Thursday, October 27, 2022
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 Perry City Council will hold an electronic meeting at 3005 South 1200 West in Perry and via web/teleconference on the Thursday identified above, starting at approximately 7:00 PM, following a 6:00 PM work session. Members of the public may attend the meeting in person or 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. 6:00 PM – Work Session

1. **West Meadow Estates**

Approx. 7:00 PM – Regular City Council Meeting

1. **Call to Order**

2. **Procedural Issues**
   - **A.** Conflicts of Interest Declaration(s), If Any

3. **Presentation**
   - **A.** Utopia Update

4. **Action Items (Roll Call Vote)**
   - **A.** Ordinance 22-L Zone Change for Black Pine LLC from NC3 to R1/3, located at 1025 W 3700 S, Parcel #02-038-00010; Applicant Benjamin Neff
   - **B.** Ordinance 22-M Zone Change for Promontory Crossing LLC from IC to Industrial, located at 950 S 1600 W, Parcel #'s 03-236-0027; 03-236-0026, Applicant Marc Fletcher
   - **C.** Ordinance 22-K Amending Swimming Pool Setbacks
   - **D.** Resolution 2022-17 Personnel Policy Update Regarding Tier 2 Retirement for Appointed Officials

5. **Discussion Items**
   - **A.** Development Update
   - **B.** Fiscal Year 2023 Budget Update

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 13, 2022 City Council Meeting Minutes
   - **B.** Mayor's Report
   - **C.** Council Reports
   - **D.** Staff Comments
   - **E.** Planning Commission Report

7. **Executive Session (if needed)**
   - **A.** Discussion of the purchase, exchange, lease, or sale of real property, when public discussion would disclose the value of the property or prevent the authority from completing the transaction of the best possible terms.
   - **B.** Strategy session to discuss the character, professional competence, or physical or mental health of an individual.
   - **C.** Strategy session to discuss collective bargaining.
   - **D.** Strategy session regarding pending, or reasonably imminent litigation.
   - **E.** Strategy session to discuss the deployment of security personnel, devices, or systems.
   - **F.** Discussion of investigative proceedings regarding allegations of criminal misconduct.

8. **Approx. 8:30 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 21st day of October, 2022. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

_____

Shanna S. Johnson, City Recorder

Staff Report

October 27, 2022
WORK SESSION

Preliminary Subdivision – West Meadows Estates, Brinton Neff - located at 2250 S 1200 W

UPDATE

The applicant has submitted their Preliminary Subdivision application and is pursuing a Conservation Subdivision, which requires the approval of City Council. Planning Commission has tabled this item twice and has struggled working with the applicant to meet the code requirements and to develop open space in a way that would be useful and beneficial to the community.

Each Council Member and Commissioner is encouraged to review section 15.07.130 of our code regarding Conservation Subdivisions. Here are a few items that have been noteworthy in our discussions so far.

- 15.07.130.14 – "*All Conservation Land and Constrained and Sensitive Land shall be permanently restricted."* The applicant feels that the natural drainage on the property should not be preserved.
- Agriculture/pasture is a permitted use of conservation land. The applicant has suggested this for the open space. There is concern that the conservation land would not be conducive as a permanent pasture and that the condition is not of the "*most-superior/highest-quality standard"* as required in code.
- The current submittal shows the conservation land to be seeded with a 'Dryland Pasture Mix' and that the yearly maintenance will be $3300 and include an annual mowing. Planning Commission has concerns about the viability of this approach and the accuracy of the maintenance plan.
- 15.07.130.8 – A waiver of the regulations of Conservation Subdivisions is allowed. This section specifically references development near to an existing park and allows for the transferring of improvements/compensation from the development to the nearby park.

Please feel free to discuss details and ask questions of staff.

Summary

The property is approximately 29 acres and is zoned R1/3. The submitted plans are for a Conservation Subdivision with 87 single family lots and 8 townhome units as allowed by our density map. The smallest lot is 8,252 sf. A Conservation Subdivision in this zoning district allows lots to be as small as 6,500 sf with an average lot size of 8,712 sf.

The road network includes one stub to the west and two stubs to the south. Staff worked with the applicant to minimize wasted roads and specifically to avoid bisecting the open space. The adjacent portions of 1200 W and 2250 S will be improved with the development. Secondary water is available and utilized in the development.

Code Compliance

Staff has reviewed the proposal and finds the level of detail generally adequate for a preliminary application other than some concerns with the conservation subdivision requirements and preliminary compliance with our architectural design standards. The applicant should note that the final landscape plan will need to be created by a landscape architect. Some changes from the submitted plan will be needed including street trees, smaller lawn areas, and plant sizes.

Conservation Subdivision

Our Conservation Subdivision requirements can be found in 15.07.130.1. I recommend each commissioner review this section to understand the requirements and process.

18% of the site is set aside as conservation area. The submitted plans do not include preservation of the water drainage running through the property. Looking at past aerial images it appears this is a natural water feature may need to be preserved as Constrained and Sensitive Lands – "Land that is generally unbuildable and that contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other geologically or environmentally sensitive features." The applicant is also required to develop a Sensitive Area Designation Plan that, "Shall also clearly identify all natural or cultural resources present on the property…. including, but not limited to, geographic features, Meadows, Grasslands, Tree Stands, Wooded Areas, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmland, Wildlife Corridors and/or Wildlife Habitats; historic buildings and/or sites; archaeological sites; cultural features and green space."

It is an option to maintain Conservation Land in its pre-developed state, which in this case would be pasture. However, the long narrow nature of the proposed Conservation Land may not lend itself to such use and the construction activities would likely compromise the pasture. The land could also be developed as recreation space. Currently the plan shows some frisbee golf goals.

A Sensitive Area Designation Plan and a Maintenance Plan need to be submitted. The Commission may consider allowing the Maintenance Plan to come forward later in the process. A Conventional Subdivision Plan has been provided for comparison.

