

CLEARFIELD PLANNING COMMISSION MEETING

February 3, 2010

7:00 P.M. - Regular Session

PRESIDING:	Kenneth Jeppesen	Chairman
PRESENT:	Matt Hartvigsen	Commissioner
	Bill Moore	Commissioner
	Darren Carpenter	Commissioner
	Nike Peterson	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Commissioner
	Jeff Hogg	Alternate Commissioner
NON-VOTING	Randy Butcher	Alternate Commissioner
EXCUSED:	Doyle Sprague	Council Liaison
STAFF PRESENT:	Kent Bush	Planning/Zoning Administrator
	Gregg Benson	Planner
	Christine Horrocks	Building Permits Specialist
STAFF EXCUSED:	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
VISITORS:	Terry Emmons, Lee Perry, Tom Hart	

Pledge of Allegiance was led by Commissioner Jeppesen.

APPROVAL OF MINUTES FROM OCTOBER 21, 2009, NOVEMBER 4, 2009, NOVEMBER 18, 2009, DECEMBER 2, 2009 AND JANUARY 6, 2010 PLANNING COMMISSION MEETINGS

Commissioner Hartvigsen noted in the October 21, 2009 minutes at the top of page 3, the first sentence needed to read, “Adam Lenhard *said* the reason...” In the November 4, 2009 minutes the Commissioners requested the definition of “Family” be included in the minutes where the definition is first mentioned to clarify the differences of A, B and C. Commissioner Hartvigsen said in the second line of the motion at the bottom of page 3, for the December 2, 2009 minutes, there was a typo and it should say, “...are different *than* what was...” In the January 6, 2010 minutes on page 4, fifth paragraph, Commissioner Hartvigsen asked to have the sentence say, “...there is still snow *on the sidewalk* on the south side *of the dealership*.” Commissioner Stones said on page 5, third paragraph should read, “... wanted to *use* 85 Villa ...” **Commissioner Hartvigsen moved to approve the minutes for October 21, 2009, November 4, 2009, December 2, 2009 and January 6, 2010, as amended, and November 18, 2009 as written, seconded by Commissioner Peterson. All Voting AYE.**

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A COUNSELING AND THERAPY OFFICE AT 189 SOUTH STATE, #180

Chairman Jeppesen declared the public hearing open at 7:10 P.M.

Chairman Jeppesen asked the applicant to explain about the proposed business. Lee Perry said until after he establishes his business he will be the only one working in this office. He will have professionals working with him that won't be in the office. He has a psychologist and a psychiatrist that are willing to refer back and forth for testing. Mr. Perry will have clients that are dealing with addictions and domestic violence. He plans to work with a client base from the legal system, court ordered probation and parole. There are several groups of people who are interested in contracting with him, such as, unions, LDS Family Services, and Division of Child and Family Services (DCFS). The clients are typically referred because of some type of legal problems or to avoid legal problems. Mr. Perry said he has been doing this type of work since 2003. Chairman Jeppesen asked if there would be anyone who would stay overnight. Mr. Perry responded, "Absolutely not." Chairman Jeppesen asked if the clients would be transported to his facility. He said the only exception will be adolescents who will be required to have a legal guardian or representative with them. Appointments for adolescents will have a separation of days or hours from adults. He has been working with professional peers to make sure all security and Health Insurance Portability and Accountability Act (HIPAA) requirements are met for him and future employees. Chairman Jeppesen asked what the maximum number of people would be in the facility at one time. Mr. Perry said based on the size of the building, he would have enough room to do two groups at a time. There would generally be no more than 30 people in the office suite at one time. Mr. Perry stated his hours of operation will be 9 a.m. to 10 p.m.

Commissioner Moore inquired if the court orders the clients to be there. Mr. Perry said typically, yes but sometimes a legal defender will tell a client it will look good if they receive drug counseling prior to going to court. It is generally through the legal system he gets most of his clients. Commissioner Carpenter asked if the clients are still in detention when he visits with them. Mr. Perry said the only way they would be on detention is if they are on an ankle monitor. Commissioner Butcher asked if some clients would also be on parole. Mr. Perry said he had clients in the past that were on parole. Many clients are on parole or probation and have been referred to counseling as part of their conditions. Commissioner Hogg asked what facilities would be referring to him. Mr. Perry said he didn't have any contracts at the moment. He has been talking to several groups but until he has a place of business they won't contract with him.

Commissioner Stones asked if he issues prescriptions. Mr. Perry said he does not give prescriptions or other psychological testing; if it is required; he will call a qualified Mental Health Professional. Commissioner Butcher asked if he would do urinalysis (UA) testing. Mr. Perry said he doesn't do drug testing at this time but would like to do it as soon as possible. Commissioner Hartvigsen asked what other tests he performed. Mr. Perry said he does clinical assessments for mental health, domestic violence, criminal behavior, parenting, substance abuse, grief and loss. Chairman Jeppesen noted that those are just interviewing types of assessments.

Mr. Perry stated he is a Licensed Clinical Social Worker. He does assessments, individual and group therapy; he does not do any psychological testing outside of his educational level. Commissioner Peterson asked what type of licensed employees he will have. He said they would be a licensed Mental Health Professional in the State of Utah. The receptionist will need to undergo safety training, training on HIPAA regulations, how to keep themselves safe, and how to interact with client problem solving. The office will be set up so the receptionist will not have direct contact with the client; there will be a reception window.

Commissioner Peterson asked what the risk was to the neighboring businesses. Mr. Perry said it has been his experience that those in therapy will only be there when they have to be. Commissioner Carpenter said the restroom situation had caused concerns from other tenants in the building when Intermountain Specialized Abuse Treatment Center (ISAT) received a conditional use permit for a similar type business in the same building. Tom Hart, Kier Corporation, said Mr. Perry will have a restroom facility for his business. They were waiting for approval of the conditional use permit before starting the work. The Commissioners expressed concern about the safety of the neighborhood, clients and employees. Mr. Perry said the group counseling area and the offices will be behind a locked door and they plan to have surveillance cameras installed inside and outside the building. They will try to assure that all clients are safe. He said there is a chance for an angry spouse, but that is a possibility anywhere. Mr. Perry said he had never had a client get so angry they were out of control. He said if he felt the risk too high he will contact the referring agency. He believed most of the clients would be completing those things necessary to be in compliance with the court. Commissioner Peterson asked if a client is not a good fit, will he refer him to another facility. Mr. Perry said he will not keep someone in his program if it isn't working and isn't a good fit. There are enough similar programs that a fit can be found for each client. Commissioner Stones asked if he could detain someone if he felt they were a threat. Mr. Perry said if someone is suicidal he can talk to them and then, if necessary, the police are called.

PUBLIC COMMENT

FOR:

Tom Hart from Kier Corporation said they would like to rent to this prospective business owner. They own other properties in Clearfield and have found that many of the problem tenants have drugs or alcohol present. This type of business hasn't been a problem in the past.

Commissioner Butcher said he knew for a fact that after or before the meetings there are drug exchanges. Mr. Perry said he didn't disagree because there are those that will try to sell illegal drugs. He said he didn't know what he could do other than put up a surveillance camera to assist in monitoring. He said he also monitors those coming in and if he feels they are "high" he would want to be able to do on the spot drug testing. Commissioner Butcher was concerned about the comment Mr. Hart made about no drugs or alcohol and believed this is not necessarily the case. Commissioner Carpenter emphasized if it happened outside of the office it would not be Mr.

Perry's responsibility. Commissioner Carpenter said he feels a camera outside is a good idea and he could monitor outside his office. It helps keep his clients and the public safe.

Mr. Perry said he would like to be able to test them on the spot. If the client comes in and he suspects they are under the influence he would like to be able to test them. Commissioner Carpenter voiced concern that it will be mixing a medical and counseling facility. Mr. Perry stated a urinalysis is the only test that would be done on site and the results are readily available. He said if the client feels the results are wrong, then the same sample will be sent to a facility with more sophisticated equipment. He doesn't plan to do anything beyond a stick test. Commissioner Moore asked if the scheduling would cause an overlap with clients in a waiting room causing problems. Mr. Perry said when he is busy he will have a 5:30 p.m. group and a 7:00 group. In his experience most clients don't want to be there and will spend as little time as possible at the facility.

