

Thursday, August 24, 2023

PERRY CITY COUNCIL MEETING AGENDA

This is an “Electronic Meeting” Web/Teleconferencing will be used to participate.

Go to www.perrycity.org for meeting access instructions

The Perry City Council will hold an electronic meeting at 3005 South 1200 West in Perry and via web/teleconference on the Thursday identified above, starting at approximately 7:00 PM. Members of the public may attend the meeting in person or may view the meeting via Zoom using a link and instructions on the web page at: <https://www.perrycity.org/whats-new.htm.htm>. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Numbers and/or times are estimates of when agenda items will be discussed. Action on public hearings will always be later in the same meeting or at a subsequent meeting. Every agenda item shall be a discussion and/or action item, unless otherwise indicated.

Approx. 7:00 PM – Regular City Council Meeting

- 1. Call to Order**
- 2. Procedural Issues**
 - A. Conflicts of Interest Declaration(s), If Any
- 3. Action Items (Roll Call Vote)**
 - A. Resolution 2023-18 Interlocal Agreement Between Perry City and Willard City Regarding a Sewer Line
 - B. Ordinance 23-J Amending the Consolidated Fee Schedule to Include Towing Fees
- 4. Minutes & Council/Mayor Reports (Including Council Assignments)**

No Council Action May be Taken if an Item is not specifically on the Agenda

 - A. Approval of Consent Items
 - July 06, 2023 City Council Meeting Minutes
 - July 27, 2023 Meeting Minutes
 - B. Mayor’s Report
 - C. Council Reports
 - D. Staff Comments
 - E. Planning Commission Report
- 5. Executive Session (if needed)**
 - A. Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms.
 - B. Strategy session to discuss the character, professional competence, or physical or mental health of an individual.
 - C. Strategy session to discuss collective bargaining.
 - D. Strategy session regarding pending, or reasonably imminent litigation.
 - E. Strategy session to discuss the deployment of security personnel, devices, or systems.
 - F. Discussion of investigative proceedings regarding allegations of criminal misconduct.
- 6. Approx. 8:00 PM - Adjournment**

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member of the City Council and was posted in three locations: the Perry City Offices, Centennial Park, Perry City Park; and was emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 17th day of August, 2023. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, City Recorder

**PERRY CITY
ORDINANCE NO. 23-J**

TOWING FEES

**AN ORDINANCE OF PERRY CITY, UTAH, AMENDING THE FEE SCHEDULE
TO INCLUDE TOWING FEES UNDER THE SANDBOX AGREEMENT WITH
THE STATE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Perry City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 allows municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, the City previously adopted Resolution 2022-19 that allows the City to participate in a “sandbox agreement” with the State of Utah along with other jurisdictions for vehicle towing as such relates to law enforcement;

WHEREAS, the Utah State Legislature recently adopted legislation requiring a towing fee and the City seeks to comply;

WHEREAS, the City finds it necessary to update its fee schedule to conform to State Law;

NOW, THEREFORE, be it ordained by the City Council of Perry City as follows:

Section 1: Amendment. *Perry City Municipal Code* §4.09.080 is amended to read as follows:

4.09.080 Police Fees.

Description	Fee
Police Policy Manual (Printed Code)	\$50
Digital Policy Manual (USB Drive)	\$10
Good Conduct Letter	GRAMA
Fingerprint, resident	\$10 per card
Fingerprint, non-resident	\$25 per card
Incident Report (No Photos)	GRAMA
Digital Incident Report (Photos)	\$10 USB/GRAMA
Printed Photos	\$1 per photo
Body Camera Video	\$10 USB/GRAMA
<u>Towing Fees</u>	<u>\$15</u>

Section 2: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 3: Effective date. This Ordinance takes effect immediately upon approval and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2023.

Mayor

ATTEST:

City Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) _____, 2) _____, and 3) _____, on the above referenced dates.

City Recorder DATE: _____

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
July 06, 2023

7:00 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Blake Ostler (on-line), Council Member Dave Walker, Council Member Toby Wright, and Council Member Ashley Young.

