

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

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
Robert Barnhill, City Planner / Office Administrator
James Dunkelberger, City Attorney

OTHERS PRESENT: Adam McKean, Danielle Sorensen, Dean Stokes, Skylar Stokes, Sharon Fairbourn, Emily Blaire, Kaden Jennings

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

A. INVOCATION

Council Member Watkins offered the invocation.

B. PLEDGE OF ALLEGIANCE

Council Member Wright 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.

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

Motion Approved. 5 Yes, 0 No.

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. BUSINESS LICENSE(S)

- Speaking of SLP Services
- Peach Tree Family Wellness

Robert Barnhill stated that there are two home based businesses before the council. He reviewed details of the business license applications presented:

- Peach Tree Family Wellness – Business Owner, Valerie Neslen: This business provides nutritional consultation to small groups. He said per code this business license would be issued via a conditional use permit and special license that the council would approve. They have provided all required information including a favorable fire inspection. He said there are no local CC&Rs that would prohibit the business.
- Speaking of SLP Services – Business Owner, Sharon Fairbourn: This business will provide speech and language therapy. He said that the business owner has their State licensing, they have had a favorable fire inspection, and were recommended unanimously by the Planning Commission for approval.

Council Member Montgomery asked what certifications Valerie Nelsen of Peach Tree Family Wellness has. Cannon Neslen was present representing his wife for the business and noted that she has several certifications in nutritional therapy. Council Member Montgomery asked where Valerie received her certification. Mr. Neslen said she attended classes in Arizona and Oregon to receive the certification and it took approximately 18 months. Council Member Montgomery asked if Valerie would have supplements. Mr. Neslen said yes.

MOTION: Council Member Wright made a motion to approve the business licenses for Speaking of SLP Services and Peach Tree Family Wellness. Council Member Tueller seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. PUBLIC HEARING REGARDING ORDINANCE 18-E AMENDING THE MUNICIPAL CODE REGARDING BUSINESS LICENSING

Robert (Bob) Barnhill stated the public hearing being held today is on a municipal code amendment regarding business licensing under Title 15 in the Perry Municipal Code.

Bob reviewed the proposed code amendments as follows:

- Business licenses would be approved by staff as opposed to having to go through the Planning commission and City Council, allowing for a more streamlined process for applicants and the City.
- Home-based businesses without visiting clientele would no longer require a license.
- Regulations regarding home-based businesses have been further developed and refined.
- Many definitions regarding business licensing and zoning having been brought together in one location. Many contradictions and duplications were resolved.

Bob encouraged public comment today in regards to the proposed ordinance. He noted that the City Attorney, Craig Hall, has some changes he would like added regarding the appeal authority and how they relate to business licensing. He indicated that because of these changes the ordinance would not be ready for action at this meeting, but the City can still get public comment and input via the public hearing.

The council and staff discussed and clarified the appeal authority amendments recommended by Craig Hall.

Mayor Jeppsen opened the public hearing on Ordinance 18-E.

No public comment received.

PUBLIC COMMENT

No public comment received.

ITEM 4: PRESENTATIONS

A. USGS UTAH GEOLOGICAL SURVEY REPORT (See attached presentation)

Adam McKean of the Utah Division of Natural Resources Geo Survey Department gave a presentation regarding faults and surface fault rupture in Utah and specifically Perry city and on Radon.

His department researches and maps out fault lines and geological risks within communities.

He indicated that the main fault within Perry has not had any disturbances in 2000 years, therefore is overdue for activity.

Council Member Taylor said he is often asked about the health risks in regards to Radon and asked where he should refer people to for answers on testing their homes, etc. Adam indicated that his office has tests and information available. He said tests are also available at most home improvement stores. He said if there is an actionable amount of Radon found in a home there are ways to mitigate this by sealing up the home and installing vent systems.

Council Member Wright asked with all the research and mapping conducted in Perry, Brigham and Willard, what are the highest concerns. Adam said that whether you build your home next to the fault or not, when an earthquake occurs it will be felt throughout the area. He said his department's biggest concern is older unreinforced brick homes; these are not built to withstand earthquakes. He noted steel reinforcement was added to the building code in the 1980's to address this. He advised that another concern he would have for the area is debris flows and flooding; if the Great Salt Lake ever got back to the level it was in the 80's then everything west of I-15 will be flooded. He added that under the same conditions, the east side would likely experience debris flow and it is important to ensure that there are adequate drainage basins to catch debris flows before it enters the City.

Council Member Watkins referred to a map showing landslide areas; he asked if this is based on soil types. Adam said that landslides are mostly in the mountains and has to do with slope, soil, and stability of the slope. He reviewed many other factors that contribute to landslides. He said they are mapped mostly on how the slope looks.

Adam stated he provided a book to Bob that outlines areas to avoid in regards to development. He said his organization is not regulatory but they provide this information as a guideline for the cities and/or counties. He explained the red areas indicate locations where they recommend further study be acquired prior to development. He expounded this study usually requires a no surface fault rupture investigation study, which usually entails a trench be dug in a suspected fault zone area, to see if there is a fault. If a fault were found in the trench then a consultant would develop an appropriate set back distance from the fault to avoid building a structure in the unstable area.

Adam advised that publications and resources to help address some of these risks are available on the website geology.utah.gov.

ITEM 5: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

MOTION: Council Member Tueller made a motion to approve the warrants as presented. Council Member Taylor seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. ORDINANCE 18-E AMENDING THE MUNICIPAL CODE REGARDING BUSINESS LICENSING

Tabled.

C. RESOLUTION 18-10 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR POINTE PERRY BROKERAGE SERVICES

Bob Barnhill advised that Perry City put out a Request for Proposal (RFP) for Broker Services to represent Perry City in the sale of our land in the Pointe Perry Commercial area. He indicated that we only received one response from National Retail Team (NAI Premier Commercial Real Estate Services). He said that they have experience with the sale of commercial land. He explained that their fees are based on the value of the land sold and range from 6% if the land sold is less than \$600,000, and 4% if the sale is greater than \$2 million. He stated that the groups seems capable and qualified and he is comfortable with the bid.

Jan Kerr advised that she has worked a lot in real estate and she recommended the City to negotiate and ask for better rates.

The Council appreciated the proposal provided by NAI and was in support of the Mayor meeting with the firm to discuss their plans to market the property, further negotiating rates, and to execute a final contract based on these negotiations.

MOTION: Council Member Watkins made a motion to approve Resolution 18-10 Authorizing the Mayor to Execute a Contract for Pointe Perry Brokerage Services contingent upon meeting with NAI Premier for further favorable negotiation. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

D. RESOLUTION 18-11 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CIVIC REVIEW

Bob Barnhill reviewed details regarding a proposed contract with Civic Review a company selected to manage online forms and digital applications. He advised that the City looked at several companies prior to the selection. He said that Civic review is a local company out of Ogden. He stated the City Attorney Craig Hall did review the contract and negotiated some changes herein. He explained the fees stating the first year is pro-rated and will end in June of 2019, at a cost of \$3,300 with a set-up fee of \$450; the fee each year thereafter will be \$4,500.

Council Member Tueller asked if this was a budgeted item. Shanna said yes. The Mayor explained that it is about 45% of the budget assigned for this project.

MOTION: Council Member Wright made a motion to approve Resolution 18-11 Authorizing the Mayor to Enter into an Agreement with Civic Review. Council Member Tueller seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

E. FINAL APPROVAL ON SITE PLAN & LOT LINE ADJUSTMENT FOR DRL STOKES INVESTMENTS RETAIL DEVELOPMENT

Bob Barnhill explained this business is the former (Matthews) fruit stand now dance studio and they are looking at some expansion. He reviewed the land use application, which includes expanding the current Dean Stokes Construction building by 2,000 square feet to create additional retail space. He said this required a site plan review in which staff and the Planning Commission reviewed parking, landscaping, and storm water detention. He stated that the proposed improvements would require a lot line adjustment and an equal sized land swap with Perry City. He said the piece of land being given to the City is a small part of a storm water basin.

Bob explained the site plan submitted by the applicant addresses the expansion of the building, parking, the detention basin, and how storm water will flow to the basin. He said that our City Engineer has completed a thorough review of the plan and the applicant has addressed all of the City Engineer’s comments.

Council Member Montgomery asked about what business are planned to go into the additional retail space. Bob indicated that there has been talk of businesses that may be in the space but nothing is final.

Mayor Jeppsen asked who would be responsible for the detention basin. Bob answered this will continue to be owned by Dean Stokes Construction.

Bob indicated that the Planning Commission has reviewed the application and has recommended final approval.

Council Member Watkins asked about the changes to the storage building on the property. Bob stated the permit for the structure was originally for a general storage structure, yet there have been some changes to the building and a retaining wall that was added later. The Building Official (inspector) is aware of the changes and these will be addressed through the open building permit, and will not be given final approval until the structures meet City Code. Bob added that this site plan review only addresses the retail building and does not include the storage building.

MOTION: Council Member Tueller made a motion to give Final Approval for the Site Plan and Lot Line Adjustment for DRL Construction & Investments Retail Development. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

ITEM 6: DISCUSSION ITEMS

A. RESIDENT LANDFILL PERMIT INTERLOCAL AGREEMENT

Council Member Montgomery reported that the City Attorney helped her to draft an agreement that was submitted and is currently under review by the County's attorney. The City is awaiting their response. She explained that this would allow every residence in Perry to go to the County landfill 1 time per year.

ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **AUGUST 9, 2018 CITY COUNCIL MEETING MINUTES**
- **AUGUST 23, 2018 CITY COUNCIL MEETING MINUTES:**

Council Member Taylor asked the August 23rd minutes be amended to show him in attendance. He stated he is shown in the body of the minutes but not as an official present. Shanna advised she would add him as present.

MOTION: Council Member Watkins made a motion to approve the August 9, 2018 and August 23, 2018 City Council Meeting Minutes as amended. Council Member Taylor seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. MAYOR'S REPORT

Mayor Jeppsen stated that September 30th will be the Gun Range's last day open to the public for the season and the Range Safety Officers will have access to the range until October 6th. He advised that a meeting has been scheduled with Brigham's City

Administrator, regarding a possible interlocal agreement for green waste at their facility. He closed his report noting that he has been invited to sit in on a meeting with the County Commission and UTA Board representatives, it was noted that Council Member Tueller would also be a good person to have at the meeting.

C. COUNCIL REPORTS

Council Member Tueller reported that the Sewer Facility Board has been working on bylaws and they have a few edits that he would like Shanna Johnson to assist in drafting. He reported that the Loveland family, who owns that land of which the wastewater treatment plant's effluent is discharged to, came to the Sewer Facility Board meeting in August to discuss the arrangement as they had concerns regarding their land becoming too wet; they have since agreed to continue to allow the discharge of effluent onto their land. Council Member Tueller said this is good as discharging onto state lands creates complications and expense. He said that Jones & Associates researched the possibility of discharging on land purchased by Willard but there is not enough grade (slope) in order to accomplish this, the other option is to discharge on Division of Natural Resources (DNR) land. He said Board Member Hansen would report on this later. Council Member Tueller said all equipment improvements have helped at the plant and the lead operator is happy.

Council Member Montgomery reported that she attended the Utah League of Cities and Towns Conference. She said the conference was good and she especially took interest in the workshop on auxiliary dwelling units, as she would like changes to Perry City's Code to allow for basement and/or mother-in-law apartments.

Council Member Tueller agreed that the conference was good. He said there was a lot of discussion on affordable housing, but there were many communities that felt that some of what was proposed as solutions would not work for them.

Council Member Wright also attended the ULCT conference and reviewed one lunch meeting that was quite an eye opener in regards to technology. He said that they talked about how personalized Amazon is becoming. He said that they can literally restock pantries via robots, the technology will allow Amazon to know when an item needs to be restocked and robots will fulfill orders and deliver the products to your door via self-driven cars. He noted that in this session it was reported that 95% of consumers shop at Walmart.

Council Member Watkins asked for an update on the proposed City Beautification Committee he presented in a past meeting and asked if the Mayor was able to meet with the Public Works Director. The Mayor said that he has not yet met with Public Works.

D. STAFF COMMENTS

Shanna Johnson reported that she is working with the accountant to close out Fiscal Year 2018 and create the Financial Statement for review by the Auditor. She said things have been going good with this process.

E. PLANNING COMMISSION REPORT

Commissioner Butler reported that the Planning Commission has been working on the Business License Ordinance for the last month.

Council Member Montgomery stated she was hoping to see the conservation ordinance again soon and asked the status. Bob Barnhill said they are waiting on assessment language from the City Attorney.

Commissioner Kerr said she is anxious to discuss the zoning map and possible adjustments. It was noted that a joint meeting with the Planning Commission and General Plan Committee will be held on October 11th to review the future-zoning map.

ITEM 8: EXECUTIVE SESSION

None.

ITEM 9: ADJOURNMENT

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

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:37 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder