

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

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

**OTHERS PRESENT:** Mary Beth Farrer, Carson Olsen, Cache Hilton, Jenny Hilton, Matt Hilton, Michelle Drago, Rick Scadden, Nate Kjar, Shawn Parry

**ITEM 1: CALL TO ORDER**

Mayor Jeppsen called the City Council meeting to order.

**A. INVOCATION**

Council Member Wright offered the invocation.

**B. PLEDGE OF ALLEGIANCE**

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

**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**

No public comment given.

**ITEM 4: PRESENTATION**

**A. PROMONTORY SCHOOL STUDENTS ON XERISCAPING**

Promontory Students Carson Olsen and Cache Hilton each gave a presentation on the benefits of xeriscaping to the Council.

**ITEM 5: ACTION ITEMS**

**A. APPROVAL OF THE WARRANTS**

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

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

Council Member Montgomery, Yes  
Council Member Wright, Yes

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

**B. ORDINANCE 19-F AMENDING THE PERRY CITY MUNICIPAL CODE REGARDING MULTIFAMILY HOUSING**

Robert Barnhill reviewed the amendment to the Perry City Municipal Code regarding Multifamily Housing and the proposed overlay zone map. He explained the benefits of the overlay zone map and the intent to make things more efficient. He reviewed some options regarding applying design review, the current numbers listed on the proposed overlay zone, and whether to include apartments.

Council Member Wright asked for clarification regarding the CC&R's and if they would supersede this ordinance.

Mr. Barnhill affirmed they would.

Council Member Montgomery asked for clarification on the definition regarding apartments and restricting the ability to rent.

Mr. Barnhill stated it is up to the Council on if they desire the units to be owned or rented, but whichever one they choose will directly affect the allowance of apartments.

The Council and Staff discussed some of the definitions (especially regarding apartment restriction) and some adjustments they would like seen to the language and restrictions currently stated.

The Council and Staff discussed whether it is in the best interest of the City to exclude apartments completely. The Council and Staff agreed that for now it would be best to exclude apartments from the overlay zone.

Council Member Montgomery stated she would like the areas with existing multifamily housing, which exceeds the number allowed listed on the map to be adjusted to match.

The Council and Staff discussed setting a standard on the design of the future multifamily housing.

Council Member Ostler clarified and expressed concern that if this is approved tonight without the design standards, a developer could come in and start developing without them. He explained his proposal to set all the numbers to zero until they can get the design standards in place.

The Council and Staff discussed the current building codes, adding architectural and design standards, and whether changing the numbers to zero is necessary at this time.

Council Member Ostler reviewed the current fee schedule, which is not clearly defined in the code and proposed updating the fee schedule online.

He inquired about the open space fee (equal to 2% value of property, or equivalent land donation) for subdivision developments and if the multifamily developments would come in as subdivision applications and be charged this open space fee. He explained that the City is currently not applying this fee and probably needs to moving forward.

The Council and Staff discussed utilizing this fee moving forward.

Bill Morris explained the purposes behind this fee and the legality behind it; he stated that if the City does utilize the 2% open space fee, they may not be able to use the impact fee. He explained that the fact that the City is not currently using it is not necessarily a bad thing. He said to leave it in there to be utilized when appropriate. He explained that they need to be careful and conscientious so that this would be implemented when appropriate, and not risk losing/harming the use of the impact fees.

**MOTION:** Council Member Wright made a motion to approve Ordinance 19-F amending the Perry City Municipal Code Regarding Multifamily Housing with pending Architectural design standards to be done as soon as possible. Council Member Tueller seconded the motion.

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

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

**C. ORDINANCE 19-G REPEALING TITLE 7, RENUMBERING TITLE 12 TO TITLE 7, REPEALING AND RE-ENACTING TITLE 8 AND 11**

Bill Morris explained the adjustments made were to some language adjustments to the definition section.

