

Thursday, November 08, 2018

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

1. Call to Order and Opening Ceremonies

- A. Thought, Reading or Invocation – Nathan Tueller
- B. Pledge of Allegiance – Jim Taylor
- C. Review and Adopt the Agenda

2. Approx. 7:05 PM Procedural Issues

- A. Conflicts of Interest Declaration(s), If Any
- B. Pass out Warrants to Council Members (and Possible Discussion)
- C. Business License(s) – None
- D. Appointments - Utopia Board

3. Approx. 7:20 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. 7:25 PM Presentations:

- A. FY2019 Budget Update

5. Approx. 7:30 PM – Action Items (Roll Call Vote)

- A. Approval of Warrants
- B. Ordinance 18-G Amending Title 15 Lot Frontage Requirements
- C. Ordinance 18-H (Formerly 17-J) Creating a Conservation Subdivision
- D. Final Approval for Kerr Subdivision
- E. Final Approval for Wasatch Hills Lot Line Amendment

6. Approx. 7:55 PM – Discussion Items

- A. Perry-Willard Sewer Facility Board Bylaws

7. Approx. 8:15 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
 - October 25, 2018 City Council Meeting Minutes
- B. Mayor's Report
- C. Council Reports
- D. Staff Comments
- E. Planning Commission Report

8. Approx. 8:35 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.

9. Approx. 8:50 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 faxed/emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 1st day of November, 2018. 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.

Paid and unpaid invoices included.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Bennett, Tueller, Johnson & Deere								
12109	Bennett, Tueller, Johnson & Deere	204933	Legal Services Rendered	10/08/2018	3,200.00	3,200.00	10/22/2018	
12109	Bennett, Tueller, Johnson & Deere	204933	Legal Services Rendered	10/08/2018	600.00	600.00	10/22/2018	
12109	Bennett, Tueller, Johnson & Deere	204933	Legal Services Rendered	10/08/2018	200.00	200.00	10/22/2018	
Total Bennett, Tueller, Johnson & Deere:					4,000.00	4,000.00		
Black & McDonald								
11660	Black & McDonald	76-918874	Street Lights	08/05/2018	2,763.63	2,763.63	11/01/2018	
11660	Black & McDonald	76-918875	Street Lights	08/05/2018	11,524.88	11,524.88	11/01/2018	
Total Black & McDonald:					14,288.51	14,288.51		
Rocky Mountain Power								
2501	Rocky Mountain Power	10/24/2018	power bill	10/15/2018	22.86	22.86	10/24/2018	
2501	Rocky Mountain Power	10/24/2018	power bill	10/15/2018	1,667.00	1,667.00	10/24/2018	
2501	Rocky Mountain Power	10/24/2018	power bill	10/15/2018	93.14	93.14	10/24/2018	
2501	Rocky Mountain Power	10/24/2018	power bill	10/15/2018	6,078.47	6,078.47	10/24/2018	
2501	Rocky Mountain Power	10/24/2018	power bill	10/15/2018	177.37	177.37	10/24/2018	
2501	Rocky Mountain Power	10/24/2018	power bill	10/15/2018	463.73	463.73	10/24/2018	
2501	Rocky Mountain Power	11/01/2018	WWTP Power	10/12/2018	4,399.23	4,399.23	11/01/2018	
Total Rocky Mountain Power:					12,901.80	12,901.80		
Rocky Mountain Valves & Automa								
11499	Rocky Mountain Valves & Automa	7166-7812	WWTP Motor & Labor	10/08/2018	2,370.24	2,370.24	10/23/2018	
Total Rocky Mountain Valves & Automa:					2,370.24	2,370.24		
The Bancorp Bank								
12149	The Bancorp Bank	427539	Police Vehicle	10/31/2018	6,832.70	6,832.70	11/01/2018	
12149	The Bancorp Bank	427540	Police Vehicle	10/31/2018	12,482.81	12,482.81	11/01/2018	
12149	The Bancorp Bank	427540	Police Vehicle	10/31/2018	4,296.77	4,296.77	11/01/2018	
12149	The Bancorp Bank	427540	Police Vehicle	10/31/2018	4,296.77	4,296.77	11/01/2018	
12149	The Bancorp Bank	427540	Police Vehicle	10/31/2018	4,296.77	4,296.77	11/01/2018	
12149	The Bancorp Bank	427540	Police Vehicle	10/31/2018	4,296.77	4,296.77	11/01/2018	
Total The Bancorp Bank:					36,502.59	36,502.59		
Utah Local Governments Trust								
10333	Utah Local Governments Trust	10/30/2018	Auto Endorsement, Workers Com	10/26/2018	3,808.22	3,808.22	10/30/2018	
Total Utah Local Governments Trust:					3,808.22	3,808.22		
William M. Morris P.C.								
10434	William M. Morris P.C.	11/01/2018	Prosecution Services	10/01/2018	2,812.50	2,812.50	11/01/2018	
Total William M. Morris P.C.:					2,812.50	2,812.50		
Zions Bank								
11510	Zions Bank	11/01/2018	Utopia	10/22/2018	9,900.26	9,900.26	11/01/2018	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
Total Zions Bank:					9,900.26	9,900.26		
Grand Totals:					86,584.12	86,584.12		

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Detail report.

Paid and unpaid invoices included.

PERRY CITY
ORDINANCE 18-G LOT FRONTAGE REQUIREMENTS

WHEREAS, The lot frontage requirements found in Perry Municipal Code have been found impractical and misapplied, and;

WHEREAS, a public hearing was held regarding this ordinance on November 1, 2018.

NOW THEREFORE, be it ordained by the Council of Perry City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15.07.110.1 Requirements For A, Es, Al, And R1a Zones” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.07.110.1 Requirements For A, Es, Al, And R1a Zones

REQUIREMENTS

ZONES

	A and ES	AL	R 1 A
Minimum LOT AREA	5 Acres	2 Acres	1 Acre
Minimum FRONTAGE*	200 Feet	150 Feet	120 Feet
Main Buildings			
Minimum FRONT SETBACK	30 Feet ~~at building setback line~~	30 Feet ~~at building setback line~~	30 Feet ~~at building setback line~~
Minimum REAR SETBACK	20 Feet	20 Feet	20 Feet
Minimum STREET SIDE SETBACK (Corner Lot)**	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides
Maximum HEIGHT	50 Feet	35 Feet	35 Feet
Accessory Buildings			
Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	4 Feet	4 Feet	1 Foot
Minimum STREET SIDE SETBACK (Corner Lot)**	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	4 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg	4 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg	4 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg
Maximum HEIGHT	50 Feet	35 Feet	35 Feet

* Measured thirty (30) feet back from the lot frontage.

**Corner 40 feet site triangle ordinance (in PMC Title 14) applies.

SECTION 2: AMENDMENT “15.07.110.2 Requirements For RE 1/2, R 1/2, And R3MHP/R3MHS Zones” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.07.110.2 Requirements For RE 1/2, R 1/2, And R3MHP/R3MHS Zones

REQUIREMENTS

ZONES

	RE 1/2	R 1/2	R3MHP/R3MHS
Minimum LOT AREA	20,000 sq. ft.; 1 acre if septic tank+	20,000 sq. ft.; 1 acre if septic tank+	MHP – 5000 sq. ft. MHS – 6000 sq. ft. Corner Lot–7000 s.f. Sep.tank not allowed
Minimum FRONTAGE*	80 Feet Corner Lot – 90 ft.	80 Feet Corner Lot – 90 ft.	60 Feet Corner Lot – 70 ft
Main Buildings			
Minimum FRONT SETBACK	30 Feet ~~at building setback line~~	30 Feet ~~at building setback line~~	30 Feet ~~at building setback line~~
Minimum REAR SETBACK	20 Feet	20 Feet	20 Feet
Minimum STREET SIDE SETBACK (Corner Lot)**	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides
Maximum HEIGHT	35 Feet	35 Feet	MHP – 14 Feet MHS – 35 Feet
Accessory Buildings			
Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	1 Foot	1 Foot	1 ft.; 5 ft. if back of bldg. is against side yard of adjacent lot
Minimum STREET SIDE SETBACK (Corner Lot)**	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	4 Feet	4 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg	4 Feet
Maximum HEIGHT	25 Feet	25 Feet	MHP – 15 Feet MHS – 20 Feet

*Measured thirty (30) feet back from the lot frontage.

**Corner 40 feet site triangle ordinance (in PMC Title 14) applies.+See PMC 15.07.110.6 regarding septic tanks.

SECTION 3: **AMENDMENT** “15.07.110.3 Requirements For R 1/3, R1, And R2 Zones” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.07.110.3 Requirements For R 1/3, R1, And R2 Zones

REQUIREMENTS ZONES

	R 1/3	R 1	R 2
Minimum LOT AREA	15,000 sq. ft.; 1 acre if septic tank+	10,000 sq. ft.; 1 acre if septic tank+	8,000 sq. ft. for SFD 5,000 sq. ft. per unit for multi-family; 1 acre if septic tank+
Minimum FRONTAGE*	80 Feet	80 Feet	80 ft. for SFD, 2DS, 3FD, or 4FD; +10 ft. for corner lot
Main Buildings			
Minimum FRONT SETBACK	30 Feet ~~at building setback line~~	30 Feet ~~at building setback line~~	30 Feet ~~at building setback line~~
Minimum REAR SETBACK	20 Feet	20 Feet	20 Feet
Minimum STREET SIDE SETBACK (Corner Lot)**	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides
Maximum HEIGHT	35 Feet	35 Feet	35 Feet
Accessory Buildings			
Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	1 Foot	1 Foot	1 Foot
Minimum STREET SIDE SETBACK (Corner Lot)**	20 Feet	20 Feet	20 Feet

Min. INTERIOR SIDE SETBACK	1 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.	1 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.	1 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.
Maximum HEIGHT	25 Feet	25 Feet	25 Feet

*Measured thirty (30) feet back from the lot frontage.

**Corner 40 feet site triangle ordinance (in PMC Title 14) applies.+See PMC 15.07.110.6 regarding septic tanks.

SECTION 4: **AMENDMENT** “15.07.110.4 Requirements For M/I, M/I L, Mixed Use IC, C, C1, NC2, And NC3 Zones” of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.07.110.4 Requirements For M/I, M/I L, Mixed Use IC, C, C1, NC2, And NC3 Zones

REQUIREMENTS

ZONES

	M/I and M/I L	Mixed Use Zones; IC, C, and C1	NC2 and NC3***
Minimum LOT AREA	By Design Review	By Design Review	By Design Review
Minimum FRONTAGE****	By Design Review	By Design Review	By Design Review
Main Buildings			
Minimum FRONT SETBACK	20 Feet ~~at building- setback line~~	20 Feet ~~at building- setback line~~	20 Feet ~~at building- setback line~~
Minimum REAR SETBACK	By Design Review **	By Design Review **	By Design Review **
Minimum STREET SIDE SETBACK (Corner Lot)*	By Design Review **	By Design Review **	By Design Review **
Min. INTERIOR SIDE SETBACK	By Design Review **	By Design Review **	By Design Review **
Maximum HEIGHT	35 Feet (> w/ Fire Marshal approval)	35 Feet (> w/ Fire Marshal approval)	35 Feet (> w/ Fire Marshal approval)
Accessory Buildings			
Minimum FRONT SETBACK	20 Feet at building setback line	20 Feet at building setback line	20 Feet at building setback line
Minimum REAR SETBACK	By Design Review **	By Design Review **	By Design Review **

Minimum STREET SIDE SETBACK (Corner Lot)*	By Design Review **	By Design Review **	By Design Review **
Min. INTERIOR SIDE SETBACK	By Design Review **	By Design Review **	By Design Review **
Maximum HEIGHT	35 Feet (> w/ Fire Marshal approval)	35 Feet (> w/ Fire Marshal approval)	35 Feet (> w/ Fire Marshal approval)

*Corner 40 feet site triangle ordinance (in PMC Title 14) applies.

**Subject to design review imposing more stringent requirements, any commercial, manufacturing, industrial, institutional, public, or similar use(s) (collectively “commercial”) approved adjacent to a residential/agricultural use(s) shall have: (1) a six feet high full privacy fence (compliant with PMC 15.23 and PMC 15.25, Landscaping and Fences) along the property lines adjacent to the residential/agricultural use(s); and (2) rear and side setbacks adjacent to the residential/agricultural use(s) that are at least:

- (a) 25 feet, where a single level commercial floor height does not exceed 12 feet above grade; or
- (b) 25 feet, plus an another ½ foot for every additional foot of height of the structure above grade, for multiple floors or for where the single level floor height exceeds 12 feet above grade; and(c) Any measurement is from the lowest point of the roofline nearest to the residential property.

*** Additional requirements for residential uses allowed (by the Land Use Chart, PMC 15.07.100) in the NC2/NC3 Zones are set forth in PMC 15.07.060 and PMC 15.07.070 (“In-fill Development” Ordinance).

****Measured thirty (30) feet back from the lot frontage

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember James Taylor	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember Esther Montgomery	_____	_____	_____	_____
Councilmember Andrew Watkins	_____	_____	_____	_____

Presiding Officer

Attest

Kevin Jeppsen, Mayor, Perry City

Susan Obray, City Recorder Perry City

PERRY CITY

ORDINANCE NO. 18-H

**AN ORDINANCE ADOPTING VARIOUS PROVISIONS OF THE PERRY
CITY MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF
A CONSERVATION SUBDIVISION PROCESS**

WHEREAS, the Perry City, Utah (the “City”) Planning Commission (the “Planning Commission”) has engaged in discussions pertaining to incentives to property owners who desire to dedicate or provide property for open and/or green spaces; and

WHEREAS, the Planning Commission’s discussions have resulted in proposed concepts and draft City municipal code language that provides a planning tool – a Conservation Subdivision Process – that fosters a public policy that open spaces are beneficial to the environment and the well-being of the City’s citizens; and

WHEREAS, such concepts may reward property owners with the possibility of increased density for certain development projects that utilize the Conservation Subdivision Process; and

WHEREAS, the Planning Commission held public hearings on August 3, 2017 and April 5, 2018, pursuant to published notice, seeking public input; and

WHEREAS, after the public hearings, the Planning Commission on October 5, 2017, and again on July 5, 2018, after amendment, favorably recommended that the Conservation Subdivision Process code and related provisions be forwarded to the City Council for its review and consideration.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Perry City that various sections of the Perry City Municipal Code be amended as follows:

Section 1

That part of Section 13.03.030 be amended to read as follows:

13.03.030 Definitions And Types Of Service

4. Definition of Project Improvements and System Improvements.

The City will use the following definitions and descriptions as benchmarks in determining how the City will define its parks system. These definitions are based on the National Recreation and Parks Association standards and have been tailored to the specific needs of Perry City.

a. Project Improvements:

- i. Project improvements include facilities that benefit a small area and are generally of little benefit to the community as a whole. They also include private facilities that would limit access to the general public. In this analysis, mini-parks under one**

acre and private club areas (i.e. swimming pools, tennis courts, open space, etc.) are considered project improvements, as are parks dedicated to the City in return for increased density within certain developments (Conservation Subdivisions, Mixed-Use, Planned Residential Urban Development, and Group Dwellings). Project improvements cannot be funded through impact fees, receive credit for costs against impact fees, or be considered in the impact fee level of service.

Section 2

That part of Section 13.03.050 be amended to read as follows:

13.03.050 Critical Land Definition And Types

9. Prime Agricultural Land.

a. The following regarding prime agricultural land:

- iii. As Utah's population continues to grow, more and more agricultural land is being lost to development. Fortunately, there are many tools that can be used to protect agricultural land, such as agricultural districts, conservation easements, and transfer of development rights. Agricultural districts permit farmers to form distinctive areas where agriculture is not only protected, but encouraged. Conservation easements are voluntary agreements that allow farmers to retain the right to use their land for ranching and farming while protecting the land from development. Farmers continue to hold title to their properties while receiving fair market compensation. Furthermore, they may restrict public access and sell the property as they desire. Transfer of development rights allows landowners to transfer the right to develop from one parcel of land to another, thereby protecting one parcel and allowing higher density development on the other. Other policies and programs include comprehensive planning and Conservation Subdivisions detailed in PMC 15.07.130.

Section 3

That Section 14.01.010 be amended to read as follows:

14.01.010 Recording Of Final Plat Required Before Lots May Be Sold

Except as permitted by PMC 14.01.030, a final subdivision plat is required for any subdivision of land, as defined herein and under state law, including Utah Code Sections 10-9a-601 et seq. A final subdivision plat shall be approved if it complies with state law and the applicable land use ordinances, standards, and guidelines. The final subdivision plat may be recorded in the Office of the Box Elder County Recorder if:

1. The Final Subdivision Land Use Authority has granted final approval; and
2. All signatures are on the final subdivision plat; and
3. An Engineering Cost Estimate for Subdivision Improvements has been submitted, and an Escrow Agreement has been signed (and an escrow has been established); and

4. All other final requirements and conditions have been fulfilled. After the final subdivision plat is recorded in the Office of the Box Elder County Recorder, the lots identified in the subdivision may be sold. The provisions set forth in PMC 14.01.020 and PMC 14.01.030 are options available to an applicant(s), and are discretionary for the City to allow.

Adopted by Ord. 15-C on 3/17/2015

Section 4

That part of Section 14.01.020 be amended to read as follows:

14.01.020 Optional Process For Large Residential Property (10 Or More Acres)

In order to allow for the best long range planning and coordination of municipal services in the community, for a subdivision of property zoned for residential uses that is at least 10 acres, the subdivision approval and recording process shall be the same as set forth in PMC 14.01.010 (and elsewhere herein), unless the following optional process (with the following additional provisions) is desired by the applicant(s) and approved by the City:

~~5. The Planning Commission may recommend and the City Council, as the Final Subdivision Land Use Authority, may require that Cluster Zoning be utilized as a condition of allowing the optional process described in this Section.~~

Section 5

That portions of Title 15 be amended as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 6

That Section 15.07.130 be adopted as set forth in Exhibit B, attached hereto and incorporated herein for all purposes.

Section 7

This Ordinance shall take effect upon the first publication and filing of a copy thereof in the office of the City Recorder of Perry City, Utah.

PASSED AND APPROVED this ____ day of _____, 2018.

PERRY CITY COUNCIL

By: _____
Kevin Jepps, Mayor

[SEAL]

VOTING:

Montgomery	Yea ____	Nay ____
Watkins	Yea ____	Nay ____
Taylor	Yea ____	Nay ____
Tueller	Yea ____	Nay ____
Wright	Yea ____	Nay ____

ATTEST:

Susan O Bray
City Recorder

DEPOSITED in the office of the City Recorder this _____ day of _____, 2018.

RECORDED this ____ day of _____, 2018.

EXHIBIT “A”

15.01.010 Outline

The following outline applies to the land use regulations of the city:

1. Short title. This title shall be known as the Perry City “Land Use Ordinance” which shall include all land use maps, tables, charts, and diagrams adopted by the city council in its capacity as the legislative body.
2. Contents. Included in the “Land Use Ordinance” are Zoning, Subdivisions, Conservation Subdivisions, Landscaping, Area Requirements, Signs, Fences, Home Occupations, Parking, Design Review, Land Use, Conditional Uses, Excavation, Reclamation, Nonconforming Uses and Noncomplying Structures, Planning Commission Rules, Land Use Authorities and Appeal Authorities, Zoning Administration, Land Use Definitions, and other written land use provisions, maps, and information pertinent to and for clarification of the above, and as per Utah Code Annotated 10-9a-103(16), which states: “a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.”

15.01.060 Definitions

In addition to the definitions set forth in Title 10 Chapter 9a of the Utah Code Annotated, the following definitions apply:

...

Conservation Subdivisions. A subdivision of land in which the lots have areas less than the minimum lot area of the zoning district in which the subdivision is located, but which complies with the Conservation Subdivision provisions of the PMC. In a Conservation Subdivision, a predetermined minimum portion of the subdivision is preserved as permanent open space to provide low-Density character for the residential lots in the subdivision.

15.05.070.2 Residential Uses

Residential Uses	A	A L	R 1 A	RE 1/2	R 1/2	R 1/3	R 1	R2 *	E S	C	C 1	I C	NC 2	NC 3	MU- C	MU- O	MU- R	M/I L	M/ I
Accessory Buildings (See Area Requirements Chart)	P	P	P	P	P	P	P	P*	P*	P	~	~	P*	P*	~	~	P*	~	~
Apartment Buildings (5 or more units)	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	~	~
Boarding House, Bed/Breakfast note 4 *	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	P*	P*	~	~
Condominiums, Town Houses (5+ units)	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	~	~
Duplex, Tri-plex, Four-plex	~	~	~	~	~	~	~	P*	~	~	~	~	~	~	C	C	C	~	~
Home Occupations w/o visiting clientele	P	P	P	P	P	P	P	P	P*	~	~	~	P	P	P	P	P		~
Home Occupations w/ visiting clientele	C	C	C	C	C	C	C	C	C	~	~	~	C	C	C	C	C	~	~
Household Pets	P	P	P	P	P	P	P	P	P	~	~	~	P	P	P	P	P	~	~

Modular/Manufactured Homes	P	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~
Single Family Homes	P	P	P	P	P	P	P	P*	~	~	~	~	~	~	~	~	~	~
Zero-lot Line Home	~	~	~	~	~	~	P	~	~	~	~	~	~	P*	P*	P*	~	~
Model Home	~	~	C	C	C	C	C	~	~	~	~	~	~	C	C	C	~	~
Conservation Subdivisions	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~	~

***Notes-see PMC 15.07.100.4**

P*- Use Permitted by Design Review
C-Conditional Use

P- Use Permitted in Zone
~ Use not Permitted

Adopted by Ord. 15-C on 3/17/2015
Amended by Ord. 17-B on 3/14/2017
Amended by Ord. 17-D on 3/14/2017

15.07 Zoning, Including Procedures, Land Use Chart, Area Requirements, And Zoning Maps

- [15.07.005 Intent And General Provisions](#)
- [15.07.010 Zoning Districts](#)
- [15.07.020 Zone Descriptions](#)
- [15.07.030 Rules For Locating Boundaries](#)
- [15.07.040 Zoning Boundary Policy](#)
- [15.07.050 Airport Overlay Zone](#)
- [15.07.060 Neighborhood Commercial Zones](#)
- [15.07.070 In-Fill Development \(In NC2 And NC3 Zones\)](#)
- [15.07.080 Zoning Administration](#)
- [15.07.090 Penalties](#)
- [15.07.100 Land Use Chart](#)
- [15.07.110 Area, Frontage, Setback, And Height Requirements](#)
- [15.07.120 Zoning Map](#)
- [15.07.130 Conservation Subdivisions](#)

15.07.020 Zone Descriptions

- 15.07.020.1 Agricultural (A)
- 15.07.020.2 Agricultural Limited (AL)
- 15.07.020.3 Rural Residential (R1A And RE1/2)
- 15.07.020.4 (Reserved)
- 15.07.020.5 Low Density Residential 1/2 Acre (20,000 Sf) (R1/2)
- 15.07.020.6 Low Density Residential 1/3 Acre (15,000 Sf) (R1/3)
- 15.07.020.7 Low Density Residential 1/4 Acre (10,000 Sf)(R1)
- 15.07.020.8 Medium Density Residential (8,000 Sf)(R2)
- 15.07.020.9 Commercial (C)
- 15.07.020.10 Commercial - Principal (C1)
- 15.07.020.11 Interstate Commercial (IC)
- 15.07.020.12 Neighborhood Commercial (NC2 And NC3)
- 15.07.020.13 Mixed Use Commercial, Office, And Residential (MU-C, MU-O, And MU-R)
- 15.07.020.14 Manufacturing/Industrial (M/I)
- 15.07.020.15 Manufacturing/Industrial Limited (M/L)
- 15.07.020.16 Environmentally Sensitive (ES)
- 15.07.020.17 Caveat Regarding Zone Descriptions (And Development Standards)

15.07.020.1 Agricultural (A)

The purpose of the Agricultural Zone is to promote and preserve conditions favorable to intensive agriculture. This zone is intended to include activities normally and customarily related to the production of livestock, crops, and related agricultural products and to protect the zone from the intrusion of uses detrimental to the continuation of intensive agricultural activities.

Conservation Subdivisions are permissible in this zone. The purpose and application process for this type of subdivision are detailed in PMC 15.07.130.

Adopted by Ord. 15-C on 3/17/2015

15.07.020.2 Agricultural Limited (AL)

The purpose of the limited agricultural zone is to promote and preserve in appropriate areas conditions favorable to light agriculture. This zone is intended to include activities normally and customarily related to the conduct of agriculture and to protect the zone from intrusions of uses, which will have an adverse effect on the continuation of light agricultural activities.

Conservation Subdivisions are permissible in this zone. The purpose and application process for this type of subdivision are detailed in PMC 15.07.130.

Adopted by Ord. 15-C on 3/17/2015

15.07.020.3 Rural Residential (R1A And RE1/2)

The purpose of the rural residential zone is to provide for and protect residential development in a semi-rural environment. The keeping of limited numbers of livestock and the raising of crops can be considered normal activities in the rural residential zone. The following clarifications apply to the R1A and RE1/2 zones:

1. One (1) large animal will be allowed per 40,000 sq. ft. of property on a parcel, with one additional large animal for every 20,000 sq. ft. of property. All initial 40,000 sq. ft. must be one continuous parcel. All sq. ft. must be contiguous (touching). (Example: Two large animals are allowed on 70,000 sq. ft. of property. Additional animals are not allowed on portions of property less than 20,000 sq. ft.). Large animals are considered: horses, cattle, and llamas. Large animals must be contained in a corral or stock fence. Corrals or stock fences must have a sixteen (16) foot minimum rear setback and eight (8) foot minimum side setback on a lot or parcel. If there is a Main Building, corrals or stock fences shall be sixteen (16) feet to the rear of the building and other applicable setbacks will apply. If there is no Main Building, corrals or stock fences must have a thirty (30) foot minimum front setback.
2. One (1) mid-size animal will be allowed per 20,000 sq. ft. of property on a parcel. All initial 20,000 sq. ft. must be one continuous parcel. All sq. ft. must be contiguous (touching). (Example: two mid-size animals are allowed on 50,000 sq. ft. of property. Additional animals are not allowed on portions of property less than 20,000 sq. ft.). Midsize animals are considered sheep and goats. Mid-size animals must be contained in a corral or stock fence. Corrals or stock fences must have a sixteen (16) foot minimum rear setback and eight (8) foot minimum side setback on a lot or parcel. If there is a Main Building, corrals or stock fences shall be sixteen (16) feet to the rear of the building and other applicable setbacks will apply. If there is no Main Building, corrals or stock fences must have a thirty (30) foot minimum front setback.
3. Nine (9) small animals/fowl will be allowed per 20,000 sq. ft. of property on a parcel. (Example: Eighteen (18) small animals/fowl are allowed on 50,000 sq. ft. of property). Small animals/fowl are considered: turkeys, ducks, geese, pigeons, and rabbits. Small animals/fowl must be contained to the property. For chickens, refer to Perry City Municipal Ordinance 14-L.
4. Conservation Subdivisions are permissible in these zones. The purpose and application process for this type of subdivision are detailed in PMC 15.07.130.

Adopted by Ord. 15-C on 3/17/2015

Amended by Ord. 16-B on 5/12/2016

15.07.020.4 (Reserved)

Adopted by Ord. 15-C on 3/17/2015

15.07.020.5 Low Density Residential 1/2 Acre (20,000 Sf) (R1/2)

The purpose of the low density residential zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

Conservation Subdivisions are permissible in this zone. The purpose and application process for this type of subdivision are detailed in PMC 15.07.130.

Adopted by Ord. 15-C on 3/17/2015

Repealed by Ord. 16-B on 5/12/2016

15.07.020.6 Low Density Residential 1/3 Acre (15,000 Sf) (R1/3)

The purpose of the low density residential zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained, and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

NOTE: This zone allows a septic tank on a minimum 1/3 acre lot in the south annexed area of the city until such time as sewer collection lines are installed within 300 feet of a lot line, then the owner of said lot has one year to connect to the sewer collection lines.

Conservation Subdivisions are permissible in this zone. The purpose and application process for this type of subdivision are detailed in PMC 15.07.130.

Adopted by Ord. 15-C on 3/17/2015

15.07.020.7 Low Density Residential 1/4 Acre (10,000 Sf)(R1)

The purpose of the R-1 Zone, low density residential, is to provide appropriate locations where low density housing neighborhoods may be established, maintained and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

Conservation Subdivisions are permissible in this zone. The purpose and application process for this type of subdivision are detailed in PMC 15.07.130.

Adopted by Ord. 15-C on 3/17/2015

15.07.020.8 Medium Density Residential (8,000 Sf)(R2)

The purpose of the medium density residential zone is to provide appropriate locations where medium density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit uses that would be intrusive to activities and uses usually associated with medium density neighborhoods. Note: "R-2 Medium/High Density Residential" of the General Plan states, "the function of providing a more compact variety of housing is no longer to be provided by this land use." In accordance with the intent of this statement, there will be no further approval or designation of R2 zones.

Adopted by Ord. 15-C on 3/17/2015

Amended by Ord. 17-D on 3/14/2017

EXHIBIT “B”

15.07.130 Conservation Subdivisions

15.07.130.1	Purpose
15.07.130.2	Applicability
15.07.130.3	Definitions
15.07.130.4	Development Options
15.07.130.5	Approval Process
15.07.130.6	Development Activities Prohibited
15.07.130.7	Waiver
15.07.130.8	Sensitive Area Designation Plan
15.07.130.9	Conventional Subdivision Plan
15.07.130.10	Conservation Subdivision Plan
15.07.130.11	Design Standards
15.07.130.12	Use Regulations
15.07.130.13	Conservation Land Design Standards
15.07.130.14	Permanent Protection of Conservation Lands
15.07.130.15	Ownership of Conservation Lands
15.07.130.16	Maintenance of Conservation Lands

15.07.130.1 Purpose

A Conservation Subdivision provides an option for development in the City in a manner that:

1. Protects Constrained and Sensitive Lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands, by setting them aside from development;
2. Conserves conservation and open space land, including those areas containing unique or natural features such as Meadows, Grasslands, Tree Stands, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmland (including orchards), Wildlife Corridors and/or Wildlife Habitats, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development.
3. Provides greater design flexibility and efficiency in the siting of services and Infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
4. Provides incentives for the creation of open space within the City for the benefit of present and future residents, in exchange for smaller lot sizes within a subdivision.
5. Conserves scenic views and elements of the City's rural and scenic character and minimizes perceived Density by minimizing views of new development from existing roads.
6. Promotes stewardship of environmentally sensitive lands in a financially sustainable manner.

15.07.130.2 Applicability

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

15.07.130.3 Definitions

For purposes of this Section, the following words shall have the meanings set forth herein:

- (a) Applicant. Person or persons who formally make an application for development of a Conservation Subdivision.
- (b) Berm. Raised barrier separating two areas.
- (c) Bikeway. A path or lane for the use of bicycles.
- (d) Commons. A public area usually central to a neighborhood, town or city.
- (e) Community Garden. A piece of land that is cultivated (not with Weeds) by a group of people rather than a single family or individual.
- (f) Conservation Land. Conservation Land means land containing unique, historic, cultural, archaeological, natural or other significant features, including, but not limited to, Meadows, Grasslands, Tree Stands, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmland (including orchards), Wildlife Corridors and/or Wildlife Habitats, historic buildings and/or sites, archaeological sites and open space.
- (g) Conservation Subdivision. A subdivision of land in which the lots have areas and setbacks less than the minimum dimensions of the zoning district in which the subdivision is located, but which complies with the Conservation Subdivision provisions of PMC 15.07.130. In a Conservation Subdivision, a predetermined minimum portion of the subdivision is preserved as permanent open space.
- (h) Constrained and Sensitive Land. Constrained and Sensitive Land means land that is generally unbuildable and that contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other geologically or environmentally sensitive features.
- (i) Conservation Subdivision Plan. A plan used to show the number, location, and size of parcels, as well as the location, layout, and type of open spaces for property proposed for development as a Conservation Subdivision.
- (j) Conventional Subdivision. A subdivision of land in which lot area, Frontage, setback and other requirements of the underlying zoning district in which the subdivision is located are met, as required by PMC 15.07.
- (k) Conventional Subdivision Plan. A hypothetical plan used to determine the base number of Dwelling units that a Conventional Subdivision design would yield for any given property proposed for development as a Conservation Subdivision.
- (l) Farmland. Land specifically used for agriculture purposes in the raising of crops or livestock, including fruit crops.
- (m) Flood Wall. Primarily a vertical barrier that (temporarily or permanently) contains the waters of a river or other Waterway.
- (n) Grass. Vegetation typically consisting of shorter-height plants that (1) are usually green in color, (2) grow over large areas, and (3) are not Weeds. Kentucky bluegrass is a common type of grass used in the State.
- (o) Grassland. An open area of land covered with Grass, but not Weeds.
- (p) Maintenance Plan. A plan that identifies the means for permanent maintenance of the Conservation Land within the Conservation Subdivision.
- (q) Meadow. A field habitat vegetated by Grass and other non-woody plants, but not Weeds.
- (r) O&M Costs. The regular and periodic costs of operating and maintaining Conservation Land within a Conservation Subdivision.
- (s) Park. A Mini-park, Neighborhood Park, Community Park or Regional Park/Park Preserve, as these terms are defined in PMC, or any other similar type of park designated in PMC.

- (t) Picnic Area. An area of land suitable and set aside for picnicking and sometimes provided with tables.
- (u) Playground. An area used for outdoor play or recreation, especially by children, and often, but not limited to, (1) containing recreational equipment such as, but not limited to, slides and swings and (2) located in a Park or school grounds.
- (v) Playing Court or Field. A space arranged for playing a certain game or sport such as, but not limited to, badminton, baseball, basketball, football, soccer, tennis or volleyball.
- (w) Sensitive Area Designation Plan. A schematic plan that identifies all Constrained and Sensitive Lands within the property boundaries and within 400 feet outside of the property boundaries, including, but not limited to, floodplains, wetlands, steep slopes and restricted areas. The Sensitive Area Designation Plan also identifies natural or cultural resources present on the property and within 400 feet outside of the property, such as Meadows, Grasslands, Tree Stands, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmland, Wildlife Corridors and/or Wildlife Habitats; historic buildings and/or sites; archaeological sites; cultural features and green space.
- (x) Silviculture. The growing and cultivation of trees.
- (y) Special Assessment Area. An area designated by the City for the purpose of funding the costs of improvements, operation and maintenance, or economic promotion activities that benefit property within the area.
- (z) Stream. A typically small, narrow body of water with a current, confined within a bed and stream banks.
- (aa) Stream Corridor. An ecosystem comprising a Watercourse (usually a Stream), flood plains and transitional fringe.
- (bb) Trail. A marked, paved or beaten path or course, often, but not limited to, one that has been planned for a particular purpose.
- (cc) Tree Stand. A group of multiple trees of mature age.
- (dd) Village Green. A common open area within a neighborhood, town or city, typically a Grassland and a small body of water at the center of an agricultural or other rural settlement, but in all composition not including Weeds.
- (ee) Watercourse or Waterway. A natural channel conveying water.
- (ff) Weed. A plant considered undesirable, unattractive, troublesome or injurious, especially one that grows where it is not wanted and often grows or spreads fast and/or takes the place of desired plants, and including, but not limited to, noxious weeds and all other similar terms defined in State Law.
- (gg) Wildlife Corridor. An area of habitat connecting wildlife populations separated by human activities or structures (such as roads, development or logging).
- (hh) Wildlife Habitat. The natural environment in which wildlife lives.
- (ii) Wooded Area. An area of land that is dominated by Tree Stands and other woody plants.

15.07.130.4 Development Options

Developers desiring to develop property as a Conservation Subdivision in accordance with and subject to the development standards, conditions, procedures and regulations of this Section may submit a subdivision application for residential development that may result in more lots than using conventional lot dimensions standards set forth in PMC Title 15. The development must utilize a conservation design that sets aside and preserves all Constrained and Sensitive Lands, natural hazards and resources, and provides the required percentage of Conservation Land within the development.

15.07.130.5 Approval Process

Applications for a Conservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinances set forth in PMC Titles 14 and

15, including submission and approval of a Conservation Subdivision Plan (Subsection 15.07.130.10), preliminary and final plans or plats, and any additional procedural requirements set forth in this Section, including, but not limited to, submission of a Sensitive Area Designation Plan (Subsection 15.07.130.8), a Conventional Subdivision Plan (see Subsection 15.07.130.9), and a Maintenance Plan (Subsection 15.07.130.16), and the creation of a Special Assessment Area for each Conservation Subdivision (Subsection 15.07.130.16).

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

15.07.130.6 Recording of Plat

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

15.07.130.7 Waiver

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

A waiver shall not result in lot sizes, or building setbacks, smaller than the minimum permitted in this Section. All subdivision standards regarding dead-end street length, ingress and egress, and block dimensions shall be met. No waiver shall result in the creation of additional lots within a Conservation Subdivision, beyond those permitted by this Section.

Good cause as referenced herein shall include, but not be limited to, the following standards:

1. The subdivision shall be located within a half mile of an existing public Park located within the City. This distance shall be determined by the actual walking distance from the subdivision to the Park.
 - a. In the event the Park is located off-site pursuant to subparagraph 1, or on-site, a waiver shall not result in usable Park space less than one acre in size.

15.07.130.8 Sensitive Area Designation Plan

All applications for a Conservation Subdivision shall include a Sensitive Area Designation Plan prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan shall identify all Constrained and Sensitive Lands within the property boundaries and within 400 feet outside of the property

boundaries, including, but not limited to, floodplains, wetlands, steep slopes and restricted areas. The Sensitive Area Designation Plan shall also clearly identify all natural or cultural resources present on the property and within 400 feet outside of the property, including, but not limited to, geographic features, including, but not limited to, Meadows, Grasslands, Tree Stands, Wooded Areas, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmland, Wildlife Corridors and/or Wildlife Habitats; historic buildings and/or sites; archaeological sites; cultural features and green space. Applicants are solely responsible for checking and ensuring the accuracy and designation of Constrained and Sensitive Lands and natural and cultural resources on the Sensitive Area Designation Plan for their particular project and applicable adjacent property. If site analysis, surveying and/or identification of Constrained and Sensitive Lands and natural and cultural resources require entry onto adjacent properties, Applicants are solely responsible for obtaining all required permits and/or approvals for such entry and analysis, surveying and/or identification.

A sample Sensitive Area Designation Plan is set forth in Exhibit A attached hereto and incorporated herein by this reference.

15.07.130.9 Conventional Subdivision Plan

All applications for a Conservation Subdivision shall include a Conventional Subdivision Plan prepared in accordance with the provisions set forth herein. The Conventional Subdivision Plan is utilized to determine and calculate the base number of Dwelling units for any given property to be developed as a Conservation Subdivision.

- (a) Conventional Subdivision Plan. Applicants shall prepare a Conventional Subdivision Plan for the proposed project showing how the property within the project could be developed under a Conventional Subdivision layout using the lot area standards of the zone. The Conventional Subdivision Plan is not intended to propose or permit the actual development of property in accordance with the dimensional standards set forth herein, but is prepared merely to determine the base number of Dwelling units to be used in calculating the permitted number of Dwelling units and lot size for the actual Conservation Subdivision.
- (b) Realistic Layout. The Conventional Subdivision Plan must be drawn to scale and must exhibit a realistic layout reflecting a Conventional Subdivision layout that could reasonably be expected to be implemented in consideration of dimensional standards set forth herein and calculating and addressing the presence of non-buildable or Infrastructure areas, including, but not limited to, rights-of-way, public improvement areas, wetlands, floodplains, steep slopes, restricted areas, and existing easements or encumbrances. A sample Conventional Subdivision Plan is set forth in Exhibit B, attached hereto and incorporated herein by this reference, providing an example of a hypothetical Conventional Subdivision Plan for land zoned RE 1/2 (Rural Residential).
- (c) Approval. The Conventional Subdivision Plan must be approved in writing by City staff for compliance with the standards and provisions of this Section prior to the submission of a Conservation Subdivision Plan, an example of which is shown in Exhibit C hereto and incorporated herein by this reference.

15.07.130.10 Conservation Subdivision Plan

Applications to the City for a Conservation Subdivision shall meet the following dimensional standards:

- (a) Minimum Conservation Subdivision Size. The total gross size/area of the Conservation Subdivision must be equal to or greater than five (5) acres.

- (b) Minimum Required Conservation Land. All Conservation Subdivisions shall provide at least the minimum percentage of Conservation Land within the Conservation Subdivision in accordance with the following chart, hereinafter referred to as the “Development Chart”. (The Development Chart is specific language and binding.) The minimum percentage of required Conservation Land for any given Conservation Subdivision shall be calculated based on the total acreage of property within the proposed subdivision less areas containing Constrained and Sensitive Lands. Required Conservation Land shall not include any constrained or sensitive lands as defined herein. Except as otherwise provided herein, Conservation Land shall not be included within any residential lot.

Conservation Subdivision Plan - Development Chart			
Zone	Conservation Land (minimum)	Average Lot Area (minimum)	Lot Size Minimum
R1 Low Density Residential	15%	8,500 square feet	6,500 square feet
R 1/3 Low Density Residential	15%	8,712 square feet	6,500 square feet
R 1/2 Low Density Residential	20%	10,000 square feet	9,000 square feet
RE 1/2 Rural Residential	25%	10,000 square feet	9,000 square feet
R1A Rural Residential	30%	14,520 square feet	12,000 square feet
AL Agricultural Limited	40%	21,780 square feet	19,000 square feet
A Agricultural	40%	65,340 square feet	50,000 square feet

- (c) Lot Area. The average lot area and minimum lot size for lots within a Conservation Subdivision shall be determined in accordance with the Development Chart set forth in Subsection (a).
- (d) Lot Width at Building Line. The minimum lot width at the building line for Main Buildings within a Conservation Subdivision shall be 75 feet, except in the R1 and R1/3 zones the minimum lot width shall be 60 feet.
- (e) Yard Regulations. The builder or developer of a Conservation Subdivision may consider variations in the principal building position and orientation, but shall observe the following minimum standards for buildings within a Conservation Subdivision.
- Front Setback. The minimum front yard setback for Main Buildings in a Conservation Subdivision shall be 20 feet.
 - Rear Setback. The minimum rear yard setback for Main Buildings within a Conservation Subdivision shall be 10 feet.
 - Side Setback. The minimum side yard setback for Main Buildings within a Conservation Subdivision shall be 10 feet for lots within the R1/2, RE1/2, R1A, AL and A zones, and a minimum of 5 feet for lots within the R1/3 and R1 zones, but the total of both side setbacks in the R1/3 and R1 zones shall be no less than 13 feet.
 - Side Corner Setback. The minimum side corner setback for Main Buildings within a Conservation Subdivision shall be 15 feet from the property line in compliance with clear vision standards set forth in PMC Title 15.

- v. Accessory Buildings shall not occupy more than 25% of the rear yard, and shall meet the setback requirements of the underlying zone in which they are located. Accessory Buildings shall, without exception, be smaller in height and area than the Main Building.
- vi. Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not less than 10 feet from any side or rear property line and 100 feet from any public street or from any Dwelling on an adjacent property.
- vii. On double-Frontage lots, Accessory Buildings shall be located not less than 20 feet from each street upon which the lot has Frontage.
- (f) Maximum Height of Building
 - i. Lots less than one-half acre.
 - a. Main Buildings
 - 1. Main Buildings shall not exceed 35 feet in height
 - 2. No Dwelling or structure shall contain less than one Story above ground level.
 - b. Accessory Buildings or structures shall not exceed 15 feet in height.
 - ii. Lots equal to or greater than one-half acre
 - a. Main Buildings and Accessory Buildings on lots equal to or greater than one-half acre in size shall meet the height requirements of the underlying zone in which they are located.

15.07.130.11 Design Standards

- (a) Individual Lots. Individual lots in Conservation Subdivisions shall be laid out pursuant to the dimensional standards set forth herein. Except as otherwise provided for herein, individual residential lots shall not encroach upon or contain any of the required minimum designated Conservation Land for the Subdivision or any Constrained and Sensitive Lands.
- (b) Views of lots. Views of lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation or additional landscaping that meets the City's landscaping requirements for residential subdivisions.
- (c) Septic tanks. Except for the Agricultural (A) zone, septic tanks shall not be permitted in a Conservation Subdivision.

Hypothetical examples of Conservation Subdivision designs, contrasted with conventional designs for the same site, are presented in Exhibit D herein. Note: these examples are provided for reference only to further illustrate good design practices (Reference: SEWRPC Planning Guide No. 7, Rural Cluster Development, December 1996).

15.07.130.12 Use Regulations

- (a) Subject to use and development restrictions of Conservation Land and of Constrained and Sensitive Lands as set forth herein, land within Conservation Subdivisions may be used as allowed in the PMC for the respective zoning district.
- (b) Conservation Land. Conservation Land may be used for the following purposes:
 - i. Permitted Uses. The following uses are permitted in Conservation Land areas:
 - a. Conservation of open land in its pre-developed state as follows, but not including Weeds:
 - i. Berm
 - ii. Farmland
 - iii. Flood Wall
 - iv. Grassland
 - v. Meadow
 - vi. Stream
 - vii. Tree Stand

- viii. Watercourse
- ix. Wildlife Corridor
- x. Wildlife Habitat

- b. Agricultural and horticultural uses, both commercial and non-commercial, including pastureland and raising crops, Livestock as defined in PMC 9.01 (excluding Livestock operations involving swine, poultry and mink) and associated buildings that support an active, viable agricultural or horticultural operation, provided these are permitted in and meet the requirements of the underlying zone of the property.
- c. Equestrian facilities, provided these are permitted in and meet the requirements of the underlying zone of the property.
- d. Underground utility easements for drainage, access, sewer or water lines, or other public purposes.
- e. Above-ground utility and street rights-of-way may traverse Conservation Land if permitted under City Ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required Conservation Land for the subdivision.
- f. Wooded Areas and Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
- g. Neighborhood open space uses such as Village Greens, Commons, Picnic Areas, Community Gardens, Trails, Parks and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges and other uses similar in character and potential impact.
- h. Active non-commercial recreation areas, such as Playing Fields, Playgrounds, Playing Courts, Parks and Bikeways.
- i. Water supply and sewage disposal systems, and storm water detention areas designed, landscaped and available for use as an integral part of the Conservation Land.
- j. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the Conservation Land.
- k. Historic buildings and/or sites and archaeological sites.
- ii. Change of permitted use. The use of Conservation Land may be changed from one permitted use to another permitted use at any time provided that:
 - a. The new use is specified as a permitted use in the Conservation Land's conservation easement (or other similar protective instrument pursuant to Subsection 15.07.130.14 hereof);
 - b. Plans, drawings, updated Maintenance Plan and other applicable items required by this Section for the new use are submitted to and approved by the City; and
 - c. Those property owners responsible for paying the O&M Costs of the Conservation Land at the time the use change is proposed unanimously consent in writing to the permitted use change.
- iii. Prohibited Uses. Except as otherwise approved and permitted as a permitted use in conjunction with a Conservation Subdivision approval, the following uses are prohibited in Conservation Land areas:
 - a. Any residential or industrial activity;
 - b. Commercial activities unless expressly permitted in 15.07.130.12(b)(i);
 - c. Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots or other improvements;
 - d. Any filling, dredging, excavating, mining, drilling or exploration for and extraction of oil, gas, minerals or other resources from the property;
 - e. Any dumping or storing of ashes, trash, garbage, junk, equipment or vehicles;
 - f. Weeds;

- g. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes;
 - h. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property;
 - i. Hunting or trapping for any purpose other than predatory or problem animal control;
 - j. Potentially Dangerous Animals and Livestock operations involving swine, poultry and mink as defined in PMC 9.01;
 - k. Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same;
 - l. Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species and Weeds, maintenance of landscaped areas and similar protective measures or those activities relating to permitted agricultural uses;
 - m. The change, disturbance, alteration or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
 - n. The division, subdivision or de facto subdivision of the property;
 - o. Changing the topography of the property by placing on it any soil, dredging spoils, land fill or other materials, except as necessary to conduct specific permitted purposes; and
 - p. All other uses and activities not listed as permitted in this Section are prohibited, including, but not limited to, uses and practices inconsistent with and detrimental to the stated objectives and purposes of this Section.
- (c) Constrained and Sensitive Lands. No development or residential uses shall be permitted within Constrained and Sensitive Lands within a Conservation Subdivision.

15.07.130.13 Conservation Land Design Standards

Designated Conservation Land within a Conservation Subdivision shall meet the following standards:

- (a) All permitted uses of Conservation Land shall be developed in harmony and compliance with the Law and the City's adopted standards for the same, including all applicable provisions of City general, comprehensive and master plans for these uses and City public works requirements.
 - i. In no event shall the permitted uses for Conservation Land be designed to and developed at a level less than or inferior to the design and development of the most-superior/highest-quality standards on an "as-new" or "as-if-new" basis of either (1) an existing comparable use (in a Conservation Subdivision or not) within the City or (2) the then-current standards for use in the United States promulgated by applicable authoritative industry associations or government agencies.
 - a. As non-binding examples of (2) in the preceding paragraph, if certain applicable standards for parks or agricultural uses have not been adopted by or do not exist in the City, then the standards of the National Recreation and Park Association or the U.S. Department of Agriculture, respectively, may be used for those certain applicable standards as if they were the City's adopted standards.
 - b. In the event of conflict in design and development standards, the most restrictive standard shall govern.

- ii. Significant Areas and Features. Conservation Land should include the most unique and sensitive resources and locally significant features of the property within the Conservation Subdivision such as Meadows, Grasslands, Tree Stands, Wooded Areas, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmlands, Wildlife Corridors and/or Wildlife Habitats, historic buildings and/or sites, archaeological sites, cultural features, green space, scenic views, etc.
- iii. Contiguous Land. Conservation Lands within a development shall be contiguous to provide for large and integrated open space areas within the Conservation Subdivision. Non-contiguous parcels of Conservation Lands may be approved by the City during plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the Conservation Lands and other relevant considerations. Long, thin strips of Conservation Land (less than 100 feet wide) are prohibited, unless approved by the City during plat approval process upon a finding that such configuration of the Conservation Land is necessary and/or desirable to connect other significant areas, to protect linear resources such as Streams or Trails, or to provide a buffer.
- iv. Visibility. Conservation Land shall be located and designed within the Conservation Subdivision to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space. Such enhanced visibility of Conservation Land may be accomplished through design and location of such open space as terminals at the ends of streets or along “single-loaded” street segments, particularly along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter “greenbelt” Conservation Land.
- v. Resource Use. A substantial amount of the minimum required Conservation Land may be devoted to active resource uses such as agriculture, horticulture or equestrian uses.
- vi. Recreational Use. A substantial amount of the minimum required Conservation Land may be composed of active recreation facilities such as Playing Courts or Fields, etc., exclusive of parking lots.
- vii. Buffering. Conservation Land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public Parks. Where the proposed development abuts a national forest or other public Park, open space, wildlife sanctuary or preserve, a natural greenway buffer at least 50 feet wide shall be provided within the development along its common boundary with said land, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or Trail construction or fire safety). Where this buffer is unwooded, vegetative screening shall be planted at the developer’s sole expense and the buffer shall be managed to encourage natural forest succession through the periodic removal of invasive alien plant and tree species.
- viii. Pedestrian Access. The developer shall provide adequate pedestrian access to Conservation Land that is open to public or resident use.
- ix. Maintenance Access. The developer shall provide sufficient maintenance access to all Conservation Land and Constrained and Sensitive Lands within the Conservation Subdivision.
- x. Landscaping. All Conservation Land that is not wooded, farmed or maintained as Meadows, Grassland or other approved open space, shall be landscaped at the developer’s sole cost and expense in accordance with landscaping requirements for subdivisions.
- xi. Fencing. Fencing in Conservation Land shall comply with all applicable City standards.

15.07.130.14 Permanent Protection of Conservation Lands and Constrained and Sensitive Lands

- (a) All Conservation Land and Constrained and Sensitive Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the Conservation Land and Constrained and Sensitive Land at any time, except for those permitted uses listed herein and approved in conjunction with the Conservation Subdivision. All conservation easements, or other acceptable method of protection and preservation of the Conservation Land within a Conservation Subdivision, shall be approved by the City and recorded prior to or concurrent with the recording of the final plat for the Conservation Subdivision.
- (b) Terms and Conditions. All conservation easements, or other acceptable method of protection and preservation of the Conservation Land and Constrained and Sensitive Land within a Conservation Subdivision shall include, at a minimum, the following terms and/or conditions:
 - i. Legal description of the easement;
 - ii. Description of the current use and condition of the property;
 - iii. Permanent duration of easement;
 - iv. Permitted uses (present or potential);
 - v. Prohibited development and/or uses;
 - vi. Maintenance responsibilities and duties;
 - vii. Enforcement rights and procedures; and
 - viii. Description of applicable Special Assessment Area and pertinent provisions.
- (c) Grantee. Unless otherwise approved by the City, the City is to be the grantee of a conservation easement. There shall be no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the Conservation Land are to be provided.

15.07.130.15 Ownership of Conservation Lands.

- (a) Upon satisfactory completion by the Conservation Subdivision developer and acceptance by the City of the Conservation Land improvements, the property owner shall deed ownership of the Conservation Land to the City.
- (b) Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.
- (d) Under no circumstances shall any new or further development be permitted within a Conservation Subdivision if the ownership of the Conservation Land is transferred to the Federal Government of the United States or one of its Agencies.

15.07.130.16 Maintenance of Conservation Lands; Special Assessment Area

- (a) Costs. The O&M Costs shall be borne by the underlying fee owners of the Conservation Subdivision.
 - i. To provide for the payment of the O&M Costs, the City shall designate a Special Assessment Area for each Conservation Subdivision, assessing the O&M Costs equally to each parcel within a Conservation Subdivision (excluding the Conservation Land) on an annual basis via the Box Elder County, Utah real property taxation process and pursuant to the Utah Assessment Area Act.
 - a. The Special Assessment Area must be approved and recorded, and the associated assessments must be in place before final approval and plat recordation of a Conservation Subdivision.

- b. In addition to assessments for O&M Costs, a Special Assessment Area pertaining to a Conservation Subdivision may be assessed for any other purpose permitted by Law.
- (b) Plan. The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the Conservation Land within the proposed Conservation Subdivision with the preliminary plat application for said subdivision. The Maintenance Plan shall include at least the following:
 - i. Establishment of necessary regular and periodic operation and maintenance responsibilities, including long-term capital improvements, for the various kinds of uses in the Conservation Land. Such necessary regular and periodic operation and maintenance responsibilities shall at a minimum meet applicable property maintenance standards established in the PMC.
 - ii. Estimation of staffing needs, insurance requirements and associated costs for the maintenance of the Conservation Land and operation of any common facilities on an on-going basis.
 - iii. The Applicant shall be required to escrow funds equal to one year's worth of O&M Costs.
- (c) Approval. The Maintenance Plan must be approved by the City prior to or concurrent with final plat approval for the subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall require written approval by the City.
- (d) Responsibility for Completing Operations and Maintenance. The City shall be responsible for operating and maintaining Conservation Land. It may perform and complete the operations and maintenance itself; it may cause the operations and maintenance to be completed via other parties; or otherwise provide for the completion of operations and maintenance of Conservation Land through any other legal means the City's governing body deems appropriate.
- (e) Failure to Pay O&M Costs. In the event that a property owner in a Conservation Subdivision fails to pay all or any portion of its assessed O&M Costs, such costs shall become a lien on said property for which the property owner fails to pay assessed maintenance costs. The City may also pursue, at its sole discretion, any and all other corrective actions and remedies available to it under the PMC and State Law.

EXHIBIT A
Sensitive Area Designation Plan
(This is an example plan.)

Parcel size: 22 acres

Constrained Land

- Wetland areas: 1 acre
- Slopes greater than 30%: 3 acres

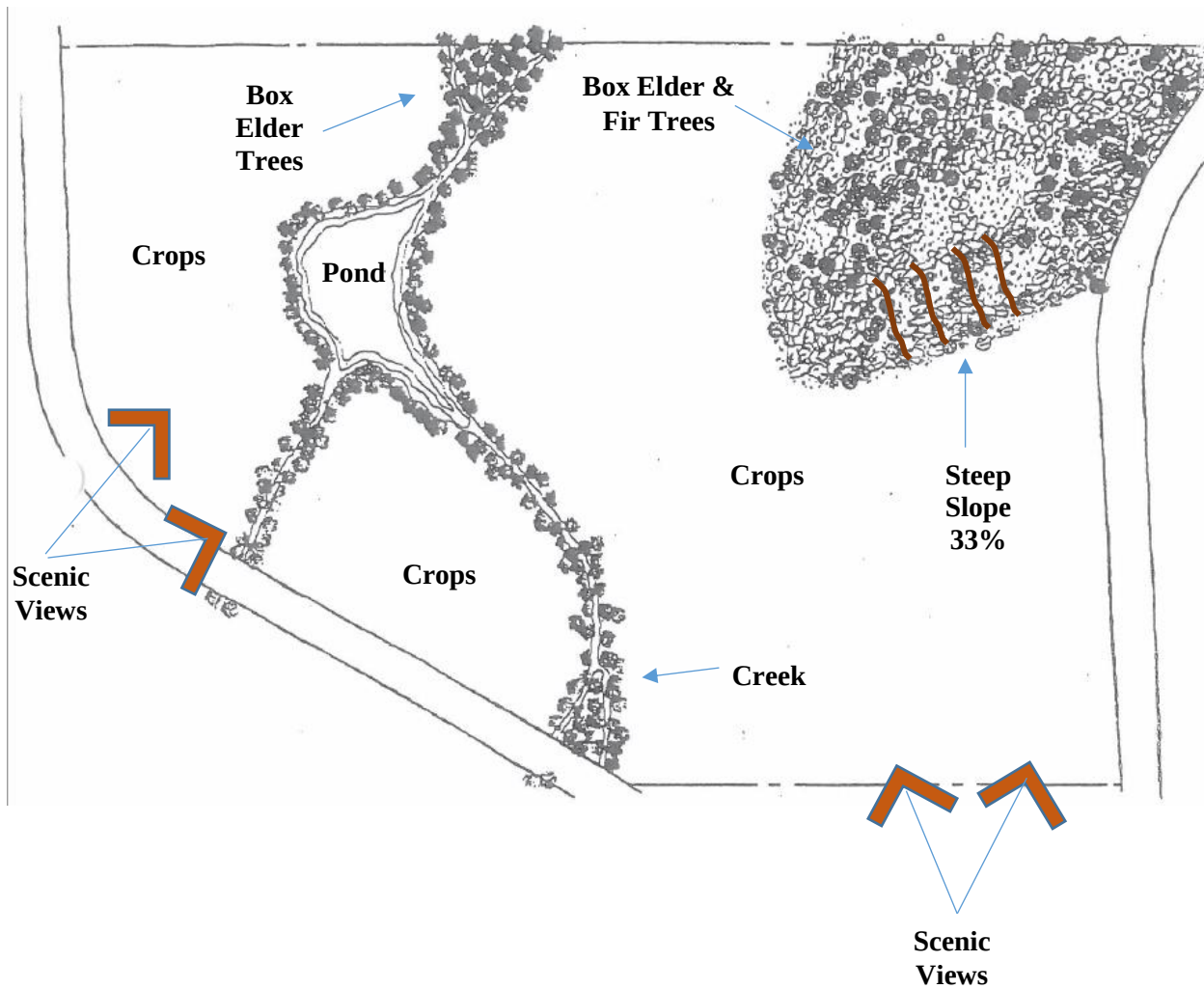


EXHIBIT B
Conventional Subdivision Plan
(This is what a Conventional Subdivision would look like.)

Zone Name: RE 1/2 Rural Residential

- Parcel size: 22 acres
- Single Lot Area: 20,000 square feet (approximately one-half acre)
- Total Lots: 39

Constrained Land

- Wetland areas: 1 acre
- Slopes greater than 30%: 3 acres

Conservation Land

- 0%

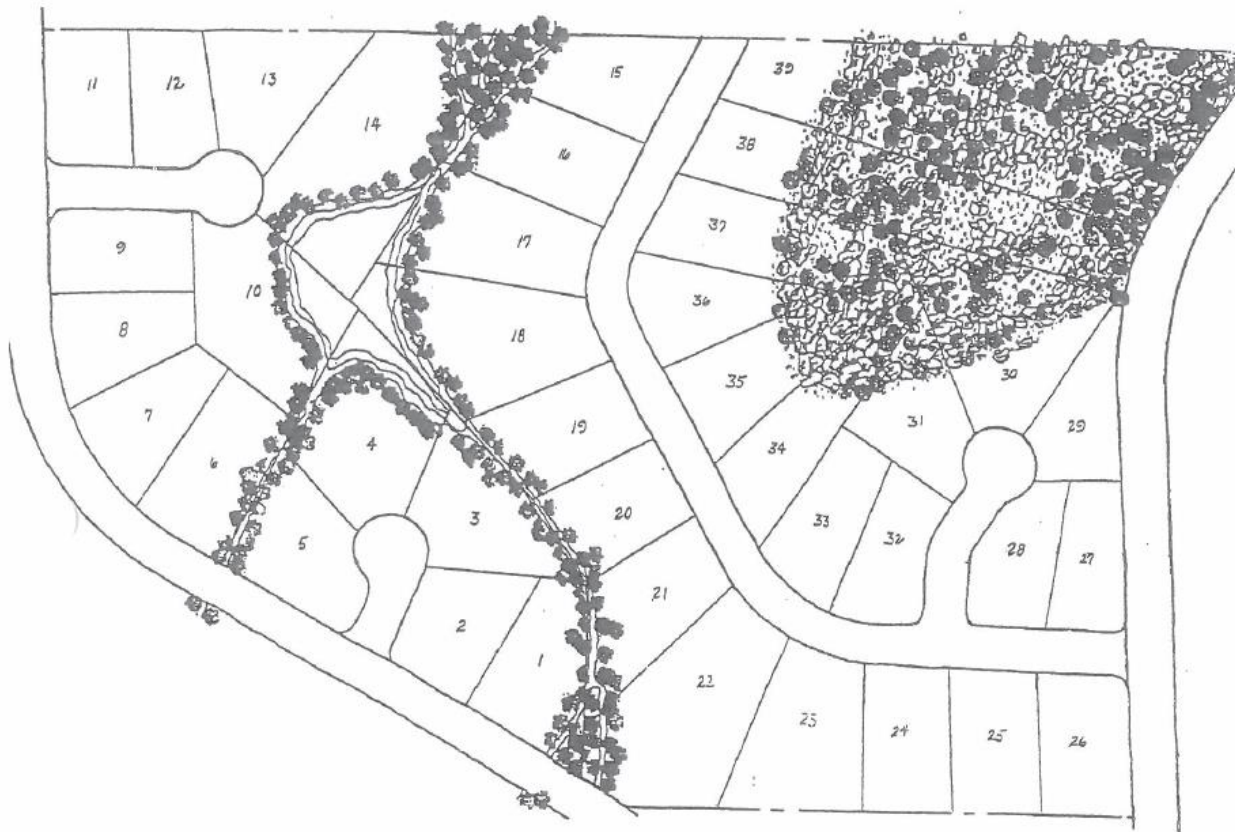


EXHIBIT C Conservation Subdivision Plan

Zone Name: RE 1/2 Rural Residential

- Parcel size: 22 acres

Constrained Land

- Wetland areas: 1 acre
- Slopes greater than 30%: 3 acres

Conservation Land

- 25% (4.5 acres)

Lot Area

- Average Lot Area: 10,000 square feet (approximately one-quarter acre)
- Minimum Lot Size: 9,000 square feet (approximately one-fifth acre)

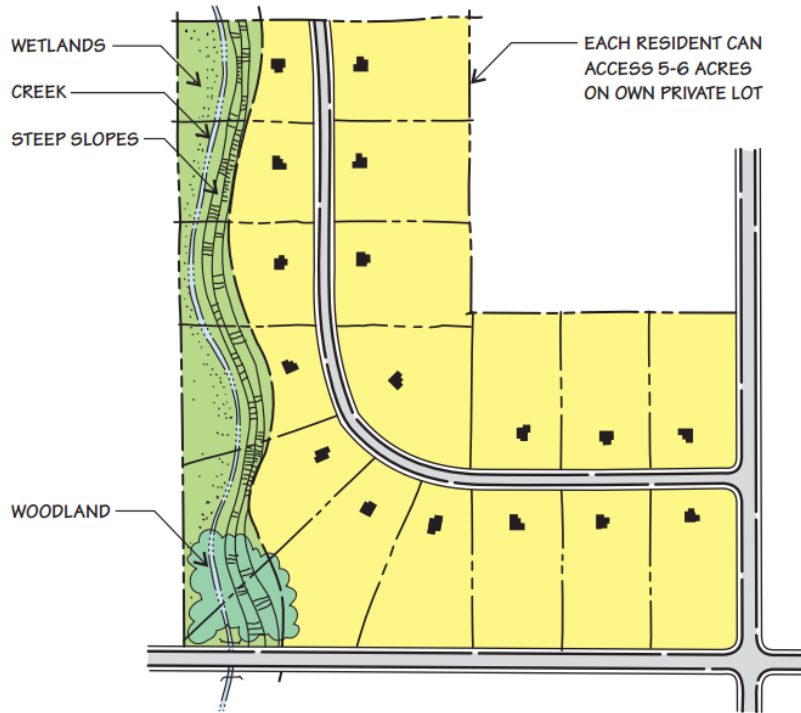
Incentive:

- Total Lots: $39 + 8 = 47$ (20% extra)



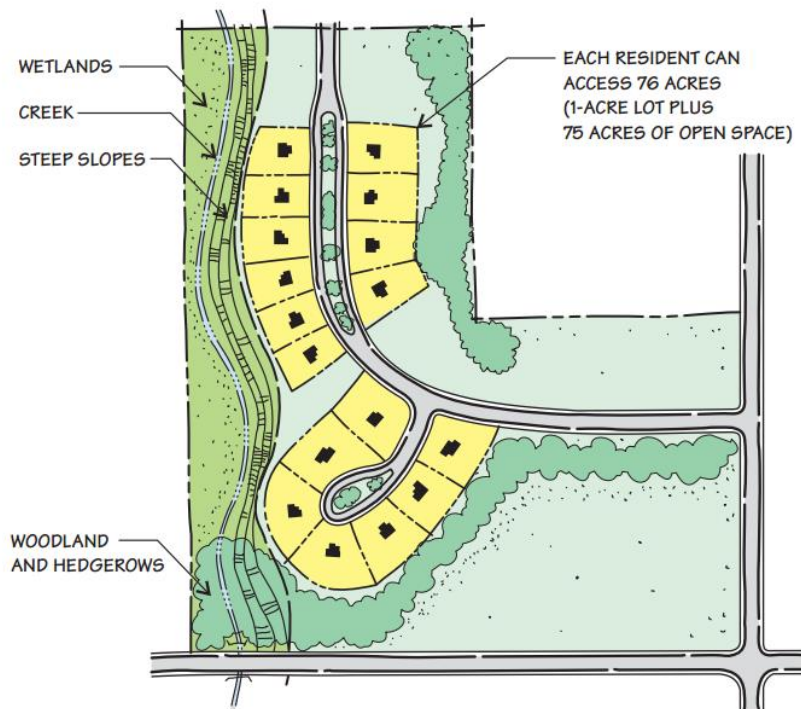
EXHIBIT D Examples of Conservation Subdivision Designs

CONVENTIONAL SUBDIVISION DESIGN



Acres: 104
Lots: 17
Density: 1 Dwelling Unit / 6 Acres
Average Lot Size: 5 Acres
Common Open Space: 0%

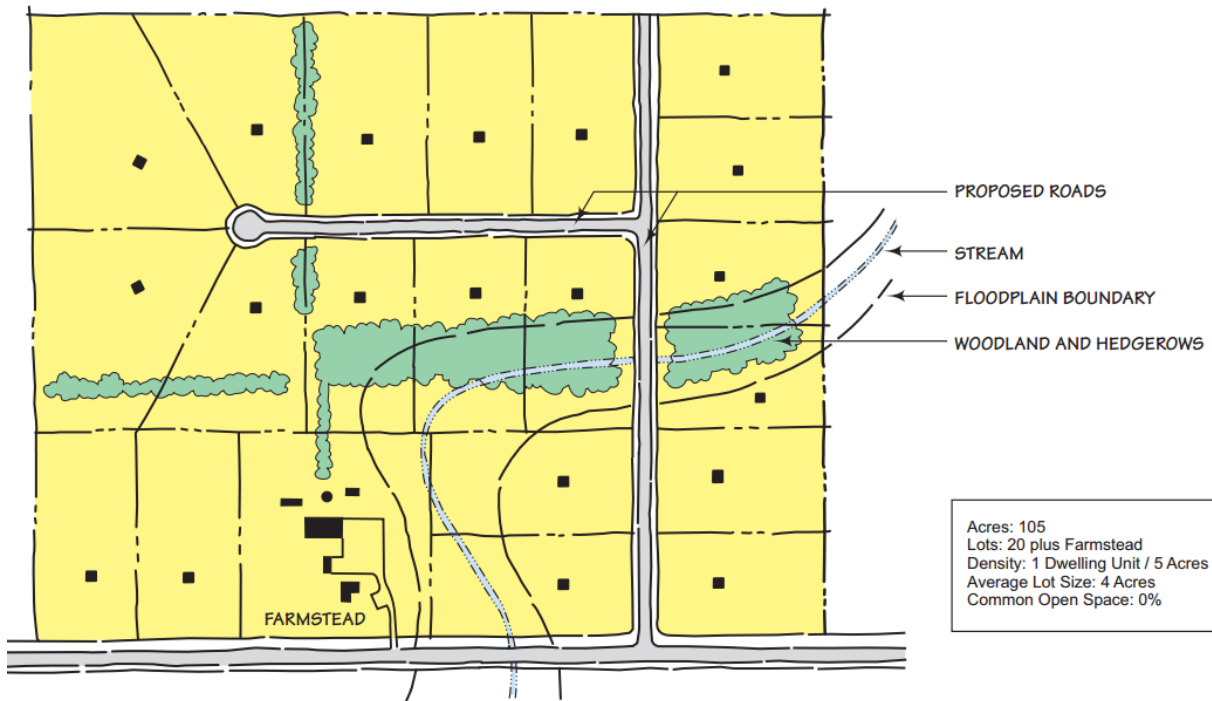
CONSERVATION SUBDIVISION DESIGN



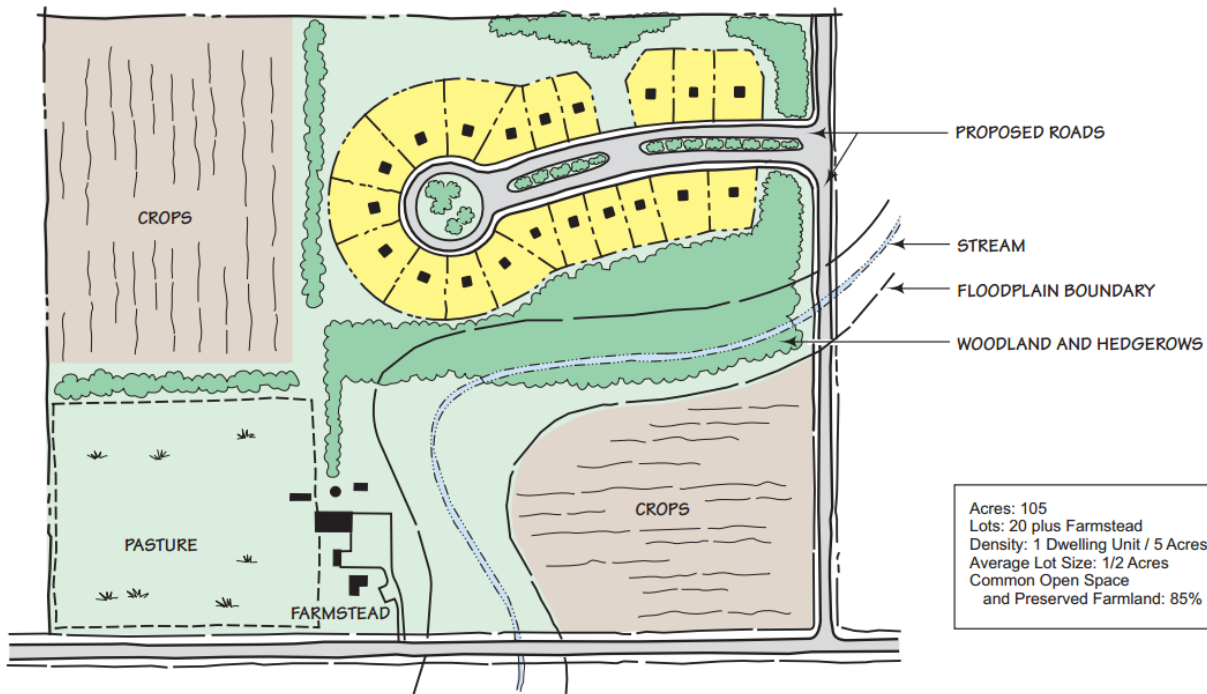
Acres: 104
Lots: 17
Density: 1 Dwelling Unit / 6 Acres
Average Lot Size: 1 Acre
Common Open Space: 75%

Source: SEWRPC

CONVENTIONAL SUBDIVISION DESIGN

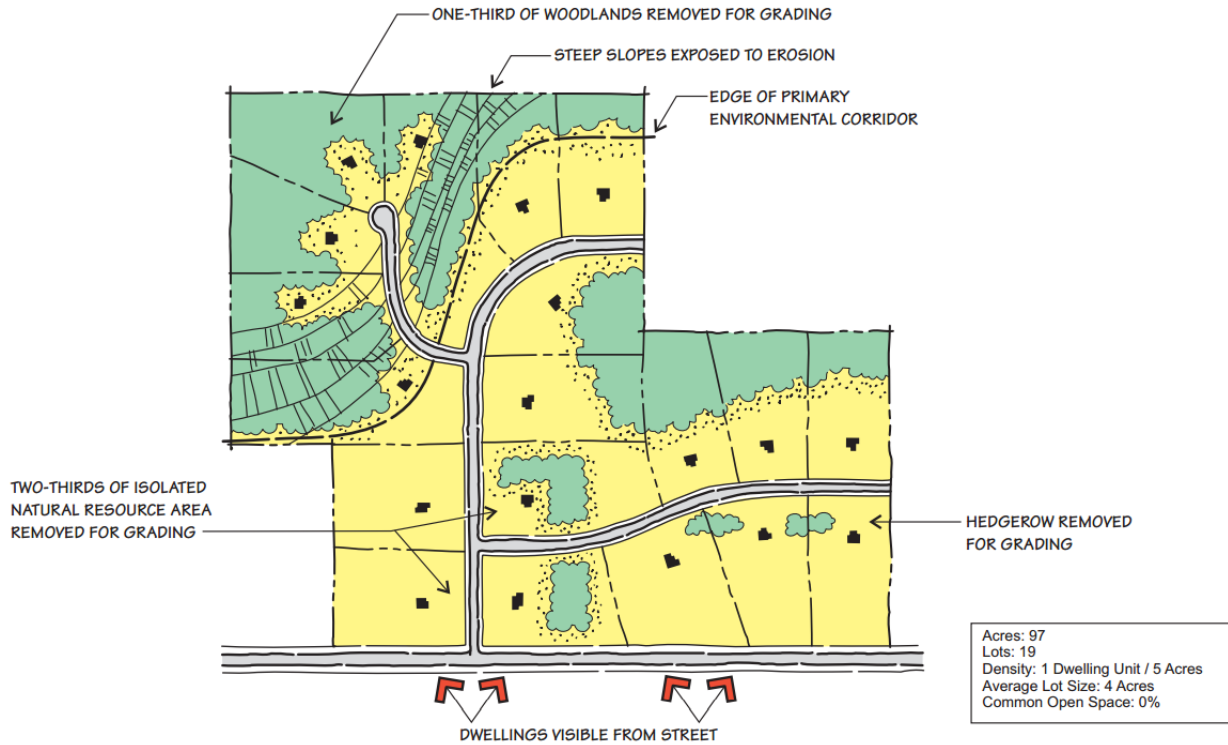


CONSERVATION SUBDIVISION DESIGN

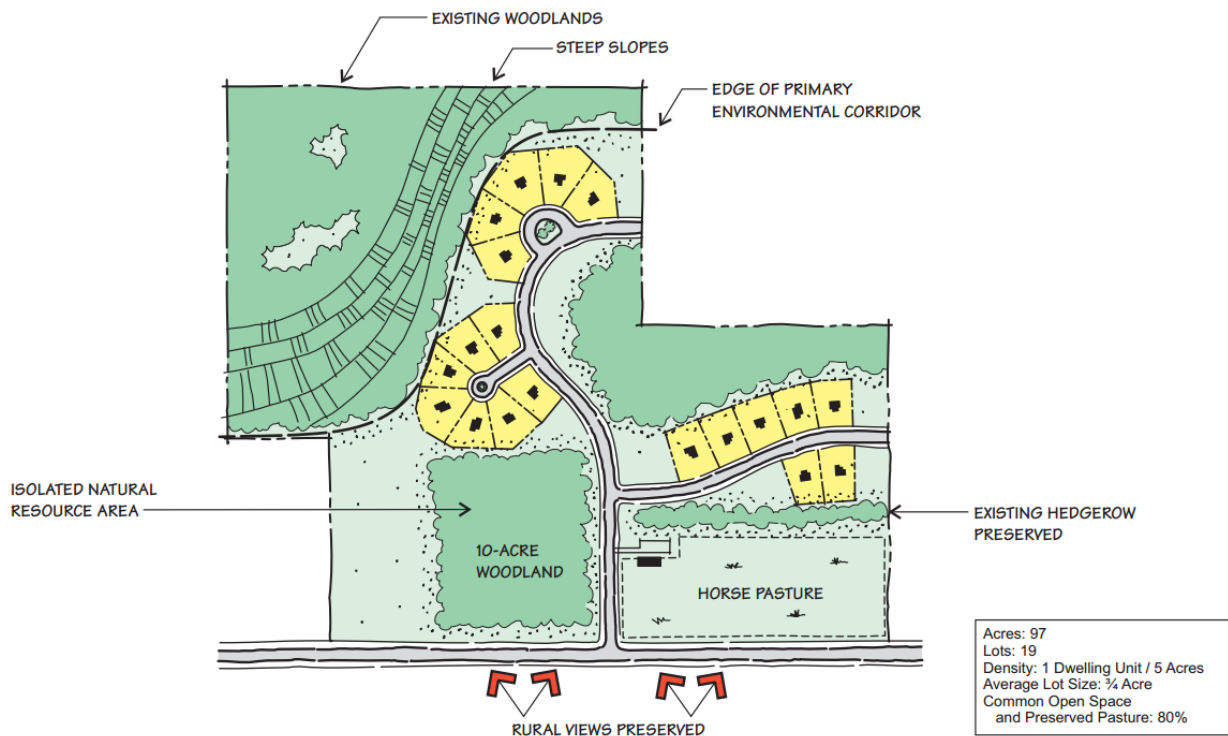


Source: SEWRPC

CONVENTIONAL SUBDIVISION DESIGN

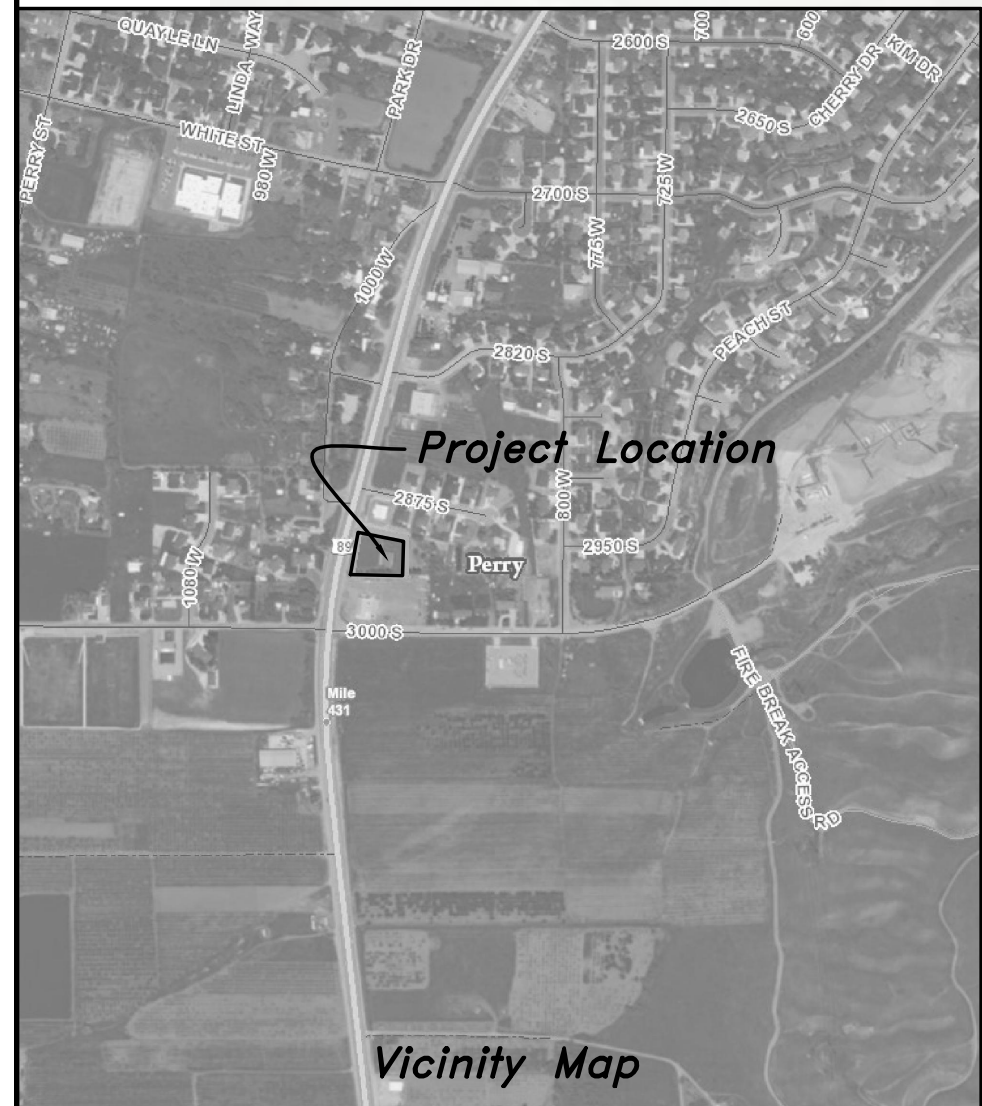


CONSERVATION SUBDIVISION DESIGN



Source: SEWRPC

Perry City, Box Elder County, Utah
A Part of the Southwest Quarter of Section 2,
Township 8 North, Range 2 West, Salt Lake Base & Meridian



18-124 18-124 v15.dwg 09/04/18

Date _____

CHAIRMAN

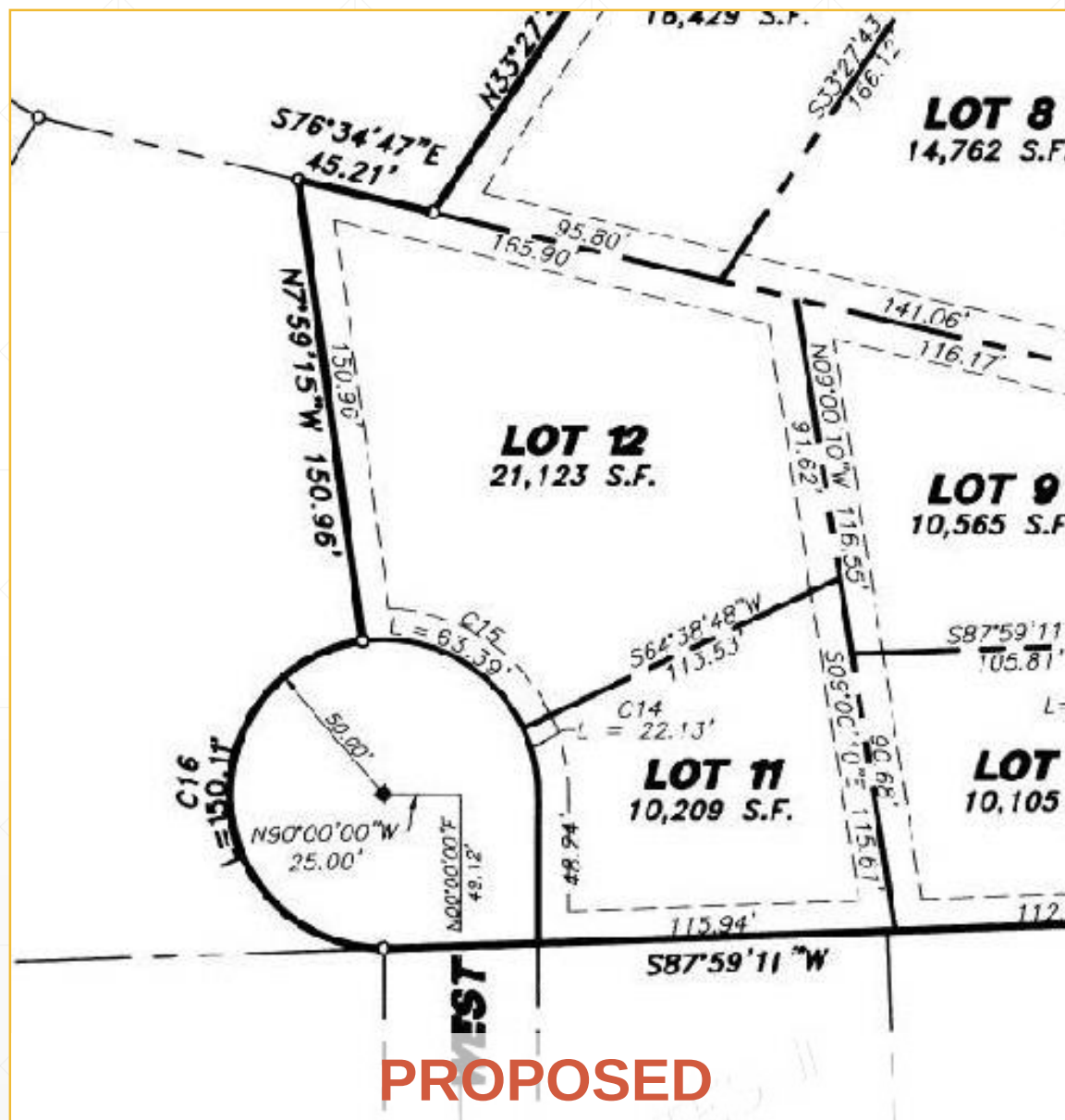
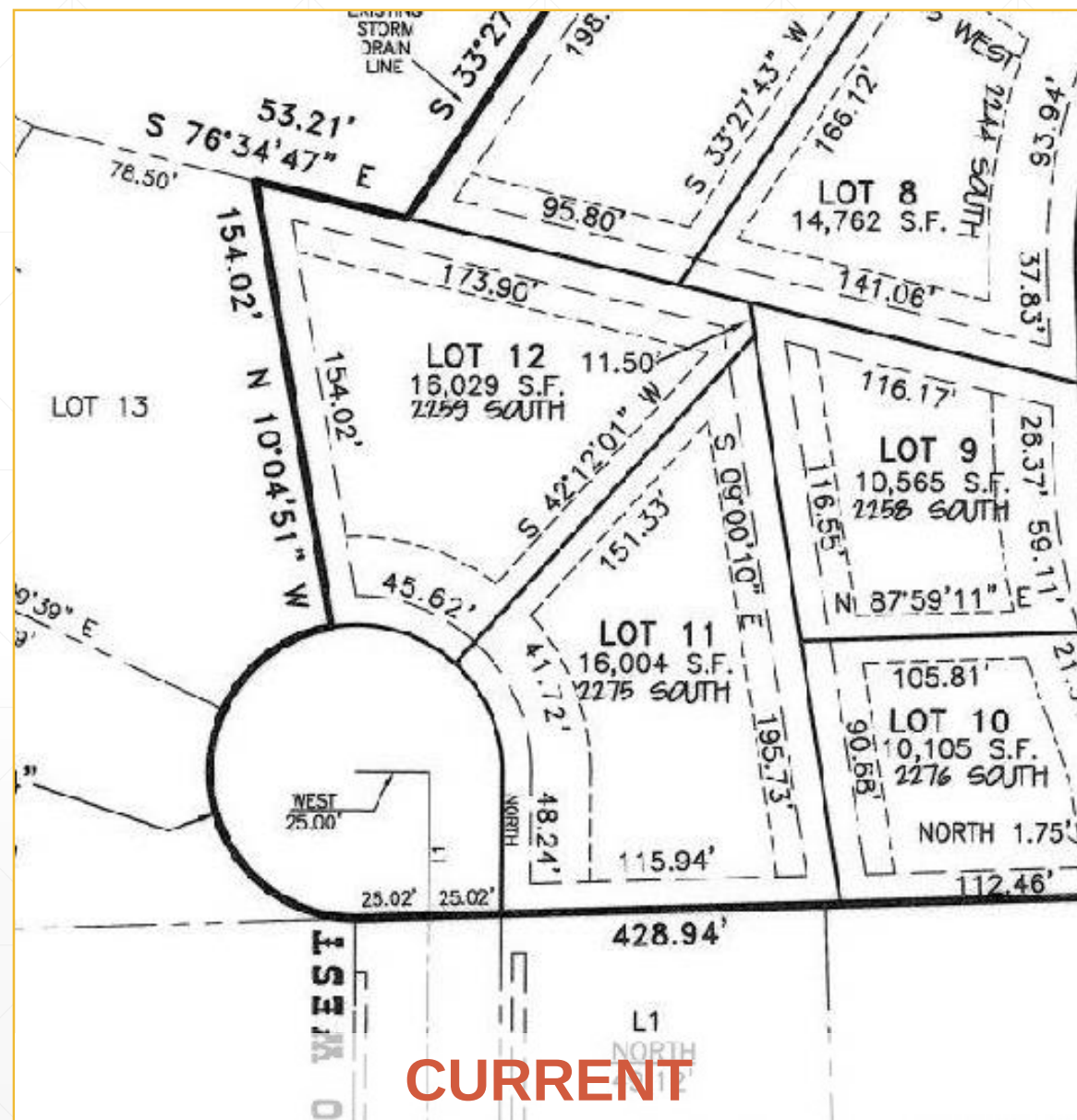
RECORDER

DATE _____

18. 

Notary public

County Recorder



BYLAWS
OF
PERRY-WILLARD REGIONAL WASTEWATER
TREATMENT BOARD
CHAPTER 1
MISSION STATEMENT

Section 1-1-101. Mission Statement. To provide environmentally sound, cost effective Wastewater disposal services for the communities of Perry City and Willard City, individually and collectively (“Governing Bodies”).

CHAPTER 2
CREATION OF THE SEWER FACILITY BOARD

Section 1-2-101. Creation of the Sewer Facility Board. The Perry-Willard Wastewater Treatment Board (the “Board”) was created as an interlocal advisory board under Utah Code Ann. 11-13-101 *et. Seq.*, by means of certain Agreement entitled Interlocal Cooperation Agreement For Joint Ownership, Construction, Use, and Maintenance of A Wastewater Treatment Facility, dated February 28, 2008, (the “Interlocal Agreement”). The Interlocal Agreement was entered into by members of the organizations (the “Members”).

CHAPTER 3
PRINCIPAL OFFICE

Section 1-3-101. Principal Office. The Board shall designate and the Wastewater Treatment Facility shall maintain a principal office, together with such additional offices as the Board shall designate. The Location of the principal office is Perry City – 3005 S. 1200 W. Perry, Utah.

CHAPTER 4
THE BOARD

Section 1-4-101. Duties of the Board. The conclusions, recommendations, and information emanating from a meeting of the Sewer Facility Board will govern the operation, maintenance, and improvement of the Facility. The Board (the “Board”) is responsible for hiring qualified personnel to operate, maintain and improve the Facility, The Facility manager shall report directly to the Board. The Board shall be responsible for developing and adopting protocols and procedures to operate the Facility as well as rules and regulations for Facility employee’s etc. The Board will establish policy for the Facility.

Section 1-4-102. Representatives. The Board shall be comprised of representatives appointed by the Governing Body of each City (the “Representatives) appointed in the manner set forth in the First Addendum to the Interlocal Cooperative Agreement.

Section 1-4-103. Chair and Vice Chair. The Board shall elect a Chair and Vice Chair from among all Representatives. The Chair of the Board shall serve for a 2 year period of time. The Vice Chair shall serve as Chair in the absence of the Chair and shall replace the Chair after the Chair's term is completed. If either position is vacated before the term in (sup. Additional language), a new Vice Chair shall be elected by a majority vote of the Board and if the position of Chair is vacated, the then current Vice Chair shall become the Chair.

Section 1-4-104. Secretary. The Board shall select a secretary from one of the Governing Bodies who shall keep minutes and records of the Board. The secretary shall serve until removed by his or her Governing Body or until a successor is appointed.

Section 1-4-105. Treasurer. The Board shall select a treasurer from one of the Governing Bodies who shall keep financial records and shall periodically review the financial needs of the Board and report those findings to the Board. The treasurer shall serve until removed by his or her Governing Body or until a successor is appointed.

Section 1-4-106. Meetings. The Chair may convene such meetings as he or she deems necessary or convenient, but not less than five per year, and shall preside over such meetings. The Vice Chair shall preside in the Chair's absence.

Section 1-4-107. Quorum and Voting. Except as otherwise provided in these Bylaws, a majority of the Representatives, not less than 3, present in person or by electronic means provided by policy, shall constitute a quorum for the transaction of business at any meeting of the Board. The vote of a majority of the Representatives present at a meeting at which a quorum is present shall be the act of the Board. No Representative may vote or act by proxy at any meeting of the Board. Each representative shall have one vote on matters considered by the Board. Tie votes shall be considered non-passage of the matter voted upon. If a Representative is unable to attend, a previously appointed alternate may be sent by the Governing Body in the Representative's place.

Section 1-4-108. Other Committees. By one or more resolutions, the Board may designate as deemed necessary from among the Representatives one or more committees, each of which, to the extent provided in the resolution establishing such committee, shall have and may exercise all of the authority (of the Board) granted to them by the Board, except as prohibited by applicable law. The delegation of authority to any committee shall not operate to relieve the Board or any Representative from any responsibility imposed by law or by the Interlocal Agreement. Rules governing procedures for meetings of any committee of the Board shall be as established by the committee, or in the absence thereof by the Board and applicable State Law.

Section 1-4-109. Meeting by Electronic Means, Telephone. Representatives may participate in a meeting of the Board by means of conference telephone or similar communication equipment by which all persons participating in the meeting can hear each other at the same time in accordance with adopted policy and the relevant State Law provisions governing such meetings. Such participation shall constitute presence in person at the meeting.

Section 1-4-110. Special Meetings of the Board. Special meetings of the Board may be called by or at the request of the chair or by a majority of the Board. The order calling the special meeting must

be signed by the requesting Representatives or Chair calling such meeting and must be entered in the minutes of the Board. Twenty-four hour notice of such meeting must be given to the Representatives not joining in the order, **and must comply with noticing requirements outlined in the Open Meetings Act.** The order must specify the business to be transacted at such meeting, and none other than that specified shall be transacted at such special meeting unless all Representatives are present and consent thereto and **the item of business is properly noticed on the agenda in accordance with the Utah Open and Public Meetings Act.**

Section 1-4-111. Notice of, and Waiver of Notice for, Board Meetings.

- a. Notice of special meetings of the Board shall be made to each Representative in accordance with Section 1-4-110 hereof.
- b. No notice or regular Board meetings need be made to all Representatives. Public notice shall be given of all meetings in accordance with the Utah Open and Public Meetings Act, codified at Utah Code Ann. 52-4-101, et seq.
- c. Any Representative may waive notice of any meeting. The attendance of a Representative at a meeting shall constitute a waiver of notice of such meeting, except where a Representative attends a meeting for the express purpose of objecting the transaction of any business and at the beginning of the meeting (or promptly upon such Representatives arrival) objects to holding the meeting or transacting business at the meeting, and does not thereafter vote for or assent to action taken at the meeting.
- d. Any information delivered to Representatives regarding matters to be considered at a special or regular meeting of the Board may be delivered by email to each Representative. An individual Representative may request that a hard copy of such information be mailed to the Representative.

Section 1-4-112. Compliance. To the extent required by Utah law, the Committee shall ensure that meetings are held and notification of those meetings provided in accordance with Utah law governing open and public meetings, Utah Code Ann. 11-13-223 and 52-4-101 through 52-4-305, as amended. **The Board will participate in "Open and Public Meetings Act Training" annually to ensure compliance.**

Section 1-4-113. Board Compensation. Board Representatives may be paid for their services to the Wastewater Treatment Facility, **if approved by the Governing Bodies via Ordinance(s) and if provided and approved in the Wastewater Treatment Facility Operation and Maintenance Budget,** and shall be reimbursed for their reasonable expenses incurred doing Wastewater Treatment business.

CHAPTER 5

FISCAL MANAGEMENT

Section 1-5-101. Fiscal Year. The fiscal year of the Wastewater Treatment Facility **shall begin on July 1st and end on June 30th, in conjunction with the Governing Bodies' Fiscal Year.**

Section 1-5-102. Auditing. At the close of each fiscal year, the books and records of the Wastewater Treatment Facility shall be audited **(as part of the Governing Bodies Financial Audit)** in accordance with the requirement of the Utah State Auditor, by a certified public accountant for a firm of

certified public accountants, whose report shall be prepared in accordance with the requirements of the Bond Resolutions and Contracts adopted or entered into by **the Governing Bodies**.

Section 1-5-103. Annual Budget. On or before April 1st of each year the Board will prepare an **tentative** Annual Budget for the ensuing fiscal year. The Board will provide a copy of the Annual budget to each Governing Body (City). If they deem it pertinent, each Governing Body and the Board will make recommended changes to the Annual Budget. In the event the Governing Bodies and the Sewer Facility Board are unable to agree on the Annual Budget, then the unresolved Annual Budget will be submitted to a panel of three experts to consist of two experts, one each selected by each Governing Body, and a third expert to be mutually agreed upon by both Governing Bodies, and the Governing Bodies and the Board will be bound to abide by the Annual Budget agreed upon by this panel of three experts.

Section 1-5-104. Inspection of Records. Financial reports and records of the Wastewater Treatment Facility shall be available at **the appointed treasurer's (designated Governing Body's) office** for inspection at reasonable times by any Representative or the designee of any Member or as otherwise required by agreements adopted or entered into by the Governing Bodies. To the extent permitted by law and the applicable policies of the Board, the Wastewater Treatment Facility may classify certain public records as "protected records" under the laws of the State. Any Representative or Governing Body's designee inspecting any such classified records shall not disclose the same to third parties except as required by law.

Section 1-5-105. Execution of Documents. Except as otherwise determined by the Board, all notes, bonds, contracts and other documents shall be executed on behalf of **the Wastewater Treatment Board by the Governing Bodies**.

Section 1-5-106. Board Approval. The Board shall review and approve not less than quarterly all revenues and expenditures of the previous period.

Section 1-5-107. Signature Required. All **invoices for operations and maintenance related expenses** shall be reviewed by the Wastewater Treatment Facility's Lead Operator, and checks, wire transfers or similar forms of payment shall be signed in accordance with the policies of the Governing Body of which has been designated to be over financial management for the Wastewater Treatment Facility.

Section 1-5-108. Payment Approval. The Board will approval all payments made from the Wastewater Treatment Facility's Operations and Maintenance Budget at each Board Meeting via a Payment Approval Report.

Section 1-5-109. Payment & Reimbursement. The Governing Body designated (via appointed treasurer) to be over financial management will make payments for all operation and maintenance expense. The appointed treasurer for the Board will obtain payment approval from the Board and will forward the signed payment approval report to the joint Governing Body for reimbursement, at the proportionate ownership share defined by the Interlocal Agreement.

CHAPTER 6

[note: removed O&M Committee as same as Board]

MANAGEMENT AND STAFF

1-6-101. Facility Manager. The Board will hire a Facility Manager who will have responsibility for the day-to-day management of the Wastewater Treatment Facility. The Facility Manager will report to the Board.

1-6-102. Facility Staff. The Board and Facility Manager will be responsible for the operation and maintenance of the Facility and will employ competent and experienced personnel, or train such personnel, for the operation and maintenance of the Facility. Facility staff will report to the Facility Manager.

1-6-103. Employer. The Facility employees, including the Facility Manager, shall be employees of Perry City (the Employer).

1-6-104. Compensation. Compensation of the Facility Manager and Staff shall follow compensation practices of Perry City (the Employer) and will be outlined in the Employer's Compensation Schedule.

CHAPTER 7

CONTRACTS, LOANS, CHECKS, DEPOSITS, AND ACCOUNTING

Section 1-7-101. Contracts. The Governing Bodies may mutually authorize by joint action the Board, or an employee of the Perry-Willard Wastewater Treatment Facility to enter into contracts or execute and deliver any instrument in the name of and behalf of the Perry-Willard Wastewater Facility, and such authorization may be general or confined to specific instances.

Section 1-7-102. Checks, Drafts, etc. All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Perry-Willard Wastewater Treatment Facility, shall be signed by two professionals of the designated Governing Body (via appointment of treasurer) or such officer or officers, agent or agents, of the Perry-Willard Wastewater Treatment Facility and in such a manner as shall from time to time be determined by joint resolution of the Governing Bodies.

Section 1-7-103. Deposits. All funds of the Perry-Willard Wastewater Facility not otherwise employed shall be deposited and invested by the procedures and requirements of applicable Utah laws.

Section 1-7-104. Books of Accounts. Full and accurate books of account shall be kept in accordance with good accounting practices. Such books of accounts shall be available for inspection by any Board Representative at all reasonable times.

CHAPTER 8

SEAL

Section 1-8-101. Seal. The Perry-Willard Wastewater Treatment Facility may provide a corporate seal to be used in such documents as the Governing Bodies may designate.

CHAPTER 9

LITIGATION

Section 1-9-101. *Litigation.* The Perry-Willard Wastewater Treatment Facility shall not initiate or voluntarily participate in any litigation without the approval of the Government Bodies.

CHAPTER 10

COMPLIANCE WITH UTAH LAW

Section 1-10-101. *Conflicts.* In the event that any portion of these Bylaws conflict with the Interlocal Agreement, the Interlocal Agreement shall prevail. In the event that any portion of these Bylaws conflict with Utah Law, the provisions of Utah Law shall prevail. The Governing Bodies with recommendation from the Board will amend the Bylaws as needed in order to be in compliance with the Interlocal Agreement and applicable law.

CHAPTER 11

AMENDMENT

Section 1-11-101. *Amendment.* These Bylaws may be altered, amended, restated or repealed, and new Bylaws may be made, by approved joint Resolution of the Governing Bodies, *provided, however,* that such alteration, amendment, repeal, or new Bylaws shall not be inconsistent with the requirements of the Interlocal Agreement.

BYLAWS CERTIFICATE

These Bylaws are hereby adopted and approved this ____ day of _____, 2018.

BYLAWS
OF
PERRY-WILLARD REGIONAL WASTEWATER
TREATMENT BOARD
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Section 1-1-101. *Mission Statement.* To provide environmentally sound, cost effective Wastewater disposal services for the communities of Perry City and Willard City.

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Section 1-4-105. Treasurer. The Board shall select a treasurer from one of the Governing Bodies who shall keep financial records and shall periodically review the financial needs of the Board and report those findings to the Board. The treasurer shall serve until removed by his or her Governing Body or until a successor is appointed.

Section 1-4-106. Meetings. The Chair may convene such meetings as he or she deems necessary or convenient, but not less than five per year, and shall preside over such meetings. The Vice Chair shall preside in the Chair's absence.

Section 1-4-107. Quorum and Voting. Except as otherwise provided in these Bylaws, a majority of the Representatives, not less than 3, present in person or by electronic means provided by policy, shall constitute a quorum for the transaction of business at any meeting of the Board. The vote of a majority of the Representatives present at a meeting at which a quorum is present shall be the act of the Board. No Representative may vote or act by proxy at any meeting of the Board. Each representative shall have one vote on matters considered by the Board. Tie votes shall be considered non-passage of the matter voted upon. If a Representative is unable to attend, an alternate may be sent by the Governing Body in the Representative's place.

Section 1-4-108. Other Committees. By one or more resolutions, the Board may designate as deemed necessary from among the Representatives one or more committees, each of which, to the extent provided in the resolution establishing such committee, shall have and may exercise all of the authority (of the Board) granted to them by the Board, except as prohibited by applicable law. The delegation of authority to any committee shall not operate to relieve the Board or any Representative from any responsibility imposed by law or by the Interlocal Agreement. Rules governing procedures for meetings of any committee of the Board shall be as established by the committee, or in the absence thereof by the Board and applicable State Law.

Section 1-4-109. Meeting by Telephone. Representatives may participate in a meeting of the Board by means of conference telephone or similar communication equipment by which all persons participating in the meeting can hear each other at the same time in accordance with adopted policy and the relevant State Law provisions governing such meetings. Such participation shall constitute presence in person at the meeting.

Section 1-4-110. Special Meetings of the Board. Special meetings of the Board may be called by or at the request of the chair or by a majority of the Board. The order calling the special meeting must

be signed by the requesting Representatives or Chair calling such meeting and must be entered in the minutes of the Board. Twenty-four hour notice of such meeting must be given to the Representatives not joining in the order, **and must comply with noticing requirements outlined in the Open Meetings Act.** The order must specify the business to be transacted at such meeting, and none other than that specified shall be transacted at such special meeting unless all Representatives are present and consent thereto and **the item of business is properly noticed on the agenda in accordance with the Open Meetings Act.**

Section 1-4-111. Notice of, and Waiver of Notice for, Board Meetings.

- a. Notice of special meetings of the Board shall be made to each Representative in accordance with Section 1-4-110 hereof.
- b. No notice or regular Board meetings need be made to all Representatives. Public notice shall be given of all meetings in accordance with the Utah Open and Public Meetings Act, codified at Utah Code Ann. 52-4-101, et seq.
- c. Any Representative may waive notice of any meeting. The attendance of a Representative at a meeting shall constitute a waiver of notice of such meeting, except where a Representative attends a meeting for the express purpose of objecting the transaction of any business and at the beginning of the meeting (or promptly upon such Representatives arrival) objects to holding the meeting or transacting business at the meeting, and does not thereafter vote for or assent to action taken at the meeting.
- d. Any information delivered to Representatives regarding matters to be considered at a special or regular meeting of the Board may be delivered by email to each Representative. An individual Representative may request that a hard copy of such information be mailed to the Representative.

Section 1-4-112. Compliance. To the extent required by Utah law, the Committee shall ensure that meetings are held and notification of those meetings provided in accordance with Utah law governing open and public meetings, Utah Code Ann. 11-13-223 and 52-4-101 through 52-4-305, as amended. **The Board will participate in "Open and Public Meetings Act Training" annually to ensure compliance.**

Section 1-4-113. Board Compensation. Board Representatives may be paid for their services to the Wastewater Treatment Facility, **if approved by the Governing Bodies via Ordinance(s) and if provided and approved in the Wastewater Treatment Facility Operation and Maintenance Budget,** and shall be reimbursed for their reasonable expenses incurred doing Wastewater Treatment business.

CHAPTER 5

FISCAL MANAGEMENT

Section 1-5-101. Fiscal Year. The fiscal year of the Wastewater Treatment Facility **shall begin on July 1st and end on June 30th, in conjunction with the Governing Bodies' Fiscal Year.**

Section 1-5-102. Auditing. At the close of each fiscal year, the books and records of the Wastewater Treatment Facility shall be audited **(as part of the Governing Bodies Financial Audit)** in accordance with the requirement of the Utah State Auditor, by a certified public accountant for a firm of certified public accountants, whose report shall be prepared in accordance with the requirements of the Bond Resolutions and Contracts adopted or entered into by **the Governing Bodies.**

Section 1-5-103. Annual Budget. On April 1st of each year the Board will prepare an Annual Budget for the ensuing fiscal year. The Board will provide a copy of the Annual budget to each Governing Body (City). If they deem it pertinent, each Governing Body and the Board will make recommended changes to the Annual Budget. In the event the Governing Bodies and the Sewer Facility Board are unable to agree on the Annual Budget, then the unresolved Annual Budget will be submitted to a panel of three experts to consist of two experts, one each selected by each Governing Body, and a third expert to be mutually agreed upon by both Governing Bodies, and the Governing Bodies and the Board will be bound to abide by the Annual Budget agreed upon by this panel of three experts.

Section 1-5-104. Inspection of Records. Financial reports and records of the Wastewater Treatment Facility shall be available at the appointed treasurer's (designated Governing Body's) office for inspection at reasonable times by any Representative or the designee of any Member or as otherwise required by agreements adopted or entered into by the Governing Bodies. To the extent permitted by law and the applicable policies of the Board, the Wastewater Treatment Facility may classify certain public records as "protected records" under the laws of the State. Any Representative or Governing Body's designee inspecting any such classified records shall not disclose the same to third parties except as required by law.

Section 1-5-105. Execution of Documents. Except as otherwise determined by the Board, all notes, bonds, contracts and other documents shall be executed on behalf of the Wastewater Treatment Board by the Governing Bodies.

Section 1-5-106. Board Approval. The Board shall review and approve not less than quarterly all revenues and expenditures of the previous period.

Section 1-5-107. Signature Required. All invoices for operations and maintenance related expenses shall be reviewed by the Wastewater Treatment Facility's Lead Operator, and checks, wire transfers or similar forms of payment shall be signed in accordance with the policies of the Governing Body of which has been designated to be over financial management for the Wastewater Treatment Facility.

Section 1-5-108. Payment Approval. The Board will approval all payments made from the Wastewater Treatment Facility's Operations and Maintenance Budget at each Board Meeting via a Payment Approval Report.

Section 1-5-109. Payment & Reimbursement. The Governing Body designated (via appointed treasurer) to be over financial management will make payments for all operation and maintenance expense. The appointed treasurer for the Board will obtain payment approval from the Board and will forward the signed payment approval report to the joint Governing Body for reimbursement, at the proportionate ownership share defined by the Interlocal Agreement.

CHAPTER 6

[note: removed O&M Committee as same as Board]

MANAGEMENT AND STAFF

1-6-101. Facility Manager. The Board will hire a Facility Manager who will have responsibility for the day-to-day management of the Wastewater Treatment Facility. The Facility Manager will report to the Board.

1-6-102. Facility Staff. The Board and Facility Manager will be responsible for the operation and maintenance of the Facility and will employ competent and experienced personnel, or train such personnel, for the operation and maintenance of the Facility. Facility staff will report to the Facility Manager.

1-6-103. Employer. The Facility employees, including the Facility Manager, shall be employees of Perry City (the Employer).

1-6-104. Compensation. Compensation of the Facility Manager and Staff shall follow compensation practices of Perry City (the Employer) and will be outlined in the Employer's Compensation Schedule.

CHAPTER 7

CONTRACTS, LOANS, CHECKS, DEPOSITS, AND ACCOUNTING

Section 1-7-101. Contracts. The Governing Bodies may mutually authorize by joint action the Board, or an employee of the Perry-Willard Wastewater Treatment Facility to enter into contracts or execute and deliver any instrument in the name of and behalf of the Perry-Willard Wastewater Facility, and such authorization may be general or confined to specific instances.

Section 1-7-102. Checks, Drafts, etc. All checks, drafts, or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Perry-Willard Wastewater Treatment Facility, shall be signed by two professionals of the designated Governing Body (via appointment of treasurer) or such officer or officers, agent or agents, of the Perry-Willard Wastewater Treatment Facility and in such a manner as shall from time to time be determined by joint resolution of the Governing Bodies.

Section 1-7-103. Deposits. All funds of the Perry-Willard Wastewater Facility not otherwise employed shall be deposited and invested by the procedures and requirements of applicable Utah laws.

Section 1-7-104. Books of Accounts. Full and accurate books of account shall be kept in accordance with good accounting practices. Such books of accounts shall be available for inspection by any Board Representative at all reasonable times.

CHAPTER 8

SEAL

Section 1-8-101. Seal. The Perry-Willard Wastewater Treatment Facility may provide a corporate seal to be used in such documents as the Governing Bodies may designate.

CHAPTER 9

LITIGATION

Section 1-9-101. *Litigation.* The Perry-Willard Wastewater Treatment Facility shall not initiate or voluntarily participate in any litigation without the approval of the Government Bodies.

CHAPTER 10

COMPLIANCE WITH UTAH LAW

Section 1-10-101. *Conflicts.* In the event that any portion of these Bylaws conflict with the Interlocal Agreement, the Interlocal Agreement shall prevail. In the event that any portion of these Bylaws conflict with Utah Law, the provisions of Utah Law shall prevail. The Governing Bodies with recommendation from the Board will amend the Bylaws as needed in order to be in compliance with the Interlocal Agreement and applicable law.

CHAPTER 11

AMENDMENT

Section 1-11-101. *Amendment.* These Bylaws may be altered, amended, restated or repealed, and new Bylaws may be made, by approved joint Resolution of the Governing Bodies, *provided, however,* that such alteration, amendment, repeal, or new Bylaws shall not be inconsistent with the requirements of the Interlocal Agreement.

BYLAWS CERTIFICATE

These Bylaws are hereby adopted and approved this ____ day of _____, 2018.

1 PERRY CITY COUNCIL MEETING

2 PERRY CITY OFFICES

3 October 25, 2018

7:00 PM

5 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting, Jim
6 Taylor, Esther Montgomery, Andrew Watkins, and Toby Wright.

8 OFFICIALS EXCUSED: Nathan Tueller

10 CITY STAFF PRESENT: Shanna Johnson, Chief Deputy Recorder
11 Robert Barnhill, City Planner/Office Administrator
12 Craig Hall, City Attorney
13 Scott Hancey, Sergeant

15 OTHERS PRESENT: Boyd Montgomery, Craig Bruderer, Stuart Grover, Ray Stander,
16 Spencer Riley, Trevor Cefalo, Todd Williams, Jan Kerr.

19 **ITEM 1: CALL TO ORDER**

20 Mayor Jeppsen called the City Council meeting to order.

21 **A. INVOCATION**

22 Council Member Wright offered the invocation.

23 **B. PLEDGE OF ALLEGIANCE**

24 Shanna Johnson led the audience in the Pledge of Allegiance.

25 **C. REVIEW AND ADOPT THE AGENDA**

27 **MOTION:** Council Member Montgomery made a motion to approve the agenda. Council Member
28 Watkins seconded the motion.

30 **ROLL CALL:** Council Member Wright, Yes Council Member Montgomery, Yes
31 Council Member Watkins, Yes Council Member Taylor, Yes

33 **Motion Approved.** 4 Yes, 0 No.

35 **ITEM 2: PROCEDURAL ISSUES**

36 **A. CONFLICT OF INTEREST DECLARATION**

37 None.

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

40 Shanna Johnson passed out the warrants.

42 **C. BUSINESS LICENSE(S)**

43 None.

1 **ITEM 3: PUBLIC HEARING AND/ OR PUBLIC COMMENT**

2 A presentation of a \$2000.00 grant from Rocky Mountain Power was given by Craig Bruderer for
3 Perry City's Safety and Quality of Life through policing as an enhancement for the safe trading zone.

4
5 Mayor Jeppsen acknowledged the scouts that were attending City Council Meeting and had them
6 introduce themselves. Spencer Riley and Ray Stander introduced themselves and stated that they
7 are working on their citizenship award.

8
9 Boyd Montgomery, who is a Perry City resident and owner of buildings on 1200 W 2080 S,
10 encouraged the Council to look into adding street lights in addition to widening 1200 W. He
11 discussed that they have a lot of pedestrians and vehicles that turn around in that location. He also
12 wanted to make the City aware of a 6 foot drop off that is next to the road near his property. He
13 expressed concerns of it being a hazard in the winter for vehicles that may run off the road and
14 asked for a remedy. He then praised the Mayor in his leadership and communication with the
15 public.

16
17 **ITEM 4: ACTION ITEMS**

18
19 **A. APPROVAL OF THE WARRANTS**

20
21 **MOTION:** Council Member Taylor made a motion to approve the warrants as presented.
22 Council Member Wright seconded the motion.

23
24 **ROLL CALL:** Council Member Wright, Yes Council Member Montgomery, Yes
25 Council Member Watkins, Yes Council Member Taylor, Yes

26
27 **Motion Approved.** 4 Yes, 0 No

28
29
30 **B. Ordinance 18-F Subdivision Street Layout and Access**

31 Bob Barnhill presented the Emergency Access for Subdivisions Ordinance that the Planning
32 Commission developed. Bob has done research on a dozen other communities and what
33 they have in place. He found that most have something stating that once the subdivisions
34 reach a certain number of units, there needs to be a secondary emergency access. In
35 addition, the Planning Commission wanted to make sure it is in the code that the land use
36 authority reviewing subdivisions has authority to require stub roads and to require
37 adjacent properties to install access and follow the transportation plan. Bob then read the
38 Code to the Council including certain items as follows:

- 39 – Overall street layout and access shall be reviewed and approved as part of the
40 subdivision concept and/or preliminary application.
41 – The land use authority and the fire code official shall review and approve the street
42 layout for all phases of the subdivision.
43 – The land use authority shall have authority to require stub roads, additional
44 accesses into the development, and adjustments to the street layout, cross-section
45 and right of way widths.
46 – A minimum of two separate ingress/egress routes for vehicular access shall be
47 required when the total number of ERU's served by a single means of access will

1 exceed thirty, and/or when a development extends more than 1800 feet from a
2 connecting street.

- 3 – Where more than one means of access is required, the points of access shall be
4 placed a minimum of six hundred feet apart, measured from center of right-of-way
5 to center of right-of-way.
- 6 – The final land use authority may waive these access requirements when any of the
7 following exist, unique topographic circumstances or the property is landlocked,
8 and where no point of second access is available within six hundred feet, and where
9 all Equivalent Residential Units (ERUs) are provided with an approved sprinkler
10 system, a second access shall not be required until number of ERU's reaches sixty.

11 The Council then asked about who is responsible for the financial expense when the
12 sprinkler system installation is required. Bob explained that it would be the developer's
13 responsibility. Bob stated that the Fire Marshall has gone over this and approved it.

14
15 **MOTION:** Council Member Taylor made a motion to approve Ordinance 18-F Subdivision
16 Street Layout and Access. Council Member Wright seconded the motion with an
17 amendment to add the requirement of having a concept indoor preliminary approval.

18
19 **ROLL CALL:** Council Member Wright, Yes Council Member Montgomery, Yes
20 Council Member Watkins, Yes Council Member Taylor, Yes

21
22 **Motion Approved. 4 Yes, 0 No**
23

24 **C. RESOLUTION 18-12 AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL**
25 **AGREEMENT WITH WEBER COUNTY FOR STORM WATER MANAGEMENT**

26 Tabled (In need of updated agreement).
27

28 **D. RESOLUTION 18-13 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR**
29 **THE CREATION OF A RESIDENTIAL LANDFILL DISPOSAL PERMIT PROGRAM WITH**
30 **BOX ELDER COUNTY**

31 Craig Hall discussed the agreement negotiated with Box Elder County in regards to putting
32 a program in place that would allow Perry City residents to be able to use the landfill for
33 free or a minimal charge. The County will provide tickets or permits, to allow the city
34 residents access to use the landfill one time per calendar year for free. Steve Hadfield, the
35 County Attorney, has reviewed the agreement and approved it. There is a fiscal impact to
36 the City of \$4,000 on an annual basis and they anticipate the tickets to be available starting
37 January 1. The City office will be in charge of ensuring that the permits are handed out
38 appropriately to the residents.

39
40 **MOTION:** Council Member Wright made a motion to approve 18-13 Authorizing the Mayor
41 to Execute an Agreement for the Creation of a Residential Landfill Disposal Permit Program
42 with Box Elder County with praise to Council Member Montgomery for initiating the
43 program. Council Member Taylor seconded the motion.

44
45 **ROLL CALL:** Council Member Wright, Yes Council Member Montgomery, Yes

Council Member Watkins, Yes Council Member Taylor, Yes

Motion Approved. 4 Yes, 0 No

E. RESOLUTION 18-14 AMENDING AND UPDATING THE PERRY CITY PURCHASING AND PROCUREMENT POLICY

Shanna Johnson discussed resolution 9905 being passed in the year 1999; it is the purchasing policy that the City has been working off of for the past twenty years. She stated that with inflation, expense, and the amount of time required to get approval of Request for Proposal (RFP) processes, that the City is proposing an update in the amount allowed for purchasing. It will not bypass resolution 1403 but will allow the City to not have to get competitive quotes if the cost of an item is under \$2,500. Anything over \$2,000 will still go to council for warrant approval.

Purchases exceeding \$2,500 but less than \$50,000 would require the competitive quotes, and purchases exceeding \$50,000 would require a formal RFP.

Professional services under \$100,000 would require three quotes to negotiate and get approval from the Council.

Construction projects under \$25,000 would require the purchase order approval and warrant approval. Projects between \$25,000 and \$50,000 would require three competitive bids, and over \$50,000 would require a formal RFP. Craig Hall added that the city is entitled to adopt its own purchasing policies and processes as long as it does not violate the intent of the State Procurement Code. He stated that we are still bound by the rest of the terms and conditions of the State Procurement Code and that this is amending a very small provision to make it more functional for the community.

MOTION: Council Member Taylor made a motion to approve Resolution 18-14 Amending and Updating the Perry City Purchasing and Procurement Policy. Council Member Montgomery seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Montgomery, Yes
Council Member Watkins, Yes Council Member Taylor, Yes

Motion Approved. 4 Yes, 0 No.

ITEM 5: DISCUSSION ITEMS

A. COUNCIL RETREAT MEETING

The Mayor suggested November 10, 2018 for the date of the retreat and doing it at the City building. The Council discussed what time they would like to start and decided on 7:00 a.m.

ITEM 6: MINUTES & COUNCIL/MAYOR REPORTS

A. APPROVAL OF CONSENT ITEMS

• **OCTOBER 11, 2018 CITY COUNCIL MEETING MINUTES**

MOTION: Council Member Montgomery made a motion to approve the October 11, 2018 City Council Meeting Minutes. Council Member Wright seconded the motion.

ROLL CALL: Council Member Wright, Yes Council Member Montgomery, Yes
Council Member Taylor, Yes Council Member Watkins, Yes

Motion Approved. 4 Yes, 0 No.

B. MAYOR'S REPORT

The Mayor stated that the land negotiations have continued to progress and are on track regarding the Sitla and DNR properties.

Council Member Taylor asked about the Chief of Police position, Shanna informed the Council that we have had a lot of applicants and that the position closes on October 30, 2018.

C. COUNCIL REPORTS

Council Member Wright discussed going with the Mayor to meet with the contractor regarding the shed at the gun range. He stated that the building and shooting range are at different elevations and suggested the possibility of raising the elevation of the location of the shed. The Mayor discussed reaching out to the contractors/engineers for an evaluation of what it would need and cost. They also talked about what materials they could use for fill and wanted to have it done soon so that it could settle through winter.

Council Member Watkins acknowledged that the two welcome signs are done and have had a lot of help from Brett Jones and Bob Barnhill. Granite Construction and Cache Valley Electric are going to install the south sign and they are contemplating installing the north sign as well. They can do the installation for \$700 for each sign and he thinks that the entire project will be under \$4,000, which is under the budget of \$10,000. The location of the signs has been decided and it is very close to being complete. He then added that he and Bob had time to go and tour some City Hall buildings including Nibley, Wellsville, Hyrum, and Mendon. Chief Arbon went with him the next day to Clearfield. He would like to review and discuss ideas from the tours at the retreat with the Council.

D. STAFF COMMENTS

Shanna discussed that early voting is going on. There is a box to drop off ballots at the City. She told the Council about the new website for the City that is close to being done, and also informed them about the Holiday movie that is scheduled for Saturday December 1, 2018 at Walkers Cinema (the movie being shown is The Star) at 10:00 a.m. She also told them the city staff Holiday party is scheduled for December 14, 2018.

Sergeant Hancey displayed the new armor for the police department. He thanked the Council and told them how nice it is and much lighter than other armor he has worn for the SWAT team in the past.

E. PLANNING COMMISSION REPORT

Commissioner Grover suggested in regards to the landfill use permits, to attach it to the newsletter that is sent out to the residents. He commended Bob on presenting the Ordinance 18-F. He summarized that there are six members now on the Planning Commission and that they are trying to make a bucket list of projects with a schedule attached to them so they can prioritize and support the general plan in regards to projects to be completed.

ITEM 6: EXECUTIVE SESSION

None.

ITEM 7: ADJOURNMENT

MOTION: Council Member Montgomery made a motion to close the meeting. Council Member Wright seconded the motion.

ROLL CALL: Council Member Montgomery, Yes Council Member Wright, Yes
Council Member Taylor, Yes Council Member Watkins, Yes

Motion Approved. 4 Yes, 0 No.

The Regular Meeting Closed at 7:57 PM.

Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder