

Minutes of the Payson City Council Meeting held at the Payson City Center, 439 West Utah Avenue, Payson, Utah on Wednesday, August 21, 2013 at 6:00 p.m.

ROLL CALL: Mayor Rick Moore; Councilmembers: JoLynn Ford, Kim Hancock, Mike Hardy, Scott Phillips, and Larry Skinner; City Manager Dave Tuckett, City Attorney Mark Sorenson, and City Recorder Jeanette C. Wineteer.

Mayor Rick Moore presiding.

#### PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Councilmember Ford and Pledge of Allegiance led by Councilmember Skinner.

#### CONSENT AGENDA

MOTION by Councilmember Hardy to approve the Consent Agenda consisting of approval of the August 7, 2013 City Council Minutes, and Interlocal Cooperation Agreement with Utah County for Substance Abuse Prevention Services and Communities that Care Prevention Model. Motion seconded by Councilmember Skinner. Motion carries.

#### PUBLIC FORUM

Elyssa Thomas said that the First Annual Nebo Music Fest was a huge success, with a lot of attendees. She felt everyone had a great time with good music. She thanked the City Council for the opportunity to hold this.

#### COUNCIL AND STAFF REPORTS

Superintendent Ron Crump presented two studies from ICPA: the System Study and Model and the Annexation Evaluation. Consensus of the Council was to have this item on the next Council agenda.

Chief Runyan said Greg Smith has taken full-time positions with Salem, but has agreed to still work part-time. He said that Doug Howell also left, so has had permission from Manager Tuckett to hire from the applicants they just interviewed. He has chosen a couple of applicants to offer those positions to.

Planner Spencer said the four promotional rack-cards (Nebo Loop, Peteetneet Museum, Gladstan, and Events) have arrived and presented them to the Council. She said that these would be distributed around the city.

Planner Spencer also presented the signed jersey and a plaque that was given to the City at the Tour of Utah awards ceremony. Manager Tuckett said we plan to get a shadow box or something to display these in the foyer.

Manager Tuckett just emailed the Council letting them know that Pam Knight has given a two week notice; she has taken a new position with her church.

Councilmember Phillips reported on a couple of meetings he attended held with the Water Department regarding all the water issues. He thanked staff for getting the leak repaired on Main Street so quickly.

Councilmember Hancock attended the Nebo Music Festival and agreed that it was a great event.

Councilmember Ford thanked everyone for helping with the Tour of Utah event. She also noted that the roads are looking very good.

Councilmember Hardy congratulated and thanked city employees for their help with the last two events held in the City: Salmon Supper and Tour of Utah.

Councilmember Skinner thanked those that are involved in looking at the water issues, and feels they have worked to try to mitigate the water shortage problem.

Mayor Moore:

- Agreed that the events went well and were a lot of fun.
- Reported that the Peteetneet amphitheater roof is coming together and should be ready for Onion Days.
- Said that we have serious water issues, and we need the support of the citizens to conserve and help out or we will run out of irrigation water.

#### WORK SESSION – SPRINGSIDE MEADOWS

Planner Spencer explained that this overview has been prepared to spark discussion between the applicant, staff and the City Council regarding the redesign of the Springside Meadows development. This item has been scheduled as a work session to provide an opportunity for the applicant to discuss ideas with the City Council in an informal setting. Staff would encourage an open and direct dialog between the parties in an effort to provide direction regarding the Springside Meadows development:

Springside Meadows is a residential development located generally west of State Route 198 and east of the High Line Canal between approximately 1600 South and 2000 South. The development includes eighty-five (85) acres and is anticipated to have a wide variety of housing styles ranging from multi-family to larger homes on large building lots. The City Council granted preliminary plan approval of the Springside Meadows development of October 18, 2006 and several homes have been constructed in the northeast portion of the development. More recently, Salisbury Homes purchased an additional seventeen (17) acres adjacent to the development (Butler parcels) and would like to incorporate this property into the overall development.

