

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
SEPTEMBER 23, 2021

7:01 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Toby Wright, Council Member Andrew Watkins, Council Member Blake Ostler, 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
Bill Morris, City Attorney

OTHERS PRESENT: David Walker, Kevin Pebley, Nelson Phillips, Heidi Murdock, Tom Murdock, Ashley Young, Kirk Mecham, and 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: 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 Wright, Yes
Council Member Tueller, Yes
Council Member Watkins, Yes
Council Member Ostler, Yes

Motion Approved. 5 Yes, 0 No.

B. Resolution 2021-16 Approving a Contract for Street Sweeping Services

Tyler Wagstaff said in the past they have bid out this contract per year. He said they thought it would be best if they could go out a little further and sweep at a minimum of one time per year (and possibly have certain areas 'hot spots' swept if the need arises). Council Member Wright asked if \$7,000 was the base rate or if they charge hourly. Mr. Wagstaff said they charge by the hour so they suggested the \$7,000 as a higher amount in case the need arises for them to sweep certain areas. Robert Barnhill added that the \$7,000 is a capped amount. Council Member Ostler said on the resolution itself the contract heading states entering a contract amendment and below

in the contract it also refers to it as an amendment. Mr. Barnhill said that it would be a new contract not an amendment, so that can be changed.

Council Member Ostler also addressed section 1B (4) stating materials removed shall be dewatered in a contained area and discharged to the local sanitary sewer where feasible. He then asked if there are materials that are picked up by a street sweeper that can go down a sewer. Bill Morris, City Attorney, answered yes and explained that they are considered hazardous waste containing contaminants that come off vehicles that have to be disposed of properly (which is down the sewer and not the storm drain). Mayor Jeppsen added that dewatering it makes it so the liquid can go down the sewer and the solid waste still needs to be hauled to a landfill.

Council Member Ostler then asked about a schedule being provided that is discussed in section 1D (and when that schedule would be provided). Mr. Wagstaff said that they would be planning to sweep in the fall sometime before the leaves get too heavy (for example) and then they would provide a schedule of what date and time they would be here. Mr. Barnhill added that they are just trying to avoid them showing up without the City knowing.

Council Member Ostler asked about section 1E stating Perry City would provide notification to residents about street sweeping and wondered if that had been done in the past (to avoid being in breach of contract). Mr. Wagstaff said that information is provided in the newsletter and social media to make residents aware and to have their vehicles moved off of the roads. Mr. Barnhill said it may be appropriate to remove that so that we don't get ourselves in trouble with a misstep (we will still notify public but to make sure we don't violate the contract if we miss something there).

Council Member Ostler discussed section 2B stating for additional maintenance as requested by the City, the contractor will provide services on a per hour basis. He wondered if that would be negotiated separately or part of the \$143.35. Mr. Wagstaff said that it is the hourly rate of \$143.35 and that they can raise that by 3% annually (but that is the rate for this year).

Council Member Ostler addressed section 2C discussing invoices including materials used for installation and maintenance and wondered what that would be for. Mr. Barnhill said he thinks that could be edited and was carried over from template language.

Council Member Ostler then questioned 8D referring to exhibit B, which he did not see, and he also did not see an exhibit A either. Mr. Barnhill said they submitted a little bio of the person that would be doing it (which he thinks is item B and not included). Council Member Ostler addressed 1-15 #3 (things in brackets that should have been filled in). Also, 15 #2 and #3 discussed an order and he doesn't know what order it is talking about. Mr. Morris said it mainly applies if there are federal grants (CDBG grants are required to have an equal opportunity statement in it), it does not have to be included in this but it is a good thing to have. He said the order is some sort of federal regulation that he is not familiar with, these are not dealt with often in local government.

Council Member Ostler then discussed paragraph 16 stating elected representatives or its employees shall not have any benefit that may arise from this contract. Mr. Morris said this is this talking about financial gain or bribing them to enter into the contract. Council Member Ostler then discussed the attachment included which is not referenced at all in the agreement but states that this quote shall become an attachment to the contract upon award. It also includes language discussing pricing and permit requirements. Mr. Morris said that it may be included because the City requires encroachment permits sometimes but where we are the City, there is no permit.

The last thing Council Member Ostler had a question about was the contract stating payment terms net 30 days with a 1.8% fee being added to the balance beyond 30 days, but paragraph 2C says we have 60 days with no mention of a late fee. Mr. Morris suggested they table this until they talk to the contractor and have these changes fixed.

MOTION: Tabled for changes.

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

Mayor Jeppsen said that Title 2 has been around for a long time and that Council Member Ostler has put forth a big effort in helping get through this. He added that not all the great things Council Member Ostler is trying to do will be realized at this time, and some items (finance and auditors) will be taken care of in future contracts and RFP's. Council Member Ostler said he appreciates the opportunity to work on this. He noted that the Mayor gets to vote on this ordinance therefore, the 'Now therefore' clause should be changed to add Mayor to City Council. He also asked about section 2.05.040 Public Works standards giving authority to the Mayor and Public Works director to update, modify, and amend those things upon the recommendation of the City Engineer. He said that he likes this language but wondered if the statement such as "provided that the updates or modifications or amendments are not in conflict with the General Plan or the Perry Municipal Code" could be added. His hope is that by putting this language in, it would prevent a public works director from doing something that goes against the general plan. Mr. Morris said he does not mind the ordinance stating that it is consistent with the municipal code, but the general plan is an advisory guide (adding that as part of the language would be making that advisory guide mandatory). He said that it might be a good check to add the municipal code since those are laws. The Council agreed to make the change to be in compliance with municipal code.

Council Member Wright expressed concern with the restrictions on the City Council's involvement with the budget. Council Member Montgomery also expressed concern (Section 2.15). Mayor Jeppsen said he feels that it leaves it open to do what they do now or to stream line it a little further. He said the intent would be that the budget would be put together within the administration, provided to the council, and then have whatever sessions it took for them to approve it. He said the difference would be instead of starting in January with nothing, they would have all their ducks in a row and then take it to the Council and listen to what they like or what they want changed. Council Member Tueller said that the first meeting (receiving the budget) would be in May and the second meeting in June. Mayor Jeppsen said his intention would be to have the budget ready before May. Council Member Tueller discussed wanting to still have the retreat in January to give input on direction of the budget. Council Member Montgomery expressed liking being involved with the work sessions and feels reluctant to give that up. Mr. Barnhill added that passing this with the language as it is may not change things for now with the current administration, but could foresee maybe needing an earlier date listed (if they had a future administration that did wait until May to present anything to the Council). Shanna Johnson added that state law requires a tentative budget be submitted by the first meeting in May and that is standard. She said maybe the language should be changed in the preparation section of the annual budget (where it discusses the preparation and work sessions, to include them).

Mayor Jeppsen said the way he looks at this is that it is asking everyone to step up their game. If the Administration is doing what they should do, it should reduce the amount of time they have to meet with the Council. He said the time frame does not really matter, being prepared will make it more efficient. He added that there is very little participation from the public, but the administration is working on it on a daily basis through that time period. If the time restraint is what the issue is, it is fine to change that, but if they all up their game, they can reduce the amount of time they spend discussing those things. Ms. Johnson added that the budget is pretty much

developed by the time it comes to the Council in March. There are modifications that will happen until final approval because as they work through a budget in a 3 month period, things come up that necessitate changes. She wants to make sure that they have enough time to get through each department.

Council Member Tueller said there is always concern about future administrations but basically this is not changing anything. He said that the Council has agreed to proceed as they have, it depends on the administration and how they work with the Council. He loves that the Council meets together and enjoys the discussions. He just wanted to clarify that he does not think this really changes things (on how they do it) but maybe clarifies it (knowing what they need to focus on).

The Council discussed and agreed on changing the timeframe to present the tentative budget to the council to April.

MOTION: Council Member Tueller made a motion to approve Ordinance 21-L Title 2 Municipal Administration Re-Enacted with the changes discussed. Council Member Wright seconded the motion.

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

Motion Approved. 6 Yes, 0 No.

D. Ordinance 21-P Zone Change from A (Agriculture) to RE1/2 (Residential) Located at approximately 1240 W 2250 S Parcel # 03-157-0131

Mr. Barnhill discussed the zone change application. This is .86 acres and is currently in the agriculture zone. They are requesting to be zoned RE1/2. This property has already been created but it did not go through the subdivision process so it is non-compliant. They started the subdivision process to bring it into compliance but need this zoning (which is the same request that a neighboring property was granted recently) to be compliant. 2250 South is currently a gravel road. Planning Commission did hold a public hearing on this. The only comment was from the representative that is working with the applicant to move the project forward. Planning Commission recommended approval to City Council on this.

Council Member Ostler said that the parcel # on the ordinance is listed wrong. Mr. Barnhill said he would correct that.

Council Member Tueller asked how it was discovered that it was non-compliant. Mr. Barnhill explained that the applicant had come in to ask what they needed to do to build on the property, and they found that it was non-compliant (due to the zoning and size of property). This property would be the same as the neighboring property and would have a deferral agreement (for adding curb and gutter when the time comes). When a property is subdivided is when those deferral agreements are put in place, making the property owner responsible for those improvements.