Council Member Ostler reviewed his larger concerns and adjustments with the Council and Staff:

- Clarification on repealed sections
- Concerns on firework section adjustments regarding areal fireworks – Bill Morris clarified that City ordinance cannot be stricter than the State
- He noted that the ordinance will update the Plan Check Fee to 65%, and add a plan change fee. He asked staff to ensure that the consolidated fee schedule reflects the change
- Discussed and clarified definition number 5 on *nuisance premise*, which implements new procedures for registering vacant buildings, etc.).
- He asked staff to do a search and replace in the municipal code to ensure that referenced sections of code reflect the renumbering of the code sections.

Mr. Barnhill advised the Council that this Ordinance would add a junk code enforcement section to the Municipal Code; therefore, staff will be addressing code violations upon its passage.

**MOTION:** Council Member Wright made a motion to approve Ordinance 19-G repealing Title 7, renumbering Title 12 to Title 7, repealing and re-enacting Title 8 and 11. Council Member Watkins seconded the motion.

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

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

**D. ORDINANCE 19-H AMENDING THE PERRY CITY MUNICIPAL CODE REGARDING LOT REQUIRMENTS**

Mr. Barnhill reviewed the amendments proposed by 19-H, which was initiated by a concerned citizen who felt the setbacks were more restrictive than surrounding cities. He said the main concern was regarding the side setbacks previously being set for a fire hazard purpose. He said the Fire Marshall stated the proposed changes (8 ft. on each side) would not create a fire hazard.

The Council and Staff discussed the proposed setback changes and if they would be in the best interest of the City.

Council Member Ostler expressed concern with the changes being contrary to the proposed general plan of a small-town rural feel.

He asked Mr. Barnhill if the Planning Commission had looked at the proposed ordinance in regards to the conservation subdivision, stating he feels it undercuts some of the benefits of the Conservation Subdivision.

Council Member Tueller stated he did not think that it undercut the Conservation Subdivision; because he felt the main incentive to use, it is changing the lot sizes.

The Council and Staff discussed and clarified if these changes would be in the best interest for the City, if it would affect the small-town rural feel, and if it would undermine the Conservation Subdivision.

**MOTION:** Council Member Tueller made a motion to approve Ordinance 19-H amending the Perry City Municipal Code regarding Lot Requirements. Council Member Watkins seconded the motion.

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

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

**E. ORDINANCE 19-I ADOPTING AN UPDATED PERRY CITY GENERAL PLAN**

Bill Morris explained there are two options the City can use to implement this updated General Plan. He said they could either have the General Plan be mandated or it could be an advisory guide. He explained the pros and cons behind both options and why both options are utilized throughout the State.

The Council and Staff discussed these two options and which they felt would be in the best interest of the City.

Council Member Ostler referred to State Code 10-9a-405 and 406, which indicate that the general plan is an advisory guide except as it affects public property.

Mr. Morris stated they would put general language into the ordinance to allow it to be an advisory guide yet still comply with the State Code.

The Council came to an agreeance to move forward with the updated General Plan as an advisory guide with the general language amended to include and adhere to the State Code.

The Council and Staff discussed and reviewed some concerns and questions on the updated General Plan

Council Member Watkins noted that the transportation map has roads, which are not accurate and will need to be fixed (especially the two proposed roads). He said that these were possibly missed by the WFRC.

Council Member Ostler inquired if the added language about public uses will allow the City to update its Master or Capital Plans.

Mr. Morris stated that this to-be-added language will allow the City to have the Master and Capital Facility Plans and to update them every year to qualify them for grant money.

Council Member Ostler said he felt this would be beneficial because there are many master plans in the coding and this broad language in the General Plan would cover all those very specific master plans.

The Council and Staff discussed the current master and capital project plans, the implementation of this General Plan covering those and how to include this in the motion.

**MOTION:** Council Member Watkins made a motion to approve Ordinance 19-I adopting an updated Perry City General Plan subject to authorizing Staff to use broad language for public uses to comply with State Code 10-9a-406. Council Member Montgomery seconded the motion.

