

1 Payson City Council Meeting
2 Wednesday, November 20, 2013

3
4 **ROLL CALL:** Mayor Rick Moore; Councilmembers: Mike Hardy, Scott Phillips, Jolynn Ford, and
5 Larry Skinner; City Manager David Tuckett; City Attorney Mark Sorenson; Taking minutes Trista
6 Bishop. Councilman Kim Hancock excused.

7
8 Meeting opened at 6:02 p.m.

9
10 **PRAYER & PLEDGE OF ALLEGIANCE:** Prayer offered by Jackson Terry and Pledge of Allegiance
11 led by Travis Pitcher.

12
13 **CONSENT AGENDA**

14
15 **MOTION** by Councilmember Hardy to approve the Consent Agenda as presented. Motion
16 seconded by Councilwoman Ford. Motion Carried.

17
18 **PUBLIC FORUM**

19 No public comment

20
21 **COUNCIL AND STAFF REPORTS**

22 Dora Edvalson presented Steve Spencer with his 15 year employee certificate.

23
24 Chief Scott Spencer said they are still struggling with ambulance/fire coverage during the
25 daytime. They hire people and then after a few months they get better paying jobs and quite.
26 He is trying to solve the issue of daytime coverage. He extended his appreciation for the
27 support of the Mayor and Council.

28
29 Golf Pro Tracy Zobell said that they appreciate the streets crew for re-paving some of the trails
30 through the Maples, they are going to try and do this in concrete from here on out and make
31 the path a little better.

32 The Golf Course play is winding down due to the weather. They poured concrete today to move
33 the propane tank from Marks shed to the shops.

34 The potholes in the cemetery are filled in and it looks great.

35
36 Councilman Skinner asked what the problem was from completing the trail on Hwy 198.
37 It was explained that right now there is a property owner that has some concern with allowing
38 the trail to continue through their property.

1 Public Works Director Travis Jockumsen said that they have several storm drain projects they
2 are working on and designing. One of them is that Ridge Lane area and on 600 East where it
3 flooded when we had our big storm.

4 They are about to award the study for the test holes at the reservoir.

5 They are working on the pump and the pump house for the lower pond. It will take a couple of
6 months to complete this project but we would not be interfering with the irrigation.

7 They are working on a lot of things so that they are ready to build in the springtime.

8

9 Councilman Scott Phillips said that the paving is wrapped up. The town looks good all around.

10 He encouraged them to take a drive through the cemetery, the roads look really good.

11 They finished the roof on the Peteetneet amphitheater. He said that they are looking at
12 hardiplank for the front and maybe a wainscot of brick. They were thinking of getting a brick
13 layer to donate some time to help with the cost. He wondered what the Mayor and Council
14 thought about this idea. He said that Steve is looking into something to prohibit kids from
15 getting on the roof of the amphitheater.

16

17 Mayor Moore noticed they finished the lights at the Peteetneet. He feels like this is a valuable
18 thing.

19

20 Councilwoman Jolyn Ford said that there are some changes with SUVPS coming down the pipe
21 on some structural stuff. When she knows more she will let us know. The library is doing great,
22 the friends of the library and the library board is doing some art contests which they will
23 continue through the winter.

24

25 Councilman Mike Hardy met with the interfaith council and there will be an event on February
26 22, 2014 to raise funds for a project to help transients that come through the city. They have
27 been coordinating with the police on this issue.

28 The Chamber of Commerce Christmas party will be held on December 11, 2013 at 11:30 a.m.
29 and the Mayor and Council are invited to attend.

30 Mayor Moore mentioned that he attended former Mayor Russell Hillman's funeral and he sent
31 his condolences to the Hillman Family.

32 He mentioned that the Cemetery looks great and appreciates all the crews that worked on this
33 project.

34

35 **PRESENTATION OF SCOUT ATTENDANCE CERTIFICATES**

36 Councilman Skinner presented the scouts in attendance with the certificates.

37

38

1 **PAYSON COMMUNITY THEATER – ANNUAL REPORT**

2 Perry Ewell representing the PCT presented to the council. He would like to thank the City for
3 their continued support. The PCT has a great reputation for the theater and the shows that they
4 are able to produce. He thanked Janeen Dean for her support during Onion Days. They did
5 much better this year than they did last year. They received great support from the community
6 and are excited for next year’s production.

7
8 Councilman Hardy said that he has heard from people across the valley how great the show
9 was.

10
11 **MOTION** by Councilman Hardy to open the public hearing. Motion seconded by Councilman
12 Phillips. Motion carried.

13
14 Public hearing opened at 6:24 p.m.

15
16 Planner Spencer presented the following staff report:

17
18 ***Request for Approval to Amend Sections of Title 19, Zoning Ordinance***
19

20 **Background**

21 The applicant, Aaron Garcia is requesting approval from the City Council of a text amendment
22 to the Zoning Ordinance that would allow mixed martial arts (MMA) as a permitted use in the
23 CC-1, Central Commercial Zone. The applicant recently applied for a business license to operate
24 the Unbreakable MMA Academy; however, the request to instruct mixed martial arts was
25 denied because mixed martial arts activities are not currently permitted in the City. In
26 accordance with Appendix A of the Payson City Zoning Ordinance, *personal fitness* facilities are
27 permitted in several commercial zones; however, the ordinance prohibits any combat style
28 activities. Because of the “no combat” classification, mixed martial arts are not currently
29 allowed.

30 By way of definition, mixed martial arts is *an extreme combat sport in which contestants are*
31 *permitted to use the fighting techniques of wrestling and boxing but also those of martial arts*
32 *such as kickboxing, judo, and karate* (Wikipedia.org). Martial arts may be categorized by a
33 variety of criteria, such as technical focus (unarmed and weapon-based) or by application or
34 intent (combat oriented, spiritual and philosophical development). Because the term *mixed*
35 *martial arts* involves a wide-range of self-defense, as well as offensive techniques, and involves

1 different types of activities (i.e. training, contests, exhibition), it will be important to provide
2 additional definition in the Zoning Ordinance.

3 Approval of a text amendment requires a recommendation from the Planning Commission,
4 following a public hearing, and approval by the City Council, again following a public hearing.
5 Prior to forwarding a recommendation to the City Council, the Planning Commission held a
6 public hearing in order to receive input from the public in relation to the proposal of the
7 applicant. Their recommendation is included in the recommendation portion of this staff
8 report. Furthermore, because an amendment to the Zoning Ordinance affects many parcels
9 rather than just the property owned by the applicant, mailing notice to all property owners
10 potentially affected by these amendments is impractical. However, in accordance with State
11 statute, notice of the public hearing has been posted in appropriate locations and the public
12 hearing was advertised in the newspaper for a minimum of fourteen (14) days.

13 **Analysis**

14 As indicated in the applicant’s formal request, the Unbreakable MMA Academy will provide
15 self-defense instruction with discipline, motivation, and a higher level of fitness while
16 encouraging confidence and self-respect. The applicant’s request is limited to a MMA training
17 facility with all contests, live matches, and exhibitions occurring at an appropriate venue.

18 Although it is typical for Planning Commissioners and City Councilmember’s to inquire about a
19 specific application of the ordinance, staff would suggest that an amendment to the Zoning
20 Ordinance is more significant than a review of a single project. Once an amendment has been
21 approved by the City Council, the provisions may be applied to all applicable parcels throughout
22 the community, not just the applicant’s proposal.

23 To adequately address the request of the applicant, the City Council will likely need to consider
24 the following issues:

25 **Proposed Use**

26 Two of the most common martial art forms are karate and taekwondo and these disciplines
27 have been instructed within the City in the past. Karate is a Japanese art of self-defense that
28 uses kicking, knee strikes, elbow strikes and open hand techniques to disable or subdue an
29 opponent. Taekwondo training originated in Korea and generally includes a system of blocks,
30 kicks, punches, and open-handed strikes and may also include various take-downs or sweeps,
31 throws, and joint locks without the use of weapons. Individually, these activities are quite
32 common and may be considered mainstream. Although various martial art disciplines have
33 been taught for hundreds of years, and even date back to the ancient Olympics, the
34 combination of the disciplines, referred to as *mixed martial arts* is relatively new. Mixed martial

1 arts allows the use of both striking (i.e. punching, kicking) and grappling (i.e. throwing,
2 submission holds, pinning) techniques. Rules and regulations for mixed martial arts have
3 evolved from the original matches where competitors were pitted against one another with
4 minimal rules to a sport that is now overseen by State athletic commissions. Nonetheless,
5 mixed martial arts and ultimate fighting is often perceived as aggressive and even violent.

6 The applicant is requesting the ordinance be amended to allow mixed martial arts, consisting of
7 karate, wrestling, boxing, kickboxing, and Jiu Jitsu. As indicated above, the applicant’s request is
8 limited to a training facility with all contests, live matches, and exhibitions being conducted at
9 an approved venue. This is an important distinction because regulations for competition
10 venues, required permits and licenses, and other event considerations have not been explored
11 or addressed by staff.

12 *Staff Recommendations:*

- 13 ○ Provide a definition of *mixed martial arts* in Chapter 19.28, Definitions of the Zoning
14 Ordinance to clearly delineate the acceptable forms of martial arts and limit any violent
15 activities such as the use of weapons.
- 16 ○ Staff would suggest the use be limited to training facilities, with contests, live matches, and
17 exhibitions being held at an appropriate venue with the proper permits and licenses.
- 18 ○ Provide regulations for MMA contests and exhibitions in Chapter 19.11, Temporary Uses of
19 the Zoning Ordinance.

20
21 **Proposed Location**

22 The applicant is leasing a building located in the CC-1, Central Commercial Zone; therefore, the
23 applicant is requesting that *mixed martial arts* training facilities be permitted in this zoning
24 district. However, the City Council will need to determine the most appropriate zoning
25 district(s) for mixed martial arts instruction. The City has established different zoning districts to
26 accommodate a variety of uses that are compatible and complementary. All businesses are
27 welcome in the community, but some may be more suitable in specific zoning districts.

28 **Classification**

29 The City Council will need to determine if the use is classified as a permitted use or a
30 conditional use. Permitted uses are typically activities appropriate in the zone without the need
31 to impose site or use specific conditions to ensure compatibility. Conversely, conditional uses
32 are activities where potential negative impacts can be addressed through the imposition of
33 specific conditions. The applicant has suggested that the instruction of mixed martial arts is
34 similar to *personal fitness* facilities which are already allowed in the CC-1, Central Commercial
35 Zone.

1 The City Council is not obligated to approve the request. It is the burden of the applicant to
2 convince the City Council that the proposed text amendment will benefit the community.

3 **Recommendation**

4 Development regulations are enacted to ensure that all property owners are treated equitably
5 and to protect the health, safety, and general welfare of the residents. It is important to
6 reiterate that amending the Zoning Ordinance will affect a number of parcels throughout the
7 community, not just the subject property. Therefore, the applicant’s request to operate the
8 Unbreakable MMA Academy on a specific parcel of land should be set aside and the City
9 Council should focus on the proposed amendments from a broader perspective.

10 On October 23, 2013, the Planning Commission, following a public hearing, recommended
11 approval of the amendments to Title 19, Zoning Ordinance and Appendix A finding the
12 proposed use will benefit the community and the proposed business is a good operation. The
13 vote on the motion was not unanimous; however, it was stated that the operation of the
14 business will be well managed with the implementation of City ordinances and State
15 regulations.

16 The City Council, following a public hearing, must decide whether or not the proposed
17 amendments are consistent with the development goals and objectives of Payson City. The City
18 Council may approve, amend and approve, remand the proposed amendments back to the
19 Planning Commission for further review, or deny the request of the applicant to amend various
20 sections of the Payson City Zoning Ordinance to address mixed martial arts instruction.

21 Any decision of the City Council should include findings that indicate reasonable conclusions for
22 the decision. If the City Council chooses to amend the Zoning Ordinance, the amendment shall
23 be completed by ordinance.

24 City Attorney Mark Sorenson asked Jill to explain the difference between competition and
25 combat in the facility.

26
27 Planner Spencer said that you could define the training as combative because of the nature of
28 the sport and the skills that you learn. She said that she referenced the ordinance this way
29 because that is the way Utah State Code references it. She said that in State Code it is very
30 defined and there a lot of requirements that they have to meet in order to have an exhibition.

31
32 **PUBLIC COMMENT**

33
34 Wade Haskell is part of the fight team and has been for over 5 years, although he is not
35 currently training to fight. He mentioned that he has never been in better shape than he has

1 been when he was training to fight. They would like to give back to the community by being a
2 part of the community and helping mentor etc.

3
4 Bill Cobert, director of Pete Swauza fight commission under the governor's office of economic
5 development. He explained that the commission regulates and licenses unarmed combat
6 events. He said that they have held an event in Payson before and it went really well. They
7 monitor the events and exhibitions to make sure they are obeying the rules. Mixed Martial Arts
8 event are becoming more and more popular in the state, it is a growing sport, provides a lot of
9 options for the participants. He explained that a lot of people doing the training don't
10 necessarily enter the fighting world. They want tp train for their own personal reasons. It's a
11 good option for the youth and has been very productive for those who participate.

12
13 Councilman Skinner asked what kind of medical releases they have to have to participate in the
14 sport.

15
16 Mr. Cobert said that they have probably strengthened in the last few years. A licensed
17 contestant requires a full physical exam by a licensed physician along with blood tests.

18
19 Councilman Skinner asked if these requirements are enforced.

20
21 Mr. Cobert said that they are strictly enforced because he is the one that enforces it.

22
23 Mayor Moore said that the last four exhibitions that he has gone to, they have had doctors and
24 ambulances on staff.

25
26 Councilman Skinner said that his question was more based on people getting ready to fight and
27 if they are in shape to fight rather than the services provided the night of the fight. He wants to
28 know who regulates who is getting in the ring.

29
30 Scott Walters resident of Salem, excited at the opportunity to have a gym so close. 11 months
31 ago he weighed over 300 lbs. He said that he has tried everything to lose weight and get
32 healthy and nothing worked. He said it has been a life changer for him. His boys have taken
33 classes from Aaron and the team and it has taught them respect, hard work and perseverance
34 et.

35
36 Trent Anderson, 8 year resident of Payson City. He would like to share his personal experience
37 of Aaron and the MMA team. His wife has fought with his team. He would like the council to
38 consider that it has torn a family apart. It has been a detriment to his family and others out

1 there. It is great for the health benefits and the physical benefits but the environment that it is
2 done in, is a detriment. He would like the council to consider those who went before them and
3 adopted the ordinance to say “no combat” and that they did this for a reason. If they approve
4 combat there will continue to be these kinds of issues.

5
6 Tiffany Anderson, currently separated from Trent Anderson, her and her children have
7 participated in several of the physical activities that it provides with the pool, pay it forward, 5k,
8 tec. Her involvement with the MMA began when her 9 year old trained with them.

9 She has trained with the MMA team since 2010. She has lost 55 lbs. since training and now
10 realizes the benefits of being healthy through diet etc. She said that honestly, the breakdown in
11 her marriage began 12 years ago. She said that MMA has restored confidence within her and
12 given her the knowledge and ability to protect herself. She supports having this gym in Payson
13 City.

14
15 Tonya Daley, her son is 8 and has cerebral palsy; he has to go through a lot of medical
16 procedures. Since he has started with Aaron and the MMA team he has improved physically
17 and emotionally. He has gained strength, eliminating a lot of his procedures that used to be
18 required. She feels like this would be a great thing in the community. It is hard for her son
19 because he doesn’t get to do a lot of things that other kids get to do and this has helped him to
20 be able to participate in more activities.

21
22 Councilwoman Ford asked why this particular exercise has helped her son.

23
24 She said that with the exercises that they do it has improved his leg strength. Her son hasn’t
25 had to go to physical therapy since she started taking him to Aaron and the MMA group.

26
27 Aaron Garcia – owner of MMA business. He would like to apologize to Trent for his feelings. He
28 explained that he tries to build confidence and make people feel better about themselves. This
29 facility will be able to help kids become better athletes. This will not be just a boxing gym, but a
30 gym that offers multiple activities. He provided the City Council with a copy of their rules for
31 their fighters and gym members.

32
33 Councilman Hardy asked if this was their first location.

34
35 Mr. Garcia said that they have another location in Nephi. He mentioned that he used to work
36 with people in Payson before and never had any issues.

1 Councilwoman Ford asked about school rules, it states in one of them that they will obey all
2 school rules. If her Jr. High kids don't obey the rules can she call him?

3

4 Mr. Garcia said yes and there are a lot of parents that call him to help with discipline.

5

6 Councilman Phillips asked if they meet the parking requirements.

7

8 Planner Spencer said that is why they separated the training facility from events and
9 exhibitions. This is just for training.

10 Councilwoman Ford asked if they meet the parking requirements.

11

12 Planner Spencer indicated that they meet the parking requirements for a training facility.

13

14 Justin Vanhorn resident of Elk Ridge, only been training for about 5 months he said the
15 environment is a group much more humble, disciplined and respectful than any other group the
16 same age.

17

18 Heidi Wolbeck said that when she started she weight over 200 lbs. She has lost over 65 lbs.
19 since she has started working out with Coach Aaron. She feels like her marriage would've been
20 saved if she would've done this sooner. She has an autistic son and working out with Coach
21 Aaron has helped her son in school due to this training. The environment is great and the gym
22 has helped her greatly. The team is a great support system. It will be great for the community.

23

24 **MOTION** by Councilman Phillips to close the public hearing. Motion seconded by
25 Councilwoman Ford. Motion carried.

26

27 Public hearing closed at 6:57 p.m.

28

29 Councilman Hardy explained for the public that the decision they make tonight will affect the
30 other areas of the community and is not a reflection on the coach. He asked Planner Spencer if
31 she checked into what other cities have done.

32

33 Planner Spencer said that she did reach out to other cities regarding MMA fighting. She didn't
34 receive a lot of feedback but the feedback she did receive was that the training was classified
35 the same as a gym but the exhibitions were looked at differently. Most cities allow the training
36 facility under the umbrella of physical fitness or gyms.

37

38 Councilman Hardy asked why the Planning Commission had a split vote.

1 Planner Spencer said that the vote was 4 to 1 for the MMA. But the planning commissioner that
2 voted no just wanted more time to research the issue.

3

4 Councilman Hardy said that he is looking at the definition of mixed martial arts in the state code
5 and wondered what it is we are allowing, are allowing competitions or not.

6

7 Planner Spencer said yes but it would be on a special event permit type basis. Planner Spencer
8 said that as far as what is permitted in the Utah State Code she feels like the gentleman from
9 the state could answer that question better.

10

11 Councilman Hardy said he didn't have any specific questions he just wondered what that part of
12 the code referenced.

13

14 Councilwoman Ford asked what the difference is between this and Karate. She has a brother
15 that is a black belt and he has had ribs, arms, and his nose broken. Her question is how it is
16 different from karate. She has been the most opposed of this just because of the safety issue.

17

18 Planner Spencer explained the Wikipedia definition.

19 Mr. Cobert from the Sports Commission, said they don't regulate karate because it is a point
20 system and they are demonstrating skills and not combat. They get penalized if they cause
21 injury. In any sport there is a potential for injury. There are far more concussions in football.
22 MMA training involves several different sports that they learn, wrestling, jujitsu, etc.

23

24 Councilman Hardy asked how many cities across the state allow this.

25

26 Mr. Cobert said that every city allows the training but some cities have different requirements
27 for exhibitions.

28

29 Councilwoman Ford asked for kids under 18 do they fall under the rules for high school
30 regulations.

31

32 Mr. Cobert said that kids under 18 can't participate in unarmed combat exhibitions.

33

34 Councilwoman Ford clarified that anyone under 18 would just be training which is far less
35 intense.

36

1 Councilman Skinner applauds Aaron for his efforts in physical training. Mixed martial arts by
2 nature is a violent activity intended to be that way. It is a violent sport by nature and it is
3 intended to be and it does carry beyond the gym.

4

5 Planner Spencer said that she would like to add USSA boxing rules in the regulations since it is
6 governed by two separate groups.

7

8 Councilman Phillips asked if we had contacted the law enforcement in Nephi to see if they had
9 any issues with the facility down there.

10

11 Planner Spencer said she did not contact Nephi law enforcement.

12

13 Councilman Skinner is not opposed to the training and he wondered if MMA uses were uses
14 that we HAD to provide a place for in the City.

15

16 Planner Spencer explained that there are protected uses in state law that you have to allow;
17 however she is not aware that MMA is a protected use.

18

19 City Attorney Sorenson said that there are rules for training and rules for events and they are
20 two completely separate issues. Events can be controlled or restricted out of the community.
21 He is not sure what type of protections this type of activity has. This is a violent sport and they
22 are trained in defending themselves against this.

23

24 Councilman Skinner asked if Jill is asking for two motions.

25

26 **MOTION** by Councilman Phillips to allow a training facility in the proposed zone and to do more
27 research on the exhibitions before they are allowed. Motion seconded by Councilman Skinner.
28 Motion carried. Councilwoman Ford voting naye.

29

30 Councilman Phillips asked if any staff had opinions on this issue He is not against the exhibitions
31 as long as they were controlled.

32

33 **MOTION** by Councilwoman Ford to go to public hearing. Motion seconded by Councilman
34 Hardy. Motion carried.

35

36 Public hearing opened at 7:23 p.m.

37

38

1 **PUBLIC HEARING – PLAT AMENDMENT – ABANDON/RELOCATE EASEMENTS (SCHRAMM)**

2
3 Planner Spencer presented the following staff report

4
5 ***Request for Approval of a Plat Amendment to Plat A of the R. Nelson Subdivision***
6 ***and to Vacate and Relocate Public Utility Easements***

7 **Background**

8 The applicants, Rod Schramm and Scott Jewett are seeking approval from the City Council to
9 amend the boundaries of the lots in Plat A of the R. Nelson Subdivision. The adjustment
10 involves both lots located at 872 West and 874 West Utah Avenue in the I-1, Light Industrial
11 Zone. The applicants are proposing to adjust the common property line that will result in an
12 increase in the size of Lot 1, currently occupied by Lion’s Den Storage and decrease the size of
13 Lot 2, the site of S&J Cabinets. Because the lots are included within a recorded subdivision plat,
14 approval of a plat amendment is required.

15 **Analysis**

16 In accordance with §10-9a-608 *et seq* of Utah Code Annotated (UCA), the City Council may
17 approve a request to vacate, alter, or amend a subdivision plat provided the provisions of State
18 statute are satisfied. Typically if the petition includes signatures of all property owners in the
19 subdivision a public hearing is not required. However, UCA §10-9a-609.5 requires a public
20 hearing if the amendment includes a request to vacate a street, right-of-way, or easement in
21 the subdivision. The request includes the vacation and relocation of existing public utility
22 easements; therefore, a public hearing is required. The public hearing notice has been posted in
23 the proper locations, the public hearing advertised in the newspaper, and the appropriate
24 landowners and affected entities notified.

25 The applicants must demonstrate the adjustment of property lines will not result in the
26 violation of any municipal ordinance or inhibit public or private utility providers from supplying
27 utility services. Following a review of the proposed plat amendment, there are a few technical
28 issues that will need to be addressed by the applicants. Staff would suggest the following
29 conditions accompany the request for a plat amendment.

- 30 1. As part of the application process, the applicants were required to contact the public and
31 private utility providers to determine if the proposed property line adjustments would
32 interfere with any existing utility services or proposed utility corridors. Staff has determined
33 the proposed adjustments will not impact existing municipal services and the applicants
34 have received confirmation from Comcast and UTOPIA. However, a letter will need to be

- 1 provided by Questar Gas and CenturyLink indicating the property line adjustments will not
2 inhibit their ability to provide services to customers.
- 3 2. To ensure compliance with State and local regulations, the plat will need to be amended as
4 follows:
- 5 a. The name of the subdivision will need to be modified to indicate an amendment to the
6 R. Nelson Subdivision rather than the Nelson Industrial Park Subdivision.
- 7 b. The references to the Fire Marshall will need to be changed to Fire Chief.
- 8 c. A twenty (20) foot access easement and fire lane will need to be provided along the east
9 property line of Lot 2.
- 10 d. A signature line that includes the standard approval language will need to be provided
11 for Questar Gas.
- 12 3. Proposals to improve the lots in the subdivision or alter existing improvements may require
13 additional approvals from Payson City. Furthermore, the emergency access and fire lane
14 along the east boundary of Lot 2 must be maintained.
- 15 4. The applicants have provided a revised plat for consideration by the City Council. The map
16 and legal descriptions need to be reviewed by City staff to ensure proper adjustment of the
17 property line will occur without the creation of any remnant parcel of property. Following
18 approval by the City Council, the plat will need to be recorded in the office of the Utah
19 County Recorder.
- 20 5. Modifications to existing site conditions such as sprinkling systems, fences, landscaping, etc.
21 will be an issue between the adjoining property owners. Approval of the adjustment does
22 not obligate Payson City to be involved in the resolution of any private property issues.
23

24 The plat amendment process was created to allow agreeable property owners to modify
25 adjoining property lines without the need to complete the subdivision process. Rather than
26 create new parcels, State statute allows for the common property lines to be altered if the
27 regulations of State and local ordinances are satisfied.

28 **Recommendation**

29 After considering the request of the applicants and the provisions of State statute and the
30 Payson City development ordinances, the City Council may approve, approve with modification
31 of the proposal, approve with the conditions proposed by staff, or deny the proposed plat
32 amendment. Any decision of the City Council should include findings that indicate reasonable
33 conclusions for the decision. If the City Council chooses to vacate and relocate existing public
34 utility easements, the amendment shall be completed by ordinance.

35 Planner Spencer indicated that the applicants were present if there were any questions for
36 them.

37

38 No questions from the City Council.

39

1 **MOTION** by Councilwoman Ford to close the public hearing. Motion seconded by Councilman
2 Hardy. Motion Carried.

3
4 Public hearing closed at 7:26 p.m.

5
6 Councilman Hardy disclosed that he has business dealings through the bank but he doesn't feel

7
8 **MOTION** by Councilman Phillips to approve the Plat Amendment. Motion seconded by
9 Councilwoman Ford. Motion Carried.

10
11 **MOTION** by Councilman Hardy to open the public hearing. Motion seconded by Councilwoman
12 Ford. Motion carried.

13
14 Public hearing opened at 7:27 p.m.

15
16 **PUBLIC HEARING – PLAT AMENDMENT – ABANDON/RELOCATE EASEMENTS (JOHNSON)**

17
18 Planner Spencer presented the following staff report.

19
20 ***Request for Approval of a Plat Amendment to Plat A of the J. Dixon Subdivision***

21 ***and to Vacate and Relocate Public Utility Easements***

22 **Background**

23 The applicant, Haley Johnson is seeking approval from the City Council to amend the
24 boundaries of the lots in Plat A of the J. Dixon Subdivision. The adjustment involves both lots
25 located at 66 West and 84 West 400 North in the R-2-75, Residential Zone. The applicant is
26 proposing to adjust a common property line approximately five (5) feet to improve access on
27 Lot 2 of the subdivision. The applicant owns both lots and has recently received an offer to
28 purchase the dwelling on Lot 1. The adjustment will need to be completed before this land
29 transaction is finalized. Because the lots are included within a recorded subdivision plat,
30 approval of a plat amendment is required.

31 **Analysis**

32 In accordance with §10-9a-608 *et seq* of Utah Code Annotated (UCA), the City Council may
33 approve a request to vacate, alter, or amend a subdivision plat provided the provisions of State
34 statute are satisfied. Typically if the petition includes signatures of all property owners in the
35 subdivision a public hearing is not required. However, UCA §10-9a-609.5 requires a public

1 hearing if the amendment includes a request to vacate a street, right-of-way, or easement in
2 the subdivision. The request includes the vacation and relocation of existing public utility
3 easements; therefore, a public hearing is required. The public hearing notice has been posted in
4 the proper locations, the public hearing advertised in the newspaper, and the property owner
5 and affected entities have been notified.

6 The applicant must demonstrate the adjustment of property lines will not result in the violation
7 of any municipal ordinance or inhibit public or private utility providers from supplying utility
8 services. Following a review of the proposed plat amendment, there are a few technical issues
9 that will need to be addressed by the applicant. Staff would suggest the following conditions
10 accompany the request for a plat amendment.

11 6. As part of the application process, the applicant was required to contact the public and
12 private utility providers to determine if the proposed property line adjustments would
13 interfere with any existing utility services or proposed utility corridors. Staff has determined
14 the proposed adjustments will not impact existing municipal services and the applicant has
15 received confirmation from CenturyLink, Comcast, Questar Gas and UTOPIA indicating the
16 property line adjustments will not inhibit their ability to provide services to customers.
17 Therefore, this requirement of Utah Code and City ordinance has been satisfied.

18 7. To ensure compliance with State and local regulations, the plat will need to be amended as
19 follows:

- 20 a. The address for Lot 1 will need to be changed to 66 West.
- 21 b. The references to the Fire Marshall will need to be changed to Fire Chief.
- 22 c. A signature line that includes the standard approval language will need to be provided
23 for Questar Gas.

24 8. The applicant has provided a revised plat for consideration by the City Council. The map and
25 legal descriptions need to be reviewed by City staff to ensure proper adjustment of the
26 property line will occur without the creation of any remnant parcel of property. Following
27 approval by the City Council, the plat will need to be recorded in the office of the Utah
28 County Recorder.

29 9. Modifications to existing site conditions such as sprinkling systems, fences, landscaping, etc.
30 will be an issue between the adjoining property owners. Approval of the adjustment does
31 not obligate Payson City to be involved in the resolution of any private property issues.
32

33 The plat amendment process was created to allow agreeable property owners (a single owner
34 of two lots in this instance) to modify adjoining property lines without the need to complete the
35 subdivision process. Rather than create new parcels, State statute allows for the common
36 property lines to be altered if the regulations of State and local ordinances are satisfied.

37 **Recommendation**

1 After considering the request of the applicant and the provisions of State statute and the
2 Payson City development ordinances, the City Council may approve, approve with modification
3 of the proposal, approve with the conditions proposed by staff, or deny the proposed plat
4 amendment. Any decision of the City Council should include findings that indicate reasonable
5 conclusions for the decision. If the City Council chooses to vacate and relocate existing public
6 utility easements, the amendment shall be completed by ordinance.

7 **MOTION** by Councilman Skinner to close the public hearing. Motion seconded by Councilman
8 Phillips. Motion carried.

9

10 Public hearing closed at 7:32 p.m.

11

12 **MOTION** by Councilman Skinner to approve the plat amendment and authorize the mayor to
13 sign. Motion seconded by Councilman Hardy. Motion Carried.

14

15 **RESOLUTION ON POLICE VEHICLE LEASE**

16

17 City Manager David Tuckett presented the resolution. He explained that they put out a request
18 to different places for the new lease agreement. Ken Garff had the original proposal but they
19 didn't choose to put in a proposal this time. He said that Hinkley Dodge is the one they will be
20 going with this time. They were able to get another vehicle because they added an officer and
21 they are still within the budget.

22 Councilman Phillips asked what kind of vehicles we are going with.

23

24 Police Chief Tom Runyan said that they are Ford vehicles.

25

26 Mayor Moore said that he would like all the vehicles the same color.

27

28 Councilwoman Ford asked why the mayor cares what color they are.

29

30 The mayor said he would just like consistency.

31

32 Mayor Moore asked if we are trading in the Fire Chief's vehicle as well.

33

34 City Manager Tuckett explained that the Fire Chief's vehicle is included in the contract.

35

36 Councilmember Skinner mentioned that he is not a fan of leasing.

37

1 City Manager Tuckett indicated that he is not either and hopefully with the revolving loan fund
2 and a rotation plan we can eventually purchase some.
3
4 Councilwoman Ford explained that this lease was started to discipline ourselves.
5
6 Councilman Phillips asked if you take a hit at 50,000 on the lease.
7
8 City Manager said that Hinckley Dodge will actively manage the lease.
9
10 Councilwoman Ford said that if it doesn't work then we can change it.
11
12 Councilman Hardy believes that it works well.
13
14 Chief Runyan said that the vehicles are working well and other cities are following their
15 example.
16
17 **MOTION** by Councilmember Hardy to approve the police vehicle lease program. Motion
18 Seconded by Councilman Skinner. Motion carried.
19
20 **MOTION** to move to close session by Councilman Phillips. Motion seconded by Councilman
21 Hardy. Motion carried.
22
23 Closed session at 7:38 p.m.