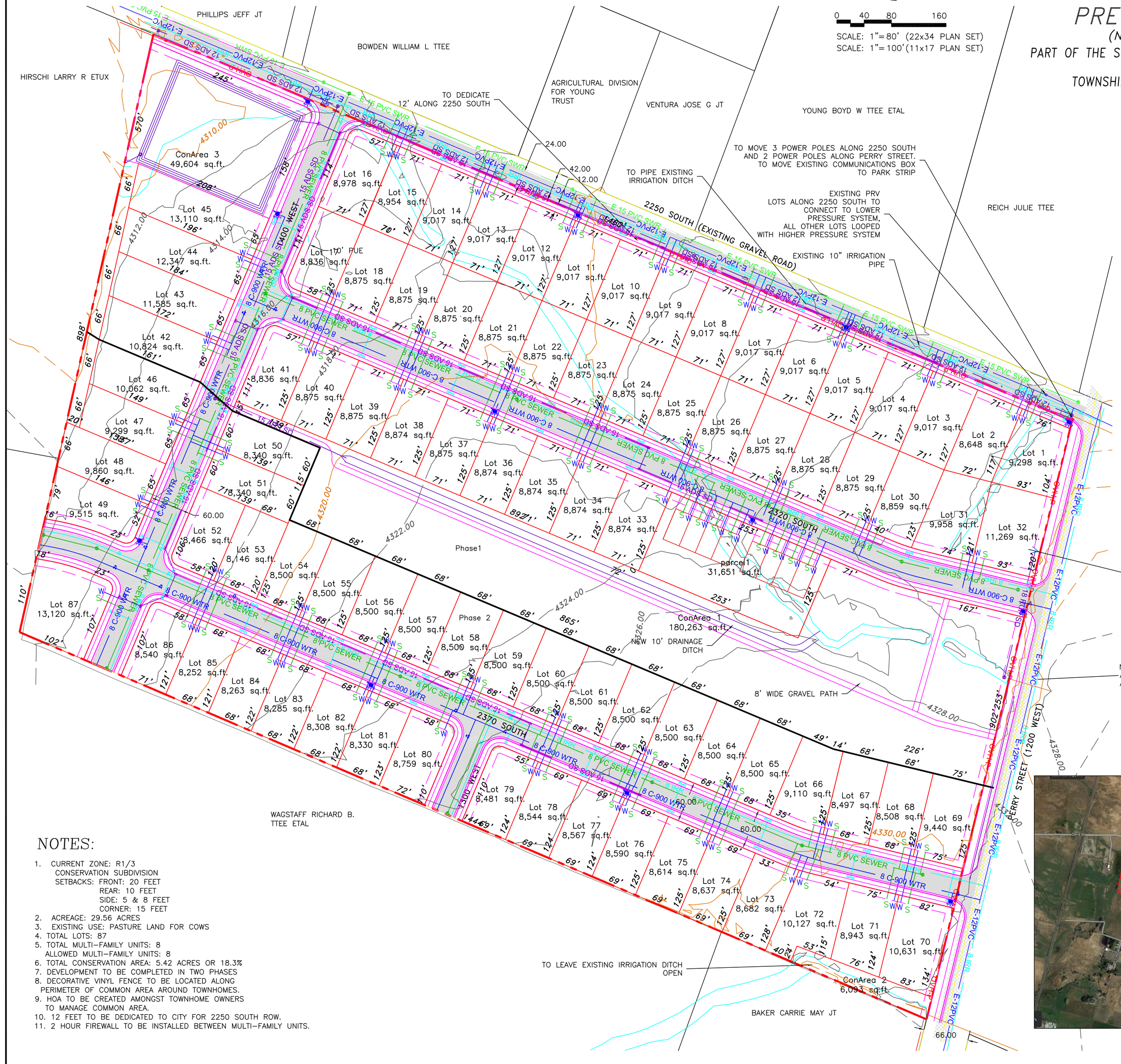
Considerations and Recommendations

Conservation Subdivisions are approved by City Council; the recommendation of the Planning Commission will be forwarded to them. Staff recommends that the Sensitive Area Designation Plan and more detail on the open space improvements be provided before providing a positive recommendation.

WEST MEADOWS ESTATES
A CONSERVATION SUBDIVISION
PRELIMINARY PLAT
(NOT TO BE RECORDED)

PART OF THE SW1/4 OF SECTION 35 AND SE 1/4 OF SECTION 34,
TOWNSHIP 9 NORTH, RANGE 2 WEST,
S.L.B&M
PERRY, UTAH

SCALE: 1"=80' (22x34 PLAN SET)
SCALE: 1"=100'(11x17 PLAN SET)


PHILLIPS JEFF JT
BOWDEN WILLIAM L TTEE
HIRSCHI LARRY R ETUX
AGRICULTURAL DIVISION FOR YOUNG TRUST
VENTURA JOSE G JT
YOUNG BOYD W TTEE ETAL
REICH JULIE TTEE
TO DEDICATE 12' ALONG 2250 SOUTH
TO MOVE 3 POWER POLES ALONG 2250 SOUTH AND 2 POWER POLES ALONG PERRY STREET. TO MOVE EXISTING COMMUNICATIONS BOX TO PARK STRIP
TO PIPE EXISTING IRRIGATION DITCH
EXISTING PRV LOTS ALONG 2250 SOUTH TO CONNECT TO LOWER PRESSURE SYSTEM, ALL OTHER LOTS LOOPED WITH HIGHER PRESSURE SYSTEM
EXISTING 10" IRRIGATION PIPE
2250 SOUTH (EXISTING GRAVEL ROAD)
2320 SOUTH
2370 SOUTH
1300 WEST
PERRY STREET (1200 WEST)
Phase1
Phase 2
parcel1 31,651 sq.ft.
ConArea 1 180,263 sq.ft.
ConArea 2 6,093 sq.ft.
ConArea 3 49,604 sq.ft.
NEW 10' DRAINAGE DITCH
8' WIDE GRAVEL PATH
WAGSTAFF RICHARD B. TTEE ETAL
BAKER CARRIE MAY JT
Lot 1 9,298 sq.ft.
Lot 2 8,648 sq.ft.
Lot 3 9,017 sq.ft.
Lot 4 9,017 sq.ft.
Lot 5 9,017 sq.ft.
Lot 6 9,017 sq.ft.
Lot 7 9,017 sq.ft.
Lot 8 9,017 sq.ft.
Lot 9 9,017 sq.ft.
Lot 10 9,017 sq.ft.
Lot 11 9,017 sq.ft.
Lot 12 9,017 sq.ft.
Lot 13 9,017 sq.ft.
Lot 14 9,017 sq.ft.
Lot 15 8,954 sq.ft.
Lot 16 8,978 sq.ft.
Lot 17 8,836 sq.ft.
Lot 18 8,875 sq.ft.
Lot 19 8,875 sq.ft.
Lot 20 8,875 sq.ft.
Lot 21 8,875 sq.ft.
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Lot 28 8,875 sq.ft.
Lot 29 8,875 sq.ft.
Lot 30 8,859 sq.ft.
Lot 31 9,958 sq.ft.
Lot 32 11,269 sq.ft.
Lot 33 8,874 sq.ft.
Lot 34 8,874 sq.ft.
Lot 35 8,874 sq.ft.
Lot 36 8,874 sq.ft.
Lot 37 8,875 sq.ft.
Lot 38 8,874 sq.ft.
Lot 39 8,875 sq.ft.
Lot 40 8,875 sq.ft.
Lot 41 8,836 sq.ft.
Lot 42 10,824 sq.ft.
Lot 43 11,585 sq.ft.
Lot 44 12,347 sq.ft.
Lot 45 13,110 sq.ft.
Lot 46 10,062 sq.ft.
Lot 47 9,299 sq.ft.
Lot 48 9,860 sq.ft.
Lot 49 9,515 sq.ft.
Lot 50 8,349 sq.ft.
Lot 51 8,340 sq.ft.
Lot 52 8,466 sq.ft.
Lot 53 8,146 sq.ft.
Lot 54 8,500 sq.ft.
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Lot 63 8,500 sq.ft.
Lot 64 8,500 sq.ft.
Lot 65 8,500 sq.ft.
Lot 66 9,110 sq.ft.
Lot 67 8,497 sq.ft.
Lot 68 8,508 sq.ft.
Lot 69 9,440 sq.ft.
Lot 70 10,631 sq.ft.
Lot 71 8,943 sq.ft.
Lot 72 10,127 sq.ft.
Lot 73 8,682 sq.ft.
Lot 74 8,637 sq.ft.
Lot 75 8,614 sq.ft.
Lot 76 8,590 sq.ft.
Lot 77 8,567 sq.ft.
Lot 78 8,544 sq.ft.
Lot 79 8,481 sq.ft.
Lot 80 8,759 sq.ft.
Lot 81 8,330 sq.ft.
Lot 82 8,308 sq.ft.
Lot 83 8,285 sq.ft.
Lot 84 8,263 sq.ft.
Lot 85 8,252 sq.ft.
Lot 86 8,540 sq.ft.
Lot 87 13,120 sq.ft.
Lot 110' PUE 8,836 sq.ft.
8 C-900 WTR
8 PVC SEWER
8 PVC SEWER MH
15 ADS SD
12 ADS SD
E 12 PVC
E 8 PVC SWR
E 15 PVC SWR
4" PVC SWR
4" PVC SEWER
4" C-900 WTR
4" C-900 WTR MH
4" PVC SEWER MH
4" PVC SEWER SDR 35
4" C-900 WTR SDR 35

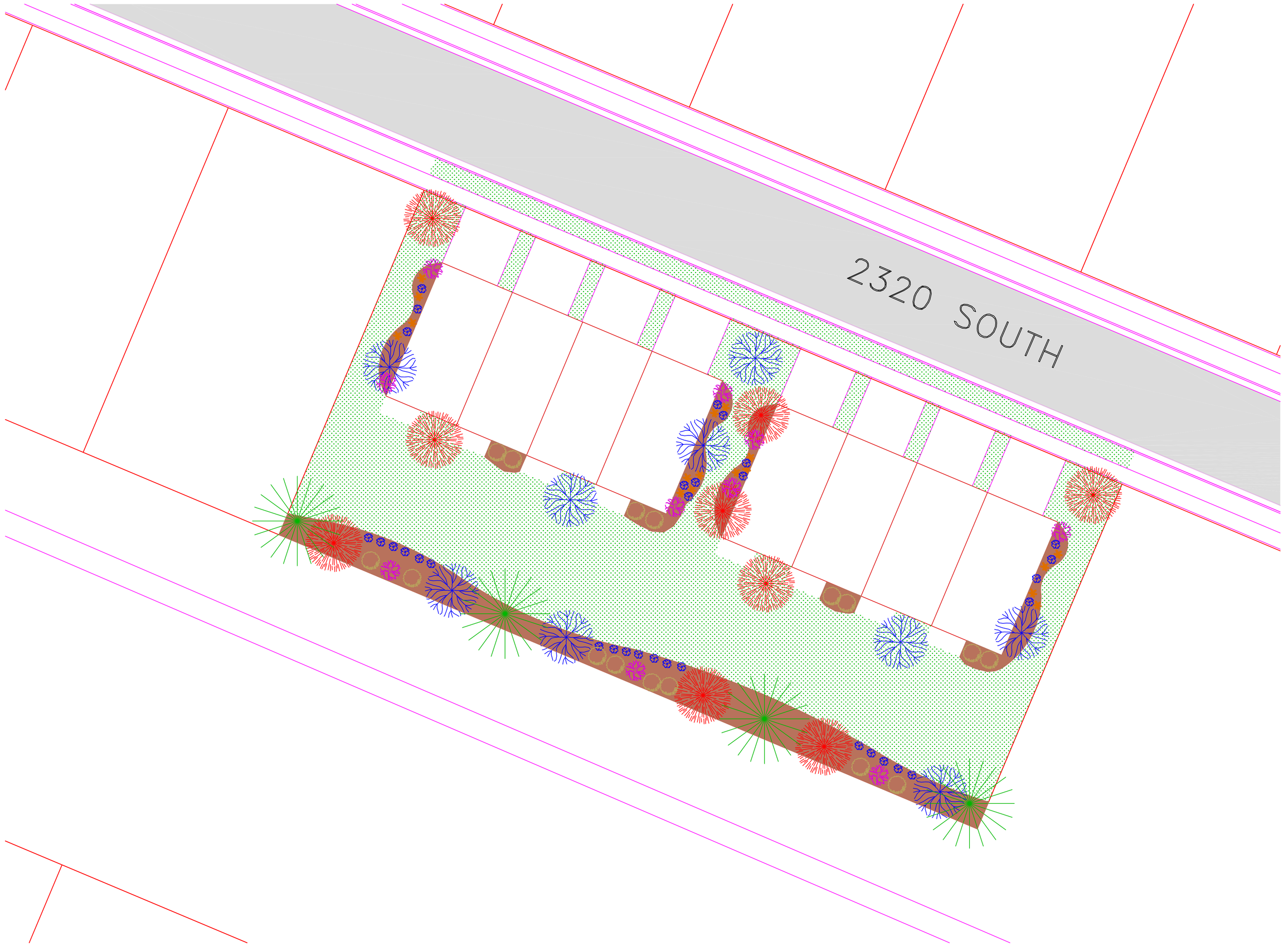
WEST MEADOWS ESTATES
A CONSERVATION SUBDIVISION
LANDSCAPE PLAN

(NOT TO BE RECORDED)

PART OF THE SW1/4 OF SECTION 35 AND SE 1/4 OF SECTION 34,
TOWNSHIP 9 NORTH, RANGE 2 WEST,
S.L.B&M
PERRY, UTAH

0 10 20 40

SCALE: 1"=20' (22x34 PLAN SET)
SCALE: 1"=40' (11x17 PLAN SET)



LEGEND

- GRASS
- BARK
- CHANTICLEER PEAR (9)
- FLOWERING CRABAPPLE (9)
- RED ARC MAPLE (2)
- WHITE SPRUCE(4)
- FORSYTHIA (16)
- BLANKET FLOWER(32)
- COREOPSIS(17)
- BURNING BUSH (10)

OWNER/DEVELOPER
BRINTON NEFF
325 NORTH 200 WEST
WILLARD, UT
801-648-5640

CIVIL ENGINEER
ALLIANCE CONSULTING ENGINEERS, INC.
150 EAST 200 NORTH SUITE P,
LOGAN, UTAH 84321
435-755-5121

NOTES:

1. TOTAL AREA: 31,695 SQ. FEET
2. REQUIRED LANDSCAPE AREA: 7923 SQ. FEET
   TOTAL LANDSCAPED AREA PROVIDED: 18075 SQ. FEET
3. TOTAL TREES REQUIRED: 24
   TOTAL TREES PROVIDED: 24
4. TOTAL SHRUBS REQUIRED: 48
   TOTAL SHRUBS PROVIDED: 75

PROFESSIONAL ENGINEER REGISTERED 10989 STATE OF IDAHO ADAM MACKELPRANG

RECEIVED 10-13-2022

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
allianceLogan@yahoo.com

No.	REVISIONS/ SUBMISSIONS	DATE

REVIEWED :
DRAWN :
CAD FILE :
PROJECT NO. :

PROJECT TITLE
WEST MEADOWS ESTATES
A CONSERVATION SUBDIVISION
PART OF THE SW1/4 OF SECTION 35 AND SE1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN

DRAWING TITLE
LANDSCAPE PLAN

DATE : JUNE,2022

DRAWING No. 2

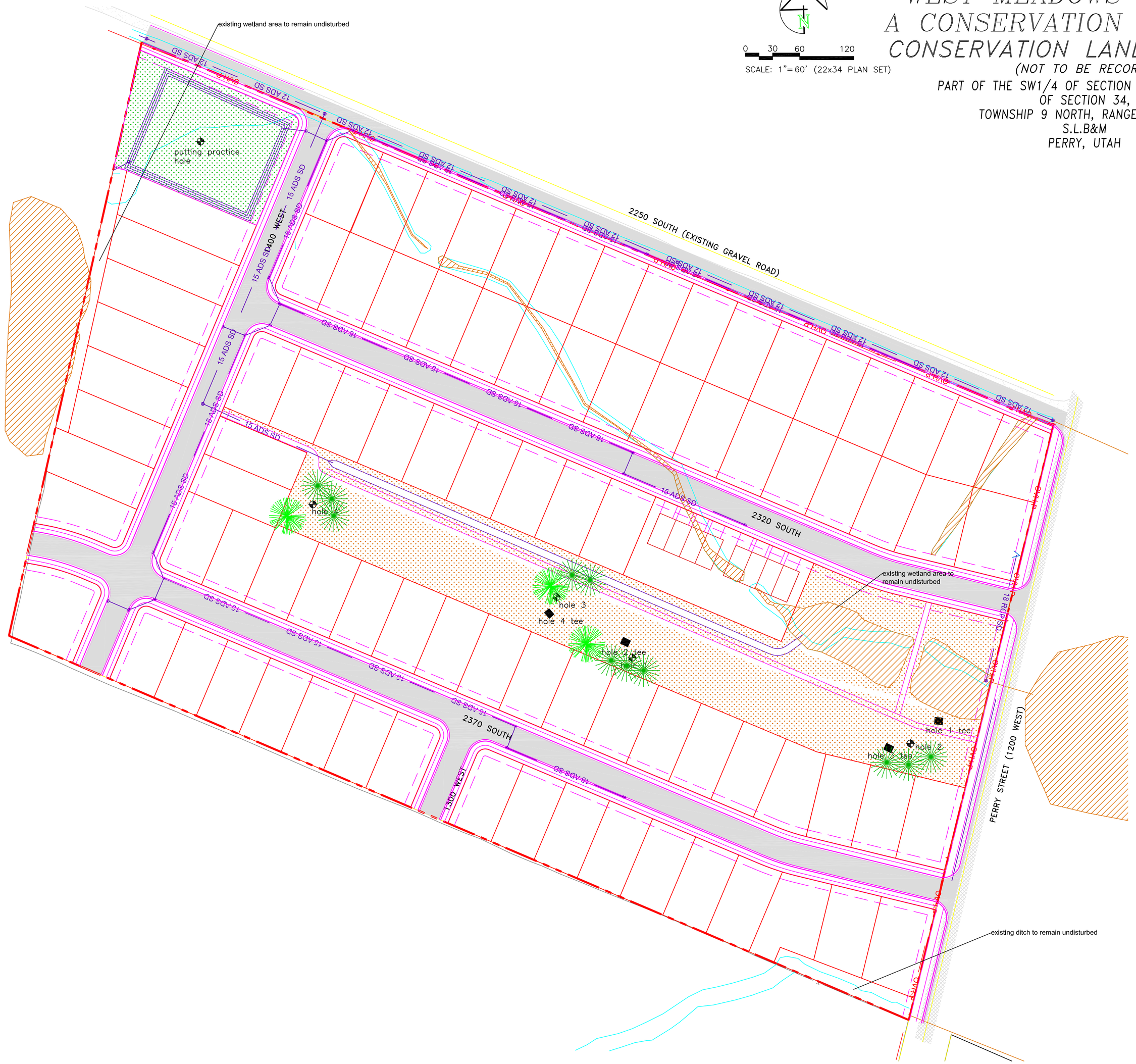
WEST MEADOWS ESTATES
A CONSERVATION SUBDIVISION
CONSERVATION LANDSCAPE PLAN

(NOT TO BE RECORDED)

PART OF THE SW1/4 OF SECTION 35 AND SE 1/4 OF SECTION 34,
TOWNSHIP 9 NORTH, RANGE 2 WEST,
S.L.B&M
PERRY, UTAH

SCALE: 1"= 60' (22x34 PLAN SET)

0 30 60 120



LEGEND

- GRASS
- Dryland Pasture mix: includes: Crested Wheatgrass, smooth brome, slender wheatgrass, Orchardgrass, intermediate wheatgrass, alfalfa, small burnett
- RED ARC MAPLE (2)
- WHITE SPRUCE(4)

OWNER/DEVELOPER
BRINTON NEFF
325 NORTH 200 WEST
WILLARD, UT
801-648-5640

CIVIL ENGINEER
ALLIANCE CONSULTING ENGINEERS, INC.
150 EAST 200 NORTH SUITE P,
LOGAN, UTAH 84321
435-755-5121

PROFESSIONAL ENGINEER REGISTERED 10289 STATE OF IDAHO ALBERT MACKELPRANG 10-31-2020

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
allianceloganr@yahoo.com

No.	REVISIONS/ SUBMISSIONS	DATE

REVIEWED :
DRAWN :
CAD FILE :
PROJECT NO. :

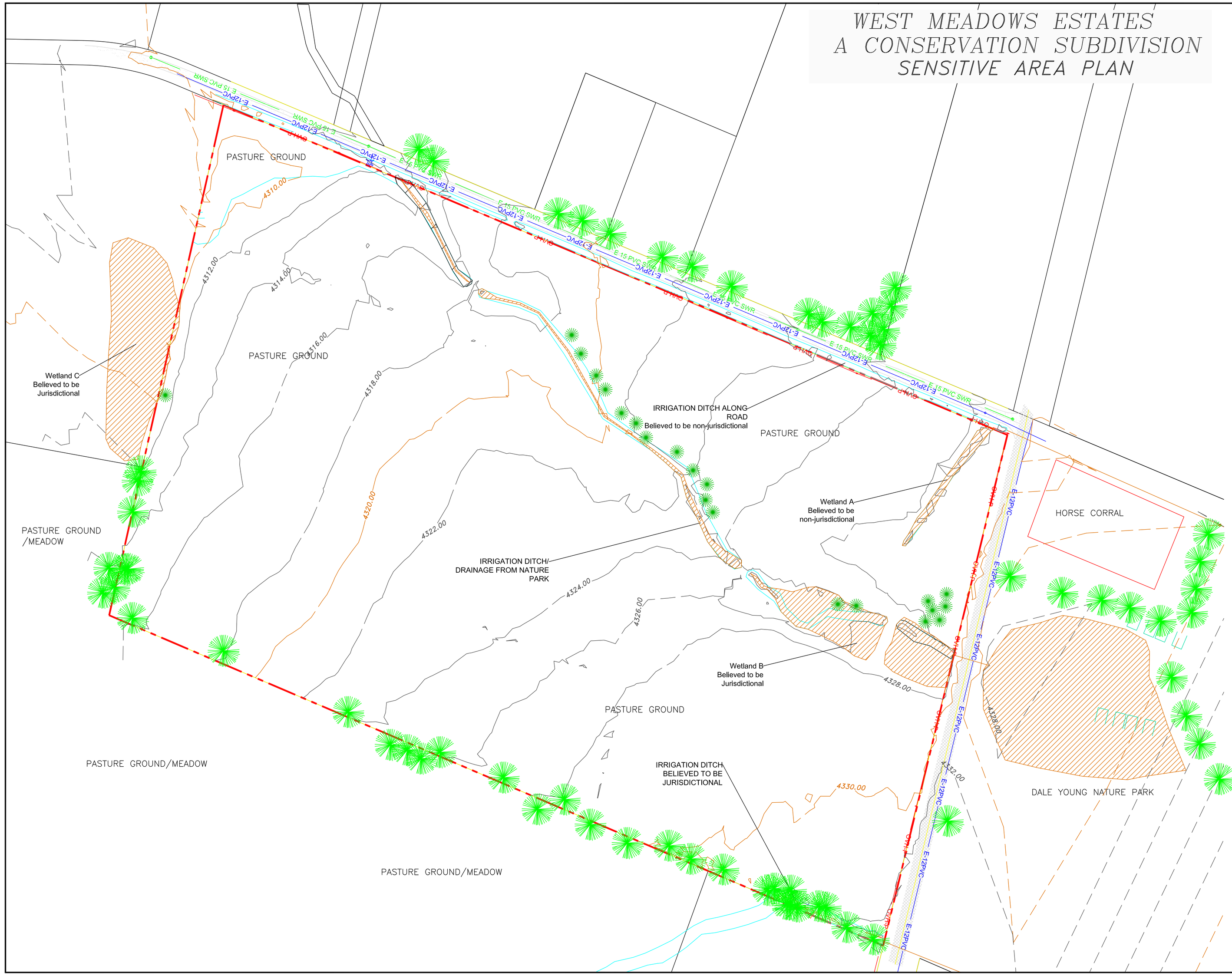
PROJECT TITLE
WEST MEADOWS ESTATES
A CONSERVATION SUBDIVISION
PART OF THE SW1/4 OF SECTION 35 AND SE1/4 OF SECTION 34, T9N, R2W, SALT LAKE BASE AND MERIDIAN

DRAWING TITLE
CONSERVATION LANDSCAPE PLAN

DATE : JUNE,2022

DRAWING No. 3

WEST MEADOWS ESTATES
A CONSERVATION SUBDIVISION
SENSITIVE AREA PLAN



LEGEND

EXISTING WETLANDS

EXISTING LARGE TREES

EXISTING SMALL TREES

N

0 30 60 120

SCALE: 1"= 60' (22x34 PLAN SET)

OWNER/DEVELOPER

BRINTON NEFF
325 NORTH 200 WEST
WILLARD, UT
801-648-5640

CIVIL ENGINEER

ALLIANCE CONSULTING ENGINEERS, INC.
150 EAST 200 NORTH SUITE P,
LOGAN, UTAH 84321
435-755-5121

As currently designed, project would impact 0.098 acres of jurisdictional wetland. Army Corps of Engineers currently reviewing wetland delineation.

PROFESSIONAL ENGINEER REGISTERED 10-31-2022 STATE OF IDAHO JEFFREY MACKELPRANG

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
alliancelogan@yahoo.com

No.	REVISIONS/ SUBMISSIONS	DATE

REVIEWED :
DRAWN :
CAD FILE :
PROJECT NO. :

PROJECT TITLE
WEST MEADOWS ESTATES
A CONSERVATION SUBDIVISION
PART OF THE SW1/4 OF SECTION 35 AND SE1/4 OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN

DRAWING TITLE
SENSITIVE AREA PLAN

DATE : JUNE,2022

DRAWING No. 4

Preliminary maintenance plan for West Meadow Estates

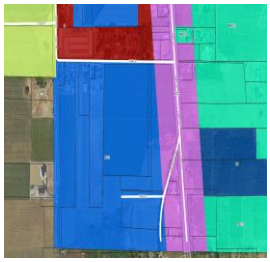
- Dryland grass mix area- Bush hog and tractor once a year. Price 10 hours at $120. Total= $1200
- Pond maintenance- sprinkler maintenance $200 yearly, lawn care $80 a time, 25 times= $2000. Fertilizer- $100.

Total maintenance cost yearly - $3300.

Staff Report

October 27, 2022

Perry City Council



Zone Change NC3 to R1/3 – Ben Neff/Gene Stephens, located at approximately 1100 W 3600 S

Summary

This application is a request to change zoning from NC3 to R1/3. The affected area would be approximately 6 acres along the highway. Approximately 50 additional acres would be included in a proposed residential development, however the rest of the property is already zoned R 1/3. The property owner previously submitted a request for the Development Overlay Zone, which would have included a detailed development agreement. Because this zoning request does not include a development agreement, no plans or conditions are recommended to be attached to the zoning decision, if approved.

Nearby zoning districts include AL, C, RE ½, R1/3 and R1. This property also abuts Willard City boundaries. Existing land uses in the area include agricultural, residential, and commercial. The Future Land Use Map shows this area to be residential.

Considerations and Recommendations

The city has adopted a policy of not granting the R1/3 and R1 zones in order to encourage higher density through development agreements and/or conservation subdivisions. The general plan supports changing the NC3 zone to be residential. Because the subject property is a smaller component of a larger tract of land already zoned R1/3, it may be appropriate to grant this request.

As a legislative item City Council may take any information or opinion into consideration when making a recommendation on this zone change. Planning Commission unanimously recommended approval of the request.

PERRY CITY

Staff Report

October 27, 2022

Perry City Council

Zone Change Request, IC to MIL – Marc Fletcher, located at approximately 950 S 1600 W

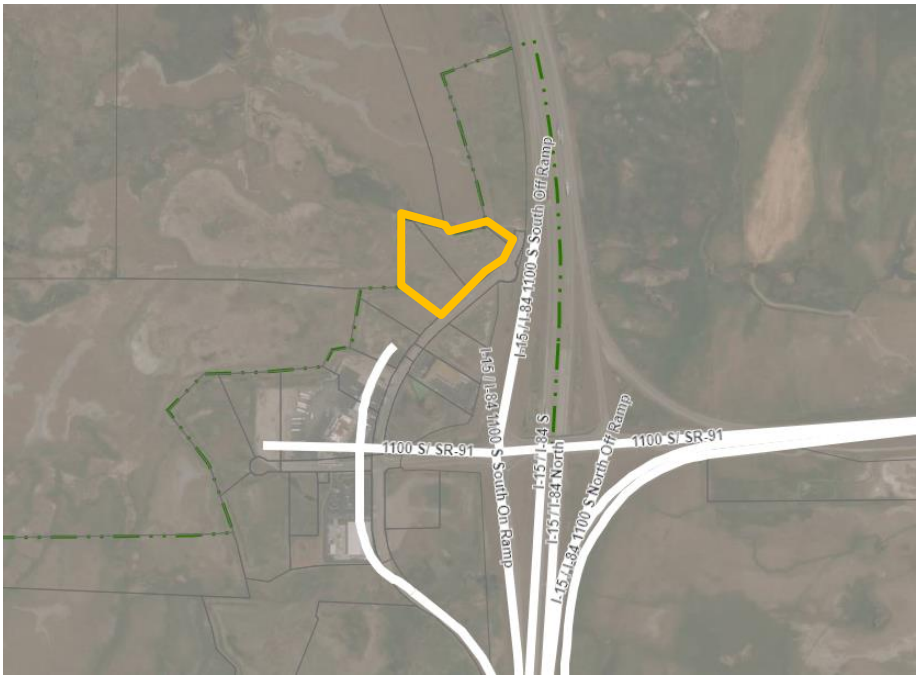
Summary

This application includes two adjacent parcels totaling about 4.5 acres. Both properties are in the Interstate Commercial (IC) Zone and are currently vacant. The surrounding zoning is IC. To the west are lands under the jurisdiction of the bird refuge. To the east is the I-15 corridor. Some of the nearby properties have been developed with commercial uses.

This property received a zone change last year with the condition that the submitted plan with storage units and retail strip be implemented and that building permits be obtained within one year. The one year timeframe has lapsed so the zoning has remained IC. Since that time, the city has adopted a formal process and parameters for development agreements through the Development Overlay Zone. This request does not include a development agreement nor does it request the DO Zone. This request is for 2.268 acres on the back portion of the properties.

Conformance to General Plan

The general plan shows this area to be commercial and states, *"Primarily commercial, these areas may have retail, service, office, and business uses in general. Light manufacturing may also be allowed in these areas. Multifamily residential uses should be selectively allowed in these areas, especially in areas transitioning between commercial and residential uses."* The General Plan also states the following about Manufacturing and Industrial areas. *"Manufacturing and industrial zoning should be located in the south west area of the City along the freeway."* Overall, the General Plan does not appear to directly and clearly support this request.



Considerations and Recommendation from Planning Commission

As a legislative item City Council may take any information or opinion into consideration when making a decision on this zone change. Planning Commission unanimously recommended approval of the request.

FEDERAL LANDS

IC ZONE

NEW M/I ZONE
2.268 ACRES

PROPOSED MANUFACTURING/INDUSTRIAL ZONE
INTERSTATE COMMERCIAL ZONE

REMAINING IC ZONE
2.292 ACRES

IC ZONE

IC ZONE

POINTE PERRY DRIVE
(1600 WEST)

76.73'
S75° 41' 16"E 260.87'
184.14'
S61° 29' 01"E
62.96'
N78° 02' 05"E 170.62'
S81° 46' 50"E 163.96'
N1° 20' 37"W 377.37'
S36° 53' 45"E
487.04'
N55° 01' 25"W 263.53'
202.79'
N36° 01' 42"E 375.00'
172.90'

P.O.B.

LEGEND

LOT LINES (PROPERTY)

EXISTING CURB AND GUTTER

EXISTING FENCE

GENERAL NOTES:
1. CONTRACTOR SHALL CALL 811 PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION.
3. ALL PROPOSED WATER LINES SHALL HAVE A MINIMUM OF 5' OF COVER.
4. ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
5. ANY OFF SITE DAMAGE TO EXISTING ASPHALT, CURB & GUTTER, LANDSCAPING AND ALL UTILITIES SHALL BE REPLACED IN KIND.
6. SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
7. ALL WORK SHALL BE ACCORDING TO CITY STANDARDS.

811

N

0 30 60 90
1" = 30'
Scale in Feet

NO.	REVISIONS	BY	DATE

ENGINEER: CJ CHECKED BY: LR

LEGEND ENGINEERING
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4828
www.legendengineering.com

PROMONTORY CROSSING
ZONE MAP AMENDMENT EXHIBIT
910 S 1600 W BRIGHAM CITY, UT 84302

SHEET: C-EX

PRELIMINARY

DATE:

PERRY CITY
ORDINANCE 22-K SWIMMING POOL REGULATIONS

SECTION 1: **AMENDMENT** "15.25.020.1 Pool As An Accessory Use" of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.25.020.1 Pool As An Accessory Use

A residential/family swimming pool shall be permitted in the rear or side of a dwelling as an accessory use provided the requirements of PMC 15.25.020.2 and PMC 15.25.020.3 are met.

SECTION 2: **AMENDMENT** "15.25.020.2 Location" of the Perry Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.25.020.2 Location

The location of such family swimming pool or accessory machinery shall be ~~not less that thirty-five feet (35') from any dwelling on an adjoining lot and~~ not less than ~~ten feet (10') from any interior property line facing on a street shall not be less that~~ the required ~~side yard~~setbacks for an~~d~~ accessory building in that zone.

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL
_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember Blake Ostler	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember David Walker	_____	_____	_____	_____
Councilmember Ashley Young	_____	_____	_____	_____

Presiding Officer

_____
Kevin Jeppsen, Mayor, Perry City

Attest

_____
Tyra Bischoff, Deputy City Recorder, Perry City

PERRY CITY

RESOLUTION NO. 2022-17

A RESOLUTION OF PERRY CITY, UTAH AMENDING RESOLUTION 19-06 AS RECOMMENDED BY THE UTAH RETIREMENT SYSTEMS FOR APPOINTED EMPLOYEES.

WHEREAS, Perry City ("City") is a municipal corporation of the State of Utah;

WHEREAS, the City previously adopted Resolution 19-06 ;

WHEREAS, the Utah Retirement System recently conducted an audit of Perry City's retirement policies recommends this Resolution;

WHEREAS, the Utah Retirement System is recommending an update to the Personnel Policies and Procedures Manual to reflect changes needed to accommodate appointed employees;

NOW, THEREFORE, BE IT RESOLVED by the Perry City Council that Resolution 19-06 and the Perry City Personnel Policies and Procedures Manual is amended to add the following language:

Section 1. Amendment.
Appointed Employees. Tier 2 appointed officers and employees are eligible for retirement if they work a minimum twenty-five (25) hours or more per week.

Section 2. Effective Date.
This Resolution is effective immediately upon passage and approval.

PASSED AND APPROVED by the Perry City Council this ____ day of _____, 2022.

_____
Mayor

ATTEST:

_____
City Recorder

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between Perry City and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Payroll Clerk for more information about life insurance benefits.

401k and other Retirement Plans

Retirement Benefit. The Retirement Benefit shall be a benefit as outlined by the Utah State Retirement System (URS), and shall be provided under the rules and regulations of the URS. The City shall make the required payments in the percentage and the term as required for each eligible employee. An eligible employee is defined by URS as one who works 20 or more hours per week and receives any other benefit including any elected or appointed officials. Tier 2 Mayor and Council are designated as part-time ineligible for retirement.

Tier 2 appointed officers and employees are eligible for retirement if they work a minimum of twenty-five (25) hours or more per week.

The City shall ensure that employees covered under this benefit receive training, to be able to use their retirement account to its fullest extent.

401k. The City has outlined benefits in regards to 401k into two groups: Public Safety and Non Public Safety. When a Non-Public Safety employee contributes 4% of their salary into a 401(k) account with URS, the City will match the contribution with a contribution equal to 2% of the employee's salary. The City does not provide any match to contributions made by Public Safety employees into 401 (k) accounts.

Other URS Programs. The City will not match any employee contributions, but will allow them to take advantage of other employee contribution programs including but not limited to 457 (b), Roth and Traditional IRA, and employee loans on personal 401(k) and 457 accounts within the Utah Retirement System.

Any Tier 1 or 2 eligible appointed or elected official may request to exempt from the URS system as allowed under Utah State Code 49-13-203(5) and current procedures specified in URS policy regarding exemptions and Tier 1 and Tier 2 public employee eligibility. The following positions may be exempted from participating in the Utah Retirement Systems:

- Elected Officials
- Appointed Officials

PERRY CITY COUNCIL
MEETING PERRY CITY OFFICES
October 13, 2022 7:00 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 Dave Walker and Council Member Ashley Young.
OFFICIALS ABSENT:	None
CITY STAFF PRESENT:	Robert Barnhill, City Administrator Sergeant Dave Freeze Shanna Johnson, City Recorder
OTHERS PRESENT:	Danny Henriquez, Nelson Phillips, Jan Kerr, Melanie Barnhill
ON-LINE:	Mark

ITEM 1: CALL TO ORDER

Mayor Jeppsen called the City Council meeting to order.

ITEM 2: PROCEDURAL ISSUES

A. Conflict of Interest Declaration

None.

Mayor Jeppsen made a request to adjust the agenda and have the Executive Session before Action Item 4A.

ITEM 3: Public Hearing (No Vote Needed)

A. Public Hearing Regarding Resolution 2022-16 Adopting a Fiscal Year 2023 Budget Amendment

Ms. Johnson introduced the amendment by expressing that the overall General Fund budget of $5,094,595 will not change. She explained that it amends the amount contributed to Fund Balance and moves it to the Public Works personnel budget. She said that the Public Works Director has resigned and that the city administration is reorganizing that department. The amount requested in this amendment would allow the city to hire a new Public Works Directors and create a promotional opportunity with a new position of Assistant to the Director. She said there is also a small $3,500 portion of that money to go into the Administration Department for a texting feature called Textmygov. Textmygov is a system that allows the city offices and citizens to communicate by text with each other. There are different levels the citizens may sign up to receive specific types of information. For example, the city may text information about water leaks or citizens may text us their concerns.

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She further explained budget amendments in the Enterprise Fund. She said they will be using available cash to fund of the Public Works reorganization by increasing the water, storm, and sewer employee wages and benefits accounts. She noted that they would reduce the contribution to fund balance in the Utility Fund and use an additional $30,964.12 to cover compensation changes. She pointed out that they are not using additional revenue in the Sewer Fund but are reducing the Contribution to Fund Balance.

She reported that the requested Utility Fund budget amount would go from $996,852 to $1,027,816. The total budget will change in the Sewer Fund.

Council Member Wright requested more information about the features offered by Textmygov. Ms. Johnson explained the company had waved the setup fee but there is a $3,500 annual fee for the "connect via text feature with 24/7 assistance". She gave examples of its uses by saying it allows the citizens to text words like "pothole" and the system will respond requesting the location and other contact details. Another example is that the office may text upcoming meetings such as Meet the Candidates Night. An event many citizens commented they were not informed about. Council Member Young added that with this system they may be able to text water shutoff and repair notices.

Mayor Jeppsen opened the public hearing at 7:06 pm

Public comment. None.

Mayor Jeppsen closed the public hearing at 7:07 pm

Mayor Jeppsen said if the council was open to having an executive session he would entertain a motion on Item 6B.

MOTION: Council Member Wright made the motion that they move into an executive session for Item 6B (Strategy to discuss the character, professional competence, or physical or mental health of an individual.) Council Member Walker seconded the motion.

ROLL CALL: Council Member Young, Yes
Council Member Walker, Yes
Council Member Ostler, Yes
Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 5 Yes, 0 No

Mayor Jeppsen opened the Executive Session at 7:08 p.m.

MOTION: Council Member Wright made a motion to close the executive session and move back into the public meeting. Council Member Tueller seconded the motion.

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ROLL CALL: Council Member Young, Yes
Council Member Walker, Yes
Council Member Ostler, Yes
Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 5 Yes, 0 No

Mayor Jeppsen closed the Executive Session and re-opened the Perry City Council Meeting at 7:30 p.m.

ITEM 4: ACTION ITEMS (Roll Call Vote)

A. Resolution 2022-16 Adopting a Fiscal Year 2023 Budget Amendment

Mayor Jeppsen asked if the council members wanted more description on this action item. Council Member Wright commented because of the some of the things proposed with Blake Ostler would that change the amendment and if so would they have to come back and change it again. Ms. Johnson responded that there is probably too much money accounted for in the amendment and they wouldn't spend that budget if it is not needed. She explained that she made the calculations based on how much they need to pay out for our exiting employee and for the cost of the new employee and promotion. She said the council can always amend the budget if it is less. Mayor Jeppsen asked Council Member Ostler if he was okay with this explanation and he responded that he was.

Council Member Wright asked if the Textmygov company had different price tiers and Ms. Johnson said they did and our price quote was the lowest. Mayor Jeppsen said that this communication idea came from the public comments given during the Truth and Taxation process. He indicated that this method doesn't necessarily need to be the path we go on. He said it was something presented and looked at but if the council feels we should consider other avenues they should do that. Council Member Wright said he supports something like the text media and that it is good to have something in the budget for it. Council Member Tueller also agrees and feels that under the circumstance there isn't a better way to communicate with the majority of citizens. He thinks it's the most effective way to get information out because people always look at their text messages. Mayor Jeppsen suggested they be prudent and investigate more of this type of communication avenues and get price comparisons. With the approved budget then maybe they may get this type of service cheaper and they can adjust the budget in the future if everyone is in agreement.

Council Member Walker asked if the city gets control of the digital marquee in front of the New City Hall. It was told him that the sign in front of the new city hall is not digital only the sign that was owned by Maddox's Restaurant. He suggested that in the future the city might want to invest in a digital sign as a communication tool. Council Member Wright said he appreciates that this amendment doesn't change the (General Fund) budget but just moves money around. Mayor Jeppsen said they are currently looking into signage for the City Hall and will keep this in consideration.

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Council Member Ostler asked if this request was a budget allocation for a tool and not necessarily for the Textmygov system. He also asked if the Textmygov program was a multi-year or an annual contract. Mayor Jeppsen answered that it is for a tool and that any contract would be addressed at a later meeting. Council Member Ostler said he asked because he wondered if they could try the Textmygov service for one year and then re-evaluate it. Ms. Johnson commented that service would be for a two year contract. Council Member Ostler remarked that he prefers to try a product to see how it works without committing $7,000.

Council Member Ostler requested an in-depth explanation of the budget amendment with the Use of available cash. He inquired if this account suggests we are funding ongoing expenses with a savings account and Ms. Johnson responded that is using savings for a long-term expense and this would need to be addressed. He remarked if that is prudent management and Mayor Jeppsen commented that until the next budget season that is the only alternative. Council Member Ostler then said if they need to raise rates, they can do it in a month. Ms. Johnson said the council can raise the utility rates at any time to cover the needs in this amendment. Council Member Ostler asked if going forward this was the plan to fund the expenses until the savings is gone. Ms. Johnson said the plans was to go forward with this plan for the year and then take a look at a (utility fee) increase next (fiscal) year. She expressed that if wanted the council may do a rate increase sooner and that the increase would be approximately $1.47 in the water and/or storm utility. Mayor Jeppsen said that maybe a rate increase should be a focus and done right away. Council Member Wright expressed that for now they should leave it as it is and address it down the road because the council has been bombarded. He noted that the city has enough in savings to take care of it for a few months. Council Member Ostler commented that this creates the decision and the need to analyze the rates. Council Member Walker said he agrees with Council Member Ostler and stated he is not comfortable approving any tax rate increases. Mr. Barnhill added that a portion of the costs could be covered by both utility fees and the general fund.

Council Member Wright asked about the available cash amount and then commented that we don't want to use this fund on a continual basis since there is a plan to build another city water well. Ms. Johnson said she would never suggest the city pay for year over year costs with savings. It's different when they are in the middle of the year and reacting to something. She said that is what those savings are for and she recommends correcting it in the next fiscal year. Council Member Ostler asked if they have a choice in the way they react and Ms. Johnson responded that they can pick a different applicant for a lower wage. Council Member Ostler indicated that his calculations show the amendment to the sewer utility causes a budgeted debt service coverage default and he will work with Ms. Johnson on these numbers.

Council Member Ostler also asked how residents and city council know they are receiving $95,000 worth of added value. Ms. Johnson said that we will see the value in the performance of the city with improved infrastructure and parks. Council Member Wright suggested they do a matrix with a plan or goal to see improvements within five years. Mayor Jeppsen said administration uses performance reviews on a regular basis and that could be part of the determining process. He noted that the city has seen improvements in the city, but we don't have it documented. He explained that they decided to hire someone highly educated to reduce the need to rely on the engineers for the issues the city should handle themselves. He remarked that the city uses an engineer at Jones & Associates to coordinate road repairs and inspections, however, the city might recuperate 50

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percent of this expense by having a capable person in the Public Works Department. The Public Works Director candidate they are looking at is qualified to handle these type of requirements. He said the question is if he will have time to do them, but moving forward he hopes the efficiency gained will allow him to do those things.

Council Member Wright returned to the use of available cash and asked if there was another area they may get the funds without having to commit the city into a fee increase. Ms. Johnson said they may raise rates or redistribute the way the money is applied. She explained that they typically apply it based on the amount of work hours the employee is putting in and that water/storm receives the largest portion. For example, if the council thinks a city project might not take as many hours to do they can adjust the amount from that account to create more funds used from another account. The budget for water, sewer, and roads comes from assessing the wages and hours needed for the work in that area. About 50 percent of the public works employee's working time is used in water and that's why there is such a large number projected for wages in that enterprise fund. She said that they could contribute money over from the general fund but there is only about $9,000 left without getting into savings. She reminded them that due to the payout of the exiting Public Works Director next year the water wage and benefits might be lower. She also explained that the new Public Works Director may be a salaried position and over time the merits increases will not be applicable. Council Member Young mentioned that they are hiring someone to take on big projects and responsibilities and so they shouldn't just hire the cheapest candidate. The public is constantly commenting on the bad roads and the parks. She said it is important to pay someone who will take care of the job.

Mayor Jeppsen commented that the numbers are projected to go through the end of the year. He said he is glad Council Member Ostler brings up these concerns because we should all be proactive. He recognizes that everything is constantly going up in every avenue. He said we don't have to participate in it but we do need to look at it to see what make the best sense.

Council Member Tueller expressed that, like a business, as the city gets into a flow with projects and not reacting to issues, the expenses might come down. Having a salary position will help. He pointed out that the compensatory payout and other expenses like unpredicted snow storms are things they have to just get done. He pointed out that with a level of work, understanding, and infrastructure of a project that is organized, efficiency goes up and cost comes down. From a business stand point profitability goes up and so does morale because we are not reactionary. He voiced that with the new Public Works Director candidate they have selected they will get great improvements in the city and in running the Public Works Department.

Council Member Wright asked if the council does not approve the budget amendment to move the money at this meeting, will it cause problems with the scheduled hiring plans. Ms. Johnson said it would cause a delay in a job offer or postpone the hiring time.

MOTION: Council Member Wright motioned to approve Resolution 2022-16 Adopting a Fiscal Year 2023 Budget Amendment. Council Member Tueller seconded the motion.

ROLL CALL: Council Member Young, Yes

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Council Member Walker, Yes
Council Member Ostler, No
Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 4 Yes, 1 No

B. Ordinance 22-F Land Use Chart & Associated Regulations

Mr. Barnhill explained this was an update to the Land Use Chart that they want to get right. He said there were changes done from the feedback received. He thinks what has been put together is an improvement, covers more, and is clearer. He noted that there will always be things that they might have been overlooked and there will be opportunities to make updates in the future. He said he recently worked with Council Member Ostler on this, particularly with the Neighborhood Commercial zone. He said while focusing on the future of the city and the prime commercial areas they made adjustments to the IC uses.

Mayor Jeppsen said they have discussed in the past that they are just trying to get this update to a certain level because they can always go back and address things. He asked and the council members if they had any more questions at this time regarding the recent updates on this ordinance. No further discussion took place.

MOTION: Council Member Young motioned to approve Ordinance 22-F Land Use Chart & Associated Regulations. Council Member Walker seconded the motion.

ROLL CALL: Council Member Young, Yes
Council Member Walker, Yes
Council Member Ostler, Yes
Council Member Wright, Yes
Council Member Tueller, Yes

Motion Approved. 5 Yes, 0 No

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

A. Approval of Consent Items

- September 22, 2022 Council Meeting Minutes

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

Motion Approved. All Council Members were in favor.

A. Mayor's Reports

Mayor Jeppsen thanked everyone for their efforts and service to make this community and maintain it as the great one it is. He thanked the council and administration and then thanked Sergeant Freeze for joining the meeting.

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B. Council Reports

All Council Members said they had nothing to report.

C. Staff Comments

Mr. Barnhill said the council receive a correspondence to invite all council members to a joint work session on October 27 at 6:00 p.m. with the Planning Commission. This work session is for a conservation subdivision application that they want the councils input on it.

Ms. Johnson showed the council members a copy of the pictures they had recently taken. These are pictures to hang on the council wall and at the new City Hall. She asked them to pick their favorite picture from the stack presented by next week or she will pick it for them.

Sergeant Freeze from the Police Department didn't have anything to report.

D. Planning Commission Report

Commissioner Kerr reported that at the October 6, Planning Commission meeting they approved three final plat applications for Acorn Ridge, Harmony Cove, and Mark at Lake Pointe subdivisions. And they had a public hearing about Olsen Orchard (new named Black Pine) and received a few public comments. She said the developer is not doing a conservation subdivision but will develop to fall in-line with current housing limits, which made everyone happy. She noted that the new plat map shows that 3700 south will be the north access to Hargis Hill and it was approved by UDOT. She mentioned that there was a new conservation subdivision application, which is why they want a work session with the council. She said the Planning Commission asked this applicant to give more detail and creativity on the 15 percent give back to the city on their plat map before the preliminary will be approved.

ITEM 6: ADJOURNMENT

MOTION: Council Member Wright proposed to adjourn the meeting.

Motion Approved. All Council Members were in favor.

The meeting adjourned at 8:13 p.m.

_____ _____

Shanna Johnson, City Recorder Kevin Jeppsen, Mayor

_____

Anita Nicholas, Deputy Recorder

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