

Minutes of the Price City Council Meeting
City Hall: Price, Utah
August 11, 2010 at 5:30 p.m.

Present:

Mayor Joe L. Piccolo

Councilmembers:	Nick Sampinos, City Attorney
Jeff Nielson	Nick Tatton, Community Director
Jeanne McEvoy	Pat Larsen, Finance Director
Richard Tatton	John Daniels, Human Resource Director
Rick Davis	Gary Sonntag, Public Works Director
Kathy Hanna-Smith	Laurie Tryon, City Recorder

Others Present: Kevin Scannell, Kevin Jones, Yvonne Jones, Nikole Stanley, Brad and Tami King, Russell Seeley, Mindy Hopper, Mandy Hopper, Katie Brinkerhoff, Brad Brinkerhoff, Michael Smith, Fernando Sanchez and Stanley Martineau.

Excused Absence: Police Chief-Aleck Shilaos, Police Captain-Kevin Drolc, Customer Service Director-Bret Cammans

Mayor Piccolo led the Pledge of Allegiance. Roll was called with the above Councilmembers and staff in attendance.

1. PUBLIC COMMENT- No public comment was received.
2. COUNCILMEMBERS REPORT- The Mayor and Councilmembers presented an update on the activities and functions in which they have participated.
3. PUBLIC HEARING. Public hearing to receive input regarding a requested change to the Price City Land Use Management and Development Code as it relates to the number of youth allowed in a group home.

MOTION. Councilmember Tatton moved to open the public hearing at 6:00 p.m. Motion seconded by Councilmember Hanna-Smith and carried.

Nick Tatton explained the recommendation of the Planning and Zoning Commission to deny the requested change to the Price City Land Use Management and Development Code to change the allowable number of youth in one group home from 6 to 12.

Councilmember Hanna-Smith asked whether questions and comments were received from concerned neighbors at the Planning Commission meeting. Mr. Tatton stated that the Commission heard from approximately 8-10 citizens regarding the requested group home code change and received a written statement from the Carbon County School District. He stated that citizens were concerned with fencing, security, client maximum, parking and staffing. He stated that if the code were changed to meet the needs of this one group home, it would affect all other group homes in the City. Mr. Tatton stated that the request is not a candidate for a variance and if the code is changed every group home would have the chance to add more clients to their facilities which would then change the overall goal of maintaining the residential character of the neighborhoods they are in. Councilmember McEvoy stated that the code was set up as a density control issue and if it were approved to allow 12 residents in any one group home, everything would double. She stated that the number of clients, parking, traffic, noise would all increase significantly and the value of the group home and the neighborhoods they are in could be negatively impacted.

Michael Smith, a concerned resident that lives near the youth home in question asked that the record show he is against the requested code change and he has the same concerns that other residents have including the safety of students walking home from the local elementary school.

MOTION. Councilmember Tatton moved to close the public hearing at 6:12 p.m. Motion seconded by Councilmember McEvoy and carried.

4. CODE CHANGE REQUEST. Consideration and possible approval of a Code change that would permit up to 12 youth in a group home. Current Code limit is 6.

MOTION. Councilmember Hanna-Smith moved to support the recommendations of the Planning and Zoning Commission and to deny the request to change the City Code to permit up to 12 youth in a group home. Motion seconded by Councilmember Tatton and carried.

5. SCHOLARSHIP. Presentation and consideration and possible approval of an educational scholarship for Katie Brinkerhoff to CEU.

Katie Brinkerhoff stated that she hoped to receive the educational scholarship from Price City as she is a dedicated and hard working student at USU/CEU in the Cosmetology Program. She stated that she is involved in community service projects and recently participated in the Sun Advocate's, "Flowers for Every Grave" project. The Mayor and City Council awarded Mrs. Brinkerhoff a \$200 scholarship.

6. SCHOLARSHIP. Presentation and consideration and possible approval of an educational scholarship for Brad Brinkerhoff to CEU.

Brad Brinkerhoff stated that he had been attending USU/CEU for the last year and is continuing his education to receive an Engineering Degree. He stated that he recently married Katie Brinkerhoff and was glad that he could get ahead of the degree by continuing at USU/CEU while he waits for his wife to receive her Cosmetology Degree. The Mayor and Council awarded Mr. Brinkerhoff a \$200 scholarship.

7. SEWER PIPELINE REPLACEMENT-450 East Alley, Encroachment

Russell Seeley stated that a situation has developed where an existing 15-foot wide public alley, at approximately 450 East 600 North (Parkdale Townsite Subdivision), was encroached upon some years ago wherein the resident at 461 East planted a lawn and bushes blocking the south 100 feet of the alley. An existing sewer main is located within approximately two thirds of the alley and is being replaced because it is old, deteriorating and substandard. It was necessary to remove the residents landscaping to accomplish the sewer line replacement. The resident at 461 East was notified of the pipeline work and impact to alley and landscaping. Mr. Seeley stated that the alley is a public alley in a public right of way (ROW) of Parkdale Townsite. He stated that a letter was sent to the property owner by Price City requesting information on why the landscaping was placed over the public right of way. He stated that the resident, Mrs. Yvonne Jones spoke to Price City about the letter. She stated that approximately 50 years ago, her husband had a discussion with someone at Price City, who gave them permission to install landscaping in the alley.

Mr. Seeley stated that the City explored different ways to repair the sewer pipes without disturbing the landscaping. He stated that if there were to pipe burst underneath so as not to disturb soil it would have increased the cost of the job by \$76,000 which was not very practical. Mr. Seeley stated that the City Council needs to provide guidance on what to do next: 1) either restore the landscaping or 2) leave the alley open as a public ROW for public access and pave with gravel and a concrete drive approach. Mr. Seeley stated that several residents with adjoining properties have submitted letters and photos to show how long the landscaping had been over the public ROW. Councilmember Hanna-Smith stated that she would like to keep the landscaping in the alley and restore the yard.

Councilmember Davis stated that we should work with the landowner as much as possible to come up with the best solution for both sides. He stated that all of the alleys in the City should remain the same with dirt and gravel. Councilmember McEvoy stated that there are two wires in the alley that are very low. Mr. Seeley stated that a remedy for that issue is in the works. Nichole Stanley, representing her grandmother, Yvonne Jones, stated that her grandmother would like the area re-landscaped like it has been for the past fifty years. She stated that it has never been an issue and if the alley is made into a public alley it may attract more traffic. She stated that she is afraid that it will not be maintained and will be unsightly if the alley is opened to the public. Mayor Piccolo stated that the alley is a public right of way and was always intended to be a public alley but was encroached upon. Councilmember Tatton stated that all alleys need to be the same and used for utility maintenance, but also kept aesthetically balanced.

Mindy Hopper, appeared representing her father who owns property at 415 E. 600 N. She stated that he is ill and was unable to attend the meeting. She stated that he cannot be around dust and if the alley is open to the public he feels the dust will worsen. She stated that she had a letter for the City which stated that because of his poor health her father felt he would have to move and sell his home if the

alley was opened to the public. She proposed installation of a gate at the end of the alley so that the public could not use it and/or to have concrete poured to keep the dust down. She stated that she thought it would be cheaper to just replace the landscaping. Several options were discussed including weight bearing bricks, cement drives, landscape and a fence. Councilmember Hanna-Smith stated that she would like to restore the landscaping with the understanding of the property owners that the alley can and may be torn up again and again, at the owner's expense to get to the utilities. Mayor Piccolo stated that everything needs to be considered before making a decision. He stated that a review of the costs related to this project needs to be determined. He stated that the City has to be protective of all citizens, utilities and emergencies and asked Mr. Seeley to bring some drawings of what the alley may look like with or without landscaping so that the residents can see what it would look like in the end. Brad King, a property owner near the proposed alley stated that he knows that the City will find a solution that works for everyone. He stated that a fence is a good option as Mrs. Jones does not have the means to care for the weeds that multiply in an alley. Kevin Jewkes, the son-in-law of Yvonne Jones, stated that Mrs. Jones has congestive heart failure and breathing problems and hopes that if there is any more dust from the construction that it will be suppressed. **MOTION.** Councilmember Tatton moved to have the item on the next agenda and for staff to prepare several options to choose from in order to solve the issue. Motion seconded by Councilmember McEvoy and carried.

PLANNING AND ZONING COMMISSION. Nick Tatton reported that the Planning and Zoning Commission gave the following recommendations on applications for a Home Occupied Use Permit:

8. Home Occupied Permits

a. Holly's Hair Salon-931 N. Smith Dr.-Business-Final with conditions:

- a. Inspection of the property by the Price City Building Inspector and Price City Fire Chief finding that properly inspected home business for building and fire safety protect the health, safety and welfare of the community;
- b. Submission of a copy of State of Utah Department of Professional License certificate to Price City finding that verified and licensed businesses protect the health, safety and welfare of the community and promote improved commercial activity within the community.

MOTION. Councilmember Nielson moved to approve the recommendations by the Planning and Zoning Commission and approve the Business License and HOB for Holly's Hair Salon. Motion seconded by Councilmember Davis and carried.

9. Conditional Use Permit- Nick Tatton reported that the Planning and Zoning Commission gave the following recommendations on applications for a Conditional Use Permit:

Lincare-268 S. Main Street-Relocation of Business- Final with conditions:

- a. Compliance with all existing Code requirements finding that compliance with Code requirements promotes orderly development and improved commercial business activity within the community and is consistent with the goals in the Price City General Plan;
- b. Submission of business signage plans to the Price City Planning Department for review and approval prior to installation finding that properly reviewed business signage promotes consistency within the community and promotes improved local economic conditions;
- c. Procurement of a valid Price City building permit as it relates to all building alterations, improvements, renovations finding that properly permitted and inspected building alterations, improvements; renovations protect the health safety and welfare of the community.

Bedtime Stories Childcare-305 E. 100 N.-Business-Final with conditions:

- a. Placement/maintenance of fencing around the subject property, in compliance with the Code provisions, and such to minimize light and sound nuisances for neighboring property owners and to provide security for any children in the yard area finding that mitigation of negative impacts on neighboring land uses and the health, safety and welfare of children attending the facility are consistent with the goals in the Price City General Plan;
- b. No on street parking by parents, staff or owners, all parking to be accommodated off site in approved parking locations finding that maintaining open street parking promotes commercial activity within the community;
- c. Procurement of a valid Price City building permit and compliance with all conditions thereof finding that properly permitted and completed structure renovations and building code updates protect the health, safety and welfare of the community;
- d. Completion of fire safety inspection of the subject property by the Price City Fire Chief and completion of a building safety inspection by the Price City Building Inspector and compliance with all recommendations stemming from the inspections finding that fire and building safety inspections and improvements protect the health, safety and welfare of the community and are consistent with the goals in the Price City General Plan;

- e. Submission of copies of all required state licenses, in good standing, finding that properly reviewed and licensed daycare businesses protect the health, safety and welfare of the children attending the facility;
- f. Completion of site landscaping to the minimum 5% required in the Code and regular maintenance of landscaping finding that ongoing aesthetic improvements to commercial property improve community commercial viability and is consistent with the goals in the Price City General Plan;
- g. Submission of all signage plans to the Price City Planning Department for authorization prior to installation finding that properly reviewed business signage promotes consistency and improves commercial activity and is consistent with the goals in the Price City General Plan.

Deli Pasquale-86 E. 100 S. Business: Deli, Bakery, Restaurant, Catering Use-Final of Kitchen with conditions and concept approval only of deli and restaurant:

- a. Submission of a written statement or affidavit indicating the nature and types of retail items to be sold from the location finding that fully disclosed retail product types mitigate any instances of permitting misunderstanding that may occur;
- b. Submission of information regarding the days and hours of operation of the restaurant land use finding that the information is necessary to complete the CUP process and mitigate any potential negative impacts on surrounding land uses, specifically residential land uses;
- c. Submission of information regarding the number of employees expected at the restaurant at full operation finding the information is necessary to evaluate impact of employees on the neighborhood and parking at the location;
- d. Indication of garbage dumpster location and service frequency/schedule on the site plan finding that proper dumpster locations on approved site plans reduce the impact of restaurant land uses on adjoining properties and protect the health, safety and welfare of the community;
- e. All parking lot lighting to be angled away from neighboring residential land uses finding that lighting angled away from residential uses mitigates light pollution impacts on adjoining properties;
- f. Right turn only exiting from 100 North Street driveway or all exit from the 100 East exit finding that 100 South between Carbon Avenue and 300 East is heavily impacted by traffic and limited egress reduces traffic congestion and protects the health, safety and welfare of the community;
- g. No alcohol sales from the restaurant finding that no State of Utah alcohol sales permit or local consent application has been presented with the application for the CUP;
- h. Maximum of 56 seats total in the restaurant, cumulative of both north and south end seating, finding that only 16 available parking spaces serve the restaurant counting 11 on the restaurant side (east) and 1/2 , or 5, of those available on the east side of the parking lot and Section 6.4.11 of the Code requires 1 parking space per each 3.5 seats in a restaurant;
- i. Written acknowledgement from surrounding businesses that you would be sharing parking with;
- j. Written acknowledgement from the Southeastern Utah District Health Department that the subject property has been inspected by the Department and that all requirements have been met finding that compliance with Health Department directives protect the health, safety and welfare of the community;
- k. Written acknowledgement from both the Price City Building Inspector and the Price City Fire Chief that the subject property has been inspected by each and that all requirements for building and fire safety have been complied with finding that building and fire safety compliance protect the health, safety and welfare of the community;
- l. Procurement of a valid Price City Building Permit for any and all building improvements, alterations, etc., finding that properly permitted and inspected commercial building renovations protect the health, safety and welfare of the community;
- m. Installation of business signage in compliance with the sign plan submitted with the CUP application only, finding that signage installed in compliance with Chapter 4 of the Code promotes conformity in community signage and increased commercial activity;
- n. Procurement of a valid Price City Business License prior to operation of the business finding that properly licensed businesses protect the health, safety and welfare of the community;
- o. Protection of the Price City sewer system by way of daily maintenance of the grease interceptor located within the building, verifiable by a daily maintenance log and inspectable at any time by Price City or the Price River Water Improvement District (PRWID), or installation of a grease trap and sampling manhole finding that protection of the waste water system is a primary objective of Price City and completion of a PRWID waste water survey and compliance with all recommendations stemming from the survey;

Tajavu Designs-135 W. Main-Business: Tattoo, cosmetic tattoo, retail sales, computer/web design-Final with conditions:

- a. Submission of the final business sign plan to the Price City Planning Department, with any required fees, prior to final installation of the sign finding that properly reviewed signage for compliance with Chapter 4 of the Code promotes consistent signage in the community and improves the commercial and business climate;
- b. Maintain all state licensing in good standing finding that properly licensed businesses at all jurisdictional levels protects the health, safety and welfare of the community;
- c. Procurement of a valid Price City building permit for all building renovation or alteration activities finding that properly permitted and inspected commercial building renovations/alterations protect the health, safety and welfare of the community;
- d. Inspection of the business location by the Southeastern Utah District Health Department prior to occupancy, compliance with all recommendations stemming from the inspection finding that compliance with health department matters protects the health, safety and welfare of the community;

- e. Inspection of the business location by the Price City Building Inspector and Price City Fire Chief prior to occupancy, compliance with all recommendations stemming from the inspection finding that compliance with all building and fire safety recommendations protects the health, safety and welfare of the community;
- f. No sales of products or services that may be considered or used as illicit drug paraphernalia and no sales of products or services that may subject the business to the provisions of the Sexually Oriented Business (SOB) ordinance and no body piercing activities or sales finding that restricted sales of potential illicit drug paraphernalia and sexually oriented items mitigates the potential impact of increased enforcement requirements within the community;
- g. Completion of a written agreement between TAJAVU Designs and Price City regarding the restriction of sales of items that may be considered illicit drug paraphernalia or that would subject the business to the provisions of the SOB ordinance finding that a clear and written record of approved land use matters mitigates the potential for future misunderstandings;
- h. No activity or operations that may be considered in violation of any state statute or local municipal finding that legally operating businesses provide economic value to the community and increase commercial activity;
- i. Completion of a background check on the owner of record of the business and compliance with all recommendations forwarded by the Price City Police Department based on the information contained in the background check finding that bona-fide business owners contribute to the positive economic and business climate;

MOTION. Councilmember Hanna-Smith moved to approve the recommendations by the Planning and Zoning Commission. Motion seconded by Councilmember Nielson and carried.

CONSENT AGENDA- **MOTION**. Councilmember Hanna-Smith moved to approve the consent agenda items 10 through 18. Councilmember Tatton stated his conflict of interest with item 14. Motion seconded by Councilmember Tatton and carried.

10. MINUTES

City Council Workshop- August 6, 2010
City Council Meeting- July 28, 2010

- 11. SETTING OF A PUBLIC HEARING. Authorization to set a public hearing for August 25, 2010 regarding the IPA termination of the renewal offer and renewal offer sales contracts.
- 12. CASTLE RIDGE SUBDIVISION PLAT A- Approval for a final release of the Development Agreement and Construction Bond Agreement in the amount of \$80,559 to Douglas W. Perkins for public improvements built in the subdivision. Mr. Perkins is eligible for final release of the agreement and bond in the amount of \$80,559. One street light was never installed per the agreement. The bond was issued by Centennial Bank of Ogden Utah. Earlier this year the bank failed and was seized by the FDIC. Per the agreement the sum of \$1,500 (est. cost of street light installation) was collected from the FDIC and is now being used to complete the street light installation in the subdivision. This completes the requirements of the agreement.
- 13. FEE WAIVER- Authorization to approve a fee waiver for use of the Pioneer Park on September 3, 2010 for USU/CEU
- 14. BUSINESS LICENSE- Authorization to approve a business license for: Junque in the Trunk, LLC.- 856 E. 100 N.- Owner, Sandra Tatton
- 15. JONES & DEMILLE ENGINEERING-DDW Water Replacement. Approval of an Addendum (#01-10) to the General Services Agreement for additional design and construction engineering Services
- 16. POLICE DEPARTMENT- Authorization to accept an \$8,000 grant from (ICAC) Internet Crimes Against Children's Task Force of the Utah Attorney General's Office and to sign a Memorandum of Understanding with the ICAC for the grant.
- 17. PERSONNEL ACTION-Authorization to promote three employees from Laborer to Groundskeeper: Scott Marvidikis, John Diaz, Mel Jaramillo

18. TRAVEL REQUEST
Nick Tatton-Utah Chapter of the American Planning Association fall conference, Salt Lake City, Sept 30-Oct 1, 2010.
Kevin Drolc and Jon Bowen-ICAC Task Force- SLC- August 9-12, 2010 and September 12-17, 2010
Iain Walker and David Wilkinson- Crime Scene Academy- CEU- Price- August 16-20, 2010
19. PRWID- Councilmember Tatton reported on the results of the last PRWID Board meeting.
20. WATER RESOURCES- Update by Gary Sonntag-kick off meeting- Emma Park Wells-plan in place-firming up contracts with property owners- Nov. 2011 (deadline)
21. EMERGENCY PLANNING- Update by Councilmember Davis- 2nd draft written for review
22. POWER COMMITTEE-Update by Councilmember Davis
 - Power sources depends on legislation- waiting to hear
 - Power rates- going to TRUE UP- waiting for next billing cycle to see if there is a difference
23. INTERNATIONAL DAYS-
 - August 25th- last meeting to review new ideas, problems
24. UNFINISHED BUSINESS
 - a. Recycling-
 - b. Community Covenant Program

MOTION. Councilmember Tatton moved to go into the Community Redevelopment and Renewal Meeting at 7:25 p.m. Motion seconded by Councilmember Hanna-Smith and carried.

Returned from the Community Redevelopment and Renewal Meeting at 7:30 p.m.

The regular City Council meeting adjourned at 7:44 p.m. by Mayor Piccolo pursuant to the motion by Councilmember McEvoy.

APPROVED

ATTEST

Joe L. Piccolo, Mayor

Laurie Tryon, City Recorder