

**Perry City Special Uses and Appeals Board Meeting  
6:00 PM Tuesday February 10, 2015  
Perry City Offices, 3005 South 1200 West, Perry Utah**

**Board Members Present:** Board Member Kim Barnard, Board Member Jim Felix, Board Member David Curtis

**Board Members Excused:** Chairman Mark Stratford, Board Member Bruce Howard

**Others Present:** Malone Molgard, Perry City Attorney; Susan K. Obray, Minutes Clerk

Chairman Stratford was excused for this meeting. Board Member Barnard nominated Board Member Felix, Board Member Felix nominated Board Member Curtis. Both Board members agreed on Board member Curtis. Board Member Curtis will be the acting Chairman.

**1. Approx. 6:00 p.m.-Call to Order, Opening Ceremonies, and Public Hearings**

Board Member Curtis called the meeting to order.

**A. Call to Order and Pledge of Allegiance to the U.S. Flag**

Board Member Curtis led the Audience in the Pledge of Allegiance.

**B. Declare Conflicts of Interest, if Any**

Board Member Curtis asked for conflicts of interest. There were no conflicts.

**C. Review Agenda Items**

The Agenda was reviewed and there were no changes to the agenda.

**D. Approve Minutes for June 10, 2014**

**MOTION:** Board Member Felix moved to approve the June 10, 2014 minutes. Board Member Barnard seconded the motion. Roll call vote.

Board Member Barnard yes

Board Member Felix yes

Board Member Curtis yes

**Motion Approved:** 3 yes 0 no

**E. No Public Hearing(s)**

**2. Approx. 6:05 p.m.-Special Use/Business Applications  
(Final Land Use/License Authority Actions)**

Board Member Curtis asked if these were all of the business licenses in the city. Malone stated that they were just the business licenses that needed the Special Uses and Appeals board approval. Board Member Curtis stated he is a new member of the board and would like an explanation of how it works. He asked if there is something outside of the normal business license ordinance. Susan stated that the business licenses with the "V" in front and the "S" are the businesses that they will be approving. Malone stated that the business licenses with the "V" for visiting clientele have to be granted a conditional use permit. He said any conditional uses or variances have to be approved by this board. Malone explained if there were any problems with any of the businesses there would be people here and you could take that under advisement. Board Member Curtis stated that the agenda has been posted and they would see it like any other agenda. Susan stated that it is posted at the City Office, Box Elder News Journal, and the State website. Susan said that Mayor Cronin wanted her to pass along that Geneva Rock has a new Plant Manager; his name is Burt Christensen from Logan. She explained that

Mayor Cronin has informed him the hours of operation because they have been doing work at 4:00 in the morning. Susan said they can do that under certain circumstances, if the city has been informed of when the hours are, and if it is State or Federal work they are doing the city can make exceptions. The city has to be notified that they are working these different hours. Board member Felix asked if there has been any complaints regarding Geneva Rock. Susan stated just the hours of operation. Malone stated if the hours get too late or too early, they can wake up the neighboring residents and we have had some complaints. Malone said that Geneva has been really good to work with. He said there can be exceptions if there is a public emergency, State or Federal government projects they can go outside those hours of operation, if it is approved by the Mayor. He said the hours of operation are from 6:00 a.m. to 8:00 p.m. Board Member Curtis asked why Call's Drive In doesn't have a "V" but Canyon Gates Associates does and Canyon Gates Associates are over in a commercial area. He asked why we would expect a special permit for Canyon Gate Associates and not Call's Drive In and Dominos. Malone explained that a "V" could also mean a variance. Board Member Curtis stated that Dominos is in the same building complex as Canyon Gate Associates. He said why would they put a "V" for Maddox. They are in an area where you would consider visiting clientele a must. Board Member Curtis said he would think businesses that require a variance would be businesses in a residential area such as pre-schools. He said not a business that is in a strip mall. Malone said the visiting clientele are mainly in residential areas and would require a conditional use. He said those others would not require it. Malone stated that the businesses with an "S" are special business licenses that sale alcohol which are Walmart, Maverik, and LW's Travel Plaza. He said if there were any sexual oriented businesses they would also require one. Board Member Curtis stated that Day's Inn, The Peak, and Tractor Supply Company have a "V" and shouldn't. Susan stated that the "V" should be mostly for home business such as a hair salon, pre-school etc.

**MOTION:** Board Member Barnard moved to approve the business licenses renewals for the special uses visiting clientele. Board member Felix seconded the motion. Roll call vote.

Board Member Barnard yes  
Board Member Curtis yes

Board Member Felix yes

**Motion Approved:** 3 yes 0 no

### 3. **Approx. 6:20 p.m.-Training**

#### **A. Training Regarding Open Meetings Act**

Malone Molgard did a power point presentation on the Open Meetings Law. He said the political subdivisions (Perry) exist to aid in the conduct of the people's business. He stated that the intent is that political subdivisions (Perry) take their actions openly and conduct their deliberations openly in a workshop or executive session of a public body in which a quorum is present. He said the meeting must be held on the same day and must also be held at the location where the public body holds regularly scheduled public meetings, except: (1) One time exception;(2) Site visits or traveling tour, (must meet requirements); (3) electronic Meeting (must meet requirements); (4) Emergency or extraordinary circumstances. Malone explained that the public notices should not be noticed less than 24 hours, and shall include the agenda, date, time, and place. He said the agendas must provide reasonable specificity, list each topic, and no action taken unless listed and publically noticed. Malone stated that the annual meeting schedule should be noticed at least once each year. The notice should be posted at the place of meeting, the newspaper, and the Utah Public Notice Website. Malone explained that written

minutes and recordings of all open meetings are required. The minutes should include names of members present and absent, substance of the meeting, each vote taken, comments of the public who are recognized by the presiding member, and a complete unedited record which is properly labeled. (This presentation is attached to the minutes).

**4. Approx. 6:40 p.m.-Questions and Adjourn**

**A. Questions by Special Uses and Appeals Board Members**

Board Member Curtis asked who was on the board. Susan stated Jon Rackham, Mark Stratford who is the Chairman, and Bruce Howard. She said they are required to meet this time of year to approve the special business licenses. She stated that they were thinking about moving it to March so that there would be more business licenses. Susan asked how the board felt about changing it to March instead of February. Board Member Curtis asked if it would be more beneficial for the administration to have it in March. Susan stated that the applicants are supposed to have their business license renewed by January 31<sup>st</sup>. She said that usually doesn't happen. She said the second Tuesday in March would be better. Board Member Curtis asked if they meet any other time of the year. Susan stated not unless someone turns in an application for a variance or a conditional use permit. Malone said if they are denied by the Planning Commission and City Council it would be appealed to this board and then after that they could appeal it to an Administrative Law Judge. He said they would be the appeals board after the City Council.

**B. Motion to Adjourn**

**MOTION:** Board Member Felix moved to adjourn. Board Member Barnard seconded the motion. Roll call vote.

Board Member Barnard yes  
Board Member Curtis yes

Board Member Felix yes

**Motion Approved:** 3 yes 0 no