OFFICIALS ABSENT:

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Scott Hancey, Chief of Police
Dave Freeze, Sergeant
Mark Jordan, Patrol Officer
Zach Allen, Public Works Director
Bill Morris, City Attorney (On-line)
Shanna Johnson, City Recorder

OTHERS PRESENT: Dallan Stephens, Ashley Jordan, Tesla Hancey

ON-LINE: Tambi Tueller, Melanie Barnhill

ITEM 1: CALL TO ORDER

Mayor Jeppsen welcomed everyone and called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None

ITEM 3: PRESENTATION

A. Oath of Office – Police Sergeant

Chief Hancey announced that Patrol Officer, Mark Jordan, has received a promotion in the Police Department to the level of Sergeant. He said that Mark has 14 years of law enforcement experience, he started with Box Elder County Jail, then moved to patrol, and was hired on the Perry City Police Department. He pointed out that, Mr. Jordan, had been a detective for several years and had done an excellent job. Ms. Johnson conducted the Oath of Office (swearing in) for Sergeant Jordan and Sergeant Jordan took a photo with the Chief of Police, Mayor and Council.

ITEM 4: PUBLIC HEARING

A. Resolution 2023-12 & Ordinance 23-H Proposed Boundary Adjustment with Brigham City (A Part of the South Half of Section 25, Township 9 North, Range 2 West of the Salt Lake Base and Meridian)

Mr. Barnhill showed the boundary adjustment on the Box Elder County map. He pointed to several properties around 1100 South and Hwy 89, showing how the properties were split between Brigham City and the Perry City boundary lines. He explained that it was important to note that Brigham City has gone through the same process to pass a resolution and have a public hearing. He said they have sent letters to the owners of the properties involved in this city boundary line adjustment. They were having a public hearing at this meeting to let members of the public voice their concerns. He expounded that Brigham City looked at the properties along the boundaries and realized they were served by Perry City streets, water, and sewer then felt it made sense to have the whole property in Perry City. He said he appreciates Brigham City being willing to look at this boundary line adjustment with Perry City.

Council Member Walker asked if there were any Brigham City utilities going through these proposed adjusted properties. Mr. Barnhill responded that a couple of the properties, including the state property, utilize the Brigham City storm water system and will continue to do so. He also said that the closed gas station had power with Brigham City, but the parties agreed to transfer services to Rocky Mountain Power.

Mayor Jeppsen opened the Public Hearing at 7:13 p. m.

Dallan Stephens said he was the owner of the property (parcel 03-142-0012) on the east of the state-owned lot and part of the city boundary where this proposed adjustment will be. He mentioned that he had sold the portion of the property with the house that had utility serviced through Brigham City. He said this lot now has two property owners and he owns the north side of the lot. He expressed concerns that when the road comes through, if the utilities will be served by Perry City and if he will be able to get utilities to his property, or if it will be land locked. He also wondered how this city boundary adjustment will affect his property tax, zoning, and building permits. He mentioned he was planning on building on his lot and had been working to develop it following Brigham City commercial zone rules and wondered if the boundary adjustment would affect his plans.

Mayor Jeppsen closed the Public Hearings at 7:16 p. m.

ITEM 5: ACTION ITEMS (Roll Call Vote)

A. Ordinance 23-H Boundary Adjustment with Brigham City

Mr. Barnhill addressed some of the concerns presented in the public hearing by Mr. Stephens. He reviews the property boundaries and then said it looked like it was land locked and that it does not have a public right-of-way. He said that it was his understanding that Brigham City did not have any plans to bring utilities to that area but, that could change. He suggested that the property owner can purchase an easement to have access and bring utilities in at their own cost, then perhaps they may ask Brigham City to bring in utilities. He mentioned that Brigham City felt that Perry City should service the area since they already had utilities there. He said that the area was zoned commercial with Brigham City and that it will be the same zone in Perry City. Mr. Morris explained that this boundary adjustment will be treated as an annexation where the zone will come in as it was already. The ordinance was written to bring the parcels in as they were zoned with Brigham City.

Mr. Stephens was asked about it and then he gave a brief report of what he had planned for his property. He recounted what he knew about the utility service plans Brigham City had previously presented for this area. He mentioned these plans showed a road with utilities underneath going along the north side of his property. Mr. Barnhill said, as he understood, the general plan was for 1200 South to connect to 1400 South road and did not include a (city) road going by Mr. Stephens's property. He then explained some of the building code programs which are not unique to Perry City that the city uses. In response to Mr. Stephen's building plan, he said the impact fees might be different in Perry City than Brigham City. Council Member Tueller asked for clarification regarding Mr. Stephens's property line. Mayor Jeppsen mentioned that the future plans of this area and where the road might go do not pertain to this meeting. He said the focus of this ordinance was to move the annexed boundary line. Mr. Morris then reiterated that the ordinance will only take the zoning designation from Brigham City and then the use will follow the Perry City building processes.

Council Member Ostler asked about all the exhibits listed in the ordinance, stating that the map was not attached to the city council packet. Ms. Johnson said that they were available with the public hearing notice paperwork and gave him a copy for review. Mr. Morris said the paperwork was what will be filed with the Utah Lieutenant Governor's office if the ordinance passes. Council Member Ostler asked if everything was ready to be filed, recorded, and moved forward. Mr. Morris responded that he had been working on this for months, where he reviewed then made corrections along the way and followed the state code. Since there was a 60-day time constraint, he said he also had a pre-run review of it with Box Elder County. Mr. Barnhill commented that this has been reviewed by legal, our engineer, and the county recorders, all have suggested corrections were made before they presented it to the council and public. Council Member Ostler asked when it will go into effect and Mr. Morris responded that it will be effective when it is filed with the County and State and noted that the property tax will not go into effect until January 1st of next year.

Council Member Wright said this boundary really does not change much and he feels it is the best option at this time. Council Member Ostler asked if there were any public comments received (after the resolution was approved, there was 10 days allotted to receive public comments). Ms. Johnson and Mr. Barnhill both said that they have not seen or heard any comments. And that all the property owners in this area had received a letter sent to the address on file with the County recorder's office, about this boundary adjustment. Mayor Jeppsen said they have done a good job following procedures.

MOTION: Council Member Wright made a motion to approve Ordinance 23-H Boundary Adjustment with Brigham City. Council Member Walker seconded the motion.

ROLL CALL: Council Member Young, Yes
Council Member Walker, Yes
Council Member Ostler, Yes
Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 5 Yes, 0 No

ITEM 4: DISCUSSION ITEM

A. Fourth of July Follow Up

Ms. Johnson said she just wanted to make sure they get input from the council to forward any comments from them to the Fourth of July committee at their wrap-up meeting. She said most of the comments she received were positive and that we had great participation in this event. Council Member Wright asked about the car show and Ms. Johnson answered that there were 40 entries, and it went really well. She mentioned that Roger Baton said people were very appreciative of the horse activities and western games at Dale Young Park. She said the FFA almost doubled their money on the games they provided, and First Responders received \$1,500 more for their breakfast sales than the prior year. She said there were two food trucks that had signed up to attend but they did not show up. Council Member Wright suggested that next year they have more garbage cans by the bowery and food areas.

Ms. Johnson said she received comments that people really liked the fireworks, but they needed to be longer. She suggested next year they increase the firework budget and purchase more to lengthen the firework display. Mayor commented that the firework show this year worked out to be about a \$1,000 per minute. Council Member Walker remarked that even though it was shorter this year he thought the quality of it, artistry on it, and the different elevations of it made a well-done display. He gave kudos to everyone involved. Ms. Johnson thanked everyone who helped out and said it was a really big effort and they did great. Council Member Walker suggested that next year they should allow the people to get more of a choice on their Bingo prize. He also recommended that they have a microphone available to announce the awards for the 5k race. He mentioned it was hard for everyone to hear the winners. Ms. Johnson mentioned they might want to change the way they do the community awards and announcements, moving this back to the ballfield or giving the awards at the dinner. She expressed how much everyone appreciated the bounce houses being free and then thanked Old Grist Mill for their donation to make this possible for the kids. Council Member Young recognized the new swing sets and mentioned how many people enjoyed them.

Ms. Johnson expressed that next year we should have the Uncle Sam and Ms. Liberty contest in person and do it at the new city hall. In addition, she said the parade route may need to change next year, for safety reasons. The council discussed that parking for the parade might be an issue and needs to be reviewed. Chief Hancey confirmed that the current parade route is unsafe stating that 900 West is so narrow and hard for big trucks to navigate the turn onto 2250 South (Davis Street).

B. City Hall Open House

Mr. Barnhill asked the council if they were interested in an open house for the new City Hall, what their vision for it would be, and if they would be willing to oversee it. Mayor said they should have the council be the committee for this and have a meeting to discuss any ideas they might have. Then the city administration department will assist with following up and completing the council's plans. Mr. Barnhill suggested they plan to have the open house sometime in October. He said September 1, was the contractual date to have the city hall remodel completed. Council Member Tueller commented that the council members should also be part of the tours and open house activities.

Council Member Wright mentioned that at the ULCT (Utah League of Cities and Towns) Conferences they show a highlight of when something big happens in a city. He thinks ULCT should be contacted

to video this open house to highlight it at the conference for us. He said this shows the people of Perry and others that this renovation (with this majestic face to it) really means something to Perry citizens. He explained that this will advertise how the city hall project all came about and how we saved money by doing a renovation over building a new city hall all without raising property taxes to get it. Ms. Johnson mentioned they might also want to reach out to the Chamber of Commerce for a ribbon cutting. She suggested they get historical pictures of the lodge and use the pictures taken during the remodel as part of the video. They decided that they should have a work session and do it on August 1, to plan the city hall open house.

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

A. Approval of Consent Items

- June 08, 2023 City Council Work Session Minutes
- June 08, 2023 City Council Meeting Minutes

Ms. Johnson said the June 08, 2023 meeting minutes were not available and need to be tabled.

Motion Tabled. All Council Members were in favor.

B. Mayor's Reports

Mayor Jeppsen thanked the council members for all they did for the Fourth of July celebration.

C. Council Reports

Council Member Ostler expressed his gratitude to the people who made the Fourth of July celebration possible. He mentioned that the article written about Mayor Jeppsen and his wife was great.

D. Staff Comments

None.

Mr. Allen thanked everyone for their help on the fourth, especially the public volunteers who worked to get the swings ready. He said there were contractors who moved their schedules around to make this happen. He said there were a lot of good things that happened, and he felt supported by a lot of people.

E. Planning Commission Report

None.

ITEM 5: EXECUTIVE SESSION

None needed.

ITEM 6: ADJOURNMENT

MOTION: Council Member Walker proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

223 The meeting adjourned at 8:08 p.m.

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Shanna Johnson, City Recorder

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Anita Nicholas, Deputy Recorder

Kevin Jeppsen, Mayor

DRAFT

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
July 27, 2023

7:00 PM

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller (on-line), Council Member Blake Ostler (on-line), Council Member Toby Wright (on-line), and Council Member Ashley Young.

OFFICIALS ABSENT: Council Member Dave Walker

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Bill Morris, City Attorney (On-line)
Dave Freeze, Sergeant
Shanna Johnson, City Recorder

OTHERS PRESENT: Daniel Stephens, Mike Jensen (Hansen & Assoc.), Chris Breinholt (Jones & Assoc.), and Dave Whitaker (POI Corp.)

ON-LINE: Collin, Todd Eskelsen, Joni Loveless, and Nelson Phillips (BENJ)

ITEM 1: CALL TO ORDER

Mayor Jeppsen welcomed everyone and called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None

ITEM 3: ACTION ITEMS (Roll Call Vote)

A. Final Acceptance for Mount Pleasant Estates Phases 1, 2, and 3

Mr. Barnhill explained that this action item was for Mount Pleasant Estates, which was located on the east side of 2000 South road. He said that they had constructed all their infrastructure, roadways, utilities, and curbs with gutters. This final approval will be our acceptance that they are complete as a developer and the city will take over the ownership of their improvements. He recounted that a year ago the Public Works Department and the City Engineers inspected the development and improvements and found it satisfactory, so they issued a conditional acceptance. After this approval, in case of incidentals, for a year the city held onto 10% of their escrow funds. Over the year, there have been a few items that needed to be corrected but have since been resolved and received follow-up inspections. He referred to a packet showing memos and other paperwork with the recommendation to release the balance of the escrow fund. He said at this point the developers are ready for this action and he gave his own approval of final acceptance.

Mayor asked if there was funding for rock chipping available for the next twelve months and Mr. Barnhill responded that it was paid up front. He expounded that the rock seal payment was required at the time they recorded the plat and funded the escrow. Council Member Wright wanted

to know why this estate was done in phases. Mr. Barnhill explained that the first phase was to subdivide the house from the land, and they were granted a deferral agreement, this then allowed them to do all the improvement in the second phase. He said the third phase was done with a separate application at a later time and after the purchase of more land. He noted that the memo from Jones and Associates contained all the phases. Council Member Ostler pointed out that the Phase 3 – Conditional Acceptance memo title should have been written as Final Acceptance. He then mentioned that this part of the process was an administrative item and recommended it to be moved from the council to an administrative item. He said if there were some legislative components to this then perhaps the folks effected by these improvements (property owners and developers) get a notification and the city holds a public hearing for them to express any views they have on any inefficacy. Mr. Barnhill remarked that he will reach out to Mr. Morris on a possible code amendment to see if this may be a change to be an administrative function.

MOTION: Council Member Young made a motion to pass the Final Acceptance for Mount Pleasant Estates Phases 1, 2, and 3. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Young, Yes
Council Member Walker, Absent
Council Member Ostler, Yes
Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 4 Yes, 0 No

B. Site Plan Application: Heritage Chrysler Dodge, Ram, Jeep; located at approximately 1155 S 1600 W; Parcel #03-236-0041; Applicant: Dave Whitaker

Mr. Barnhill showed the area where the site plan was to be built and said the owners were only going to develop about six acres on the north side of this property. He reported that utilities and roadway was already installed in the area. He said the paperwork in the packet showed a Staff Report with site maps that he will discuss. He noted that the Planning Commission reviewed the application and said they recognized some corrections that need to be made but felt they could move this site plan forward to the City Council. The city has specific design specifications for the finishes on new builds, but he feels the façade on this site plan exceeds the intent of the city's standards. He showed and discussed the design plans along with how it will appear when it is complete.

He mentioned that the updated drawings he received in response to the punch list corrections had not been reviewed by the city engineer. The engineer had previously given the applicant a list of concerns, which contained fifteen items. Mr. Barnhill pointed out that there were only two small items, such as labeling the type of pipe and the outlet size in the storm drain box that had not yet been addressed. He then went through the punch list corrections and showed on the site plan drawings where the developer corrected them. As he was reviewing the plans, he noticed that on the south side the curb and gutter does not reach the edge of the property line and will need to be adjusted. Council Member Tueller commented that perhaps the developer will subdivide the property or was just designating the plot where the construction may be built, and Mr. Barnhill responded that this was one property.

Council Member Wright pointed out that the Staff Report said that this was an administrative item. Mr. Barnhill commented it simply stated, being an administrative item, which the Council as a land use authority was to make sure this request meets code. He said like the prior action items perhaps this also could be considered for a code amendment. If approved this could be approved at an administrative staff level and it would make it more efficient for the applicant and allow the council to handle the legislative items.

Council Member Ostler said this looks like a really neat project and indicated that the motion should contain the conditions of a final review from the engineer and updating the landscape plan to meet code. He commented that the trees on the east side of the property might block the view to the dealership and Mr. Barnhill responded that he talked to the applicants' landscape architect about that concern. He then noted that the city does not require trees in that area but per code for a site of this size it does require several trees on the property.

MOTION: Council Member Wright made a motion to approve the Site Plan Application: Heritage Chrysler Dodge, Ram, Jeep facility with the contingency of Brett Jones' (city engineer) final review and the corrections of last couple of items that Mr. Barnhill mentioned being taken care of (landscaping, storm water and extending the sidewalk, curb and gutter). Council Member Tueller seconded the motion.

ROLL CALL: Council Member Young, Yes
Council Member Walker, Absent
Council Member Ostler, Yes
Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 4 Yes, 0 No

C. Resolution 2023-18 Interlocal Agreement Between Perry City and Willard City Regarding a Sewer Line

Mr. Barnhill explained this resolution was for a local agreement with Willard City to have the developer install a sewer line on the south end of Perry City and extend it into Willard City. He mentioned that there was an applicant that was looking to develop the utilities in this area for a future housing development and he presented this idea. To explain the proposed utility plan, he first showed a map of the south end of the city and where the current sewer lines exist. He noted that the north and south sides of 3600 South and the north side of 1200 West streets have sewer services. He pointed out that the gap in the sewer lines happened when they installed a dry line under the 1200 South street improvements and it is not connected to the sewer plant. He added that at the time of the road project they had to make a guess on where to put the low point and how to run the sewer to the main line. He said they knew the line could not go north so a property owner, Daniel Stephens, worked with the city and allowed them to put a stub on their property. This owner granted the city a utility easement on their property so the city may be able to someday run the utility line through his property. The west run line would then cross the railroad track and match up to the main sewer line that eventually goes directly south to the sewer plant.

