

**NOTICE OF AGENDA
OF A SPECIAL MEETING OF THE
CITY COUNCIL OF PERRY CITY, UTAH
TUESDAY, NOVEMBER 16, 2021**

The City Council of Perry City, Utah will meet in person and electronically as a Board of Canvassers in a Special City Council Meeting on November 16, 2021 at 7:00 P.M. In the City Council Chambers, 3005 S. 1200 W., to canvass the results of the November 2, 2021 General Election.

This meeting will be open to the public with capacity set at eight (8) people maximum. The Meeting will also be held online. Web/Teleconferencing will be used to participate.

Members of the public attending the meeting online may view the meeting via Zoom using a link and instructions on the web page at:

<https://www.perrycity.org/whats-new.htm.htm>.

Shanna S. Johnson
Perry City Recorder

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 8th day of November, 2021. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Tuesday, November 16, 2021

PERRY CITY COUNCIL MEETING AGENDA

This meeting will be open to the public with capacity set at eight (8) people maximum.

The Meeting will also be held online.

“Electronic Meeting” Web/Teleconferencing will be used to participate.

The Perry City Council will hold an electronic meeting on the Tuesday identified above, starting at approximately 7:15 P.M. Following a Board of Canvassers Meeting. Members of the public attending the meeting online 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. 7:15 PM – Regular City Council Meeting

- 1. Call to Order**
- 2. Procedural Issues**
 - A. Conflicts of Interest Declaration(s), If Any
- 3. Public Hearing**
 - A. Resolution 2021-19 Declaring Surplus Property and Authorizing the Disposal of a portion of Parcel# 03-155-0060
- 4. Action Items (Roll Call Vote)**
 - A. Resolution 2021-19 Declaring Surplus Property and Authorizing the Disposal of a portion of Parcel# 03-155-0060
- 5. Discussion Item**
 - A. Mountain View Park
 - B. Holiday Dinner
- 6. 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 28, 2021 City Council Meeting Minutes
 - B. Mayor’s Report
 - C. Council Reports
 - D. Staff Comments
 - E. Planning Commission Report
- 7. Executive Session**
 - A. Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms.
 - B. Strategy session to discuss the character, professional competence, or physical or mental health of an individual.
 - C. Strategy session to discuss collective bargaining.
 - D. Strategy session regarding pending, or reasonably imminent litigation.
 - E. Strategy session to discuss the deployment of security personnel, devices, or systems.
 - F. Discussion of investigative proceedings regarding allegations of criminal misconduct.
- 8. Approx. 8:30 PM - Adjournment**

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Shanna S. Johnson, City Recorder

**PERRY CITY
RESOLUTION 2021-19**

SURPLUS REAL PROPERTY

**A RESOLUTION OF PERRY CITY, UTAH, AUTHORIZING THE SURPLUS OF
CERTAIN REAL PROPERTY IDENTIFIED AS BOX ELDER COUNTY
PARCEL NUMBER 03-155-0060.**

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* §10-3-717 authorizes the City to exercise administrative powers by resolution;

WHEREAS, the City owns certain real property identified as Box Elder County Parcel Number 03-155-0060;

WHEREAS, the City desires to declare surplus certain real property identified as Box Elder County Parcel Number 03-155-0060;

WHEREAS, upon declaring surplus, the City desires to sell and receive fair market value for certain real property identified as Box Elder County Parcel Number 03-155-0060;

WHEREAS, in accordance with Utah Code §10-8-2(4), the City Council held its required public hearing to surplus certain real property identified as Box Elder County Parcel Number 03-155-0060 on November 16, 2021;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Perry City, Utah, that real property owned by Perry City identified as Box Elder County Parcel Number 03-155-0060 is hereby declared surplus and shall be sold at fair market value for the same.

IT IS FURTHER RESOLVED that this Resolution hereby authorizes the Mayor to execute any document to effectuate the sale and transfer of Box Elder County Parcel Number 03-155-0060; including any other documentation necessary to effectuate this Resolution.

PASSED AND APPROVED by the Perry City Council this ____ day of November, 2021.

Mayor

ATTEST:

City Recorder

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
OCTOBER 28, 2021

7:02 PM

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

OFFICIALS ABSENT: None

CITY STAFF PRESENT: Robert Barnhill, City Administrator
Shanna Johnson, City Recorder
Scott Hancey, Chief of Police
Tyler Wagstaff, Public Works Director
Bill Morris, City Attorney

OTHERS PRESENT: Nelson Phillips,

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the electronic City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration
None.

ITEM 3: ACTION ITEMS

A. Resolution 2021-17 Updating the Perry City Storm Water Management Plan

Tyler Wagstaff said this is a general plan they will be using going forward to meet the requirements for the State. Robert Barnhill added that it includes goals and a timeframe of completing those goals. Council Member Wright asked why they were doing a resolution for this and if it was to adopt it to the code. Mr. Barnhill said it is not part of the code but the state requires it to be adopted by City Council. Council Member Wright said there were pictures tied to it (the plan Mr. Wagstaff had sent to him) that had people driving over the curb with muddy tires and wondered how they would be able to mitigate that across the entire city. Mr. Wagstaff explained that when a home is being built, they are required to remove the mud in some way before they hit the city streets. The mud goes into the storm water and contaminates the storm water that runs into the low lands and also destroys the water shed. When a home is being built, the dirt is supposed to stay there unless it is transported out. Anytime a truck leaves tire tracks, it is not allowed. Council Member Tueller said that he feels this type of stuff is an overreach of the state. He thinks there are good practices in it but with actual contaminants like diesel or oil. Council Member Wright asked where the priority areas were. Mr. Wagstaff said that new subdivision areas are high priority and places like Maverik (where there is fuel). Council Member Wright asked what would happen if they did not adopt it. Mr. Wagstaff said that they would be in violation and could get fined.

Council Member Montgomery discussed page 7 of the plan and opportunities for public input (public comment will be welcomed any time of the year with public hearings twice a year) as goals. She said that public comment is not currently listed as being on the agenda and may be something that they would like to change.

52 Mayor Jeppsen said that this started five years ago and he was told that this was actually touched
53 off by a census calculation (the census was last year). He wondered what threshold put them in this
54 new situation. Bill Morris said he is speculating, but about five years ago they changed and put
55 Perry into the Wasatch Front Regional Council as part of the metropolitan statistical area and he
56 thinks that is what triggered it. Council Member Montgomery said that she was here when that
57 discussion happened and she remembers there was a threshold reached with the population and
58 they had new rules they had to conform to. Mr. Morris said there is a huge threshold once you
59 reach 5,000 when there are more studies and things put in place.

60
61 Mayor Jeppsen said that most contractors are used to having to comply when they work elsewhere
62 but not when they are in Perry. This puts more of a burden on the Public Works department trying
63 to get them to comply because they have not had to until now. He thinks it is a good thing to get the
64 contractors to comply. The state is not being heavy handed right now and wants them to have a
65 plan and start addressing things. Public Works is trying to do whatever they can do to meet the
66 requirements. As long as they are willing to work with us then we are in a good place. At this point
67 he thinks we just do the best we can and meet the requirements.

68
69 The Council discussed disposing of things properly and the fee associated with that. Mayor Jeppsen
70 said they need to look at what it is costing them to dispose of it. Mr. Morris said they would need to
71 look at what is being collected from the monthly storm water utility fee and adjust that fee annually
72 to cover the expense of the program.

73
74 **MOTION:** Council Member Montgomery made a motion to approve Resolution 2021-17.
75 Council Member Wright seconded the motion.

76
77 **ROLL CALL:** Council Member Montgomery, Yes
78 Council Member Wright, Yes
79 Council Member Ostler, Yes
80 Council Member Tueller, No
81 Council Member Watkins, Yes,

82
83 **Motion Approved.** 4 Yes, 1 No.

84
85 **B. Resolution 2021-18 Approving and Authorizing the Mayor to Execute a Contract with**
86 **Brandi Davenport for Acquisition Services**

87 Mayor Jeppsen explained that this was discussed previously and wondered if there was discussion
88 on the contract. Council Member Ostler asked if this was the one recommended from Brett Jones.
89 Mr. Barnhill said that Brett has worked with many and some past experiences were not great, this
90 was his recommendation.

91
92 **MOTION:** Council Member Wright made a motion to approve Resolution 2021-18 Approving
93 and Authorizing the Mayor to execute a contract with Brandi Davenport for acquisition
94 services. Council Member Montgomery seconded the motion.

95
96 **DISCUSSION:** Council Member Ostler asked if there is budgetary room for this. Ms. Johnson
97 clarified that there are professional technical dollars within the administration department
98 and community development to handle things like this and that it fits within those dollars.

99
100 **ROLL CALL:** Council Member Montgomery, Yes
101 Council Member Wright, Yes
102 Council Member Ostler, Yes

Council Member Tueller, Yes
Council Member Watkins, Yes

Motion Approved. 5 Yes, 0 No.

ITEM 4: DISCUSSION ITEM

A. FY2022 Budget Update

Ms. Johnson explained that this is the quarterly budget update for compliance. She explained the revenues from September 2021 (FY22) as follows:

- 23% general fund
- 26% utility fund
- 23% sewer fund (will receive more reimbursement from Willard later)
- 55% non-operating revenues (mostly impact fees)

She said that they are working on FY21 closeout so a few of the numbers may adjust over the next month. Council Member Ostler said there is no actual on the interest line item for the sewer fund. Ms. Johnson explained that at the end of the year, the accountant goes through each fund and distributes it (so in their packet they receive monthly from her, it will show zero). She said they can adjust it per month on a trend but some things will show as a lag on this report.

She then explained the expenditures as follows:

- 16.25% general fund
- 22.4% utility fund
- 18.7% sewer fund

Expenses as follows:

- Sales tax is coming in much higher than anticipated and much higher than the prior year (averaging 21.6% higher than budgeted within the first two months)
- Mass Transit is also showing higher

Highlights on budget as follows:

- ARPA funding – received first distribution \$162,160 (half of what will be received)
- Sales Tax received - \$46,000 more in last two months compared to prior year
- Building fees and impact fees are trending higher
- Audit financial statement being prepared
- General fund showing healthy spending overall with a few accounts to watch (professional/technical and mass transit)
- Enterprise funds looking good (may need to add additional budget to storm drain)

Council Member Wright wanted clarification on if the ARPA funding has been spent already. Ms. Johnson explained that the CARES act funding has been spent but the ARPA funding is new and there are three years to spend it. ARPA funds are for infrastructure or health in the community type projects.

ITEM 5: MINUTES & COUNCIL/MAYOR REPORTS (INCLUDING COUNCIL ASSIGNMENTS)

A. Approval of Consent Items

- October 14, 2021 City Council Meeting Minutes

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

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154 **ROLL CALL:** All in favor.

155
156 **Motion Approved.**

157
158 **B. Mayor's Reports**

159 Mayor Jeppsen said that we have mostly been focused on the election and had meet the candidate
160 night. He wondered if that could be re-evaluated in the future and possibly be held electronically
161 due to low participation numbers. He felt it went well but wondered what could be done to get
162 more people there.

163
164 **C. Council Reports**

165 Council Member Wright wondered what the status is of the gun range and how long it would stay
166 open. Mayor Jeppsen said that it is still set to be open on Friday and Saturdays until the end of the
167 month. He discussed the cows that have been out at the gun range and putting in a fence to help
168 keep the cows out of the area.

169
170 Council Member Montgomery said that after meet the candidate night, a few policy items she would
171 like to address came up. The first item is how they can explore meeting residential residency as it
172 continues to grow with green space (as laid out in the general plan). The second item is to explore
173 options to incentivize the population to renovate public right of ways as a tool for water
174 conservation. The last item is the public comment on the agenda. She had not noticed that it had
175 disappeared from the agenda until recently. She feels that it is important for the public to feel they
176 have an option to be heard within the timeframe and guidelines. She also discussed candidate Dave
177 Walker mentioning a text service option that would be available to residents to receive information
178 that she also felt would be a good option.

179
180 Council Member Watkins said he had a community member contact him because he got an error
181 when he tried to contact the council through the website. He shared the letter with the council
182 which discussed parking concerns. He suggested mentioning that people can contact the council
183 with steps detailing how to do that in the newsletter.

184
185 Council Member Ostler discussed a nice meeting that was held a week ago (jointly held between
186 City Council and Planning Commission) regarding multi-family policies, specifically the density map
187 grid. He felt it was a productive meeting with some nice comments in terms of bringing forth
188 thoughts to be considered. He expressed appreciation for those that put that together. He also
189 thanked those that put together meet the candidates night (even though it may have not been well
190 attended). He felt it was well done and it was nice to see some of the interested community
191 members that were there.

192
193 Mayor Jeppsen added he attended the joint work session (between the City Council and Planning
194 Commission) as well (listening through zoom). He thinks it is great to have some interaction there
195 and said he liked Council Member Tueller's comments about what the different responsibilities are
196 between the council and commission (and how those differences are what makes it work). He was
197 surprised by some of the focus and comments about the grid. He thinks they are heading in the
198 right direction with the grid and thanked those that have worked on it (and the time that both
199 bodies spent on it). Council Member Ostler added that he understands the need for separate roles
200 between Planning Commission and City Council but due to his time spent previously on the
201 Planning Commission, there was a desire on his part to understand interest level from the City
202 Council (it was discouraging to spend a bunch of time on something and send it to City Council and
203 have it materially changed or not considered). Mayor Jeppsen said that he is not sure how much
204 communication goes on between the Council Members and Commissioners (other than the reports

during council meetings) but maybe that is something that should be looked at in the future so that people don't feel they are wasting their time on things others may not be interested in.

D. Staff Comments

Mr. Barnhill said that if there are concerns in reference to the parking issue that Council Member Watkins received, he is happy to talk to them and explain the ordinance. Chief Hancey could also talk to them about any questions they may have.

Mr. Wagstaff encouraged the Council to reach out to him or Mr. Barnhill about the storm drain compliance and any questions they may have regarding that.

E. Planning Commission Report

None.

ITEM 6: EXECUTIVE SESSION

MOTION: Council Member Tueller made a motion to adjourn the regular meeting at and go into an executive session to discuss 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. Council Member Wright seconded the motion.

The executive session started at 7:58 p.m.

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

Motion Approved. 5 Yes, 0 No.

MOTION: Council Member Tueller made a motion to close the executive session and return to the regular meeting. Council Member Wright seconded the motion.

The executive session closed at 8:45 p.m.

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

Motion Approved. 5 Yes, 0 No.

ITEM 7: ADJOURNMENT

MOTION: Council Member Tueller made a motion to adjourn the meeting. Council Member Wright seconded the motion.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:46 p.m.

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257 Shanna Johnson, City Recorder

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261 Tyra Bischoff, Deputy Recorder

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Kevin Jeppsen, Mayor

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