

Thursday, September 24, 2020
PERRY CITY COUNCIL MEETING AGENDA
This is an “Electronic Meeting” Web/Teleconferencing will be used to participate
Go to www.perrycity.org for meeting access instructions

The Centers for Disease Control and Utah Department of Health have declared a national and state pandemic for COVID-19 where social distancing and other requirements are in place to prevent the spread of this infectious disease.

The Perry City Council will hold an electronic meeting via web/teleconference on the Thursday identified above, starting at approximately 7:00 PM. Members of the public at the Public Meeting may view the meeting via Zoom using a link and instructions on the web page at: <https://www.perrycity.org/whats-new.htm.htm>. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration. Numbers and/or times are estimates of when agenda items will be discussed. Action on public hearings will always be later in the same meeting or at a subsequent meeting. Every agenda item shall be a discussion and/or action item, unless otherwise indicated.

Approx. 7:00 PM – Regular City Council Meeting

- 1. Call to Order**
- 2. Procedural Issues**
 - A. Conflicts of Interest Declaration(s), If Any
- 3. Action Items (Roll Call Vote)**
 - A. Approval of Warrants
 - B. Ordinance 20-P Amending The Perry Municipal Code Regarding Temporary Uses and Structures
 - C. Ordinance 20-R Zone Change from C and NC2 to R1, Location: 1625 S 350 W; 03-159-0175
 - D. Resolution 2020-17 Adopting the 2020 Water Conservation Plan
- 4. Discussion Items:**
 - A. Budget Update
- 5. Minutes & Council/Mayor Reports (Including Council Assignments)**

No Council Action May be Taken if an Item is not specifically on the Agenda

 - A. Approval of Consent Items
 - August 27, 2020 City Council Work Session Minutes
 - August 27, 2020 City Council Meeting Minutes
 - B. Mayor’s Report
 - C. Council Reports
 - D. Staff Comments
 - E. Planning Commission Report
- 6. Executive Session (if needed)**
 - A. Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction 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.
- 7. Approx. 8:15 PM - Adjournment**

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member of the City Council and was posted in three locations: the Perry City Offices, Centennial Park, Perry City Park; and was emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 17th day of September, 2020. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Shanna S. Johnson, Chief Deputy Recorder

Report Criteria:

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

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
A-1 Key & Security Solutions								
12546	A-1 Key & Security Solutions	INV-002437	Perry Soccer Fields Restroom Loc	07/22/2020	3,972.00	3,972.00	09/03/2020	
Total A-1 Key & Security Solutions:					3,972.00	3,972.00		
Bank Of the West/Attn: Capital Markets								
11877	Bank Of the West/Attn: Capital Ma	81738	Final Bond Payment on Point Perr	08/03/2020	4,031.02	4,031.02	09/09/2020	
Total Bank Of the West/Attn: Capital Markets:					4,031.02	4,031.02		
Econo Waste, INC								
12713	Econo Waste, INC	521145	Garbage Service	08/20/2020	20,245.00	20,245.00	09/15/2020	
12713	Econo Waste, INC	521163	Garbage Service	09/03/2020	20,221.50	20,221.50	09/15/2020	
Total Econo Waste, INC:					40,466.50	40,466.50		
Huber Technologies INC.								
10782	Huber Technologies INC.	CD10020221	Tranducer/WWTP	08/24/2020	3,245.82	3,245.82	09/15/2020	
10782	Huber Technologies INC.	CD10020245	Repair& Labor	08/25/2020	22,415.49	22,415.49	09/15/2020	
Total Huber Technologies INC.:					25,661.31	25,661.31		
Ormond Construction								
10217	Ormond Construction	9/09/2020.	Retaomage Fpr 1200 West Water	07/06/2020	5,325.54	5,325.54	09/09/2020	
Total Ormond Construction:					5,325.54	5,325.54		
Rocky Mountain Power								
2501	Rocky Mountain Power	9/03/2020	WWTP Power Bill	08/14/2020	5,707.49	5,707.49	09/03/2020	
Total Rocky Mountain Power:					5,707.49	5,707.49		
US Bank								
10522	US Bank	790528000	Final Bond Payment on Pointe Pe	09/08/2020	177,449.27	177,449.27	09/09/2020	
10522	US Bank	790528000	Final Bond Payment on Pointe Pe	09/08/2020	4,281.58	4,281.58	09/09/2020	
Total US Bank:					181,730.85	181,730.85		
William M. Morris P.C.								
10434	William M. Morris P.C.	9/15/2020	City Attorney Services	09/01/2020	1,800.00	1,800.00	09/15/2020	
10434	William M. Morris P.C.	9/15/2020	City Attorney Services	09/01/2020	337.50	337.50	09/15/2020	
10434	William M. Morris P.C.	9/15/2020	City Attorney Services	09/01/2020	112.50	112.50	09/15/2020	
Total William M. Morris P.C.:					2,250.00	2,250.00		
Grand Totals:					269,144.71	269,144.71		

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Voided
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Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Detail report.

Invoices with totals above \$2000.00 included.

Paid and unpaid invoices included.

PERRY CITY
ORDINANCE 20-P TEMPORARY USES AND STRUCTURES

WHEREAS, Perry City has received a unanimous recommendation from the Planning Commission and finds it appropriate and needful to address certain uses that have heretofore been unaddressed in the PMC;

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

SECTION 1: **ADOPTION** “15.32 Temporary Uses And Structures” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.32 Temporary Uses And Structures(*Added*)

SECTION 2: **ADOPTION** “15.32.010 Purpose And General Provisions” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.32.010 Purpose And General Provisions(*Added*)

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the City. The character of these uses is such that proper stipulations are required to protect adjacent properties and the general health, safety, and welfare of the citizens of Perry. Any building or structure which does not meet the requirements of this Chapter shall be treated as a permanent land use and shall conform to all requirements of the PMC as well as building, health, fire, and other similar codes.

Government entities and properties are not regulated by this section.

SECTION 3: **ADOPTION** “15.32.020 Permit And Land Use Authority” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.32.020 Permit And Land Use Authority(*Added*)

Temporary Uses and/or Structures shall obtain a Temporary Use Permit. The Land Use Authority for Temporary Use Permits shall be the Community Development Director or designee.

SECTION 4: **ADOPTION** “15.32.030 Regulations” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.32.030 Regulations(*Added*)

Regulations

1. Temporary Uses shall first obtain, by application, a temporary use permit through the Community Development Director or designee.
2. Temporary Uses shall not exceed thirty (30) days within a calendar year for the use operator and for each parcel involved, counting the days from season opening to closing, including the days in between when the business may be closed. The following additional rules apply:
 - a. Shaved ice stands and similar uses shall not exceed one hundred eighty (180) days within a calendar year as outlined above. During the time when the use is not active any associated structures shall be removed from the location.
 - b. Construction yards, contractor's offices, equipment sheds, temporary buildings, and storage yards incidental to a permitted construction project may be approved. Sleeping accommodations shall not be allowed. The permit shall be valid for not more than one year but is renewable for one additional year. All temporary buildings, offices, sheds, and materials shall be removed upon completion of the project.
 - c. Food truck(s) and/or food cart(s):
 - i. operating alone (not part of another use requiring a permit) are not required to obtain a Temporary Use Permit.
 - ii. shall not be limited to the number of days they may operate within the City limits, nor the days they may operate on any particular property.
 - iii. operating on a particular property for more than thirty (30) days in a calendar year and more than ten (10) hours in any particular week shall submit a site plan application, obtain site plan approval, and conform with all site requirements for regularly permitted businesses as outlined in the PMC.
 - iv. operating in Perry City shall obtain a Perry City Business License.
 - v. operators shall comply with all applicable State Code requirements including 11-56 or its successor statute.

- vi. shall not operate within any public right of way without express written consent.
- 3. Parking shall be provided on the property in accordance with PMC 15.19. Such parking shall not have the effect of decreasing any existing parking that is required for any other use existing on the site, unless the Land Use Authority determines the hours of operation of the two uses to be distinctly different so as to allow the parking to be utilized at different times. On-street parking shall not be allowed to meet the requirements of this section.
- 4. Temporary Uses shall comply with all State, County, and City retail sales tax regulations.
- 5. Temporary Uses shall comply with all applicable Bear River Health Department requirements.
- 6. A Temporary Use permit shall not be required for a garage sale; provided, that the garage sale shall not operate for more than a total of five (5) days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way
- 7. Temporary Use permits shall be issued with an expiration date in accordance with this Chapter. Temporary Structures shall be removed within thirty (30) days of the Temporary Use being closed or the permit expiring, which ever occurs first.
- 8.

SECTION 5: **ADOPTION** “15.32.040 Temporary Structures” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.32.040 Temporary Structures(*Added*)

Regulations

Temporary Structures, associated with an approved Temporary Use, shall comply with the following regulations:

- 1. Temporary Structures are structures that will be in place for no more than the time approved in the Temporary Use Permit.
 - a. Contractor's offices, equipment sheds, temporary buildings, and storage yards incidental to a permitted construction project may be approved. Sleeping accommodations shall not be allowed. The permit shall be valid for not more than one year but is renewable for one additional year. All temporary buildings, offices, sheds, and materials shall be removed upon completion of the project.
- 2. Temporary Structures shall be not be placed within a thirty foot sight triangle at intersections.

3. A temporary real estate office may be approved in a subdivision which has been approved in accordance with the subdivision ordinance and shall make sales and do business only in conjunction with the subdivision wherein the office lies. The permit shall be valid for not more than one year but is renewable. A model home may be used as a temporary sales office. The office shall be removed upon completion of the development of the subdivision.
4. Temporary Structures shall first obtain, by application, a Temporary Use permit.

SECTION 6: ADOPTION “15.32.050 Standards And Nuisance” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.32.050 Standards And Nuisance(*Added*)

The Land Use Authority shall not issue a Temporary Use Permit unless it is determined that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all Temporary Uses, as well as the specific standards for the use (burden is placed on the applicant for a Temporary Use Permit to demonstrate compliance with all of the following general standards, as well as any specific standards for the use):

1. The structures associated with the use are compatible with surrounding structures in terms of type, use, scale, mass and circulation.
2. The proposed use is not detrimental to the health, safety, or welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
3. Traffic and pedestrian access and conditions are not adversely affected by the proposed use and associated traffic and parking.
4. Sufficient emergency access is provided.
5. Lighting shall not trespass or glare onto neighboring properties. Lighting shall be designed to be contained on site, be directed downward, and meet the site design standards for lighting for non-temporary uses.
6. Noise shall not create a nuisance and limitations on noise levels shall be placed on the permit when near to residential areas.
7. Hours of operation shall be placed on the permit in such a manner as to mitigate adverse impacts.
8. Temporary Uses shall not create a nuisance or substantial negative impacts. Impacts from noise, dust, lights, odors, and storm water shall be mitigated.

Excessive negative impacts and/or nuisance shall be cause for revocation or denial of the Temporary Use permit. The Land Use Authority shall place stipulations on the permit, or deny the permit, to mitigate nuisance and adverse impacts and to ensure compliance with the standards. Temporary Uses located near to residential developments shall have more strict stipulations placed upon the permit to ensure residential properties do not experience adverse impacts. The Land Use Authority shall determine the hours of operation to mitigate adverse impacts.

The site development standards for permanent businesses and developments shall not apply unless explicitly stated otherwise in the PMC.

SECTION 7: ADOPTION “15.32.060 Application Process” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.32.060 Application Process(*Added*)

Application for a Temporary Use permit shall include all information necessary to ensure compliance. The following minimum information shall be submitted with the application as applicable:

1. Applicant, property owner, business, and mailing information.
2. A description of the property to be used and a site plan including all information necessary to accurately portray the property, the proposed use, and overall code compliance. The following information shall be provided with the site plan as applicable (exception: food trucks and food carts shall only submit a site plan in accordance with 15.32.030 'c').
 - a. signage
 - b. vehicular access and parking
 - c. number, type, and location of vendors
 - d. sanitary facilities
3. A description of the proposed use, including hours of operation.
4. Written agreements related to use of property, sanitary facilities, and/or commissary facilities.

The Land Use Authority shall determine what approvals are needed from other agencies prior to final approval from the City, which may include Utah Department of Transportation, Fire Department, Health Department, Building Department, and/or Police Department.

The issuance of a Temporary Use Permit does not preclude or replace the need for a Business License.

SECTION 8: **AMENDMENT** “15.05.070.8 Special Commercial Uses” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05.070.8 Special Commercial Uses

Special Commercial Uses	A	A L	R 1 A	R E 1/2	R 1/ 2	R 1/ 3	R 1	R 2	E S	C	C 1	I C	N C 2	N C 3	M U - C	M U - O	M U - R	M /I L	M /I
Alcohol Retail, Off Premises, Note 2 *	~	~	~	~	~	~	~	~	~	P *	P *	P *	C	C	~	~	~	~	~
Hotel/Motel (w/ or w/o Alcohol), Note 2 *	~	~	~	~	~	~	~	~	~	C	C	C	~	C	C	~	~	~	~
Restaurant w/on Prem. Alcohol, Note 2 *	~	~	~	~	~	~	~	~	~	C	C	C	C	C	C	~	~	~	~
Restaurant Without On Prem. Alcohol	~	~	~	~	~	~	~	~	~	P *	P *	P *	C	C	P *	P *	P *	P *	P *
Other Alcohol On Premises, Business	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
<u>Temporary Uses and Structures (see PMC 15.32)</u>	<u>T</u>	<u>T</u>	<u>~</u>	<u>~</u>	<u>~</u>	<u>~</u>	<u>~</u>	<u>~</u>	<u>~</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>	<u>T</u>

Notes-see PMC 15.07.100.4 P- Use Permitted by Design Review P- Use Permitted in Zone T - Temporary Use

C-Conditional Use ~

Use not Permitted

SECTION 9: **AMENDMENT** “4.09.050 Land Use Application Fees” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

4.09.050 Land Use Application Fees

Zoning Map Amendment:

Zoning Map Amendment	\$400.00
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Annexation:

Annexation	\$800.00
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Subdivision Fees:

Concept Application	\$100.00
Preliminary Subdivision Application	
Residential Subdivision	\$300 plus \$100 per lot
Commercial Subdivision	\$500 plus \$100 per lot
Engineering and Design Application	
Residential Subdivision	\$300 plus \$125 per lot
Commercial Subdivision	\$500 plus \$125 per lot
Final Plat Application	
Residential or Commercial Subdivision	\$300 plus \$125 per lot
Subdivision Amendment	\$400
Reimbursement Agreement Application	Varies

Vacate Fees:

Vacate a Street, Alley, Right-of-way, etc.	\$300.00
Vacate a Subdivision	\$300.00

Site Plan Review (Design Review) and Conditional Use Permit Fees:

Site Plan, Conditional Use Permit, or Sign reviewed by Planning Commission	\$300
Sign Permit (not reviewed by Planning Commission)	\$50.00

Temporary Use Permit:

Temporary Use Permit Application	\$100
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Accessory Dwelling Unit Application Fees:

Application Fee	\$100
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Other Special Use Permit Fees:

Certificate of Existence for a Non-Conforming Use/Structure	\$50.00
Other Non-Conforming Use/Structure Application	\$150.00
Zoning/Boundary Policy Application	\$150.00

Land Use Appeals:

Land Use Appeals and Variances	\$200.00
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SECTION 10: **AMENDMENT** “15.05 Land Use Authorities And Appeal Authorities” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.05 Land Use ~~Authorities~~ Charts, Land Use Authorities, And Appeal Authorities

SECTION 11: **AMENDMENT** “1.03.010 Definitions” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

1.03.010 Definitions

The following words and phrases, whenever used in the ordinances of the City of Perry, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

ACCESSORY USE OR BUILDING: A use or detached, subordinate building on the same lot with, but of a nature clearly incidental and subordinate to, the principal use of the property or building.

AGENT OF OWNER: Any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

TEMPORARY STRUCTURE: Structures associated with an approved Temporary Use including, but not limited to contractor's offices, real estate offices, equipment sheds, temporary buildings, storage yards, structures used by seasonal vendors, and structures incidental to a permitted construction project or other permitted Temporary Use.

TEMPORARY USE: A use allowed for a limited time with the intent to discontinue the use upon expiration of the period. Uses include, but are not limited to, food trucks, food carts, carnivals, circuses, Christmas tree sales, fireworks sales, corn mazes, haunted houses, outdoor concerts, seasonal vendors, construction offices, religious services, retreats, revivals, rallies, and other similar uses or activities.

TENANT/OCCUPANT: Any person who occupies the whole or a part of a building or land, whether along or with others.

TOWNHOUSE: Condominium Development. A single family dwelling of one, two or three stories connected to another house by a common wall placed in a high density or commercial zone. Condominium standards apply with reduce density.

TRAIL: A marked, paved or beaten path or course, often, but not limited to, one that has been planned for a particular purpose.

TRANSITION ZONE: Buffer lots for reduction of zones between developments. See note under sketch or concept plan.

TREE STAND: A group of multiple trees of mature age.

UTILITIES: Public services including but not limited to culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, natural gas lines, electric power, cable T.V., and telephone transmission lines, together with all poles, wires, underground conduit and junction boxes, guy wires and bracing, etc.

VARIANCE: A device which grants a property owner relief from certain provisions of the zoning ordinance, because of particular physical surroundings, shapes, or topographical conditions of the property. .

VICINITY PLAN: A map or drawing, to scale, showing the physical relationships of a proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

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.

WATERCOURSE OR WATERWAY: A natural channel conveying water.

ZONING MAP: The officially adopted map of Perry City specifying the districts and/or areas zoned and the zoning designation of each is the zoning map.

ZONING ORDINANCE: The Zoning Ordinance of Perry City defining zoned areas and permitted land uses within zones and other related information and requirements regarding land use within the City also known as the “Perry City Land Use Ordinance”.

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember Blake Ostler	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember Esther Montgomery	_____	_____	_____	_____
Councilmember Andrew Watkins	_____	_____	_____	_____

Presiding Officer

Attest

Kevin Jeppsen, Mayor, Perry City

Susan O Bray, City Recorder Perry
City

Staff Report

September 24, 2020

Perry City Council



Zone Change Request, C and NC2 to R1 – Dennis Hirschi, located at 1625 S 350 W, 03:159:0175

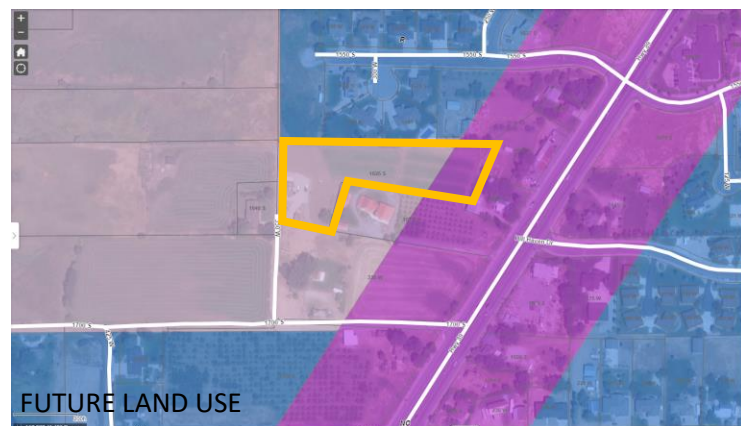
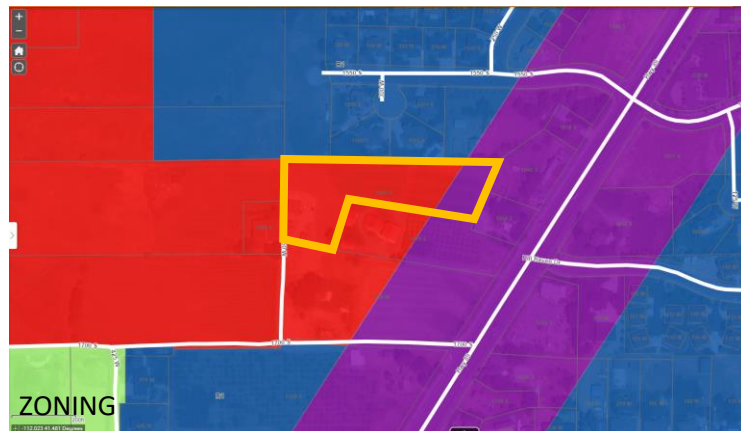
Summary

The property is approximately 2.7 acres, most of which is zoned C – Commercial and a portion on the east being zoned NC2 – Neighborhood Commercial. The property is currently being used for agriculture. Most of the surrounding properties are being used for agriculture with some residential and commercial development in the area as well. The property does not have frontage on the highway and is currently accessed by a prescriptive public road with a gravel surface.

The applicant has indicated that they would like to build a single family residence on the property. They also pointed out that the property to the north is zoned R1 and has been developed with single family homes. The zoning around the property includes C, NC2, and R1.

Conformance to General Plan

The Future Land Use Map shows the property to mostly be Mixed Use. The General Plan says the following regarding the Mixed Use Area: *Mixed Use areas may be zoned and developed for commercial, residential, or a combination of commercial and residential. Zone changes in these areas should be considered on a case by case basis with priority given to commercial development in areas prime for such. Areas prime for commercial development may include land along primary transportation corridors. Land uses should be compatible with adjacent development and the outlook of certain properties in these areas will likely evolve over time.*



Considerations and Recommendations

As a legislative item City Council can take any information or opinion into consideration when making a decision on this zone change. Staff recommends support of the zone change request as it would fit in with the surrounding uses, the property does not have frontage on the highway for commercial development, and it therefore complies with the General Plan.

Planning Commission

Planning Commission recommended approval of the request with a 4-0 vote. While there were some questions from neighbors regarding the application, there were not public comments received during the public hearing.

**PERRY CITY
ORDINANCE NO. 20-R**

ZONING MAP AMENDMENT

**AN ORDINANCE OF PERRY CITY, UTAH, AMENDING THE ZONING MAP
FOR A CERTAIN PARCEL WHERE AN ZONING AMENDMENT
APPLICATION WAS FILED; SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

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

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, the City received an Application to Amend the Zoning Map from C and NC2 to R1;

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on September 9, 2020, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to approve this Ordinance with a 4-0 vote;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on September 24, 2020;

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

- Section 1: **Repealer.**** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2: **Zoning Map Amendment.**** The Official Zoning Map of Perry City, Utah, is hereby amended from C and NC2 to R1 for the following parcel located at 1625 S 350 W: 03-159-0175.
- Section 5: **Severability.**** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.
- Section 6: **Effective date.**** This Ordinance take effect immediately upon approval and posting.

PASSED AND ADOPTED by the City Council on this 24 day of September 2020.

Mayor

ATTEST:

City Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

City Recorder

DATE: _____

DRAFT

RESOLUTION XX
Water Conservation Plan
[Month] 2020

BE IT HEREBY RESOLVED, by the City Council of Perry City, State of Utah, as follows:

WHEREAS, Perry City has a Water Conservation Plan (in accordance with U.C.A. 73-10-32) that establishes conservation planning efforts identifying water supply inventory for both present and future water requirements and establishes implementation procedures;

WHEREAS, the City Engineer and Culinary Water Systems Superintendent have reviewed and recommend the adoption of the Water Conservation Plan,

WHEREAS, the City Council has reviewed the recommendation,

WHEREAS, a public hearing was held on [insert date].

NOW THEREFORE BE IT RESOLVED, Perry City hereby adopts the **Water Conservation Plan**, dated [insert date], for the geographic City boundary. The plan was updated by Jones and Associates Consulting Engineers.

PASSED AND ADOPTED by the City Council of Perry City on [insert date].

Mayor Kevin Jeppsen

ATTEST:

City Recorder, Susan Obray

DRAFT

Perry City Corporation

Water Conservation Plan



August 2020



Updated By
JONES & ASSOCIATES
Consulting Engineers





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SECTION I - SYSTEM PROFILE

SERVICE AREA

Perry City serves all areas within the City boundaries, approximately 8 square miles (See Map 1). The City currently provides culinary water to approximately 5,000 people through 1,559 connections. This water is intended for indoor, sanitary, and commercial uses. Water for outdoor and landscaping needs is provided and managed by Pineview Water Systems, Three Mile Creek Irrigation Company, and the Perry Irrigation Company.

Table 1.1 below lists each type of connection and the total number of each for 2019.

Table 1.1 - Number of Connections

Connection Type	Total
Residential / Domestic	1,512
Commercial	42
Institutional	5
Industrial	0
	1,559

SUPPLY

Perry City obtains its water from four wells and one spring. The City does not contract with any outside agency for supplemental water. The City is currently working on acquiring additional water rights for a fifth well to aid in ensuring enough supply through buildout projections.

City ordinances do not allow culinary water to be used for irrigation unless irrigation service is unavailable. Secondary or irrigation water is supplied and managed by Pineview Water Systems, Three Mile Creek Irrigation Company, and the Perry Irrigation Company and is not included as part of this Plan.

Table 1.2 below shows a breakdown of the 2019 production diverted at each source type.

Table 1.2 - Existing Water Sources

Source	Volume (Acre-Feet)	Total (Acre-Feet)
Wells	660.32	660.33
Spring	56.81	56.81
		717.14

STORAGE RESERVOIRS

The adopted storage level of service for the City is approximately 400 gallons per Equivalent Residential Unit (ERU). The City has three storage reservoirs in service that together can hold 1,650,000 gallons of water (See Table 1.3). Of this amount, 420,000 gallons have been designated as fire storage.

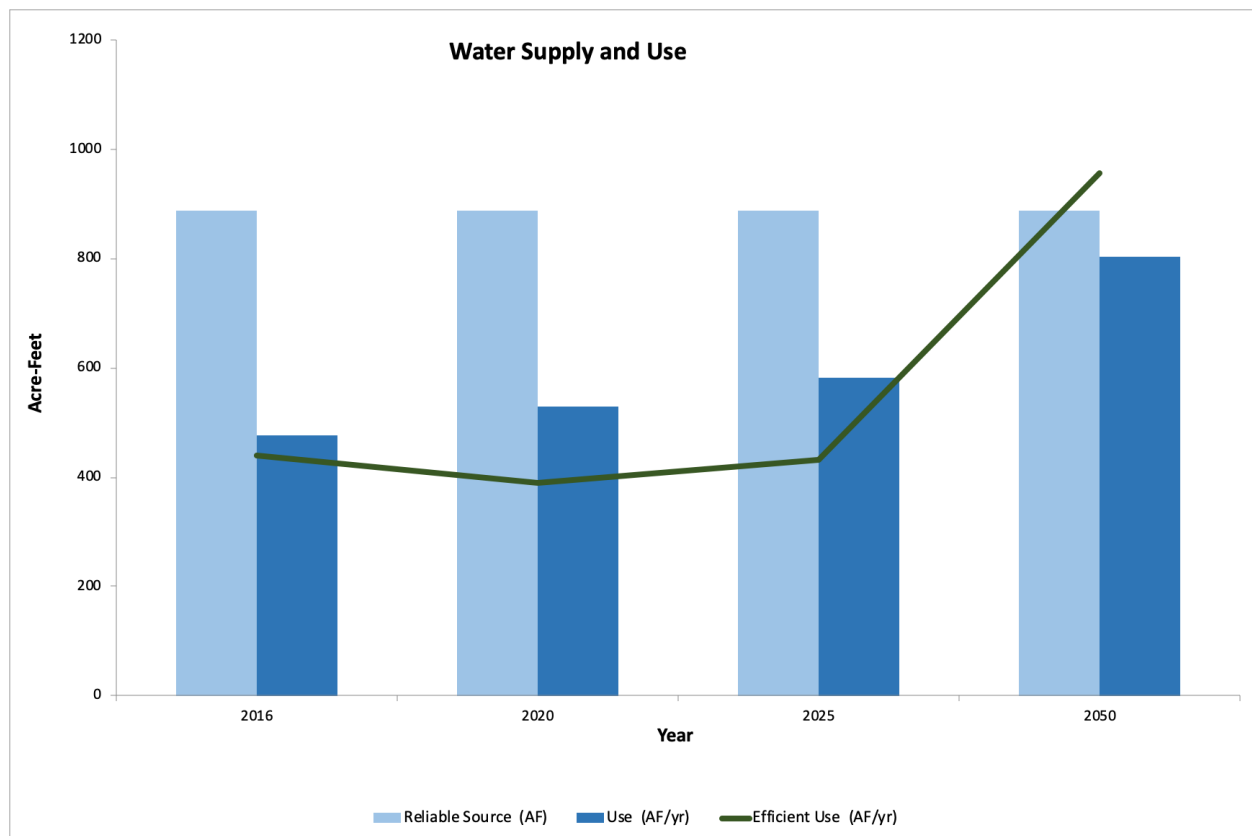
Table 1.3 - Storage Reservoir Capacity

Name	Capacity (gal)
North Bench	1,000,000
South Bench #1	300,000
South Bench #2	350,000
Total	1,650,000
Excluding Fire	1,230,000

WATER SUPPLY & USE

As illustrated in graph 1.1 below, the City's water supply verses projected use provides enough water through the year 2050.

Graph 1.1 - Water Supply and Use



FUTURE WATER SOURCES & COST PROJECTION

The Perry City Capital Facilities and Impact Fee Analysis, completed in 2015, indicates that the City was at excess capacity for water supply. Based on the residential, commercial, and institutional growth projections the build-out population will be 23,853 or 7,760 Equivalent Residential Units (ERUs). Additional water will be required to maintain the current level of service beyond 2050. This is mainly due to summer peaking requirements and Perry's specific well management needs. The reliable source reflected in the foregoing table assumes that some of the City's wells drop in production during summer months and recharge during winter months. The best usage estimate currently shows a demand of about 803 acre-feet per year in 2050. It is anticipated that the City has adequate sources to provide water until that time. The City is also currently working to update and repair infrastructure and is planning for the acquisition of additional water rights for a fifth well.

As noted previously, the City has sufficient water rights and sources to support anticipated growth through 2050. Conservation of these resources will help the supply to last over a longer period of time and/or allow additional water supply for additional users. By delaying or eliminating the need for additional water, the City can save a significant amount of money, as well.

WATER MEASUREMENT & BILLING

Meters: All of the connections to the water system are metered and read monthly using the automated Neptune radio-read System. Table 1.4 below shows the City's current metered connections.

Table 1.4 – Metered Connections

Connection Type	Percentage of System	Reading Frequency	Replacement Schedule*
Residential	97%	Monthly	As Needed
Commercial	>1%	Monthly	As Needed
Industrial	0	Monthly	As Needed
Institutional	>1%	Monthly	As Needed
Government	>1%	Not Read	As Needed

New Development: All new developments are required to follow Title 14, Subdivision Regulations, of the City Code. As part of the approval process, the City Engineer checks the available water resources against the current Capital Facilities Plan and updated water usage data. If the water model indicates that the proposed subdivision can be served, then the subdivision is allowed to proceed through the approval process. Along with this, the Developer must obtain approval from the secondary water provider for needed irrigation water.

During construction of the subdivision, City staff oversees and inspects the water system to ensure the installation meets City Standards.

SYSTEM WATER LOSS CONTROL

Table 1.5 below shows the population, annual use, and percentage loss in relation to used source.

Table 1.5 – Annual Information

Year	Population	Annual Source (AF)	Annual Use (AF)	% Difference
2015	5,050	7.12*	0.59	100%
2016	5,160	480.5	476.9	0.75%
2017	5,300	676.11	560.07	17.16%
2018	5,100	768.08	698.17	9.10%
2019	5,000	717.14	686.23	4.31%

**It is assumed annual source was original reported in gallons. The amount has been converted for the purpose of this table.*

The City monitors the amount of water taken at each of its sources. The amount of water produced from year to year from the wells and springs will vary depending on groundwater and snowpack conditions. The largest discrepancy in the available source verse the source used can be contributed to leaks, tank overflows/spills, meter reading errors and software reporting problems.

Losses are controlled through the following means:

SCADA System: In 2016, the City installed a SCADA system that provides continual monitoring of water storage and supply on three reservoirs and four well sites. In the event there are issues with the pressure or levels of water, the City's designated employees are immediately alerted and able to quickly resolve the issue.

INCREASING RATE STRUCTURE

The following table outlines the current water rate schedule adopted by Resolution and effective on March 17, 2015. The base allotment each month is less than 10,000 gallons for residents with secondary water and 15,000 for residents without secondary water. For every 1,000 gallons used thereafter, an additional fee is assessed on a tiered schedule that increases in correlation with the use.

Table 1.6 - Water Rate Schedule

Connection	\$ Base Rate / Month	Allotment (Gal)	Additional Fee / 1,000 Gal
Resident With Secondary Water	\$15.00	10,001 – 20,000	\$0.95
		20,001 +	\$2.00
Resident Without Secondary Water	\$15.00	15,001 – 30,000	\$0.95
		30,001 +	\$2.00

WATER USE**Potable Water**

Table 1.7 below shows the potable water inflow verse the water outflow for each type of use from 2005 through 2019.

Table 1.7 – Potable Water Use*

Year	INFLOW	OUTFLOW					% Diff.
	Total (AF)	Res.	Com.	Ind.	Inst.	Total (AF)	
2005	612.25	409.57	70.62	5.13	3.22	488.54	20.21%
2006	Not Reported						
2007	Not Reported						
2008	661.99	460.33	108.63	3.36	2.71	575.03	13.14%
2009	905.23	460.33	108.63	3.36	2.71	575.03	36.48%
2010	1716.15	506.37	55.24	0	9.21	570.81	66.74%
2011	Not Reported						
2012	Not Reported						
2013	739.63	469.54	89.0	0	9.21	567.74	23.24%
2014**	2073.71	42.7	7.95	2.29	27.09	80.05	96.14%
2015	7.12	0.48	0.12	0	0	0.59	91.71%
2016	480.50	414.30	61.38	0	1.23	476.90	0.75%
2017	560.07	420.44	138.10	0	1.53	560.07	0%
2018	768.08	543.19	153.44	0	1.53	698.17	9.10%
2019	717.14	578.05	107.41	0	0.77	686.23	4.31%

*Information obtained from Utah Division of Water Rights Water Records/Use Information

**2014 data assumed to have been reported in gallons, converted to acre-feet for this table

This analysis shows an average loss (deficiency) of 32.89% per year in the distribution system between 2005 and 2018. Further analysis indicates; however, that between 2013 and 2019 the average percentage loss is 32.27%. This percentage is a more accurate accounting as there were four years between 2005 and 2013 that were not reported.

The data reflected above, as reported to the Division of Water Rights, obviously shows discrepancies and large swings in inflow and outflow data. It is believed that this is due to reporting changes as well as staff turnover. One of the goals for the coming years is to reconcile the data to provide a more accurate representation of use for each category.

Non-potable Water

The City does not provide or monitor non-potable water (secondary) as this is provided through and monitored by the Pineview Water Systems, Three Mile Creek Irrigation Company, and the Perry Irrigation Company.

USE - GALLONS PER CAPITA PER DAY

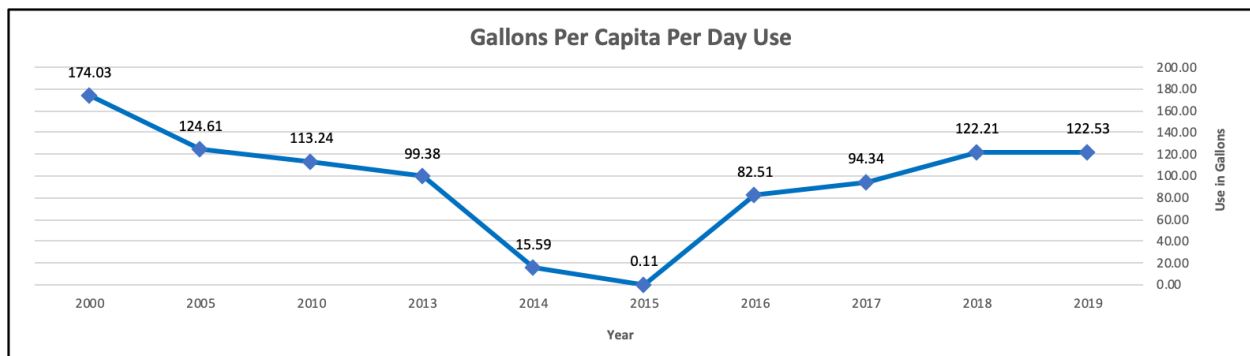
Table 1.8 below illustrates the gallons per capita per day by type of connection for 2019. The City does not provide or measure secondary water, this is done independently through the Pineview Water Systems, Three Mile Creek Irrigation Company, and the Perry Irrigation Company. Where available, all City connections must utilize secondary water for outdoor use.

Table 1.8 – 2018 GPCD by Use Type

2019 Total GPCD	
Residential	578.05
Commercial	107.41
Institutional	0.77
Industrial	0
Total	686.23

Graph 1.2 below illustrates the Gallons per Capita Per Day Use trend, indicating an overall decrease in water use and increase in conservation. It is evident, due to reporting changes, that data in 2014 and 2015, was not accurately reported. 2011 and 2012 were deleted from the graph as no data was reported for these years.

Graph 1.2 – Gallons Per Capita Per Day



SECTION 2 – CONSERVATION PRACTICES

CURRENT CONSERVATION

Perry City places a high value on the conservation of water and is already practicing the following:

- In 2016, the City installed a SCADA system on three reservoirs and four wells to monitor and control components of the water system.
- Perry City has recently completed a project which replaced and updated all water meters within the City with radio-read meters. This allows the City to obtain meter readings monthly and detect possible leaks on each service as well as obtain accurate data for the water budget. Commercial meters have also been replaced as deemed necessary.
- The City provides water conservation education and public outreach through:
 - Providing conservation tips on City's Website.
 - Information in City's Newsletter.
 - Providing a copy of the Annual Consumer Confidence Report with a utility bill.
- The City maintains membership in the Rural Water Association to educate personnel and keep up to date on source protection, public education and current regulations.
- The City requires the use of secondary water for all outdoor uses, where available.
- The City is currently working on revisions to its billing structure to increase water system income and provide additional funding to fix older leaking infrastructure and encourage water conservation.
- The City continues to complete infrastructure projects identified in the Capital Improvement Plan.

CONTACT

The following individuals are responsible for meeting efficiency goals:

Public Works Director, Tyler Wagstaff

3005 South 1200 West

Perry, UT 84302

tyler.wagstaff@perrycity.org

EVALUATION OF EXISTING CONSERVATION EFFORTS

In the 2014 Water Conservation Plan, the City established four goals based upon the issues identified. The goals and status of each are provided below:

Goal 1 – Continue to Reduce the City’s per Capita Water Use Rate. The rate is currently 103 gallons per capita per day (gpcd), and was 131 gpcd five years ago, representing a 20% rate reduction over this time frame. This is only 50.4% of the 260 gpcd State average. Much of this has occurred because of the increase and availability of secondary water. The goal for the next five years is to have at least another 2.5% rate reduction (0.5% per year). The gallons per capita per day will be tracked by the water reports that are sent to the State.

These rate reductions have occurred (and will continue to occur) through education, reminders in the City Newsletter, charging for “overages,” and alternatives to water-intensive landscaping.

Status: Due to inconsistencies in reporting, it appears that the City’s per capita water use increased by 19% at 122 gpcd in 2019. However, until the data is more accurately reported, it is difficult to accurately state an increase or decrease in gpcd.

Goal 2 – Continue to Replace Aging Water Lines. The City’s 2014 Capital Facilities Plan identifies several projects which can be completed with impact fees. There was 900 feet of aging water line along Highway 89 that was replaced in 2014 with \$122,296 of City funds used. There was also 900 feet of water line replaced on 900 west using CDBG grant money and \$46,245 of City money.

Status: The City continues to complete projects identified in the Capital Facilities Plan. Various water projects have been completed over the last 5 years. These projects include replacing outdated main and service piping with new piping in various locations throughout the City, meter replacement, and the installation of a SCADA system.

Goal 3 – Maintain or improve the landscaping of City Property and develop a policy for planting these areas with low water use landscaping. The City itself should be mindful of conservation measures and set an example for the residents, with beautiful public areas that are prudently watered and planted with landscaping that will conserve water.

Status: Between 2018 and 2020, eleven diseased trees at Dale Young park were cut down and 7 new water wise trees, purchased by the City, were planted around the main bowery.

Goal 4 – Check Viability of the Water System. In the next five years the viability of the City water system will be reviewed making certain the rate structure encourages water conservation by the users and makes funds available to maintain repairs and expand the City Water System.

Status: The City’s water rates have remained the same.

NEW BEST MANAGEMENT PRACTICES & IMPLEMENTATION PLAN

In addition to continuing existing practices and implementing the Capital Facilities Plan, the City plans to also:

Goal 1 – Increase Reporting Accuracy: Over the past five years, the City has had substantial data entry issues and a staff turnover. Based on the reports submitted to the Division of Water Rights, it is apparent that use may not have been reported accurately and data entry used to obtain usage

has not been consistent. It is believed that the overall amount of water used is correct in recent years, but the past years may not be. Over the next five years, the City will work to create a standard for labeling users with the appropriate category and entering user data consistently. This will provide a more accurate reporting of where water is being used.

Goal 2 – Water Rate Update. Over the next five years, the City will implement a water rate increase that is consistent with State requirements and the needs of the City’s overall water system.

Goal 3 - Reduce the City’s Per Capita Water Use Rate By 5% by 2024: The water use rate is currently 122 gallons per capita per day (gcpd). The goal is to bring this down approximately 5% to 116 gcpd. The savings will be measured in acre-feet and will be analyzed every five years by using the data that is submitted to the Division of Water Rights. This goal will be implemented by:

1. Implementation of Goals established in this report.
2. Read and collect data on City-owned property water use (meters read monthly).
3. Completing a yearly auditing of 1% of all meters to ensure properly functioning.
4. Run “zero consumption” report every other month and investigate and resolve found issues.

Goal 4 – Increase Public Awareness & Education Efforts: Currently, the City only utilizes the City’s website to provide information about water conservation. Over the next five years, the City plans to provide bi-annual flyers/information with the monthly utility bill utilizing existing messages from Slow the Flow, DWRs’s Conserve Utah, and WaterSense. In addition to this, the City plans to promote the use of weather based smart timers and provide information for how to obtain these tools.

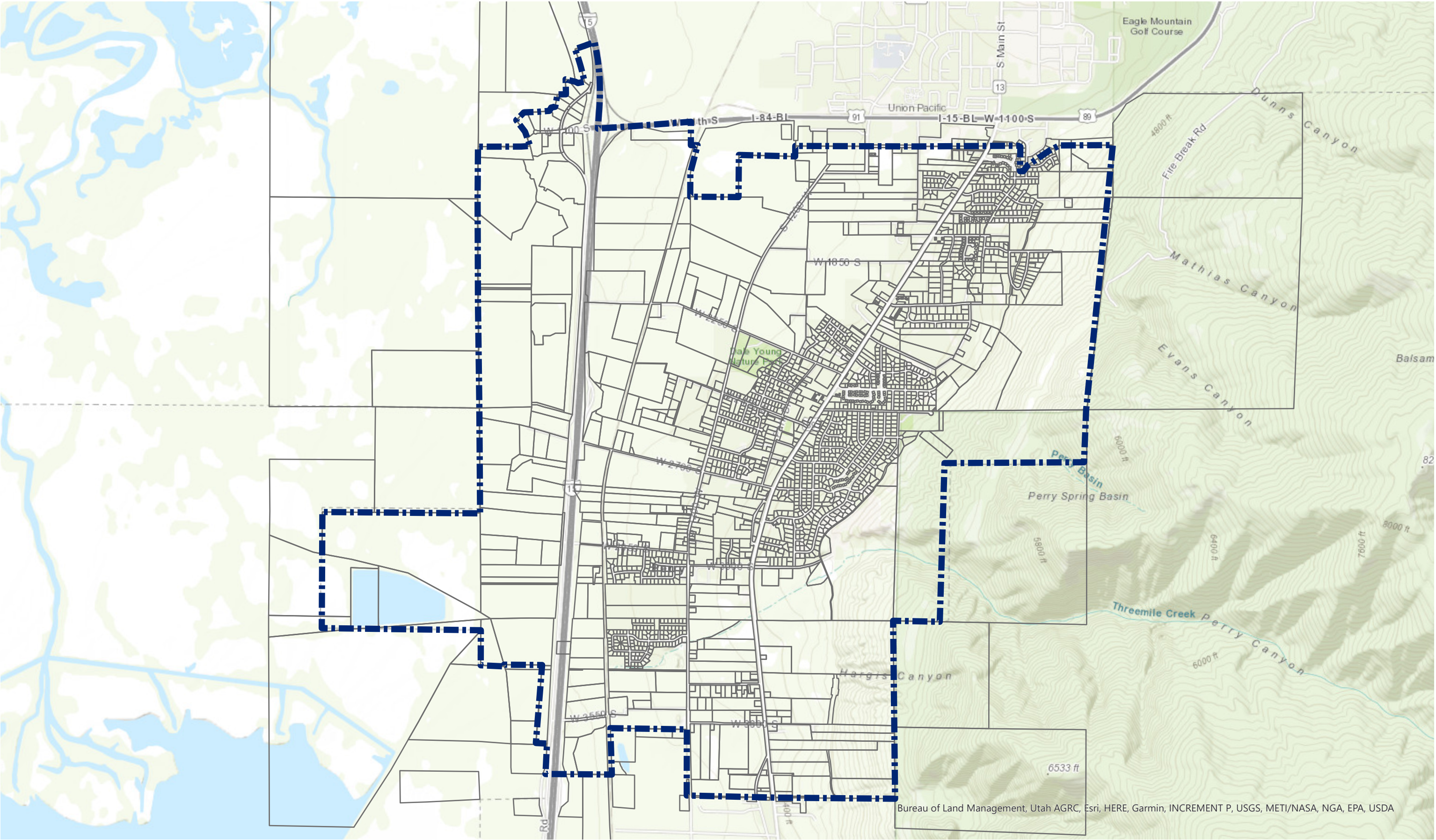
PUBLIC INFORMATION, EDUCATION, & PROGRAMS

The City currently provides regular information to residents and educates them on wise watering practices through the City’s website and newsletters.

ORDINANCES & STANDARDS IN PLACE

The following ordinances and standards have been adopted and are currently in place:

- Water Shortage Plan, 2014
- Public Work Standards, 2017
- City Code, Title 14 Subdivision Regulations



LEGEND

- City Boundary
- Parcels

DESIGNED *SEH*
DRAWN *SEH*
CHECKED *BMJ*

SCALE:
N.T.S.
DATE:
July 2020

JA JONES & ASSOCIATES
CONSULTING ENGINEERS
6080 Fashion Point Dr, South Ogden, UT 84403
(801) 476-9767

PERRY CITY CORPORATION
WATER CONVERSION PLAN
CITY BOUNDARY EXHIBIT

SHEET:
OF 0 SHEETS
EXHIBIT 5B

PERRY CITY WORK SESSION
PERRY CITY OFFICES
AUGUST 27, 2020

6:00 PM

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

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

ITEM 1: Welcome to Order and Welcome

Mayor Jeppsen welcomed everyone and called the meeting to order.

ITEM 2: FY 2021 BUDGET PLANNING

Shanna Johnson showed a presentation that followed the budget changes that were given to the Council. The changes shown were added since the tentative budget was passed in May. She explained that any items that need to be modified would need to be done when the motion is made to approve the final budget. The budget changes are as noted:

- \$73,754 in sales tax: higher than expected from current year by \$34,394.
- Mass Transit tax also projected to be increased based on FY 2020 actuals to \$26,884.
- Gun Range fees increased to \$10,950 due to a rate increase for higher user fees of \$10 per day vs. \$5 per day last year, as well as a longer season anticipated. Also, a \$1,000 donation was made to the gun range.
- Cares Act funding planned at \$10,500. The City received \$150,000 in the first payout and will be returning what is not used. The budget can be amended if for some reason the City needs to retain more than that.
- Contribution from the saved class C funds of \$95,550 (the needs coverage plan discussed previously indicated using ¼ of the savings each year to spread out over the 4 years).
- Fines and forfeitures less than what they used to be because the courts are not functioning right now and the contact-to-contact stops with the police are less due to Covid-19.
- The sewer rate increase is included at the \$49.50 rate.
- Decreased Administration budget by \$32,363.
 - Shanna explained that in the past few weeks the police have requested Susan O Bray (who works in their department as an Executive Assistant and in Administration as the City Recorder) be moved into the Police Department to work full time instead of part time. This would create the need for a part time individual to be moved to a full-time position as a Deputy Recorder, with a pay increase for the new position and more hours. She explained this change decreases the Administration budget because the individual moving to full time would be moved into a position at a lower rate of pay due to not having the same years of experience.
 - Shanna also reviewed that \$500 was added in the administration budget for Perry City youth council (last year was about half of that amount but operated for half of the time).

- Police Budget increased by \$96,115.
 - \$18,950 is from the property tax increase based on the Needs Coverage Plan and will go toward training and incentives.
 - \$75,373 is the amount added for the executive assistant moving from administration into police as a full time employee.
 - \$1,792.03 was added for actual pay increases awarded to police staff.
- The total net cost of the Police/Administration staff reorganization from the general fund would be \$34,385.

Council Member Tueller questioned the last-minute change on the staff reorganization. Shanna explained that the request came from the police a few weeks ago for Susan to provide full time services in their area. Bob added that there have recently been some security issues due to the nature of the work she does for police regarding some of the people that report to her and the records she handles. He explained that she had recently moved upstairs to handle the police work portion of her job to help with security, but that made it more difficult for her to do the front office portion of her job. Mayor Jeppsen stated that the previous administration did some realignment of jobs for 3 or 4 different positions and did not reflect that in the job descriptions or budgetary process. He further explained that the police have not paid for any of the wage from their budget for this position so that is why it seems like such a large increase to their budget. He discussed that this would help with confidentiality and privacy for the police department cases. He also talked about meeting with administration to discuss this and that they felt this would be best going forward, to account for what is actually being done, and will also align better when people step down in the future with upcoming retirements. Council Member Tueller expressed his concern that this issue came up the night the budget was supposed to be passed instead of at a later time. Council Member Ostler stated he would like to wait as well and have more time to process this request. He also questioned the advisability of funding personnel from sales tax revenue. Mayor Jeppesen questioned if it could come from the utility fund. Shanna explained that the funding was not assigned from a specific source. Bob and Shanna both explained there were additional expenses requested and revenues received since the tentative budget was presented and the Council can decide whether to pass these changes as part of the budget or not. Council Member Wright echoed the concern of Council Members Tueller and Ostler. Council Member Montgomery stated she is not concerned about going forward with the administration reorganization as the general fund would be left with a 14% reserve (fund balance) and it would allow the City to prepare for upcoming changes without having to go through an amendment. Council Member Watkins expressed that he thinks it is a good idea but wants to wait for a couple of months as he has more questions and would also like to clarify some other projects that are on the back burner. Mayor Jeppsen stated that this has been something that has been in the works for years, but the timing may not have been ideal. He would like to see it not drag on for too long but will remove the staff reorganization from the budget for now.

Shanna Johnson continued her review of budget changes:

- First Responders budget increased from the potential property tax increase by \$1,650.
- Mass Transit increase based on trend \$16,638 since last report/ \$26,883 since tentative.
- Gun Range increase for additional staff hours and improvements with signage to be put around the perimeter for safety and to not conflict with surrounding hunting grounds.
 - The Mayor explained the plan is to keep the Range open as long as weather allows and discussed the signage. Council Member Tueller questioned the revenue coming

in and if the gun range could sustain itself yet. Mayor Jeppesen said the increase would be a buffer but anticipation is that there will be more revenue coming in from the range due to a longer season of being open. Shanna stated that if it is kept open longer than October and opens back up earlier than May then revenues will increase.

- The Streets budget increased \$124,989 including the proposed property tax increase and Class C road funds to complete additional projects, which meet short-term and mid-term goals. Staff performance increases were less than projected and reduced the budget by \$1,385.33.
- Public Works increased a part time employee from 20 to 25 hours when the Public Works director left. They would like to keep the employee at 25 hours due to more efficiency from the extra 5 hours, with the total cost being \$4,637 (split between all funds) if the Council decides to approve.
- Sewer Revenue bond included at a bond amount of \$7.35 million (this would not include a down payment)
- Water budget increase for Stokes Springs project.

Shanna Johnson explained if the council decides they would like to wait on the staff reorganization they would want to approve the budget minus this change removing \$34,385 from the General Fund budget.

Council Member Wright expressed confusion and questioned where the Mass Transit tax comes from. Shanna explained how the Mass Transit tax works and said it must be shown on the City's books because it was enacted by the City, but that it goes directly to the State.

Shanna discussed having reached out to Tom Kotter from the County to explain the certified tax rate vs. the property tax increase and why some people are seeing an increase with just the certified tax rate. He told her that there are a few factors but that most likely their home value increased at a rate higher than the overall rate for Perry City. Individuals may see an increase based on their property's unique circumstances.

Council Member Ostler stated he had some questions regarding the sewer rate that he could ask in the next meeting. He also questioned if there was a way for the police to become more innovative to do contactless enforcement where their revenue is down (due to trying to avoid contact due to Covid-19). Chief Scott Hancey discussed what the police have tried to do regarding contactless enforcement and said that it is difficult.

Mayor Jeppsen closed the work session.

The meeting adjourned at 6:59 PM.

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Susan O Bray, City Recorder

Kevin Jepps en, Mayor

Shanna Johnson, Chief Deputy Recorder

DRAFT

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

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

OTHERS PRESENT: Melanie Barnhill, Nelson Phillips, Michelle Drago and Blair Wardle

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the electronic City Council meeting to order. The Mayor read the statement from the CDC and Utah Department of Health regarding electronic meetings: The CDC and Utah Department of Health have declared a national and state pandemic for COVID-19 where social distancing and other requirements are in place to prevent the spread of this infectious disease.

ITEM 2: PROCEDURAL ISSUES

A. CONFLICT OF INTEREST DECLARATION

None.

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

Mayor Jeppsen requested that this item be removed from the agenda going forward since the warrants are given to the Council Members in their packets.

ITEM 3: PRESENTATIONS

A. REPORT FROM CITY PROSECUTOR, BLAIR WARDLE

Blair Wardle, City Prosecutor, stated that there were 342 cases handled in the Box Elder Justice Court system from July 1, 2019-July 1, 2020. He compared cases during the time since COVID explaining that from March 1, 2019-Aug 4, 2019 there were 221 cases handled and this year from March 1, 2020 to today cases were down to 150. Mr. Wardle said he is not surprised as it seems to be this way in other areas as well and may be due to less interactions with people during the COVID-19 pandemic. Perry City's revenue print outs show from July 2019 to August 2020 earnings equaled \$118,921.67 with most of the revenue coming from misdemeanor fines. During the COVID period this year from March 2, 2020-August 24, 2020 there has been \$38,282.35 in revenue from Perry City. Mr. Wardle discussed that he has implemented a paperless system for videos and reports for Perry City. He also discussed some training he gave to the Police Officers a couple of weeks ago and participation in a sting operation with the Perry Police department trying to eliminate prostitution.

ITEM 4: ACTION ITEMS

A. APPROVAL OF THE WARRANTS

The Council and Staff clarified and discussed the warrants.

MOTION: Council Member Watkins made a motion to approve the warrants. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

B. RESOLUTION 2020-15 ADOPTING A FINAL TAX RATE AND BUDGET FOR FISCAL YEAR 2021

Mayor Jeppsen stated that this item has been discussed previously. He said the two choices are either adopting the proposed tax rate (equal to the FY2020 rate) or adopting the certified tax rate with no increase. Shanna Johnson explained the PT-800 form required by the County to the Council. The Council discussed the redline changes on Resolution 2020-15. Council Member Ostler wanted to clarify what the City is wanting to accomplish and wanted to state that maintaining the same tax rate year after year is a general policy, it is not saying it will be forever that way and can be changed in the future according to needs. Council Member Watkins expressed his thoughts that the Council cares about the public and wants to blend the needs of the City (improved roads, safety, and parks). He expressed his support of doing small increases periodically to make raising taxes not be a burden to the public. Council Member Ostler discussed the sewer rate and sewer bond refinance. He expressed his thoughts about doing a debt paydown of \$500,000 on the bond (utilizing the refund of debt reserve and unrestricted fund balance) and why he feels it would be good to do (allows for lower user rate, provides interest savings, etc.). Shanna explained that the refund of debt reserve has been included in the budget and helps to make up for the 2 months that the City has not been receiving the proposed sewer rate increase. She explained that the Council can decide whether to paydown the bond or not with available fund balance. Mayor Jeppsen wanted to clarify that the debt reserve money is restricted to only pay the debt and cannot be used to supplement the plant in any kind of emergency. Shanna confirmed that was her understanding. Council Member Tueller wanted clarification on what unrestricted fund balance can be used for. Shanna explained that it can be used for expansion of the plant, large equipment repair, sewer line repair, and lift station improvements. Council Member Tueller explained that he feels inclined to keep money in the reserve (unrestricted fund balance) to help address any problems that may come up. Council Member Montgomery agreed with Council Member Tueller on having money in the reserve. Council Member Watkins agreed with them as well. Council Member Wright stated he understands Council Member Ostler's point but also can see the need for having money in a reserve. Mayor Jeppsen stated that with the consensus going forward, the City will inform the Water Sewer Board to continue filling out their paperwork minus the \$500,000 down payment. The Council discussed making a motion for approving the budget with the changes discussed in the work session regarding the employee reorganization not being passed at this time.

MOTION: Council Member Tueller made a motion to approve Resolution 2020-15 adopting a final tax rate and budget for fiscal year 2021 minus the employee reorganization \$34,385. Council Member Wright seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

109 **C. ORDINANCE 20-N AMENDING TITLE 15 REGARDING AUCTION ESTABLISHMENTS**

110 Bob Barnhill discussed adding vehicle auction to the land use chart as a permitted use in the
111 IC zone, which is Point Perry. Bob explained this would not be isolated to one specific
112 property but would open it to the entire IC zone. Planning Commission reviewed it and felt
113 comfortable with allowing it with some regulation recommendations as follows:
114

- 115 • Limited to vehicles and other similar items
- 116 • No vehicles would be stored longer than 6 months (to avoid a junk pile in the corner)
- 117 • 50/50 asphalt versus gravel area (paved in front, could be less formal in back)
- 118 • When the adjacent property does not need buffer or if the fence would be ineffective
- 119 from mitigating views, there could be an exception from the fence requirement
- 120 • Landscape enhancements be focused to enhance the most visible areas of the site if
- 121 they are adjacent to a retail establishment or residential area
- 122

123 Council Member Wright stated that he did not like allowing 6 months for the storing of
124 vehicles and would like it to be 4 months. Mayor Jeppsen suggested that there would not be
125 a way to know how long their inventory was there and felt it would be hard to enforce. He
126 also felt that to keep it looking the best he would have the whole lot paved with curb and
127 gutter instead of allowing half to be gravel area. Council Member Wright felt that the 8-foot
128 fence would make it difficult to see what is available in the lot. Council Member Watkins
129 questioned how the 8-foot fence would affect others around the area as well. Mayor Jeppsen
130 informed the Council that the person wanting to do this auction establishment is planning it
131 to be more for private auctions so being able to see in over a fence would not apply. He also
132 said the location would be in a small area on the north edge of Pointe Perry. Council Member
133 Ostler clarified that this ordinance would open it to the entire zone. He also stated that it
134 seems like a less productive optimal use of the land. Council Member Wright wanted to
135 clarify where the IC zone is located. Bob showed the map of the zone (which is located at the
136 Pointe Perry Commercial area adjacent to I-15) including the area being looked at
137 specifically for the auction establishment. The Council discussed different options if they
138 approve this amendment and whether they want to pass it or not. They discussed building
139 and design standards asking if they are in place, which Bob clarified they are not for this.
140 Council Member Watkins asked if this has already been purchased by the buyer. Mayor
141 Jeppsen said the buyer is positioned to buy 5 acres and another couple of acres in another
142 area, and that their offer would most likely be rescinded if the City does not go forward with
143 the approval. Council Member Watkins clarified the wording regarding landscaping with
144 Bob. The Council discussed making an overlay map to limit the location of Auction
145 Establishments to this certain area within the IC zone.
146

147 **MOTION:** Council Member Ostler made a motion to deny Ordinance 20-N Amending Title 15
148 Regarding Auction Establishments. Council Member Wright seconded the motion.
149

150 **ROLL CALL:** Council Member Watkins, No Council Member Ostler, Yes
151 Council Member Wright, Yes Council Member Tueller, No
152 Council Member Montgomery, Yes
153

154 **Motion Denied.** 3 Yes, 2 No.
155

156 **D. ORDINANCE 20-O AMENDING CHAPTER 15-27 REGARDING SIGNS**

157 Bob Barnhill informed the Council that Planning Commission is planning to do a complete
158 revision of the sign code. He said that during this time of revision, Walmart submitted a
159 request for a sign for their new grocery pick-up area addition they are building. The sign
160 Walmart is requesting is beyond the limitation the current sign code would allow. He stated
161 that Planning Commission has more work to do but wanted to make this change to business

advertising in order to help Walmart be able to move forward at this time. The amendment would allow the total square feet of a signage to be 850, in addition the Planning Commission would also like to change the wording to 'approved administratively by staff' instead of 'community area director'. Bob also noted that the Planning Commission did hold a Public Hearing and that they recommended this amendment to the City Council with a unanimous vote.

MOTION: Council Member Montgomery made a motion to grant final approval for Ordinance 20-0 amending chapter 15-27 regarding signs. Failed lack of 2nd motion to approve.

DISCUSSION: Council Member Watkins wanted to know if this would allow a sign to go into an agricultural zone in the future. Bob stated that it would have to be associated with an approved business, so if it were a sign that went with an approved business in an agricultural zone then it could. He added that businesses are not normally approved in agricultural zones. Council Member Watkins stated that his concern is that some of the zones (residential, commercial, agricultural) are very close together in some areas, for example, near Walmart. The Council discussed whether to approve this amendment now or to wait to address it with the Ordinance when the Planning Commission is done revising it.

MOTION: Council Member Ostler made a motion to approve Ordinance 20-0 Amending Chapter 15-27 regarding signs. Council Member Tueller seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

E. ORDINANCE 20-P AMENDING TITLE 15 REGARDING TEMPORARY USES AND STRUCTURES

Bob Barnhill noted up front that there have been recent conversations regarding this amendment and some potential changes. He recommended most likely tabling this item. Bob gave a quick background stating that there are multiple things that temporary uses/structures could be, and that Planning Commission had some recommended regulations. He explained that they wanted assistance figuring out how to allow for potential conditions on potential negative impact. The Planning Commission wanted to pass the Ordinance Amendment on to City Council asking for input on how to handle some of the potential nuisances that may develop. Bob stated that rather than having it stated as conditional uses, to change the wording to temporary use permit with a separate section for stipulations. Council Member Ostler suggested making sure that it follows state code as well as implementing a temporary use fee.

Tabled.

F. ORDINANCE 20-Q AMENDING THE PERRY MUNICIPAL CODE REGARDING URBAN LIVESTOCK

Bob reviewed the current code with the Council and proposed a point system that the Planning Commission came up with for the land use chart. This would be for single family homes not already in an agricultural zone that allow animal rights as follows:

Type of Animal	Number of Animal Points
Chickens, rabbits, pheasants, ducks, pigeons	3 points each
Turkeys, geese	10 points each
Goats	50 points each
Roosters, donkeys, pigs, cows, horses, ostriches, sheep, llamas	Not Allowed
Nuisance animals (i.e. raccoons, skunks, etc.)	Not Allowed
Any non-domesticated animal, including exotic pets	Not Allowed

Lot Size (in Square Feet)	Number of Animal Points Allowed
8,000 to 14,520	18 points
14,521 to 21,780	45 points
In excess of 21,780	45 points, plus 1 point for every 500 square feet of lot size beyond 21,780, up to a maximum of 90 points

Council Member Ostler suggested adding the wording 'Urban Livestock should not be allowed where they are prohibited by CCNR's'. He also questioned if this would grandfather in existing non-conforming uses of this nature. Bill Morris, City Attorney, stated that a grandfather clause would have to be worded into the ordinance. Bob suggested adding the wording 'so long as they meet the regulations of this section' to ensure they are grandfathered in only if they are conforming to the regulations. In review the changes discussed were:

1. Criminal charge be removed or changed to Class C only for violations.
2. Coops and pens; remove the line about 25-foot setback because the line was added about meeting the set back of ADU's.
3. Add the wording Urban Livestock should not be allowed where they are prohibited by CCNR's.
4. Add the wording allowing Urban Livestock not previously allowed to be grandfathered in so long as they meet the regulations of this section.

MOTION: Council Member Watkins made a motion to pass Ordinance 20-Q Amending the Perry Municipal Code regarding Urban Livestock with the changes noted. Council Member Montgomery seconded the motion.

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

Motion Approved. 5 Yes, 0 No.

236 **ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS**

237 **A. APPROVAL OF CONSENT ITEMS**

238 Shanna discussed the changes on the Minutes with the Council.

- 239
- 240 • **July 23, 2020 City Council Work Session Minutes**
 - 241 • **July 23, 2020 City Council Meeting Minutes**
- 242

243 **MOTION:** Council Member Montgomery made a motion to approve July 23, 2020 work session
244 minutes and July 23, 2020 City Council minutes with the changes noted. Council Member Ostler
245 seconded the motion.

246

247 **ROLL CALL:** Council Member Watkins, Yes Council Member Ostler, Yes
248 Council Member Wright, Yes Council Member Tueller, Yes
249 Council Member Montgomery, Yes

250

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

252

253 **B. MAYOR REPORT**

254 Mayor Jeppsen stated that there is increased interest at the Gun range and the extended season.
255 He informed the Council of a \$1000 donation that was made at the range and some higher
256 revenue weekends recently. He also discussed the volunteers that work hard at the range to
257 make that possible.

258

259 **C. COUNCIL REPORTS**

260 Council Member Tueller commented about wanting to help increase revenue for the City by
261 working with contractors and businesses.

262

263 Council Member Watkins stated that the USU board is still meeting periodically and shared that
264 his wife was nominated for the alumni president for the area. He stated that they are looking
265 forward to putting on activities once the campus opens. He also stated that the Perry Youth
266 Council has received their t-shirts and showed the shirt to the Council. He said they will be
267 starting back with activities soon.

268

269 Council Member Wright said that the Perry City signs that will be going up look good and will be
270 very nice once they are in.

271

272 **D. STAFF COMMENTS**

273 Chief Hancey said a grant for a speed trailer should be approved to help with the speeding
274 complaints. He also said he put in for a JAG grant that will help with de-escalation efforts. He
275 also discussed that the police did a sting operation today that focused on prostitution and 4
276 arrests were made.

277

278 **E. PLANNING COMMISSION REPORT**

279 None.

280

281 **ITEM 6: EXECUTIVE SESSION**

- 282 • None required.
- 283

284 **ITEM 7: ADJOURNMENT**

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

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

288 The meeting adjourned at 9:10 PM.

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Susan Obray, City Recorder

Kevin Jeppsen, Mayor

Shanna Johnson, Chief Deputy Recorder

DRAFT