

**PERRY CITY PLANNING COMMISSION MEETING
THURSDAY, OCTOBER 1, 2009 7:00 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

PLANNING COMMISSIONERS PRESENT: Steve Pettingill (Chair), Karen Cronin (Vice chair), Harlan Brewer, David Curtis

OTHERS PRESENT: Rachel Tribe (City Planner), Lorin Gardner (City Engineer), Angela Erwin (Minutes Clerk), Tom Peterson (City Council), Lani Braithwaite, Clair Williams, Deanna Brewer

I. CALL TO ORDER AND OPENING CEREMONIES:

Comm. Pettingill called the meeting to order at approximately 7:04 p.m.

A. PLEDGE ALLEGIANCE TO THE U.S. FLAG
Conducted by Comm. Pettingill.

B. DECLARE CONFLICTS OF INTEREST, IF ANY
Questions initiated by Comm. Pettingill. None existed.

C. REVIEW AND ADOPTION OF THE AGENDA

Motion: Comm. Cronin moved to adopt the agenda for October 1, 2009, as amended to read the date change of "September 17, 2009" for approval of the minutes. The motion was seconded by Comm. Brewer. No discussion. All in favor.

D. APPROVE MINUTES FOR SEPTEMBER 17, 2009

Comm. Brewer corrected the spelling of "amortization" on page three.

Motion: Comm. Cronin moved to accept the minutes for September 17, 2009, as amended. The motion was seconded by Comm. Brewer. No discussion. All in favor.

II. PUBLIC HEARINGS AND PUBLIC COMMENTS

A. PUBLIC COMMENTS

Comm. Pettingill asked for public comments.

Deanna Brewer, Perry resident, has read the revised nuisance ordinance. She thinks the "garbage" and "weeds" sections are great. She agrees with the content of the motor vehicle, but does not think the first two items are enforceable. She asked how city officials would know if a person inspected quarterly on number one. She added that just about everything is an attractable nuisance.

III. DESIGN REVIEW/SITE PLANS AND LIMITED REVIEW PERMITS
(ADMINISTRATIVE APPLICATIONS)

None

IV. SUBDIVISIONS AND STREETS (ADMINISTRATIVE APPLICATIONS)

A. DISCUSSION REGARDING MONUMENT MARKERS FOR NEW
SUBDIVISION (MAPLE HILLS)

The committee met on this issue. Comm. Cronin summarized their discussion. No monument would be city owned or maintained (or deeded to the city). There should be a permit requiring process to put in a monument. This permit would identify a location. For example, the monument would have to be on private property and could not be transferred to the city. The monument would preferably be maintained through a homeowners association. If the homeowners association is dissolved, the monument would be the responsibility of the closest bordering property owner. Comm. Hinckley was assigned to look at monument size. When maintenance is needed, the repair would have to be made within one week to six months, depending on the severity of the damage. This would be determined by the city enforcer. Anything that would create an attractable nuisance, such as a water feature, would not be allowed. The lighting on a monument should be limited or preferably unseen. Comm. Cronin is going to have Taylor North, Perry's extern, create an ordinance draft to include the committee's recommendations.

Comm. Pettingill mentioned that he would like a "monument free" city. His opinion is based previous planning commission experience where the LDS church determined that if they allowed monuments at church locations, every church would have a monument. Also, the direction of Perry could be lost because monuments do not come from municipal input and they clutter the city.

V. SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS, AND MISC.
(QUASI-JUDICIAL APPLICATIONS)

None

VI. LAND USE ORDINANCES, ZONING, DESIGN GUIDELINES, GENERAL PLAN
(LEGISLATIVE ACTION)

A. DISCUSSION REGARDING LAND USE CHART TITLE 45 (NC2 AND NC3
ZONES NEIGHBORHOOD COMMERCIAL)

It was decided to wait for a larger group of planning commissioners to further discuss this item.

B. DISCUSSION REGARDING RURAL RESIDENTIAL AREAS

No discussion.

C. FINAL ORDINANCE NO. 09 X WEEDS, GARBAGE, UNREGISTERED
MOTOR VEHICLES (MUNICIPAL CODE CHAPTER 54.04)

Comm. Cronin said Taylor North wrote something up regarding weed nuisances. The planning commissioners felt this was unenforceable and decided the uniform fire code may better address weed concerns.

*Comm. Curtis arrived at approximately 7:18 p.m.

Comm. Cronin contacted the Jim Buchanan, Fire Marshall. He said the wording in the weed ordinance may be more detrimental to the city than helpful. An area of weeds may be considered a fire hazard, but weeds spread out may not equal twenty percent. He would cite the uniform fire code, which is strict and gives the inspector discretion.

Since the current ordinance did not reflect the comments from the commissioners and input from Mr. Buchanan, it was decided to not take action on this item.

Comm. Cronin said there needs to be a transitional sentence going from garbage containers to motor vehicles in section 54.04.012. Comm. Brewer is still concerned that the allowance of twenty-four hours for a garbage can to be out is a lot of time. He is concerned about the safety of a twenty-four hour window during the wintertime. Comm. Cronin again pointed out the confusion of this section as it pertains to garbage cans and motor vehicles. Comm. Curtis suggested adding the wording "garbage cans will be subjected to the same restrictions."

Comm. Cronin would like to see "each one" changed to "each vehicle" throughout the document. She also wanted to know where "thirty feet from the street" came from. Ms. Tribe said thirty feet refers to setbacks.

Comm. Pettingill does not think "inspecting quarterly" is enforceable. Comm. Curtis suggested adding the wording, "there shall be no fluid leakage on the ground."

Comm. Cronin felt the homeowner should have some responsibility for attractable nuisances not placed behind a fenced area.

Comm. Curtis mentioned that a resident would have to keep moving an unregistered car he has placed "for sale" or he would violate the twenty four hour restriction. Also, he suggested cars be required to be "equal or behind the frontage of the house," if the house is further back than the setback.

Comm. Pettingill thought there should be a penalty and fine along with “there shall be no fluid leakage on the ground” in number two. He added that the liability of the city (for having such an ordinance) needs to be considered.

Comm. Cronin would like section 54.04.100 to read “the zoning inspector can prepare an itemized statement of all expenses incurred [for which the landowner would be responsible to pay].” Also, she questioned if any other type of vehicle, such as trailers and motor homes, could be out on the street as long as possible. Tom Peterson said the city council discussed limiting trailers and motor homes only in the winter time. Comm. Cronin wondered why garbage cans were allowed for only twenty-four hours, but not trailers and motor homes. Mr. Peterson said probably because garbage can are easily moved and do not take up much area.

Comm. Pettingill requested that further discussion of the nuisance ordinance be on the next agenda. Rachel Tribe will submit the changes to Duncan Murray (City Attorney) and Taylor North.

VII. TRAINING AND HANDOUTS

A. UPDATE ON ISSUES ASSIGNED TO STAFF

Lorin Gardner updated the commissioners on the street lights. He handed out an inventory list of several different items, including the rate code, lamp type, high pressure, mercury vapor, and metal halide. He has reviewed the Rocky Mountain Power inventory and obtained some of Perry’s recent power bills and evaluated the costs being charged to Perry. He looked at some lighting types versus the monthly costs and cost options for the different types of materials. Of the 108 street lights, 69% are owned by Rocky Mountain Power and 74% of those are fully maintained by Rocky Mountain Power. Mr. Gardner determined that if Perry owned a street light and Rocky Mountain Power maintained that street light, costs could be cut in half. If Perry maintained and owned a street light, there would be a further cost reduction. The fiberglass poles, previously considered (from Hooper), were recommended by Mr. Gardner. He also recommended the metal halide option, which provides white light and is longer lasting. Mr. Garder said there was no recommendation on the color of the poles. The commissioners decided on matte black.

Comm. Cronin asked if Perry would buy the current street lights owned by Rocky Mountain Power. Mr. Garder did not know. Mr. Gardner also recommended standard fixtures and poles. Most of the current lighting is in conjunction with a power or “wood” light pole. Mr. Gardner suggested a consistency among street lights to be achieved when a street light needs to be repaired or replaced. Or, there may be a program set to periodically change street lights.

Comm. Pettingill asked if the cost listed was the total cost. Mr. Gardner said the cost included materials only. He said the cost of materials for direct burial fiberglass is around \$400.00. The base mounted aluminum poles are \$675.00.

The approximate \$800.00 cost is for the fixture only. The fourteen foot fiberglass pole is around \$430.00, depending on the total length of the pole. The fixture is an open structure and needs very little tools for maintenance and replacement.

Motion: Comm. Cronin moved to recommended to city council the fourteen foot fiberglass pole, with a metal halide 100 watt light, in matte black, and for lights to be considered being purchased by the city. The motion was seconded by Comm. Curtis. Discussion: Comm. Pettingill suggested for areas of the city that do not fall into the jurisdiction of a subdivision, the city could ask residents to donate to purchase a light, to be used as a tax deduction. Mr. Gardner has an updated street light map that identifies any place that does not have a street light, but should. Comm. Pettingill asked that the city council look at this option.

Roll call vote: Comm. Cronin–aye, Comm. Brewer–aye, Comm. Curtis–aye, Comm. Pettingill–aye. All in favor (**4 to 0**).

Motion: Comm. Cronin moved to recommend to the city council that any neighborhoods or subdivisions that would like to donate for a light, where the light is needed or recommended by the city engineer, that the city allow them to do so with a tax write-off or some kind of incentive for residents to do so. The motion was seconded by Comm. Pettingill. Discussion: Comm. Brewer wanted to make sure that this recommendation would be allowable as a tax deduction. Comm. Curtis asked if there would be a priority system and if the city would be proactive in this recommendation. Comm. Cronin responded that if residents would like to be proactive, this will create a way for them to get lighting.

Roll call vote: Comm. Cronin–aye, Comm. Brewer–aye, Comm. Curtis–aye, Comm. Pettingill–aye. All in favor (**4 to 0**).

Ms. Tribe spoke with Codey Illum regarding combining the setbacks into one place. Mr. Illum said that all building code setbacks were on the list and he recommended keeping the setbacks the way they are. He does not think all the setbacks should be condensed into one form.

Also, in reference to the Vintage Farms turn abouts, the plat shows a temporary hammer head, which has been completed. Everything done goes along with the plat held by the city.

The ground breaking for the new soccer park is scheduled for October 8, 2009. Volunteers can come and help. Mr. Peterson said there was a donation from Walmart and some soccer organizations have made financial commitments. Ms. Tribe said there has been a lot of interest showed by people wanting to help with donations and labor.

- B. CITY COUNCIL REPORT - TOM PETERSON
No report.
- C. TRAINING OCTOBER 15, 2009 (POSSIBLY RURAL RESIDENTIAL AREAS)
No discussion.

VIII. REVIEW NEXT AGENDA AND ADJOURN

- A. ADD AGENDA ITEMS REQUESTED BY PLANNING COMMISSIONERS
None mentioned.
- B. MOTION TO ADJOURN
Motion: Comm. Cronin moved to close the meeting. The motion was seconded by Comm. Brewer. No discussion. All in favor.

Meeting adjourned at approximately 8:38 p.m.