As a result of current economic conditions and changes in the housing market, the applicant is considering changes to the overall layout that would decrease the number of units and alter the style of housing units in the development. The applicant recognizes that additional approvals are necessary, but would like direction from the City Council on the overall configuration of the development and improvement of the Butler property. Although approval is not requested, nor should it be given, the work session gives the City Council an opportunity to steer the applicant in the right direction. Furthermore, once the applicant is aware of what will be required, the applicant can make a well-informed decision about whether to proceed with the project.

Chris Salisbury (the applicant) has submitted two options for consideration by the City Council. These concepts are provided to initiate discussion regarding density, lot configuration, and required development improvements. Staff has also provided various talking points for each proposal.

#### **Springside Meadows Development – Approval Granted on October 18, 2006**

- Density: 413 dwelling units
  - o 148 townhome units
  - o 265 single family dwelling
- Plat A recorded on May 25, 2010
- Plat B recorded on May 16, 2012
- Plat C received Final Plat approval on December 5, 2012
- Development Agreement outlines negotiations between Payson City and Salisbury Homes for density increase (86 units above base density) and provision of amenities

Development entitlements have been granted for the Springside Meadows Subdivision. The applicant is entitled to improve the property consistent with the approval granted on October 18, 2006.

#### **Option A – Specific Plan w/ Base Density**

Salisbury Provides:

- Base density as included in Specific Plan plus development of Butler property (no density bonus amenities)
- Incorporate one-half (½) acre lots along south boundary of project
- Dedicate 0.61 acres of property for electrical substation
- Improve Main Street and 2000 South roadways
- Dedicate 1.34 acres for future fire station
- Open space area consistent with the Specific Plan
- Fence upgrade along both sides of Main Street and 2000 South
- Lower density within townhome area and provide more open space

Payson City Provides:

- Authorize use of City property at 12000 South for access to the project (dedicate roadway)
- Modify access requirements from SR 198 to development (asphalt only)

- Waive requirement to improve properties along SR 198 (curb, gutter, and sidewalk)
- Waive requirement to provide pedestrian subgrade crossing

Because the applicant is proposing a reduction in project density, several of the amenities anticipated with the 2006 Plan will not be provided. The proposal keeps the “neighborhood” concept intact and introduces larger lots along the southern boundary of the project. As outlined in the Growth and Market Opportunity Analysis prepared by RCLCO, this location has been identified as a suitable area for executive housing and larger lots could assist in our efforts to provide a balanced share of housing options. The larger lots may also create an appropriate transition between suburban development in Payson and rural development in the unincorporated Spring Lake area. The proposal also retains open space, the public safety building site, project fencing, and other improvements anticipated in the Mower Specific Plan and Annexation Agreement.

To advance the project as proposed, the City Council would need to provide direction on the applicant’s request to modify or waive development requirements, specifically the request to waive the improvement requirements along SR 198. Modification of this requirement will necessitate an amendment to the Payson City Development Code and the Mower Specific Plan and Annexation Agreement. Furthermore, if the applicant is no longer obligated to complete these improvements, the burden will be placed on the property owners and/or Payson City.

#### **Option B – Traditional Subdivision**

Salisbury Provides:

- Property is platted for one acre lots
- Dedicate 0.61 acres of property for electrical substation
- Preservation of Main Street and 2000 South corridor (no improvements)
- Limited open space (retention basin and Main Street corner)

Payson City Provides:

- Authorize use of City property at 12000 South for access to the project (dedicate roadway)
- Modify access requirements from SR 198 to development (asphalt only)
- Waive requirement to improve properties along SR 198 (curb, gutter, and sidewalk)
- Waive requirement to provide pedestrian subgrade crossing

There are some advantages to developing the property as a traditional subdivision with one acre lots. As mentioned with Option A, larger lots could provide an appropriate transition between suburban and rural development, and with cooperation from the applicant, design criteria could be established to encourage executive housing. However, a traditional subdivision with one acre lots will not fulfill the development goals as outlined in the Mower Specific Plan and Annexation Agreement. This concept overlooks the “neighborhood” concept and the importance of balancing housing options and eliminates the amenities contemplated in the Specific Plan (i.e. public safety site, increased open space, project fencing, and essential roadways). One acre lots would introduce a rural element within the City, but could also create an excessive demand on the pressurized irrigation system.