Commissioner Carpenter moved to close the Public Hearing at 7:46 p.m., seconded by Commissioner Hogg. All Voting AYE.

Chairman Jeppesen said the Commissioners now needed to consider the conditions to be placed on the Conditional Use Permit. Commissioner Butcher asked about the employees needing to be trained or licensed. Kent Bush, Planning and Zoning Administrator, explained that training is required for the receptionist; the therapists will be licensed. Chairman Jeppesen asked who regulates or checks on his work. Mr. Perry said once he has contracts and clients, any contract holder can come in at any time to check his records and the state can come in at any time to review and check periodically to make sure records are up to HIPAA standards. Kent Bush said that state licensing needs to be updated every two years.

Commission Peterson moved to approve this request for a Conditional Use Permit for a counseling and therapy office at 189 South State, #180, with the following conditions:

- 1) The conditional use permit be reviewed in 3 months from this date,**
- 2) Drug testing be limited to UA testing only and is not allowed until the restrooms are in place,**
- 3) Interior and exterior surveillance cameras will be installed,**
- 4) A restroom will be included in the suite,**
- 5) All employees working directly with clients be licensed Mental Health Professionals with the State of Utah,**
- 6) And that office and support staff be properly trained in house.**

Seconded by Commissioner Stones. All Voting AYE.

REVIEW OF CONDITIONAL USE PERMIT FOR A VETERINARY CLINIC AT 600 SOUTH STATE STREET #2

Chairman Jeppesen said it is his understanding the City has not received any complaints and asked Terry Emmons, owner of the veterinary clinic, if he was aware of any issues or problems. Mr. Emmons said he had an unannounced visit from a state inspector who said someone had complained about their business. The inspector was shown the facility and how their clinic operates. The inspector commented on the cleanliness of the facility. There was a concern by someone because they use part-time vets. Commissioner Hogg asked how the business was going. Mr. Emmons said it has been slow, but the full time vet arrived at the facility a week ago. They have been able to increase their surgical days from two a week to four a week. Since opening October 7, 2009, they have spayed or neutered almost 500 animals. Commissioner Peterson said her neighbor used their services and was very pleased.

Commissioner Carpenter moved to approve this request for continuation of a Conditional Use Permit for an animal clinic at 600 South State #2 with the condition that we review upon exception, seconded by Commissioner Hogg. All Voting AYE.

STAFF REPORTS

Kent Bush said the Planning Commission needs to hold an annual goal setting and policy meeting. It was decided to have the meeting after the next regular meeting. The Commissioners requested a copy of the guidelines be emailed to them. Kent Bush said he would also send them copies of the reports from last year and the minutes from last year's goal setting meeting.

Gregg Benson gave the Commissioners a copy of a disk containing Title 2 (the portion relating to the Planning Commission) and Title 11 of the City Ordinances, and city maps. The disk contains the ordinances recently passed.

Kent Bush told the Commissioners there was an open house on the SR193 extension at Clearfield High School last Wednesday. He said UDOT's plan is to bid the project in February 2011 and then be finished by September 2012. The changes may result in some changes in site plans. Mr. Bush told the Commissioners there was a book containing the plan in the Community Development office.

PLANNING COMMISSIONER'S MINUTE

Commissioner Jeppesen – told the Commissioners they are asking for trouble when a Public Hearing is left open for too long. He said as a Commission they should be asking pertinent questions and then cut off the Public Hearing.

Commissioner Hartvigsen – Nothing

Commissioner Moore – Nothing

Commissioner Carpenter – Nothing

Commissioner Peterson – Nothing

Commissioner Stones – Nothing

Commissioner Jones – Nothing

Commissioner Hogg – Nothing

Commissioner Butcher – asked to be excused February 17th and March 3rd.

There being no further business to come before the Planning Commission, **Commissioner Moore moved to adjourn at 8:08 P.M.**