal Elections stating Box Elder County will provide vote by mail services for the fee of \$6,884. She noted that this may increase based on whether or not a primary election is needed. She explained that voting machines are no longer available, except for a few they use at select polling locations during Election Day.

MOTION: Council Member Walker made a motion to approve a contract with Box Elder County for Elections Services for the 2019 Municipal Election. Council Member Wright seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Watkins, Yes
Motion Approved. 4 Yes, 0 No.

C. ORDINANCE 19-C AMENDING REGULATIONS REGARDING APARTMENTS, THE LAND USE CHART AND LOT REQUIREMENTS

Robert Barnhill presented a code amendment to address multi-family housing. He said currently there are line items for two, three, and four-plex buildings. He advised that in the amendment there is proposed language regarding multi-family dwellings, which would be allowed in the residential ®, neighborhood commercial (NC), and mixed use (MU) zones within certain parameters that reflects input received from the General Plan Steering Committee and the public. This input indicated that multifamily dwellings should not be lumped all together in one or two areas, but scattered throughout

the community. With this in mind the proposed amendment details that multi-family dwellings can be developed under the following conditions:

- No more than 40 attached dwelling units within a quarter mile in any direction of another development.
- Units inside the NC zones will count as one-half unit.
- Accessory dwelling units would not count toward the number of multi-family dwelling units.

Mr. Barnhill reviewed proposed set back requirements for multi-family dwellings noting they established a side set back of 8 feet. Maximum height was set at 35 feet.

He advised that Planning Commission looked at site landscaping requirements and recommended a percentage of area based on zone i.e. in neighborhood commercial zones it would require 25% of the site be landscaped.

Mr. Barnhill advised that he has talked to some of the council members individually and there has been some concerns that the number of units and density may need to be adjusted. He said that he has talked to our attorney and density limits can be set per acre as well to address some of these concerns. Mr. Barnhill stated adjustments could be made to the ordinance in the council's motion.

The Mayor and Council discussed the proposed code amendment and expressed concerns that the number of units allowed may be too high. Council Member Watkins stated he recalls that the General Plan Committee wanted to preserve the agricultural feel of our community especially on the south side. Council Member Wright felt that this ordinance did help to address some of the zone change requests that have been submitted to the city lately but he did feel that the number of units listed in the proposed amendment was too high. Shanna Johnson commented that she was on the General Plan Steering Committee and she recalled that they were okay with duplex, four-plex and town homes, but they would not have been in favor of a 40-plex.

Council Member Taylor asked what the federal mandate is on affordable housing. Bill Morris said that there is not really a federal mandate other fair housing act, which dictates that cannot discriminate in regards to housing. He said that Senate Bill 34 does detail that a city has to have 3 out of 20-30 available approaches in order to comply and qualify with state laws in regards to affordable housing. He said that the City would be required to adopt a moderate housing plan by December 31, 2019. Mr. Barnhill said this would be part of the General Plan Amendment.

Mr. Morris said that you could create layers and districts, which allow certain density and number of multi-family units on a zoning map to further define the allowance of multi-family housing.

The Mayor and Council discussed whether the ordinance should be sent back to Planning Commission for further work. Mr. Barnhill expressed this is up to the council but noted there is some anxiety to move forward on some rezone applications that this code amendment addresses. He said we could send this back to Planning Commission, pass the proposed code change and revisit it later for revisions. Council Member Watkins suggested possibly changing the number of units in the amendment to 20 and then revising this. Shanna Johnson asked if this passes tonight with 40 units does this allow the current applications to develop 40 units. Mr. Morris confirmed this is the case.

Mr. Barnhill showed on the map where the current rezone requests and project areas are on the zoning map.

Developer Tyler Lackey stated time is of the essence in order to move forward with his projects, which includes removing current modular homes and building multi-family dwelling units. He advised that if this code change or rezone is not passed quickly there would be a need to invest in the

current structures. Developer Mark Mackley stated he feels that what the Planning Commission has proposed is a good step in the right direction creating more freedom in the use of private property. He said he is a business owner in Perry and he only wants to build something that is rentable, usable and purchasable. He implored the Council to trust in the property owners, and stated he is opposed to reducing the number of units from 40 to 20.

Mayor Jeppsen asked if there is a development on the highway does the current proposed amendment allow for 80 units. It was confirmed that this was the case. The Council further discussed the number of units allowed. Council Member Montgomery recommended changing the number of units to 30 or 60 units in the NC zones. Council Member Wright expressed he would rather wait until there are outlined districts. Council Member Montgomery stated she likes the simplicity of what is presented in the current proposed amendment. Mayor Jeppsen recommended supporting the code amendment as proposed and revise later. Council Member Watkins said there is a need to lower the number and 30 is something he could support tonight and set an effective date in September. Mr. Barnhill cautioned that the current applicants would not be able to move forward on their projects if the effective date is set in September.

MOTION: Council Member Montgomery made a motion to approve Ordinance 19-C Amending Regulations Regarding Apartments, the Land Use Chart and Lot Requirements with the amendment to only allow **30 multi-family units** (rather than 40) within a quarter mile in any direction and eliminating the word apartments in the land use chart. Also, asking the Planning Commission to create a multi-family overlay map to be considered as an amendment to the code in the future. Council Member Taylor seconded the motion.

DISCUSSION: Council Member Watkins requested that the Planning Commission look at furthering Highway 89 design, on the south side vs. the north side.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
 Council Member Wright, Yes Council Member Watkins, Yes
 Motion Approved. 4 Yes, 0 No.

D. APPLICATION FOR ZONE CHANGE FOR NC2 TO R2. LOCATION: 2880 S HWY 89(PARCEL NUMBER 02-029-0058)

Application Withdrawn verbally by Tyler Lackey.

E. APPLICATION OF ZONE CHANGE FROM NC3 TO MU-C. LOCATION: 3280 HWY 89. (PARCEL NUMBERS 02-038-0013, 02-038-0015, 02-038-0016 AND 02-038-0024)

Application withdrawn verbally by Mark Mackley.

F. APPLICATION FOR ZONE CHANGE FROM NC3 TO MU-C. LOCATION: 2535 S HWY 89 (PARCEL NUMBERS 02-025-0058 and 02-025-0009)

Application withdrawn verbally by Mark Mackley.

G. RESOLUTION 2019-09 ENTERING AN INTERLOCAL AGREEMENT BETWEEN PERRY CITY AND BRIGHAM CITY FOR CERTAIN ANIMAL CONTROL SERVICES

Shanna Johnson reviewed with the council the details of the interlocal agreement with Brigham City for Animal Control Services and clarified that this looks to be the same terms as those in the prior contract and requires the council to execute a new agreement every 2 years.

MOTION: Council Member Taylor made a motion to approve Resolution 2019-09 Entering an Interlocal Agreement between Perry City and Brigham City for Certain Animal Control Services. Council Member Wright seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Watkins, Yes
Motion Approved. 4 Yes, 0 No.

H. RESOLUTION 2019-10 AMENDING THE PERRY CITY PERSONNEL POLICY REGARDING LEAVE SHARING

Shanna Johnson reviewed the policy, which allows employees to donate vacation time to those in need due to a medical or other emergency so long as the donating employee maintains 50% of their vacation time and no less than 40 hours. She noted that any hours not used will be returned to the donating employee on a percentage basis. The managers will also be required to authorize the donation of time.

Council Member Taylor asked the motivation for the policy. Shanna Johnson advised that the employees would like to help their fellow coworkers in need. We currently have a person out on a medical leave and this initiated this policy change.

MOTION: Council Member Taylor made a motion to approve Resolution 2019-10 amending the Perry City Personnel Policy Regarding Leave Sharing. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Watkins, Yes
Motion Approved. 4 Yes, 0 No.

I. DISCUSSION AND/OR ACTION REGARDING COUNCIL MEETING STRUCTURE

Bill Morris advised that in 2011 the State Legislature mandated that each city pass rules of order and procedure. He reviewed importance of knowing the City Council rules as established in code. He suggested that these rules be reviewed and followed. He noted that he would provide an annual training on the code as well as on open meetings act probably in January.

He stated when he was recommended for appointment as City Attorney he and the mayor discussed making things more efficient with council meeting and planning commission procedures i.e. public comments and not letting them turn into a second public hearing. He said one possible remedy is to limit this to those who have made themselves aware to staff as making a public comment. He also noted that many cities have eliminated the opening ceremonies due to problems with the separation of church and state.

He said that these are items that he will bring back and review with the council again in the future.

ITEM 6: DISCUSSION ITEM

A. FY2019 BUDGET UPDATE

Shanna Johnson reviewed the Fiscal Year 2019 Budget Update for the month of April. She advised that 83% of the fiscal year has elapsed and 72% of General Fund revenue shows as collected. She reported that 81% of Utility Fund Revenues have been collected and 84% of the Sewer Fund revenues have been received. Ms. Johnson advised that the City has collected only 49% of non-operating revenues, which are comprised of impact and connection fees.

Ms. Johnson reviewed expenses stating that the General Fund has spent 59.1% of its budget. She stated that 78.7% of the Enterprise Funds show expended and the Sewer Fund has spent 29.4% of its budget.

Ms. Johnson reported sales tax received for the month of April (which reflects taxes collected in February) came in 4.29% higher than the prior year. She reviewed that Mass Transit Tax collected in April was 5.55% higher than the prior year and 4.65% higher year to date as compared to the Fiscal Year 2018.

She closed the update with a review the Fiscal Year 2020 Budget planning timeline.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **April 11, 2019 City Council Work Session Minutes**
- **May 2, 2019 City Council Work Session Minutes**
- **May 9, 2019 City Council Work Session Minutes - Tabled**
- **May 9, 2019 City Council Meeting Minutes- Tabled**

MOTION: Council Member Montgomery made a motion to approve the April 11, 2019 and May 2, 2019 Work Session Meeting Minutes. Council Member Wright seconded the motion.

ROLL CALL: Council Member Taylor, Yes Council Member Montgomery, Yes
Council Member Wright, Yes Council Member Watkins, Yes
Motion Approved. 4 Yes, 0 No.

B. MAYOR'S REPORT

Mayor Jeppsen reported that he is still awaiting feedback in regards to the mediation process with the Department of Natural Resources but all looks positive. He reported the amended agreement extending tax increment from Box Elder County to the Pointe Perry CDA was approved. He noted the newspaper indicated that the School Board did not approve the Brigham City EDA interlocal agreement, after talking with Bob it appears that our situation is different and we may have a better advantage. He advised that we have a bid process open on the short-range pistol venue and we may ask them to bid on the construction of the storage building as well.

C. COUNCIL REPORTS

Council Member Wright stated he used his landfill voucher noting that it is very wet out there right now, but the process is simple. Mayor Jeppsen noted that the City would have a guest at our next council meeting to provide our invocation. He said that is another reason to review our opening ceremonies. Council Member Taylor asked the date of the awards dinner. Shanna stated it is planned to be Monday, July 1st. Council Member Taylor said he will reserve the room at USU Brigham City. Council Member Montgomery noted that she and the Mayor attended a presentation by UTA 2 years ago and it was the same exact presentation given tonight. The Mayor and Council expressed their frustrations at the lack of progress and the cost of the study mass transit tax, and the project in general. Council Member Watkins inquired how to best respond to email concerns. The group felt it was okay to respond individually and report to the group.

D. STAFF COMMENTS

Shanna Johnson reported that she used Brigham City's green waste to dispose of a tree, it cost \$7 and it was nice green waste option. She also noted that the next 4th of July meeting will be next Tuesday at 4pm and they will take place every 2 weeks.

Chief Hancey reported that the construction on Highway 89 is getting crazy. He stated he asked for UDOT to reduce the speed limit, but they have not. He asked the council to ask people to slow down and be careful. The Council asked that an article regarding Highway 89 safety be placed in the newsletter and on Facebook.

Robert Barnhill reported that 4th of July forms are online and there is a new work order form that can be submitted.

E. PLANNING COMMISSION REPORT

Commissioner Peterson reported that they will be working on the overlay for multi-family dwellings, the general plan, and they are working on revising Chapter 15 of the Municipal Code.

ITEM 7: EXECUTIVE SESSION – None.

ITEM 8: ADJOURNMENT

MOTION: Council Member Wright made a motion to adjourn the City Council Meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 9:16 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder