

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Esther Montgomery, Blake Ostler, and Andrew Watkins

OFFICIALS EXCUSED: Toby Wright and 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: Maren Powell, Abigail Haws, Terry Haws, Braun Bowden, Bill Bowden, Sam Gerlach, Michele Bowden, Nate Kjar

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

Mayor Jeppsen 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.

C. APPOINTMENTS: PLANNING COMMISSION

Mayor Jeppsen presented the appointment of Marcus Wager as a new member of Planning Commission.

MOTION: Council Member Montgomery made a motion to approve the appointment of Marcus Wager as a Planning Commissioner. Council Member Watkins seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

ITEM 4: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. PUBLIC COMMENTS

No public comment given.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff discussed and clarified the current warrants

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

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

Motion Approved. 3 Yes, 0 No.

B. ORDINANCE 19- F AMENDING THE PERRY CITY MUNICIPAL CODE REGARDING MULTI-FAMILY HOUSING

Mr. Barnhill reviewed Ordinance 19-F with the Council. He explained there has been a need to have multi-family housing built into the code, due to state legislation and the desire in the updated General Plan to have it scattered throughout the City.

He reviewed the overlay zone which shows how much multifamily housing is allowable in the various blocked out areas over the City, as well as, how much multifamily housing already exists throughout the City.

He reviewed the process he and the Commission went through in creating this overlay zone and coming up with the current proposed numbers. He said the Commission felt the numbers could be adjusted as needed but this gave a place to start from.

The Staff and Council discussed the current listed numbers and whether or not they were appropriate (see attached map).

Council Member Ostler presented some language adjustments and brought forth some concerns as follows:

- Meeting requirement to locate multi-family housing near regional transportation
- Potential conflicts with CC&Rs
- Ensuring impact fees and other fees for multi-family housing are addressed in the consolidated fee schedule
- Lack of design standards

Council Member Ostler recommended the use of a moratorium until these concerns are addressed.

The Council and Staff discussed and clarified Council Member Ostlers presentation, and the concerns and proposals they feel need to be further addressed and/or utilized.

This item was tabled until further information can be gathered.

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

Mr. Morris reviewed the need for Ordinance 19-G which would bring the City in compliance with State Statutes. He reviewed the changes which will be done to the City Codes to bring them in compliance (firework regulations, fire safety, dangerous buildings, etc.).

Council Member Ostler stated he would send his redlines to Mr. Morris for this item.

Mr. Morris clarified that much of the changes he has incorporated will not be able to be adjusted because they are straight out of the State Codes.

Mr. Barnhill noted that these changes would become a part of code enforcement.

Mr. Morris reviewed some options available for code enforcement (civil fine versus property tax penalty or court hearing).

This item was tabled until more Council Members are in attendance.

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

Mr. Barnhill stated the Planning Commission has recommended approval of Ordinance 19-H which addresses lot set back requirements. He explained this was brought up by some concerns regarding the restrictions on corner lots needing to be updated. He reviewed the proposed updates (20 ft frontal setbacks on all zones except AG, 5 ft accessory building setbacks, 10 ft rear setback, 8 ft side setbacks on both sides, 15 ft setbacks for sides of corner lots, etc.).

Mr. Morris stated the City will need to check with the Fire Marshall on the 8ft side setbacks because the way they are currently written (8ft on one side and 14ft on the other) was done for fire safety.

Mr. Barnhill stated he would do this. He reviewed some of the other changes (lot size for lots with septic systems, site triangle set to 30 ft, corner lots with garage access on the street side 20ft setback, etc.).

Mr. Barnhill stated that these changes are comparable to Brigham City Codes and other comparable cities.

Council Member Ostler asked for clarification on the site triangle and if it would affect driving safety.

Mr. Barnhill stated that it possibly could affect visibility and safety, but added that often the 40 ft restriction is not needed.

Council Member Ostler asked for clarification on how note number four is applied.

Mr. Barnhill reviewed note number four, which states *“For Multi-family Dwelling Units the setback requirements apply to boundaries of the development and are not applied between connected dwelling units. The lot area requirements do not apply to units owned separately (townhomes, condos)”*. He explained how the setbacks would be applied to development as a whole and not per individual unit.

Mr. Morris suggested some different wording to help these applications be clearer.

Council Member Watkins conveyed his desire to ensure that these changes maintain the neighborhood feel of Perry.

Council Member Montgomery expressed her support of these changes and allowing people more options with their properties.

Mayor Jeppsen invited any public member to comment if they desired on this item.

Nate Kjar stated he is the public member who brought this concern before the City. He stated he would be supportive of copying Brigham City's codes (8ft one side and 10ft one side) regarding side setbacks to compensate for the fire safety issue. He said he would desire action being taken tonight because it would allow him to build before winter. He respectfully requested the Council take action tonight if possible.

The Council discussed which side setback they felt would be in the best interest of the City.

This item was tabled until Fire Marshall feedback is received.

Nate Kjar explained the setbacks which were inhibiting him from moving forward were the front and back setbacks. He proposed the Council take action on the changes made to just those setbacks to allow him to move forward.

Mayor Jeppsen stated the item would remain tabled.

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

Tabled until more Council Members are in attendance.

F. ORDINANCE 19-J ADOPTING UNIFORM WASTEWATER USER DISCHARGE REQUIREMENTS

Mayor Jeppsen reviewed the ordinance, stating its intent is to hold businesses accountable for their waste, to hinder inappropriate material getting into the sewer system.

Council Member Watkins noted some of the comments from Council Member Tueller regarding this item and how it will allow the sewer system to monitor how much waste is coming from each business.

MOTION: Council Member Montgomery made a motion to approve Ordinance 19-J adopting Uniform Wastewater User Discharge Requirements Council Member Watkins seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

G. FINAL APPROVAL OF A 1-LOT SUBDIVISION FOR BILL AND MICHELLE BOWDEN LOCATED AT APPROXIMATELY 1350 W 2250 S

Bob Barnhill reviewed this application with the Council, which has been recommended for approval by the Planning Commission. He stated this property has been used agriculturally in the past and the applicant is proposing to utilize a ¾ acre section in the corner of the property for a residence. He stated they have already had a zone change approved to the RE 1/2 zone to allow this changed use.

Mr. Barnhill stated they are requesting a deferral agreement for the curb, gutter, and sidewalk—as the road is currently a gravel road. He stated the Planning Commission and City Engineer were in support of this deferral agreement.

Mr. Barnhill stated the City Engineer's comments were addressed before this application went before the Planning Commission for recommendation of Final Approval. He stated the Fire Marshall has also been contacted and is aware of this application.

Commissioner Ostler asked for clarification on the deferral agreement regarding the wrong serial number listed, the reasoning behind the deferral agreement being restated, grammatical and language adjustments, and if this agreement is allowable with the owner of the property being a trust.

Staff noted the correction being made to the serial number, an uncertainty as to if this deferral agreement had been done before, agreed to the grammatical and language adjustments, and stated the deferral agreement would not be an issue with regards to the trust ownership, as long as the trust is noted in the document.

Bill Morris noted that the building permit would not be issued until the deferral agreement is complete, therefore, the needed adjustments to the deferral agreement can be made prior to issuing the permit.

Braun Bowden clarified that this lot will be deeded to him and his wife from the trust, which they will have recorded and then they will be the property owners on this particular piece of land.

MOTION: Council Member Montgomery made a motion to grant Final Approval of a 1-Lot Subdivision for Bill and Michelle Bowden Located at approximately 1350 W2250 S subject to the modification of the deferral agreement as discussed. Council Member Watkins seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

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

Bob Barnhill stated that there has been some confusion on recording some of the new homes in the Suncrest Subdivision due to duplicate street numbers. He explained the solution to this confusion is to assign a name to the street (as listed above). He said the code states that the City Council must approve street's which have names instead of numbers.

Mr. Barnhill requested the Council think of some names and then they can take action on the agreed upon name at the next meeting.

Council Member Watkins desired to know the names of the surrounding streets, so as not to duplicate and to incorporate those in the naming of this street.

The Council and Staff reviewed the surrounding street names which were Peach and Cherry.

This item was tabled until further research was done by the Council.

ITEM 5 MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **August 8, 2019 City Council Meeting Minutes**
- **August 22, 2019 City Council Meeting Minutes**

Mrs. Johnson noted that some changes were made and sent to the Council prior to the meeting.

MOTION: Council Member Watkins made a motion to approve the August 8, 2019 and August 22, 2019 City Council Meeting Minutes. Council Member Montgomery seconded the motion.

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

Motion Approved. 3 Yes, 0 No

B. MAYOR'S REPORT

Mayor Jeppsen said he attended a meeting regarding the transit plans for Box Elder County. He said he is planning to have a presentation given to the Council by either a County Commissioner or Mr. Barnhill regarding the information at this meeting. He said they are in the process of getting more information to clarify the sales tax currently being collected by the UTA.

Mayor Jeppsen stated there is a Wasatch Choice workshop on Monday from 4pm- 6pm for any Council Members who would like to attend he can email the information.

Mayor Jeppsen stated the land dealings with SITLA and DNR have progressed well and the paperwork is at the title company to be processed.

C. COUNCIL REPORTS

Council Member Montgomery expressed the desire to have another City Council Retreat to discuss the major matters the City is working on.

Council Member Watkins reiterated the need for the City Council Retreat. Shanna Johnson said the City Council Retreat is usually held in January after the election, however, if the Council would like to have more than one, they can.

Shanna Johnson stated that the City had a few write-in candidates for the upcoming municipal election and reviewed the process for this election with the write-in candidates. She clarified a write-in candidate must have declared themselves to be counted in the votes.

Council Member Ostler thanked the Council and Staff for supporting him.

D. STAFF COMMENTS

Shanna Johnson said she is working on preparing for the City finance audit and has everything prepared and sent all but two documents to the accountant.

E. PLANNING COMMISSION REPORT

No Commissioner present

ITEM 7: EXECUTIVE SESSION

None required.

ITEM 8: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 9:01 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder