

**PRICE CITY PLANNING AND ZONING MEETING
MINUTES OF APRIL 20, 2015**

PRESENT: Commissioners:

Frankie Sacco
Jan Young
Nancy Bentley
Richard Root
Erroll Holt

Nick Tatton, Community Director
Sherrie Gordon, City Recorder

EXCUSED: Commissioner Oliver and Commissioner Beacco

OTHERS PRESENT: Wayne Clausing, Kerry Jensen, Frankie Jensen, Terry Houser, and Michael Bryant

1. In the absence of Chairman Oliver, Vice Chair Sacco called the meeting to order at 6:00 P.M. She led the Pledge of Allegiance.
2. Roll was called with the above Commissioners and staff present.
3. MINUTES –
 - a. March 23, 2015 Planning and Zoning Meeting
MOTION. Commissioner Root moved to approve the minutes of March 23, 2015 as presented. Motion seconded by Commissioner Bentley and carried.
 - b. April 6, 2015 Planning and Zoning Meeting
MOTION. Commissioner Young moved to approve the minutes of April 6, 2015 as presented. Motion seconded by Commissioner Bentley and carried.
4. PUBLIC COMMENT ON AGENDA ITEMS – No public comment was received.
5. GENERAL BUSINESS –

a. GENERAL PLAN REVIEW. The Commission held a short discussion regarding Chapter 6 of the Price City General Plan, Housing. It was recommended that additional options for student housing near Utah State University – Eastern be addressed and that the possibility for a homeowner roof replacement program be studied.

b. REAL PROPERTY PURCHASE REQUEST. Continued review and discussion and consideration of possible approval of the request by Kerry Jensen and his neighbors to purchase real property owned by Price City at approximately 850 North 100 East, immediately adjacent to the north boundary of Olsen Reservoir.

Vice Chair Sacco invited Mr. Jensen to the podium to present and explain the property purchase request on behalf of the several property owners regarding a rectangular parcel forty feet in width.

Mr. Jensen provided a list of the property owners to the west of the original requesting property owners he contacted and the results of the contacts. Each one of the homeowners was approached with the drawing and full explanation of the potential opportunity to purchase property from the City in the event the Planning and Zoning Commission approved and recommended such action to the City Council for possible approval. He presented pictures of the subject property for review.

Nick Tatton indicated that Price City's future intent for use of the property is not established. At this time the concrete on the east side of Olsen Reservoir is being removed a little at a time and the dirt from the banks is used for City projects from time to time. The City also uses the property for storage and staging. A potential future use of the west end of the property is for storm water management in the area. If recommended for approval, conditions of sale would be that the property owners and the City Engineer work out specific details of the new property line and any construction or other work necessary to accommodate City uses and the slope at the property line. If the request is not approved, any existing encroachment on City property will be required to be removed by the homeowners along the property line responsible for the encroachment.

It was confirmed with Mr. Jensen that all expenses incurred will be paid by the property owners, including surveying, legal review and appraisal. Mr. Jensen acknowledged this requirement. Mr. Jensen also stated that he was the one who removed a portion of the Price City fence surrounding the pond. He stated that in 1989 he approached then Mayor Art Martinez about removing the fence and encroaching onto Price City property but nothing was ever put in writing, finalized or approved by Price City. Mr. Tatton indicated that no record of the 1989 request has been found

in the Price City records. Mr. Jensen stated he had a copy of the letter he gave to Mayor Martinez. Mr. Tatton confirmed that no documentation was every found regarding this transaction.

The Planning Commission discussed several options regarding the property purchase request with Mr. Jensen, as follows:

1. Selling some City property to the four property owners on the east side of the subject area along a straight line running east to west, rather than selling them the triangular shaped parcel previously mentioned;
2. Possible sale of property along the entire length of the north boundary of the City's Olsen Reservoir, to the adjacent ten (10) landowners;
3. Removal of the encroachments if sale is not approved; and
4. The request presented by Mr. Jensen for 40 feet of property and why. It was determined that the existing encroachments onto City property extend to almost 40 feet in width.

MOTION. Commissioner Root moved to recommend that the Price City Council declare as surplus a portion of the property behind the east four (4) lots only, along a straight property line not to exceed 40 feet in width and subject to the following conditions of approval:

- Access by each property owner to purchased property only from existing property and street frontages, not through Price City property.
- Property owners to complete an independent third party engineering review and report regarding the mitigation of the old reservoir concrete and any grade/slope stabilization may be necessary. Report to be provided to Price City Engineer for approval before sale to take place.
- Property owners requesting sale to pay all costs associated with the transaction including but not limited to appraisal, engineering, publication, administrative, surveying , and legal expenses.
- Process to follow the established Price City procedure for surplus, bids, sale, etc.
- Any and all encroachments onto Price City property from the property owners along the City's boundary line be removed if the purchase process is not approved by the Price City Council. Any other encroachments by all property owners along the property line to be removed within 30 days.

Motion seconded by Commissioner Holt and carried.

6. **CONDITIONAL USE PERMIT –**

a. **SKIN ART, TATTOO, PIERCING LAND USE.** Consideration and possible approval of a skin art, tattooing, and piercing land use located at 585 East Main Street within the Commercial 1 (C-1) zoning district called Halo's and Horns, David Lee Whittemoore.

Nick Tatton provided a summary update of the business occupancy conditional use permit request and conditions of approval reviewed with the applicant at the last meeting. No further discussion, conditions of approval or questions were raised.

MOTION. Commissioner Root moved to recommend the Price City Council approve the Conditional Use Permit for Halo's and Horns as applied for and with the conditions indicated. Motion seconded by Commissioner Bentley and carried.

7. **UNFINISHED BUSINESS –** No unfinished business discussed.

Vice Chair Sacco adjourned the meeting at 6:49 p.m.

APPROVED: _____
Frankie Sacco, Vice Chair

ATTEST: _____
Sherrie Gordon, Price City Recorder