MOTION: Council Member Montgomery made a motion to approve Ordinance 21-P Zone Change from A to RE1/2. Council Member Watkins seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

E. Ordinance 21-Q Amending the Density Map

Mr. Barnhill explained the request from Planning Commission to amend the density map in the Pointe Perry area to change the number of multi-family units allotted (from 0/20 to 0/0 and 200/220 to 200/200) with the apartments that have been finalized and approved in that area. This will allow us to take a step back and see how this project goes before allowing any more multi-family units in that area.

Council Member Watkins wondered why they want to take the 20 away. Mr. Barnhill said that he thinks it was mainly to evaluate how the current development goes. He added that putting 20 units somewhere else might look awkward and would possibly leak out to other areas at Pointe Perry taking away possible commercial property.

Council Member Ostler questioned the south west density map that says 40/40 (if there are 40 units out there currently). Mr. Barnhill said that is part of the proposed apartments. He then asked if the neighboring property owners were noticed and if they would be taking away anyone's by rights zoning. Mr. Morris said they are good. Council Member Ostler also questioned the language in the ordinance at the top saying 'An ordinance of Perry City amending the multi-family Density Map for a certain parcel where an amendment was requested'. Mr. Barnhill said that was carry over language that he did not catch and could be changed.

MOTION: Council Member Wright made a motion to approve Ordinance 21-Q Amending the Density Map. Council member Tueller seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 4: DISCUSSION ITEMS

A. North Perry City Welcome Sign

Council Member Watkins discussed going out with Mr. Barnhill and taking some pictures of possible locations for the welcome sign. He said the spot they are thinking of putting the sign comes up very quickly after crossing 1100 South. He discussed the possible areas of putting the sign. He thanked Public Works for the work they have put in with changing the road signs. He added that it creates a city brand and makes it feel like more of a community. He commended Mark Hardin for the design. He discussed the land south of the credit union and the placement of the sign. He said this possible location would be in Brigham City but they are hopeful that it

is on the UDOT right of way (will have Brett Jones, City Engineer, confirm) and they wouldn't have to discuss it with the property owner. Council Member Watkins also showed some ideas of landscaping possibilities that would make it look nicer.

The Council discussed the location they would like to see the sign. Council Member Tueller expressed concern with putting the sign in another city. He said the best open spot is near the Dominion pipeline fence (on the south end of it). Council Member Wright suggested doing wraps on the utility boxes to make them look better. Council Member Montgomery said she always envisioned it in the grassy area in Brigham City (near the credit union). Mayor Jeppsen said he thinks the border is right in the middle of the gas station and agreed with the area Council Member Tueller suggested. Council Member Ostler said he likes the location that has been mentioned by Council Member Tueller and the Mayor, he added 'let's do this thing'.

ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- August 26, 2021 Work Session Minutes
- August 26, 2021 City Council Minutes
- September 9, 2021 City Council Minutes

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

ROLL CALL: All in favor.

Motion Approved.

B. Mayor's Reports

Mayor Jeppsen discussed the recent interest in Pointe Perry with some of it leaning towards high density housing. He noticed in the paper that Brigham City has a development on the South side of 1100 South that will be started on the first of next year. He is not sure if that will mean anything for Perry's right away.

C. Council Reports

Council Member Tueller said they had their sewer board meeting the other night. One of the things budgeted for this year was new chains (which was originally bid for 53k) and has gone up to 67k. To help off-set the cost of that, they will be shifting to an American company that will save them about \$7,000 (for the UV lamps that disinfect things and have to be replaced regularly). There are a few other things on the budget that they will withhold on to make up the rest.

Council Member Watkins expressed concerns brought to him from a few people on the East side of Perry with the new zero tolerance policy with off road vehicles from the police. He will discuss this with the Mayor and then they will decide if it needs to be a discussion item on a future agenda.

Council Member Montgomery wondered if anyone would be going to Utah City League and Towns that is coming up. She is unable to attend this year. No comments were made of anyone attending.

D. Staff Comments

Shanna Johnson stated that she and Tyra Bischoff are at the IIMC (International Institute Municipal Clerk) conference in Park City. She expressed appreciation for the opportunity and said they will bring back some good information for the City.

E. Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

MOTION: Council Member Montgomery made a motion to close the public meeting and move into an executive session for the discussion of the purchase, exchange, lease, or sale of real property at 8:35 p.m. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

MOTION: Council Member Tueller made a motion to close the executive session and re-open the public meeting at 9:30 p.m. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 7: ADJOURNMENT

MOTION: Council Member Montgomery proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 9:30 p.m.

Shanna Johnson, City Recorder

Kevin Jepps, Mayor

Tyra Bischoff, Deputy Recorder