

**PERRY CITY COUNCIL  
MEETING PERRY CITY  
OFFICES  
May 9, 2019**

**7:00 PM**

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

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

**OTHERS PRESENT:** Cheri Parker, Rick Gomez, Jane Gomez, Betty McMurphey, Travis Moesser, Jack Moesser, Alex Haynie, Seth Barton, Easton Secrist, Geoffrey Joosten, Nicole Butler, and Boyd Montgomery

**ITEM 1: CALL TO ORDER**

Mayor Jeppsen called the City Council meeting to order.

**A. INVOCATION**

Mayor Jeppsen offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

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

**C. REVIEW AND ADOPT THE AGENDA**

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

<b>ROLL CALL:</b>	Council Member Taylor, Yes	Council Member Montgomery, Yes
	Council Member Wright, Yes	Council Member Watkins, Yes
	Council Member Tueller	

**Motion Approved.** 5 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.

**C. INTRODUCTION OF NEW ATTORNEY**

Bill Morris stated he has worked for the City for 13 years as the City Prosecutor and was recently changed to the City Attorney. He explained he has done some trainings in the past for the City.

Mr. Morris introduced his associate Chris Crockett and stated he will handle meetings that he cannot attend and the Planning Commission Meetings.

He stated their goal is to help streamline processes in the City.

Shanna Johnson performed an Oath of Office and swore Bill Morris into Office as Perry City's Attorney.

### **ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT**

#### **A. PUBLIC COMMENTS**

Boyd Montgomery stated his concerns regarding the right of way the City is in the process of attaining on 1200 West and the water he would like removed off his property.

Brett Parker reviewed the rezone he is trying to get tonight for his property with the Council. He stated they have five goats and two pigs, which they breed and then sell the babies.

Betty McMurphey stated that pigs stink and attract flies and rats. She expressed her other concern regarding having pigs by her neighbor Jane Gomez.

Jane Gomez stated her property resides in the middle of the property being proposed as a rezone. She reviewed some of their concerns regarding this rezone, including the adverse effects it may have on her husbands weakened immune system from his transplant.

Rick Gomez expressed similar concerns regarding the rezone to allow the pigs and goats on the neighboring property. He reiterated that he does not want this to effect the relationship with their neighbors who they admire but are concerned with this change.

Cheri Parker stated there is a large cow farm, which they already live by. She clarified that the animals will be contained in a small area, away from the neighbors. She stated she measured from the area that the animals are contained will be over 100 ft. away from any neighbors properties.

### **ITEM 4: PRESENTATION:**

#### **A. FISCAL YEAR 2019-2020 TENTATIVE BUDGET**

Shanna Johnson reviewed the Fiscal Year 2019-2020 Tentative Budget with the Council and Staff (See Attached Presentation).

The Council thanked Ms. Johnson for all her hard work.

### **ITEM 5: ACTION ITEMS**

#### **A. APPROVAL OF THE WARRANTS**

The Council and Staff discussed and clarified the warrants. They also discussed a request for warrant pre-approval from the First Responders for pagers [amount \$2,525].

**MOTION:** Council Member Taylor made a motion to approve the warrants and pre-approve the warrant for pagers for the First Responders. Council Member Watkins seconded the motion.

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

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

**B. DISCUSSION/ACTION ON MOTION TO REVIEW THE FISCAL YEAR 2018-2019 BUDGET, IN ACCORDANCE WITH UCA 10-6-127, FOR PURPOSES OF AN AMENDMENT AND SET PUBLIC HEARING ON PROPOSED AMENDMENTS FOR JUNE 13, 2019**

**MOTION:** Council Member Wright made a motion to review the Fiscal Year 2018-2019 Budget in accordance with UCA 10-6-127, for the purposes of an amendment and set a public hearing on proposed amendments for June 13, 2019. Council Member Montgomery seconded the motion.

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

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

**C. DISCUSSION/ACTION ON ADOPTION OF A TENTATIVE FISCAL YEAR 2019-2020 BUDGET FOR PERRY CITY IN ACCORDANCE WITH UCA 10-6-113, AND SET A PUBLIC HEARING ON A PROPOSED FINAL BUDGET FOR JUNE 13, 2019.**

**MOTION:** Council Member Taylor made a motion to adopt a Tentative Fiscal Year 2019-2020 Budget for Perry City in accordance with UCA 10-6-113 and set a public hearing on a proposed Final Budget for June 13, 2019. Council Member Watkins seconded the motion.

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

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

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

**Tabled due to lack of a recommendation from the Planning Commission.**

**E. APPLICATION FOR ZONE CHANGE FOR NC2 TO R1A or AL. LOCATION: 2050 S HWY 89**  
Bob Barnhill reviewed this application with the Council for a zone change at location 2050 S Hwy 89. He reviewed the current surrounding land uses as well as the zoning (residential, commercial, and agricultural).

Mr. Barnhill reviewed the proposed zone changes and what those zones would allow the property owner to utilize this property as (maintaining and selling domestic animals).

The Council and staff discussed the definitions between large and medium animals and what each proposed zone allows.

Mr. Barnhill reviewed the public comments received at the public hearing held at the Planning Commission Meeting (much of which were the same as what was given during the public comment portion of this meeting).

The Council and Staff further discussed and reviewed the two proposed options of rezoning by the applicant. It was established that the R1A zone option would not work for what the applicant is currently proposing with the number of animals they have.

Cheri Parker stated she could house her pigs on another location if needed to allow for this rezone to occur for their goats.