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

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

**F. DISCUSSION AND/OR ACTION TO ASSIGN A STREET NAME TO 100 WEST FROM 2050 SOUTH TO 2100 SOUTH**

Mr. Barnhill reviewed that the County Recorder had some issues with recording the addresses at the Suncrest Subdivision due to the current duplicate streets; therefore, they need to assign a name to 100 West from 2050 South to 2100 South.

He explained that the City Codes say that for a name to be assigned to a street it must be approved by the Council.

Council Member Montgomery suggested using a tree name because there are already many streets with tree names.

Council Member Tueller suggested naming it Eskelson after a resident, who has lived on the street for many years.

The Council and Staff discussed the different options and came to an agreeance on naming it Eskelson Lane.

Mayor Jeppsen tabled this item to allow the City to get permission from Mr. Eskelson.

**ITEM 5 MINUTES & COUNCIL/MAYOR REPORTS**

**A. APPROVAL OF CONSENT ITEMS**

- **September 26, 2019 City Council Meeting Minutes**  
Tabled.

## **B. MAYOR'S REPORT**

Mayor Jeppsen stated he had a meeting with the State, our Fire Marshall, and the Brigham City Fire Chief regarding the Wildfire Mitigation agreement between the State and the City. He explained the previous administration signed a contract that the City would do like and in-kind service to a certain amount each year, which has been met line item wise, but has not been documented. He said the City received a letter, which stated they were on probation, and could be fined \$13,000. He said they are gathering all the documentation to show that they have met these requirements.

Mayor Jeppsen said he had attended a Mayors Association meeting, and the City was recommended to receive an extension on some of the funding it had received from the COG to address inflation on projects. The recommendation will be going to the County Commissioners for approval.

He said he attended a meeting regarding the UTA tax and learned money from this tax could only be used for the Front Runner. He explained he has spoken with the other Mayors involved and they are pushing for the money to be reallocated to the Bamberger Corridor. He said the studies are currently showing that the Front Runner will not make it to Perry before 2050, if at all. He proposed a ballot initiative to remove the tax.

Council Member Tueller stated he felt that the corridor needs to be protected and not have structures built which will just be torn down in 30 years when this comes through.

Mayor Jeppsen stated the 100 West project will have pavement on it next week depending on weather. He said the storage building on the gun range is near completion.

Mayor Jeppsen reported that he met with Mayor Braegger about an annexation of Perry City property into Willard City in order to simplify the sewer line that is to be installed along the south end of 1200 West. He said Mayor Braegger would be presenting this to his City Council.

## **C. COUNCIL REPORTS**

Council Member Tueller said he would like to see a discussion on affordable housing in the future.

Council Member Watkins said he had a positive experience helping with some code enforcement issues. He asked about the USU Board and offered his services in participating in that.

## **D. STAFF COMMENTS**

Mr. Barnhill stated the national park service will be designing Mountain View Park for the City. He said the City should have a plan and projected costs for park improvements from them soon.

## **E. PLANNING COMMISSION REPORT**

Commissioner Michelle Drago expressed her excitement at having the updated General Plan approved.

## **ITEM 7: EXECUTIVE SESSION**

**MOTION:** Council Member Wright made a motion to close the regular meeting and open the executive session regarding discussion of the purchase, exchange, lease, or sale of real property. Council Member Tueller seconded the motion.

**ROLL CALL:** Council Member Ostler, Yes  
Council Member Wright, Yes

Council Member Montgomery, Yes  
Council Member Watkins, Yes

Council Member Tueller, Yes

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

**The Regular Meeting Closed at 9:13pm**

**MOTION:** Council Member Tueller made a motion to reopen the regular meeting. Council Member Watkins seconded the motion.

**ROLL CALL:** Council Member Ostler, 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 9:54pm**

**ITEM 8: ADJOURNMENT**

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

**Motion Approved.** All Council Members were in favor.

The meeting adjourned at 9:55 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