

Thursday, May 23, 2024
PERRY CITY COUNCIL MEETING AGENDA
This is an “Electronic Meeting” Web/Teleconferencing will be used to participate.
Contact Perry City 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 provided by Perry City, please contact the city office 48 hours in advance for online meeting access instructions. 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. Ordinance 24-D Amending Multi-Family Dwelling/Apartment Density Map and Subdivision Code
 - B. Discussion/ Action Regarding Proposed Tier 2 Public Safety Retirement Contribution Pick-Up and Tier 2 Non-Public Safety Pay Increase for Employee Retirement Contribution
- 4. Discussion Item**
 - A. Fiscal Year 2025 Tentative Budget
- 5. 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
 - May 9, 2024 City Council Meeting Minutes
 - May 9, RDA Meeting Minutes
 - B. Mayor’s Report
 - C. Council Reports
 - D. Staff Comments
 - E. Planning Commission Report
- 6. 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 on 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.
- 7. 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 17th 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
ORDINANCE 24-D

SUBDIVISIONS AND DENSITY MAP

SUBDIVISION AND MULTI-FAMILY DENSITY MAP AMENDMENTS

WHEREAS, Utah Code Annotated 10-9a authorizes Perry City to regulate the subdividing of land;

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

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. Section "1.03.010 " is hereby amended as follows.

...

HOME PRESCHOOL: A teaching ... as a Home Occupation.

HOUSEHOLD PETS: Animals or ... limitations on household pets.)

IMPROVEMENTS: Work, objects, devices, facilities or utilities required to be constructed or installed in a Subdivision or development. Such improvements may include, but are not limited to, streets, paving, grading, construction to required standards, water systems, sewer systems, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, streetlights, traffic control or safety devices, fire hydrants, and such other facilities or construction as is required by the Subdivision Ordinance, subdivision regulations, or by the Planning Commission and/or City Council and/or the Land Use Authority for the necessary, proper development of a proposed Subdivision or development.

INFRASTRUCTURE: Facilities and services ... fire houses, parks, etc.

INUNDATION: Water of sufficient ... is known as inundation.

...

SECTION 3: Amendment. Section "14.02.080 " is hereby amended as follows.

...

b. Improvements and Infrastructure ... acceptable and in compliance.

Upon acceptance by the ... monies shall be released.

11. Expiration of Funds. If the city holds any development related funds for a period of more than five (5) years, the city shall attempt to contact the developer or Subdivider using the contact information the city has on file. If the developer of Subdivider does not claim the funds within thirty (30) days, the city will transfer the funds into the general fund of the city.

HISTORY

...

SECTION 4: **Amendment.** Section "14.03.010 " is hereby amended as follows.

...

e. Preservation of Natural ... the Preliminary Subdivision Application.

f. Hazards. Land subject ... of the Subdivision.

5. Subdivisions shall conform to all local, state, and federal laws. Subdivisions shall not infringe on the rights of adjacent property owners and/or other entities affected by the Subdivision.

HISTORY

...

SECTION 5: **Amendment.** Section "14.04.020 " is hereby amended as follows.

Poorly-drawn, incomplete, or illegible engineering and design drawings is cause for denial. All drawings shall be clear, legible, understandable, and free from errors and omissions. All drawings shall be drawn to a scale not less than one inch (1") equals one hundred feet (100'), and shall indicate the basis of bearings, true north, the name of the Subdivision, township, range, section, and quarter section, and Lot numbers of the Subdivision. The Land Use Authority may waive certain informational and design requirements when they clearly do not apply and are irrelevant to a proposed Subdivision. Design and engineering drawings and documents shall include information sufficient to show compliance with all applicable requirements of the PMC, Public Works Standards, and the following:

1. The location of ... reserved for future development;
2. The location, width ... Structures within the tract;

...

SECTION 6: **Amendment.** Section "15.06.010 " is hereby amended as follows.

...

a. For the purposes ... include Accessory Dwelling Units.

b. Multi-family Dwelling and ... Conditions, Covenants, and Restrictions.

c. Multi-family Dwellings in the NC2 zoning district are permitted only when the development includes commercial development with the commercial building footprint being at least twenty five (25%) of the building footprints of the Multi-family Dwellings.

18. Towers: See Chapter ... Miscellaneous Infrastructure of PMC.

19. Urban Livestock:

...

SECTION 7: **Amendment.** Section "15.07.010 " is hereby amended as follows.

...
The territory of the ... Recreation (REC) Zones, respectively.

...

Row	R1/3	LOW DENSITY RESIDENTIAL
Row	R2	MEDIUM DENSITY RESIDENTIAL
Row	CS	CONSERVATION SUBDIVISION OVERLAY
Row	C	COMMERCIAL
Row	C1	COMMERCIAL

...

SECTION 8: Amendment. Section "15.07.110 " is hereby amended as follows.

- ...
- b. 25 feet, plus ... feet above grade; and
 - c. Any measurement is ... to the residential property.

8. Setbacks shall be measured to the foundation of the structure and will not be measured to eaves or roof overhangs. Attached porches, decks, landings, and other similar features shall comply with the setbacks requirements of this section unless they meet the definition and requirements for Allowable Features found in Utah Code 10-9a-538 or its successor statute.

HISTORY

...

SECTION 9: Amendment. Section "15.07.130 " is hereby amended as follows.

15.07.130.2 Applicability

The election to apply and develop property as a Conservation Subdivision is voluntary and provided to developers as an alternative to development of property as a Conventional Subdivision pursuant to other applicable provisions of this Title. The intent of this Section and the Conservation Subdivision options is to encourage the creation and development of flexibly designed open-space subdivisions. Conservation Subdivisions may be developed within applicable agricultural and residential zones of the City which have also obtained the Conservation Subdivision Overlay Zone. Conservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this Section and with all other applicable subdivision ordinances and zoning regulations of the City that are not otherwise in conflict with the provisions of this Section.

...

15.07.130.5 Approval Process

Properties must first receive the Conservation Subdivision Overlay Zone prior to applying for a Conservation Subdivision. Applications for a Conservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinances set forth in PMC Titles 14 and 15, including submission and approval of a Conservation Subdivision Plan (Subsection 15.07.130.10), preliminary and final plans or plats, and any additional procedural requirements set forth in this Section, including, but not limited to, submission of a Sensitive Area Designation Plan (Subsection 15.07.130.8), a Conventional Subdivision Plan (see Subsection 15.07.130.9), and a Maintenance Plan (Subsection 15.07.130.16), and the creation of a Special Assessment Area for each Conservation Subdivision (Subsection 15.07.130.16).

~~The Planning Commission shall consider all applications for Conservation Subdivisions and prepare a recommendation to the City Council in accordance with PMC Title 15 and the Municipal Land Use Development and Management Act as set forth in State Code.~~

...

15.07.130.6 Recording Of Plat

Prior to the recordation of the subdivision plat ~~approved by Perry City Council~~, the owner(s) must submit for approval and City Council adoption the creation of a Special Assessment Area for the affected subdivision when such Special Assessment Area was required as part of the Subdivision approval. The purpose of the creation of the Special Assessment is to allow the City to assess sufficient properties and collect monies for the maintenance and improvement of the public area created by the subdivision pursuant to the provisions of the PMC and Chapter 11-42-101 et.seq. Utah Code.

...

15.07.130.7 Waiver

Subject to the provisions set forth herein, any provision of this Section (15.07.130) may be waived by the City upon a majority vote of the City Council. Such waiver approval shall be granted as part of the legislative zoning approval for the Conservation Subdivision Overlay Zone. The applicant may return to City Council with a petition to amend their zoning decision to include or modify a waiver as needed. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Section. Any waiver of the required minimum Conservation Land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.

A waiver shall not ... permitted by this Section.

Good cause as referenced ... to, the following standards:

...

SECTION 10: Amendment. Section "15.18.060 " is hereby amended as follows.

...

