

Thursday, May 25, 2023
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

- A. FY2024 Budget Planning

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. Site Plan Application – Maverik located at 1674 W 1100 S, Parcel #03-236-0018, Applicant: Branch Nelson/Maverik Inc.
- 4. **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
 - April 27, 2023 Council Meeting Minutes
 - May 11, 2023 City Council Work Session
 - May 11, 2023 City Council Meeting
 - B. Mayor’s Report
 - C. Council Reports
 - D. Staff Comments
 - E. Planning Commission Report
- 5. **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.
- 6. **Approx. 8:00 PM - Adjournment**

Certificate of Posting

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member of the City Council and was posted in three locations: the Perry City Offices, Centennial Park, Perry City Park; and was emailed to the Ogden Standard-Examiner, Box Elder News Journal; and posted on the State Public Meeting Notice Website on this 19th day of May, 2023. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance at (435-723-6461).

Staff Report

April 27, 2023

Perry City Council

Commercial Site Plan – Maverik, expansion of facilities on property located at 1674 W 1100 S

UPDATE

Planning Commission moved this application forward with the condition that engineering review comments were addressed. We have not received updated plans to address the engineering comments.

Summary

The proposed Maverik site improvements spread across three properties. The current footprint is approximately 5 acres. The applicant is proposing an expansion of the parking area, additional fuel dispensers and canopy, new dumpster bays, and a redesign of the drive thru lane.

Storm Water

- With the expansion of the impervious surface area, additional storm water will be generated. An updated storm water plan is needed to show how this water will be captured and treated.

Dumpster

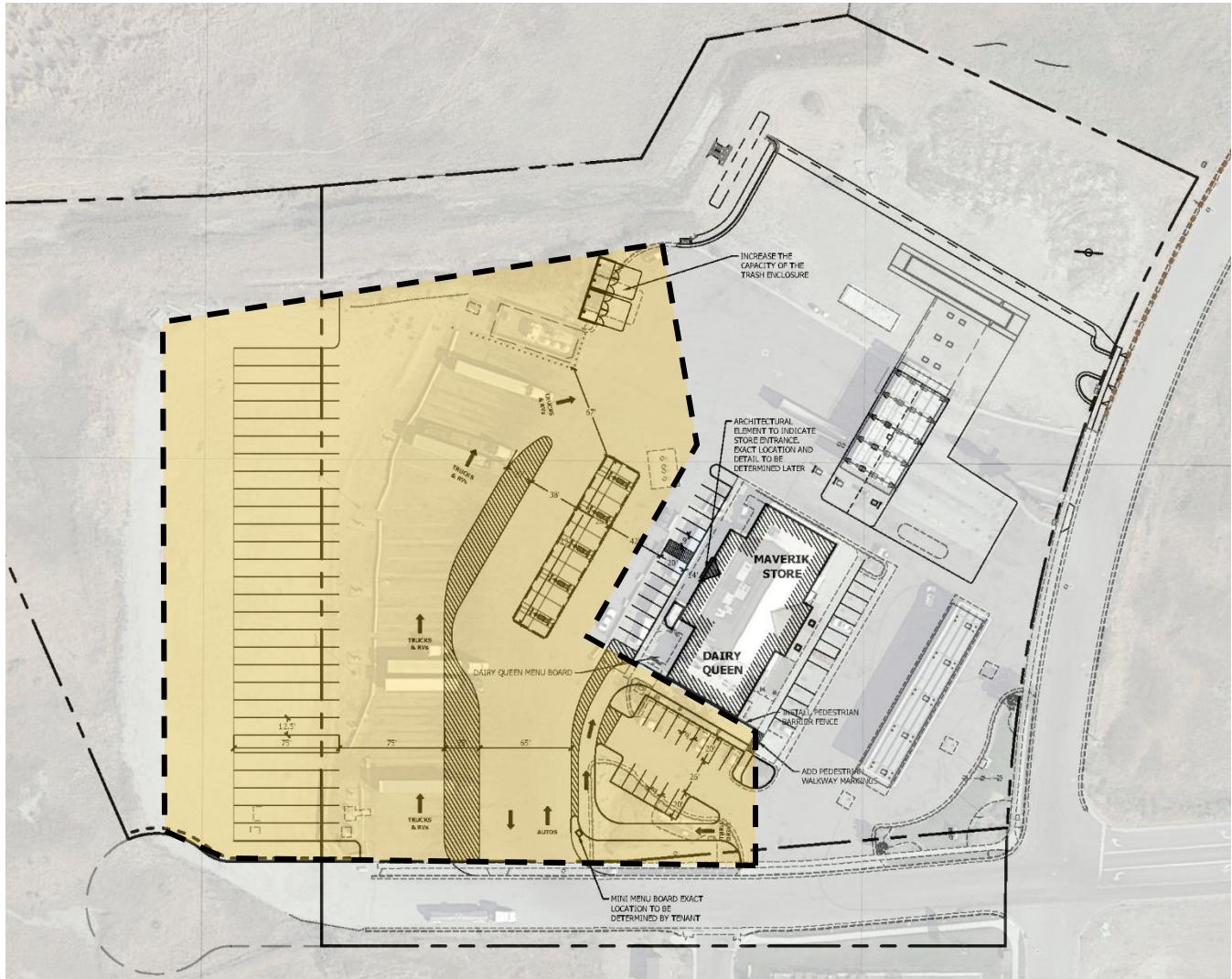
- We require dumpster enclosures match the architecture of the building.

Landscape

- In 2019 Maverik expanded their site. At that time the city assumed the existing site was in compliance and that landscaping would need to be added in relation to the expanded site improvements only.
- Our code requires a minimum of 10% of the site to be landscaped; and,
 - Three trees provided per 1,000 sf of required landscaping; and,
 - Six shrubs provided per 1,000 sf of required landscaping.
- The applicant will also need to replace the landscaping shown to be removed as well as the required plant material that has died.
- Our code states, “No area of the development shall be left un-improved or without development. All areas should be developed with buildings, hard surfacing, or landscaped. No area of the lot or parcel shall be arbitrarily excluded from the site plan to avoid development requirements.” Maverik has incrementally expanded onto the neighboring properties. At this point they should follow this regulation and fully improve the property. City Council will need to consider if the submitted plans adequately address this code provision.

Considerations and Recommendations

This is an administrative item and the decision from Planning Commission will be a recommendation to City Council.



1 PERRY CITY COUNCIL
2 MEETING PERRY CITY OFFICES
3 April 27, 2023

7:05 PM

5
6 OFFICIALS PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council
7 Member Nathan Tueller (left at 7:42 PM), Council Member Dave
8 Walker (arrived at 7:38 PM), Council Member Toby Wright, and
9 Council Member Ashley Young.

10
11 OFFICIALS ABSENT: Council Member Blake Ostler

12
13 CITY STAFF PRESENT: Robert Barnhill, City Administrator
14 Zach Allen, Public Works Director
15 Chris Crockett, City Attorney
16 Shanna Johnson, City Recorder
17 Scott Hancey, Chief of Police
18 Rick Mabrey, Detective
19 Jeremy Godfrey, Patrol Officer
20 Connor Curtis, Patrol Officer

21
22 OTHERS PRESENT: Laurel Holmgren, Isaac Brockbank, Maren Nelson, and Grace Ellis

23
24 ON-LINE: Nelson Phillips (BENJ), Melanie Barnhill, and Sam Nelson

25
26 **ITEM 1: CALL TO ORDER**

27 Mayor Jeppsen welcomed everyone and called the City Council meeting to order.

28
29 **ITEM 2: PROCEDURAL ISSUES**

30 **A. Conflict of Interest Declaration**

31 None

32
33 **ITEM 3: ACTION ITEMS (Roll Call Vote)**

34 **A. Site Plan Application – Maverik located at 1674 W 1100 S, Parcel #03-236-0018,
35 Applicant: Branch Nelson/Maverik Inc.**

36 Mr. Barnhill said this request was for an expansion project at Point Perry. He explained that the
37 main things the applicant were expanding on were adding additional fuel dispensers on the west
38 side, rerouting the Dairy Queen drive through, and moving the truck parking. He touched on the
39 storm water run-off and the landscaping requirement. He mentioned that originally the Planning
40 Commission reviewed this site plan application but because Maverik Inc. did not provided enough
41 detail they had to table it pending us receiving more information. To further explain he read from
42 the city code that, "No area of the development shall be left un-improved or without development.
43 All areas should be developed with buildings, hard surfacing, or landscaped. No area of the lot or
44 parcel shall be arbitrarily excluded from the site plan to avoid development requirements"
45 (15.18.050 Design Standards). He pointed out areas on the lot that might be in question according
46 to this code. He acknowledged that Maverik Inc. submitted an updated site plan that addressed

47 some of the concerns the Planning Commission voiced. He noted that the city engineer, Brett Jones,
48 reviewed this updated paperwork and asked questions about the ground water tests but presently
49 had not received any answers from the applicant. He said however, Planning Commission
50 recommended approval of the updated paperwork with the condition that they met our city
51 engineers' requirements.

52
53 Mayor Jeppsen asked for clarification of the blue area on this site plan map. Mr. Barnhill responded
54 that it will be their storm water pond and they will plant a seed mix revegetation. Council Member
55 Wright questioned if Maverik Inc. did the detention basin, why it would not pass. Mr. Barnhill said
56 that the engineer questioned their calculations with the numbers they showed. Mayor Jeppsen said
57 he was aware there was a potential problem with the storm and ground water in that area and he
58 feels it would be important that it gets addressed. There were concerns with the water in the
59 detention or retention pond being discharged into the bird refuge and if the existing canal in the
60 area was a functioning waterway.

61
62 Mayor asked the council if there was objections to table this until Maverik Inc. was able to address
63 the questions and concerns the city engineer has on the detention pond. There was not any
64 objections from the council.

65
66 **Motion Tabled**

67
68 **B. Site Plan Application - Perry/Brigham Ford located at approximately 988 W 1100 S,
69 Parcel #s 03-154-0132; 03-154-0077, Applicant: Zach Swenson**

70 Mr. Barnhill presented to the council the proposed car dealership site plan application. He said the
71 total property was 6.4 acres with the bulk of it in Brigham City and 1.3 acres in Perry City which
72 about half of that will be roads. He said the applicant was still working out additional details
73 because their utilities will be provided by Brigham City which has many rules and regulations. After
74 getting approval from Brigham and Perry cities the application will meet with the Joint Advisory
75 Board to also receive their approval. He said the Planning Commission recommended passing this
76 application as long as the applicant meets Brigham City standards and since the building and
77 utilities are in Brigham City boundaries. He advised that after this site plan approval the applicant
78 will need to return to us with a subdivision plat application to dedicate the road right-of-way to
79 Perry City.

80
81 Council Member Wright asked about the retention pond and storm water run-off. Mr. Barnhill
82 responded that Brigham City will be handling all the utilities. Mayor Jeppsen asked if there will be
83 improved utilities in the Perry City portion of the road. Mr. Barnhill said that there will not be a
84 need for utilities under that road since it the utility is in Brigham City. He said as 1200 west gets
85 developed the utilities for that area will be put under that road. He mentioned that this area was
86 under the same agreement as Walmart, where a small percent of sales tax will be shared with Perry
87 City.

88
89 **MOTION:** Council Member Wright made a motion to approve Site Plan Application for
90 parcel numbers 03-154-0132; 03-154-0077 with stipulations that the applicant follows
91 Brigham City standards. Council Member Young second the motion.

92
93 **ROLL CALL:** Council Member Tueller, Yes
94 Council Member Wright, Yes

Council Member Ostler, Absent
Council Member Walker, Absent
Council Member Young, Yes

Motion Approved. 3 Yes, 0 No

C. Resolution 2023-09 Awarding a Contract for Solid Waste Disposal

Mr. Barnhill explained that we had been negotiating a garbage contract with Republic Services and that we recently received and reviewed the agreement from them. He said Mr. Morris approved the updated changes and used the agreement RFP as a reference exhibit. The changes were to clarify that the city dumpsters will be covered without additional charges to the city and that they added two sections for when a garbage can was over flowing or filled with material they cannot accept. He noted that the pricing in this agreement was based on their proposal and not negotiable. He said this five-year contract was set up that Perry City will own the garbage cans and pay the tipping fee directly to Box Elder County Landfill.

MOTION: Council Member Wright made a motion to approve Resolution 2023-09 Awarding a Contract for Solid Waste Disposal pending legal review and approval. Council Member Young second the motion.

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

Motion Approved. 3 Yes, 0 No

D. Resolution 2023-10 Authorizing an Amended Prosecution Legal Services Contract

Mayor Jeppsen said that Mr. Blair Wardle addressed and complied with everything Council Member Ostler questioned about the original contract. The changes are presented in this updated contract.

MOTION: Council Member Wright made a motion to approve Resolution 2023-10 Amended Prosecution Legal Services Contract. Council Member Young second the motion.

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

Motion Approved. 3 Yes, 0 No

E. Resolution 2023-12 Boundary Adjustment with Brigham City

Mr. Barnhill said this was the proposed boundary adjustment between Perry and Brigham City. He said the area was behind the technical college between Highway 89 and 1175 South Road. The area was fairly squared off but several properties in this area were split between the Perry and Brigham

142 cities boundary. He explained that the owner of the old gas station along Highway 89, which was
143 one of these properties, wanted to remodel their lot. This owner had issues as he tried to work
144 between Perry and Brigham City on his plans. This highlighted the need for a city boundary change
145 of these established lots. He said after great discussions Brigham City leadership said because the
146 majority of the utilities come from Perry City it made sense for Perry City to have these properties
147 within their boundary. He said this resolution was to adjust the boundary and the first step in the
148 process. Then the next step will be to notify the residents and have a public hearing. And after the
149 public hearing both Perry and Brigham City would need to pass their own ordinance and submit it
150 to Utah State and the Lt. Governor's Office.

151

152 They discussed the property lines and that this development will not add revenue to the city since
153 the most of the property was state and church owned lots.

154

155 **MOTION:** Council Member Wright made a motion to pass Resolution 2023-12 Boundary
156 Adjustment with Brigham City. Council Member Walker second the motion.

157

158 **ROLL CALL:** Council Member Tueller, Absent
159 Council Member Wright, Yes
160 Council Member Ostler, Absent
161 Council Member Walker, Yes
162 Council Member Young, Yes

163

164 **Motion Approved. 3 Yes, 0 No**

165

166 **F. Ordinance 23-D Utility Application & Fees**

167 Mr. Barnhill explained this proposed code amendment started because we needed to update and
168 create our utility application on-line. He said they found the language of the application was
169 adopted by code and they needed to remove this language so they may make adjustments on this
170 application. He said initially the idea was to collect a utility deposit, track it, and return the majority
171 of the deposit. This ordinance will give a new approach by being stricter on late fees, not let large
172 utility amounts accrue, and to send a shut-off notice quicker. He said our history shows that the
173 \$200 deposit has not been used enough to justify the deposit. He noted that they removed the
174 deposit requirement, added a \$50 application fee to cover administration fees, updated a few other
175 fees, and change the language to match the current city code requirements.

176

177 Ms. Johnson asked if this ordinance needed a public hearing and Mr. Crockett said they should
178 follow the regular ordinance change process. Council Member Young asked what the current late
179 fee was compared to this updated fee schedule. They discussed the fee charges and if they will work
180 for the city in the long term.

181

182 **MOTION:** Council Member Wright made a motion to approve Ordinance 23-D Utility
183 Application & Fees. Council Member Young second the motion.

184

185 **ROLL CALL:** Council Member Tueller, Absent
186 Council Member Wright, Yes
187 Council Member Ostler, Absent

Council Member Walker, Yes

Council Member Young, Yes

190

191 Motion Approved. 3 Yes, 0 No

192

ITEM 4: DISCUSSION ITEMS

A. FY2023 Budget Update

195 Ms. Johnson said she prepared a budget update for the public and the council members (see
196 attached presentation). She mentioned that the report was as of March 2023, which was 75 percent
197 of the budget year. In a budget overview she presented the different fund amounts and trending
198 information. Some of her highlights were that revenue looked good, the utility fund operation was
199 trending well, and the interest Public Treasurer's Investment Fund (PTIF) accounts has increased
200 and that this impacts the trends for the end of the fiscal year. She mentioned that some of the
201 accounts were down and will change in the next few months, but overall things looked good. She
202 pointed out that because of unexpected inspection fees they might want to keep an eye on the
203 community development budget. She remarked that most of the funds came in under budget and
204 were trending well but there was an exception in the water account. She explained along with
205 unforeseen water leaks the main cause of being over budget was water leaks and that many water
206 meters were reaching their fifteen-year lifespan and needed to be repaired or replaced. She then
207 showed the yearly comparisons on the sales and mass transit taxes. For more detail information the
208 council may refer to the budget updated spreadsheet that she sent in an e-mail to them.

209

210 Mayor Jeppsen asked if a donation for the senior center would come from the community
211 development account and Ms. Johnson responded that it would.

212

213 Ms. Johnson commented about a concern to increase sewer utility fees because of the cost to
214 operate or repair the wastewater treatment plant. She mentioned that many of the expenses will be
215 capital improvements and will not affect our debt coverage ratio, therefore a rate increase will not
216 be needed. She pointed out that next year they might need to implement an automatic yearly rate
217 increase.

218

219 Council Member Walker suggested that if any accounts had excess funds that they be reallocated to
220 help Anderson Park. Ms. Johnson said there are already plans to reallocate funds for improvements
221 to the building and yard and that Public Works Director, Zach Allen, will address in his budget
222 presentation.

223

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

225 A. Approval of Consent Items

• April 13, 2023 City Council Meeting Minutes

227 Ms. Johnson said at this time the meeting minutes were not ready. Mayor tabled the approval of
228 consent items.

229

230

Motion Tabled

231

B. Mayor's Reports

233 Mayor Jeppsen reported that staff had their employee excellence luncheon and handed out awards.
234 He said Mr. Barnhill received his five-year service award and that Destry Roskelley received an

235 employee excellence award. He remarked that Box Elder County has used their own ARPA funds to
236 assist the Senior Centers Meals-on-Wheels program. Since they used this money, the county asked
237 the city's to give them the number of citizens requesting this service. The county feels that Perry
238 City may need to give additional contributions in the future to help with this program. He then gave
239 an update on the Fire and EMT study analysis that they recently did an RFP (bid) on. He said at the
240 Mayor Association meeting he attended the County Commissioner said he will propose to the
241 county for them to use their ARPA funds to pay for this study instead of having the city pay. He
242 explained he noticed an article in the newspaper that reported the county agreed to pay for this
243 study and Perry City will not need to pay their portion of it. He noted the study will take about one
244 year to complete.

245

C. Council Reports

246 Council Member Walker commented that some of the members were able to attend the Utah League
247 of Cities and Towns (ULCT) conference and that he learned a lot. He said he appreciated the city
248 supporting them so they may attend these types of trainings and conferences. He noted that the
249 Service Day had changed and will be on June 3 at 9:00 a.m. He explained that the focus will be on
250 the improvement at Perry Park and to reclaim more of the nature trail at Dale Young Park. He said
251 people can sign up at Justserve.org. He also noted that there will be a meeting at Mountain View
252 Park on May 6 at 12:00 p.m. for anyone interested in discussing ideas for the mountain bike trails
253 there.

254

255 Council Member Wright echoed the thanks for the ULCT meeting because he received good
256 information and learned some new changes in state laws. Mayor Jeppsen commented that at the
257 conference he attended an Emergency Management Training session and mentioned that they will
258 meet to discuss this in the next few months. He said Willard and Perry cities received complements
259 that they had made great efforts on flood control since the 1983 flood year. He explained that the
260 Flood Board was expecting things to look good with water levels for the next 3-4 weeks and that
261 our Public Works Department was doing daily inspections for flooding water.

262

D. Staff Comments

263 Chief Hancey said the Police Department was getting busy because it was that time of the year.

264

265 Mr. Barnhill welcomed the visiting public and thanked them for coming to the meeting. He reported
266 that city hall remodel was underway and making good progress. He said the playground at
267 Mountain View Park was looking good and will be done by the end of June.

268

269 Ms. Johnson mentioned that Municipal Clerk's week will be April 30 through May 16 and asked the
270 council to thank the city clerks and their leaders.

271

272 Zach Allen said the Public Works Department had many projects that they were starting. He
273 expressed his gratitude for the support everyone had given to make them successful. He thanked
274 his crew who worked hard and stayed late to finish the recent water leaks throughout the city. He
275 said now that the weather is getting warmer they will be out working to make improvements in the
276 city that we (the citizens) all want to see.

277

278

279

280 Mayor Jeppsen acknowledged and expressed his appreciation for Zach's willingness to step in as an
281 interim Emergency Manager for the city.

282

283 **E. Planning Commission Report**

284 None.

285

286 **ITEM 6: EXECUTIVE SESSION**

287 None needed.

288

289 **ITEM 7: ADJOURNMENT**

290 **MOTION:** Council Member Walker proposed to adjourn the meeting.

291

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

293

294 The meeting adjourned at 8:25 p.m.

295

296

297 Shanna Johnson, City Recorder

298

299

300

301 Anita Nicholas, Deputy Recorder

Kevin Jeppsen, Mayor