

PAYSON CITY  
CITY COUNCIL MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, November 2, 2016 6:00 p.m.

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2  
3  
4  
5  
6 CONDUCTING Mayor Richard Moore  
7  
8 ELECTED OFFICIALS Linda Carter, Mike Hardy, Brian Hulet, Doug Welton  
9  
10 ABSENT OFFICIALS Scott Phillips  
11  
12 STAFF  
13 Dave Tuckett, City Manager  
14 Sara Hubbs, Finance Director/Recorder  
15 Travis Jockumsen, Dev. Serv. Director/City Engineer, PW Director  
16 Jill Spencer, City Planner  
17 Mark Sorenson, City Attorney  
18 Kim Holindrake, Deputy Recorder  
19 Karl Teemant, Recreation Director  
20 Tracy Zobell, Golf Pro  
21 Brad Bishop, Police Chief  
22 Kyle Deans, Planning/Zoning Specialist  
23 Scott Spencer, Fire Chief  
24 OTHERS  
25 Burtis Bills, Jessie Sorenson, Wade Haskell, Nancy Trotter, Matt  
26 Stewart, Brandon Smith, Darce Trotter, Lori Jones, Kevin Stinson,  
27 Dane Kimber, Randy Walton, Jenny Stinson, Heather Wallentine,  
28 Steve Wallentine, James Presson, Brent Knapp, Lauren Cowan, Lou  
29 Balamis – Chamber, Jim Moshier

30 This meeting of the City Council of Payson City, Utah, having been properly noticed, was called to  
31 order at 6:00 p.m.

32  
33 A. PRAYER & PLEDGE OF ALLEGIANCE

34  
35 Prayer offered by Councilmember Weldon

36  
37 Pledge of Allegiance led by Councilmember Hardy

38  
39 B. CONSENT AGENDA

- 40 1. Approval of October 19, 2016 Payson City Council Meeting Minutes

41  
42 **MOTION: Councilmember Hardy - To approve the consent agenda.** Motion seconded by  
43 Councilmember Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton.  
44 The motion carried.

45  
46 C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

- 47 1. Public Forum  
48

49 No public comment.

50

51 2. Council and Staff Reports

52

53 Staff Reports

54

55 POLICE – Chief Bishop reported the trunker treat was held last week at Payson Market. He thanked  
56 the local businesses and Payson Market for the event. He handed out a new trading card for the new  
57 city K-9.

58

59 COMMUNITIES THAT CARE – Kim Lefler reported that the prescription drug take back event  
60 collected 44.4 pounds of drugs. The box at the city offices was filled to the brim. The event did a  
61 great service for the city.

62

63 FIRE AND AMBULANCE– Chief Spencer stated calls are keeping them busy for medical and fire.  
64 There have been a number of accidental structural fires in the last couple weeks. No one has been  
65 injured, but there has been quite a bit of loss for individuals in personal and family items. There was  
66 an issue with the ambulance with an emergency transport from Mountain View Hospital to Utah  
67 Valley Hospital where the ambulance died just before I-15 in Provo. It looked like something came  
68 apart in the engine. Fortunately, the ambulance only had 90,000 miles and was still under warranty.  
69 A new engine is being installed. The city’s new ambulance has been ordered as well.

70

71 Council Reports

72

73 Councilmember Hulet stated the Peteetneet will be closed on Tuesday for election day. He thanked  
74 Jill Spencer for the tour of Rocky Mountain ATV, which is a great place. The election on Tuesday  
75 includes a PARC tax, which stands for parks, arts, recreation, and culture. There are some  
76 misconceptions regarding the PARC tax in that the funds will be spent on only on some big items.  
77 The funds will be spread out over many items. The committee that has been working to get the  
78 PARC tax passed is not an official committee of the city council and will not be addressing how the  
79 funds will be used.

80

81 Mayor Moore stated his condolences to the Blair Andreason family who lost their grandson  
82 yesterday.

83

84 3. Scout Attendance Certificates

85

86 No scouts in attendance.

87

88 4. CTC – Mayor’s Youth Recognition Award

89

90 James Presson is with Payson Junior High. He has volunteered to work concessions at BYU football games  
91 to help his cousins swim team earn money. He is always kind and helpful in class. He cares about others and  
92 shows it. He works diligently on his assignments.

93

94 Brent Knapp is with Payson High School. His GPA is a 3.6. He participates in football and wrestling. His  
95 future goals are to graduate from high school, go on a mission, and attend college. Coach Chatman says he is  
96 a motivated student who sets goals and works to achieve them.

97

98 Lauren Cowan is with Mount Nebo Junior High. She is one of the most beautiful people inside and out. Her  
99 smile lights up a room. She is spot on as the type of student the school wants to exemplify at Mount Nebo.  
100 She is so kind and always on tack.

101  
102 5. Chamber Business of the Month  
103

104 Lou Balamis stated the business of the month is White Feather Rocks in Santaquin, which began in  
105 their garage. They are a great business who also works with the community in educating children on  
106 rocks and fossils.

107  
108 Jim and Loretta Moshier are the owners of White Feather Rocks. Jim thanked the city for the honor.  
109

110 D. PUBLIC HEARINGS/ACTION ITEMS

- 111 1. Public Hearing/Resolution to consider the disposition of certain real property located in  
112 Payson Canyon in the area commonly referred to as Four Bay and surrounding areas (6:15  
113 p.m.)  
114

115 **MOTION: Councilmember Carter – To go into the public hearing.** Motion seconded by  
116 Councilmember Hardy. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton.  
117 The motion carried.

118  
119 Staff Presentation:

120 Dave Tuckett reviewed the properties in the Four-Bay area. There are six parcels in total with five  
121 being owned by the city, which were acquired in 2001. There was a donor that was going to  
122 purchase the property and donate it to the city as a charitable donation. It was a great thought and  
123 opportunity, but there were many documents to make it happen. Unfortunately, the charitable  
124 donation didn't come to fruition. Payson City purchased the property with a bond for 6 million  
125 dollars and has been paying the bond for the last 12 -13 years. This has put a cramp on the city's  
126 ability to run the city. It has been quite expense. The council has previously discussed selling the  
127 property to get out of debt. There are challenges for development. A conservation report and study  
128 was done on the area. The city was looking at trails and camp areas but no housing. At this time  
129 staff was asked what could be done to put it on the market. The first step is to declare the property  
130 as surplus. Any property over two acres has to be declared surplus and have a public hearing. The  
131 long parcel on the west side was not part of the original purchase, which was purchased from the  
132 Elmer family. One of the Elmer children would like to purchase the property back from the city.  
133

134 Public Comment:

135 Burtis Bills stated he was involved in the project from the beginning. Previously a developer wanted  
136 to build homes with septic tanks and cement the ponds and pipe the canal. It was purchased by the  
137 city to protect the spring water and water shed. He felt it was a good investment to protect the  
138 property. Many people have spent their youth years there with camping and hiking. It is a very  
139 fragile environment. The turkeys use it to roost and deer and elk bear calves there also. He worked  
140 with a developer who tried his very best to come up with a development. If the city needs to rest this  
141 bond, he's okay with it. But the city needs to preserve this property. He suggested selling it to a  
142 corporation that will maintain and preserve the property. He is willing to be part of a committee to  
143 find corporate sponsorships to rest the bond.  
144

145 Jessie Sorenson stated that along with the impact Mayor Bills spoke of, there is thriving activity  
146 with humans on the property. There is a mountain bike culture, and many families who enjoy the  
147 area. There is a beautiful space with trails. As a father he uses the area with his children. As an  
148 administrator at the high school, there are PE classes and cycling classes who use the area. The  
149 space is a gem. Other cities have developed spaces for trail runners, hikers, bikes, and other  
150 activities. This is why he lives on the Wasatch front for the mountains. He understands the financial  
151 implications. Once it is gone, it will be gone forever. There are different ways to monitor the usage.  
152 Many travel far to use the space and then contribute to the community economically.

153  
154 Wade Haskell stated he is a recreator in the area. Many run the trails and mountain bike the area. He  
155 echoed Mayor Bills in that there was a vision when the deal was made that the ecosystem would be  
156 kept in mind. The current council and mayor should have a vision for the city and a vision of the  
157 future for the kids besides economic development. He encouraged the council to take Mayor Bills'  
158 offer to form a committee to find a proper buyer for the property so that the burden can be taken  
159 from the city. This way the area can be preserved. It is a gem and a jewel for the city. The area  
160 pushes exercise and healthy living. It would be nice to be proud of the area.

161  
162 Nancy Trotter stated she is a trail rider and rides with her kids and grandkids. It is one of the few  
163 place in Payson you can go without worrying about cars hitting you on your bike. She maintains the  
164 trails and block the areas where people try to go off the trail because they want to preserve the area.  
165 She hopes the city can come up with a solution so the area can be kept for future generations. It is a  
166 wonderful family area and a gem.

167  
168 Matt Stewart stated he has lived in Payson for 42 years. When he heard this, his heart sank. It truly  
169 is a gem. He has spent a lot of time there with his family and children. He hopes the city can do as  
170 Mayor Bills has stated to find a way to preserve the area. As a kid, his father served on the city  
171 council, who spoke of the Four-Bay area, and how it was a critical part of the city because of the  
172 water. It is a recreational place accessible easily. Families use the area to grow family relationships.  
173 If it goes to a private company that has no other use than making money, it's lost. He is willing to  
174 serve on a committee as well.

175  
176 Brandon Smith stated he is not a resident but recreates on the property with friends two to three  
177 times per week. In real estate, cities are receiving more value for the homes because of recreation  
178 and open space properties in the area. It is a value to have the open space that people can access  
179 because it creates more value to the city and those coming to visit and use the property.

180  
181 Darce Trotter stated he is a long-time resident. He and his family have been recreating in this area  
182 for quite some time. It is interesting to him that on the election cycle is a proposal by the city to take  
183 tax money to use on arts, parks, recreation, and culture. This property has remained pristine. There  
184 are always concerns when development begins on a hillside. He worked for many years at Sundance  
185 and developed the mountain bike program there. This area is for hiking, mountain biking, horse  
186 riding, trail running, and all those other similar type of sports. This terrain fits that bill very well.  
187 The existing trail system is well thought out and avoids many inherent problems such as erosion and  
188 runoff. He agrees this is a gem of land and fragile environment. He would volunteer to serve on a  
189 committee as well.

190

191 **MOTION: Councilmember Hardy – To close the public hearing.** Motion seconded by  
192 Councilmember Hulet. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton.  
193 The motion carried.

194  
195 Council Discussion:  
196 Councilmember Welton stated he has not been in favor of selling the property for development. He  
197 agrees once it's gone, it's gone; and the city can't get it back. This is an area that makes Payson,  
198 Payson. That being said, \$600,000 per year is an expensive price tag. That is the reality. The city  
199 needs to divest itself of the expense. He would like to see a committee formed to ensure the area is  
200 useable for the residents. He asked the City Manager to look at Corner Canyon and how that was  
201 done. What he hoped would work out didn't work out. He encouraged the council to make this area  
202 pristine and an open recreation area available for everyone. With development there is a tax income  
203 and the city is divested of a debt; but it's not useable by Payson residents.

204  
205 Councilmember Carter stated she understands the feeling of the Four-Bay area. She has lived here  
206 all her life. She loves to look at the mountains. She also loves to live in a city where we can afford  
207 to fix the roads, make improvements, and enjoy family life without that debt hanging over us.  
208 Something a previous mayor and council has saddled Payson with that debt. If the city wants to  
209 have every citizen pay, it's fine with her. Mayor Bills could donate a couple million and maybe the  
210 city could find a couple others to donate. She knows the residents like it for us and she would like it  
211 for us. But the trouble the residents don't see is what is happening to Payson because of that debt.  
212 The money that is going out every year could be used to repair roads. She has been to Four Bay  
213 once and looked at it from the golf course. She loves Payson. It doesn't take Four Bay to make her  
214 lose her love for Payson City. But Payson City needs the money. If it can be sold to someone to  
215 preserve, good luck. Maybe someone would like to let everyone go up and enjoy it. A city can't  
216 function with a debt like that.

217  
218 Councilmember Hulet stated he understands there are people who use this area. It is a beautiful  
219 area. If you took the number of users divided by the debt, it would be staggering how much each  
220 person would have to pay to use the area. It is a lot of debt. Many residents talk to him about the  
221 roads, infrastructure, and paying taxes. Taxes are being used to pay for this property. He would like  
222 to preserve it if possible. The city doesn't have the funds to fix up the property if kept. It will be at  
223 least 10 years before the debt is paid off. He feels the property should be declared surplus and go  
224 from there.

225  
226 Councilmember Hardy stated that many comment about electrical rates in the city. Electrical rates  
227 increased a few years ago, and now the city is higher than the neighboring communities. Because of  
228 these types of debts, the city can't get rid of these situations where the rates are higher. This council  
229 has been saddled with this debt. He agrees if there is a way to preserve the area and take the weight  
230 off the debt off the city, it would be the way to go. But when you consider the number of people  
231 actually using the property and the amount of debt, it is incredible the amount of debt to preserve  
232 the ability to use the property. The council needs to look at all the opportunities and angles.

233  
234 **MOTION: Councilmember Hulet – To approve the resolution as presented.** Motion seconded  
235 by Councilmember Carter. A roll call vote was taken as follows and the motion carried.

236  
237 Yes - Linda Carter  
238 Yes - Mike Hardy

239 Yes - Brian Hulet  
240 Yes - Doug Welton

241  
242 Councilmember Welton encouraged the council to look at the alternatives.  
243

244 2. Public Hearing to consider a Conditional Use Permit for a Drive Thru for Farr’s Ice Cream  
245 located at approximately 1025 West 800 South  
246

247 **MOTION: Councilmember Hulet – To go into the public hearing.** Motion seconded by  
248 Councilmember Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton.  
249 The motion carried.

250  
251 Staff Presentation:

252 Kyle Deans reported this was discussed previously last month. The council had two major concerns  
253 regarding the conditional use permit, i.e. stacking of the drive through and an agreement with the  
254 neighboring Blackhawk Condominium complex as far as parking and access to the site. As a  
255 refresher Payson Fruit Growers is to the west and Blackhawk Condominiums is at the northwest  
256 corner. The issue before the council tonight is the conditional use permit for the drive through. The  
257 ingress and egress issues will be addressed through the site plan process and will not come before  
258 the city council. In discussions with the applicants, they will not move forward with the site plan  
259 until they have a conditional use permit. He understands the access concerns to the site. UDOT  
260 must approve both ingress and egress and the proximity of the road to the east. The final agreement  
261 between Blackhawk still needs to be finalized. If an agreement is not made, the conditional use is  
262 useless. He reviewed the original site plan as compared to the updated site plan. The new proposed  
263 site plan moves the ingress/egress in line with 1040 West. The stacking and drive through are  
264 approached differently allowing multiple cars in the stacking lane without interfering with any  
265 ingress/egress or parking. The east side ingress/egress has been moved slightly because of a power  
266 box. The use of the drive-through facility in the S-1 Zone adjacent to a residential zone is what the  
267 conditional use is for. Restaurants without a drive-through facility adjacent to residential are  
268 allowed by right in the S-1 Zone. Again all other items will be addressed through the site plan  
269 application process. There are 12 factors in order to approve a conditional use permit.

- 270
- 271 • Harmony of the request with the general objectives of the General Plan, Zoning Ordinance,  
272 Subdivision Ordinance, any other City ordinance and the particular zone in which the  
273 request is located.
  - 274 • Harmony of the request with existing uses in the neighborhood.
  - 275 • Development or lack of development adjacent to the site.
  - 276 • Whether or not the request may be injurious to potential development in the vicinity.
  - 277 • Present and future requirements for transportation, traffic, water, sewer, and other utilities.
  - 278 • Suitability of the specific property for the proposed use.
  - 279 • Number of other similar conditional uses in the area and the public need for the conditional  
280 use.
  - 281 • Economic impact on the neighborhood.
  - 282 • Aesthetic impact on the neighborhood.
  - 283 • Safeguards to prevent noxious or offensive omissions such as noise, glare, dust, pollutants  
284 and odor.

- 285       • Attempts by the applicant to minimize other adverse effects on people and property in the  
286       area.  
287       • Impact of the proposed use on the health, safety and welfare of the City, the area, and  
288       persons owning or leasing property in the area.  
289

290 Several concerns were brought up during the first public hearing, which have been addressed. Based  
291 on the new proposed plans, staff feels the 12 conditions have been met. Section 19.6.14.14 states as  
292 follows:  
293

294       *In order to promote compatibility between the S-1 and any other zoning district, the city staff or*  
295       *City Council, as the case may be, may require special conditions including but not limited to the*  
296       *following:*

- 297       • *Limited Business hours, or hours of operation.*  
298       • *Restrictions on lighting, emissions, noise and other potential impacts.*  
299       • *Design and placement of structures and improvements on the development site.*  
300       • *Appropriate screening through fencing, landscaping or building design.*  
301

302 Staff feels these items have been met either in the proposed site plan or the conditional use permit  
303 except for the first item, no hours of operation have been addressed. The council could set  
304 limitations in order to make it a more compatible use with neighboring and residential properties.  
305 The council has the following options.  
306

- 307       • Remand the application for the proposed conditional use permit back to staff for further  
308       review.  
309       • Recommend approval of the conditional use permit as proposed.  
310       • Recommend approval of the conditional use permit with conditions proposed by City  
311       Council.  
312       • Recommend denial the proposed conditional use permit.  
313

314 Public Comment:

315 Burtis Bills stated Farris Ice Cream is one of his favorite memories from Ogden at the original ice  
316 cream factory. He would like to see the project go through. He sees the concerns addressed.  
317 Lighting can be addressed with vegetation or temporary privacy screening. He recommends that if  
318 concerns have not been addressed to put a condition on the motion when passed.  
319

320 Lori Jones stated she represents her mother Anna Jones. She is for having a business here, but there  
321 are some environmental concerns. The care center on 930 West turned into a drug rehab. Wasatch  
322 Mental Health patients walk the streets. Kneaders opened and then left. A drive through will open  
323 the possibility for other businesses she would hate to see. The quality of the neighborhood would  
324 change. She would like a sit-down ice cream place. There are concerns about entrances, and the  
325 parking needs to be enforced. There are difficulties entering the road because of vision issues. She  
326 is worried about public safety. She is not in favor of where the garbage is located. There are tight  
327 spaces on the site plan.  
328

329 Kevin Stinson stated he met with all the neighbors and will act as a spokesman. He has a  
330 presentation he would like to give. He spent many hours going over UDOT and Payson codes. He  
331 thanked Farris Ice Cream for making some changes; however, there are some concerns they would

332 like to address. The drive through is what the business hinges on. There were several points that  
333 weren't brought up at the last meeting that they felt were slipped under the rug. The point of the  
334 regulations is for the safety of residents.

335  
336 Mayor Moore reminded Mr. Stinson that the site plan has to go back through staff. That is why we  
337 have staff. Also 800 South is a state road that is regulated by UDOT. The city has no jurisdiction.

338  
339 Kevin Stinson stated the state has information on exactly what is being presented. The state  
340 recommends using existing accesses. The access location shall serve as many properties and  
341 interests as possible to reduce the need for additional direct access to the state highway. They have  
342 come together as a community and have come up with options. He has listed every single item they  
343 feel is a code violation.

- 344 • According to Payson City zoning ordinance 19.8.5.2-3, development will be designed to  
345 avoid the creation of nuisances, hazards and other potential impacts on adjoining properties,  
346 particularly residential properties.
- 347 • Regarding noise, the speaker box for the drive through points directly at the neighbors and  
348 will be a problem.
- 349 • The trash needs to be placed as far from residential areas as possible. Cement pads are  
350 required, which are not there.
- 351 • The wall needs to be installed all around the property and needs to be a masonry wall.  
352 Cement slats does not meet the definition.
- 353 • The parking lot needs to have access of 20 feet from an entrance, and there is only 15 feet.  
354 Blackhawk needs 25 feet from the access to the first stall, and there is only 20 feet. Cars  
355 backing out will cause backup on the street. The design needs to meet fire trucks access.  
356 Scott Spencer stated a turnaround is not required unless over 150 feet. Mr. Stinson continued  
357 stating the ordinance requires 45 feet of clearance not above 36 feet when entering the street.
- 358 • Additional questions are listed such as trees size and a use transition plan including noise,  
359 traffic, and odors.
- 360 • There are inconsistencies and concerns where things were granted in one place and then  
361 denied in another. They would like the rules followed.
- 362 • Seven Solutions:
  - 363 ○ Remove the drive through
  - 364 ○ Remove proposed access on east side.
  - 365 ○ Open parking lot for safety vehicle and less congestion.
  - 366 ○ Move garbage to west side and surround it with required wall. Also 10 feet of  
367 landscaping is required.
  - 368 ○ Add required 10' landscape between residential and commercial.
  - 369 ○ Mason (not cement slat) wall between residential and commercial.
  - 370 ○ Traffic flow out through fruit grower's lot as suggested by UDOT code.

371  
372 Dane Kimber stated he is one of six partners on this project. The issue to be addressed tonight is the  
373 drive through and its feasibility. The other issues will be handled in the site planning process. The  
374 fence will be installed as each phase is developed. He is not opposed to a temporary solution, but a  
375 masonry fence of that length is a large expense for the entire property. He is willing to look at  
376 temporary solutions until the fence is installed. There is black screening that can be used, but he has  
377 not researched the viability or quality.  
378

379 Dave Tuckett stated he viewed the property and there is a wooden fence along the southern end.

380  
381 Councilmember Carter asked about the distance from 800 South to the back of the lot and how big  
382 is a city block. Travis Jockumsen stated a city block is around 600 to 660 feet depending on the  
383 block. Kyle Deans stated the property is 804 feet long. Councilmember Carter stated she should be  
384 complaining about her neighbor entering their driveway and shining lights into her house. The city  
385 has a chance to have a nice business in the community. Lights come from every direction, and she  
386 just doesn't understand.

387  
388 Councilmember Welton stated whatever is developed there will be a fence and light issues. Those  
389 issues are separate from the drive through. Whether it is a sit down restaurant or not. The big  
390 question is the spacing of the drive through. The trash can be moved easily. He questioned the  
391 possibility of putting the road behind the condos.

392  
393 Councilmember Hulet talked with Kyle Deans and Jill Spencer and the Payson Fruit Growers were  
394 interested in having a discussion.

395  
396 Randy Walton stated he is the homeowner on south end of the property. He doesn't believe the  
397 drive through and lighting are separate issues. He questioned how many customers will be using the  
398 drive through. He questioned the difference between a neighbor pulling into his driveway compared  
399 to the number of people using the drive through. It's probably not 25 time in an hour. Staff  
400 alleviated and accounted for the factors in making the decision for a conditional use permit. The  
401 first two address harmony. There isn't any harmony with the homeowners adjacent to this property.  
402 No one has asked him any questions or contacted him. Harmony is to get rid of the drive through  
403 and build the ice cream shop.

404  
405 Heather Wallentine stated she is from Elk Ridge. She has children and wants to support her family.  
406 She wants to bring something fun for the kids after attending the temple or a dance. Payson needs  
407 this. She can't lose her home over it. There are six people doing their best to bring this business to  
408 Payson. They can make it the least obtrusive as possible. They could even have a kid with an iPad  
409 to take orders.

410  
411 Jenny Stinson stated she is excited about the ice cream. Another idea would be to find some land  
412 elsewhere.

413  
414 Steve Wallentine stated this is a piece of property that has been undeveloped for a long time. They  
415 are trying to bring something of value to Payson. They are putting a lot of their selves out there so  
416 finding another piece of property or building other peoples fences isn't an option. They are not  
417 trying to pinch or rip anyone off. It is unreasonable to direct them in so many ways when there are  
418 laws and principles guiding this process. We are going to rely on that to happen.

419  
420 **MOTION: Councilmember Hardy – To close the public hearing.** Motion seconded by  
421 Councilmember Hulet. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton.  
422 The motion carried.

423  
424 **MOTION: Councilmember Welton – To grant a conditional use with the following conditions**  
425 **and request. One condition that the area between the proposed ingress/egress next to the**  
426 **property is signed as no on-street parking. Second condition that they work with Blackhawk.**

427 **Third condition that this conditional use runs with the business; and if sold or becomes**  
428 **another restaurant, it would have to come before the city. And request that the applicant talk**  
429 **to Payson Fruit Growers about possibly going that route and moving the trash.** No second.  
430 Motion dies.

431  
432 Councilmember Hulet stated he is concerned about the glare. There is a wooden fence on the south  
433 end, but there is one resident without a fence. The applicant stated he would be happy to put  
434 something up there to prevent the glare. He would like this included in the motion.

435  
436 **MOTION: Councilmember Hulet – To grant a conditional use with the following conditions**  
437 **and request. One condition that the area between the proposed ingress/egress next to the**  
438 **property is signed as no on-street parking. Second condition that they work with Blackhawk.**  
439 **Third condition that this conditional use runs with the business; and if sold or becomes**  
440 **another restaurant, it would have to come before the city. And request that the applicant talk**  
441 **to Payson Fruit Growers about possibly going that route. Also that the applicant addresses the**  
442 **issue of glare on the south.** Motion seconded by Councilmember Hardy.

443  
444 Dave Tuckett stated that the street parking is controlled by UDOT. The city can only request it be  
445 painted.

446  
447 **MOTION AMENDED: Councilmember Hulet – To strike the first condition addressing that**  
448 **the ingress/egress be signed as no on-street parking.** Motion amendment accepted and seconded  
449 by Councilmember Hardy.

450  
451 Kyle Deans clarified a conditional use permit is recorded on the property. If the property is sold but  
452 remains a Farris Ice Cream, the conditional use remains. If another business comes in, the  
453 conditional use permit is no longer valid. He can have the business license staff flag the location.

454  
455 A roll call vote was taken as follows and the motion carried.

456  
457 Yes - Linda Carter  
458 Yes - Mike Hardy  
459 Yes - Brian Hulet  
460 Yes - Doug Welton

461  
462 E. RESOLUTIONS, ORDINANCES, AGREEMENTS

- 463 1. **Resolution - Request for a temporary use on parcel number 30:030:0042 commonly referred**  
464 **to as the Wignall Agricultural Building (7:43 p.m.)**

465  
466 Staff Presentation:

467 Dave Tuckett stated the Wignall building was annexed not long ago. The Salem Hills baseball team  
468 would like to use the building this winter for practice as a temporary business. Scott Spencer, Fire  
469 Chief, has talked to the coach about any fire issues, and it's okay. There may be some building  
470 permit issues to be met.

471  
472 **MOTION: Councilmember Hardy – To approve the resolution authorizing Salem Hills to use**  
473 **the parcel as outlined.** Motion seconded by Councilmember Carter. Those voting yes: Linda  
474 Carter, Mike Hardy, Brian Hulet, Doug Welton. The motion carried.

475  
476 F. OTHER  
477 1. Request to modify the land use transition requirements in the Hidden Grove Estates  
478 Subdivision (7:44 p.m.)  
479  
480 Staff Presentation:  
481 Jill Spencer stated some of the property owners in the Hidden Grove Estates development are  
482 requesting to modify the land use transition requirements in the zone. The subdivision is located at  
483 the mouth of Payson Canyon and was developed by Arrive Homes. All the improvements have been  
484 installed. Whenever two zoning districts come together where there may be potential negative  
485 impacts, a land use transition area is required. Every situation is addressed on a case by case basis.  
486 There is residential on one side and industrial on the other with Gary's Meats. The original  
487 development showed RV parking and storage units in this area. Arrive Homes changed the site to  
488 make the project work by removing the RV parking and storage units. Transition requirements  
489 included a six-foot masonry wall along the common property line and installation of the landscaped  
490 planter. The planter was to be improved by the applicant and maintained by the HOA, which it was,  
491 as well as providing adequate access and a turnaround for public safety vehicles and equipment.  
492 The current owners are responsible for this area. They are also working to separate from the current  
493 HOA and reorganize as a separate HOA. The plan is to have the area graveled and used as  
494 additional parking.  
495  
496 Dave Tuckett stated the development agreement is addressed by the city. The property owners will  
497 have to work with the HOA.  
498  
499 Jill Spencer stated staff will bring back an amended development agreement for approval.  
500  
501 **MOTION: Councilmember Welton – To approve the modified land use transition agreement**  
502 **for the Hidden Grove Estates and direct staff to prepare the agreement for approval.** Motion  
503 seconded by Councilmember Hardy. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet,  
504 Doug Welton. The motion carried.  
505  
506 G. ADJOURNMENT TO CLOSED SESSION (8:52 p.m.)  
507 1. Discussion Regarding Property Sale and/or Purchase  
508  
509 **MOTION: Councilmember Hardy – To go into closed session.** Motion seconded by  
510 Councilmember Hulet. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton.  
511 The motion carried.  
512  
513 **MOTION: Councilmember Hardy - To adjourn the closed session.** Motion seconded by  
514 Councilmember Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton.  
515 The motion carried.  
516  
517 H. ADJOURNMENT  
518  
519 **MOTION: Councilmember Carter – To adjourn the meeting.** Motion seconded by  
520 Councilmember Hulet. Those voting yes: Linda Carter, Mike Hulet, Brian Hulet, Doug Welton. The  
521 motion carried.  
522

523 The meeting adjourned at 8:05 p.m.  
524  
525  
526  
527 \_\_\_\_\_  
528 Kim E. Holindrake, Deputy City Recorder

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