Row	
Commercial Zones	15%
Row	
Industrial Zones	10%

Note: Minimum Landscaped Area Requirements shall be a percentage of the gross development area including public roads within the Subdivision boundary.

Plant Material Requirements:

...

SECTION 11: Amendment. Section "15.19.050 " is hereby amended as follows.

...

Row	
Apartments	2 Stalls Per Unit
Row	
Mobile Home Court	2 Stalls Per Unit

Note: The following requirements must be met in order for garage parking to count towards these minimum requirements:

1. For a two (2) car garage:

a. The layout shall be two (2) stalls wide, not two (2) stalls deep.

b. The garage door shall be a minimum width of sixteen (16) feet.

2. The dimensions inside the garage for each stall shall be at least ten (10) feet wide and twenty two (22) feet long as measured to the inside of the finished interior walls.

HISTORY

...

SECTION 12: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 13: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

PASSED AND ADOPTED by Perry City Council this _____.

KEVIN JEPPSEN, Mayor
Perry City

Attest:

SHANNA JOHNSON, City Recorder
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	_____	_____	_____	_____
Toby Wright	_____	_____	_____	_____
Blake Ostler	_____	_____	_____	_____
Ashley Young	_____	_____	_____	_____
Dave Walker	_____	_____	_____	_____

RECORDED this _____.
PUBLISHED OR POSTED this _____.

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 certifies that the foregoing Amendment was duly passed and published or posted at:

- 1. City Hall
- 2. Perry City Website
- 3. Utah Public Notice Website

on the above referenced dates.

SHANNA JOHNSON, City Recorder
Perry City

1 PERRY CITY COUNCIL MEETING

2 PERRY CITY OFFICES

3 May 9, 2024

7:00 PM

4
5
6 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council
7 Member Nathan Tueller (on-line), Council Member Blake Ostler,
8 Council Member Toby Wright, and Council Member Ashley Young
9

10 OFFICIALS ABSENT: Council Member Dave Walker

11
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 Zach Allen, Public Works Director
17

18 OTHERS PRESENT: Sam McMurdie

19
20 ON-LINE: Nelson Phillips (BENJ) and Melanie Barnhill
21

22 **ITEM 1: CALL TO ORDER**

23 Mayor Jeppsen welcomed everyone and called the City Council meeting to order.
24

25 **ITEM 2: PROCEDURAL ISSUES**

26 **A. Conflict of Interest Declaration**

27 None.
28

29 **ITEM 3: PRESENTATION**

30 **A. Meet County Commission Candidate Sam McMurdie**

31 Sam McMurdie introduced himself and said he was running for County Commissioner then
32 distributed flyers to the council members and attendees.
33

34 **ITEM 4: ACTION ITEMS (Roll Call Vote)**

35 **A. Resolution 2024-08 Approving a Consulting Contract with Hemmco, LLC**

36 There was an inquiry by Council Member Wright for clarification on the cost of services as listed in
37 the contract, which referred to the monthly fee reducing from \$8,000 to \$4,000 and Mr. Barnhill
38 explained it meant if both consultants do not provide services, then the monthly cost will be
39 reduced. There were not any further comments on the action item and a motion was made.
40

41 **MOTION:** Council Member Wight made a motion to approve Resolution 2024-08 the
42 Hemmco, LLC contract. Council Member Young seconded the motion.
43
44
45

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

Motion Approved. 4 Yes, 0 No

ITEM 5: DISCUSSION ITEMS

A. Fiscal Year 2024 Budget Update (see budget update slides)

A budget update report for fiscal year 2024 through March was presented by Ms. Johnson. She advised that 75% of the fiscal year has elapsed and 60% of General Fund revenue shows as collected. She noted that a \$1.7 million reimbursement was just received for corridor preservation so this percentage will increase on the next budget update. She reported that 68% of Utility Fund Revenues have been collected and stated that the Sewer Fund has received 69% of its revenues. She noted that the City has collected 95% of non-operating revenues (comprised of impact and connection fees).

Ms. Johnson reviewed expenses stating that the General Fund has spent 64.7% of its budget. She reported that 54.7% of the Utility Enterprise Funds show expended and the Sewer Fund has spent 61% of its budget.

Ms. Johnson reported sales tax received through the month of April came in 12.76% higher than April 2023 and 4.97% higher year to date (YTD) when compared to the same period (September-April) in the prior year. She reviewed that Mass Transit Tax collected in April was 11.22% higher than April 2023 and 6.51% higher YTD as compared to the prior year.

Ms. Johnson reviewed highlights stating that all departments are projected to end the year within budget and sales tax is coming in higher than the prior year. However, it is projected that the city will receive \$69,820 less than projected for the fiscal year 2024.

B. Fiscal Year 2025 Tentative Budget

Shanna Johnson reviewed changes to the tentative budget since the last meeting and review. She explained that in the tentative budget passed in the last meeting the city had planned to use \$80k in General Fund Balance, but with new budget requests it is projected that the city will need to use \$203,776 in fund balance. She reviewed the additional expenses including a proposal for a 9th Police Officer, contract fees and software improvements She expounded on the additional officer expenses stating that the Police Department was asking for an additional officer because one of their current officers was on a two-year military leave. For them this proposed increase in staff will relieve scheduling issues, overtime hour demands avoiding burnout, and staff turnover. Another impact to Fund Balance was the Hemmco LLC contract which increased the professional technical budget from \$35k to \$134k. For better accounts receivable tracking she said administration (staff) is proposing to add the Account Receivable module to the Caselle (Perry City accounting and utility) software system. She noted that the initial set up cost will be \$5,250 and then will require a monthly support fee of \$138.33. As a closing note of the presentation, she mentioned the city's unrestricted general fund balance will be at 27%.

There was further discussion about the feasibility of getting another officer and Chief Hancey responded that the market was very competitive, yet he was optimistic. The council members

weighed the option of hiring a ninth officer with eight available to cover shifts and possible outcomes for the additional officer when this military service was over. Ms. Johnson added that for the two years of military leave the only expenses on the eighth officer will be retirement benefits. If a ninth officer gets approved the city would be committed to wage and all benefits, but she said that through attrition, they might not have the ninth officer at the time the officer on leave returns. Chief Hancey highlighted that the officers are currently handling over three to four times more case reports than officers in other agencies and feels that a ninth officer could be needed. Council Member Young commented that the new state legislature asks for more police presence in the school systems. Mayor Jeppsen mentioned that last year they approved the eighth officer.

Ms. Johnson gave a compensation review (see slides). She reviewed the compensation tools the city has been using including market, performance and cost of living increases and reviewed where our employees are in comparison to other agencies in the Bear River (BRAG) market area. She noted that we started in our efforts to improve compensation in 2018 and employees were being paid on average \$0.86 on the dollar when compared to the BRAG market. We are currently at \$0.984 and with the proposed increases the employees will be at 105% of the market on average. She reviewed Utah Retirement Services (URS) changes stating that Tier 2 rates have increased this year, requiring non-public safety employees to pay 0.7% toward their pensions, which the legislature will not allow the employers to pick up. The increase also requires the employee portion for public safety to increase from 2.59% to 4.73%. She noted that the city currently picks up 2.59% for public safety, the council will need to decide if they want to pick up the additional 1.64%. She said that the budget proposal includes picking up the additional for public safety and includes a 0.7% pay increase for Tier 2 non-public safety employees to help offset their new costs. She stated that in the past the City has provided a Tier 2 to Tier 1 401K contribution that would be reduced to cover these offsets, creating a net zero change in retirement costs for the city. She cautioned that if the 0.7% increase and additional pickup is approved it cannot be reversed in the future. However, we could further reduce the pick-up contribution made to 401K.

The council said that they would like some time to research and further understand the retirement issue.

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

A. Approval of Consent Items

- April 11, 2024 City Council Meeting Minutes

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

Motion Approved. All Council Members were in favor.

B. Mayor's Reports

Mayor Kevin Jeppsen reported that he met with the military/security police from Hill Air Force Base who are looking for a gun range training facility to partner with and provide this service. He also reported that the area in and round the gun range has invasive weeds and he was working with a representative at a federal agency that provides funding to be applied for the cost to control these noxious weeds.

138 **C. Council Reports**

139 Council Member Young reported that the Youth Council and Public Works did a service project at
140 Anderson Park. She also commented that they are starting to work on the Fourth of July (activities).
141

142 **D. Staff Comments**

143 Mr. Allen said they had great success with the Youth Council service project at the Anderson park
144 and they (Public Works Department) appreciated the help from the youth members.
145

146 **E. Planning Commission Report**

147 None.
148

149 **ITEM 6: EXECUTIVE SESSION**

150 None needed.
151

152 **ITEM 10: ADJOURNMENT**

153 **MOTION:** Council Member Wright made a motion to adjourn the meeting.
154

155 **Motion Approved. All Council Members were in favor.**
156

157 The meeting adjourned at 8:00 p.m.
158
159

160 _____
161 Kevin Jeppsen, Mayor
162

Shanna Johnson, City Recorder
163
164

165 _____
166 Anita Nicholas, Deputy Recorder

1 PERRY CITY REDEVELOPMENT AGENCY MEETING

2 PERRY CITY OFFICES

3 May 9, 2024

8:00 PM

4
5 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Board
6 Member Toby Wright, Board Member Blake Ostler, and Board
7 Member Ashley Young
8

9 OFFICIALS ABSENT: Board Member Tueller and Board Member Dave Walker

10
11 CITY STAFF PRESENT: Robert Barnhill, City Administrator, Shanna Johnson, City Recorder
12

13 OTHERS PRESENT:
14

15 **ITEM 1: Welcome to Order and Welcome**

16 Mayor Jeppsen called the meeting to order.
17

18 **ACTION ITEM 2:**

- 19 **A. Discussion / Action on Adoption of a Tentative Fiscal Year 2024-2025 Budget for the**
20 **Perry City Redevelopment Agency in accordance with UCA §10-6-113, and set a public**
21 **hearing on a proposed final budget.**

22 Ms. Johnson said the Redevelopment Agency (RDA) was (set-up) so the city may get tax increment
23 money and sales tax from Point Perry. There are agreements with the county and the city for that
24 area and the tentative budget shows what they project to get this fiscal year. She pointed out the
25 reduction in revenue and explained it was because the county percentage of tax increment will be
26 lower in fiscal year 2025 based on the agreement that was signed by them. She reminded the board
27 members that they may keep the money in the fund and incentivize development at Point Perry or
28 this can be returned back to the city to help make the city whole for bond payments the city made
29 when the developer defaulted. She noted that the budget proposal shows that the collected revenue
30 will be contributed back to the City. Council Member Ostler asked how long the tax increment
31 pledges are in effect. Ms. Johnson said she would have to refer to the Point Perry RDA report which
32 will provide that additional information. and how the city will be made whole. She noted that the
33 sale of land in the development area is considered a return on investment and the agreement allows
34 the increment to be used to make the city whole.
35

36 Board Member Ostler asked if the Hertiage Dodge Auto Dealership (being built in that area) sales tax
37 was added to this tentative budget and Ms. Johnson said they were not.
38

39 **MOTION:** Board Member Wright made a motion to approve the Tentative Budget 2024-2025
40 and set a public hearing for June 27. Board Member Ostler seconded the motion.
41

42 **ROLL CALL:** Board Member Young, Yes
43 Board Member Ostler, Yes
44 Board Member Wright, Yes
45 Board Member Walker, Absent

Board Member Tueller, Absent

Motion Approved. 3 Yes, 0 No

ADJOURNMENT

MOTION: Board Member Wright motioned to adjourn the meeting.

Motion Approved. All Board Members were in favor.

The meeting adjourned at 8:08 p.m.

Shanna Johnson, City Recorder

Kevin Jeppsen, Mayor

Anita Nicholas, Deputy Recorder