He said the applicant for this proposed development approached several Perry City landowners nearby who were not willing to allow him to put a sewer line through their property. Not being successful with these utility options in Perry City the developers decided to approach Willard City

142 and their landowners to get the sewer line connected. He said they have worked several months on
143 this plan and found an option through Willard City that works for them. This option will require an
144 interlocal agreement because the sewer will be collected in Perry City but will go through Willard.
145 The proposal is to install a flow meter on the south end of the development on the Perry and
146 Willard cities boundary. This meter will track the flow count for this Perry City subdivision, which
147 will need to be deducted from Willard City's total flow count. In addition, Perry City will collect a
148 wheeling fee to forward onto Willard City for the use to maintain this sewer line.

149
150 He voiced that he and the city engineer have worked on this project and both of them felt if this was
151 the best route the developer could find and as long as the city has an interlocal agreement it was
152 adequate. He pointed out that the agreement stated that only homes within the development are to
153 connect to this sewer line, which might cause issues in future developments. He noted he
154 appreciated how well Willard and Perry worked together as neighboring cities but in the future,
155 there might be political friction between them, and this sewer line might hinder other development.
156 In closing, he thanked Council Member Ostler who gave him good feedback on typos and language
157 clarification in this interlocal agreement.

158
159 Council Member Ostler said the agreement refers to exhibits and attachments, but they were not
160 included with this packet and Mr. Stevens (the applicant) commented that he had emailed them to
161 the City. He also questioned the necessity of the command form of "shall allow" in section 1 C. He
162 suggested it be written as "should White Rock Partners elect to construct a sewer line". He
163 reviewed language in section 1 E, G, H and I (master meter, collecting wheeling fees, reporting, and
164 recordkeeping) noting that this might create extra ordinary additional costs to the sewer utility.
165 This cost for Perry City occurs through billing, reporting, budgeting, and meter maintenance which
166 are all outside the typical connection to the sewer system. He was concerned how the sewer utility
167 fund would recover the additional costs and gave the suggestion that the residents in this area have
168 a Perry City sewer utility administration fee on their bill. Regarding section 1 F, he said, it should
169 say to the effect of this new interlocal agreement, with respect to the sewer line, does not modify,
170 amend, or extend the existing interlocal agreement related to the administration of the Perry-
171 Willard Wastewater Treatment Plant. Council Member Oster referenced the wheeling fees
172 mentioned in section 1 G and asked if the development will have multi-family housing units and if
173 there will be only one sewer connection for the whole building or multiple connections. He
174 reviewed the wheeling fees and the language that requires a (15) day remitting timeline, he
175 recommended it be worded differently. He said that Perry City should only be responsible to pay
176 Willard for the fees they collect and not guarantee payment amounts that are not collected. Council
177 Member Ostler's final concern was the contradiction in section 2 C (vi) of "No separate legal entity
178 is created by the terms of this Agreement and no facility or improvement will be jointly acquired,
179 jointly owned, or jointly operated" while the resolution stated that Perry City and Willard are to
180 build a joint sewer line.

181
182 Mr. Morris said he has reviewed the agreement and did not have any concerns with it. He said
183 Council Member Ostler's concerns were valid and recommended they send these suggested to
184 Willard to see if they will accept them. Council Member Tueller said they should have this
185 agreement changed and cleaned up first and for now they should table the motion. He explained
186 that even though he was not against the plan there were too many conditional items that would
187 need to be listed in the motion if passed at this time. Council Member Ostler agreed to allow Mr.
188 Barnhill to circulate the red-line marked copy of the interlocal agreement he emailed to him (and
189 were mentioned by him above).

Council Member Tueller asked about the dry line that was installed (under 1200 South) and if they will use it with future development. Mr. Barnhill responded that he does not have a perfect answer, they might have changes in the way the sewer is routed or maybe it will never be used. Council Member Tueller reiterated that this interlocal agreement was required because landowners did not want to allow a city utility to go through their property and this was the best solution presented by the developer.

Council Member Wright expressed his concerns with the metered sewer line hook-up. He asked if this line will only be used for this subdivision and about the potential developments in the surrounding area that will need to attach to a sewer line. He noted that he was concerned that these special rates might eventually get passed on to the rest of the city. Mr. Barnhill suggested they propose a map in this agreement that outlines the area and the future development potential. Then when future development comes in the area, they may refer back to the map for the sewer connection and may keep track of the flow count.

Mr. Barnhill pointed out that the houses on 3600 South should already have a sewer connection and the homes on the west of the development are in Willard and will be downstream of the meter line. He mentioned the homes on Hargis Hill Road all have septic tanks and if they develop the area the sewer meter would capture the flow of this area.

Mayor Jeppsen said there were several areas in the interlocal agreement that the language needs to be addressed and would like to table it.

The Willard City engineer, Mr. Chris Breinholt, from Jones & Associates said if they try to collect sewer from too many areas (sewage flow added to the line) in the Willard City collection area they will get push back from Willard City. He noted that this proposed agreement was what (Willard) could serve. Mr. Barnhill mentioned that Perry City should propose a map to Willard City that tentatively included sewer connections along this line for the residents living on Hargis Hill Road and the Jensen property. He also noted that Willard City had this action item on their City Council agenda but had to table it because they did not have a quorum.

Mayor Jeppsen tabled the action with no objection from council members.

Motion Tabled.

ITEM 4: DISCUSSION ITEM

A. FY2023 Budget Update

Ms. Johnson said they are required to do quarterly budget updates and this preliminary budget update was as of the end of June. She said this update was for the end of the fiscal year but because some things come in on a lag it will probably not be finalized until September. During the audit process adjustments will need to be made. She said a preliminary look shows we have collected 98% of the city revenues and more will come in. For example, the tax revenue was at \$3.2 million and was trending at \$3.4 million. She said even though the revenue projection is less than anticipated the projections are handling the expenses well. She explained that the General Fund

Interest had collected more than expected but portions of this will be moved into the utility and sewer funds. The sewer fund reimbursements from Willard were lagging from the prior year, which resulted in higher-than-expected revenue in the current year. She pointed out that the general fund year-end expenditure trend is projected to be \$4.8 million, which results in revenues being \$350k better than our expenditures; these funds will roll into our unrestricted fund balance (or savings). The General Fund expenditures are 87% spent, however, there will be some revolving account payments that still need to be paid. The utility fund expenditures are 90% spent and trending shows there will be a few accounts that will go over budget. She mentioned that originally, she projected the utility fund budget would have a \$30k loss and that was why they have watched the utility rates. She said instead this loss was trending around \$14k. She said the sewer fund expenditures were doing great and revenue will be around \$313k better than the expenditures. Sale tax was presently collected at 5.3% higher than the same time last year but coming in lower than in the past. She said the sales tax does come in on a lag and annual projections show year-end sale tax ending 3% higher than the prior year, while in the past, the year over year increase has been 18% to 19% indicating that we may have hit a peak. To recap the budget, she said the general funds expenses were trending to end the year in budget and in compliance, and the city should add \$350k to fund balance. She noted that the utility fund expenses were trending higher than budget, but that was fine because it was an enterprise fund. She advised that the council would receive an in-depth and final budget update for the Fiscal Year in December along with the annual financial statement and audit.

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

A. Approval of Consent Items

- June 08, 2023 City Council Work Session Minutes
- June 08, 2023 City Council Meeting Minutes
- June 22, 2023 City Council Meeting Minutes
- June 22, 2023 RDA Meeting Minutes

Council Member Ostler said "Attorney" needs to be stricken from line 12 of the June 08 Work Session Minutes. He asked for a review of lines 175-177 in the June 08 City Council Meeting Minutes. He explained that he did not speak to Republic Services but was only repeating what he heard Republic Services say in a prior meeting. For clarify he also requested for line 177 to be reworded to contain a more complete description of his comment. He explained that what he meant was that Republic Services probably did not want to do an agreement with Perry City for less than five years because they were investing in a truck, and they needed to have a sufficient contract length to recoup their investment.

Motion Tabled. All Council Members were in favor.

B. Mayor's Reports

None.

C. Council Reports

Council Member Tueller said they appreciate the staff and all the work they do and not to be discouraged when they table things. He commented on the amazing job that administration and staff do. He appreciates the progress the city has made along with the direction the city was headed.

D. Staff Comments

Ms. Johnson noted that at the quarterly employee recognition meeting, Anita Nicholas, received the quarterly excellent award for her friendly disposition, customer service, and willingness to help. She reminded the council members that the (work session) for planning the city hall open house will be on Tuesday, August 1, at 6:00 pm.

E. Planning Commission Report

None.

ITEM 5: EXECUTIVE SESSION

None needed.

ITEM 6: ADJOURNMENT

MOTION: Council Member Wright proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:20 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder