

THURSDAY, FEBRUARY 27, 2020
PERRY CITY REDEVELOPMENT AGENCY MEETING AGENDA

The Perry City Redevelopment Agency Board will hold its RDA Meeting on Thursday, February 27, 2020 in the City Council Room at 3005 South 1200 West in Perry, starting at approximately 6:30 PM. 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. 6:30 PM

1. Call to Order
2. Action Item
 - A. Resolution 2020-01 Executing an Interlocal Agreement with Brigham City Regarding Management and Operation of the 1100 South Community Development Project Area
 - B. Discussion and/or Action Regarding Financial and Legal Services to Assist with Establishing Tax Increment in the 1100 South Commercial Development Project Area
3. Approx. 6:55 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/mailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 20th day of February, 2020. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, RDA Secretary

INTERLOCAL AGREEMENT for MANAGEMENT and OPERATION of the 1100 SOUTH COMMUNITY DEVELOPMENT PROJECT AREA

THIS INTERLOCAL AGREEMENT is entered into as of this ___ day of _____, 2019, by and between **BRIGHAM CITY**, a political subdivision of the State of Utah; **PERRY CITY**, political subdivision of the State of Utah; the **BRIGHAM CITY REDEVELOPMENT AGENCY**, a political subdivision of the State of Utah (the “**BCRDA**”); and the **PERRY CITY REDEVELOPMENT AGENCY**, a political subdivision of the State of Utah (the “**PCRDA**”). Brigham City and Perry City shall be referred to collectively as the “**Cities**” and BCRDA and PCRDA shall be referred to collectively as the “**Agencies**”.

A. WHEREAS, the Agencies were each created pursuant to the provisions of, and continue to operate under, the Limited Purpose Local Government Entities – Community Reinvestment Agency Act, Title 17C of the Utah Code, and its predecessor statutes (the “**Act**”), and are authorized thereunder to conduct project area development activities within their respective boundaries as contemplated by the Act; and

B. WHEREAS, the Agencies jointly created the 1100 South Community Redevelopment Project Area (the “**Project Area**”) and adopted a community development project area plan for the Project Area (“**the Plan**”) on December 10, 2009, which is incorporated herein by this reference and which includes a map of the Project Area, pursuant to which the Agency desires to encourage, promote, and provide for project area development within the Project Area; and

C. WHEREAS, Section 17C-1-204(1) of the Act allows a city to authorize an adjoining community reinvestment agency to exercise its powers under the Act within all or a portion of said adjoining City pursuant to an interlocal agreement; and

D. WHEREAS, the Cities and the Agencies have negotiated this Agreement to establish the terms and conditions under which the Agencies shall exercise the power granted to them by the Act within the Cities for the purpose of operating and managing the Project Area covering approximately the area shown on **EXHIBIT A** to this Agreement; and

E. WHEREAS, Perry City desires that the BCRDA exercise all powers granted to an agency under the Act in the portions of the Project Area within Brigham City Limits (the “**Brigham City Portion**” or “**BC Portion**”), as allowed by Utah Code § 17C-1-204(1); and

F. WHEREAS, Brigham City desires that the PCRDA exercise all powers granted to an agency under the Act in the portions of the Project Area within Perry City Limits (the “**Perry City Portion**” or “**PC Portion**”), as allowed by Utah Code § 17C-1-204(1); and

G. WHEREAS, the Cities and the Agencies desire that the jointly-created Project Area be managed according to this Agreement and that each Agency generally operate within the boundaries of the community that created it.

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Agency Authority - BCRDA. Pursuant to Utah Code § 17C-1-204(1):

a. Perry City hereby grants to the BCRDA all power and authority necessary to operate, manage, administer, and engage in project area development for the portion of the Project Area within Brigham City Limits.

b. Perry City hereby grants to the BCRDA all power and authority to negotiate with taxing entities regarding the BC Portion and to execute interlocal agreements with said taxing entities for purposes of facilitating project area development within the BC Portion.

c. Perry City further grants to the BCRDA all power and authority that may be reasonably necessary to accomplish the purposes of this resolution.

d. PCRDA shall not receive, or seek to receive, project area funds from the PC Portion without the express written consent of the BCRDA.

2. Agency Authority - PCRDA. Pursuant to Utah Code § 17C-1-204(1):

a. Brigham City hereby grants to the PCRDA all power and authority necessary to operate, manage, administer, and engage in project area development for the portion of the Project Area within Perry City Limits.

b. Brigham City hereby grants to the PCRDA all power and authority to negotiate with taxing entities regarding the PC Portion and to execute interlocal agreements with said taxing entities for purposes of facilitating project area development within the PC Portion.

c. Brigham City further grants to the PCRDA all power and authority that may be reasonably necessary to accomplish the purposes of this resolution.

d. BCRDA shall not receive, or seek to receive, project area funds from the PC Portion without the express written consent of the PCRDA.

3. Joint Actions. The following actions with regard to the Project Area require consent from both Cities and both Agencies, which consent must be in writing:

a. Amendments to the boundaries of the Project Area.

- b. Dissolution of the Project Area.
- c. Amendments to this Agreement.

4. **Agency Funds.** Nothing in this Agreement shall be construed to give either Agency claim to Project Area funds held by the other Agency.

5. **Waivers of Conflicts of Interest; Good Faith.** The Cities and the Agencies recognize that the arrangement contemplated by this Agreement may present various real or perceived conflicts of interest. The Cities and the Agencies hereby waive any such conflicts. In the event that any such conflict arises, the Cities and the Agencies agree to cooperate in good faith to resolve such conflict.

6. **No Third-Party Beneficiary.** Nothing in this Agreement shall create or be read or interpreted to create any rights in or obligations in favor of any person or entity not a party to this Agreement. Except for the parties to this Agreement, no person or entity is an intended third party beneficiary under this Agreement.

7. **Due Diligence.** Each of the Parties acknowledges for itself that it has performed its own review, investigation, and due diligence regarding the relevant facts upon which this Agreement is based, including representations of the Agency concerning the Project and the Project's benefits to the community and to the Parties, and each Party relies upon its own understanding of the relevant law and facts, information, and representations, after having completed its own due diligence and investigation.

8. **Interlocal Cooperation Act.** In satisfaction of the requirements of the Cooperation Act in connection with this Agreement, the Parties agree as follows:

a. This Agreement shall be authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Section 11-13-202.5 of the Cooperation Act.

b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney in behalf of each Party pursuant to and in accordance with the Section 11-13-202.5(3) of the Cooperation Act.

c. A copy of this executed Agreement shall be filed immediately with the keeper of records of each Party pursuant to Section 11-13-209 of the Cooperation Act.

d. The Chair of the BCRDA is hereby designated the administrator for all purposes of the Cooperation Act.

e. The term of this Agreement shall commence on the publication of the notice required by Section 17C-5-205 of the Act and shall continue through the date on which all of each Taxing Entity's Share has been paid to and disbursed by the Agency as provided herein.

f. Following the execution of this Agreement by all Parties, the BCRDA shall cause a notice regarding this Agreement to be published on behalf of all parties in accordance with Section 11-13-219 of the Cooperation Act and Section 17C-5-205 of the Act.

10. **Modification and Amendment.** Any modification of or amendment to any provision contained herein shall be effective only if the modification or amendment is in writing and signed by all Parties. Any oral representation or modification concerning this Agreement shall be of no force or effect.

11. **Further Assurance.** Each of the Parties hereto agrees to cooperate in good faith with the others, to execute and deliver such further documents, to adopt any resolutions, to take any other official action, and to perform such other acts as may be reasonably necessary or appropriate to consummate and carry into effect the transactions contemplated under this Agreement. Further, in the event of any question regarding the calculation or payment of amounts contemplated hereunder, the Parties shall cooperate in good faith to resolve such issue.

12. **Governing Law.** This Agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Utah.

13. **Interpretation.** The terms "include," "includes," "including" when used herein shall be deemed in each case to be followed by the words "without limitation." shall be governed by, and construed and interpreted in accordance with, the laws of the State of Utah.

14. **Severability.** If any provision of this Agreement is held to be invalid or unenforceable by any court of competent jurisdiction or as a result of future legislative action, and if the rights or obligations of any Party hereto under this Agreement will not be materially and adversely affected thereby,

a. such holding or action shall be strictly construed;

b. such provision shall be fully severable;

c. this Agreement shall be construed and enforced as if such provision had never comprised a part hereof;

d. the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the invalid or unenforceable provision or by its severance from this Agreement; and

e. in lieu of such illegal, invalid, or unenforceable provision, the Parties hereto shall use commercially reasonable efforts to negotiate in good faith a substitute, legal, valid, and enforceable provision that most nearly effects the Parties' intent in entering into this Agreement.

15. **Authorization.** Each of the Parties hereto represents and warrants to the other that the warranting Party has taken all steps, including the publication of public notice where necessary, in order to authorize the execution, delivery, and performance of this Agreement by each such Party.

15. **Term.** This Agreement remains in effect until the date on which the Agency dissolves the Project Area pursuant to the Act.

16. **Time of the Essence.** Time is of the essence in the performance of this Agreement.

17. **Incorporation of Recitals.** The recitals set forth above are hereby incorporated by reference as part of this Agreement.

18. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement. Scanned copies of original documents shall be treated as originals.

19. **Incorporation of Exhibits.** Any exhibits to this Agreement are hereby incorporated by reference as part of this Agreement.

ENTERED into as of the day and year first above written.

[Remainder of page intentionally left blank; signature pages follow]

BCRDA:

BRIGHAM CITY REDEVELOPMENT AGENCY

By: _____
Tyler M. Vincent, Chair

Attest:

Christina Boss, Secretary

BRIGHAM CITY:

BRIGHAM CITY, a Utah municipal Corporation

By: _____
Tyler M. Vincent, Mayor

Attest:

Christina Boss, City Recorder

PCRDA:

PERRY CITY REDEVELOPMENT AGENCY

By: _____

Kevin Jeppsen, Chair

Attest:

[REDACTED], Secretary

PERRY CITY:

PERRY CITY, a Utah municipal corporation

By: _____

Kevin Jeppsen, Mayor

Attest:

[REDACTED]

EXHIBIT A

Project Area Map

Thursday, February 27, 2020

PERRY CITY COUNCIL MEETING AGENDA

The Perry City Council will hold a meeting on the Thursday identified above, starting at approximately 7:00 PM, in the City Council Room at 3005 South 1200 West in Perry. 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 Meeting

1. Call to Order and Opening Ceremonies

- A. Thought, Reading or Invocation – Nathan Tueller
- B. Pledge of Allegiance – Esther Montgomery

2. Approx. 7:05 PM Procedural Issues

- A. Conflicts of Interest Declaration(s), If Any
- B. Pass out Warrants to Council Members

3. Approx. 7:10 PM Presentations:

- A. State of the City Address

4. Approx. 7:15 PM – Public Hearing and/or Public Comments (No Vote Needed)

Rules: (1) Please Speak Only Once (Maximum of 3 Minutes) per Agenda Item; (2) Please Speak in a Courteous and Professional Manner; (3) Do Not Speak to Specific Member(s) of the City Council, Staff, or Public (Please Speak to the Mayor or to the Council as a Group); (4) Please Present Possible Solutions for All Problems Identified; (5) No Decision May Be Made During this Meeting if the Item Is Not Specifically on the Agenda (with Action on Public Hearings, if any, later in the Meeting); and (6) Comments must be made in person or in writing (with your name being stated for the record).

- A. Public Comments

5. Approx. 7:20 PM – Action Items (Roll Call Vote)

- A. Approval of Warrants and Warrant Pre-Approvals
- B. Resolution 2020-02 Adopting a Municipal Wastewater Planning Program Annual Report for Year Ending 2019
- C. Ordinance 20-A Application for Zone Change from NC2 to RE ½ for Shanna Ricks at 3555 S Hwy 89; Parcel # 02-037-0027
- D. Ordinance 20-B Application for Zone Change from NC2 to R2 for Rick Scadden at 143 W 1550 S; Parcel # 03-59-0057
- E. Ordinance 20-C Storm Water Regulations
- F. Conditional use Permit for Trailer Sales for Ed and Marie Christensen at 2765 S Hwy 89; Parcels 02-074-0026, 27, 28
- G. Site Plan Application for Leading Tech for Chris Forsyth at 1835 S Hwy 89; Parcel # 03-159-0057

6. Approx. 7:55 PM – 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
 - January 9, 2020 City Council Meeting Minutes
 - January 18, 2020 City Council Retreat Minutes
 - January 23, 2020 City Council Meeting Minutes
- B. Mayor's Report
- C. Council Reports
- D. Staff Comments
- E. Planning Commission Report

7. Approx. 8:25 PM – 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. 8:45 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 20th day of February, 2020. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, Chief Deputy Recorder

Report Criteria:

- Detail report.
- Invoices with totals above \$2000.00 included.
- Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Brigham City Corp.								
6106	Brigham City Corp.	2/04/2020	walmart sales tax	02/03/2020	24,151.19	24,151.19	02/04/2020	
6106	Brigham City Corp.	2/04/2020	interlocal storm water	02/03/2020	117.60	117.60	02/04/2020	
Total Brigham City Corp.:					24,268.79	24,268.79		
Davis & Bott CPA's								
10538	Davis & Bott CPA's	68578	accounting services through Dece	12/31/2019	14,500.00	14,500.00	01/22/2020	
Total Davis & Bott CPA's:					14,500.00	14,500.00		
ProPipe								
11622	ProPipe	6600000805	Sewer Line Cleaning	01/29/2020	5,912.01	5,912.01	02/04/2020	
Total ProPipe:					5,912.01	5,912.01		
Republic Services								
10200	Republic Services	0493-0006343	garbage service	12/31/2019	19,474.42	19,474.42	01/22/2020	
Total Republic Services:					19,474.42	19,474.42		
Rocky Mountain Power								
2501	Rocky Mountain Power	1/30/2020	power bill	01/17/2020	1,685.71	1,685.71	01/30/2020	
2501	Rocky Mountain Power	1/30/2020	power bill	01/17/2020	45.27	45.27	01/30/2020	
2501	Rocky Mountain Power	1/30/2020	power bill	01/17/2020	281.20	281.20	01/30/2020	
2501	Rocky Mountain Power	1/30/2020	power bill	01/17/2020	489.02	489.02	01/30/2020	
2501	Rocky Mountain Power	1/30/2020	power bill	01/17/2020	4,943.80	4,943.80	01/30/2020	
2501	Rocky Mountain Power	2/04/2020	WWTP Power	01/16/2020	4,608.35	4,608.35	02/04/2020	
Total Rocky Mountain Power:					12,053.35	12,053.35		
Staker & Parson Companies								
10168	Staker & Parson Companies	ESTIMATE #1	2019 Street Maintenance Projects	11/14/2019	15,014.75	15,014.75	02/19/2020	
Total Staker & Parson Companies:					15,014.75	15,014.75		
The Bancorp Bank								
12149	The Bancorp Bank	464522	2017 Ford Explorer Police Lease	01/31/2020	6,832.17	6,832.17	02/04/2020	
12149	The Bancorp Bank	464522	2017 Ford Explorer Police Lease	01/31/2020	7,874.18	7,874.18	02/04/2020	
Total The Bancorp Bank:					14,706.35	14,706.35		
William M. Morris P.C.								
10434	William M. Morris P.C.	2/11/2020	City Attorney Services	02/01/2020	1,800.00	1,800.00	02/11/2020	
10434	William M. Morris P.C.	2/11/2020	City Attorney Services	02/01/2020	337.50	337.50	02/11/2020	
10434	William M. Morris P.C.	2/11/2020	City Attorney Services	02/01/2020	112.50	112.50	02/11/2020	
Total William M. Morris P.C.:					2,250.00	2,250.00		
Zions Bank								
11510	Zions Bank	1/30/2020	Utopia	01/23/2020	10,098.27	10,098.27	01/30/2020	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total Zions Bank:					10,098.27	10,098.27		
Grand Totals:					118,277.94	118,277.94		

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Detail report.

