



PERRY CITY COUNCIL MEETING AGENDA

Thursday, October 24, 2024

City Council Chambers, 1950 South Highway 89 (south entrance)

To view Zoom live meeting visit:

<http://www.perrycityut.gov/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. Ordinance 24-H Amending Multi-Family Dwelling/Apartment Density Map & Subdivision Code
 - B. Ordinance 24-J Amending IC Zone and Density Map
- 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
 - October 10, 2024 City Council 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 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.
- 6. Approx. 8:30 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 October, 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

Staff Report

October 24, 2024

Perry City Council



Ordinance 24-H

Summary

Planning Commission has been discussing many ideas and issues related to multi-family housing in the city. It is anticipated that these discussions and proposals will continue, especially after more developments are completed and can be toured and inspected as a complete and finished project.

The proposal involved in this amendment is twofold:

1. Remove multi-family dwellings from the NC2 zone in order to preserve the limited remaining properties that could be viable for commercial development and to take some time to assess any issues with the developments that have been approved and are under construction.
2. Address concerns generally with the heights of townhomes both on the highway and throughout the city. Due to the form of most townhomes Planning Commission felt there is a greater impact from a townhome structure at 35' than a single family home at a similar height. Townhome buildings will have multiple units attached and will often have straight vertical walls while a single family home will often have architectural features that breakup the height.

A public hearing was held, and the ordinance was unanimously recommended for approval. No public comments were received.

[illegible]

Row	Residential: Multi-family Dwelling Units17			P	P	P	P	P	P			
		P										
Row	Residential: Single-family	P	P	P	P	P	P	P	P	P		
Row	Retail8										P	P
	P	P		P	P							

...

SECTION 3: Amendment. Section "15.07.110 " is hereby amended as follows.

...

c. Any measurement is ... to the residential property.

8. Setbacks shall be ... its successor statute.

9. Height shall be measured from the highest point of the structure to the lowest adjacent grade.

a. NC2 and NC3 Zones: The height for structures constructed on the east side of highway 89 and within fifty feet (50) of highway 89 shall be measured from the highest point of the building to the adjacent crown of the road in Highway 89.

b. Multi-family Dwellings not located in a commercial zone shall be limited to thirty (30) feet in height.

HISTORY

...

SECTION 4: 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 5: 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****

DRAFT

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

October 24, 2024
Perry City Council



Summary

This is legislative decision that will amend our municipal code. A copy of the proposed development plan is included in this packet, however it is for reference only and no decisions are being made regarding the development specifically. If this ordinance is approved it would allow the property owner the opportunity to submit a new development plan for consideration.

The petitioner/developer asked that the numbers originally presented at PC be adjusted slightly as their current plans are conceptual and building locations are likely to change to some extent. The proposed numbers were rounded up to accommodate some flexibility in their conceptual layout.

[illegible]

ZONING AMENDMENTS

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

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

...
Uses not shown in ... similar use is permitted.

[illegible]

Row	Residential: Multi-family Dwelling Units1			P	P	P	P	P	P			
P	P											
Row	Residential: Single-family	P	P	P	P	P	P	P	P	P		
Row	Retail 8										P	P
P	P			P	P							

SECTION 3: The Multi-family Dwelling and Apartment Density Map found in 15.06.010 #17 shall be amended as shown in Exhibit A.

SECTION 4: 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 5: 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 _____.

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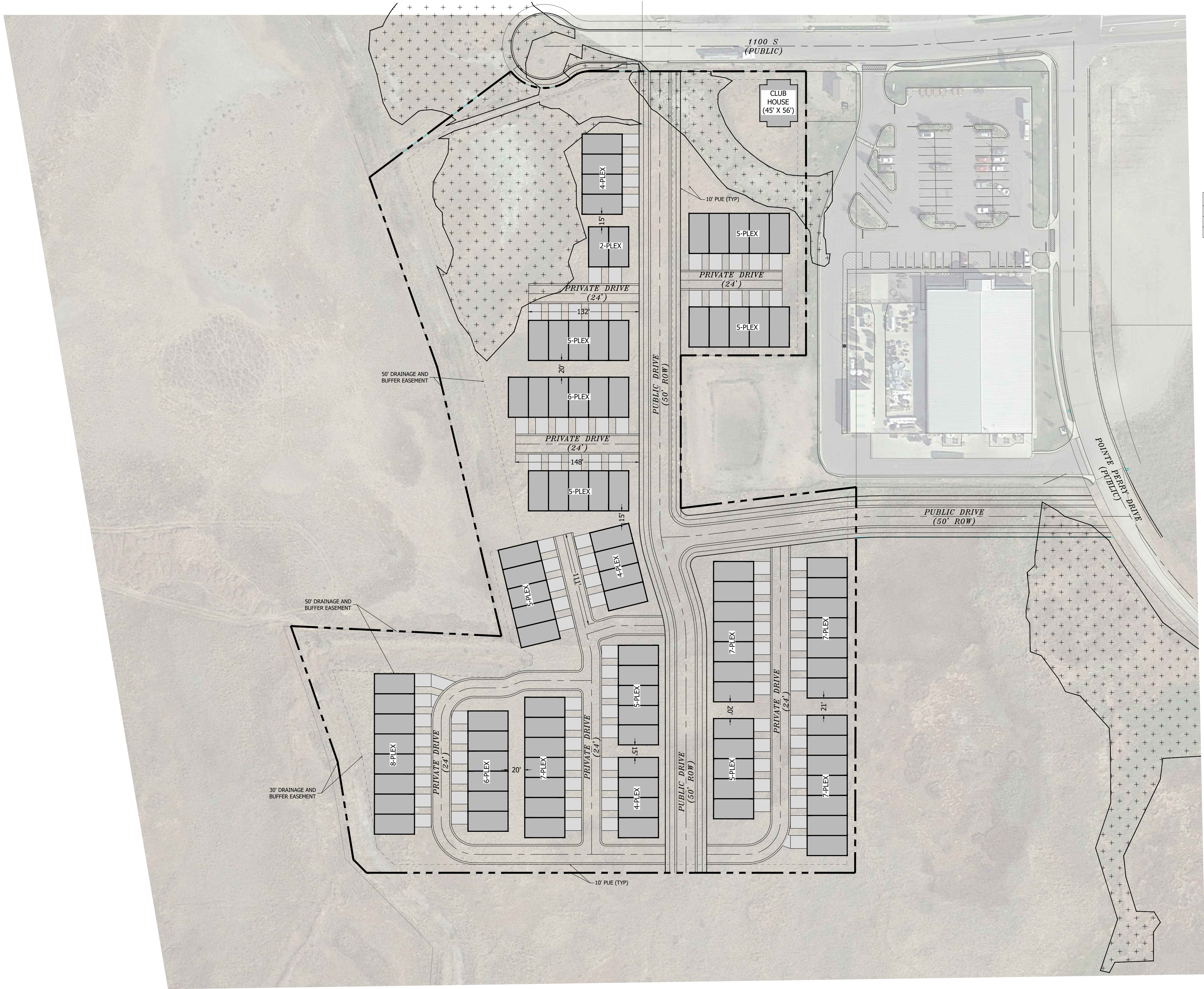
- 1. City Hall
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on the above referenced dates.

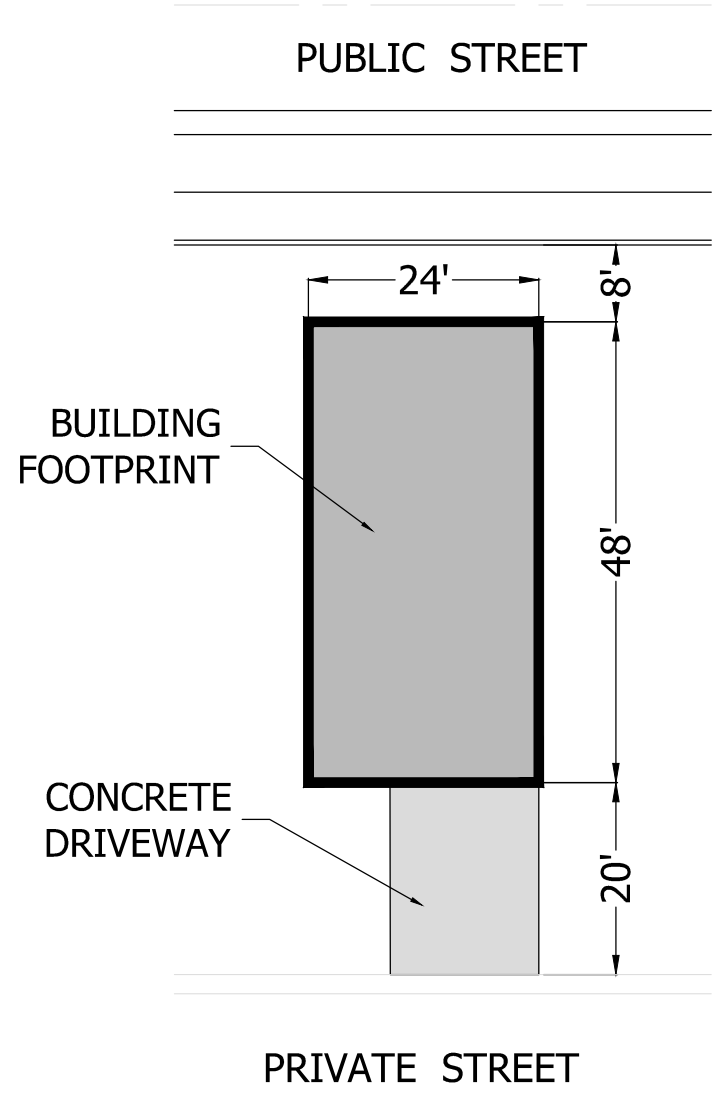
SHANNA JOHNSON, City Recorder
Perry City

EXHIBIT A





PROJECT TABULATION TABLE	
PARCEL NUMBERS:	03-155-0065, 03-236-0038
TOTAL AREA:	10.50 ACRES
PROPOSED TOWNHOME UNITS:	97



- PROJECT NOTES / LEGEND:
- 1) PROPERTY BOUNDARY DRAWN BY ROUGH DIMENSIONS ONLY. SURVEY RECOMMENDED FOR ACCURACY.
- PROPERTY BOUNDARY LINE
 - EASEMENT LINE
 - SETBACK LINE
 - UTIL
 - EXISTING UTILITY / FEATURE LINE
 - PROPOSED UTILITY / FEATURE LINE
 - PROPOSED CONCRETE
 - PROPOSED BUILDING
 - EXISTING WETLAND AREA
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - PARKING STALL COUNT

NORTH

0 30 60 120 180

DRAWING SCALE (SHEET SIZE 24"X36"): 1" = 60'

APEX
Engineering of Utah, Inc.
661 NORTH MAIN STREET SPANISH FORK, UT
apex20.com 801-796-2277

REVISIONS		
MARK	DATE	REMARKS
1	-	-
BEAR RIVER LANDING CONCEPT D.DWG 8/12/24 6:34 PM		
PROJECT:		
BEAR RIVER LANDING		
LOCATION:		
PERRY, UT		
SUBMITTAL TYPE:		
CONCEPT		
SHEET:		DRAWING:
CONCEPT PLAN		C-0

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
October 10, 2024

7:06 PM

OFFICIALS PRESENT: Mayor Kevin Jepps (presided and conducted the meeting), Council Member Nathan Tueller, Council Member Blake Ostler, Council Member Dave Walker, and Council Member Toby Wright

