

**Perry City Special Uses and Appeals Board Meeting
6:00 PM Tuesday April 12, 2016
Perry City Offices, 3005 South 1200 West, Perry Utah**

Board Members Present: Board Member Kim Barnard, Board Member Jon Rackham, Board Member David Curtis, and Board Member Earl Pannebaker.

Board Members Excused: Chairman Mark Stratford

Others Present: Susan K. Obray, Minutes Clerk, Robin Matthews, Business License Clerk

Chairman Stratford was excused from this meeting. Board Member Rackham was asked to chair the meeting.

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

Board Member Rackham called the meeting to order.

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

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

B. Declare Conflicts of Interest, if Any

Board Member Rackham 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 February 10, 2015 Meeting

MOTION: Board Member Curtis moved to approve the February 10, 2015 minutes. Board Member Barnard seconded the motion. Roll call vote.

Board Member Barnard yes

Board Member Pannebaker yes

Board Member Curtis yes

Board Member Rackham yes

Motion Approved: 4 yes 0 no

E. No Public Hearing(s)

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

Susan Obray stated that Robin Matthews is in attendance and is the Business License Specialist. Board Member Pannebaker asked if all the businesses on the spreadsheet had paid their fees. Robin stated that no all have paid their fees yet. Board Member Pannebaker asked if all the businesses on the sheet were in compliance with the city ordinances. Robin stated that they are going through the businesses and there are 50 businesses that have visiting clientele. She said that every year there will be 10 businesses that will be sent a letter to have the fire department do an inspection on their business. Robin stated that she has told several people about the inspection and told them that they don't have to pay for them. Susan stated that the new businesses with visiting clientele will be required to have a fire inspection at the time of approval. Robin Matthews reported that the businesses with visiting clientele will need a fire inspection every three years. Board Member Curtis asked if Michael Crape was living with his parents and did he reapply at that address? Susan stated that he is still there, but maybe next year he won't be there. Board Member Curtis stated that there are business owners but not

business names on some lines. Robin stated that some of the business owners were for the Fourth of July and only had a onetime license. Robin said the hamburger stand is being done by Chad & Sherry Ricks now. Robin stated that the “V” next to the business name represents visiting clientele. She said that Dominos, Seagull Book, or Maddox don’t need to have one because they are commercial. Susan stated that last Thursday at the Planning Commission meeting there were two businesses that were on the agenda for businesses with visiting clientele. She said for example, there was an application for a person wanting to do cooking classes in her home. The Planning Commission can put certain conditions on that business regarding parking, hours, how many clients, signs etc. Susan explained that if the Planning Commission puts conditions on a business and that business does not up hold to the conditions that were set, or someone complains the business owner will get a letter and brought before the Planning Commission again to go over the conditions.

MOTION: Board Member Pannebaker moved to approve the 2016 Special Business License Renewals. Board Member Barnard seconded the motion. All in favor.

3. Approx. 6:20 p.m. –Training

A. Training Regarding Open Meetings Act

Susan explained that David Church is an Attorney for the Utah League of Cities and Towns and is very knowledgeable with regards to the Open Meeting Law. The board was given training using a YouTube video with David Church regarding the Open Meetings Act. The board also was given some information by David Church in regards to Open Meetings Act in their packets that they can refer to at a later date if they choose.

4. Approx. 6:45 p.m.-Questions and Adjourn

A. Questions by Special Uses and Appeals Board Members

Earl Pannebaker asked if people who come to Planning Commission and they don’t get a favorable outcome are they told about their appeal rights? Susan stated that they are told that Perry City has an appeals board and that they have the right to appeal to that board. Board Member Pannebaker stated that as he was reading the ordinance it says that their review process is on the record and what does refer to a de novo mean? He said that he looked it up and it means on the record means if someone should submit an appeal we can only look at the information that was originally submitted, we can’t look at anything new on either side. Board Member Pannebaker said if there is something that they didn’t originally submit we can’t look at it. He felt that they ought to ask the City Council to consider changing that to the de novo which means they can look at it as a new application. He said in the training appeals handbook it states that the default is the de novo if the city doesn’t have an ordinance that specifies. Board Member Pannebaker felt this would be a better option.

B. Motion to Adjourn

MOTION: Board Member Barnard moved to adjourn. Board Member Pannebaker seconded the motion. All in favor.