

Minutes of the Payson City Council of Payson City held at the Payson City Center, 439 West Utah Avenue, Payson, Utah on Wednesday, May 20, 2015 at 6:00 p.m.

ROLL CALL: Mayor Rick Moore; Councilmembers: Larry Skinner, Mike Hardy, JoLynn Ford, Scott Phillips, and Kim Hancock. City Manager David Tuckett, City Attorney Mark Sorenson, and City Recorder Sara Hubbs. Councilmember Mike Hardy excused

Mayor Rick Moore presiding. Meeting started at 6:07 p.m.

PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Councilmember Skinner and Pledge of Allegiance led by Councilmember Hancock.

CONSENT AGENDA

MOTION by Councilmember Phillips to approve the consent agenda. Motion seconded by Councilmember Ford. Motion carried.

PUBLIC FORUM

Public Forum opened at 6:09 P.M.

Rhett Huff representing Payson Lions Club reported on town hall meeting that was held on Friday (May 20th) night. He reported about 50 people were in attendance and some great presentations were given. He mentioned that Councilmember Skinner, Public Works Director Travis Jockumsen, and Parks Superintendent Mark Hyland did a great job presenting. He also thanked High-Line canal representatives Dan Ellsworth and Derek Whipple. He reported they received some good feedback. He'd like to put something together in mid- June and put together a fair of some sort. He thanked the city for its support.

City Manager Tuckett introduced Richard Donnigan who used to work for Spanish Fork and would like to help Payson set up community television. Mr. Donnigan reported that Comcast has a channel that Payson has access to for free. He would offer his labor for free so the Council can show the meetings on tv and other programs to help promote the city.

Councilmember Hancock asked if Mr. Donnigan would supply the equipment. Mr. Donnigan responded that he has the equipment and would donate it. Hancock asked if it would be a live feed. Mr. Donnigan said it could be set up either way. Councilmember Skinner asked if the channel 17 is all inclusive or does it have its own feed. Mr. Donnigan said that the channel is divided into geographical areas. Mr. Donnigan also mentioned that he could set up a live feed for a you-tube channel.

Mayor Moore asked if Salem Hills High had their own channel as well. Councilmember Ford mentioned that a teacher at Payson High School has won awards for their productions. She mentioned that maybe the City could work with Clint Perry at the High School and take advantage of what he has already been doing. Mr. Donnigan would like to set up a committee and discuss what is wanted to be shown on the channel.

Mayor Moore thanked MR. Donnigan for his time and willingness.

Don Helvy citizen of Payson stated the meeting held on Friday regarding water was a tremendous event. He learned that communication in the city is difficult. He thought the text messaging worked great and informed more people of all that is going on. He complimented those who had anything to do with the temple open house. He thanked the police department and public works. He mentioned the last time he was at council meeting there was talk about covering the pool and he has since received info about covering it. He believes the next step would be some authorization to form a committee and work deeper into it. He would volunteer to work on the committee. He is also interested in working on a committee to address the water shortage issue the city is facing. He mentioned the legal troubles that are associated with water. He mentioned how blessed the city has been for the rain it has received, but stated we shouldn't rely on that.

Chris Ewell citizen concerned about his neighbor. He stated he is willing to clean up the yard. The Mayor mentioned that in order to get permission, it needs to go through the court system. The Mayor mentioned that he would like to see it cleaned up as well. The Mayor mentioned that he could submit a complaint and then the officer will take care of that and cite the offender. The Mayor mentioned that we have to respect everyone's personal rights, so it has to go through the courts. The Mayor mentioned that he has had other complaints and the city is working on cleaning things up through ordinances and policies. Mr. Ewell stated he just wanted to help and clean up the city. Mr. Ewell asked how the curb and gutter is coming along. He stated that his house is still being flooded. He stated he lives on 3rd South and 3rd West. Mr. Ewell handed a map of his area to the council members. Councilmember Phillips asked if Travis or Kent would like to address the issue. Travis said he would have to move the catch basin. Mr. Ewell offered a suggestion to fix it. Mayor Moore said that on 5th South and 6th East a little piece of concrete was installed and prevented any flooding. Mayor Moore asked if something of the same sort could be done to correct the problem. Mayor Moore asked Mr. Ewell to give Travis his name and number. Mr. Ewell asked if meters could be installed on his place, so it could be used to show citizens what they need to water their lawns.

Angie Lara is concerned citizen about the lack of stop signs in the older neighborhoods and near Wilson Elementary. She mentioned there was a traffic study done and asked what the results were of the study. Mayor asked Chief Bishop if he knew about the study. Chief mentioned he would look into it. Councilmember Ford mentioned that this issue has been brought up a lot and she said MAG suggested that every other road has a stop sign so people aren't being stopped at every block. Mayor Moore told Ms. Lara to share her areas of concern with Chief Bishop. Councilmember Ford clarified that Ms. Lara was concerned mainly with the area near Wilson Elementary.

Kenneth Abbott is a citizen of Payson. He thanked the Mayor for taking his phone call. He also said he would volunteer for a meter. He also thanked the council for their time as well. Mayor Moore mentioned that he was grateful for attendance and public input, so the City can be ran in a way that the citizens would like.

Councilmember Phillips asked if the responses to the complaints would be sent to the Council and Mayor, so they know what the supervisors responses were.

Ross Huff is owner of land in Payson. He stated he would like the City Council to keep the citizens informed about I-15 and front runner. Councilmember Phillips said there are public meetings Mr. Huff could attend. Mayor Moore said people probably know more than the Council and Mayor do.

Derek Whipple with High Line Canal wanted to express his gratitude to the City with their help of the meeting held on Friday. He mentioned that it helped to bring awareness to citizens. He wanted to congratulate the city on the grant it received to install meters. He mentioned the grant was for \$300,000 with an equal match required of the city. Mayor Moore thanked High Line for their support and help as well.

Public Forum closed at 6:43 p.m.

STAFF REPORTS

City Manager Dave Tuckett reported that the City was given a letter regarding the water meter grant just earlier in the day and the letter stated the City's application was among the highest and is under consideration for the grant, so it's not official yet, but very likely Payson will be awarded the grant.

Community Events/Recreation Director Karl Teemant mentioned they are gearing up to open the pool this weekend. Councilmember Phillips asked what the diagnosis was on the pool. Karl mentioned that they went through the circulation lines and couldn't find the leak. Mayor asked if the pool was metered. Dave Tuckett said that they could read the meter and send the reading to him if he would like. Karl also mentioned there will be a Men's Softball tournament.

Chief Brad Bishop reported the monthly numbers of 44 arrests, 76 offenses, 166 violations, 110 citations, 603 calls, 2 D.U.I.s., 136 traffic stops, and 6 traffic accidents. The Police Department has handled 5,538 calls as of April 30th. Mayor Moore clarified that calls number is year to date. Chief Bishop confirmed it was year to date. Chief Bishop reported the temple open house is going very well. Mayor Moore asked how many people had come through the temple and Chief mentioned it was about 320,000 visitors as of last Thursday. Chief Bishop stated on average about 20,000 people have visited the temple each day. Councilmember Ford asked if the Chief would give a comparison from the prior two weeks. Mayor asked if in the future if he could compare the prior year to current.

Golf Pro/Parks Director Tracy Zobell mentioned he plans on pouring concrete at Memorial park if it doesn't rain. He mentioned that the golf installed new sprinkler heads that are more efficient and the well was pumping 1200 to 1500 gallons per minute which is really good news. Councilmember Phillips asked how deep they went. Tracy mentioned they went about 900 feet. Mr. Jockumsen mentioned the drillers/geologists are recommending the well to be at 350 feet. Councilmember Skinner asked if the 350 feet is deep enough. He asked if they are confident that the recommended depth will service the needs in the future. Mr. Jockumsen mentioned that it recovered in 3 minutes which is exceptional. Mayor

Moore asked if the well were to go deeper how much would the pump cost and would it be worth it so it will cover the future needs.

Public Works Director Travis Jockumsen held discussion about the reservoir. He mentioned that the rock that they keep drilling is not good rock for the dam. The drillers would like to move up the canyon and see if they can find better rock. They need to drill deeper and more holes. Travis recommends the City approve the change order which would cost about \$50,000. Councilmember Skinner said if they move and find bed rock it is money well spent. Mr. Jockumsen stated he will now contact the land owners on the new site and inform all parties that are involved. Mr. Jockumsen recommends renting 4,000 acre inches of water which is about \$16,000. He will wait to see the actual cost and bring back the cost to the council for them to determine if they need to rent more water or not. Mayor Moore said there was some miscommunication and the issue was how much it would cost to buy it. Mr. Jockumsen stated he hasn't taken any water from them for two weeks and the ponds are full.

COUNCIL REPORTS

Councilmember Skinner wanted to thank Rhett Huff for organizing the meeting last Friday. He was pleasantly surprised by the turn out.

Councilmember Ford mentioned there was comment about a road issue and the lady responded that the issue was responded to quickly and taken care of. She thanked the employees for all their hard work. Mayor Moore asked if staff had gotten back to Johnny Franz. Mr. Tuckett mentioned the pot holes were fixed, but he didn't have a contact number for her, but stated he is happy to contact her.

Councilmember Hancock mentioned in the Thursday meeting at SUVMWA the preliminary budget was adopted. He mentioned he was really pleased with the meeting and the positive feeling coming back from the citizens. He is happy about the opportunity to create channel 17, the pool committee, the clean up offered by Mr. Ewell. He also thanked Mr. Huff and the Lions Club for their efforts. He mentioned the presentations that Travis Jockumsen, Mark Hyland, and Councilmember Skinner presented were very well done and really helped. He mentioned it meant a lot to have citizens want to help. He wants the council to do everything possible to keep the land owners informed about what is happening with the reservoir. He mentioned it is important to keep people apprised of what is happening. He mentioned that discussion was held regarding xeriscaping on 930 west which now is a moot point. He mentioned that the lawn out west of the building takes up a lot of water and could be turned into a xeriscaping demonstration garden. The city could show how citizens could save water. He mentioned the city needs to demonstrate that there are ways to save water.

Mayor Moore reported that he and Councilmember Phillips returned from international shopping convention. He thanked the police department and public works for their hard work during the temple open house.

Council and Staff Reports close at 7:09 p.m.

SCOUT ATTENDANCE CERTIFICATES

No Scout Attendance

APPOINTMENT OF NEW PLANNING COMMISSIONER

Mayor Moore proposed appointment of Adam Billings as the new planning commissioner. **MOTION** by Councilmember Ford to approve Adam Billings as the new planning commissioner. Motion seconded by Councilmember Hancock. Motion carried.

APPOINTMENT OF BOARD OF ADJUSTMENT MEMBER

Mayor Moore proposed appointment of Bob Provstgaard as a board of adjustment member. **MOTION** by Councilmember Ford to approve Bob Provstgaard as board of adjustment member. Motion seconded by Councilmember Skinner. Motion carried

APPOINTMENTS OTO ECONOMIC DEVELOPMENT BOARD

Mayor Moore proposed appointment of Lynn Abplanalp and Cal Workman to the economic development board. **MOTION** by Councilmember Skinner to approve appointment of Lynn Abplanalp and Cal Workman to the economic development board. Motion seconded by Councilmember Ford. Motion carried

MOTION by Councilmember Hancock to open the public hearing. Motion seconded by Councilmember Ford . Motion carried.

Public hearing opened at 7:17 p.m.

PUBLIC HEARING - REQUEST BY SHANE CRAPO FOR APPROVAL FOR USE OF THE RMO-A, ACCESSORY LIVING UNIT OVERLAY ZONE PROPOSED AT 803 NORTH 600 EAST IN THE R-1-75, RESIDENTIAL ZONE

Planner Jill Spencer presented information from the following staff report.

Background

The applicant, Shayne Crapo is requesting approval for use of the RMO-A, Accessory Living Unit Overlay Zone for the existing residential structure located at 803 North 600 East in the R-1-75, Residential Zone. The parcel (Utah County Parcel #35-088-0007) was purchased in 2013 by Burntol LC and the applicant (Manager of Burntol LC) has completed various cosmetic improvements to the structure. The applicant has received an offer to purchase the property contingent upon approval of the overlay zone request.

Sometime between 1997 and 2002, the structure was modified to include a large addition to the back of the structure. A building permit was not obtained from Payson City. Therefore, staff is unaware if the construction was completed properly. The applicant has been informed of the situation and that additional inspections are necessary to ensure the structure is compliant with the adopted building codes. The applicant is responsible to complete any necessary upgrades, regardless of the City Council's decision regarding the overlay zone request.

The addition area consists of three (3) bedrooms, two (2) bathrooms, a kitchen, separate HVAC, and is accessible to the main portion of the structure by a doorway. The layout and improvements imply that the area has been used as a separate living unit in the past; however, there is no record that the area was used for this purpose or that a second unit was legally authorized. The applicant has indicated a willingness to improve the structure consistent with the adopted building codes and correct the zoning violations.

Use of the overlay zone requires approval from the City Council following a recommendation from the Planning Commission. Both the Planning Commission and City Council are required to hold a public hearing and consider public input prior to reaching a recommendation or decision, respectively. The Planning Commission considered the request on April 22, 2015 and forwarded a recommendation of approval to the City Council. The findings of the motion are included in the recommendation portion of this staff report. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

Analysis

The RMO-A, Accessory Living Unit Overlay Zone regulations were introduced and adopted by the City Council on May 16, 2012 in accordance with Section 19.2.8 of Title 19, Zoning Ordinance. The relatively new ordinance provides a process to accommodate an accessory living unit in an existing single family dwelling, if deemed appropriate by the City Council. Moreover, the ordinance provides a procedure for owners of unauthorized accessory units to correct potential zoning violations. With the new provisions in effect, the applicant is requesting approval for use of the RMO-A Overlay Zone to accommodate an accessory living unit in the existing single family dwelling.

In accordance with Section 19.6.11.1 of the Payson City Zoning Ordinance, the RMO-A Overlay Zone is established to conserve and protect the residential atmosphere and character of established neighborhoods and to maintain desirable, attractive, and safe places to live throughout the community. Approval of an overlay zone is similar to a zone change request and the City Council is under no obligation to approve the use of the overlay zone. The applicant must demonstrate the proposed use (accessory living unit) is appropriate in a particular neighborhood and will further the land use goals established by the City Council.

By definition, an accessory living unit is "...a second living unit within a single family dwelling which is accessory to the single family and is an architectural and integral part of the single family dwelling." Approval of an accessory living unit does not change the single family classification of the structure. Rather, the unit is an extension of the single family home and must remain a function of the single family dwelling. To that end, the connection between the main portion of the structure and the addition cannot be blocked off and separate utilities to the accessory living unit are not allowed.

The application was reviewed for compliance with Title 19, Zoning Ordinance (November 5, 2014) and other applicable requirements of the Payson Municipal Code. Staff would suggest the City Council consider the following requirements as conditions of approval of the application.

1. A building permit was not obtained for the building addition and inspections were not completed. The Payson City Building Inspector will need to evaluate the structure to determine if improvements are necessary to ensure the building is a safe environment for the inhabitants of the structure. A building permit must be obtained for any building alterations associated with zoning compliance and the accessory living unit. Any alterations and improvements must be consistent with the regulations of the adopted building and fire codes.
2. Accessory living units are intended to provide an ancillary living quarter without full services such as cooking and laundry facilities. In this instance, there is a second kitchen area so it needs to be clearly reiterated that any approval for an accessory living unit is not authorization for use of the structure as a duplex. The connection between the main portion of the structure and the addition must remain open and no separate utilities are allowed.
3. Adequate off-street parking will need to be provided on the project site. City ordinance requires two (2) off-street parking spaces for each unit. The applicant is proposing to utilize the existing two-car garage for the single family dwelling and two uncovered parking spaces south of the structure for the accessory living unit. The City Council may require covered parking for the accessory living unit. The on-site parking must be consistent with the applicable requirements of Section 19.6.11 and Chapter 19.4 of the Zoning Ordinance.
4. All areas not used for building or parking will need to be landscaped prior to occupancy of the accessory living unit. The landscaping shall be maintained using an automatic sprinkling system.
5. All improvements must be completed in accordance with the applicable regulations, ordinances, and codes adopted by Payson City.
6. If the overlay zone is approved, a notice that outlines any special conditions imposed by the City Council to guarantee compliance with the approval will be filed in the Utah County Recorder's Office. No portion of the structure shall be used as an accessory living unit until the conditions of approval are satisfied and the notice is recorded. A Notice of Non-Compliance will be recorded against the title of the property if the conditions of the City Council are not implemented by the applicant.

The City Council may require additional information in order to make a well-informed decision or impose additional conditions to ensure the project is consistent with the land use ordinances and the development goals of the City.

Recommendation

On April 22, 2015, the Planning Commission, following a public hearing, recommended approval of the request contingent upon the satisfaction of staff conditions and with the following additional requirements:

- Provide covered parking for the second unit;
- Widen the curb cut along the street to allow better access to parking spaces; and
- Install safeguards (i.e. bollards) to protect the existing electrical box on the site.

The City Council will need to review the RMO-A Overlay Zone request for consistency with the requirements of the land use ordinances of the City. Following a public hearing, the City Council may:

1. Remand the request of the applicant back to staff or the Planning Commission for further review. The City Council should select this option if it is determined that the applicant has not provided enough information to formulate a well-informed decision.
2. Approve the request for use of the overlay zone as proposed. Staff would suggest that if the City Council approves the use of the overlay zone as proposed, an opportunity to require the applicant to satisfy the regulations of the Payson City development ordinances will be missed.
3. Approve the request for use of the overlay zone contingent upon the satisfaction of conditions. Staff would suggest that if the City Council approves the use of the overlay zone contingent upon the satisfaction of appropriate conditions, the applicant will be required to improve the property consistent with the regulations of the development ordinances of Payson City and in a manner that will benefit the neighborhood.
4. Deny the request for use of the overlay zone. This action should be taken if the City Council determines that use of the overlay zone is not appropriate in this location or that the applicant is unwilling or unable to satisfy the regulations of the Payson City development ordinances and the land use goals of the City Council. Denial for the use of the overlay zone shall not constitute a takings claim because the applicant will not be denied the ability to use the property in accordance with the underlying zone.

The decision of the City Council, whether in favor of the request or in opposition of the request, should include findings that indicate reasonable conclusions for the decision.

Applicant stated he would like to speak after the meeting because he believes the council and Mayor will have questions for him.

City Planner Jill Spencer read the following letters from concerned citizens.

May 20, 2015

To whom it may concern,

We are writing this letter in response to an application submitted by Shayne Crapo requesting the city approve a zone change to the existing home located at 803 North 600 East.

In June of this year our family will have lived at the residence located at 640 East 900 North in Payson for 21 years. When we moved into our home, all of the surrounding homes were single family dwellings. About 8 years ago, the home located at 803 North 600 East, was sold. The home became a rental home. There have been many people rent the home. There has been illegal activity in the home which caused a need for the home to be renovated in order for it to even be rented again. Some of the recent renters have stayed for less than two weeks.

We strongly object to the zoning of this home being changed to allow it being divided into a multi dwelling structure thus allowing more occupants than a single family. All of the surrounding homes were built as single family dwellings. Allowing it to become a multiple rental dwelling would considerably increase the traffic in the area. With the past rental history of this home effecting the neighborhood in a negative way we are concerned that dividing the home into a multiunit rental dwelling would continue to perpetuate the problems this home has had since it sold about 8 years ago. This could also negatively impact the property values of the surrounding homes in the neighborhood.

We appreciate the opportunity to express our opinion on the proposed zoning change that would directly affect our family and home.

Respectfully,

Ron and Amy Cloud

Council and Mayor,

Regarding the house at 803 N 600 E and the motion to re zone for an accessory apartment.

I have lived in the neighborhood for 16+ years, part of the reason I chose this neighborhood is because it is zoned as a single family dwelling. An area that I would like to raise children.

I am opposed to it being re zoned or any other exception to allow this to be used as an accessory apartment rental.

There are a couple of reasons I am opposed,

First is the concern of how it would likely make a negative impact on the value of my home and the difficulty in selling my home should I decide to.

There is also the likelihood that it would not just be that residence renting out accessory apartments, it would turn into several homes adding several rentals in the area which would attract temporary residents rather than someone who would take pride in the home and the neighborhood.

This particular residence has been rented out numerous times and has been a known drug house for at least the last 12 years. The current renters seem to have the impression that this continues to be a party house, As recently as Spring Break weekend there were numerous vehicles in and out of that home at all hours of the night, revving their motors when they would leave and return and playing their music loud. The people there were loud and boisterous in and out of the house and dancing around the light pole like it was a stripper pole. This went on until well after 2:00 AM. The last thing we would want is another rental to add more parties.

This needs to remain zoned as a single family dwelling, to change it would satisfy few and negatively affect the remaining neighbors.

Would you want this in your neighborhood?

Thank You!

Scott Taylor

A handwritten signature in black ink, appearing to read "S. Taylor", written in a cursive style.

From: [CARY ROLLINS](#)
To: [Jill Spencer](#)
Subject: Re: 803 North 600 East Residential Zone
Date: Monday, May 18, 2015 9:59:03 PM

Attn: Jill Spencer
439 West Utah Avenue
Payson, Utah 84651

18 May 2015
Re: 803 North 600 East Residential Zone

To Whom It May Concern,

We were recently made aware of the Public Hearing scheduled on May 20, 2015 to allow for a rezoning of the 803 North 600 East Residential Zone into an Accessory Living Unit Overlay Zone. We learned of this proposed change on May 17, 2015 and had not heard of this proposal previously.

We are homeowners in the area and are concerned about the direct adverse impact that this rezoning may have on our neighborhood. We are the owners and residents of 858 Blackhawk and have lived in our home for the last 16 years.

We are concerned about what this rezoning would cause in the area, where many families live and play. We have small children, as well as several of our neighbors, and are concerned about the type of associated problems this may bring to the area. The areas of most concern would be; increased traffic, parking, noise at all hours, and an adverse influence on the area.

We are concerned as property owners that this will directly affect our property value and resale value of our home. We have a tight knit neighborhood and feel that we know most of the homeowners and their children in this area. We like to watch out for our neighbors and feel like we live in a family friendly neighborhood. This new proposed zoning will make it very difficult to know who is in residence at the address, due to the continual changing of residents within the home.

We want to feel that our children are somewhat safe in traveling and playing around the neighborhood and going to and from school. We feel that this influence does not project a good family neighborhood, for it would be difficult to know who is residing in the area, or perhaps may have ulterior motives for being around our family and home.

We are strongly opposed to this new zoning and feel that should this zoning change, we would be more likely to consider leaving this neighborhood in favor of a more family oriented

location.

Unfortunately we are both unable to attend the meeting on Wednesday, as we were unaware of this meeting, and our schedules will not allow us to attend. We are very interested and concerned about the outcome of this meeting. We would like to know more information as it becomes available.

Sincerely,
Cary & SheriAnn Rollins

From: [Robert Nielson](#)
To: [Jill Spencer](#)
Subject: Request for Accessory Living unit
Date: Tuesday, May 19, 2015 9:04:50 PM

Dear Jill, A neighbour has informed me of a public hearing concerning a house at 803 North 600 East. I live in this subdivision and am familiar with the home in question as I visited it monthly while additions were being added by the then home owner Steve Madsen. This home, as large as it is, was still a single family home, albeit a Four generational home: Great Grandmother, Grand mother Mother with husband and children. This was never intended to be a multifamily home nor was it designed to have more than one family living under it's roof. This home lies within the Bamberger Subdivision, which was approved as a single family residential subdivision by Payson City in 1980. I believe the City would be ill serving of the current citizens by changing the traditional intent and demographics of the Bamberger Subdivision. I therefore encourage you to disallow the request for an accessory living unit at 803 North 600 East.

Sincerely, Robert Nielson & Margo Nielson
803 Blackhawk, Payson, Utah
801-372-5541

Public Comment:

Brenda Kutcher 827 North Wasatch Rd stated she agrees with the letters read by Planner Spencer. She stated she moved to her current home because it was single-family dwelling. She stated she was good friends with the previous owners. She is concerned if this rezoning is approved the turnover would be increased and the safety would be compromised. She said it would change her mind of wanting to live in the neighborhood.

Kenneth Abbott mentioned he is not supportive of the accessory living because it didn't have a building permit. He stated his friend has received letters that have stated he is committing a misdemeanor for not having a building permit for a building he constructed.

Marcina Hool stated she has lived in the neighborhood for over 20 years. There are 6 to 9 cars there on a daily basis. She has mentioned that there are dogs that live at the house that have charged her and her kids. She worries for the kids' safety. She doesn't want to see it as a rental because it will reduce safety.

Kathy Adams stated she lives directly across the street. She is a single mom that has no means to move if this rezoning is approved. She mentioned that the residents are always parking in front of her house and taking up her parking space. She doesn't want more drugs being brought into this area. She is concerned about the safety of her kids and grandkids.

Councilmember Hancock asked if she knows for sure whether this house is a meth house or not. Ms. Adams mentioned that it has been documented with the police department. She believes Mr. Crapo should not have a say in the matter because he doesn't live in Payson.

Amy Cloud is here representing Debra Acey who is the neighbor on the north and opposes any of these changes. She mentioned it has been very uncomfortable living there over the past few years. She mentioned it is hard to know that the kids are safe when they move in and out so fast and stated the tenants are doing illegal things.

David Lewis 874 North Black Hawk. He mentioned there are renters in the home now which is probably illegal. He mentioned that the neighborhood is a tight knit group and the renters do not care about the neighborhood. He stated he doesn't want to see this change because it is a slippery slope after that. He urged the council to vote against this.

Mr. Shane Crapo stated he bought this property about two years ago. He stated that he completed all the testing and cleaning that needed to be done to make it a nice home. He stated he is trying to correct a situation that wasn't done correctly. He stated that the tenants in there are not meth users. He mentioned he was appalled at the comments the neighbors have made and is concerned, so he will investigate the complaints. Mr. Crapo had the Webb's (the potential buyers) stand and stated that they would like to buy the house, but they want the accessory living quarters to be made legal. Mr. Crapo mentioned that in the planning meeting the committee asked to have the parking covered, but it would be very difficult and not look good. He is asking for the covered parking requirement to be dismissed.

Councilmember Hancock asked if it is going to be an owner occupied home where will the owners live. Mr. Crapo stated the Webb's have chosen to live in the back part of the home the accessory unit. Councilmember Skinner asked where Mr. Crapo lived. Mr. Crapo stated he is from Delta, Utah. Mr. Crapo stated he would address any complaints.

Public clarified that if this is approved then this property could be rented to two different people. Planner Spencer stated it could.

Aaron Webb, the potential buyer, stated he would like to buy the house if this zoning change is approved. He stated he knows there are a lot of concerns and he said he would not allow renters in that would do illegal things. He stated not all renters are created equal. He stated just because there are renters in the neighborhood doesn't mean bad things are going to happen. He stated he has always been an outstanding citizen and tried to live his life right. He state the neighborhood is what attracted him to the house.

Brenda Kutcher stated her concern is that if the potential owners were to move then the house would be rented out and they would have the same problems.

Aaron Webb stated that every house has the potential to be sold to someone else or rented to someone else regardless if the zoning is changed or not.

MOTION by Councilmember Phillips to close the public hearing. Motion seconded by Councilmember Hancock . Motion carried.

Public hearing closed at 8:02 p.m.

Discussion was held regarding the rezoning issue. Councilmember Hancock stated that after the planning and zoning meeting, he had the opportunity to talk with Mr. Webb and would love to have him as a neighbor. He stated the answer to the question doesn't have to deal with the renters. He stated he asked Planner Spencer what the difference was between a duplex and an accessory living. Duplex would mean that the two buildings would be separated. He stated he is really struggling with this decision and not sure what to do. He said they could deny this rezoning and it will be a single family home. He doesn't know how we can approve an accessory living when it was constructed illegally. He believes it needs to meet all the standards. He believes it needs to be made a single-owner residence. Councilmember Skinner said they can't do anything until everything is made legal. She asked if the covered parking would be removable or covered. Planner Spencer stated the planning commission didn't state what it should be. Skinner stated the code states the opening to the back needs to be big enough for emergency vehicles to get in.

Councilmember Ford stated that if this is denied then the renters will stay and asked the citizens if they understood that. Councilmember Ford stated that the overly zone ordinance was put in place, so homes that were not of much value could be turned into duplexes to attract developers. She believes this overlay zone doesn't apply to this neighborhood.

MOTION by Councilmember Phillips to deny the overlay change. Motion seconded by Councilmember Ford. Motion carried. All Councilmembers present Skinner, Ford, Hancock, and Phillips voting aye.

RESOLUTION AMENDING TITLE 16, TRAFFIC ORDINANCE.

Chief Bishop led the discussion on the parking ordinance. He mentioned that the ordinance states no vehicle should be parked for more than 30 minutes during the hours of 2a.m. and 5a.m. He is proposing

replacing that section to be a 72-hour parking ordinance. He feels that this will help the police department to enforce the ordinance. Councilmember Phillips asked if unlicensed vehicles are addressed in a different section. Councilmember Phillips asked what would happen to a little trailer that doesn't need to be licensed. City Attorney Mark Sorenson stated it is a legal vehicle because it doesn't need to be licensed, so the ordinance will apply to it as well. Councilmember Skinner asked how they will enforce that and how will they know if the vehicle has been moved or not. Chief Bishop stated they will have to chalk the vehicles. Mayor Moore stated it will also be complaint driven. Chief Bishop stated this ordinance change is to clean up and make the two ordinances correlate with each other.

MOTION by Councilmember Phillips to approve the ordinance amending Title 16, Traffic Ordinance of Payson City. Motion seconded by Councilmember Skinner. Motion carried. All Councilmembers present Skinner, Ford, Hancock, and Phillips voting aye.

RESOLUTION DECLARING ABANDONED PRPROPERTY/EVIDENCE MATERIALS FOR PUBLIC USE.

Chief Bishop led discussion on abandoned property. He stated many years ago a trailer and some iPads was acquired and have been sitting in storage since. He stated he is asking the council and mayor to approve the items for public interest use. He stated Wal Mart does not want the ipads back since they can't trace them back to where they were stolen. City Attorney Sorenson stated that lost property follows a different process to be released than property that was acquired as evidence.

MOTION by Councilmember Ford to approve the resolution declaring abandoned property/evidence materials (Ipads and Trailer) for public use. Motion seconded by Councilmember Skinner. Motion carried. All Councilmembers present Skinner, Ford, Hancock, and Phillips voting aye.

DISCUSSION REGARDING ALIGNMENT OF 300 NORTH BETWEEN 600 WEST AND 1100 WEST

Streets Superintendent Kent Fowden presented information regarding 300 North between 600 West and 1100 West. He mentioned there has always been concerned with industrial and residential use. Mr. Fowden presented slides that outlined the project proposal.

1. Mr. Fowden is proposing that the City will acquire the necessary right of way for the southern portion of the extension of 300 North.
2. He proposed that Payson City will construct the southern portion of 300 North and future development on the north side and will install the necessary infrastructure and complete the northern portions of the roadway.
3. He stated that the City will retain control of the access to eliminate industrial use
 - a. All industrial access must be obtained from 170 North Street; except emergency access
 - b. A physical barrier will be installed to restrict industrial access
4. He stated the proposal will accomplish the following:
 - a. Remove accessibility issues with future residential development
 - b. Open up more area for future development
 - c. Eliminate potential undesirable road patterns

Councilmember Skinner mentioned the traffic on 300 north has been discussed many times and wanted to know if this alignment will mitigate the commercial use of the road. Mr. Fowden said there would be no cutting corners and no need for cross connection. Councilmember Skinner asked if commercial wouldn't want to use that road. Mr. Fowden confirmed they wouldn't want to use the road. Mr. Fowden stated traffic movement wouldn't lend itself for a good traffic flow. Councilmember Ford asked Mr. Fowden if he was sure of this proposal. Mr. Fowden stated that he has always wanted to close the road, but he has changed his opinion. He stated if it were turned into a cul-de-sac, it would come back as a problem if there were future development to the west. He stated this option is the most logical. He said the city needs to input the verbiage to control access and take all the dogs out of the fight.

MOTION by Councilmember Phillips to move forward with the 300 north project as presented by staff. Motion seconded by Councilmember Skinner. Motion carried.

MOTION by Councilmember Ford to go into closed session. Motion seconded by Councilmember Phillips. Motion carried.

Moved to closed session at 8:29 p.m.

Regular session reconvened at 9:26

MOTION by Councilmember Hancock to adjourn.

Meeting adjourned at 9:26 p.m.