**MOTION:** Council Member Tueller made a motion to approve the application for a zone change to R1A

**Motion failed due to lack of a second.**

**DISCUSSION:** Council Member Montgomery asked the applicant if changing one acre of the property would allow the applicant to do what they desire to do.

Cheri Parker stated they would adjust to whatever rezone they are given.

Council Member Tueller stated that he is in support of rezoning either the full property or one acre of land.

**MOTION:** Council Member Tueller made a motion to approve the application for a zone change from NC2 to R1A for one acre at the back portion of the property, allowing two medium size animals. Council Member Watkins seconded the motion.

<b>ROLL CALL:</b>	Council Member Taylor, Yes	Council Member Montgomery, Yes
	Council Member Wright, No	Council Member Watkins, Yes
	Council Member Tueller, Yes	

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

**F. APPLICATION OF ZONE CHANGE FROM NC2 TO R2. LOCATION: 2050 S HWY 89**

**Tabled due to lack of recommendation from the Planning Commission.**

**G. APPLICATION FOR ZONE CHANGE FROM NC3 TO MU-C. LOCAITON: 3240 S HWY 89; HARGIS HILL ROAD**

**MOTION:** Council Member Montgomery made a motion to table Item 5G and 5H

**Motion failed due to lack of second.**

**Mayor Jeppsen Tabled due to awaiting action for a code amendment.**

**H. APPLICATION FOR ZONE CHANGE FROM NC3 TO MU-C. LOCATION: 2535 S HWY 89**

**Mayor Jeppsen Tabled due to awaiting action for a code amendment.**

**I. FINAL APPROVAL OF SUNCREST SUBDIVISION PHASE 4. LOCAITON: 50 W 1925 S.**

Mr. Barnhill reviewed with the Council the recommendation from the Planning Commission for Final Approval of the Suncrest Subdivision Phase 4, located at 50 W 1325 S. He stated the previous phase has been recorded with coordination with the Fire Marshall's request for emergency access (egress). He stated this project is moving forward to allow a secondary emergency access.

Mr. Barnhill stated the applicant has addressed and met the City Engineer's concerns.

The Council and Staff discussed the timeline for installing the emergency access road, and striving to have that project accomplished before occupancy of the homes.

**MOTION:** Council Member Tueller made a motion to approve the Final Approval of Suncrest Subdivision Phase 4. Council Member Wright seconded the motion.

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

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

**J. APPLICATION FOR CONDITIONAL USE PERMIT FOR XLR8 MOTORS. LOCATION: 2600 S HWY 89**

Mr. Barnhill reviewed this application for a conditional use permit, which is located at an existing building, which has been utilized for commercial purposes in the past. He stated the applicant desires to utilize this location as an office space for their car dealership. He continued the applicant has stated there will be no clients or employees at this location.

Mr. Barnhill reviewed the surrounding land uses currently surrounding the location (residential, commercial, and agricultural).

Mr. Barnhill reported the recommendation from the Planning Commission, which included the following conditions: 1. No clients or employees at location. 2. No outside display of vehicles. 3. Vehicle repairs would not be part of this permit 4. Applicant must follow City sign codes.

**MOTION:** Council Member Watkins made a motion to approve the Conditional Use Permit for XLR8 Motors with the conditions set by the Planning Commission. Council Member Taylor seconded the motion.

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

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

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

**A. APPROVAL OF CONSENT ITEMS**

- **April 11, 2019 City Council Work Session Minutes Tabled.**
- **April 11, 2019 City Council Meeting Minutes**  
Council Member Wright noted a correction at the start of these minutes regarding the incorrect number of votes listed on the motion.

**MOTION:** Council Member Wright made a motion to approve the April 11<sup>th</sup> City Council Meeting Minutes with the changes discussed. Council Member Taylor seconded the motion.

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

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

**B. MAYOR'S REPORT**

None.

**C. COUNCIL REPORTS**

Council Member Wright reviewed an option to have Rocky Mountain Power pay for half of the City Street lights, if they are switched to LED lights.

Council Member Watkins provided a pamphlet, which gave options for affordable housing.

Council Member Wright stated the City could have a pickle ball court installed before the 4<sup>th</sup> of July if the Council is willing to fund it.

The Council and Staff discussed updating the courts, including lighting for evening use.

Council Member Watkins reviewed the festivities of the Easter Egg Hunt.

**D. STAFF COMMENTS**

Shanna Johnson stated there would be a 4<sup>th</sup> of July meeting next Wednesday.

The Council and Staff reviewed the Golden Spike Anniversary activities.

The Council and Staff discussed options for the public comment section of the meeting.

**E. PLANNING COMMISSION REPORT**

Commissioner Nicole Butler stated they are planning to go over the General Plan and the Mixed Use Zoning situation. She explained they are utilizing the draft general plan striving to be intentional with the scattering of the multifamily housing throughout the City.

Mr. Barnhill reviewed Planning Commission Chairman Grover's option of amending NC2 zone with the Council.

**ITEM 7: EXECUTIVE SESSION**

**MOTION:** Council Member Tueller made a motion to close the regular meeting and open the executive session to discuss the purchase, exchange, lease, or sale of real property; the character, professional competence, or physical or mental health of an individual; and strategy regarding potential, or reasonably imminent litigation. Council Member Montgomery seconded the motion.

**ROLL CALL:** Council Member Taylor, 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 9:09pm**

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

**ROLL CALL:** Council Member Taylor, 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 9:47pm**

**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 9:47 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