OFFICIALS ABSENT: Council Member Ashley Young

CITY STAFF PRESENT: Shanna Johnson, City Recorder/Finance & H.R. Director
Bill Morris, City Attorney (online)

OTHERS PRESENT: None

ON-LINE: None

ITEM 1: CALL TO ORDER

Mayor Jepps welcomed the attendees 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. Resolution 2024-16 Interlocal for Building Inspectors

Mayor Jepps introduced the action item concerning Resolution 2024-16, detailing the interlocal agreement for building inspectors, in which the arrangement reciprocates backup inspector services between Perry City, Brigham City, Hyde Park, and Box Elder County. This mutual aid agreement is intended to comply with state legislation that requires cities to have building inspection backups for availability to developers. Council Member Ostler raised concerns about understanding the background specifics of the agreement and queried the stipulations arising from new state laws related to inspections. The Council discussed adding a Memorandum of Understanding (MOU) to clarify the terms of the agreement.

Due to technical difficulties, Ms. Johnson relayed messages from City Attorney, Bill Morris, to the Council.

Ms. Johnson provided clarification that state legislation mandates cities maintain three backups, prompting Perry to establish this mutual agreement. A discussion was held concerning financial considerations for additional inspection hours, with council members noting need for clarification on billing for work exceeding allocated hours (8 hours per city, per month) and whether travel is included in that time.

Council Member Ostler examined procedural aspects about welcoming new participants to the mutual agreement and discussed approval process differences involving governing committees and building officials. Mr. Morris responded that the City Council would be able to revoke decisions made by building officials if they felt inclined to. Council Member Ostler inquired whether there needed to be a way to address professional performance issues. Mr. Morris said that that was not something typically included in a MOU, and he reminded the Council that they would have revocation power. He also informed the Council that they can add an amendment to the agreement when the agreement is reviewed in 5 years. The discussion closed with the agreement that Mr. Morris would write up a MOU to accompany the agreement including clarification of the term, the effective date, that travel is included in the inspection time, and who would be responsible for penalties and fees.

MOTION: Council Member Walker made a motion to approve Resolution 2024-16 Interlocal for Building Inspectors with the Memorandum of Understanding (MOU). Council Member Tueller seconded the motion.

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

Motion Approved. 4 Yes, 0 No

ITEM 4: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- September 26, 2024 City Council Meeting Minutes

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

Motion Approved. All Council Members were in favor.

B. Mayor's Reports

Mayor Jeppsen reported that the city was approved for a CIB (Community Impact Board) Grant, noting that this was for \$20,000 of which the city would need to match. He shared that it could go up to \$50,000 if the city matches it. The money will go toward the General Plan for parks.

He also reported on a meeting that he attended at Hill Air Force Base (HAFB) about the Three Mile Creek Gun Range. He shared that they have been good to work with and have been very respectful with their use of the range. He reported that they should be finalizing their contract

at the end of October. He mentioned that HAFB asked to put a storage container at the range, and it was placed on October 9th.

C. Council Reports

Council Member Walker reported that they received official proposals from 2 trail designers for the Mountain View Bike and they had been sent to the Advisory Council and the City Administrator. He offered access to anybody that wanted to view the proposals. He noted that a decision will be made within the next 2 weeks to allow time for preparations to be completed for the grant application procedure in January.

Council Member Wright reported on the Box Elder Summit, organized by Bear River Association of Governments (BRAG) that he attended at the end of September. He shared some interesting data and noted that the meeting was very informative, and he felt that it would be beneficial to continue attending these kinds of meetings.

D. Staff Comments

Ms. Johnson reminded the Council of the upcoming Trunk or Treat.

E. Planning Commission Report

None.

ITEM 8: EXECUTIVE SESSION

Not needed.

ITEM 9: ADJOURNMENT

MOTION: Council Member Wright motioned to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:07 p.m.

Kevin Jeppsen, Mayor

Shanna Johnson, City Recorder

Misty Moesser, Deputy Recorder