

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, December 7, 2016 6:00 p.m.

CONDUCTING Mayor Richard Moore

ELECTED OFFICIALS Linda Carter, Brian Hulet, Scott Phillips, Doug Welton

EXCUSED Mike Hardy

STAFF
Dave Tuckett, City Manager
Sara Hubbs, Finance Director/Recorder
Mark Sorenson, City Attorney
Kim Holindrake, Deputy Recorder
Judge David Dahlquist
Karl Teemant, Recreation Director
Jill Spencer, City Planner
Brad Bishop, Police Chief
Scott Spencer, Fire Chief
Ron Crump, Electrical Superintendent

OTHERS Burtis Bills, Steve Southwick, Lou Balamis – Chamber, Rick Johnson
– Associate Administrator Mountain View Hospital, Kalan Lemon,
Dave Berg – Dave Berg Consulting, Jessie Sorenson

This meeting of the City Council of Payson City, Utah, having been properly noticed, was called to order at 6:04 p.m.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by scout Ezra Davis

Pledge of Allegiance led by scout Trevor Wilkinson

B. CONSENT AGENDA

1. Approval of November 16, 2016 Payson City Council Meeting Minutes
2. Approval of the November 22, 2016 Payson City Special Council Meeting Minutes
3. Resolution – Appointment to the Library Board
4. Resolution – Appointments to the Planning Commission from April 2016

MOTION: Councilmember Hulet – To table Item #4 on the consent agenda. Motion seconded by Councilmember Phillips. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

MOTION: Councilmember Hulet – To accept the consent agenda including the minutes from November 16th and 22nd and the appointment to the Library Board (Kathy Whatcoff). Motion

seconded by Councilmember Phillips. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum (6:07 p.m.)

Burtis Bills stated the council meetings are open and put out to the public. The recordings (video) are done very well. He would like to see more people viewing the meetings. As he looked at the video minutes on Facebook, there are parts that are deleted. He would like to see the meetings that are posted be viewed through its entirety.

Steve Southwick thanked Kathy Whatcott for her willingness to service on the Library Board. Through a state grant, the library has a new computerized system, which will take them well into the future. He offered the council and mayor new digital library cards on behalf of the Payson Library Board. He also offered thanks to Linda Collard who is retiring after 30 years of serving the patrons and the city. She will be missed.

MOTION: Councilmember Carter – To amend the agenda to address Item #6 next. Motion seconded by Councilmember Phillips. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

6. Oath of Office – Judge David Dahlquist

Mayor Moore swore in Judge Dahlquist.

2. Council and Staff Reports (6:12 p.m.)

Staff Reports

POLICE – Chief Bishop reported that for the month of November there were 108 arrests, 185 offenses, 240 citations, 311 violations, 965 calls for service, 1 DUI, 336 traffic stops, and 38 traffic accidents. Graffiti has turned up around the city. He is working with the Teens Against Graffiti to get that taken care of. Mayor Moore mentioned that he received a call regarding the theft of a community post office box. Chief Bishop will check into it. Also Santa will be at the police department on December 13th from 4-6 p.m.

FIRE AND AMBULANCE– Chief Spencer stated that last month there were three fire calls and 135 medical calls. They held a Christmas party for the ambulance staff and recognized Wes Walker as EMT for the year and Dustin Ore for the Doctor Hogan award. There will be additional awards on Saturday. Also there was an incident last Friday with a transported patient to the hospital who was kicking the crew. Later one EMP employee got sick, went to the ER, and was hospitalized from being kicked in stomach. It was determined that this employee had a lacerated and partially ruptured spleen. Emergency surgery was performed and then again later because it was still bleeding. The employee was doing better this morning but needed a breathing treatment later today. The employee remains at the hospital in ICU.

RECREATION – Director Karl Teemant reported that recreation hosted a tumbling and trampoline tournament last weekend at Payson High School with approximately 200 participants. They are also hosting a wrestling tournament on December 15th. This weekend the Christmas boutique opens at the Peteetneet with Santa, a train show, and vendors. Registrations for youth basketball, skiing, tumbling, gymnastics and winter dance are currently open.

ADMINISTRATION – Dave Tuckett clarified that the official meeting record for council meetings is the audio recording, which is posted on the state noticing web site the day after the meeting. Richard Dougan video tapes the council meetings as a public service and receives no payment. It's a great service. He has been working with Qualtrix, which is a surveying company that works to get information from the public. The cost is \$5,000 for the year. Staff feels the expense could be covered for one year by taking some funds from each department. He will set it up to try for one year. Provo City uses it extensively as well as Washington City in St. George. This will help get citizen input through surveys. The cost based on the number of responses received. Staff will work on building an email group. Councilmember Welton stated they write the questions in a way to get real data and not screwed data. Dave Tuckett stated they have many questions to choose from. Provo City did a study on solar power and received a great response within one-half hour.

ELECTRICAL – Ron Crump stated the Federal EPA came into the state and updated some of the air quality standards. He has been following this very closely, and the new standards just came out. The power plant has all the equipment needed but changes in procedures on testing and monitoring will be needed.

Council Reports

Councilmember Welton reported that they have had good discussions with the fore-bay group, which will be presenting today. He hopes to work out a good, positive, and equitable situation for the city and community.

Councilmember Carter reported the fore-bay meeting was very productive, and she felt very good about the situation. She thanked Tracey for the lights on the trees at the Wagon Wheel Park. It looks great. She questioned if the Christmas decoration lights on the poles are always on day and night. Ron Crump stated the lights are on all day, but they are LED lights that use very little energy.

Councilmember Hulet agreed that the lights look great. He mentioned that President Elect Trump wants to bring up infrastructure so the city needs to look at things and be ready to go if funds become available.

Councilmember Phillips mentioned that the Ted Bates Award for employee of the year is December 22nd at noon.

Mayor Moore stated that today, December 7th, is the day Pearl Harbor was bombed. He hoped everyone would pay their respects to those who lost their lives and those who served. He attended a ceremony and program at the veteran's home today where it was renamed the Mervyn Bennion facility. He was one of those killed on USS West Virginia and was the commander of the ship. He was hit in the abdomen but stayed at his post until the end. The original bell from the ship was at the ceremony, which they rang for him today. Memorabilia from the ship was also at the ceremony,

which was brought in by the US government. He thanked the veterans for their sacrifice. The Christmas lights do look good. He noted that the council party should stay in town to support small business. If it is held out of town, he won't attend.

3. Scout Attendance Certificates

Doug Welton presented scout attendance certificates to the following scouts and asked them to state one thing they like about scouting. Understanding how government works, how to be involved, and how to be a voice for good is an important lesson to learn in a young life.

Aiden Jacobson stated he enjoys camping.

Ezra Davis stated he gets to have fun.

Cade Edwards stated he enjoys camping and hiking.

Trevor Wilkinson stated he enjoys camping

Alex Rasmussen

Colby Rigby stated he likes scout campouts especially Topaz Mountain.

4. CTC – Mayor's Youth Recognition Award (6:37 p.m.)

Seth Carter is with Payson Junior High. He is helpful in class and has outstanding citizenship. He has helped with an ES student on his own accord. He has a lot of energy that rubs off on others in a positive way.

Abbie Jensen is with Payson High School She enjoys Netflix marathons, reading, writing, and piano. She wants to go to college and teach English. She participates in varsity basketball and swimming. She is a member of the National Honor Society and works hard. She is kind to her classmates.

Kylee Ewell is with Mount Nebo Junior High 3 – great leader and activity in school and community clogging team and basketball team works on bettering the environment. Pleasant person and professional in office as an aid. Hard worker and excellent student. High standard for herself. Honor roll.

5. Chamber Business of the Month (6:42 p.m.)

Lou Balamis noted that the chamber is working with social media to introduce the chamber to the public. The business of the month for December is Mountain View Hospital, which has been in Payson for many years, are community oriented, and done a lot for the community.

Rick Johnson stated that Kevin Johnson is the CEO at Mountain View Hospital, but is currently out of town. He appreciates the award. The hospital has 380 employees, 75 volunteers, and 250 physicians. The hospital is proud to be part of Payson and the community. The Payson City EMS does a great job. The hospital is a 124-bed hospital but has received more major quality awards than any other hospital in the state of Utah. The staff is small but does a great job.

D. PUBLIC HEARINGS/ACTION ITEMS

1. Public Hearing/Ordinance Regarding Amendments to Title 19 and Title 20 (6:46 p.m.)

MOTION: Councilmember Carter – To open the public hearing. Motion seconded by Councilmember Welton. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

Staff Presentation:

Jill Spencer reviewed the ordinance amendments to titles 19, zoning, and title 20, subdivisions, for the council to consider. A lot of work goes into these amendments so as not to conflict with any laws. Ordinances are influenced by federal law and case law. The council is not obligated to approve any proposed amendment, which is a legislative decision. The approval process is staff review and preparation, planning commission review and recommendation with a public hearing, then city council review and a decision with a public hearing.

Proposed Amendments:

Section 19.5.5 adds a new section to address road and street standards and clarify responsibilities of applicants with construction of transportation facilities specifically collector and arterial roads.

Section 19.6.8.6 modifies setback requirements in the RMO-1 Overlay Zone because of some conflicting requirements.

Multiple sections clarify the title and types of daycare facilities allowed in commercial zones. There is a movement for adult daycare facilities, and this clarifies these are for children. Additional changes will be brought back for modifications for adult daycare facilities.

Section 19.6.15.13 stems from a request by an applicant to amend the exterior material requirements in the Payson Business Park. The current code requires masonry materials with a provision for architectural metal panels. The applicant is looking to use metal wall materials. The amendments still require certain criteria as well as an entrance feature, and architectural features for 40% of the front elevation of the building, and a wanes coat around the sides and rear. The master declaration of the business park must be amended as well, which includes approval from the business park commission, planning commission, city council, and redevelopment agency. The applicant is proposing a combination of horizontal architectural corrugated panels for the front and PBR siding with exposed fastener panels for the sides and rear.

Section 19.6.29.16 modifies the MH-2 Zone only to allow private on-site utility systems on lots of record. Properties that would be eligible are along the Goosenest Drive area only. These properties were annexed 30 years ago but have been unable to develop because the infrastructure has not been installed. Staff is proposing that individual lots of record or existing parcels be allowed to install wells and septic tanks in order to build a home. The property must also meet the requirements listed such as having frontage on a public street and being at least 1,000 feet away from a utility. It is still the preference of staff that utilities be extended and new development is connected to the utility systems.

Section 19.15.3.3.2 amends the size requirements for real estate signs for commercial projects. Staff is proposing a sliding scale based on the commercial development and the amount of frontage on public roads. It is capped at no more than six signs.

Chapter 19.28 modifies the definition of child care center and adds a definition for architectural metal panels.

Appendix A of title 19 amends classification of commercial daycare to indicate commercial child care center to be consistent with Utah code.

Section 20.12.1.3 modifies the distance requirements for courtesy notices. Most sections of the ordinance were changed previously about 3-4 years ago, but this section was missed. This will make this section consistent with the previous amendments.

Public Comment:

No public comment.

MOTION: Councilmember Phillips – To close the public hearing. Motion seconded by Councilmember Welton. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

Council Discussion:

Councilmember Welton questioned if Payson View Estates was in the MH-2 zone. Jill Spencer clarified it is not in the MH-2 Zone.

Councilmember Hulet asked if the amendments to Section 19.6.29.16 are consistent with the five-acre holding zones. Jill Spencer stated she did not compare the two, but it's generally the same concept. The A-5-H Zone doesn't include a distance. It refers to "at the recommendation of the city engineer" because there would need to be an analysis done regarding the cost to extend the utilities. It would be allowed in the A-5-H Zone if it's cost prohibitive to extend the utilities. Mark Sorenson stated the property owner would also have to comply with the county health department requirements first. Small parcels may not be able to accommodate those requirements. Jill Spencer clarified that the city would first allow the request and then other state agencies get involved. She will take a look at the A-5-H Zone for consistency.

Councilmember Hulet asked for clarification on the square footage of signs and felt six signs is a lot of signs. Then it allows for a freeway sign of 128 square feet. He wants to allow signs, but feels it is excessive. He questioned how the city manages the quality of a sign. Jill Spencer stated it is 96-square feet for each sign. The number of signs is based on a proposal from a developer. The quality of signs could probably be managed, but nothing is currently in the ordinance for any type of sign. The ordinance focuses on location for safety and general repair. Councilmember Welton feels six signs would be a lot in the legends field area. Jill Spencer stated that six signs could be just for large commercial properties over 15 acres. She could add an additional column so there is the size of acreage, the size of sign, and the number of signs.

Councilmember Hulet stated the ordinance included architectural metal wall panels and then this amendment adds metal wall panels. He questioned the difference and if there is a definition. Jill spencer stated the definition is in the definition section. When the business park zone was adopted in 2014-2015, the city was looking for the insulated product with concealed fasteners. It was a different type of material than the applicant is wanting to use now. Mayor Moore stated he doesn't see a problem with a metal building as long as it meets the front design requirements. There is a big difference in metal buildings now. Timken isn't a bad looking building. He is concerned that if changes aren't made, nothing will happen in the business park. Jill Spencer stated the proposal is what the applicant would like to build in the business park. Other owners in the business park may want to make comment on the changes. Councilmember Hulet stated that metal buildings were approved in the business park last year. This is a different type of metal building with fasteners on

the outside. He would like to look at some buildings to have a better feel for it. The requirements have been loosened a lot. He is concerned with how far does the city will go. H would like to table this section.

Kalan Lemon stated they can class up a building much more than they did 30 to 40 years ago. They use the exact same products on 10-20 million dollar buildings. Much of it has to do with how it is how it is applied. They are trying to bring an attractive building to the park not just a metal building. It would be a deal breaker to not have the metal because they want to showcase their product. This will be the hub for their business. The roof on the front has a concealed fastener, and the remainder is an exposed fastener with a lot of accents. It is not the same PVR product used everywhere and is very popular on banks. They are adding a lot of windows to break up the sides. Every product they plan to use is labeled as architectural metal.

Councilmember Welton asked about making an exception for their building to showcase the building but not open it up to everyone. Jill Spencer stated it is very difficult to make it apply to just one building. Mark Sorenson stated it would be arbitrary and capricious and not advised.

Discussion that the language could be moved on to the business park commission for review along with pictures. Appointments need to be made to the business park commission to get it running again. The businesses in the park need to be notified, and then there is a 30-day comment period.

MOTION: Councilmember Welton - To approve the ordinance for Title 19 including Appendix A with the exception of signs and have staff come back with an acreage column.
Motion seconded by Councilmember Carter.

Councilmember Hulet would like to not approve the language for the business park at this time. He would like to send the language to the business park committee for review and then readdress it at a later meeting.

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

Yes	-	Linda Carter
Yes	-	Doug Welton
No	-	Brian Hulet
No	-	Scott Phillips
Yes	-	Mayor Moore

MOTION: Councilmember Welton – To accept the changes to Title 20 as written. Motion seconded by Councilmember Hulet.

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

Yes	-	Linda Carter
Yes	-	Brian Hulet
Yes	-	Scott Phillips
Yes	-	Doug Welton

E. RESOLUTIONS, ORDINANCES, AGREEMENTS

1. Resolution – Appointments to the Business Park Commission

Mayor Moore appointed Doug Welton as the representative to the Business Park Commission.

MOTION: Councilmember Phillips – To approve the resolution with Doug Welton as the representative to the Business Park Commission. Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

F. ADJOURN TO REDEVELOPMENT AGENCY

MOTION: Councilmember Welton – To adjourn to the Redevelopment Agency. Motion seconded by Councilmember Hulet. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

1. Resolution – Appointments to the Business Park Commission (7:36 p.m.)

Mayor Moore appointed Mike Hardy to be over the RDA for the Business Park Commission.

MOTION: Councilmember Phillips – To approve the resolution with Mike Hardy as the RDA representative to the Business Park Commission. Motion seconded by Councilmember Hulet. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

G. ADJOURNMENT OF REDEVELOPMENT AGENCY

MOTION: Councilmember Hulet – To adjourn from the Redevelopment Agency and reconvene to the City Council meeting. Motion seconded by Councilmember Welton. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

H. OTHER

1. Presentation/Discussion Regarding the Power Rate Design Study (7:38 p.m.)

Dave Berg presented the power rate design study. Based on financial projections, the electrical utility is not in need of additional funds. Therefore, this is not a rate increase. However, the cost of service analysis showed existing subsidies that smaller commercial entities were subsidizing to one of the industrial classes. Also the residential class overall is paying very close to the cost of serving them, which is good news. He does have some slight modification in the way this rate is presented, which will only impact larger customers. Exhibit 4-A shows the existing rates in each class and then the proposed rates for those.

The residential class has a \$10 fixed monthly fee that remains the same. Then when charging energy, there are five block rates; and the last three don't have a large separation. He recommended that the first two blocks remain the same. Anyone using 800 kw or less won't have a change. The other three rates will be combined into a single rate. A few consumers may change 11 to 15 cents. Next one of the revenue requirements of the utility is paying off the UTOPIA debt. Staff suggests that the residential UTOPIA be moved to a separate line item, which doesn't change the bill. The residential all electric rate 103 mirrors the residential rate.

The general service rate 104, smallest businesses, are billed based on demand. Currently they pay 21% more than a comparative residential customer. He recommends lowering the customer charge to \$13 and using a single energy rate of 9.9 cents. This becomes a reduction in this class.

The general service rate 105 are the bigger commercial businesses. He has simplified the rate and left the customer charge the same. The first block of energy has been lowered to be the same as the 104 rate because the demand is not applied here. Then it is 6.5 cents for all energy above 1,000. This will create a 3% reduction in revenue, which is justified by the cost of service.

It's important that the proposed rate reductions in general service go hand in hand with the recommendations in industrial.

Industrial rates 1 and 2 need higher demand charges and energy charges should be lower. He proposed moving up the demand rate in industrial 2, eliminating the block energy rate, and using a single rate at 5.5 cents. In this class overall revenues will go up about 6%. There are only two customers in this class. Billed on demand is the maximum 15-minute take from the system over the course of the month no matter when it occurs. Energy is the total over the entire month.

In the industrial rate 107, the rate charge is raised to \$10. This change doesn't change total revenues in 107.

Table 4-2, section 4, page 6, shows bill comparisons. This shows the present bill, proposed bill, and other area utilities. A 1,000 kw hour goes up by 45 cents. A 104 rate with no demand goes down. The demand customer's bill goes down. The 106 rate, poor load factor, goes up quite a bit but much less than a customer in Provo or Murray. The 106 rate, good load factor, goes down slightly. Everyone pays the UTOPIA fee, but residential pays only a portion of the UTOPIA total fee. The remaining UTOPIA fee comes from the regular rates of the other customers. If the city adopts these recommendations but then funds are needed at a later date, the city can make changes across the board.

Dave Tuckett stated if the council is comfortable with the new proposed rate study, staff will prepare a fee schedule resolution for a proposal at the next meeting.

2. Presentation from the Friends of Fore Bay (8:02 p.m.)

Jessie Sorenson thanked the council for their service and apologized if he offended anyone at the last meeting. The committee was formed with Councilmembers Linda Carter and Doug Welton, Nathan Ivies – Utah County Commission, Sarah Flanders – US Forest Service, Jessie Sorenson, Carey Pierce, Matt Stewart, and Kevin Elmer – Payson Resident. They met two weeks ago and have made great strides in the last 20 days in eliminating the debt and preserving the property for future use. There has been positive press with expressions on both sides of the issue. They have been encouraged to pursue the TRCC (Tourism, Recreation, Convention and Culture) tax. The county commissioners meet on this about every two months to determine the allocation of those funds. These funds do not impact future county contributions to road improvements, and there is potential for funding to be granted from this source. In order to secure these funds, they need to collaborate with other southern Utah county mayors to create a proposal that demonstrates the tourism,

recreational, and cultural value of the property. Over the last 20 days, they also met with all five city council members who have in different ways expressed interest in preserving the fore-bay property. However, the debt is still a concern. They have been working closely with Sarah Flanders who has reached out to sportsman groups, DWR, and conservancy agencies who have expressed interest in preserving the property. The next steps are to coordinate a meeting with the long-term preservation committee, Mayor Moore, and other potential donors to create a proposal to present to the county. He spoke to two individuals interested in purchasing the property who expressed interest in preserving the property. The Friends of Fore Bay would like the mayor and council to further consider preserving this property. He presented a slide show of the last 20-day usage on the property.

I. ADJOURNMENT TO CLOSED SESSION (8:09 p.m.)

MOTION: Councilmember Hulet – To go into closed session. Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

(10-minute recess)

1. Discussion Regarding Property Sale and/or Purchase

MOTION: Councilmember Welton - To adjourn the closed session. Motion seconded by Councilmember Hulet. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

J. ADJOURNMENT

MOTION: Councilmember Welton – To adjourn the meeting. Motion seconded by Councilmember Hulet. Those voting yes: Linda Carter, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

The meeting adjourned at 8:42 p.m.

/s/ Kim E. Holindrake
Kim E. Holindrake, Deputy City Recorder