Invoices with totals above \$2000.00 included.

Paid and unpaid invoices included.

**PERRY CITY
RESOLUTION 2020-02**

MUNICIPAL WASTEWATER PLANNING PROGRAM

**A RESOLUTION OF PERRY CITY, UTAH, ADOPTING THE MUNICIPAL
WASTEWATER PLANNING PROGRAM**

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

WHEREAS, the City Council is the legislative body of the City;

WHEREAS, the Utah Department of Environmental Quality (DEQ) adopted Rule 317-801 in 2012 which requires the City to implement the Utah Sewer Management Program in accordance with state law;

WHEREAS, the Utah Department of Environmental Quality (DEQ) enforces the Utah Pollutant Discharge Elimination System (UPDES) and provides the City a permit for the same;

WHEREAS, the City has prepared the annual Municipal Wastewater Planning Report (MWPP);

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

Section 1. Review and Adoption.

The City Council has reviewed and hereby adopts the Municipal Wastewater Planning Program for Year Ending 2019, attached hereto as Exhibit “A” and incorporated herein by this reference.

Section 2. UPDES Compliance.

That to the best knowledge of the City Council, the City has taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit as may be applicable to the City.

Section 3. Effective Date

This Resolution is effective immediately upon passage and approval.

PASSED AND ADOPTED by the City Council on this 27th day of February, 2020.

KEVIN JEPPSEN, Mayor

ATTEST:

City Recorder

*Municipal Wastewater Planning Program (MWPP)
Annual Report
for the year ending 2019
PERRY WILLARD REGIONAL WWTP*

Thank you for filling out the requested information. Please let DWQ know when it is approved by the Council.

Please download a copy of your form by clicking "Download PDF" below.

Below is a summary of your responses

[Download PDF](#)

SUBMIT BY APRIL 15, 2020

Are you the person responsible for completing this report for your organization?

Yes

No

This is the current information recorded for your facility:

Facility Name:	PERRY WILLARD REGIONAL WWTP
Contact - First Name:	Jeff
Contact - Last Name:	Hollingsworth
Contact - Title	Plant Manager

Contact - Phone:	801-745-5013
Contact - Email:	hollinja60@gmail.com

Is this information above complete and correct?

Yes

No

Your wastewater system is described as Mechanical Treatment & Financial:

Classification: TREATMENT

Grade: III

(if applicable)

Classification: -

Grade: -

Is this correct?

WARNING: If you select 'no', you will no longer have access to this form upon clicking Save & Continue. DWQ will update the information and contact you again.

Yes

No

Click on a link below to view examples of sections in the survey:
(Your wastewater system is described as Mechanical Treatment & Financial)

[MWPP Collection System.pdf](#)

[MWPP Discharging Lagoon.pdf](#)

[MWPP Financial Evaluation.pdf](#)

[MWPP Mechanical Plant.pdf](#)

[MWPP Non-Discharging Lagoon.pdf](#)

Will multiple people be required to fill out this form?

Yes

No

Please update the information for the person in charge of filling out each section.

	Email ex. john@email.com	Name (first and last)	Notes These notes will be sent in the invite email
Financial Evaluation	shanna.johnson@perrycity.org	Shanna Johnson	
Mechanical	hollinja60@gmail.com	Jeff Hollingsworth	
Review, sign and submit	hollinja60@gmail.com	Jeff Hollingsworth	

Click 'Yes' to send an email to each responsible person with the notes you've included (if any) with a link to the forms and to receive updates

Yes, send the link to this form for the next person to fill out.

Continue filling out the form myself and send the link to others later.

Financial Evaluation Section

Form completed by:

Shanna Johnson

Yes

No

Are sewer revenues maintained in a dedicated purpose enterprise/district account?

Yes

No

Are you collecting 95% or more of your anticipated sewer revenue?

Are Debt Service Reserve Fund⁶ requirements being met?

What was the User Charge¹⁶ for 2019?

622.56

Do you have a water and/or sewer customer assistance program * (CAP)?

Yes

No

Part II: OPERATING REVENUES AND RESERVES

Yes

No

Are property taxes or other assessments applied to the sewer systems¹⁵?

Yes

No

Are sewer revenues¹⁴ sufficient to cover

operations & maintenance costs⁹, and repair & replacement costs¹² (OM&R) at this time?

Are projected sewer revenues sufficient to cover OM&R costs for the *next five years*?

Does the sewer system have sufficient staff to provide proper OM&R?

Has a repair and replacement sinking fund¹³ been established for the sewer system?

Is the repair & replacement sinking fund sufficient to meet anticipated needs?

Part III: CAPITAL IMPROVEMENTS REVENUES AND RESERVES

Yes

No

Are sewer revenues sufficient to cover all costs of current capital improvements³ projects?

Has a Capital Improvements Reserve Fund⁴ been established to provide for anticipated capital improvement projects?

Are projected Capital Improvements Reserve Funds sufficient for the *next five years*?

Are projected Capital Improvements Reserve Funds sufficient for the *next ten years*?

Are projected Capital Improvements Reserve Funds sufficient for the *next twenty years*?

Part IV: FISCAL SUSTAINABILITY REVIEW

Yes

No

Have you completed a Rate Study¹¹ within the

last five years?

Yes

No

Do you charge Impact fees⁸?

2019 Impact Fee =

\$5,250

Yes

No

Have you completed an Impact Fee Study in accordance with UCA 11-36a-3 within the last five years?

Do you maintain a Plan of Operations¹⁰?

Have you updated your Capital Facility Plan² within the last five years?

In what year was the Capital Facility Plan last updated?

2007

Yes

No

Do you use an Asset Management¹ system for your sewer systems?

Yes

No

Do you know the total replacement cost of

your sewer system capital assets?



2019 Replacement Cost =

9,840,448

Do you fund sewer system capital improvements annually with sewer revenues at 2% or more of the total replacement cost?

Yes

No



What is the sewer/treatment system annual asset renewal* cost as a percentage of its total replacement cost?



What is the sewer/treatment system annual asset renewal* cost as a percentage of its total replacement cost?

0

Part V: PROJECTED CAPITAL INVESTMENT COSTS

Cost of projected capital improvements

	Cost Please enter a valid numerical value	Purpose of Improvements		
		Replace/Restore	New Technology	Increase Capacity
2020	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2020 thru 2024	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2025 thru 2029	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2030 thru 2034	0	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cost 0 Please enter a valid

Purpose of Improvements		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Replace/Restore	New	Increase

This is the end of the Financial questions

To the best of my knowledge, the Financial section is completed and accurate.

Yes

This is the end of the Financial section. What would you like to do next?

- This entire section is complete. Send the link to the next person in charge.** *(Once you Save & Continue, you will no longer be able to use the same link to view/edit your responses).*
- I will continue to fill out/review the next section myself.

Mechanical Plant Section

Form completed by:
May Receive Continuing Education /units (CEUs)

Jeffrey A Hollingsworth

Part I: INFLUENT INFORMATION

Please provide the average inluent flow rate and average inluent BOD₅ and TSS loading rates listed below for your facility.

Average Daily Flow
(MGD)

Average Daily BOD₅
Load (lb/day)

Average Daily TSS Load
(lb/day)

Rated Capacity

2.0

3330

3330

Average Daily Flow
(MGD)

Average Daily BOD₅
Load (lb/day)

Average Daily TSS Load
(lb/day)

2019 Average

6.8

1378

1423

Part II: EFFLUENT INFORMATION

How many Notices of Violation (NOVs) did you receive for this facility in the review year?

0

How many days in the past year was there a bypass or overflow of wastewater at the facility due to high flows?

0

Part III: FACILITY AGE

In what year were the following process units constructed, upgraded or renewed?

Note: If a unit process does not apply to your system enter the Evaluation Year under Construction or Upgrade Year.

	Evaluation Year	Construction or Upgrade Year	Age
Headworks	2019	2010	9
Primary Treatment	2019	2010	9
Secondary Treatment	2019	2010	9
Tertiary Treatment			
Solids Handling	2019	2010	9
Disinfection	2019	2010	9
Land			

PART IV: DISCHARGES

How many days in the last year was there a bypass or overflow of wastewater at the facility due to equipment failure?

0

PART V: BIOSOLIDS HANDLING

Biosolids Disposal (check all that apply)

	Yes	No
Landfill	<input type="radio"/>	<input checked="" type="radio"/>
Land Application	<input type="radio"/>	<input checked="" type="radio"/>
Give Away/Other Distribution	<input checked="" type="radio"/>	<input type="radio"/>

Part VI: NEW DEVELOPMENT

Number of new commercial/industrial connections in the last year

0

Number of new residential sewer connections added in the last year

27

2249

Part VII: OPERATOR CERTIFICATION

How many treatment system operators do you employ?

1

State of Utah Administrative Rules requires all public system operators considered to be in Direct Responsible Charge (DRC) to be appropriately certified at least at the Facility's Grade.

List the designated Chief Operator/DRC for the Wastewater Treatment System below:

	Name First and Last Name	Grade	Email Please enter full email address
Chief Operator/DRC	Jeffrey A Hollingsworth	III	hollinja60@gmail.com

List all other Wastewater Treatment System operators with DRC responsibilities in the field, by certification grade, separate names by commas:

	Name separate by comma
SLS ¹⁷ Grade I:	
Treatment Grade I:	
Treatment Grade II:	

Treatment Grade III:	Name
Treatment Grade IV:	separate by comma

List all other Wastewater Treatment System operators by certification grade, separate names by commas:

	Name separate by comma
SLS ¹⁷ Grade I:	
Treatment Grade I:	
Treatment Grade II:	Jason Schmitt
Treatment Grade III:	
Treatment Grade IV:	

Is/are your DRC operator(s) currently certified at the appropriate grade for this facility?

- Yes
- No

Part VIII: FACILITY MAINTENANCE

	Yes	No
Have you implemented a written preventative maintenance program for your treatment system?	<input checked="" type="radio"/>	<input type="radio"/>
Have you updated the treatment system operations and maintenance manual within the past 5 years?	<input checked="" type="radio"/>	<input type="radio"/>

Identify the types of treatment equipment and processes installed at your facility.

	Yes	No
Screens	<input checked="" type="radio"/>	<input type="radio"/>
Grit Removal	<input checked="" type="radio"/>	<input type="radio"/>
Primary Clarifiers	<input type="radio"/>	<input checked="" type="radio"/>
Imhoff Tanks	<input type="radio"/>	<input checked="" type="radio"/>
Fixed Film Reactor	<input checked="" type="radio"/>	<input type="radio"/>
Activated Sludge	<input checked="" type="radio"/>	<input type="radio"/>
Aerobic Suspend Growth Variations	<input type="radio"/>	<input checked="" type="radio"/>
Anaerobic Suspended Growth variations	<input type="radio"/>	<input checked="" type="radio"/>
Physical-chemical systems for organic removal w/o secondary treatment	<input type="radio"/>	<input checked="" type="radio"/>
Physical-chemical systems for organic removal following secondary treatment	<input type="radio"/>	<input checked="" type="radio"/>
Membrane Filtration	<input type="radio"/>	<input checked="" type="radio"/>
Suspended-growth Nitrification and Denitrification	<input type="radio"/>	<input checked="" type="radio"/>
Air Stripping	<input type="radio"/>	<input checked="" type="radio"/>
Phosphorus Removal - Chemical	<input checked="" type="radio"/>	<input type="radio"/>
Phosphorus Removal - Biological	<input type="radio"/>	<input checked="" type="radio"/>
Ion Exchange	<input type="radio"/>	<input checked="" type="radio"/>
Reverse Osmosis	<input type="radio"/>	<input checked="" type="radio"/>
Media Filtration	<input type="radio"/>	<input checked="" type="radio"/>
Dissolved Air Flotation	<input type="radio"/>	<input checked="" type="radio"/>
Micro Screens	<input type="radio"/>	<input checked="" type="radio"/>
Chlorine Disinfection	<input type="radio"/>	<input checked="" type="radio"/>

UV Disinfection

Yes

No

Effluent use/Reuse

This is the end of the Mechanical Plant questions

To the best of my knowledge, the Mechanical Plant section is completed and accurate.

Yes

This is the end of the Mechanical Plant section, what would you like to do next?

This entire section is complete. Send the link to the next person in charge.

- (Once you Save & Continue, you will no longer be able to use the same link to view/edit your responses).*
- I will continue to fill out/review the next section myself.

I have reviewed this report and to the best of my knowledge the information provided in this report is correct.


clear

Has this been adopted by the council? If no, what date will it be presented to the council?

Yes

No

What date will it be presented to the council?

Date format ex. mm/dd/yyyy

02/27/2020

Please log in.

Email

hollinja60@gmail.com

PIN

NOTE: This questionnaire has been compiled for your benefit to assist you in evaluating the technical and financial needs of your wastewater systems. If you received financial assistance from the Water Quality Board, annual submittal of this report is a condition of that assistance. Please answer questions as accurately as possible to give you the best evaluation of your facility. If you need assistance, please send an email to wqinfodata@utah.gov and we will contact you as soon as possible. You may also visit our [Frequently Asked Questions](#) page.

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**PERRY CITY
ORDINANCE 2020-____**

STORM WATER REGULATIONS

AN ORDINANCE OF THE CITY OF PERRY CITY, UTAH, REPEALING, RENUMBERING, AND RE-ENACTING CHAPTER 7.05 TO CHAPTER 7.13 STORM WATER REGULATIONS; ADOPTING CHAPTER 7.15 STORM WATER UTILITY; CHAPTER 7.17 STORM WATER CONSTRUCTION ACTIVITY PERMIT; CHAPTER 7.19 STORM WATER DESIGN AND CONSTRUCTION; ADOPTING REGULATIONS TO COMPLY WITH STATE MANDATES FOR LOW IMPACT DEVELOPMENT STANDARDS; IMPLEMENT A STORM WATER PROGRAM TO COMPLY PHASE II OF THE FEDERAL CLEAN WATER ACT; SEVERABILITY; AND EFFECTIVE DATE.

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

WHEREAS, *Utah Code Annotated* §10-8-84 and §10-8-60 authorizes the City to exercise 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, *Utah Code Annotated* §10-8-13 allows municipalities to regulate conduits, drains, and the like; and

WHEREAS, *Utah Code Annotated* §10-8-38 empowers municipalities to construct, reconstruct, maintain, operate, control, and charge for the use of culverts, drains, catch basins, and all systems and facilities necessary for proper drainage; and

WHEREAS, the City desires to comply with state mandates from low impact development standards by the Utah Department of Environmental Quality;

WHEREAS, the City desires to comply with Phase II of the Federal Clean Water Act;

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

Section 1: Repealer. Chapter 7.05 of the *Perry Municipal Code* is hereby repealed. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Re-enactment and Re-numbered. Chapter 7.05 of the *Perry Municipal Code* is re-enacted and re-numbered as Chapter 7.13 to read as set forth below.

Section 3: **Adoption.** Chapter 7.15 Storm Water Utility; Chapter 7.17 Storm Water Construction Activity Permit; Chapter 7.19 Storm Water Design and Construction of the *Perry Municipal Code* is hereby adopted as set forth below.

Chapter 7.13
Storm Water Regulations

Sections:

- 7.13.010** **Purpose and Findings.**
- 7.13.020** **Applicability.**
- 7.13.030** **Definitions.**
- 7.13.040** **Prohibited Obstructions.**
- 7.13.050** **Prohibited Discharges.**
- 7.13.060** **Prohibited Storage and Debris.**
- 7.13.070** **Best Management Practices.**
- 7.13.080** **Authority to Enter or Inspect.**
- 7.13.090** **Requirement to Monitor and Analyze.**
- 7.13.100** **Damage System.**
- 7.13.110** **Authorized Access.**
- 7.13.120** **Wetlands and Permits.**
- 7.13.130** **Federal and State Compliance.**
- 7.13.140** **Violations and Enforcement.**

7.13.010 **Purpose and Findings.**

1. Purpose. The purpose of the storm water regulations set forth in the municipal code is to comply with Phase II of the Clean Water Act (Act) and the applicable regulations of the Environmental Protection Agency (EPA) and the Utah Department of Environmental Quality (DEQ).
2. Findings. The City Council makes the following findings regarding storm water:
 - a. Facilities. The City operates a storm water system consisting of a network of man-made and natural facilities, structures and conduits, that collect and route storm water runoff.
 - b. Endangerment. Uncontrolled or inadequately controlled storm water runoff endangers public health and safety by causing, among other things: flooding, pollution, property damage, erosion, traffic and emergency response interruption, and impacts the ground water supply.
 - c. Pollution. Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that can damage the integrity of ground waters and receiving waters, including the culinary water supply.
 - d. Impervious surfaces. Developed properties in the City contribute to the storm water system by converting natural ground cover into impervious surfaces.

- e. Maintenance. Developed properties in the City make use of and benefit from the City’s operation and maintenance of the storm water system.
- f. Regulations. The Act, EPA, DEQ, and applicable rules mandate storm water regulations that apply to the City and otherwise.
- g. Operation. Effective maintenance, operation, regulation, and control of the storm water system is necessary for the health, safety, and general welfare of the City, its residents, and its businesses.

7.13.020 Applicability.

The storm water regulations in the municipal code apply to all development one (1) or more acres of land, or any part of a common development plan regardless of the size of any of the individually owned or developed sites.

7.13.030 Definitions.

The following words and phrases shall be defined in the municipal code relating to storm water as follows:

1. “Best Management Practices or BMPs” means a range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMP’s and their effectiveness ratings can be found in the most current version of the Storm Water Management Plan adopted by the City or as otherwise provided.
2. “Catch Basin” means a drain inlet designed to keep out large or obstructive matter.
3. “City” means the geographical boundaries of Perry City, Utah, and also refers to the classification of the jurisdictional area within a municipal separate storm sewer system (MS4).
4. “Common Development Plan” means development that is contiguous to an area where multiple separate distinct construction activities may be taking place at different times or different schedules under an overall plan. For example, if a developer buys a large parcel and subdivides lots, builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures, this would be considered a common development plan. If the land is parceled off or sold, and construction occurs on plots that are less than one (1) acre by separate, independent builders, this activity still would be subject to storm water permitting requirements. The common development plan also applies to other types of land development such as industrial or business parks.
5. “Debris” means any dirt, rock, sand, vegetation, trash, junk, or litter.
6. “Detention Basin” means an area designed to detain peak flows from storm water runoff and to regulate release rates of that water into the storm drainage system, also allowing debris to settle out. Detention basin outlets may also be connected to downstream storm drains. Flows entering detention basins are released via outlet piping.

- a. Regional Detention Basins mean large detention basins owned and maintained by the City.
 - b. Local Detention Basins mean smaller basins typically in a development or subdivision that is constructed by the development or subdivision which, following construction and acceptance, the ownership, operation, and maintenance may either be conveyed and maintained by the City, association, or private owner(s) as determined by the City.
7. “Development” means any man made change to improved or unimproved real estate of any parcel to alter it from its natural condition by site preparation, grading, filling, and/or the construction of improvements or other impervious surfaces. It also includes a site plan, building permit, subdivision, or construction of facilities, buildings, or other structures.
 8. “Director” means the person designated by the City to enforce storm water regulations.
 9. “Disturb” means to alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building, or other construction activity.
 10. “Drain Inlet” means a point of entry into a sump, detention basin, or storm drain system.
 11. “Source Protection Zone” means an area that is protected as a source of culinary or drinking water determined by geo-hydrology and designed to protect groundwater aquifers and well from development or pollution.
 12. “Equivalent Residential Unit or ERU” means the average amount of impervious surface, expressed in square feet, on developed single family residential parcels in the City. One ERU equals 2,800 square feet of impervious surface area.
 13. “Hazardous Material” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to, any hazardous substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
 14. “Illicit Connection” means an unlawful connection of:
 - a. Any drain or conveyance, whether on the surface or subsurface, which may allow an illicit discharge to enter the storm drain system. Examples include, but are not limited to:
 - i. Any conveyance which allows non-storm water discharge such as sewage, processed wastewater, or any other waste water (black or grey) to enter the storm drain system.
 - ii. Any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency.
 - b. Any drain or conveyance connected to or discharging to the storm drain system, which has not been:
 - i. Documented in approved plans, maps, or equivalent records of the City.
 - ii. Otherwise approved in writing by the City.

15. “Illicit Discharge” means any non-storm water discharge to the storm water system. Illicit discharges include both:
 - a. Direct connections, including but not limited to: wastewater piping either mistakenly or deliberately connected to the storm water system.
 - b. Indirect connections, including but not limited to: infiltration into the storm water system or spills collected by drain inlets.
16. “Impervious Surface” means any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rates of flow than the natural surface. Such impervious surfaces include, but are not limited to: roofs, concrete, asphalt, and similar improvements that prevent or impede the natural absorption of water into the soil.
17. “Municipal Separate Storm Sewer System or MS4” means a conveyance or system of conveyances including: road drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.
18. “Percolation” means the ability of a soil to absorb water. Typically measured by a Standard Percolation Test in units of minute per inch.
19. “Person” means any individual, corporation, partnership, association, company, or political body, including any agency of the State of Utah and the United States government.
20. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes, solvents; oil and other automotive fluids, non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, trash, garbage, litter, or other discarded or abandoned objects, articles; and accumulations, that may cause or contribute to pollution such as floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resins); and noxious or offensive matter of any kind.
21. “Redevelopment” means alterations of a property that change the impervious surface on the site more than ten (10) percent.
22. “Retention Basin” means a ground depression area designed to retain flows from storm water runoff, to encourage infiltration into surrounding sub-surface soils, and may include overflow piping. A retention basin allows debris to settle from the storm water discharge and must be periodically cleaned and dredged.
23. “Sanitary Sewer Overflow or SSOs” means a discharge of untreated sanitary wastewater or SSOs.
24. “Storm Drain” means a closed conduit for conducting collected storm water.
25. “Storm Water” means any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.

26. “Storm Water Construction Activity Permit” means a permit issued by the City before any person may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape in the City of one (1) acre or more, or any part of a common development plan. This permit is required in conjunction with a SWPPP.
27. “Storm Water Program” means the overall approach by the City in administering, funding, creating and implementing policies that support the objectives of the Act, EPA, and DEQ relating to storm water management in conjunction with the ongoing maintenance and operation of the storm water system.
28. “Storm Water Pollution Prevention Plan or SWPPP” means the required plan as approved by DEQ and the City before any construction activity occurs as part of a development.
29. “Storm Water System” means the system of conveyances including, but not limited to: sidewalks, road drainage systems, catch basins, detention basins, curbs, gutters, ditches, man-made channels, sumps, and storm drains generally owned and operated by the City or its designee, designed and used for collecting or conveying storm water. The storm water system is also referred to as MS4.
30. “Storm Water Run-off” means water generated by storm water flows over land.
31. “Sump” means a City approved formalized underground structure, surrounded by drain rock, that is used in rare special conditions to collect storm water, which allows the slow release of water into the surrounding sub soil.

7.13.040 Prohibited Obstructions.

1. Unlawful Obstructions. It is unlawful for any person to:
 - a. Obstruct the flow of water in the storm water system.
 - a. Contribute to the obstruction of the flow of water in the storm water system.
 - b. Cover or obstruct any drain inlet.
2. Exemptions. The following obstructions are exempt:
 - a. Street and/or storm water improvement projects authorized by the City.
 - b. Flood control and prevention activities performed by the City.
 - c. Obstructions approved by the City and/or state as part of a SWPPP.
 - d. Obstructions occurring during clean-up periods established by the City.

7.13.050 Prohibited Discharges.

1. Unlawful Discharges. It is unlawful for any person to discharge non-storm water discharges to the MS4 including spills, illicit connections, illegal dumping, and SSOs into the storm sewer system. All SSOs must be reported to the Division of Water Quality and to the MS4s local wastewater treatment facility.
2. Exemption. The following discharges are exempt:
 - a. Water line flushing.
 - b. Landscape irrigation runoff.
 - c. Diverted stream flows.
 - d. Rising ground waters.
 - e. Uncontaminated ground water infiltration.

- f. Uncontaminated pumped ground water.
- g. Discharges from potable water sources.
- h. Foundation drains.
- i. Air conditioning condensation.
- j. Springs.
- k. Water from crawl space pumps.
- l. Footing drains.
- m. Private individual residential car washing.
- n. Flows from riparian habitats and wetlands.
- o. Dechlorinated swimming pool or asthetic pool/pond/fountain discharge.
- p. Residual wash water.
- q. Dechlorinated water reservoir discharge.
- r. Discharges or flows from fire fighting activity.

7.13.060 Prohibited Storage and Debris.

It is unlawful for any person to maintain, store, keep, deposit, or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that may result in the discharge of the pollutant or hazardous material to the storm water system.

7.13.070 Best Management Practices.

Any person connecting to the storm water system, developing a parcel of one (1) acre or more, or developing a common development plan shall employ the appropriate BMPs as adopted by the City. The BMPs may be structural and/or non-structural, depending on the needs of the site. The BMPs employed shall be designed to ensure that the quality and quantity of storm water released to the storm water system meets the requirements of applicable law and the City's NPDES permit. Design shall ensure that the development shall not exceed the designed capacity of the storm water system or jeopardize the integrity of the storm water system.

7.13.080 Authority to Enter or Inspect.

1. Access. The director may enter all private properties for the purposes of inspecting, observing, measuring, sampling, repairing, or maintaining any portion of the storm water facilities lying within an actual or prescriptive easement. The director shall perform other duties necessary for the proper operation of the storm water system. All entry and maintenance shall be completed according to any special terms of any easement.
2. Inspections. Whenever necessary to make an inspection to enforce any provision of the municipal code, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of the municipal code, the City may direct its qualified personnel to enter the premises at all reasonable times to inspect, detect, investigate, eliminate, and enforce any suspected non-storm water discharges, including illicit discharges, illegal dumping, or other violation. During the same time the City may inspect and collect records related to storm water compliance.

3. Refusal. In the event an owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
4. Access. The access for the City to inspect storm water control measures on private property that is vested under this section and includes both construction-phase and post-construction access. Upon approval of the director, the City may allow the owner/operators or a qualified third party to conduct maintenance so long as:
 - a. That at least annual certification, in the form of inspection documentation which has been performed, is provided to the City.
 - b. The structural controls are adequately operating and maintained as such were designed to protect water quality as provided in the original maintenance agreement and plans submitted upon vesting and approval of the site.
 - c. A maintenance agreement is required on private property that is vested subsequent to the effective date of this Chapter, and includes both construction-phase and post-construction access and where owner/operators or a qualified third party to conduct maintenance as provided herein. Said maintenance agreement shall be promulgated in the form and manner as determined by the director so long as the agreement includes at a minimum:
 - i. Allows the City oversight authority of the storm water measures.
 - ii. A provision that the agreement acts as a covenant that runs with the land.
 - iii. Allows the City to inspect and perform necessary maintenance or corrective actions neglected by the owner/operators or the qualified third party.
 - iv. Allows the City to recoup the costs from the owner/operator as necessary to cover the expenses for necessary actions conducted by the City.
5. Interpretation. The City interprets this regulation as secondary and subservient to the United States Constitution and the Utah State Constitution as applied to property rights, land use, development, and similar rights. Specifically, the intent of this regulation is not to be applied to violate vested property rights nor to be a physical invasion of property rights as determined by the *United States Supreme Court in Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). The City recognizes that the United States Supreme Court interprets property right in conjunction with the laws and constitutions of each state. Therefore, Utah law also plays an important role in defining property rights. For the purpose of determining when a property right is vested the City shall continue to apply the Utah Supreme Court ruling in *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (1980), that states a property owner is vested to follow the City regulations in effect at the time a land use application is filed. Furthermore, where there is vagueness in any land use regulation, including the storm water regulations, it shall be interpreted in favor of the property owner.

7.13.090 Requirement to Monitor and Analyze.

If a test or inspection by the City, its designee, or other authorized agency indicates that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water

discharges to the storm water system or waters of the United States, and if the violation continues after notice of the same, the City or other authorized agency may require any person engaged in the illicit activity and/or the owner of operator of the site to provide, at their own expense, monitoring and analyses as required by the City or other applicable agency to ensure compliance with the municipal code.

7.13.100 Damage System.

Any person who damages any portion of the storm water system or any irrigation system shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor and, where applicable, be repaired in accordance with the Public Works Standards and Technical Specifications adopted by the City. It is unlawful to remove or alter any portion of the storm water system or irrigation system without permission from the director or owner of the irrigation system.

7.13.110 Authorized Access.

It is unlawful for any person to open any storm water access hole, grate, lid, cover, inlet, head gate, valve, pipe or other otherwise access any storm water facility without express permission from the director.

7.13.120 Wetlands and Permits.

Any development that may affect any wetland or potential wetland, regardless of whether such wetlands are identified or unidentified, shall provide to the City an accurate wetland delineation that has been completed within the past eighteen (18) months prior to City approval of the development. Any delineated wetland shall be accurately shown on all construction plans and any plat map relating to the development. Prior to issuance of any building permit, the developer shall accurately stake and install appropriate BMPs all on-site delineated wetlands and shall maintain such until the notice of termination has been completed. The developer shall also provide to the City a copy of the EPA wetlands 404 permit, stream alteration permit, regulator letters, and other related permit or regulator documents required by any regulatory agency relating to the development.

7.13.130 Federal and State Compliance.

Nothing in the storm water regulations shall be interpreted to relieve any person from an obligation to comply with an applicable federal, state, or local law.

7.13.140 Violation and Enforcement.

Where a person has violated the municipal code storm water regulations the following procedure applies:

1. Warning. A verbal warning shall be issued and documented in the City records by the City Official who issued the warning. The City may skip this procedural step and immediately proceed with other more severe actions against the violator if:
 - a. The violator has committed the same violation in the past.

- b. The violation, in the opinion of the City, creates a risk to persons, the environment or property.
 - c. The City deems the violation to constitute a risk.
 2. Written Violation. Issue a written notice of violation to the person in violation and document the written violation in the City records by the City Official who issued the written notice of violation. Such notice may require without limitation one or more of the following as may be applicable:
 - a. The performance of monitoring, analyses, and reporting.
 - b. The elimination of illicit connections or discharges.
 - c. That violating discharges, practices, or operations shall cease and desist.
 - d. The abatement and/or remedy of storm water pollution or contamination hazards and the restoration of any affected property.
 - e. Payment to cover administrative, mitigation, monitoring, analyses, and reporting costs.
 - f. The implementation of source control or treatment BMPs.
 3. Prosecution. The City may skip the written notice of violation procedure set forth in this section and immediately proceed with criminal and/or civil action against the violator if any of the following may have occurred:
 - a. The violator has committed the same violation in the past.
 - b. The violation, in the opinion of the City, creates a serious risk to persons, the environment or property.
 - c. The City deems the violation to constitute an emergency.
 4. Penalty. The follows penalties apply for each violation:
 - a. Criminal. The violation by any person of any provision of a governing storm water regulation in the municipal code is a class B misdemeanor. Each day that a violation continues shall constitute a separate offense.
 - b. Civil. In addition to other penalties and remedies, any person violating or permitting the violation of any governing storm water regulation is subject to a civil fine not to exceed a \$1,000.00, per violation, per day, in addition to reasonable attorney's fees and costs incurred by the City for enforcement of storm water regulations.
 - c. Recovery. The City is entitled to seek and receive recovery of damages equal to the cost to make all repairs and/or replace any materials in addition to any criminal or civil fines and/or penalties imposed.
 - d. State Penalties. A violation of storm water regulations may also be subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the *Utah Code Annotated*.
 - e. Federal Penalties. A violation of storm water regulations may also be subject to prosecution, fines, and penalties imposed by the United States of America.
 - f. Permit. The Small MS4 General UPDES Permit, Permit No. UTR090000 defines the maximum penalties for violations of Permit conditions as follows:
 - i. The General UPDES Permit provides that any person who violates a Permit condition implementing provisions of the Act is subject to a civil

- penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates Permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under *Utah Code Annotated* §19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day.
- ii. The General UPDES Permit provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under the Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000, per violation, or by imprisonment for not more than six (6) months per violation, or by both in accordance with *Utah Code Annotated* §19-5-115(4).
 - iii. The General UPDES Permit provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000, per violation, or by imprisonment for not more than six (6) months per violation, or by both.
5. Stop work order. In addition to other fines and penalties, a stop work order may be issued by the director or designee upon the discovery of work being conducted without a required permit. No construction activity may be commenced or continued on any site for which a permit has been revoked or suspended until the permit has been reinstated or reissued.
6. Injunctive Action. The City may seek injunctive relief or take other lawful corrective action to install and/or maintain appropriate storm water control measures on any site required to have such measures in place and seek reimbursement for the same, including penalties, administrative costs, attorney's fees, and court costs.

Chapter 7.15 Storm Water Utility

Sections:

- 7.15.010 Purpose.**
- 7.15.020 Storm Water Utility.**
- 7.15.030 Storm Water Utility Fee.**
- 7.15.040 Billing.**

7.15.010 Purpose.

The purpose of this Chapter is to comply with Act, EPA, and DEQ mandates that the City fund its storm water program in order to protect public health, safety, and welfare. The purpose of the funds collected under this Chapter shall be used at the sole discretion of the City for: implementing the objectives of the storm water program, establishing and implementing BMPs, improving the storm water system, employing staff and equipment, managing storm water runoff,

protecting property and infrastructure, pollution prevention, protecting the water supply, protecting receiving waters, protecting the irrigation system, preserving wetlands and wildlife habitat, protecting flood plain and open space, and establishing a viable method of financing the construction, operation, and maintenance of the storm water system.

7.15.020 Storm Water Utility.

1. Policy. A storm water utility is the most equitable and efficient method of funding the storm water program in the City and ensuring that each property pays its share of the amount that the property contributes to, benefits from, and otherwise uses the storm water system.
2. Creation. The City Council hereby creates and establishes a storm water utility as part of the overall storm water program.
3. Funding. The funds collected from the storm water utility shall be deposited in an enterprise fund and held in reserve to manage income, expenses, and other financial transactions related to the storm water program.
4. Facilities. The storm water enterprise fund operates independently of the general fund. The storm water enterprise fund shall have the same relationship to the City as other utilities or enterprise funds. The City storm water system is hereby transferred to the storm water enterprise fund in consideration for the storm water enterprise fund taking primary responsibility for planning, designing, constructing, maintaining, administering and operating the storm water system.
5. Administration. The storm water enterprise fund shall be administered by the City department designated by the Mayor. The department may use another City fund in conjunction with the storm water enterprise fund to accomplish the objectives of the storm water program.

7.15.030 Storm Water Utility Fee.

1. Imposed. Each developed parcel of real property in the City shall be charged a monthly storm water utility fee.
2. ERU. The fee shall be based on the number of equivalent service units (ERUs) contained in the parcel. The City Council finds that the ERU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the storm water utility. Based on the recommendation of the City Engineer, the City Council determines that one ERU equals 2,800 square feet of impervious surface area.
3. Calculation. Each single family residential parcel contributes approximately the same amount of storm water runoff. Therefore, each developed single family residential parcel shall pay a base rate of one (1) ERU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ERUs, according to the total measured impervious area on the parcel being imposed a fee.
4. Fee. The monthly storm water utility fee is \$4.00, per ERU, unless another fee per ERU or fee schedule is established by ordinance or resolution.
5. Reduction. A person may request a reduction in the amount of the storm water utility fee not to exceed fifty (50) percent of the storm water utility fee collected for a parcel based

upon the location's implementation of permanent BMPs that accomplished the objectives of the storm water program as follows:

- a. Operation and maintenance of a private detention basin with a detention capacity at least 5% greater than the storm water capacity for the parcel as calculated by the City Engineer in accordance with the storm water regulations in the municipal code = 30% reduction.
 - b. Landscaping over 20% of the parcel = 5% reduction for every additional 5% of additional landscape up to a maximum of 15%.
 - c. Install, operate, and maintain oil separator(s) or equivalent = 10% reduction.
 - d. Spring and fall parking lot sweeping = 10% reduction based upon proof.
 - e. Basin cleaning = 10% reduction based upon proof.
6. Policies. The director may adopt policies and procedures consistent with the municipal code to assist in the application, administration, and interpretation of storm water regulations.
 7. Appeals. A person may appeal to the City appeal authority any storm water utility fee imposed upon the same based upon error in the method the rate was calculated, interpreted, or applied. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. All appeals shall be handled in accordance with the procedure in the municipal code for the appeal authority. The decision of the appeal authority shall be final.
 8. Enforcement. Violations, enforcement, and penalties of this Chapter are set forth in Section 7.13.140.

7.15.040 Billing.

1. Policy. The storm water utility is consistent with other interrelated services of the City that provide for the public health, safety, and general welfare in an environmentally responsible and financially sound manner.
2. Billing. Billing for the storm water utility shall be completed in conjunction with the regular monthly utility billing statement of the City.
3. General Provisions. The following general provisions apply:
 - a. For parcels where there is no utility bill for the property, there is no storm water utility fee imposed.
 - b. A utility fee is a civil debt owed to the City by the person paying for the City utility services provided to the property.
 - c. All properties receiving water service shall be charged the applicable utilities incurred under the municipal code regardless of whether or not the owner or occupant of the property requests the storm water utility.
 - d. Failure to pay any portion of the utility bill may result in termination of water service.
4. Administration. The mayor or their designee may modify, reduce, impose, or rebate erroneous billing charges not to exceed a three (3) month consecutive time period. The mayor or their designee may make special exceptions on billing charges based upon special circumstances on a case-by-case basis.

Chapter 7.17 Storm Water Construction Activity Permit

Sections:

- 7.17.010 Purpose and Intent.**
- 7.17.020 Activity Permit Required.**
- 7.17.030 Activity Permit Procedure.**
- 7.17.040 Storm Water Pollution Prevention Plan.**
- 7.17.050 Erosion And Sediment Control.**
- 7.17.060 Inspection and Entry.**
- 7.17.070 Revocation or Suspension of a Permit.**
- 7.17.080 Connection Permit.**
- 7.17.090 Exceptions.**
- 7.17.100 Enforcement And Appeals.**

7.17.010 Purpose and Intent.

The purpose of this Chapter is to prevent the discharge of sediment and other construction related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the City and surrounding areas. Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff clogs and obstructs storm drains, culverts, and canals. Storm water sediment also damages private property, wetlands, wildlife habitat, and water quality.

7.17.020 Activity Permit Required.

A Storm Water Construction Activity Permit is required in conjunction with the SWPPP before any person may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape within the City that is one (1) acre or more, or any part of a common development plan. Development of a subdivision greater than or equal to one acre in size qualifies under this Section even if each of the individual lots in the subdivision are smaller than one (1) acre.

7.17.030 Activity Permit Issuance.

1. Process. Any person or entity desiring a storm water construction activity permit must first submit a “Notice of Intent” (NOI) with DEQ. Upon DEQ approval of the NOI, any person desiring a storm water construction activity permit must file the SWPPP with the City along with any documentation necessary for the City to calculate the number of ERUs for each parcel upon completion of development. The storm water construction activity permit is approved and issued in conjunction with a building permit.
2. Compliance. Failure to submit a SWPPP required for the required storm water construction activity permit is grounds for denying a development application.

3. Fee. The storm water construction activity permit fee in the amount of \$650 shall be added to each building permit, unless another fee or fee schedule is established by ordinance or resolution.
4. Approval. Approval of the building permit includes issuance of the storm water construction permit. The City may impose conditions in connection with the approval of a building permit to enforce the SWPPP and include specific measures to prevent erosion, unlawful discharge, sediment accumulation, debris removal, and other storm water measures for the construction site.
5. Effect. Unless otherwise revoked or suspended for a violation, a storm water construction activity permit is effective for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
6. Termination. The storm water construction activity permit shall be considered terminated after the permittee notifies the City of completion of the project and a final inspection is performed to verify site stabilization. Permittee shall also verify the site is stabilized and give “Notice of Termination” to DEQ. The permittee shall keep and maintain all permit-required improvements on the site until termination.
7. Amendments. In the event that the proposed construction activity for a site to which a permit pertains is materially altered from the SWPPP, an amended SWPPP shall be submitted for approval by permittee.

7.17.040 Storm Water Pollution Prevention Plan.

A SWPPP is required for all sites disturbing one (1) acre or more or any part of a common development plan. The SWPPP shall contain the information required in the general permit and by DEQ. The City may require additions, changes, modification, and amendments to the SWPPP in order to conform to the Storm Water Management Plan adopted by the City or to remedy deficiencies occurring at the construction site during construction.

7.17.050 Erosion and Sediment Control.

The permittee of a SWPPP shall install the erosion and sediment control measures required by the approved SWPPP prior to commencing other construction activity on the site where the SWPPP. The erosion and sediment control measures shall be properly installed and maintained in accordance with the SWPPP, specifications of a manufacturer, and best practices. The Permittee shall maintain such measures on the site until the City accepts termination.

7.17.060 Inspection and Entry.

Issuance of a storm water activity permit authorizes the EPA, DEQ, City, or other applicable agency to enter the site and inspect compliance with the SWPPP. The permittee shall also make available upon request inspection of storm water records for the construction site.

7.17.070 Revocation or Suspension of a Permit.

1. Action. A storm water construction permit issued under this Chapter may be revoked or suspended by the City upon the occurrence of any one of the following:
 - a. Failure of permittee to comply with the SWPPP or any related condition.

- b. Failure of permittee to comply with the storm water regulations in the municipal code.
 - c. A determination by the City that the erosion and sediment control measures implemented by a permittee pursuant to the SWPPP are inadequate to prevent or minimize, to the greatest extent practicable, the discharge of sediment, debris or other pollutants from the construction site by storm water.
 2. Notice. The City shall provide permittee written notice of noncompliance before revoking or suspending a permit. The notice shall:
 - a. State the location and nature of the noncompliance and shall also specify what action is required for the permittee to avoid revocation or suspension of the permit.
 - b. Allow the permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days.
 - c. Be delivered or mailed to the address listed for the permittee in the building permit application or the site of the construction activity, or both.
 - d. If the permittee fails to correct the problems identified in the notice during the time specified in the notice, the City may suspend or revoke the permit by recording a certificate of non-compliance on the property where the violation occurred.
 - e. The permittee may appeal a suspension or revocation determination of any permit as provided in this Chapter.
 3. Circumstances. The City may take any steps necessary to mitigate, remedy, or alleviate exceptional circumstances and recover the costs from the same from the permittee and person responsible for creating an exceptional circumstance. For purposes of this Chapter, exceptional circumstances include, but are not limited to:
 - a. Situations which involve a risk of injury to persons.
 - b. Damage to storm drain facilities.
 - c. Damage to other property or the environment.
 - d. Discharge of a pollutant into the environment.
 4. Order. The City may issue a stop work order upon a violation of the storm water regulations, SWPPP, the revocation or suspension of a permit, or upon the discovery of work being conducted without a required permit. No construction activity may be commenced or continued on any site where a stop work order has been issued, or where a permit has been revoked or suspended until the permit has been reinstated or corrected.
 5. Reinstatement. A permit may be reinstated upon:
 - a. Correction and compliance with all storm water regulations.
 - b. Correction of substandard performance.
 - c. Correction of non-compliance issues.
 - d. Upon the filing of an amended SWPPP which corrects the deficiencies of the original SWPPP.

7.17.080 Connection Permit.

1. Permit. A permit is require to make any connection, directly or indirectly, to the storm water system.
2. Application. In order for a person to connect to the storm water system the person must:
 - a. Submit a completed application form as provided by the City.
 - b. Incorporate BMPs that meet the requirements of the storm water regulations
 - c. Provide a maintenance plan, including any maintenance agreement outlining how the applicant will maintain the storm water improvements listed in the application.
 - d. The application may be submitted to the City in conjunction with building permit or subdivision approval, whichever is applicable.
3. Approval. The storm water connection permit application shall be reviewed by the City and may be issued, modified, or denied in conjunction with the building permit.
4. Consideration. In considering whether to issue a connection permit, the City shall determine:
 - a. Whether the application is complete.
 - b. Whether all development fees have been paid.
 - c. Whether the application complies with all storm water regulations and policies.
 - d. Whether the application conforms to City storm water system plans.
 - e. Whether the application incorporates effective BMPs.
 - f. The potential for the connection to introduce pollutants into the storm drain system.
 - g. Whether the proposed connection creates a safety hazard.
 - h. Whether the proposed connection affects the integrity of the storm sewer system infrastructure.
 - i. Whether the proposed connection endangers any ground water or drinking water supply.
 - j. Whether the applicant has submitted a maintenance plan and any maintenance agreement ensuring the proper maintenance and upkeep of the applicant's connection and on-site storm water improvements.
5. Failure. Failure to construct or maintain storm water improvements in accordance with an approved storm water connection permit shall be a violation of this Chapter.
6. Drawings. Any person connecting to the storm water system shall provide the "as-built" drawings showing the details and the location of the connection along with any location device. The plans shall be provided in a format acceptable to the City.

7.17.090 Exemptions.

The following activities are exempt from the requirements of this Chapter:

1. Public. Activities of a public utility or government entity. Activities to remove or alleviate an emergency condition, restore utility service, restore transportation, or otherwise protect public health, safety, and welfare.
2. Agriculture. Bona fide agricultural and farming operations.

7.17.100 Enforcement and Appeals.

Violations, enforcement, and penalties of this Chapter are set forth in Section 7.13.140. An aggrieved person may appeal to the City appeal authority by filing an appeal in writing, stating the facts supporting the appeal, within ten (10) days of the decision being appealed. All appeals shall be handled in accordance with the procedure in the municipal code for the appeal authority. The decision of the appeal authority shall be final.

Chapter 7.19

Storm Drain Design and Construction

Sections:

- 7.19.010 General Provisions.**
- 7.19.020 Rainfall Hydrology.**
- 7.19.030 Storm Drain System.**
- 7.19.040 Storm Water Basins.**
- 7.19.050 Discharge.**
- 7.19.060 Low Impact Development Standards.**
- 7.19.070 Permits and Practices.**
- 7.19.080 Violations and Penalties.**

7.19.010 General Provisions.

1. Findings. The City Council make the following findings:
 - a. The City has unique topographical challenges resulting from sensitive lands, geological limitations, hillsides and conditions that present slope failure or landslide risks.
 - b. Storm water and saturation can exacerbate slope failure and landslide risk along with causing hillside erosion.
 - c. The City must manage potential pollution sources that pose a danger to the health, safety, and welfare of the public in the City.
 - d. There exists high ground water in the City and precludes certain storm water control measures, limits ground storage, necessitates extensive storm water facility design, requires landscape and open space preservation, requires additional construction standards, and implementation of specific policies set forth in this Chapter.
2. Purpose. This Chapter establishes construction standards for development within the City relating to storm water to conform with the Act and applicable storm water mandate from the EPA and DEQ.
3. Intent. This Chapter is intended to follow the natural flow of storm water from initial rainfall hydrology, to conveying the rain water to the storm water system, to a basin, then discharging to a natural or other outlet location, along with best practices and penalties for violations.

7.19.020 Rainfall Hydrology.

1. IDF Rational Method. The equations for the “Rational Method” of rainfall hydrology is based upon the “Intensity-Duration- Frequency” (IDF) curve. The City Engineer may develop a table and data for the Rational Method.
2. Calculation. For all development and subdivisions the equation for the Rational Method and IDF curve may be used, unless a hydrology computer model is required by the City Engineer.
3. Rainfall Pattern. For computer modeling the rainfall pattern used is based upon the “Farmer-Flecher Distribution.” This pattern is for a one (1) inch unit storm and must be multiplied by rainfall depth for storms of other magnitudes.
4. Rainfall Totals. Rainfall calculations shall use the rainfall pattern total obtained from the “NOAA Atlas” based upon a one (1) hour storm event.

7.19.030 Storm Water System.

1. Irrigation Policy. Storm waters shall not be conveyed, used, or discharged in to any irrigation canals, ditches, or facilities that are not abandoned for irrigation use. Irrigation water may generally not be conveyed, used, or discharged in the storm water system except where allowed by the City. Nothing in this part shall be construed to limit the ability of the City to convert any part of an irrigation system to storm water use or vice versa or share tailwater.
2. System Specifications. All storm water systems and storm water basins either local, regional or otherwise, including detention and retention shall be designed and installed to accommodate a minimum one-hundred (100) year storm event, unless a higher minimum is required by the City Engineer. The storm water system shall be designed and constructed to withhold the eightieth (80th) percentile of a storm event before any discharge into any outlet. The storm duration used for the sizing of the storm water system shall be based upon the worst case scenario and not the time of concentration.
3. Piping Specifications. Storm water system piping shall be designed and installed to accommodate a minimum ten (10) year storm event, if the above ground conveyance, detention, or retention will support the difference to the one-hundred (100) year storm event, unless a higher minimum is required by the City Engineer. The storm duration used for the sizing of piping shall be based upon the worst case scenario and not the time of concentration.
 - a. Piping shall be Re-enforced Concrete Pipe (RCP), of appropriate class.
 - b. Minimum size for piping main lines shall be fifteen (15) inch diameter.
 - c. For specific piping specifications refer to the Public Works Standards and Technical Specifications.
 - d. Where determined by the City Engineer, larger system piping shall be installed to accommodate future development.
4. System Costs. The cost to provide an adequate storm water system to a development shall be born by the developer.
5. Installation. The storm water system shall be installed in accordance to the Public Works Standards and Technical Specifications.

6. Access. The storm water system shall have clean-out boxes, inlets, manholes, and other facilities installed as appropriate and in conjunction with changes in grade or alignment, at maximum distance of typically four hundred (400) feet between accesses, unless the Public Works Standards and Technical Specifications specify otherwise.
7. LID. The system shall be designed to include the LID specifications required by law.

7.19.040 Storm Water Basins.

1. Policy. It is the policy of the City:
 - a. To require the proper design, construction, and maintenance of adequate storm drainage basins for all development.
 - b. All development and redevelopment sites are required to have a storm water basin and system as provided in this Chapter.
 - c. An on-site basin(s) is/are required on each parcel sought for development in the City.
2. Water Source. It is critical that any development in close proximity to a river, stream, well, aquifer, or source protection zone as defined by the state be set back as determined by the state, City Engineer, or other affected entity. All basin designs and calculations shall be reviewed by the City Engineer for approval.
3. Basin Types. The ownership of storm water basins is specified as follows:
 - a. Private Basin. A private basin is allowed where the development provides for a owner association responsible for the ownership, operation, maintenance, repair, and replacement of the private basin(s) subject to a written agreement with the City.
 - b. Local Basins. In subdivisions, a local detention basin shall be constructed by the developer as part of the development. Following acceptance of the construction, the ownership, operation, maintenance, repair, and replacement shall be the City or owner association subject to a written agreement with the City.
 - c. Regional Basins. Regional basins shall be owned, operated, maintained, repaired, and replaced by the City as constructed in accordance with the criteria provided by the City Engineer.
 - d. Access. Basin access shall be as follows:
 - i. Private basin. The owner association of a private basin shall provide to the City a construction and service access easement from a public road around the basin in sufficient size to make all necessary repairs by standard equipment used for such purpose.
 - ii. Other Basins. As part of site approval of any development the City shall be granted a construction and service access easement from a public road around the basin in sufficient size to make all necessary repairs by standard equipment used for such purpose.
4. Basin Design and Construction. Basins shall be constructed to enhance safety, health, and aesthetics of the area as follows:
 - a. Setback. Each basin shall be constructed where possible with a flat rim circling the basin which shall be setback from a property line, adjoining property, and

- from any structure an appropriate distance determined by the City Engineer to prevent erosion and to allow a backhoe and dump truck to circle the rim for maintenance and repair.
- b. Percolation. No reduction is allowed for percolation in a basin based upon volume due to the nature of basins silting in over time and also possible frost conditions in conjunction with a storm event.
 - c. Engineering. Basins, whether detention or retention, must be designed and approved by a licensed civil engineer.
 - d. Location. Detention basins shall be located with convenient access for maintenance and repair by maintenance personnel. This generally means that the basin property has frontage along a public roadway.
 - e. Volume. Basin volume and design shall be approved by the City Engineer. Volume is measure to the basin overflow or spillway elevation. Volume in pipes, drains, or swells is not be considered in the volume calculation for a basin.
 - f. Fencing. A six (6) foot chain link fencing is required where standing water of more than three (3) feet may exist after a storm event. Fencing shall be installed in accordance with the Public Works Standards and Technical Specifications.
 - g. Slopes. Side slopes of a basin shall be approximately 3:1 (horizontal to vertical) for proper landscaping, mowing, and access.
 - h. Bottom Slope. The basin floor shall be designed so as to prevent the permanent ponding of water. The slope of the floor of the basin shall not be less than one (1) percent to provide drainage of water to the outlet grate and prevent prolonged wet, soggy or unstable soil conditions. The preferred minimum slope is two (2) percent.
 - i. Freeboard. There should be at least one (1) foot of freeboard (berm above the high water mark).
 - j. Spillways. Spillways shall:
 - i. Include a path with a maintained swell and drainage easement to a safe location.
 - ii. Be designed to avoid erosion.
 - iii. Overflow spillways are intended to introduce flows back into the main pipe and are typically downstream of the outlet control.
 - iv. Emergency spillways are intended to carry flows beyond the capacity of the overflow spillway to a safe downstream location.
 - v. All spillways shall be designed to protect adjacent embankments, nearby structures, and surrounding properties.
 - k. Outlet Control. Basins shall include a calculated fixed orifice plate(s) mounted on the outlet of the basin as specified by the City Engineer. Where required by the City Engineer. Each basin shall have a locking screw-type head gate(s) (such as a Waterman C-10 O.A.E.) set at a calculated opening height for the discharge and with a chain to fix the position.
 - l. Grates. All grates on inlets and outlets must be unpainted, hot dipped galvanized metal with bars generally spaced at three (3) inches.

- m. Low Flow Piping. The inlet and outlet structures may be located in different areas of the basin, requiring a buried pipe to convey any base flows that enter and exit the basin, rather than a cross gutter or surface flow. The minimum pipe size and material for the low flow shall be twelve (12) inch diameter or as approved by the City Engineer.
 - n. Surface. The ground cover surface area of a basin may either be seeded, sodded, or covered with fabric and cobble, as specified by the City. Where seeded, measures shall be taken to eliminate erosion until grasses are established. A minimum of four (4) inches of top soil must be installed prior to sod or seed placement. Cobble sizes shall be four (4) inches or greater in size overlying an weed barrier approved by the City Engineer. Grass or hydro-seeding on all basins shall be installed on accordance with the Public Works Standards and Technical Specifications. The basin shall be constructed with an automated sprinkler system previously approved by the City Engineer. Landscape shall be in accordance with the municipal code.
 - o. Embankment. If a raised embankment is constructed for a basin, including construction of granular materials, it shall be provided with a minimum of six (6) inches of clay cover on the inside of the berm to prevent water passage through the soil.
 - p. Excavation. If the basin is constructed primarily by excavation, then it may be necessary to provide an impermeable liner and land drain system when constructed in the proximity of basements or other below grade structures as determined by a geotechnical study.
 - q. Open. All storm water basins shall be open at the surface for visible inspection, to ensure adequate size, functionality, and proper maintenance.
5. Multi-use Basins. Basins shall be designed as multi-use recreation facilities to include amenities such as pavilions, picnic tables, playground equipment, ball courts, or other amenities where deemed appropriate. Structures shall be designed for saturated soil conditions and bearing capacities are to be reduced accordingly. Restrooms shall not be located in areas of inundation. Inlet and outlet structures should be located as far as possible from all facilities. No wood chips or floatable objects shall be used in any basin design for the area is intended to be inundated.
6. Preferred Basin. Detention Basins are preferred over retention basins. Above-grade basins are preferred over below-grade basins.
7. Prohibited. The following are prohibited:
- a. Underground storm water storage facilities or tanks.
 - b. Groundwater injection well.
 - c. Basins with standing groundwater.
 - d. Non-landscaped basins.
8. Retention Basins. Retention basins are basins which hold and store water until it is evaporated or percolated, and may be used when the following conditions are met:
- a. A retention basin must be specifically approved by the City Engineer after all other alternatives are exhausted.

- b. Retention basins shall not be permitted within Zones 1, 2, or 3 of any source protection zone. Due to the silting in potential, no percolation rate may be used in the calculation of volume unless an approved oil separator and sand separator is installed upstream. The volume must be based upon the one hundred (100) year storm event with a three (3) hour duration based upon the IDF. The curve for such shall be approved by the City Engineer.
 - c. The basin is greater than five hundred (500) feet or fifty (50) feet times the number of lots in the entire development (whichever is greater) from the storm drain system, and otherwise is topographically incapable of draining to the storm water system.
 - d. The basin is not located within a hazardous area such as a steep slope, flood plain, high ground water area, or other hazard area.
 - e. The percolation rate of the ambient soils must be considered using recommendation set forth in a site specific geo-technical study and account drain time and address future silting-in of the basin.
9. Standing Water. Permanent standing water shall be eliminated in basin design in an effort to minimize mosquitos and associated viruses, except this does not apply to wetlands.
10. Drainage. Basins should completely drain within forth eight (48) hours of the primary storm event. Low flow bypass pipes may be required.
11. Landscape. Each basin shall be landscaped, designed to eliminate erosion, minimize drowning risk, and enhance aesthetics of the area. Landscape shall be with approved trees, plants, and landscape material as provided in the municipal code.

7.19.050 Discharge.

- 1. Policy. It is the policy of the City to control storm water at the source and minimize the potential for flooding downstream.
- 2. Run-off. Run-off leaving a development shall not exceed, as much as practicable, the pre-developed quantities and qualities. All development over one (1) acre shall prevent off-site discharge of precipitation from all rainfall events less than or equal to the eightieth (80th) percentile. The eightieth (80th) is generally calculated as .048 inches of rainfall.
- 3. Allowable discharge. The allowable discharge rate from any non-regional basin shall:
 - a. Not exceed the pre-hard surfacing discharge for the entire site for the 100-year storm event.
 - b. Not exceed the maximum discharge rate set by the City Engineer depending on the proposal, the facts and circumstances of the basin and historical flow, and the drainage within the surrounding area. If no maximum discharge rate is established then a standard discharge rate of 0.1 cubic feet per second per total acre within the development draining to the basin is applied.
 - c. Controlled discharge is allowed via an established orifice or adjustable head-gate as approved by the City Engineer and in accordance with this Chapter.
- 4. Flow Concentration. By nature of development, flows are concentrated to one or more locations where historically, sheet flow in lower concentrations may have left the site.

Attempts shall be made to minimize the runoff concentrated quantity to the flows stated above by use of detention basins, down stream piping to safe areas or other methods as deemed necessary by the City Engineer.

5. BMPs. Best Management Practices (BMPs) shall be used to the maximum practicable to ensure healthy water quality based upon national standards for the same. BMPs are included in the Storm Water Management Plan adopted by the City as implemented by the City Engineer relating to each development.
6. Overflows. Attention shall be given to overflow locations and pathways to safe locations downstream for discharges. Drain easement shall be obtained as may be needed. Pipes and/or swales shall be sized to accommodate a one hundred (100) year flow.
7. Irrigation. No storm water discharge is permitted into any irrigation facility, except where existing historical drainage occurs and such shall be eliminated upon development. Nothing in this part prevents an abandoned irrigation facility from being converted to the storm water system. In order to comply with *Utah Code Annotated* §73-1-14 and §73-1-15, written permission should be obtained from the owner or operator of an irrigation facility before development occurs.
8. Prohibited. Due to high water table in the City standard sump drains, injection facilities, and underground storm water facilities or tanks of any kind are prohibited. No parking lot, including sidewalks and all other impervious surfaces, shall be used for storm water storage of any kind above or below surface.

7.19.060 Low Impact Development Standards.

1. Guide Adopted. The DEQ published “A Guide to Low Impact Development within Utah” (Guide) dated December 2018, prepared by Michael Baker International, to implement Low Impact Development (LID) standards is hereby adopted by the City and incorporated herein by this reference.
2. Report. A storm water quality report following the template provided in the Guide, as may be further defined by the City Engineer, shall be submitted to the City Engineer for each development or subdivision.
3. Standards. The following standards may be further defined in the Public Works Standards and Technical Specifications. The following low impact development standards shall be implement into each development to the greatest extent practicable as approved by the City Engineer:
 - a. Rain Gardens. Rain gardens are shallow bioretention areas with engineered or native soils.
 - b. Bioretention Cells. These are shallow bioretention areas with engineered soil. They typically differ from rain gardens by having a delineation such as a curb, wall, or other distinct boundary.
 - c. Bioswales. A bioswales are vegetated open channels designed to convey and treat storm water runoff.
 - d. Vegetated Strips. These landscaped strips are designed to receive and treat sheet flow from adjacent surfaces.

- e. **Box Filters.** Box filters are typically used around trees as a bioretention systems appropriate in urban drainage areas where space is limited.
 - f. **Green Roof.** A green roof is a vegetated system that is designed to retain and treat rooftop runoff.
 - g. **Pervious Surfaces.** Pervious surfaces such as permeable pavement, concrete pavers, pervious concrete, modular open pavers, and other types of pervious surfaces provide structural support for light vehicle or pedestrian traffic while also providing open space for storm water infiltration.
 - h. **Infiltration Basin.** Infiltration basins are shallow depressions that use existing soils to retain and provide treatment for storm water runoff by capturing and infiltrating runoff over a specified draw-down time.
 - i. **Infiltration Trench.** An infiltration trench is a linear excavation backfilled with a combination of gravel, open graded stone, and sand layers that provides storage within the pore space of the specified layers.
 - j. **Harvest System.** A harvest and reuse system refers to any type of runoff collection system that captures rainfall, stores it temporarily, and reuses it for irrigation, landscaping, or other non-potable uses.
 - k. **Other.** Other standards may be reviewed and approved by the City Engineer as technology further develops for low impact devices, except those that provide underground storage.
4. **Feasibility.** Compliance with this Section shall be made to the greatest extent feasible under the circumstances and conditions of the site and subject to:
- a. Issues related to ground water based upon geotechnical engineering.
 - b. Issues related to soil conditions based upon geotechnical engineering.
 - c. Issues related to sensitive lands as determined by the City Engineer.

7.19.070 Permits and Practices.

In addition to the permits required by the municipal code, additional permits required for each development include:

1. **UPDES.** Utah Pollution Discharge Elimination System Permit is a general storm water permit for construction activities required for all development of one (1) acre or more and includes: area used for staging, stockpiling, or any other temporary construction activity. This permit is obtained from DEQ on-line and requires a SWPPP.
2. **Stream Alteration.** A stream alteration permit is required for any development affecting certain watercourses and is obtained from the Utah Department of Natural Resources, Division of Water Rights. This permit overlaps the 404 wetlands permit, discussed below, because it is applicable to the area equal to the stream plus two times the bank full width (up to 30 feet). Any modifications to the stream or banks within this area must comply with the stream alteration permit.
3. **EPA 404 Permit.** This permit is filed with the US Army Corp of Engineers where wetlands or jurisdictional waters may be located. It is applicable for all wetlands within a development. This will apply to all wetlands depending upon the presence of water, soils type, low land classification, and vegetation. As part of this permit a wetlands delineation

report must be completed. The scope of this permit applies to all jurisdictional waters of the United States up to and including the normal high water mark. Any mitigation that may be required, must be done prior to recording a final plat. Any wetlands identified must be indicated on the final plat.

4. BMPs. The Storm Water Management Plan contains a listing of BMPs that can be used on a site.
 - a. BMPs typically fall into the following categories:
 - i. Perimeter control.
 - ii. Erosion controls.
 - iii. Sediment control.
 - iv. Materials handling and spill prevention.
 - v. Waste management.
 - vi. Good housekeeping.
 - b. The application of some BMPs include, but are not limited to:
 - i. Oil Separators (OWS). Oil Separators shall be required on all sites with parking facilities that exceed two (2) acres, automobile salvage or wrecking areas, or smaller sites anticipating oily discharges such as mechanic shops or similar facilities. Oil separators must be capable of removing particulate down to 150 microns. Possible products include, but are not limited to: BaySaver, Storm Cerptor, Vortechnic. Where oil separators are required, sizing and design of OWS must be reviewed by the City Engineer prior to installation. Consideration must be given to frequency and ease of maintenance of the structure. Basins shall have agreements in place with the City to periodically clean the separator in accordance with the manufacturer's specifications. Manufacturers recommendations for sizing shall be followed with calculations submitted to the City. The separator may either be installed upstream or downstream of the basin keeping in mind that flows on the outlet of the basin would be smaller.
 - ii. Inlet Protection (IP). The Storm Water Management Plan may allow straw bails, silt fences, or curb snakes (after asphalt is placed). Filter fabric under the grate shall not be permitted since drainage is greatly inhibited.
 - iii. Tracking Pads (CR). Sites must have a tracking pad to eliminate mud from being tracked onto the adjacent street. If mud is tracked, the contractor shall be responsible to sweep the streets as necessary.
 - iv. Surface Sweeping (SC). If mud or dirt is tracked onto a travel surface such as a road or parking area, the developer or owner shall be responsible for sweeping the surface to remove the mud and dirt.
 - v. Concrete Washout (CWM). A place must be located within the subdivision or on the site for concrete washout. No washout will be permitted on the street which would then continue to the storm drain. The washout area may need to be maintained and temporarily excavated until

the building foundations and driveways are constructed, or some other arrangement made.

- vi. Silt Fences (SF). Silt fences must be installed to prohibit the flow of sediments off of the site in accordance with manufacturers recommendations and the Storm Water Management Plan.
- vii. Notice Sign. All development and subdivisions are required to at least one (1) notice sign that is clearly visible at each entryway to the subdivision indicating that the SWPPP must be obtained and followed. Said notice sign shall be maintained by the original development or subdivision applicant until termination. The specific wording on the sign relating to storm water, and other related requirements, may be prescribed and modified by the City as needed to meet challenges created by development and to give notice to requirements of law.

7.19.080 Violations and Penalties.

Violations, enforcement, and penalties of this Chapter are set forth in Section 7.13.140.

Section 4: 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 5: Effective date. This Ordinance takes effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2020.

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 2020.

PUBLISHED OR POSTED this ____ day of _____, 2020.

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

City Recorder

DATE: _____

4
5
6 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Esther
7 Montgomery, Toby Wright, Nathan Tueller, Andrew Watkins, and
8 Blake Ostler

9
10 CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
11 Robert Barnhill, City Planner
12 Scott Hancey, Chief of Police
13 Brett Jones, City Engineer

14
15
16 OTHERS PRESENT: Eva Jane Marsh, Alicia Olsen, Ken Stephensen, Jason James, David
17 Rogers, Nelson Phillips, Sydne Forsgren, Tyler Lackey, Tresa Peterson,
18 Jan Kerr, Rick Scadden, Brian Billings, Michelle Billings, Opal Jenks,
19 Ardell Jenks, Chuck Palmer, and Jennifer Brown

20
21
22 **ITEM 1: CALL TO ORDER**

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

25
26 **A. INVOCATION**

27
28 Council Member Ostler offered the invocation.

29
30 **B. PLEDGE OF ALLEGIANCE**

31
32 Council Member Watkins led the audience in the Pledge of Allegiance.

33
34 **ITEM 2: PROCEDURAL ISSUES**

35 **A. CONFLICT OF INTEREST DECLARATION**

36 None.

37
38 **B. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)**

39 Shanna Johnson passed out the warrants.

40
41 **ITEM 3: PRESENTIONS**

42 **A. FISCAL YEAR 2019 FINANCIAL STATEMENT AND AUDIT REPORT**

43 David Rogers presented the Fiscal Year 2019 Financial Statement and Chuck Palmer
44 reported on the audit report.

45
46 It was stated the City's combined net position increased \$927,152 or 5.0 percent from the
47 prior year (business type activities increased \$284,485 and governmental activities
48 increased \$642,667).

49
50 It was stated the Fund Balance for governmental funds increased \$245,329 or 9.7 percent
51 over the prior year's Fund Balance. It was clarified these increases were due to revenues
52 exceeding expenses.

53
54 It was stated Fund Balance for the Utility Fund increased \$200,756 over the prior year. It was
55 clarified this increase was due to consistent operating income and increased interest rates.

57 It was stated impact fees were down this year (Fiscal Year 2019 Financial Statement for full
58 reports).

59
60 Council Member Ostler asked Mr. Palmer if he had noticed any trends in the financial
61 condition of municipalities.

62
63 Mr. Palmer said overall most are doing well, he noted that some other cities have seen an
64 increase in building and impact fees while Perry has not which surprised him.

65
66 Council Member Ostler asked Mr. Palmer if he had any recommendations to improve Perry's
67 financial condition.

68
69 He replied that he felt Perry is going in the right direction and has really turned things
70 around since he first started auditing the City. He said his biggest suggestion is to make an
71 effort to keep good employees.

72
73 **ITEM 4: PUBLIC HEARING AND/ OR PUBLIC COMMENT**

74
75 **A. PUBLIC HEARING REGARDING AN APPLICATION TO VACATE A PUBLIC RIGHT OF WAY**
76 **AT 2830 SOUTH AND A PORTION OF 1000 WEST**

77 Mayor Jeppsen opened the public hearing portion of the meeting.

78
79 Mr. Barnhill said that the Council has seen this item before but the public hearing was not
80 properly noticed. He continued that they are re-holding the public hearing, now that it has
81 been properly noticed in the paper and to the surrounding neighbors. He noted some
82 feedback which was dropped off today by community members regarding this application.

83
84 He said he has spoken with five neighbors regarding this application who are afraid the road
85 to their home will be closed off. He stated they have been able to clear these concerns up and
86 explain some of the benefits of this application to the concerned parties.

87
88 Mr. Barnhill reviewed the proposal to replace the existing trailers with townhomes and the
89 requirement of UDOT of adjusting the current road layout. He said all properties will still
90 maintain public access with these proposed adjustments.

91
92 Alicia Olsen and her mother Eva Jane Marsh gave out a handout regarding Ms. Marsh's
93 comments. Ms. Marsh reviewed that there is a water problem in this area which has not been
94 addressed in the application. She summarized the history of her property which neighbors
95 the proposed property, especially regarding the excess water issues. She said currently all
96 excess water flows into the 2830 south street, and moving it will make the excess water
97 worse in the area. She asked for the City to resolve the water problem before they move the
98 street or start building.

99
100 Mayor Jeppsen thanked Eva Jane for her comments.

101
102 Michelle Billings expressed her concerns with the water conditions, as well as, the
103 maintenance of this road in the future. She said it is currently not plowed or maintained by
104 the City.

105
106 Mayor Jeppsen stated that if it becomes a right of way it will defiantly be plowed.

107
108 Justin James (developer) thanked the public for their comments and said their hope is to
109 improve this area. He said they will be addressing the storm water retention, as well as,
110 finishing the roads off in this area. He explained they are taking on the expense of improving

111 the road situation in this area to make it better for the community. He explained all the
112 proposed roads will be public roads and therefore will be maintained by the City. He said the
113 property owners will all sign off on this road to make sure everyone is happy with it. He said
114 they have started speaking with two of the property owner's (Wheelers and the Stephensen)
115 regarding the road.

116
117 Mayor Jeppsen closed the public hearing portion of the meeting.

118
119 **B. PUBLIC COMMENTS**

120 No public comment given.

121
122 **ITEM 5: ACTION ITEMS**

123
124 **A. APPROVAL OF THE WARRANTS**

125 The Council and Staff discussed and clarified the warrants (landfill vouchers, bond payment
126 process, etc.).

127
128 **MOTION:** Council Member Wright made a motion to approve the warrants. Council Member
129 Montgomery seconded the motion.

130
131 **ROLL CALL:** Council Member Montgomery, Yes Council Member Watkins, Yes
132 Council Member Tueller, Yes Council Member Wright, Yes
133 Council Member Ostler, Yes

134
135 **Motion Approved.** 5 Yes, 0 No.

136
137 **B. MOTION TO ACCEPT THE FISCAL YEAR 2019 FINANCIAL STATEMENT AND AUDIT**
138 **REPORT**

139 The Council and Staff discussed and clarified on page number 50 the revenue for Franchise
140 and Energy Taxes which received less than was budgeted, as well as, the lower impact fees
141 which is based on building and growth.

142
143 Shanna Johnson explained the City had planned for more building and growth in the
144 budget than occurred this year.

145
146 **MOTION:** Council Member Watkins made a motion to accept the Fiscal Year 2019 Financial
147 Statement and Audit Report. Council Member Montgomery seconded the motion.

148
149 **ROLL CALL:** Council Member Montgomery, Yes Council Member Watkins, Yes
150 Council Member Tueller, Yes Council Member Wright, Yes
151 Council Member Ostler, Yes

152
153 **Motion Approved.** 5 Yes, 0 No.

154
155 **C. APPLICATION TO VACATE PUBLIC RIGHT OF WAY AT 2830 SOUTH AND A PORTION OF**
156 **1000 WEST**

157 Mr. Barnhill reviewed the two stipulations brought up by the Council regarding this
158 application at their last meeting: incorporating engineer's comments and if vacated road is
159 approved it would be executed on the final plat.

160
161 Council Member Tueller inquired about Mr. Stephensen's property access with the petition
162 to vacate.

164 Mr. Barnhill reviewed his meeting with Mr. Stephensen regarding the current petition to
165 vacate, stating access would be preserved.

166
167 Council Member Tueller inquired if the City was aware of the water issue.

168
169 Mr. Barnhill stated he was made aware when the neighbors came in and discussed it with
170 him. He stated the developer will be responsible for the storm water drainage for the entire
171 property.

172
173 Mr. Tueller inquired if UDOT was requiring curb and gutter along the highway.

174
175 Mr. Barnhill stated to his knowledge UDOT was not requiring it but the applicant is looking at
176 doing it to improve the area.

177
178 The Council and Staff further discussed and clarified the surrounding area and the impact
179 vacating this road will have on it. It was restated that no public properties would be denied
180 public access.

181
182 **MOTION:** Council Member Montgomery made a motion to approve vacating public right of way
183 2830 S and a portion of 1000 W. Council Member Wright seconded the motion.

184
185 **DISCUSSION:** Council Member Ostler inquired about the process of deciding the road width.

186
187 Mr. Barnhill stated it is the standard of the City to be either 50ft or 60ft and the City Engineer
188 advised on 60 ft.

189
190 Council Member Ostler inquired about the action today versus the previous meetings motion.

191
192 Mr. Barnhill explained that it would be a final approval and as the previous meeting wasn't
193 noticed properly this meeting will be the utilized action.

194
195 **AMENDED MOTION:** Council Member Montgomery amended to her motion to include the
196 previous meetings stipulations on this application [incorporating City Engineer's comments and
197 execution of vacated road on final plat]. Council Member Wright seconded the motion.

198
199 **ROLL CALL:** Council Member Watkins, No Council Member Montgomery, Yes
200 Council Member Tueller, Yes Council Member Wright, Yes
201 Council Member Ostler, Yes

202
203 **Motion Approved.** 4 Yes, 1 No.

204
205 Mr. Barnhill invited any public member to come and speak with him with any questions regarding
206 this application and how it will impact the area.

207
208 **D. ORDINANCE 19-K TRUCK PARKING**

209 Mr. Barnhill reviewed Ordinance 19-K regarding parking trucks on City streets. He explained
210 Title 15 and Title 10 both address this matter but the language in Title 15 is more functional for
211 code enforcement, therefore, they will be replacing the language in Title 10 with the language in
212 Title 15.

213
214 He reviewed the language from Title 15 and how it would help the police to be able to better
215 enforce this code. The changes are as follows:

- 216
 - Defining Direct Route
 - Defining Commercial Vehicle217

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- Addition of vehicles which are exceptions

The Council and Staff discussed having a vehicle parked on the street, and the need to be flexible as there are circumstances where people need to park on the street in front of their home.

Chief Hancey noted that per State Code if a vehicle is parked continuously for seven days the police are allowed to tow it away (especially regarding broken down vehicles).

The Council and Staff discussed some language clarifications and adjustments (commercial vehicle pickup and drop off allowances, acronym clarified, parking limits language, impact of this code for the gravel pit, etc.).

Mr. Barnhill reviewed the discussed amendments, which are as follows: Write out acronym GVWR (Gross Vehicle Weight Rating), remove word person and reword (page 4), remove word vehicle (page 5) and write out 72 consecutive hours (page 5), make exceptions for the gravel pit , and add language about infractions.

MOTION: Council Member Montgomery made a motion to approve Ordinance 19-K Truck Parking with the discussed amendments. Council Member Watkins seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

DISCUSSION: Council Member Wright asked for a report and copy of the final ordinance with changes.

E. ORDINANCE 19-L AMENDING THE PMC TO ALLOW FOR AND REGULATE CANNABIS PRODUCTS AND OPERATIONS

Mr. Barnhill reviewed Ordinance 19-L which is in response to the State’s codes regarding the regulation of cannabis products and operations. He said this ordinance states where cannabis can be grown (Ag zone) and sold in the City (Commercial Zone from a pharmacy).

Council Member Ostler noted a language correction and asked for clarification on advertising of product and signage.

Mr. Barnhill said he would seek the City Attorney’s feedback on the regulation of advertising and signage.

Council Member Ostler noted the need to update the Land Use Chart with this amendment. He asked about allowing it to be sold from all the Commercial Zones and suggested limiting it to one commercial zone.

Mayor Jeppsen recommended waiting to take action on this item until they have the City Attorney in attendance to clarify their questions and concerns.

Mayor Jeppsen tabled the item.

F. ORDINANCE 19-N AMENDING PMC 15.03 REGARDING PLANNING COMMISSION

Mr. Barnhill explained this amendment is regarding some adjustments for the planning commission. He said the proposed change would now read: the majority of the currently

271 appointed members creates a quorum. He noted the adjustments to the application process
272 regarding allowing more time to give public notice.

273
274 The Council discussed if there was a need for a minimum number of Planning
275 Commissioners. The Council had a consensus that a majority of appointed members was
276 sufficient.

277
278 Mr. Barnhill reviewed the changes to the need of requiring the applicant to be in attendance
279 for the application to be approved.

280
281 The Council agreed with the change to not require an applicant to be in attendance for the
282 application to be approved.

283
284 **MOTION:** Council Member Montgomery made a motion to approve Ordinance 19-N amending
285 PMC 15.03 regarding Planning Commission. Council Member Wright seconded the motion.

286
287 **ROLL CALL:** Council Member Watkins, Yes Council Member Montgomery, Yes
288 Council Member Tueller, Yes Council Member Wright, Yes
289 Council Member Ostler, Yes

290
291 **Motion Approved.** 5 Yes, 0 No.

292
293 **G. ORDINANCE 19-O AMENDING THE PERRY MUNICIPAL CODE TO ALLOW THE R2 ZONE**
294 Mr. Barnhill explained the proposal to allow the R2 Zone, which came up due to a developer
295 seeking to be able to develop some townhomes in an existing single-family area. He said
296 Planning Commission recommends allowing the R2 Zone with a 3 to 1 vote. He reviewed the
297 sentiments behind both the positive and the negative votes.

298
299 The Council and Staff discussed and clarified the area for the proposed development and if it
300 would be appropriate to bring back the R2 Zone.

301
302 The Council and Staff discussed the reasoning behind removing the R2 Zone (accommodating
303 the old General Plan) and the uses of having this zone with the new direction of utilizing
304 multifamily housing.

305
306 The Council and Staff discussed and clarified how and if allowing the R2 Zone would
307 counteract the Conservation Subdivision.

308
309 The Council and Staff discussed the impact of this proposed development on the surrounding
310 area.

311
312 Mayor Jeppsen noted that this amendment is more about allowing the option of the R2 Zone
313 and not necessarily this specific proposed development.

314
315 The Council and Staff discussed utilizing the R2 Zone on a case by case basis, and possibly
316 adding the stipulation of it being allowed only on properties which are smaller than 5 acres.

317
318 The Council and Staff discussed and clarified the process of a zone change being legislative
319 and not administrative.

320
321 **MOTION:** Council Member Montgomery made a motion to approve Ordinance 19-0 amending
322 the Perry Municipal Code to allow the R2 Zone with the note that the R2 zone will not be
323 considered for any property larger than 5 acres. Council Member Ostler seconded the motion.

324

325 **DISCUSSION:** The Council and Staff discussed if there was a need to place a size limit with it being
326 used on a case by case basis.

327
328 **MOTION AMENDED:** Council Member Montgomery amended her motion by removing the size
329 limit. Council Member Ostler seconded the motion.

330
331 **ROLL CALL:** Council Member Watkins, Yes Council Member Montgomery, Yes
332 Council Member Tueller, Yes Council Member Wright, No
333 Council Member Ostler, Yes

334
335 **Motion Approved.** 4 Yes, 1 No.

336
337 **H. RESOLUTION 2020-1 ENTERING INTO AN INTERLOCAL AGREEMENT WITH WEBER**
338 **COUNTY FOR STORM WATER MANAGEMENT**

339 Mr. Barnhill noted there are some grammatical errors which will be fixed. He said the Public
340 Works Department is seeking to get more certifications and have more trainings, which
341 Weber County provides. He explained the fee is \$1600 per year to participate.

342
343 Council Member Montgomery noted the exit clause is very straight forward. She expressed
344 her support of this agreement and the positive impact it would have on the Public Works
345 Department.

346
347 **MOTION:** Council Member Wright made a motion to approve Resolution 2020-1 entering into an
348 Interlocal Agreement with Weber County for Storm Water Management. Council Member
349 Montgomery seconded the motion.

350
351 **ROLL CALL:** Council Member Watkins, Yes Council Member Montgomery, Yes
352 Council Member Tueller, Yes Council Member Wright, Yes
353 Council Member Ostler, Yes

354
355 **Motion Approved.** 5 Yes, 0 No.

356
357 **ITEM 6: DISCUSSION**

358 **A. POINTE PERRY**

359 Mayor Jeppsen stated this item would be discussed in the City Council Retreat.

360

361 **B. VOLUNTEER PROJECTS**

362 Mayor Jeppsen stated this item would be discussed in the City Council Retreat.

363

364 **C. LANDFILL VOUCHERS**

365 Mr. Barnhill said he has spoken with the County regarding adjusting their agreement which
366 they were not in favor of. He said the County desires a deal to have all Perry City's garbage go
367 to their landfill. He said they will be continuing with the current agreement for the vouchers
368 and possibly revisiting it when Perry City's agreement with Republic Services expires.

369

370 Mayor Jeppsen said they can further discuss this item at the City Council Retreat.

371

372 The Council and Staff were in favor of continuing the vouchers for another year and seeing
373 how the community responds.

374

375 **D. COUNCIL RETREAT**

376 Shanna Johnson stated the time of the retreat has been changed from 7 am to 8 am and
377 requested breakfast orders be submitted promptly.

378

379 **ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS**

380 **A. APPROVAL OF CONSENT ITEMS**

- 381
- 382 • **December 12, 2019 City Council Meeting Minutes**
- 383 Shanna Johnson reviewed the amendments to the minutes, which she emailed to the Council.

384

385 **MOTION:** Council Member Montgomery made a motion to approve the December 12, 2019 City

386 Council Meeting Minutes. Council Member Tueller seconded the motion.

387

388 **DISCUSSION:** Council Member Ostler asked if this motion was for the amended minutes or the

389 original draft.

390

391 **AMENDED MOTION:** Council Member Montgomery amended her motion to include the

392 amendments to the December 12, 2019 City Council Meeting Minutes. Council Member Tueller

393 seconded the motion

394

395 **All Council Members were in favor**

396

397 **B. MAYOR REPORT**

398 Mayor Jeppsen stated there is a petition going around to stop a landfill being put in Hal Valley.

399 He said there are a considerable number of people who are against the location of this landfill.

400 He said if the Council is interested in participating in this petition to watch for it.

401

402 He said he has not heard back from the Commission on the Pointe Perry tax credit. He said he

403 would be attending their next meeting to try to move things forward.

404

405 **C. COUNCIL REPORTS**

406 None.

407

408 **D. STAFF COMMENTS**

409 Chief Scott Hancey reported on the 2019 Police Department Stats (radio system updated,

410 working on evidence room, participated in some excellent programs which bring in money from

411 the State, reviewed Crime Rate Report from the State for Perry, etc.).

412

413 **E. PLANNING COMMISSION REPORT**

414 Commissioner Peterson stated they are working on getting the Design Standards for

415 multifamily housing to the Council by May.

416

417 **MOTION:** Council Member Montgomery made a motion to extend the meeting 20 minutes. Council

418 Member Watkins seconded the motion.

419

420 **AMENDED MOTION:** Council Member Montgomery amended her motion to extend the meeting 30

421 minutes. Council Member Watkins seconded the motion.

422

423 **ROLL CALL:** Council Member Taylor, Yes Council Member Montgomery, Yes

424 Council Member Wright, Yes Council Member Watkins, Yes

425 Council Member Tueller, Yes

426

427 **Motion Approved.** 5 Yes, 0 No.

428

429

430 **ITEM 6: EXECUTIVE SESSION**

431

432 **MOTION:** Council Member Tueller made a motion to close the regular meeting and open the
433 executive session. Council Member Wright seconded the motion.

434
435 **AMENDED MOTION:** Council Member Tueller made a motion to close the regular meeting and
436 open the executive session regarding discussion of the purchase, exchange, lease, or sale of real
437 property and a strategy session to discuss collective bargaining. Council Member Wright seconded
438 the motion.

439
440 **ROLL CALL:** Council Member Taylor, Yes Council Member Montgomery, Yes
441 Council Member Wright, Yes Council Member Watkins, Yes
442 Council Member Tueller, Yes

443
444 **Motion Approved.** 5 Yes, 0 No.

445
446 **The Regular Meeting Closed at 10:03 PM**

447
448 **MOTION:** Council Member Tueller made a motion to close the executive session and reopen the
449 regular meeting. Council Member Wright seconded the motion.

450
451 **ROLL CALL:** Council Member Taylor, Yes Council Member Montgomery, Yes
452 Council Member Wright, Yes Council Member Watkins, Yes
453 Council Member Tueller, Yes

454
455 **Motion Approved.** 5 Yes, 0 No.

456
457 **The Regular Meeting Reopened at 10:30 PM**

458
459 **ITEM 7: ADJOURNMENT**

460 **MOTION:** Council Member Montgomery made a motion to adjourn the City Council Meeting.

461
462 **Motion Approved.** All Council Members were in favor.

463 The meeting adjourned at 10:31 PM.

464
465
466 _____
467
468 Susan Obray, City Recorder

469 _____
470
471 Kevin Jeppsen, Mayor

472
473 _____
474 Shanna Johnson, Chief Deputy Recorder

1 PERRY CITY COUNCIL RETREAT
2 WORK SESSION

3 PERRY CITY OFFICES
4 January 18, 2020

8:05 AM

6
7 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Andrew
8 Watkins, Nathan Tueller, Esther Montgomery, Toby Wright,
9 and Blake Ostler

10
11 CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
12 Robert Barnhill, City Planner

13
14
15 OTHERS PRESENT: None.

16
17 **ITEM 1: CALL TO ORDER**

18
19 Mayor Jeppsen welcomed everyone and called the City Council Retreat to order.
20

21
22 **ITEM 2: DISCUSSION ITEMS**

23
24 **A. Project Workshop (See Attached Slides)**

25 The Council participated in a workshop where there were boxes set up with different
26 projects in the City listed on each box, along with a description of the project. The
27 Council Members were given pretend Perry money and asked to put their money inside
28 the boxes in order of priority to the Council Member regarding each project. The
29 projects listed on the boxes in order of priority and summary of the discussion on each
30 are as follows:

31 1. Roads (\$119)

32 The Council discussed how to get funding for roads. Council Member Tueller
33 asked about the UTA tax and how to get it back. The Council talked about it
34 needing ballot action and what the deadline and process would be. It was
35 decided to request more information from City Attorney Bill Morris on the
36 process and deadlines. Shanna Johnson gave information to the Council on
37 what an estimated property tax increase would be versus the utility fee
38 increase and discussed pros and cons. There was discussion among the council
39 regarding the levels and qualities of the roads and which roads may need to be
40 fixed. The Council decided to wait on the fee increase until they meet with Bill
41 in February or March and get more information on ballot initiative.

42 2. Water (\$102)

43 The Council mentioned adding additional capacity for water with another well
44 and reservoir on the South side of the city and the need of a bond to accomplish
45 this. There was discussion about estimated cost, what the fees would be, and
46 future growth. They implied the possibility of partnering with Geneva Rock,
47 who will develop the area in the future, to help share the cost. The Council also
48 questioned property location and whether the City should be paying for the
49 needs of development or if that should fall solely onto the developer. The
50 Council discussed future growth and what should be the City's responsibilities.

51 The Mayor suggested doing a study to make sure there is enough information
52 on whether there is enough existing water capacity, and if it can get where it
53 needs to go. The Council also discussed doing a study on the Impact Fees/User
54 Rate. They talked about increasing the property tax rate gradually to save the
55 City from trouble in the future. Council Member Ostler brought up having a
56 special assessment area on the larger projects and properties. He also brought
57 up not allowing the tax rate to drop during the certified tax rate process, which
58 would keep the rates at a small gradual increase. Shanna Johnson informed the
59 Council that current funding is inadequate to cover future projects. Bob
60 Barnhill verified what the Council is wanting is more information to help them
61 decide where to go with a possible utility rate and impact fee increase, focusing
62 on maintenance and operations, and having adequate distribution on what we
63 have now.

64 3. City Hall (\$78)

65 Bob informed the council that the architect estimate for a new City Hall was
66 between \$5-\$6.5 million depending on what services are provided in the
67 building (based on 2019 construction costs). Council Member Watkins talked
68 about he and Bob touring several other city buildings being helpful to look at
69 things expense wise and suggested looking at the benefits and cons of removing
70 police, court, etc. to help reduce the cost of the building. He informed the
71 Council that Nibley wished they had spent \$1 million more and Clearfield wish
72 they had spent less. He discussed the possibility of starting with it as a basic
73 building at \$3 million with room for growth in the future. He also suggested
74 looking at local help to cut more costs, if there are people willing to use their
75 own expertise or design ideas. Shanna suggested looking at what \$3 million
76 would get the city. The Council spent time discussing what was important to
77 the other city buildings they looked at and what they liked and didn't like in
78 their buildings. They also talked about doing renovation on the current City
79 building and what the costs might be like doing that. Mayor Jeppesen brought
80 up the subject of needing to decide on whether to go forward with land
81 purchase for a new City building. He also stated that either way, he feels the
82 current building does need updates/repairs to maintain it. The Council
83 discussed what the citizens might think regarding building a new City building
84 and suggested getting more input from the public. The conversation leaned
85 toward wanting to move forward with the land purchase for future building,
86 looking into budgeting money for maintenance/repairs of current building, in
87 addition to finding out from JRTL what kind of building \$3 million would get.

88 4. Staff (\$77)

89 Regarding staffing, Shanna expressed the need for someone specifically to
90 maintain the City building, in addition to other duties, as there are not enough
91 employees in Public Works to accomplish everything they need to do. Shanna
92 commented that in the next few years, there would be a couple of people
93 retiring and that the needs of hours may need to be addressed again at that
94 time. She also expressed appreciation to the Council for the compensation
95 studies that were done to keep pay competitive. The Council considered
96 adding contracted services and discussed if an additional employee for Public
97 Works is needed. They discussed to continue to study compensation to ensure
98 competitive pay and provide facility improvements to provide a good work
99 environment.

100 5. Parks (\$61)

101 The Council called attention to the conceptual Trail Head park noting the area
102 needs signage detailing where to locate Perry Canyon. Parking and signs were
103 suggested as being needed or working to clean up the sub-station area which is
104 near it. It was also presented to sell Anderson Park, which is not used as much,
105 and use the money from that sale toward Mountain View Park or other parks
106 that need improvements. Council Member Wright informed the Council of
107 having inquired about what the cost would be to put in pickleball courts at
108 Perry park. He was told it would cost \$100,000 for four courts. They also
109 talked about resurfacing the basketball court and improving the existing court
110 to make it a multi-purpose court. The Council suggested coming up with an
111 updated Master Plan and Capital Improvements Plan concerning parks and
112 prioritizing projects. It was also proposed to possibly charge a fee for use of
113 the Dale Young arena.

114 6. Cemetery

115 Council Member Watkins discussed knowing a citizen that is willing to sale his
116 land for a future cemetery at whatever the going rate is and not looking to
117 make a profit. He showed the Council on the map where it was located, and
118 they discussed the purchase of the land and what needs to take place to go
119 forward with plan. The Mayor knows the landowner and will meet with him.

120
121 (The remaining items were not discussed due to time, but each had
122 approximately \$40 in their corresponding boxes except library, which had no
123 money associated with it.)
124

125 7. Sewer

126 8. Storm Drain

127 9. Local Citizens

128 10. Library
129
130

131 **B. Pointe Perry**

132 Mayor Jeppsen summarized the status of the Pointe Perry project area. He noted the city
133 does not want to be a developer. He talked about an offer received for some land, noting
134 the City had made a counteroffer, and that he was awaiting response. He indicated that
135 the city could hire a different broker for the Pointe Perry Commercial area, but the city
136 has not had much success with brokers in the past. Mayor Jeppsen indicated that the
137 Council would discuss this project area further in Executive Session.
138

139 **C. Volunteer Projects**

140 Council Member Watkins discussed a flyer that he had made with information on it for
141 Youth City Council. There are people that he had in mind already that he thinks would
142 be willing to lead this project and provide service for the city. He stated that he is
143 willing to help mentor this project and coach a couple that would help lead the youth in
144 their service for the community. Council Member Ostler is also willing to help with this
145 project when needed. The focus is mainly for the youth to be involved in learning
146 activities and serving the community.
147

148 **D. Other Discussion Items**

149 Mayor Jeppsen brought up the Fourth of July and assigned the City Council to get
150 volunteers and contact them within the next two weeks. He stated that City Staff can still

151 assist but wanted the responsibility to go back to the citizens. The Council will help by
152 reaching out to get a committee together.

153
154

155 **ITEM 3: EXECUTIVE SESSION**

156 Approximately 11:42 a.m.

157 Council Member Tueller made a motion to open the Executive Session to discuss the purchase,
158 exchange, lease, or sale of real property and the professional competency of an individual. Council
159 Member Wright seconded the motion.

160

161 **ROLL CALL:** Council Member Montgomery, Yes Council Member Watkins, Yes
162 Council Member Tueller, Yes Council Member Wright, Yes
163 Council Member Ostler, Yes

164

165 **Motion Approved.** 5 yes, 0 No.

166

167

168 Approximately 12:03 p.m.

169 Council Member Wright made a motion to close the Executive Session at 12:03 p.m. Council
170 Member Montgomery seconded the motion.

171

172 **ROLL CALL:** Council Member Montgomery, Yes Council Member Watkins, Yes
173 Council Member Tueller, Yes Council Member Wright, Yes
174 Council Member Ostler, Yes

175

176 **Motion Approved.** 5 yes, 0 No.

177

178

179 **ITEM 4: ADJOURNMENT**

180

181 Council Member Montgomery motioned to close the work session. All Council Members were in
182 favor.

183

184 The Meeting adjourned at 12:03 p.m.

185

186

187

188

189

Susan Obray, City Recorder

Kevin Jepps, Mayor

190

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Shanna Johnson, Chief Deputy Recorder

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4
5
6 **OFFICIALS PRESENT:** Mayor Kevin Jeppsen presided and conducted the meeting.
7 Toby Wright, Nathan Tueller, Andrew Watkins, and Blake Ostler were
8 present.
9 Esther Montgomery was absent.
10 Andrew Watkins left at 8:14 p.m.

11
12 **CITY STAFF PRESENT:** Shanna Johnson, Chief Deputy Recorder
13 Robert Barnhill, City Planner
14 Scott Hancey, Chief of Police
15 Zach Waddoups, Police Officer
16 Bill Morris, City Attorney

17
18
19 **OTHERS PRESENT:** Nancy Green, Sheila Harper, Jan Kerr and Julie Jones

20
21 **ITEM 1: CALL TO ORDER**

22
23 Mayor Jeppsen called the City Council meeting to order.

24
25 **A. INVOCATION**

26
27 Council Member Wright offered the invocation.

28
29 **B. PLEDGE OF ALLEGIANCE**

30
31 Mayor Jeppsen led the audience in the Pledge of Allegiance.

32
33 **ITEM 2: PROCEDURAL ISSUES**

34 **A. CONFLICT OF INTEREST DECLARATION**

35 None.

36
37 **B. PASS OUT WARRANTS TO COUNCIL MEMBERS (AND POSSIBLE DISCUSSION)**

38 Shanna Johnson passed out the warrants.
39

40 **ITEM 3: PRESENTIONS**

41 **A. BRIGHAM CITY SENIOR CENTER MEALS ON WHEELS**

42 Nancy Green thanked the Council for supporting the Meals on Wheels program. She reported
43 that there are 12 Perry residents receiving meals daily. The Senior Center has their 50-year
44 Anniversary celebration this year and they will be inviting Perry City to join in that
45 celebration. She informed the Council that they have 94 participants and 10 active volunteers
46 at the Center that are Perry residents. She discussed some of the classes they offer including
47 water coloring, silver sneakers and Spanish classes. She stated that they do Medicare
48 counseling and help guide people through the process of health care for senior citizens. She
49 also informed the Council that they are at a 20% increase from where they were last year
50 with the Meals on Wheels program, delivering 163 meals. 25 years ago, there were only 2
51 routes with the most meals they delivered being 45. The volunteer program today has 17
52 routes. She discussed one of the biggest concerns for our Senior citizens is isolation and how
53 they try and prevent that. She also discussed malnutrition being another big issue for the
54 Seniors and that the meal program delivers a nutritious meal for them. She talked about the
55 annual fundraiser coming up in March and that they raise nearly \$20,000 for Meals on
56 Wheels. To qualify for Meals on Wheels services, participants need to be 60 years or older,

57 homebound or disabled. They are assessed by a Social Worker to see if there is truly a need.
58 She distributed their newsletter with the menu and told the Council that they could go ride
59 along with a volunteer any time if they wanted to participate in that.
60

61 **ITEM 4: PUBLIC HEARING AND/ OR PUBLIC COMMENT**

62 **A. PUBLIC COMMENTS**

63 No public comment given.
64
65

66 **ITEM 5: ACTION ITEMS**

67
68 **A. APPROVAL OF THE WARRANTS**

69 The Council and Staff discussed and clarified the warrants.
70

71 **MOTION:** Council Member Wright made a motion to approve the warrants. Council Member
72 Watkins seconded the motion.
73

74 **ROLL CALL:** Council Member Watkins, Yes Council Member Ostler, Yes
75 Council Member Tueller, Yes Council Member Wright, Yes
76

77 **Motion Approved.** 4 Yes, 0 No.
78

79 **B. ORDINANCE 19-L AMENDING THE PMC TO ALLOW FOR AND REGULATE CANNABIS**
80 **PRODUCTS AND OPERATIONS**

81
82 Attorney Bill Morris explained that voters approved Proposition 2, which allows for
83 medical use of marijuana in Utah. The legislature took that law and modified it with senate
84 bill 1002, which impacts municipalities. The proposition eliminates some zoning ability of
85 the city. When the Legislature modified it, they allowed for a few things. Bill stated that he
86 does not want to deviate from those modifications. He feels an obligation to protect the
87 people of Perry City. He discussed that he worked with Bob Barnhill, City Planner, on
88 where the residential zones are and informed the Council that the state law requires a
89 primary residential zone and designates what those are, then the state law puts a 600 foot
90 set back from any cannabis pharmacies or production sites to not be located in those
91 residential zones. With input from Bob, the Council discussed the various commercial and
92 industrial zones where these cannabis facilities could be located. Bill suggested that they
93 should select one manufacturing zone for production and one for pharmacies to comply
94 with state law. This will make it so that the City is complying with state statute but also
95 protecting the city from these uses being allowed in any zone.
96

97 **MOTION:** Council Member Wright made a motion to approve ordinance 19 L amending the PMC
98 to allow for and regulate cannabis products and operations with the zone changes indicated.
99 Council Member Tueller seconded the motion.
100

101 **ROLL CALL:** Council Member Watkins, Yes Council Member Ostler, Yes
102 Council Member Tueller, Yes Council Member Wright, Yes
103

104 **Motion Approved.** 4 Yes, 0 No.
105

106 **C. LOT LINE ADJUSTMENT KERR SUBDIVISION 2925 S HWY 89**

107 Bob Barnhill displayed the property location and discussed the subdivision approval last
108 year that created a small parcel for a pre-existing billboard. He discussed it being in the NC2
109 zone and informed the council that the property owner wanted the lot lines adjusted to go
110 from 44 to 119 feet deep for more room and navigation on the property.

111 Jan Kerr, the property owner spouse, stated that since approval last year, they have decided
112 that it may need more room for possible future needs if UDOT needed to expand the road,
113 possible storage, or any other issues.
114

115
116 Council Member Ostler inquired if it was a legal non-conforming use and if it was an
117 expansion of a legal non-conforming use. Bob explained that the use is not being changed
118 since the billboard is not changing. If the billboard were to be increased in size, then it would
119 be an issue.
120

121 **MOTION:** Council Member Wright made a motion to approve the lot line adjustment for the Kerr
122 subdivision. Council Watkins seconded the motion.
123

124 **ROLL CALL:** Council Member Watkins, Yes Council Member Ostler, Yes
125 Council Member Tueller, Yes Council Member Wright, Yes
126

127 **Motion Approved.** 4 Yes, 0 No.
128
129

130 **ITEM 6: DISCUSSION**

131 **A. BUDGET UPDATE**

132 Shanna Johnson reviewed the Fiscal Year 2020 Budget Update for the month of December.
133 She advised that 50% of the fiscal year has elapsed and 16% of General Fund revenue shows
134 as collected, noting that this will increase upon receipt of property tax revenues, which
135 should come in January. She reported that 51% of Utility Fund Revenues have been collected.
136 Ms. Johnson stated that the Sewer Fund has received 48% of its revenues and reported that
137 the City has collected 49% of non-operating revenues, which are comprised of impact and
138 connection fees.
139

140 Ms. Johnson reviewed expenses stating that the General Fund has spent 32.5% of its budget.
141 She reported that 56.9% of the Enterprise Funds show expended and the Sewer Fund has
142 spent 33.8% of its budget.
143

144 Ms. Johnson reported sales tax received for the month of December (which reflects taxes
145 collected in October) came in 11.71% higher than the prior year and 10.77% YTD as
146 compared to the prior year. She reviewed that Mass Transit Tax collected in December was
147 8.49% higher than the prior year and 12.53% higher YTD as compared to the prior year.
148

149 Ms. Johnson responded to a prior inquiry from the council regarding the reasons for the
150 2019 Community Development budget increase, which included:

- 151 • Full year of City Planner vs. 3 months from prior year = 43,449
- 152 • Mass Transit Tax increase = 25,954
- 153 • Welcome Sign Grant = 8,473
- 154 • Professional and Technical increase = 5,300
- 155 • Increased Inspection fees = 4,717
- 156 • 4th of July and Holiday Events = 3,576
- 157 • Land Appraisal costs = 2,200
- 158
- 159

160 **B. TOURISM GRANT**

161 Shanna explained that every year, Perry City has put in for money from the tourism board for
162 different projects in city. She discussed the standard grant that is for projects for over \$1000
163 or the smaller grants that are under \$1000. She asked the Council if they had any ideas of
164 projects to ask the board for grant money and noted that the deadline for applications is on

165 February 29th. Council Member Tueller asked if the money could be used toward parks and
166 Shanna told him that it could. There was discussion about different project ideas. Shanna
167 reminded the Council that it does have to be geared toward tourism and projects must be
168 completed within one year. The grant money is awarded in April and the project would need
169 to be completed by the next April.
170

171 **ITEM 7: MINUTES & COUNCIL/MAYOR REPORTS**

172 **A. APPROVAL OF CONSENT ITEMS**

- 173
- 174 • **December 12, 2019 City Council Work Session Minutes**
175 Tabled
- 176 • **January 9, 2020 City Council Meeting Minutes**
177 Tabled

178 **B. MAYOR REPORT**

179 Mayor Jeppsen reported that he had met with a representative from My Discovery Destination
180 who is rolling out a program to the schools in the County called Be Internet Awesome. This
181 program is to help kids with being safe on the internet. He told the Council that there would be
182 an opportunity to contribute to this program that would go toward banners that will be
183 displayed at the schools and that he will send the Council an email with the information for
184 them to look over.
185

186
187 He also discussed having attended the County Commission meeting with hopes of getting a
188 decision on the request concerning the property tax at Pointe Perry, he reported they have not
189 come to a decision yet.
190

191 He talked about the Box Elder News Journal reporting that Brigham City is making a proposal
192 for a training safety center, and that it sounded like they were looking for surrounding
193 communities to participate in that project. He is waiting for a directive from Chief Bott before
194 further discussion on this item. The center would be for fire and police training.
195

196 **C. COUNCIL REPORTS**

197 Council Member Ostler said he had spoken with one resident that has interest in helping with
198 July 4th and asked for more information of what the next step would be. It was discussed that
199 there would need to be a meeting with those interested in helping with the 4th of July to form a
200 committee and the administration could help direct that.
201

202 Council Member Watkins brought up the Perry City Youth Council. He proposed doing a \$400
203 budget to help with t-shirts, food, and activities. Shanna said that they would just need to do a
204 budget amendment to add for that. They also discussed doing half of that amount for this year
205 (since the fiscal year is half over).
206

207 Council Member Tueller reported on the sewer board meeting. He talked about gearing up for
208 the budget for the sewer plant and some of the upcoming expenses including repairs, and dump
209 trailer. He informed the Council that the Willard Bay park manager is looking into updating and
210 expanding their sewer system; however, Willard Bay is not interested in tying their sewer into
211 our wastewater plant.
212

213 **D. STAFF COMMENTS**

214 Bill Morris stated that we are required to update Storm Water regulations by March 1st to avoid
215 fines from DEQ, he is almost completed with the draft and will get that to Bob for review.
216

217 Bob discussed talking to Ryan Jackson about running softball to help with the July 4th
218 celebrations, that he would work with Paul Nelson this year and plans to take over for Paul.

219
220 **E. PLANNING COMMISSION REPORT**
221 Jan Kerr gave a quick reminder about the design standards for multifamily being reviewed by
222 Planning Commission. Julie Jones introduced herself as being new to the Planning Commission.
223

224 **ITEM 6: EXECUTIVE SESSION**
225 None
226

227 **ITEM 7: ADJOURNMENT**

228 **MOTION:** Council Member Wright made a motion to adjourn the City Council Meeting.
229

230 **Motion Approved.** All Council Members were in favor.

231 The meeting adjourned at 8:17 PM.

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Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder