

Minutes of the Price City Council Meeting  
City Hall  
Price, Utah  
September 30, 2015 at 5:30 p.m.

Present:

Mayor Piccolo

Councilmembers:

Kathy Hanna-Smith

Layne Miller

Miles Nelson

Rick Davis

Kevin Drolc-Chief of Police

Nick Sampinos-City Attorney

John Daniels-Human Resources Director

Gary Sonntag-Public Works Director

Lisa Richens-Finance Director

Sherrie Gordon-City Recorder

Excused Absence: Councilmember Clausing, Bret Cammans-Customer Service Director and Nick Tatton-Community Director

Present: Darrin Teply, SueAnn Martell, Susanne Scott, Scottie Draper, Chantz Richens, Jan and Dallin Watson, Tara Kalatzes, Barbara Brown, Aspy Kontgas, Gust Kaltzes, Geri Gamber, and Rick Sherman.

1. Mayor Piccolo called the regular meeting to order at 5:30 p.m. He invited Boy Scout Dallin Watson with Troop 907 to lead the Pledge of Allegiance.
2. Roll was called with the above Councilmembers and staff in attendance.
3. PUBLIC COMMENT –  
Geri Gamber, Chair Person for the Domestic Violence Coalition for Carbon County, addressed the Council. She advised the Council that they had missed the deadline to put this issue on the agenda. She requested authorization to place crosses and a banner at the Peace Gardens for Domestic Violence Awareness Month for the month of October. Council approved this request.
4. COUNCILMEMBERS REPORT – The councilmembers presented an update on the activities and functions in which they have participated since the last council meeting.

Councilmember Hanna-Smith asked for assistance in hanging 10 banners for the USU Prehistoric Museum. They will be placed along the west side and the north side of the Price City building that houses the museum. Gary Sonntag, Public Works Director, will assist on this project.

Councilmember Hanna-Smith announced the following save-the-dates:

- October 23, 2015, Price City Mural Open House, 5:00-7:00 P.M.
- October 29, 2015, Southeastern Utah Energy Producers 12<sup>th</sup> Annual SEUEPA Banquet, Carbon County Event Center, 5:00 P.M.
- October 30, 2015, Utah State University Eastern CIB dedication
  - 11:30 P.M. lunch
  - 1:00 P.M. ribbon cutting
  - 1:30 P.M. tour
- November 5-6, 2015, Utah State University Eastern Business Conference

Mayor Piccolo advised Council that starting in January 2016 he would like to include focus groups in the City Council Workshops. Department heads will be asked to join.

Mayor Piccolo will be moving forward to assemble several project meetings: a five year Capital Improvement Plan, three year Maintenance Plan and town hall meetings to be held on a regular basis.

Mayor Piccolo advised Council that Gary Prazen with Original Creations, Inc. had informed him they were going to donate to Price City a representation of the Constitution of the United States, the Bill of

Rights and the Declaration of Independence. This will be placed in Price City Hall of Fame. The details are forthcoming.

Mayor Piccolo presented to Council a picture of the PacifiCorp Castle Gate Power Plant. The picture will be displayed on the Centennial Wall of Fame at City Hall.

5. THE EASTERN UTAH TOURISM & HISTORY ASSOCIATION - Update on activities and Visitation Report.

Darrin Teply and SueAnn Martell, Directors of the Eastern Utah Tourism and History Association, provided an update to the Council. The association is a grassroots organization created to preserve and promote the outstanding natural cultural and history of Eastern Utah, Western Colorado and the Intermountain West, through education, advocacy and responsible tourism.

6. RESOLUTION NO. 2015-19 - Consideration and possible approval of a resolution approving the submission of application to the State of Utah designating commercial and industrial zones as recycling market development zones.

**MOTION.** Councilmember Davis moved to approve Resolution 2015-19. Motion seconded by Councilmember Hanna-Smith and passed.

7. RESOLUTION NO. 2015-20 - Consideration and possible approval of a resolution approving the submission of application to the State of Utah for renewal of the enterprise zone designation for Price City commercial and industrial zones.

**MOTION.** Councilmember Hanna-Smith moved to approve Resolution 2015-20. Motion seconded by Councilmember Davis and passed.

8. UTAH DIVISION OF WATER RESOURCES, GRANT AGREEMENT, \$300,000, LOWER ELEVATION RESERVOIR PROJECT - City will be reimbursed for the actual costs incurred. Agreement expiration is June 30, 2016; see copy attached.

**MOTION.** Councilmember Miller moved to approve the Grant Agreement. Motion seconded by Councilmember Nelson and passed.

9. APPOINTMENT DIRECTOR PUBLIC WORKS - Consideration, advice and consent by the City Council of the Mayor's recommended appointment to fill the office of Director, Public Works - Miles Nelson.

**MOTION.** Councilmember Hanna-Smith moved to approve the appointment of Miles Nelson as the new Director, Public Works as recommended by Mayor Piccolo. Motion seconded by Miller and third by Councilmember Davis and passed.

10. PUBLIC HEARING - Public hearing to receive input regarding the proposed land use of sober living houses at 160 E 100 S and 178 E 100 S within the commercial I zoning district.

**MOTION.** Councilmember Miles moved to open the public hearing at 6:26 p.m. Motion seconded by Councilmember Miller and carried.

Aspy Kontgas, a private citizen, address the Council. She made the following comments and raised the following questions:

- She has the same concerns she addressed at the Planning & Zoning meeting on Monday, September 28, 2015.
- They were told one sober house was going to be in the neighborhood and now two sober houses were applied for.
- She thinks the citizens in the neighborhood don't have a voice regarding the sober houses going into their neighborhood and thinks the approval will be rubber-stamped.
- The street light near her home was knocked out when a traffic accident occurred and has never been fixed. She asked if this light could be fixed. Mayor Piccolo said he would look into this and report back to her.

**MOTION**. There being no further comments from the public, Councilmember Hanna-Smith moved to close the public hearing at 6:30 p.m. Motion seconded by Councilmember Davis and carried.

Mayor Piccolo stated that the Planning and Zoning Commission held lengthy discussion before recommending approval for both address to provide a male and a female sober house of five residents per home. Every issue that citizens brought up has been addressed in the recommended Conditional Use Agreement.

Nick Sampinos, City Attorney, addressed the Council on behalf of Nick Tatton, Community Director, who was excused from the meeting. He asked if City Council had reviewed the agreement and conditions of approval recommended by the Planning Commission and if they had any questions. He stated that all application requirements have been met. He recommended that the Conditional Use Permit together with all recommended conditions of approval should be attached to the minutes of this meeting to be part of the permanent record if this request is approved.

Mayor Piccolo thanked the landlords on this project, Gust and Tara Kalatzes.

Councilman Miller addressed the Council. He thinks the sober houses are needed for the greater good of the community. He is planning to volunteer at the houses as a mentor.

Councilmember Hanna-Smith addressed the Council and audience. All involved have studied this project. Price City will take good care of their residents.

Nick Sampinos, City Attorney, stated that Nick Tatton, Community Director, has spent the last 45-60 days insuring that all the application requirements have been met, all of the paperwork has been submitted properly, and that the citizens have been given a fair opportunity to disclose their questions and concerns about this project. The developer was also given a fair opportunity to voice his questions and concerns regarding this project.

PLANNING AND ZONING COMMISSION – Nick Sampinos, City Attorney, on behalf of Nick Tatton, Community Director, reported that the Planning and Zoning Commission gave favorable recommendations on the application for a Conditional Use Permit as follows:

11. **CONDITIONAL USE PERMITS -**

a. **SOBER LIVING HOUSES -** Consideration and possible final approval of a Conditional Use Permit Amendment for sober living houses located at 160 E 100 S and 178 E 100 S, within the Commercial I zoning district, Foundation for Family Life of Utah-Mentor Works, Mr. Joseph White.

The Planning Commission reviewed the Conditional Use Permit Amendment and has recommended the Price City Council provide final approval including the condition of approval below:

- Acceptance and approval of a reasonable accommodation request finding that interpretation of the Code for the land use of a group home, a related land use to a rooming and boarding house, is restricted in the C-1 zoning district and a reasonable accommodation is warranted based on property availability within the community and the use is located in a residential structure within the C-1 zoning district and the group home standard provides a functional, reasonable and rational basis for the land use evaluation, conditions and permitting.
- No on-street parking by residents or house manager finding that restricted on-street parking mitigates the potential for vehicle and pedestrian accidents and congestion in the neighborhood.
  - No unusual traffic (delivery trucks, commercial vehicles, heavy equipment) permitted on or off site finding that restricted unusual traffic mitigates negative impacts in the neighborhood.
  - Total parking limited to two (2) traditional vehicles parked off street in the driveway for each location.
- Garbage collection and service frequency arranged so as to not permit accumulations of garbage beyond capacity of on-site receptacles and receptacle quantity and service frequency

to be adjusted to avoid accumulations of garbage or other related nuisances in the neighborhood.

- No unusual waste, debris, residential or otherwise to be generated, no unusual electronic interference generated, no unusual dust, smoke, odors, noise, discharge or other contamination generated finding that restricted unusual generation of potential nuisances conditions mitigates negative impacts in the neighborhood.
- No on-site individual or group counseling or medical treatments to be provided finding that the location is not licensed or permitted as a counseling or treatment center nor is it permitted as a Home Occupied Business for the provision of those services.
- Fire and building safety inspection of subject properties to be completed by the Price City Fire Chief and Price City Building Inspector and compliance with all safety requirements and recommendations stemming from the inspection(s) finding that fire and building safety improvements protect the health, safety and welfare of the community.
- Inspection of the subject properties by a qualified American's with Disabilities Act (ADA) inspection provider and compliance with all access and safety requirements stemming from the inspection finding that inspected and accessible housing ensures compliance with the ADA laws and is in the best interest of the potential residents occupying the structures.
- Maintain a minimum of one full-time, on-site house manager at all times at both 178 E 100 S and 160 E 100 S, respectively, finding that the nature of the housing occupancy necessitates full-time, on-site management to mitigate neighborhood impacts created by the occupancy type.
  - Occupancy limit on each home not to exceed six (6) total persons including full-time, on-site house manager finding that the occupancy limits for a large group home licensing provide a rational basis for approval of the land use and mitigate the potential for overcrowding in the structure or neighborhood and the physical bedroom and bathroom space in the structure does not support additional occupancy levels.
  - Occupancy to comply with Transitional Housing as defined in Section 1.13.278 of the Code: **TRANSITIONAL HOUSING FACILITY**. A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually three to twenty four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty days, shall not be considered to be a transitional housing facility.
- No persons to reside, visit, or congregate at the either home or property who are listed on any sex offender registry or who have committed a crime involving weapons or violence or persons known to currently be using drugs in an illegal manner finding that children may be present in the neighborhood and restricting registered sex offenders and those who have committed crime(s) involving weapons or violence from the location protects the health, safety and welfare of the community.
- Only persons originally or [formerly] permanently based in Carbon County for a minimum of a six (6) month period to reside in either home finding that limiting occupancy of the home to persons from Carbon County serves to mitigate the community concern regarding imported residents with criminal histories.
- Official supervision of each resident in the home to be provided by Adult Probation and Parole or, at Mentor Works expense for costs and reimbursement, the joint supervision by the Price City Police Chief and/or the Carbon County Sheriff, or through a court appointed private probation provider, finding that official law enforcement supervision increases the opportunity for success of the residents and mitigates potential issues within the neighborhood.
  - All supervisory visits will be accomodated.

- No unsupervised gathering in excess of ten (10) individuals at the home, inside or outside finding that restricting large gatherings of people mitigates disturbances within the neighborhood.
- No unsupervised or uninvited children under the age of eighteen (18) years of age permitted to enter either yard or home, regardless of relationship, connection to resident or status finding that restricting access by children protects the health, safety and welfare of the community.
- Conduct information dissemination and program operation meetings with members of the neighborhood, at a location within the neighborhood or immediately adjacent to the neighborhood, a minimum of annually, finding that interaction between the operation and the neighborhood limits misinformation and serves to mitigate misunderstandings as well as provide the basis for correction of problem situations in advance.
- Provision of a list of residents, managers, volunteers, updated from time-to-time as may be necessary, to the Price City Police Department, Carbon County Sherriff Department and any neighbors requesting finding that public safety knowledge of high-risk individuals or situations in the community mitigates the potential for criminal or civil violations.
  - Compliance with all community safety requirements or recommendations provided by the Price City Police Department finding that community safety directives protect the health, safety and welfare of the community.
- Certify, by way of accepting these conditions of approval, and the applicants acknowledgement, that: (1) all American's with Disability Act and Fair Housing Act requirements will be followed; and, (2) Certify, via the submission of the Conditional Use Permit Application, that no person will be placed or remain in either location whose prior or current behavior, actions and/or criminal incidents or convictions, has demonstrated that such person is or may be a direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions has resulted in or may result in substantial physical damage to the property of others finding that such certifications protect the health, safety and welfare of the community.
  - Any violators to be removed from the home and the violation to be reported to the Price City Police Department within 24 hours.
  - Violators removed from home to be relocated to another home or facility by Mentor Works to ensure homeless situations are not created in the community.
- Provision of copies of all state licensing documents to Price City finding that properly licensed and registered businesses protect the health, safety and welfare of the community.
- Provision of a copy of the Department of Justice (DOJ) grant the Foundation for Family Life of Utah/Mentor Works is administering finding that local knowledge of the terms of the grant may help identify timing of management gaps of the project finding that a strong possibility of terminated, delayed or reduced management of the site by the Foundation for Family Life of Utah/Mentor Works may occur when the grant terminates.
  - Submission of a written plan to Price City detailing the approach the Foundation for Family Life of Utah/Mentor Works will take to ensure continued, ongoing and uninterrupted operation of the facility in a manner consistent with this approval should the DOJ grant status change.
- No installation of signage at either location finding that restriction of signage serves to maintain the residential character of the properties, although situated within the C-1 zoning district, and structure utilized to accommodate the land use.
- Submission to Price City on an annual basis certificates of liability insurance from the property owner and/or operations provider in the minimum amount of \$1,000,000 finding that insured operation's protect the financial interest of the community as well as protect the health, safety and welfare of the community.
- No violations of the Price City Property Maintenance Code as it relates to the property or the structure finding that properly maintained property and structures protect area property values and is consistent with the Price City General Plan.

**MOTION.** Councilmember Hanna-Smith moved to provide final approval of the Conditional Use Permit for the Sober Living Houses at both locations as recommended by the Planning & Zoning Commission with the conditions indicated. Motion seconded by Councilmember Miller and passed.

b. LAND SUBDIVISION - Consideration and possible approval of a 23 lot subdivision for Parklane Townhomes, within a Planned Unit Development, located at approximately 450 North 1600 East, Georgetown Development, Mr. John Dester.

The Planning Commission reviewed the Conditional Use Permit and has recommended the Price City Council provide final approval including the condition of approval below:

- a. Recording of the final plat with the Carbon County Recorder's office timely finding that properly approved and recorded plats and land records mitigate misunderstandings and serve to keep property records accurate.
- b. Completion of, or amendment to, a public infrastructure development agreement with the Price City Public Works Department and submission of the required financial surety finding the properly agreed to public infrastructure development and financial guarantees protect the financial interest of the community.
  - i. Development elements may include: curb, gutter, sidewalk, street lighting, fire hydrants, water lines, sewer lines, electric lines, ADA access, paint striping, street signage.
- c. Completion of, or amendment to, a private utility agreement with the Price City Public Works Department finding that properly agreed management and operation of private utility systems connected to the public system protect the health, safety and welfare of the community.
- d. Connection of all utilities to the development in compliance with direction from the respective utility providers including Price City Electric, Price City Water and Sewer and Price City Storm Water Management finding that properly connected and installed utility connections prevent service and maintenance issues.
- e. Completion of all storm water management plans and development consistent with plans submitted and with any direction from the Price City Engineer finding that properly controlled storm water flows mitigate the potential for flooding and property destruction.

**MOTION.** Councilmember Davis moved to provide final approval of the Conditional Use Permit of a 23 lot subdivision for Parklane Townhomes as recommended by the Planning & Zoning Commission with the conditions indicated. Motion seconded by Councilmember Nelson and passed.

c. DAYCARE AND PRESCHOOL LAND USE - Consideration and possible approval of a daycare and preschool land use located at 130 N 200 E within the Commercial 1 zoning district, called Bedtime Stories 24 Hour Child Care Center, Joann Hagen.

The Planning Commission reviewed the Conditional Use Permit and has recommended the Price City Council provide final approval including the condition of approval below:

- Ensure that business operation and occupancy limited to the lesser of the identified safe occupancy load of the building as established and regulated by the Price City Building Inspector and Price City Fire Chief or the State of Utah permit maximum, finding that occupancy limits protect the health, safety and welfare of the building occupants and the overall community.
- Complete of building and fire safety inspection of structure by the Price City Building Inspector and Price City Fire Chief and compliance with all required safety recommendations stemming from the inspections finding that updated and inspected structures protect the health, safety and welfare of the community and specifically protect the life safety of children at daycare or preschool.
  - Safety inspection must address: (1) building and structure in general; (2) kitchen and food prep area specifically; (3) use of lower level of structure specifically.
- Submit of a copy of State of Utah license to Price City finding that properly licensed and permitted businesses serve to protect the health, safety and welfare of the community.

- Complete all building renovations completed under the auspices of a Price City Building Permit and inspected by the Price City Building Inspector finding that properly permitted and inspected building renovations protect the health, safety and welfare of the community.
- Ensure that no additional structures located on the site without specific review and approval of an amended site plan finding that future uses, structures and development may require additional permitting and consideration by Price City.
- Ensure that children within the structure or in the outdoor playground area to remain under the direct supervision of a qualified Bedtime Stories adult employee at all times finding that qualified adult supervision mitigates the potential for malicious acts.
- Site to be renovated and improved consistent with site plan submitted and as indicated below finding that approved site plans protect the health safety and welfare of the community.
  - Parking Lot Surfacing: Parking lot to be hard surfaced on or before 9-1-17 as required by Section 6.7 of the Code. Parking lot may be temporary surfaced with gravel or asphalt millings. No debris or mud track out to city streets permitted. Minimum of twelve (12) off street parking spaces to be identified, including ADA spaces. Minimum of two (2) off street parking spaces identified for safe drop-off and pick-up of children.
  - Exterior Lighting: parking lot, drop-off and pick-up area and outside corridors and play areas to be lighted and fully visible during dark hours for safety. Light fixtures to be angled away from neighboring residential properties. All exterior lighting to be LED fixtures.
  - Garbage: Garbage cans and/or garbage dumpster to be maintained in off-street enclosure to prevent wind scatter of garbage, rubbish and debris. Garbage receptacles in quantity and service frequency to prevent accumulations of garbage, rubbish, debris outside of the containers.
  - Drop off and Pick Up: Must be maintained in off-street location for safety.
  - Fencing: Playground and outdoor play area to be secured with a six foot non-sight obscuring (6') secured fence. Fence to accommodate secured gate used for emergency purposes only. No egress by children or ingress by unauthorized persons through gate or fence. Six foot (6') sight obscuring fence along north and east site boundaries; three foot (3') for thirty feet (30') from each sidewalk line.
  - Landscaping: Minimum of 5% of surface area of site to be landscaped. All landscaping to be water wise.
- Complete a storm water management plan based on new impervious surface of parking lot and submission of plan to the Price City Engineer for review and concurrence finding that properly planned storm water flows prevent flooding and impact to property and life safety.
- Ensure that business signage to be presented to the Price City Planning Department prior to installation for review and potential approval finding that properly reviewed and approved business signage promotes increased commercial and business activity within the community, consistency in signage and is consistent with the Price City General Plan.
- Ensure that no conditions at the property or structure that violate the Price City Property Maintenance Code finding that properly maintained property and structures protect area property values and is consistent with the Price City General Plan.

**MOTION.** Councilmember Nelson moved to approve final approval of the Conditional Use Permit for Bedtime Stories 24 Hour Child Care Center as recommended by the Planning & Zoning Commission with the conditions indicated. Motion seconded by Councilmember Hanna-Smith and passed.

d. ASSISTED LIVING FACILITY - Consideration and possible approval of concept approval only for an assisted living facility land use at 75 E 500 N within the Public Facilities (PF) zoning district, Beehive Homes of Price - Memory Care Center, Richard Nuffer.

The Planning Commission reviewed the Conditional Use Permit and has recommended the Price City Council provide concept approval only including the conditions of concept approval only below:

- a. Obtain site control or ownership allowing unencumbered private development to occur.

- b. Final comprehensive site plan to be prepared and submitted consistent with the concept site plan submitted, and to include the following elements:
  - i. Utility connections for water, sewer, electric, natural gas detailed (size, location, etc.) including any required sampling manholes and grease traps.
    - 1. Procurement and submission of capacity and willingness to serve letters from each utility provider.
    - 2. Provide electrical load sheet to Price City electric department.
    - 3. Provide full details on solar installation to Price City electric department.
  - ii. Detail and location of retaining wall to support hillside and prevent storm water or debris flows from negatively impacting the development.
  - iii. Fencing: potentially required six foot (6') sight obscuring fencing on the west and north sides of the development. Location and details onto site plan.
  - iv. Review of development with the Price City Fire Chief and installation of fire safety water lines and hydrants as required. Locations to be indicated on final site plan.
  - v. Minimum of 12 off street parking spaces, including ADA spaces, to accommodate initial and future building at site. Consistent with Code Section 6.4.10 of 4 spaces + 1 space per 5 beds = 11 spaces. One (1) additional space for visitors.
    - 1. Parking lot and exterior area lighting to be high efficiency LED fixtures.
    - 2. Parking lot and exterior area lighting to be angled, shielded or on timers to not negatively impact neighboring residential uses with light transference.
    - 3. Right turn only upon exit from off street parking with signage. To be indicated on site plan.
  - vi. Garbage dumpster to be located and identified on final site plan in screened enclosure with gates.
  - vii. Detail on curb, gutter, sidewalk, street light, and other public infrastructure installations.
  - viii. Indicate minimum of 5% of area landscaping on site plan. Landscaping to be water wise.
  - ix. Indicate locations of business and way-finding signage proposed on final site plan.
- c. Completion of a geotechnical study and submission of the study to the Price City Engineer for review and concurrence and potential further development requirements and recommendations.
- d. Completion of a storm water management plan and submission of the plan to the Price City Engineer for review and concurrence and potential further development requirements and recommendations including on site detention.
- e. Completion of a private utility agreement with the Price City public works department as it relates to culinary water connection and service.
- f. Completion of a public infrastructure development agreement with the Price City public works department as it relates to the installation of public infrastructure associated with the development and submission of the required financial surety as required.
- g. Completion of a Price River Water Improvement District (PRWID) waste water survey and submission of the survey to PRWID with a copy to Price City.
- h. Submission of building plans to the Price City building department for review and approval. All construction to be completed under the auspices of a Price City building permit.
- i. Recommended that a pre-development meeting be held with Price City and area service providers prior to finalization of the site plan to be submitted for final approval.
- j. Identification and recording of any necessary easements including existing water lines, storm water drainage, electrical lines.

- k. Application and receipt of Price City business license prior to opening and operation at site.
- l. Business signage to be submitted to the Price City planning department for review and potential approval prior to installation.
- m. Completion and submission of a preliminary environmental site review consistent with Section 3.3.3 of the Code and any mitigation plans for conditions noted.

CONSENT AGENDA – **MOTION**. Gary Sonntag, Public Works Director, stated that item 14 and item 15 were duplicate items and asked that item 15 be struck from the agenda. Councilmember Hanna-Smith moved that item 15 be struck from the agenda. Motion seconded by Councilmember Miller and carried. **MOTION**. Councilmember Hanna-Smith moved to approve consent agenda items 12 through 16. Motion seconded by Councilmember Miller and carried.

12. MINUTES -

- a. September 9, 2015 City Council Meeting

13. BUSINESS LICENSES - Authorization to approve business licenses for Foundation for Family Life/Mentor Works at 160 East 100 South, Foundation for Family Life/Mentor Works at 178 East 100 South, Bryner Photography at 585 East Main, Sodalicious Drinks & Snacks, LLC. at 430 South Carbon Avenue, BNL Landscaping at 830 North 100 East, and Infocus Technical Solutions, LLC.

14. NIELSON CONSTRUCTION INC., CLASS C ROAD CAPE SEAL PROJECT #6C-2015 - Main Street, Carbonville Road to 400 West. Change Order: Remove slurry seal (\$30,400), Add Flush Coat +\$3,000. Payment #1 (final) \$41,000. Budget.

15. NIELSON CONSTRUCTION, INC. CLASS C ROAD PROJECT #6C-205, CAPE SEAL - Change order reducing the project by \$27,400 (delete slurry and add flush coat). Payment #1, final, \$41,000. This item was struck from the agenda.

16. TRAVEL REQUEST -

Ron Brewer, 2015 Water Quality Technology Conference, American Water Works Association, November 16-18, 2015, Salt Lake City, UT.

17. COMMITTEES - Updates presented.

- a. WATER RESOURCES
- b. EMERGENCY PLANNING
- c. COMMUNITY PROGRESS-CULTURE CONNECTION
- d. INTERNATIONAL DAYS

18. UNFINISHED BUSINESS

- a. Recycling – Next meeting is scheduled for October 8, 2015 at 4:00 P.M.

The regular City Council meeting was adjourned at 7:30 p.m. by Mayor Piccolo, pursuant to the motion by Councilmember Nelson.

APPROVED:

ATTEST:

\_\_\_\_\_  
Joe L. Piccolo, Mayor

\_\_\_\_\_  
Sherrie Gordon, City Recorder

# CONDITIONAL USE PERMIT AMENDMENT

THIS PERMIT IS HEREBY APPROVED FOR:

A LAND USE OF: BOARDING HOUSE  
LAND USE LOCATED AT 160 E 100 S  
AND 178 E 100 S, WITHIN THE  
COMMERCIAL 1 (C-1) ZONING DISTRICT

CONSISTENT WITH THE TERMS, CONDITIONS AND REQUIREMENTS SET FORTH  
BY THE PRICE CITY PLANNING AND ZONING COMMISSION, THE PRICE CITY  
COUNCIL AND THE PRICE CITY LAND USE MANAGEMENT AND DEVELOPMENT  
CODE.

SIGNATURE



09/30/2015  
DATE



**ACKNOWLEDGEMENT AGREEMENT FOR CONDITIONS OF LAND USE AS REQUIRED BY THE PRICE CITY PLANNING AND ZONING COMMISSION AND AS AGREED TO BY THE LAND USE APPLICANT FOR A BOARDING HOUSE LAND USE TO BE LOCATED AT: (1) 160 E 100 S; AND, (2) 178 E 100 S. WITHIN THE COMMERCIAL 1 (C-1) ZONING DISTRICT.**

**Purpose:** the purpose of this agreement is to establish the terms and conditions of an agreement between Price City and JOSEPH WHITE, FOUNDATION FOR FAMILY LIFE OF UTAH/MENTOR WORKS, regarding the conditions of land use associated with A **BOARDING HOUSE LAND USE TO BE LOCATED AT: (1) 160 E 100 S; AND, (2) 178 E 100 S. WITHIN THE COMMERCIAL 1 (C-1) ZONING DISTRICT** as it is associated with JOSEPH WHITE, FOUNDATION FOR FAMILY LIFE OF UTAH/MENTOR WORKS.

**Parties:** this agreement is made by and between Price City (City), 185 East Main Street, Price, Utah 84501 and JOSEPH WHITE, FOUNDATION FOR FAMILY LIFE OF UTAH/MENTOR WORKS, (Applicant), for the property located at **(1) 160 E 100 S; AND, (2) 178 E 100 S.**

**Term:** the term of this agreement commences on SEPTEMBER 28<sup>TH</sup>, 2015 and will perpetually run with the land unless terminated based on a change of use or other performance or compliance factors as outlined in the Price City Land Use Management and Development Code (Code). This contract is further subject to compliance with all Code requirements and other state, federal or local permitting.

The parties identified above hereby agree to the following:

Applicant Shall:

- Acceptance and approval of a reasonable accommodation request finding that interpretation of the Code for the land use of a group home, a related land use to a rooming and boarding house, is restricted in the C-1 zoning district and a reasonable accommodation is warranted based on property availability within the community and the use is located in a residential structure within the C-1 zoning district and the group home standard provides a functional, reasonable and rational basis for the land use evaluation, conditions and permitting.
- No on-street parking by residents or house manager finding that restricted on-street parking mitigates the potential for vehicle and pedestrian accidents and congestion in the neighborhood.
  - No unusual traffic (delivery trucks, commercial vehicles, heavy equipment) permitted on or off site finding that restricted unusual traffic mitigates negative impacts in the neighborhood.
  - Total parking limited to two (2) traditional vehicles parked off street in the driveway for each location.
- Garbage collection and service frequency arranged so as to not permit accumulations of garbage beyond capacity of on-site receptacles and receptacle quantity and service frequency to be adjusted to avoid accumulations of garbage or other related nuisances in the neighborhood.
  - No unusual waste, debris, residential or otherwise to be generated, no unusual electronic interference generated, no unusual dust, smoke, odors, noise, discharge or other contamination generated finding that restricted unusual generation of potential nuisances conditions mitigates negative impacts in the neighborhood.
- No on-site individual or group counseling or medical treatments to be provided finding that the location is not licensed or permitted as a counseling or treatment center nor is it permitted as a Home Occupied Business for the provision of those services.
- Fire and building safety inspection of subject properties to be completed by the Price City Fire Chief and Price City Building Inspector and compliance with all safety requirements and recommendations stemming from the inspection(s) finding that fire and building safety improvements protect the health, safety and welfare of the community.
- Inspection of the subject properties by a qualified American's with Disabilities Act (ADA) inspection provider and compliance with all access and safety requirements stemming from the inspection finding that inspected and accessible housing ensures compliance with the ADA laws and is in the best interest of the potential residents occupying the structures.
- Maintain a minimum of one full-time, on-site house manager at all times at both 178 E 100 S and 160 E 100 S, respectively, finding that the nature of the housing occupancy necessitates full-time, on-site management to mitigate neighborhood impacts created by the occupancy type.
  - Occupancy limit on each home not to exceed six (6) total persons including full-time, on-site house manager finding that the occupancy limits for a large group home licensing provide a rational basis for approval of the land use and mitigate the potential for overcrowding in the structure or neighborhood and the physical bedroom and bathroom space in the structure does not support additional occupancy levels.
  - Occupancy to comply with Transitional Housing as defined in Section 1.13.278 of the Code: **TRANSITIONAL HOUSING FACILITY.** A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually three to twenty four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty days, shall not be considered to be a transitional housing facility.
- No persons to reside, visit, or congregate at the either home or property who are listed on any sex offender registry or who have committed a crime involving weapons or violence or persons known to currently be using drugs in an illegal manner finding that children may be present in the neighborhood and restricting registered sex offenders and those who have committed crime(s) involving weapons or violence from the location protects the health, safety and welfare of the community.
- Only persons originally or [formerly] permanently based in Carbon County for a minimum of a six (6) month period to reside in either home finding that limiting occupancy of the home to persons from Carbon County serves to mitigate the community concern regarding imported residents with criminal histories.

Official supervision of each resident in the home to be provided by Adult Probation and Parole or, at Mentor Works expense for costs and reimbursement, the joint supervision by the Price City Police Chief and/or the Carbon County Sheriff, or through a court appointed private probation provider, finding that official law enforcement supervision increases the opportunity for success of the residents and mitigates potential issues within the neighborhood.

*Supervisory visits to be completed at a minimum of weekly. All supervisory visits will be accommodated.*

No gathering in excess of ten (10) individuals at the home, inside or outside finding that restricting large gatherings of people mitigates disturbances within the neighborhood.

No children under the age of eighteen (18) years of age permitted to enter either yard or home, regardless of relationship, connection to resident or status finding that restricting access by children protects the health, safety and welfare of the community.

Conduct information dissemination and program operation meetings with members of the neighborhood, at a location within the neighborhood or immediately adjacent to the neighborhood, a minimum of annually, finding that interaction between the operation and the neighborhood limits misinformation and serves to mitigate misunderstandings as well as provide the basis for correction of problem situations in advance.

Provision of a list of residents, managers, volunteers, updated from time-to-time as may be necessary, to the Price City Police Department, Carbon County Sheriff Department and any neighbors requesting finding that public safety knowledge of high-risk individuals or situations in the community mitigates the potential for criminal or civil violations.

o Compliance with all community safety requirements or recommendations provided by the Price City Police Department finding that community safety directives protect the health, safety and welfare of the community.

Certify, by way of accepting these conditions of approval, and the applicants acknowledgement, that: (1) all American's with Disability Act and Fair Housing Act requirements will be followed; and, (2) Certify, via the submission of the Conditional Use Permit Application, that no person will be placed or remain in either location whose prior or current behavior, actions and/or criminal incidents or convictions, has demonstrated that such person is or may be a direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions has resulted in or may result in substantial physical damage to the property of others finding that such certifications protect the health, safety and welfare of the community.

o Any violators to be removed from the home and the violation to be reported to the Price City Police Department within 24 hours.

o Violators removed from home to be relocated to another home facility by Mentor Works to ensure homeless situations are not created in the community.

Provision of copies of all state licensing documents to Price City finding that properly licensed and registered businesses protect the health, safety and welfare of the community.

Provision of a copy of the Department of Justice (DOJ) grant the Foundation for Family Life of Utah/Mentor Works is administering finding that local knowledge of the terms of the grant may help identify timing of management gaps of the project finding that a strong possibility of terminated, delayed or reduced management of the site by the Foundation for Family Life of Utah/Mentor Works may occur when the grant terminates.

o Submission of a written plan to Price City detailing the approach the Foundation for Family Life of Utah/Mentor Works will take to ensure continued, ongoing and uninterrupted operation of the facility in a manner consistent with this approval should the DOJ grant status change.

No installation of signage at either location finding that restriction of signage serves to maintain the residential character of the properties, although situated within the C-1 zoning district, and structure utilized to accommodate the land use.

Submission to Price City on an annual basis certificates of liability insurance from the property owner and/or operations provider in the minimum amount of \$1,000,000 finding that insured operation's protect the financial interest of the community as well as protect the health, safety and welfare of the community.

No violations of the Price City Property Maintenance Code as it relates to the property or the structure finding that properly maintained property and structures protect area property values and is consistent with the Price City General Plan.

Price City Shall:

- Authorize the land use contemplated herein and under the terms and conditions set forth as indicated.

SIGNED THIS 28 DAY OF Sept, 2015.

Price City  
*[Signature]*  
By Robert Oliver, Planning Commission Chair

Applicant:  
*[Signature]*  
JOSEPH WHITE  
FOUNDATION FOR FAMILY LIFE OF  
UTAH/MENTOR WORKS

ATTEST:  
*[Signature]*  
Sherrie Gordon, City Recorder