The primary concern of staff with this proposal is the lack of participation by the applicant to improve Main Street and 2000 South. The applicant is willing to preserve the roadway corridor, but is not willing to participate in the construction of the arterial status roads.

Councilmember Hancock clarified that Main Street would still be grade separated.

Councilmember Skinner wondered why we would want to allow development without having them finish the second access. He didn’t know if he would be willing to approve any development without that completed. Planner Spencer said they are required to do their share of the regional improvements and are willing to develop the 40 ft. width of road, but feel they shouldn’t be responsible if the City wants it to be a larger road.

Councilmember Skinner wondered if we are prepared for more development with our existing issues; water for instance.

Councilmember Hancock has the same concerns with the road. He feels that the guiding issue was that the whole road is “Main Street” and it needed to look like Main Street the whole way around to the highway.

Councilmember Hardy would also like them to address infrastructure and the costs to them and the city.

Greg Magelby from LEI said the overall site will have several accesses: Main Street, Saddlebrook, and in front of the school. The one that extends from Main Street to the highway is not the only access but he understands the city's need for it. The concern they had was if they drop the density significantly, this area will start snowballing and the highway will need extra excel lanes.

He explained the sewer infrastructure that has been installed and what the next phases would be. He said PI is available right through the development

Kevin Bowman asked if they are not using the highway as a primary access, how would they bring in the heavy equipment and if it were through the existing roads, they would be torn up. He asked if there would be one-acre lots from the school all the way to the Butler property and if so, it appeals to him.

Mr. Magelby said tht Option B is dictating 1 acre lots and wondered if there could be a hybrid version that would gradually increase the lots from the existing developments of ¼ acre lots to the one-acre lots to the south.

Councilmember Skinner wouldn't be opposed to a "well-designed" hybrid option, but would have to see it.

Councilmember Hancock felt there was a need for a more up-scale executive housing neighborhood and felt this seemed to give us an opportunity for that.

Councilmember Ford asked how far there would be no curb and gutter from the highway and Mr. Magelby explained that there would be a couple of hundred feet.

Planner Spencer said that if we want to approve larger lots, the amenities go away. She wanted the Council to understand that while making their decisions.

Carolyn Bowman said that out of what she has seen, she likes the Option B plan she does not like Option A at all. She wondered if the types of homes on the one-acre lots could be regulated. Planner Spencer said that they could not be regulated in a regular subdivision.

Ms. Bowman said that she feels that someone that could afford a one-acre lot wouldn't put a modular home on it. She asked what amenities the City would be giving up with the larger lots. Mayor Moore explained that it would include: finishing Main Street out to the highway, fences, open-space, fire station and substation property.

Councilmember Ford felt that not having the Main Street Road is not an option; we have to figure something out to make sure that road is installed.

Mr. Magelby felt there could be some hybrid options that they might be able to come up with to keep a road in, but maybe not as large of a road. He will work on something to bring back considering: having Main Street functionable with possible steps to the highway; varying lot sizes with possible transition to the larger lots, and single-family only.

Planner Spencer stated that we would need to change some ordinances to relieve them of doing the upgrades to the road along SR 198, properties that they don't even own.

#### RESOLUTION – AMENDING THE CITY FEE SCHEDULE

Manager Tuckett presented the proposed resolution and explained it would amend the fee schedule to include: discounted rates for renting of the park if they rent more than one four hour block of time, and a fee for mass gathering events.

MOTION by Councilmember Hardy to adopt Resolution #08-21-13, a Resolution amending the Payson City Fee Schedule. Motion seconded by Councilmember Ford. Motion carries.

#### DISCUSSION REGARDING CITY EVENTS

Manager Tuckett said that in 2005 the City Council determined classifications of the various events in the community. Much has changed since the council adopted the list and he felt we need discussion and decisions as to what involvement the city has with the various events.

He said that staff went over the list and felt that some of the sub-listings could be eliminated (parade, children's parade, etc.) because Onion Days includes those smaller events.

Contributions and Membership items aren't really events and are determined through the budget process, so they could be taken off the list.

Association items: some are no longer happening, and others like the Scottish Festival have the city provide all of the employees (police, parks, etc.), but the Scottish Festival gets all the money from the vendors.

He said that he will bring back something put together for a recommendation that includes the Council input given to him.

#### WATER RESTRICTIONS DISCUSSION & PROCLAMATION

Manager Tuckett said that the upper pressurized irrigation zone more than likely will run out of water within the next couple of weeks. The lower zone will continue to serve the needs of the lower zone citizens until the end of the irrigation season. However, we need to restrict the whole town.

He explained that with the help of Mark Hyland and Scott Phillips we found a leak in the canal that feeds four bay and they should have the leak fixed today.

We also had a pump that sends water from the lower pond to the upper pond go out on August 9<sup>th</sup>. It sends approximately 400 gallons per minute up the pipe. Talking with the water department, we need another line and try to activate two pumps.

We also have some other suggestions to make the situation better for next year, including hooking on to lateral 20, piping Box Lake, installing a line to get water into Spring Lake from Highline. However, if we do not get sufficient rain, it will again be a disaster next year.

He presented an updated Proclamation for stricter water restrictions limiting watering to one day each week, but felt the Council needed to discuss this further.

Development Services Director Travis Jockumsen said he still sees watering when they aren't supposed to, and going to one day only punishes those that are trying to comply. If we run out of water then everyone will know.

Councilmember Hancock didn't know if we should charge for PI if we run out of water. Manager Tuckett wondered if we would want to give a discount to people that use culinary water instead of the pressurized irrigation to water.

Meters were discussed and Manager Tuckett wondered if we could bond ourselves to put meters in for the pressurized irrigation (\$2.5 Million) and use fund balance to do that similar to the internal revolving loans we have set up.

Discussion was held regarding trying to obtain grant money for meters.

Manager Tuckett said we didn't use the communication system, Parlant, to advertise when we went to the two day watering; we only tried to advertise with the newspaper and newsletter. We had some additional training today on Parlant because some people in the community wanted to be taken off of the list to be called. Therefore, we could now advertise that way. Councilmember Ford suggested that businesses could get involved and put the watering restrictions on their signs. Councilmember Skinner thought the scouts could be used to deliver the warning tags.

Discussion was held regarding violators and what to do with them, and what our capability would be to try to turn the water off.

Councilmember Hancock felt we really need to let everyone know that we are going to run out of water, what the laws are regarding restricted watering and that it is illegal to cross-connect.

Consensus of the Council was to not pass the proclamation for one day only watering, but to communicate to residents what the restrictions are and make sure the violators are cited, continue to monitor the water going to four-bay and the upper pond, and have employees get over-time to go out at night to find violators. Manager Tuckett will also look into options for bonding to upgrade the system and metering, along with the new well.

Councilmember Hancock reiterated that it is the same issue, if we have too many people to use the water or not having enough water in a low water year.

**ADJOURN TO CLOSED SESSION**

**MOTION** by Councilmember Hancock to adjourn to Closed Session to discuss land acquisition, possible litigation, and the character and/or professional competency of an individual. Motion seconded by Councilmember Phillips. Motion carries.

Council adjourned to Closed Session at 8:45 p.m.

**RECONVENE & ADJOURN**

Council reconvened at 9:06 p.m.

**MOTION** by Councilmember Hardy to adjourn. Motion seconded by Councilmember Ford. Motion carries.

Council adjourned at 9:07 p.m.