

**Perry City Planning Commission  
3005 South 1200 West  
7:00 PM February 12, 2015**

**Members Present:** Chairman Doug Longfellow, Vice Chairman Vicki Call, Commissioner Blake Ostler, Commissioner Mark Lund, Commissioner Tom Peterson

**Members Excused:** Commissioner Travis Coburn

**Others Present:** Codey Illum, Perry City Planner; Malone Molgard, Perry City Attorney; Susan K. Obray, Minutes Clerk; Kenyon & James Bott, Celeste Atkinson, Mike & Sheila Harper, Lani Braithwaite, Greg Hansen, Lawrence Gunderson, Randy Matthews, Brad Wilkinson

**1. 7:00 p.m.- Call to Order and Opening Ceremonies**

**A. Invocation-**Travis Coburn

Invocation was given by Commissioner Ostler

**B. Pledge of Allegiance to the U.S. Flag-**Doug Longfellow

The Pledge of Allegiance was led by Chairman Longfellow

**C. Declare Conflicts of Interest, If any**

Request to declare conflicts of interest by Chairman Longfellow. There were none.

**D. Review and Adopt the Agenda**

**MOTION:** Commissioner Peterson moved to adopt the agenda. Vice Chairman Call seconded the motion. All in favor.

**E. Approval of the January 6, 2015 Minutes**

**MOTION:** Vice Chairman Call moved to approve the January 6, 2015 minutes with corrections. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Ostler yes  
Chairman Longfellow yes  
Commissioner Peterson yes

Vice Chairman Call yes  
Commissioner Lund yes

**Motion Approved:** 5 yes 0 no

**F. Make Assignment for Representative to Attend City Council Meeting**

Commissioner Ostler agreed to attend the February 19<sup>th</sup> City Council Meeting.

**G. City Council Report given by Council Member Lewis**

Council Member Lewis was not in attendance.

**MOTION:** Commissioner Peterson moved to close the regular meeting and open the public hearings. Vice Chairman Call seconded the motion. Roll call vote.

Commissioner Ostler yes  
Chairman Longfellow yes  
Commissioner Peterson yes

Vice Chairman Call yes  
Commissioner Lund yes

**Motion Approved:** 5 yes 0 no

**2. Approx. 7:15 p.m. Public Comments and Public Hearings(If Listed Below)**

**Rules: (1) Please speak only once (maximum of 3 minutes) per agenda item. (2) Please speak in a courteous and professional manner. (3) Do not speak to specific member(s) of the**

**Planning Commission, staff, or public (please speak to the Chair or to the Commission as a group). (4) Please present possible solutions for all problems identified. (5) Action may not be taken during this meeting if the item is not specifically on the agenda. (6) A brief explanation will be provided before each public hearing.**

**A. Public Hearing Regarding 3A**

Celeste Atkinson told the Planning Commission that she would like to put a home based hair salon in her home. She said it would be mostly for family and friends. Mrs. Atkinson stated that there would be no signs out front for advertisement. Chairman Longfellow asked how many clients she would have a day. Celeste responded that she would have between 3 and 4 clients 4 days a week. She said she would schedule her clients around her kid's school schedule. Vice Chairman Call asked about the parking. Celeste commented that they are on a flag lot; she doesn't see that as a big issue. She said the door that the clients would come in faces the west side. The adjacent property owner is Jim Keller (vacant lot) and didn't see a problem with the parking. Commissioner Ostler asked if the fee schedule was different than what was on the form. He said he noticed that she paid \$100 for the fee and on the business license form a home business is \$30.00. Susan Obray explained that this is her first application for a business license with visiting clientele. The \$70.00 is for the staff to send out notices to everyone within 300 feet of her residence. Malone stated when she renews her business license next year it will be a fee of \$30.00. Commissioner Ostler stated that the notice that was sent to the paper said the business name is "A Look 4 U 2 Envy" and the application has "A Look 2 Envy". He asked if there were any documentation issues. Susan stated that there was not, it was the same use. There was no public comment.

**B. Public Hearing Regarding 3B**

Greg Hansen with Hansen & Associates, representing the Developer Randy Matthews presented a 2 lot subdivision in Sunridge 5 Subdivision. He said they are asking for final approval. Greg stated that there are probably some people here because they were sent a site plan that showed a 3 lot subdivision, but it has been changed to a 2 lot subdivision. Greg stated that all of the engineer review comments have been addressed.

**Kenyon Bott:** His only concern was the curve of the road creating a blind spot for the children on the road. He said he was wondering about the possibility of a speed bump or something to help slow people down.

**Mike Harper:** He asked if there was going to be any east, west access. He said he lives just south of lot 1.

**Kenyon Bott:** He said the reason he is questioning this is because there has always been an access to the highway just north of his (Mr. Bott's) property.

**C. Public Hearing Regarding 4A**

Codey Illum stated that the Municipal Code is new codification software that the City has purchased to enable us to create and publish our ordinances and have them in the system in a matter of days. Codey asked the Planning Commission to go on line and look at it and decide which parts of the land use codes they would like to discuss. Codey said he would like to address in future meetings flag lots, sidewalks, R2 Zone, site triangle, etc. Commissioner Peterson stated that we need to look at all of ordinances and see what we can do to improve them. Mr. Illum stated at this meeting we are having a public hearing and getting comments from the public and recommending to the City Council to adopt the Ordinance for the 2015 Municipal Code. Susan introduced Kimball Clark with Municipal Code Online. Kimball stated that they were provided a jump drive with various files that were incomplete. He said they relied on Malone to help them and give his expert opinion on which were the correct

files. Kimball stated they took that into account and codified those thing they felt that they should. He explained that at the public hearing we present the best we possibly can as a team and he understands it is not completely beautiful. He said at this point forward they can custom it and fix it. He commented that they were given everything possible to codify. Malone stated the last time it was codified was 2011. He said we don't know what was actually put in and passed. Malone explained we start brand new and when the City Council passes an ordinance, Susan and Shanna will add it to the code online. He said we will have un-updated copy at all times.

There were no public comments.

**MOTION:** Commissioner Peterson moved to close the public hearings and return to the regular meeting. Commissioner Lund seconded the motion. Roll call vote.

Commissioner Ostler	yes	Vice Chairman Call	yes
Chairman Longfellow	yes	Commissioner Lund	yes
Commissioner Peterson	yes		

**Motion Approved:** 5 yes 0 no

#### **D. Public Comments**

There were no public comments.

### **3. Land Use Applications (Administrative Action)**

**Rules: (1) Documentation must be submitted to planning staff 2 weeks in advance and there is a 2 week waiting period to be on the next City Council Agenda. (2) The applicant or a representative must be present for action to be taken.**

#### **A. Conditional Use Application with Visiting Clientele for Celeste Atkinson, A Look 2Envy, 1445 W 2950 S**

Commissioner Peterson stated that she needs to meet certain guidelines from the state.

**MOTION:** Commissioner Peterson moved to approve the business license for Celeste Atkinson. Commissioner Lund seconded the motion. Roll call vote.

Commissioner Ostler	yes	Vice Chairman Call	yes
Chairman Longfellow	yes	Commissioner Lund	yes
Commissioner Peterson	yes		

**Motion Approved:** 5 yes 0 no

#### **B. Final Approval for Sunridge 5 Subdivision, Applicant: Randy Matthews, Located: at 250 West (Sunridge Drive).**

Commissioner Peterson asked if there was curb and gutter on both north and south. Greg Hansen with Hansen & Associates stated that there is curb and gutter on the north and a rural road on the south that is 20 feet wide and a 39 foot hard surface on the north. Greg explained that their proposal there needs to be some kind of transition from the existing curb and gutter on Sunridge as it heads south to transition it out. Commissioner Peterson felt that it needed to have curb and gutter. Greg stated one of the issues that we have is we have 39 feet of hard surface and below we have 20 feet of asphalt. He said what they are

proposing to do is bring the curb and gutter out halfway through the subdivision and taper into the same width of the road that is here on Sunridge. He said they would taper it in and taper it down so they wouldn't have an issue with the snowplows. Greg stated that he knows that Perry City's ordinance requires that any new lots need to have curb and gutter. He said if we run curb and gutter the full length, we will end up with curb and gutter that will end up in the residents landscape below. Commissioner Peterson said the problem is it's a 20 foot pavement but what is the right of way. Greg stated that it is a 50 foot right of way. Commissioner Peterson stated that there should have always been curb and gutter there, but we didn't and we learned a lesson there. He said there are storm drain problems there. Commissioner Peterson stated he does not have a problem with bringing curb and gutter all the way through because eventually that should all be curbed and guttered all the way down. Greg stated they propose to bring the curb and gutter half way through and blend it into the 20 foot width and then taper it down so we don't have an issue with the snowplows and do a deferral on the balance.

Commissioner Peterson stated basically people have done landscaping on the right-of-way. Greg explained to bring the curb and gutter down there would be a train wreck right now. He said later on the city could come in with a Special Improvement District and curb and gutter the remaining. Greg stated he talked with the City Engineer and he agrees that the deferral is the only way to get out of what the city ordinance requires. Codey stated he talked to Brett before the meeting and he is in agreement with Greg. He said Brett knows the transition is going to be hard and is aware of the ordinance and the only way to do is to do a deferral. Commissioner Peterson stated that someone ought to make those property owners who have landscaped on the City right-of-way aware that they shouldn't be doing that. Greg stated that because it is a rural road, they were encouraged to landscape down right to the edge of paving so you didn't have a weed patch. Codey stated that is why we have ordinances in place now to stop this from happening. He said the problem is we have two old subdivisions that have been here for a long time and we are trying to find the best means to meet in the middle. Commissioner Peterson stated he likes the fact that we can connect the roads.

Greg stated they have an engineers estimate and it has been sent to the City Engineer for review. Codey said money will be put in an escrow account when that road goes through. They will be able to utilize the funds to put in the improvements. Greg stated that there is an existing 10 foot easement that follows the storm drain down through there, the farm access lane will no longer exist, but the city will continue to have access if needed. Codey stated that we have the engineer comments and Greg has talked with Brett. We will have to meet on site with Paul and make sure this transition goes smoothly. He said there will be some swells that will have to be recorded with the property owners in this subdivision. Chairman Longfellow asked if there was sidewalk. Greg stated that there is sidewalk on the west side of Sunridge Subdivision.

Greg stated that we need to keep the sidewalk back far enough behind the swells so it doesn't interfere with the drainage. Chairman Longfellow asked if the city was in agreement with the 20 mph sign along the curve of the road. Codey stated that they are, and the city could also put "children at play" signs. Chairman Longfellow stated our ordinance requires curb, gutter and sidewalk. He asked do we put the burden on them to put the sidewalk in. Malone stated that there is a deferral putting in the improvements. Greg Hansen stated that the sidewalk needs to be run all the way or not at all. Codey stated that the city wants to treat everyone the same. He said if the Planning Commission feels they need sidewalk, they will have to put sidewalk in. Chairman Longfellow felt that they

should have to put a sidewalk in. Commissioner Peterson and Vice Chairman Call were in agreement. Greg stated that all the other Engineering comments have been addressed.

**MOTION:** Commissioner Peterson moved to give final approval and recommend to the City Council Sunridge 5 Subdivision with the stipulation that they defer the curb and gutter on the southern part of the property but include sidewalk on the west side the full length of the property. Vice Chairman Call seconded the motion.

Commissioner Ostler yes  
Chairman Longfellow yes  
Commissioner Peterson yes

Vice Chairman Call yes  
Commissioner Lund yes

**Motion Approved:** 5 yes 0 no

4. **Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.**  
**(Planning and Quasi-Legislative Action)-Recommendation to the City Council**

A. **Discussion/Recommendations** to City Council Regarding the Adoption of the 2015 Perry City Municipal Code.

Commissioner Peterson stated that he went on line to the municipal code and found it not easy to use, it was difficult. He said there are too many pages and you have to sit and scroll and scroll to find what you need. Codey stated that there are 400 pages versus the 1000 pages in the old code. Kimball Clark with Municipal Code Online demonstrated the features on the new code software. Mr. Clark stated that it is now the Planning Commissions job to take the code, look through it, read over it, and find discrepancies and make recommendations to the City Council to pass as is. Kimball stated that they have taken so much conflicting information and merged it into this one uniform book. He said they know it is not 100% perfect because they were not given the 100% of the files. He explained this had to do with turnovers in staff etc. Kimball explained that there are other books other than the Municipal Ordinances that can be used as you get familiar with the Ordinance book. Commissioner Ostler asked how the disparate ordinances occurred and how does this help. Malone stated that there is a process in place that Susan and Shanna have been trained on. Malone said that in the past it was a tedious process that the previous City Attorney had to do to get it into the book. He explained as much time as it took to do that it didn't get done very often and so there were big piles. Malone said we don't know what was codified and what was not. He stated once the ordinance is signed it will be put online at that point.

Kimball explained that Malone will structure the ordinance to where it is clear and where Susan needs to place it. Malone stated that he will write the ordinances that way and Susan should know exactly where it should go. Kimball commented that this is not only happening in Perry it is happening everywhere. Malone stated that the old ordinance was a 1000 page document and when an ordinance got changed it was not an easy task to modify.

Malone stated that we did not pay Municipal Code Online near enough to take it from 99 titles to 16 titles so it was easy for us. He said it will be a great tool for the city.

Commissioner Ostler asked regarding the ordinances if it refers to another ordinance are they hyperlinked. Kimball said that it can be done if you want it. He explained the code functions can be changed the way you want it. Susan does not change the content of the ordinance. He said Susan is on the publishing end of it and not the legal end of it. Kimball stated that Malone, The Planning Commission, and the City Council are on the legal end, and she just simply publishes what you do. He said we have made that transition very, very simple. Commissioner Ostler said it seems like a paperless idea. He asked as the Planning

Commission is reading and studying the ordinances, do you find they end up printing it out to mark up with their pens with comments and questions they have. He asked if there was a highlight function. Is there a way to save thoughts that you have onto the side. Kimball stated they don't have those functions. He recommended printing it out.

**MOTION:** Vice Chairman Call moved to recommend to the City Council that they adopt the 2015 Municipal Code. Commissioner Lund seconded the motion. Roll call vote.

Commissioner Ostler yes  
Chairman Longfellow yes  
Commissioner Peterson yes

Vice Chairman Call yes  
Commissioner Lund yes

**Motion Approved:** 5 yes 0 no

**Training, Review Next Agenda and Adjourn**

**A. Training on Open Meetings Law**

Malone presented a power point presentation on Open Meetings Law (presentation attached).

**B. Review Agenda Items for Thursday, March 12, 2015**

(1) Conditional Use for large animals

**C. Motion to Adjourn**

**MOTION:** Vice Chairman Call moved to adjourn. Commissioner Peterson seconded the motion. All in favor.