

Thursday, October 24, 2019

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 – Andrew Watkin
- B.** Pledge of Allegiance – Blake Ostler

2. Approx. 7:05 PM Procedural Issues

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

3. Approx. 7:15 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

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

- A.** Approval of Warrants
- B.** Discussion and/or Action to Assign a Street Name to 100 West from 2050 South to 2100 South
- C.** Discussion and/or Action Regarding Planning Commission's Recommendation to Consider a Code Amendment Allowing Apartments on Certain Lots in Pointe Perry

5. Approx. 7:40 PM – Discussion Items

- A.** Discussion Regarding Modifying the Three Mile Creek Gun Range Board Structure
- B.** Budget Update

6. Approx. 7:45 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
 - September 26, 2019 City Council Meeting Minutes
- B.** Mayor's Report
- C.** Council Reports
- D.** Staff Comments
- E.** Planning Commission Report

7. Approx. 8:10 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. 8:55 PM Action Item

A. Motion to Allow the Mayor to Enter into Negotiations/Contract for a Land Purchase

9. Approx. 9:00 PM – Adjournment

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member of the City Council and was posted in three locations: the Perry City Offices, Centennial Park, Perry City Park; and was emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 17th day of October, 2019. 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
Bank Of Utah								
10398	Bank Of Utah	10/11/2019	WWTP Charges	09/30/2019	374.12	374.12	10/11/2019	
10398	Bank Of Utah	10/11/2019	WWTP Charges	09/30/2019	93.00	93.00	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	170.98	170.98	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	170.98	170.98	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	344.54	344.54	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	201.38	201.38	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	569.07	569.07	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	61.95	61.95	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	300.00	300.00	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	4.26	4.26	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	51.83	51.83	10/11/2019	
10398	Bank Of Utah	10/11/2019	Perry City Charges	09/30/2019	126.66	126.66	10/11/2019	
Total Bank Of Utah:					2,468.77	2,468.77		
Box Elder County								
104	Box Elder County	10/08/2019	Building Permit Fees due to Count	09/30/2019	9,260.32	9,260.32	10/08/2019	
Total Box Elder County:					9,260.32	9,260.32		
Brigham City Corp.								
6106	Brigham City Corp.	10/09/2019	walmart sales tax	10/03/2019	23,291.88	23,291.88	10/09/2019	
6106	Brigham City Corp.	10/09/2019	interlocal storm water	10/03/2019	117.60	117.60	10/09/2019	
Total Brigham City Corp.:					23,409.48	23,409.48		
CARDWELL DISTRIBUTING								
11209	CARDWELL DISTRIBUTING	0619535	WWTP	10/01/2019	2,057.09	2,057.09	10/08/2019	
Total CARDWELL DISTRIBUTING:					2,057.09	2,057.09		
Cottonwood Title Co.								
12514	Cottonwood Title Co.	10/10/2019	Right Of Way, Homes USA	10/10/2019	24,221.63	24,221.63	10/10/2019	
12514	Cottonwood Title Co.	10/10/2019	Right Of Way , Lancer B,L.C.	10/10/2019	65,020.10	65,020.10	10/10/2019	
12514	Cottonwood Title Co.	10/10/2019	Right Of Way, BECO Land Holdin	10/10/2019	23,748.90	23,748.90	10/10/2019	
12514	Cottonwood Title Co.	10/10/2019	Right Of Way, BECO Land Holdin	10/10/2019	19,409.80	19,409.80	10/10/2019	
Total Cottonwood Title Co.:					132,400.43	132,400.43		
Poulsen Trailer Sales								
11323	Poulsen Trailer Sales	15630	4 Underbody Tool Boxes	09/25/2019	2,100.00	2,100.00	10/10/2019	
11323	Poulsen Trailer Sales	15630	Tool Boxes	09/25/2019	2,100.00	2,100.00	10/10/2019	
Total Poulsen Trailer Sales:					4,200.00	4,200.00		
Republic Services								
10200	Republic Services	0493-0006259	garbage service	09/30/2019	19,464.56	19,464.56	10/10/2019	
Total Republic Services:					19,464.56	19,464.56		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Rhett Robinson								
12577	Rhett Robinson	12345	Storage Building For Gunrange	08/27/2019	2,500.00	2,500.00	10/07/2019	
	Total Rhett Robinson:				2,500.00	2,500.00		
Rocky Mountain Power								
2501	Rocky Mountain Power	10/08/2019	WWTP Power	09/13/2019	5,314.44	5,314.44	10/08/2019	
	Total Rocky Mountain Power:				5,314.44	5,314.44		
The Bancorp Bank								
12149	The Bancorp Bank	454337	2019 Ram 3500 Tradesman Reg	09/30/2019	17,656.46	17,656.46	10/10/2019	
	Total The Bancorp Bank:				17,656.46	17,656.46		
	Grand Totals:				218,731.55	218,731.55		

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Detail report.

Invoices with totals above \$2000.00 included.

Paid and unpaid invoices included.

OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Esther Montgomery, Blake Ostler, and Andrew Watkins

OFFICIALS EXCUSED: Toby Wright and Nathan Tueller

CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
Robert Barnhill, City Planner
Scott Hancey, Chief of Police
Bill Morris, City Attorney

OTHERS PRESENT: Maren Powell, Abigail Haws, Terry Haws, Braun Bowden, Bill Bowden, Sam Gerlach, Michele Bowden, Nate Kjar

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

A. INVOCATION

Mayor Jeppsen offered the invocation.

B. PLEDGE OF ALLEGIANCE

Mayor Jeppsen led the audience in the Pledge of Allegiance.

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

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

Shanna Johnson passed out the warrants.

C. APPOINTMENTS: PLANNING COMMISSION

Mayor Jeppsen presented the appointment of Marcus Wager as a new member of Planning Commission.

MOTION: Council Member Montgomery made a motion to approve the appointment of Marcus Wager as a Planning Commissioner. Council Member Watkins seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

ITEM 4: PUBLIC HEARING AND/ OR PUBLIC COMMENT

A. PUBLIC COMMENTS

No public comment given.

ITEM 4: ACTION ITEMS

57 **A. APPROVAL OF THE WARRANTS**

58 The Council and Staff discussed and clarified the current warrants

59
60 **MOTION:** Council Member Montgomery made a motion to approve the warrants. Council
61 Member Watkins seconded the motion.

62
63 **ROLL CALL:** Council Member Watkins, Yes Council Member Montgomery, Yes
64 Council Member Ostler, Yes

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66 **Motion Approved.** 3 Yes, 0 No.
67

68 **B. ORDINANCE 19- F AMENDING THE PERRY CITY MUNICIPAL CODE REGARDING**
69 **MULTI-FAMILY HOUSING**

70 Mr. Barnhill reviewed Ordinance 19-F with the Council. He explained there has been a need
71 to have multi-family housing built into the code, due to state legislation and the desire in
72 the updated General Plan to have it scattered throughout the City.

73
74 He reviewed the overlay zone which shows how much multifamily housing is allowable in
75 the various blocked out areas over the City, as well as, how much multifamily housing
76 already exists throughout the City.

77
78 He reviewed the process he and the Commission went through in creating this overlay
79 zone and coming up with the current proposed numbers. He said the Commission felt the
80 numbers could be adjusted as needed but this gave a place to start from.

81
82 The Staff and Council discussed the current listed numbers and whether or not they were
83 appropriate (see attached map).

84
85 Council Member Ostler presented some language adjustments and brought forth some
86 concerns as follows:

- 87
88
 - Meeting requirement to locate multi-family housing near regional transportation
 - Potential conflicts with CC&Rs
 - Ensuring impact fees and other fees for multi-family housing are addressed in the consolidated fee schedule
 - Lack of design standards

91
92
93

94 Council Member Ostler recommended the use of a moratorium until these concerns are
95 addressed.

96
97 The Council and Staff discussed and clarified Council Member Ostlers presentation, and the
98 concerns and proposals they feel need to be further addressed and/or utilized.

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100 This item was tabled until further information can be gathered.

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102 **C. ORDINANCE 19-G REPEALING TITLE 7, RENUMBERING TITLE 12 TO TITLE 7,**
103 **REPEALING AND RE-ENACTING TITLE 8 AND 11**

104 Mr. Morris reviewed the need for Ordinance 19-G which would bring the City in compliance
105 with State Statutes. He reviewed the changes which will be done to the City Codes to bring
106 them in compliance (firework regulations, fire safety, dangerous buildings, etc.).

107
108 Council Member Ostler stated he would send his redlines to Mr. Morris for this item.
109

Mr. Morris clarified that much of the changes he has incorporated will not be able to be adjusted because they are straight out of the State Codes.

Mr. Barnhill noted that these changes would become a part of code enforcement.

Mr. Morris reviewed some options available for code enforcement (civil fine versus property tax penalty or court hearing).

This item was tabled until more Council Members are in attendance.

D. ORDINANCE 19-H AMENDING THE PERRY CITY MUNICIPAL CODE REGARDING LOT REQUIREMENTS

Mr. Barnhill stated the Planning Commission has recommended approval of Ordinance 19-H which addresses lot set back requirements. He explained this was brought up by some concerns regarding the restrictions on corner lots needing to be updated. He reviewed the proposed updates (20 ft frontal setbacks on all zones except AG, 5 ft accessory building setbacks, 10 ft rear setback, 8 ft side setbacks on both sides, 15 ft setbacks for sides of corner lots, etc.).

Mr. Morris stated the City will need to check with the Fire Marshall on the 8ft side setbacks because the way they are currently written (8ft on one side and 14ft on the other) was done for fire safety.

Mr. Barnhill stated he would do this. He reviewed some of the other changes (lot size for lots with septic systems, site triangle set to 30 ft, corner lots with garage access on the street side 20ft setback, etc.).

Mr. Barnhill stated that these changes are comparable to Brigham City Codes and other comparable cities.

Council Member Ostler asked for clarification on the site triangle and if it would affect driving safety.

Mr. Barnhill stated that it possibly could affect visibility and safety, but added that often the 40 ft restriction is not needed.

Council Member Ostler asked for clarification on how note number four is applied.

Mr. Barnhill reviewed note number four, which states *"For Multi-family Dwelling Units the setback requirements apply to boundaries of the development and are not applied between connected dwelling units. The lot area requirements do not apply to units owned separately (townhomes, condos)"*. He explained how the setbacks would be applied to development as a whole and not per individual unit.

Mr. Morris suggested some different wording to help these applications be clearer.

Council Member Watkins conveyed his desire to ensure that these changes maintain the neighborhood feel of Perry.

Council Member Montgomery expressed her support of these changes and allowing people more options with their properties.

Mayor Jeppsen invited any public member to comment if they desired on this item.

Nate Kjar stated he is the public member who brought this concern before the City. He stated he would be supportive of copying Brigham City's codes (8ft one side and 10ft one side) regarding side setbacks to compensate for the fire safety issue. He said he would desire action being taken tonight because it would allow him to build before winter. He respectfully requested the Council take action tonight if possible.

The Council discussed which side setback they felt would be in the best interest of the City.

This item was tabled until Fire Marshall Feedback is received.

Nate Kjar explained the setbacks which were inhibiting him from moving forward were the front and back setbacks. He proposed the Council take action on the changes made to just those setbacks to allow him to move forward.

Mayor Jeppsen stated the item would remain tabled.

E. ORDINANCE 19-I ADOPTING AN UPDATED PERRY CITY GENERAL PLAN

Tabled until more Council Members are in attendance.

F. ORDINANCE 19-J ADOPTING UNIFORM WASTEWATER USER DISCHARGE REQUIREMENTS

Mayor Jeppsen reviewed the ordinance, stating its intent is to hold businesses accountable for their waste, to hinder inappropriate material getting into the sewer system.

Council Member Watkins noted some of the comments from Council Member Tueller regarding this item and how this will allow them to monitor how much waste is coming from each business.

MOTION: Council Member Montgomery made a motion to approve Ordinance 19-J adopting Uniform Wastewater User Discharge Requirements Council Member Watkins seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

G. FINAL APPROVAL OF A 1-LOT SUBDIVISION FOR BILL AND MICHELLE BOWDEN LOCATED AT APPROXIMATELY 1350 W 2250 S

Bob Barnhill reviewed this application with the Council, which has been recommended for approval by the Planning Commission. He stated this property has been used agriculturally in the past and the applicant is proposing to utilize a $\frac{3}{4}$ acre section in the corner of the property for a residence. He stated they have already had a zone change approved to the RE 1/2 zone to allow this changed use.

Mr. Barnhill stated they are requesting a deferral agreement for the curb, gutter, and sidewalk—as the road is currently a gravel road. He stated the Planning Commission and City Engineer were in support of this deferral agreement.

Mr. Barnhill stated the City Engineer's comments were addressed before this application went before the Planning Commission for recommendation of Final Approval. He stated the Fire Marshall has also been contacted and is aware of this application.

Commissioner Ostler asked for clarification on the deferral agreement regarding the wrong serial number listed, the reasoning behind the deferral agreement being restated, grammatical and language adjustments, and if this agreement is allowable with the owner of the property being a trust.

Staff noted the correction being made to the serial number, an uncertainty as to if this deferral agreement had been done before, agreed to the grammatical and language adjustments, and stated the deferral agreement would not be an issue with regards to the trust ownership, as long as the trust is noted in the document.

Bill Morris noted that the building permit would not be issued until the deferral agreement is complete, therefore, the needed adjustments to the deferral agreement can be made prior to issuing the permit.

Braun Bowden clarified that this lot will be deeded to them from the trust, which they will have recorded and then they will be the property owners on this particular piece of land.

MOTION: Council Member Montgomery made a motion to grant Final Approval of the a 1-Lot Subdivision for Bill and Michelle Bowden Located at Approximately 1350 W2250 S subject to the modification of the deferral agreement as discussed. Council Member Watkins seconded the motion.

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

Motion Approved. 3 Yes, 0 No.

H. DISCUSSION AND/OR ACTION TO ASSIGN A STREET NAME TO 100 WEST FROM 2050 SOUTH TO 2100 SOUTH

Bob Barnhill stated that there has been some confusion on recording some of the new homes in the Suncrest Subdivision due to duplicate street numbers. He explained the solution to this confusion is to assign a name to the street (as listed above). He said the code states that the City Council must approve street's which have names instead of numbers.

Mr. Barnhill requested the Council think of some names and then they can take action on the agreed upon name at the next meeting.

Council Member Watkins desired to know the names of the surrounding streets, so as not to duplicate and to incorporate those in the naming of this street.

The Council and Staff reviewed the surrounding street names which were Peach and Cherry.

This item was tabled until further research was done by the Council.

ITEM 5 MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

- **August 8, 2019 City Council Meeting Minutes**
- **August 22, 2019 City Council Meeting Minutes**

Mrs. Johnson noted that some changes were made and sent to the Council prior to the meeting.

MOTION: Council Member Watkins made a motion to approve the August 8, 2019 and August 22, 2019 City Council Meeting Minutes. Council Member Montgomery seconded the motion.

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

Motion Approved. 3 Yes, 0 No

B. MAYOR'S REPORT

Mayor Jeppsen said he attended a meeting regarding the transit plans for Box Elder County. He said he is planning to have a presentation given to the Council by either a County Commissioner or Mr. Barnhill regarding the information at this meeting. He said they are in the process of getting more information to clarify the sales tax currently being collected by the UTA.

Mayor Jeppsen stated there is a Wasatch Choice workshop on Monday from 4pm- 6pm for any Council Members who would like to attend he can email the information.

Mayor Jeppsen stated the land dealings with SITLA and DNR have progressed well and the paperwork is at the title company to be processed.

C. COUNCIL REPORTS

Council Member Montgomery expressed the desire to have another City Council Retreat to discuss the major matters the City is working on.

Council Member Watkins reiterated the need for the City Council Retreat.

Shanna Johnson said the City Council Retreat is usually held in January after the election, however, if the Council would like to have more than one, they can.

Shanna Johnson stated that they have had a few write-in candidates for the election and reviewed the process for this election with the write-in candidates. She clarified a write-in candidate must have declared themselves to be counted in the votes.

Council Member Ostler thanked the Council and Staff for supporting him.

D. STAFF COMMENTS

Shanna Johnson said she is working on preparing for the City Audit and has everything prepared and sent all but two documents to the accountant.

E. PLANNING COMMISSION REPORT

No Commissioner present

ITEM 7: EXECUTIVE SESSION

None required.

ITEM 8: ADJOURNMENT

MOTION: Council Member Watkins made a motion to adjourn the City Council Meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 9:01 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

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Shanna Johnson, Chief Deputy Recorder

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