

Thursday, May 9, 2024

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 1950 S Highway 89 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. Presentation**
 - A. Meet County Commission Candidate Sam McMurdie
- 4. Action Items (Roll Call Vote)**
 - A. Resolution 2024-08 Approving a Consulting Contract with Hemmco, LLC
- 5. Discussion Item**
 - A. Fiscal Year 2024 Budget Update
 - B. Fiscal Year 2025 Tentative Budget
- 6. 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
 - April 11, 2024 City Council Meeting Minutes
 - B. Mayor’s Report
 - C. Council Reports
 - D. Staff Comments
 - E. Planning Commission Report
- 7. 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.
- 8. 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: Perry City Hall; 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 3rd day of May, 2024. 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
RESOLUTION 2024-08**

HEMMCO, LLC

**A RESOLUTION OF PERRY CITY, UTAH, AUTHORIZING AN
AGREEMENT WITH HEMMCO, LLC, FOR CONSULTING SERVICES.**

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

WHEREAS, the City desires to enter an Agreement with Hemmco, LLC for consulting services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Perry City, Utah, as follows:

Section 1. Authorization.

The City Council hereby authorizes the Mayor to enter into the Agreement with Hemmco, LLC set forth in attached Exhibit “A” attached hereto and incorporated herein by this reference.

Section 2. Effective Date

This Resolution is effective immediately upon passage and approval.

PASSED AND APPROVED by the Perry City Council this ___ day of _____, 2024.

Mayor

ATTEST:

City Recorder

Roll Call Vote:

Tueller	Yea	___	Nay	___
Wright	Yea	___	Nay	___
Ostler	Yea	___	Nay	___
Walker	Yea	___	Nay	___
Young	Yea	___	Nay	___

CONSULTING AGREEMENT

THIS CONSULTING AGREEMENT (the “Agreement”) is entered into effective May 1, 2024, by and between Perry City, located at 1950 S Hwy 89, Perry, UT 84302 (“Client”), and Hemmco, LLC, located at 1115 E 965 N, Orem, UT 84097 (“Consultant”), regarding the representation of Client in the State of Utah (“State”).

RECITALS

WHEREAS, Client desires to obtain the Services specified herein; and

WHEREAS, Consultant is desirous of accepting the duties and responsibilities of providing the Services specified herein.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

I. Scope of Representation

Consultant shall provide strategic advice, direction, and lobbying services on state and local government relations matters, appropriations funding and general advocacy efforts for Client with the Utah Legislature and Utah State political subdivisions (“Services”). The Services include the pursuit of a water infrastructure/development/conservation grant from the Department of Natural Resources, expansion of the Perry City gun range, and funding for and development of a road connecting Williard Bay State Park to Forrest Street along the west side of I-15, and other requests and projects as discussed and agreed upon by the parties.

II. Term

This Agreement shall commence on May 1, 2024, and shall expire on April 30, 2026. Notwithstanding the Term, this agreement may be cancelled at any time prior to July 31, 2024.

III. Consideration

For Services performed under this Agreement, Client shall agree to pay the Consultant a fee equal to \$8,000 per month. In the event that either Dan Hemmert or David Stewart shall no longer provide Services under this contract, the monthly fee shall be reduced to \$4,000. Consultant shall be entitled to reimbursement for any expenses reasonably incurred in the performance of the Services, provided that those expenses are agreed upon in advance, and in writing (email is sufficient) by the Client.

IV. Client Loyalty

Consultant understands that his/her signing of this Agreement constitutes complete loyalty and confidence to the Client. Consultant further understands that the ultimate benefits of this arrangement should be to the Client and that Consultant will work diligently and to his utmost ability to ensure that Client is represented adequately and without conflict of interest.

V. Report

Consultant agrees to be responsible for preparation and filing of all applicable reports required by any department or branch of the State government. Consultant represents that they will register with the State Legislature and all other branches of the State government necessary to legally represent Client's interest in the State.

VI. Conflict of Interest and Confidentiality

Consultant agrees that, except as expressly allowed herein or consented to in writing by Client, he will hold in confidence, not use or disclose, and protect any Confidential Information of Client in a manner at least equal to the manner in which he protects his own Confidential Information, and shall similarly bind his employees, agents, representatives, successors, contractors or assigns as to such Confidential Information obligations. "Confidential Information" means any information, technical data, or know-how relating to a party's business, research, products, software, services, development, inventions, processes, engineering, marketing, techniques, pricing, internal procedures, business, and marketing plans and business opportunities. Notwithstanding the foregoing, Confidential Information does not include information, technical data or know-how that: (i) Consultant can prove through written documentation was in his or her possession prior to the time of disclosure; (ii) becomes part of the public knowledge not as a result of any action or inaction of Consultant; (iii) is disclosed to Consultant by a third party not in violation of any obligation of confidentiality; or (iv) is independently developed by Consultant without reference to or use of any Confidential Information, which can be proven through written documentation.

VII. Noncompete

For the term of this Agreement, the Consultant shall not represent any entity on an issue that would be in conflict with the best interest of the Client, without approval of the Client. It is understood that the consultant has other clients. Representing other clients on issues that are not directly adversarial to the Client is not considered a conflict of interest.

VIII. Assignment

The Services to be performed by consultant hereunder are personal in nature, and Client has engaged Consultant because of Consultant's expertise relating to such Services. Consultant, therefore, agrees that it will not assign, sell, transfer, delegate or otherwise dispose of this Agreement or any right, duty or obligation under this Agreement without the Client's prior written consent. Nothing in this Agreement shall prevent the assignment by the Client of this Agreement or any right, duty or obligation hereunder to any third party.

IX. General

This Agreement may be signed using one or more counterparts, each of which when signed shall be deemed to be an original and all of which when taken together shall constitute one and the same agreement. A faxed or scanned and electronically transmitted facsimile of a signature-bearing page will be conclusive evidence of execution and delivery. This Agreement will be governed by, enforced in and interpreted according to the laws of the State of Utah, and the parties consent to exclusive jurisdiction in the state or federal courts of Utah. The parties expressly waive any right to a trial by jury. This Agreement does not create any joint venture, partnership, employment relationship or other agency relationship between the parties.

IN WITNESS WHEREOF, the parties have made an executed this Consulting Agreement on the date first entered above.

CONSULTANT

CLIENT

Hemmco, LLC

By: _____
Dan Hemmert, Partner

By: _____
Name: _____
Title: _____

1 PERRY CITY COUNCIL MEETING

2 PERRY CITY OFFICES

3 April 11, 2024

7:00 PM

6 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council
7 Member Nathan Tueller, Council Member Blake Ostler, Council
8 Member Dave Walker, Council Member Toby Wright, and Council
9 Member Ashley Young

10 OFFICIALS ABSENT:

12 CITY STAFF PRESENT: Bob Barnhill, City Administrator
13 Shanna Johnson, City Recorder
14 Scott Hancy, Chief of Police
15 Bill Morris, City Attorney
16 Misty Moesser, First Responders - Emergency Medical Services

17 OTHERS PRESENT:

19 ON-LINE: Nelson Phillips (BENJ)

21 **ITEM 1: CALL TO ORDER**

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

24 **ITEM 2: PROCEDURAL ISSUES**

25 **A. Conflict of Interest Declaration**

26 None.

28 Mayor Jeppsen asked for minimal comments on the budget in this meeting and suggested a work
29 session for further budget discussions. He reminded the council that they will soon need to do their
30 annual tax rate evaluation. He noted that the following is a proposed budget and Council Member
31 Walker said he had ideas for section 5b and that he wants to propose to them to the council.

33 **ITEM 3: PRESENTATION**

34 **A. Fiscal Year 2024-2025 Budget (see attached presentation)**

35 Ms. Johnson presented an overview of the tentative 2025 fiscal year budget where she highlighted
36 the planned key projects. The presentation explained that overall, the proposed operation expenses
37 showed a decrease, the city general fund was healthy, and her recommendation was not to have a
38 tax rate increase in this proposed tentative budget. However, she showed that there was a proposed
39 total increase of \$5.45 to the utility bills for each resident and she explained how they figured the
40 amount needed to maintain the operation and maintenance of the city utility systems.

42 Mayor Jeppsen commented on the capital funds for the gun range improvements and said they came
43 from the gun range budget and joint efforts with the bird refuge (U.S. Fish & Wildlife Service) and
44 Box Elder County.

ITEM 4: ACTION ITEMS (Roll Call Vote)

A. Motion Accepting Receipt of the Fiscal Year 2024-2025 Tentative Budget

There were not any further comments on the budget and a motion was made.

MOTION: Council Member Walker made a motion to approve Accepting Receipt of the Fiscal Year 2024-2025 Tentative Budget. Council Member Tueller 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 5: DISCUSSION ITEMS

A. Conservation Subdivision

The conservation subdivision code was updated, and Mr. Barnhill said that the subdivision and conservation subdivision amendment will follow the state statutes. He said the process will be to have subdivisions approvals by the Planning Commission and not reviewed by the City Council. He commented that council members may continue to be involved with the conservation subdivision process if they have an overlay zone as one of the eligibilities of the development. This requirement to grant a district in the proposed conservation subdivision would cause it to be a legislative item and involve the City Council. He said he would like to propose a conservation subdivision amendment (to include this stipulation) but wanted to know if the council members prefer to be involved or not in the conservation process. The general consensus was that the City Council has continual involvement in the conservation subdivision process.

B. FY2024-2025 Budget Proposals

Mayor Jeppsen asked the department heads to present their budget portion of the proposed fiscal year 2025 budget. Ms. Misty Moesser gave the presentation for the First Responders Department and said that they were requesting a \$7,500 increase from last fiscal year. Personal protective equipment, safety communication equipment, and a life pack monitor were the reasons for the proposed budget increase.

Chief Hancey recounted last year when the police department asked for and was granted another officer. He said that shortly after being hired this officer was called to military duty for one year and just recently was extended an additional eighteen months. Because of this short fall in their department, they are asking for additional overtime pay funds. Also, to be compliant with the Utah State Code Annotated standards he proposed fund allocations to purchase new radio communications. He presented a capital fund project to expand the evidence room in the dock area of the police department. He mentioned that this proposed west side improvement will also correct the condensation issue the lodge has had the past year. For the remainder of the budget presentation, Chief Hancey explained the increases and decreases in particular funds but said that overall, they will be close to their budget. There was a comment about reimbursement to the city from the schools in Perry City to have an officer present at the schools.

New projects or increases within the administration budget were presented by Finance Director, Ms. Johnson. The key items were the purchase of a meeting minutes assistance program, the Worker's Compensation increase, a new vehicle lease, and added funds for professional technical development.

Public Works Director, Zach Allen said the newly approved lawn mowing contract with a larger scope of work began this week. He explained the park fund increase was for a potential grant money match and the capital project to finish Mountain View Park along with other park improvements. He mentioned that the sewer maintenance company contracted by the city went out of business and the bids he received for a replacement company were higher but will offer improved (better) services. Other budget increases were for storm drain ponds, a street analytical system, road repairs, water meter software update, old water meter replacements, and stock of replacement garbage cans. Ms. Johnson commented that she was looking into a new payment system that will integrate with Caselle (our utility and financial system) that might make water monitoring more transparent.

Council Member Young asked for the timeframe of the road and trail projects along 1200 West. Mr. Allen explained there was a delay in starting due to easement issues. He said they are scheduled to start this calendar year and hopefully finish by next spring.

Council Member Walker talked about maintenance, repairs, and the concept plan for the city parks. He proposed that the Park's Equipment & Improvements \$40k fund should double or increase to \$100k and then he requested support from the council members. There was a discussion on how they could get the additional funds and Council Member Wright suggested creating a bond for a one-time big master park plan. Council Member Tueller highlighted that the city also needs to have a master maintenance plan to keep them neat and clean after the purchase of big park projects.

ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- March 28, 2024 City Council Meeting Minutes

MOTION: Council Member Wright made a motion to approve the consent minutes. Council Member Walker seconded the motion.

Motion Approved. All Council Members were in favor.

B. Mayor's Reports

Mayor Kevin Jeppsen talked about (repairing) the fence at the gun range and the high-water table in the area but that they will be moving forward with this project soon. He rehearsed what exists around the gun range and noted that he wants to discuss the possibility of developing the east side of the gun range and contemplate if they want to expand this area.

C. Council Reports

Council Member Young reported that the Easter Egg Hunt was a success. She reported that recently Ms. Johnson trained the Youth City Council on budgeting. She said they will be creating and presenting their own budget to the City Council. Council Member Ostler thanked Ms. Johnson for the budget process presentation she gave to the Youth City Council. He mentioned that the \$500 budget request was a basic amount for the Youth City Council to work with, but adjustments may be made.

140
141 **D. Staff Comments**

142 Ms. Johnson said she appreciated the time the council has taken to review the budget. She mentioned
143 that last week she and Ms. Anita Nicholas attended the Utah Municipal Clerk Association (UMCA)
144 institute and academy on-line. A takeaway from the conference was HeyGov which was a writing
145 assistant program that was used to help with the March 28 meeting minutes. She reported that they
146 had their first 4th of July meeting and then requested more volunteers are needed to help with the
147 festivities.

148
149 Ms. Misty Moesser followed up on her presentation and said that the new Life Pack monitor, and
150 pager are \$19k - \$24k. She expressed that these special systems are necessary for total
151 communication and safety of the first responder with each incident or situation.

152
153 **E. Planning Commission Report**

154 None.

155
156 **ITEM 6: EXECUTIVE SESSION**

157 None needed.

158
159 **ITEM 10: ADJOURNMENT**

160 **MOTION:** Council Member Wright made a motion to adjourn the meeting.

161
162 **Motion Approved. All Council Members were in favor.**

163
164 The meeting adjourned at 8:57 p.m.

165
166
167 _____
168 Kevin Jeppsen, Mayor

167 _____
168 Shanna Johnson, City Recorder

169
170
171 _____
172 Anita Nicholas, Deputy Recorder
173

THURSDAY, MAY 9, 2024
PERRY CITY REDEVELOPMENT AGENCY ELECTRONIC MEETING AGENDA

This meeting will be open to the public and also be held online.
“Electronic Meeting” Web/Teleconferencing will be used to participate.

The Perry City Redevelopment Agency will hold an electronic meeting at 1950 S. Highway 89 in Perry and via web/teleconference on the Thursday identified above, starting at approximately 8:00 PM. Go to <https://www.perrycity.org/whats-new.htm.htm> for electronic meeting access instructions. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alterations. Numbers and/or times are estimates of when agenda items will be discussed. The agenda shall be as follows, with every item being a discussion and/or action item, unless otherwise indicated:

Approx. 8:00 PM

1. Call to Order
2. Action Item
 - A. Discussion / Action on Adoption of a Tentative Fiscal Year 2024-2025 Budget for the Perry City Redevelopment Agency in accordance with UCA §10-6-113, and set a public hearing on a proposed final budget.
3. Approx. 8:30 PM - Adjournment
 - A. Motion to Adjourn

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member of the RDA Board and was posted in three locations: the Perry City Offices, Centennial Park, Perry City Park; and was faxed/emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 3rd day of May, 2024. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, RDA Secretary

Tentative Budget Form for: - Association of Governments (AOGs) - Community Development & Renewal Agencies (CDAs) - Military Installation Development Authority	Name	Perry City RDA
	Fiscal Year Ended	30-Jun-25

Basic Form Instructions

- As required by Utah statutes, budget forms submitted must present a balanced budget, meaning budgeted expenditures must equal budgeted revenues.
- If prior year surplus amounts are to be appropriated in this budget, the amount is to be presented as a source of revenue in the budget. Also, any budgeted increase in a fund balance must be presented as an expenditure within the appropriate budget.
- A copy of the final budget should be sent to the State Auditor's Office within 30 days of adoption.**
- Please report amounts rounded to the nearest dollar.
- Some items may not apply to your entity.
- If you have questions about the form contact:
 - Community Development and Renewal Agencies: Jeremy Walker jeremywalker@utah.gov or (801) 538-1040
 - Association of Governments or Military Installation Development Authority: Ryan Roberts ryanroberts@utah.gov or (801) 538-1721
- Upload completed budgets to reporting.auditor.utah.gov.** If you have any questions related to the uploading of your document, please contact Kylie Cone at 801-538-1364 or kccone@utah.gov

Definitions: *Current Budget Year:* The budget year in which a local government is currently operating. *Ensuing Budget Year:* The next upcoming budget year, also known as the "incoming" budget year

Part I Revenues (General Fund or Enterprise Fund, as applicable)

Source of Revenue (a)	Prior Year Actual Revenue (b)	Current Year Estimate (c)	Ensuing Year Approved Budget Appropriation (d)
Taxes			
Property Tax Increment Monies	34,427.00	32,606.00	32,606.00
Sales Tax Increment Monies	157,026.00	157,026.00	157,026.00
Prior Years' Tax Increment - Delinquent			
Other (Specify):	6,287.00		
Intergovernmental Revenue			
Federal Grants and Contracts			
State Grants and Contracts			
State Appropriations			
Loans/Grants from Local Units			
Other (Specify):			
Miscellaneous Revenue			
Interest Earnings			
Rents and Concessions			
Sale of Fixed Assets			
Other (Specify):			
Contributions and Transfers			
Contributions from Other Governmental Units			
Contributions from Private Sources			
Contributions from Fund Balance			
Contributions from Other (Specify):			
Beginning Fund Balance to be Appropriated			
TOTAL REVENUES	\$ 197,740.00	\$ 189,632.00	\$ 189,632.00

CONTINUE ON PAGE 2 WITH PART II

Name Perry City RDA		Fiscal Year Ended 30-Jun-25	
Part II	Expenditures (General Fund or Enterprise Fund, as applicable)		
	Expenditure (a)	Prior Year Actual Exp. (b)	Current Year Estimate (c)
			Ensuing Year Approved Budget Appropriation (d)
	General Government		
	Salaries		
	Governing Board (Board of Directors)		
	Rent		
	Legal Fees		
	Executive and Central Staff		
	Administrative		
	Supplies & Other Materials		
	Professional Services		
	Non-Departmental		
	Other (Specify):		
	Public Health		
	Aging		
	Weatherization		
	RSVP		
	Human Services		
	Nutrition		
	Mental Health		
	Water Quality		
	Food Commodities		
	Community Services Block Grant		
	Social Services Block Grant		
	Other (Specify):		
	Community and Economic Develop.		
	Tourism Promotion		
	Industrial Promotion		
	Economic Development		
	Federal Procurement		
	Other (Specify):		
	Transportation and Public Safety		
	Airports		
	Highways and Streets		
	Other (Specify):		
	Parks, Recreation, and Public Property		
	Parks		
	Swimming Pool		
	Golf Course		
	Recreation and Culture		
	Libraries		
	Other (Specify):		
CONTINUE PART II ON PAGE 3			

Name		Fiscal Year Ended		30-Jun-25
Part II		Expenditures Con't (General Fund or Enterprise Fund, as applicable)		
Expenditure (a)		Prior Year Actual Exp. (b)	Current Year Estimate (c)	Ensuing Year Approved Budget Appropriation (d)
	Redevelopment Activities			
	Relocations, demolition, land acquisitions, infrastructure, improvements, etc.			
	Other (Specify):			
	Miscellaneous			
	Other (Specify): CDA Administration	3500	3000	3000
	Contribution to Debt Service Fund			
	Contribution to Other Government	188,490.00	186,632.00	186,632.00
	Budgeted Increase in Fund Balance	\$ 5,750.00		
	TOTAL EXPENDITURES	\$ 197,740.00	\$ 189,632.00	\$ 189,632.00