

## August 20, 2014 City Council Minutes

Minutes of the Payson City Council Meeting held at the Payson City Center, 439 West Utah Avenue, Payson, Utah on Wednesday, August 20, 2014 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 Hardy.

### CONSENT AGENDA

MOTION by Councilmember Phillips to approve the Consent Agenda consisting of: Approval of August 6, 2014 City Council Minutes, and Resolution #08-20-14-A Amending the Payson City Fee Schedule. Motion seconded by Councilmember Hardy. Motion carries.

### PUBLIC FORUM

Chris Ewell lives at 292 S 300 W and is concerned about his neighbor's property (Kimra Coombs' property) and wondered if or when it will ever be cleaned up.

Attorney Mark Sorenson stated that annually we address her issues, but the last time the court was postponed due to health reasons. We have hired someone to clean up both her properties in the past, but recently she is still going through the court process.

Manager Tuckett said that if there are trees that interfere with power lines, our power crews will go in and trim the trees.

Kamilla Simonson asked about the possibility of a text amendment for a transition buffer zone in the S-1 area east of Payson Fruit Growers.

Planner Spencer said that this item will be on the next City Council Agenda and explained her property is next to a residential zone where she wants to develop and our ordinance does not allow drive-up windows next to residential property. She didn't want to spend the time to go through the ordinance amendment if the Council wouldn't be interested in a text amendment because it might impact the residential property.

Councilmembers Skinner and Hardy asked if we have heard anything from residents about other drive in businesses that are located next to residential and Planner Spencer said that she didn't know of any. Councilmember Skinner stated that the Council will consider it when it is on the agenda, but right now they don't know all of the issues.

Ms. Simonson thought that it would be on the agenda tonight. She will be out of town during the next Council Meeting.

### COUNCIL AND STAFF REPORTS

Chief Runyan updated the Council on the Flying J property and they will try to start a clean-up this Friday. They are in the middle of a conflict with the other owners, but will install no trespassing signs and no overnight parking. The Police will enforce those every night.

Manager Tuckett presented some pictures of Christmas Decorations that the committee decided to purchase. They are about \$500 a piece, so we will purchase enough to go up Main Street and then they were considering banners to go up 800 South. They would like some direction on other items, and he will put those on a future Council Agenda.

Superintendent Ron Crump reported on UAMPS Annual Meeting, specifically Co2 requirements, and nuclear possibilities. He will continue to bring more information in as they hone in on other projects.

Golf Pro Tracy Zobell noted that the hydro seeding for the Cemetery will be done Friday and Saturday. He said that the water main line coming into the Pro Shop broke last week and it has been repaired. He has 15-20 corporate tournaments scheduled in September.

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Councilmember Phillips reported on the current road projects.

Councilmember Hancock said he has been attending all the meetings with UTOPIA and summarized those. He mentioned their profits, the RUS law suit and a settlement that was offered. He explained a proposal to look into going with First Digital, similar to Maquarie. Most of cities voted for a study but most of the individual votes were not for it, so it doesn't look like there will be further studies into First Digital. He believes there should be an agenda item for First Digital to show the Council what they have to offer.

Councilmember Ford commented on how nice the parks and trails look.

Councilmember Hardy said the City and Chamber are hosting the Movie at Peteetneet this Saturday night. You have to pick up wrist bands at one of the six businesses.

Councilmember Skinner would like to hear the presentation of First Digital, but he will not be in attendance on the 3<sup>rd</sup> so asked that it not be held that date.

Manager Tuckett said that Tischner Ford is donating cars/trucks for the Council to ride in for the parade, he reminded everyone that if you are handing candy out, please walk along side of the vehicle.

Mayor Moore feels that whatever happens with UTOPIA, education is the largest thing needed, both for the residents and City Council.

He said that the Nebo Water Agency will hold a meeting next Tuesday.

He reminded everyone of the two functions on Saturday night: The movie "Frozen" at Peteetneet, and Nebo Music Festival at Memorial Park.

### APEX STORAGE LLC – REQUEST FOR HEARING REGARDING BUILDING PERMIT

Attorney Sorensen explained that Taylor Smith sent a letter requesting that their building permit application for new buildings be heard by the City Council. Mr. Smith says that City Staff refuses to issue the building permit and is the fourth building application for this facility. He explained that Jon Lundell worked with the applicants until there came an impasse and he got involved once a lawsuit was mentioned. He introduced Taylor Smith and Mark Wells to the Council.

Mr. Wells said he is one of the owners of Apex Storage and submitted a building permit application in June to add more units to their facility. They began building in 2010 and have been adding buildings over the years on that lot, 3 in fact, the last one (4<sup>th</sup>) was denied because the city wants us to finish subdivision improvements. This is the first time an application was denied because of subdivision improvements. He said he has an email sent from the City Planner in 2009 stating that subdivision was separate from the building. They ask that the Council grant the permit on lot 10, which is the third building on that lot.

Councilmember Skinner asked if it was the same type of building and Mr. Wells said that it is, for storage units.

Councilmember Skinner asked if there were conditions on the first three approvals that might be different, and Mr. Wells didn't know of any.

Councilmember Phillips remembered that the city has made concessions for Apex storage in the past, for the two care taker units instead of a commercial unit.

Councilmember Phillips said that he would like to see them work with staff and make progress, and if they don't make progress then we can look further into this issue. He felt that improvements to the road should be done if you are using it to go into your units. Mr. Wells said that it is being used, but this is the first time we have been told that it needed to be improved before we could build any units. He said that he knows of other storage facilities with similar items.

Attorney Sorenson explained that the Apex Attorney came up with some things to move on. There are documents or agreements that were not memorialized and these items will be discussed tomorrow during Development Review Committee meeting.

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Councilmember Phillips noted that IBC makes new rules and regulations every year, and he explained what happened to him with his business and a water line that was needed because the rules were changed.

Councilmember Skinner feels that we have staff for a reason and wanted them to work with staff, first.

Taylor Smith, the other owner of Apex Storage, said that the subdivision was approved. He presented scenario of what if they would have sold lot 10 and then the new owner wasn't allowed to build. He said that the recorded plat document states that the improvements don't have to be installed until they improve that specific lot. He wants approval tonight or they will get their attorney involved and will sue.

MOTION by Councilmember Phillips to let Attorney Sorenson make the decision on whether or not to allow the building permit, and direct staff to check into any issues they are claiming and see if anything can be worked out, because we haven't seen any legal documents that Mr. Smith eludes to. Motion seconded by Councilmember Skinner.

Councilmember Hancock asked what was meant in the motion by the attorney deciding and working with the applicants and it was explained that Attorney Sorenson was conversing with their attorney up until right before this meeting.

Mr. Smith argued that the conditions were not part of the subdivision, he said it is wrong to deny them the permit and felt that it was a ploy by Planner Spencer to get the improvements finished on a different time schedule than is recorded on the plat.

Councilmember Hardy said the only thing this Council has in front of them is a letter from Mr. Smith demanding to be heard by the Council. He said they don't have any other documents, so cannot make a decision tonight, especially without any other information or documents.

Attorney Sorenson explained what he and the Apex owner's attorney was working through and up until right before this meeting their attorney was going to try to contact the owners to go over the items.

Voting aye: Ford, Hancock, Hardy, Phillips, and Skinner. Motion carries.

### MCKINSTRY CORPORATION PRESENTATION – PAYSON ENERGY & FACILITY SOLUTIONS

Manager Tuckett explained that McKinstry Corporation presented some information to some of the department heads regarding potential energy audits of our facilities. He asked them to present you with the presentation and have a discussion as to whether we should get involved with the program.

Mr. Lin Alder was introduced and made the presentation. They completed a free analysis and found that in Payson 10% of our energy spend was waste. To correct this we try to increase operation efficiency and changing outdated equipment and gave specific instances.

The next step would be for the City:

- to do an RFP for a competitive bid process and have an Investment Grade Audit completed,
- work on a Lease Agreement to fund the project,
- then contracting and construction,
- then measure and verify for the term of the contract.

Manager Tuckett felt we should meet with our Financial Advisor and then meet with the Council again to see if it is feasible at this time. He said he would like to have some audits of all of our buildings to see if we can save some costs.

### DISCUSSION REGARDING COLDWELL BANKER'S PROPOSAL FOR ECONOMIC DEVELOPMENT ASSISTANCE

Manager Tuckett explained that he received a letter from Ross McLintock from Coldwell Bankers regarding assistance in our economic development efforts. They represent the Cowan property in the business park. They are willing to answer our RFI requests from EDCUtah. He believes it would be great to have assistance in this effort. He introduced Ross McLintock and Mary Street from Coldwell Bankers.

Mary Street explained that she is working with the Cowan property to get it developed in the Payson Business Park. They are trying to market the property and working with EDCU. They would like to explore having another EDA/RDA in the area.

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Mr. McLintock agreed that they want to partnership with Payson City to promote the Business Park. He said that it was left off the Schnook Project Tour and they made efforts and were able to get it back on the tour.

Ms. Street would like the city to look and discuss with them what incentives the city could provide, building permits, tax incentives, etc.

Councilmember Skinner wondered how we could put ourselves higher on the priority list over the other cities that Caldwell Bankers have. Mr. McLintock explained that they have a contract with the Cowan’s on their property.

Cost was discussed and Mr. McLintock and Ms. Street noted that they wouldn’t charge anything.

Manager Tuckett agreed that after his meeting with these people, he felt the Council needed to hear their offer.

**AGREEMENT – LAND EXCHANGE AND COMPLETION OF IMPROVEMENTS**

Public Works Director Travis Jockumsen explained that Mr. Haskell owns some property that is on our golf course, and so the trade would be for the property that we need for storm drainage.

Attorney Sorenson presented the proposed Land Transaction Agreement between the City of Payson and Haskell LLC regarding the Haskell L.L.C. property and City property at the Gladstan Golf Course and construction of a storm water detention basin.

Councilmember Hardy noted a possible conflict because he works with Lee Haskell for his banking needs.

MOTION by Councilmember Phillips to approve the Land Exchange Agreement as presented. Motion seconded by Councilmember Ford. Voting aye: Councilmembers: Ford, Hancock, Phillips, and Skinner. Councilmember Hardy abstained. Motion carries.

**RESOLUTION – ADVANCE FOR PLANNING WATER QUALITY BOARD FEASIBILITY REPORT**

City Public Work Director Travis Jockumsen explained that Payson is requesting financial assistance in the amount of an \$88,000 planning advance to investigate improving redundancy in the existing treatment system, expansion of the existing system, and treating for nutrient removal that will be required in the near future.

This resolution states that if we receive this advance we will pay the \$88,000 money back to the Water Quality Board if we do not do the project within the timeframe.

Discussion was held regarding the SUVMWA proposed regional sewer plant and Mayor Moore explained that it is kind of on hold.

MOTION by Councilmember Hardy to approve Resolution #08-20-14-B A Resolution Approving the Request for Financial Assistance in the Form of a “Planning Advance” to Investigate Improving Redundancy in the Existing Treatment System, and Treating for Nutrient Removal that will be Required in the Near Future. Motion seconded by Councilmember Skinner. Motion carries.

**LIBERTY SAFE REQUEST FOR APPROVAL TO REDUCE THE NUMBER OF REQUIRED PARKING STALLS**

Planner Spencer explained that representatives of Liberty are requesting the City Council authorize a reduction in the street parking requirements for the manufacturing business at 1199 West Utah Avenue. As indicated in the Site Area Calculations table prepared by the project engineer, the applicant would need to provide 516 parking stalls to satisfy street parking requirements of Payson City. In accordance Section 19.4.10 of Title 19, Zoning Ordinance, the City Council may reduce the number of required parking stalls if applicant can “demonstrate that the required number of stalls is unnecessary for the proposed use and any possible use of the building.” The applicant has provided information

SITE AREA CALCULATIONS		
TOTAL SITE AREA:	1,007,986 sf = 23.14 ACRES	
BUILDING FOOTPRINT	313,700 sf = 31% OF SITE	
• EXISTING BUILDING	205,245 sf	
• NEW ADDITION	109,454 sf	
PARKING AREAS:	146,557 sf = 14.5% OF SITE	
PARKING REQUIRED PER CITY ORDINANCES:		
OFFICE AREA:	17,462 sf /300	58 STALLS REQ'D.
MANUFACTURING AREA:	104,600 sf /400	262 STALLS REQ'D
WAREHOUSE AREA:	195,935 sf /1000	196 STALLS REQ'D
TOTAL PARKING REQUIRED PER CITY ORDINANCES:	516 STALLS REQ'D	
MAXIMUM EMPLOYEES PER SHIFT:	300	
PARKING REQUIRED FOR MAXIMUM SHIFT:	300	
PARKING PROVIDED:	372 STALLS	

Safe off-located the off-with the parking future for

EQUIPMENT/STORAGE ALLOWS MAXIMUM OF 50% OF BUILDING TO BE OCCUPIED

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consideration by the City Council (see attached letter). The ordinance indicates that the parking requirement should not be reduced by more than twenty percent (20%).

The applicant is requesting a twenty-eight percent (28%) reduction in the parking requirement. The applicant has indicated that nearly half of the building will be used for equipment/storage and employees will not occupy this space on a regular basis. Therefore, the applicant is requesting further reduction of the off-street parking requirement. The City Council may grant a special exception if the applicant has exhausted all other remedies to provide the required number of parking stalls. The improvements associated with the one hundred thousand (100,000) square foot addition will utilize most of the site and providing the required number of off-street parking stalls may inhibit expansion of the building. At a minimum, the City Council should consider traffic circulation patterns, safety concerns, clear view areas, width of the street and the effect the special exception may have on adjacent property owners.

MOTION by Councilmember Phillips to grant the Liberty Safe request to reduce the number of required parking stalls, with the condition that if additional parking stalls are needed that the property west of the building be improved to accommodate the additional spaces. Motion seconded by Councilmember Skinner. Motion carries.

### BREAK

MOTION by Councilmember Ford to suspend the agenda and allow Mayor Moore to move at his discretion, and take a break. Motion seconded by Councilmember Hancock. Motion carries.

Council took a break and reconvened at 8:43 p.m.

### DISCUSSION REGARDING JUNE CONCERT WITH BIG DOOR ENTERTAINMENT

Manager Tuckett stated that he emailed the Council regarding our desire to return \$2,500 that we received from Big Door Entertainment, the co-sponsor of the concert we had in June. The main reason was that Omag failed to pay his sponsorship money of \$5,000. We looked at our out of pocket expenses and it added up to approximately \$2,500. I believe I heard from most if not all of you and you did not have an issue with refunding \$2,500 to them.

Since that time, we received a Walmart grant for \$5,000. This money comes from the volunteer efforts of the Walmart employees. Our intent was that this money would go to Big Door Entertainment to assist with the cost of the concert. The check came in the name of Payson City and not Big Door Entertainment. The question that came up in the office was how the city should account for the money to cut a check to Big Door Entertainment. He has no problem with turning that money over to Big Door Entertainment, because he believes that is where it was intended to go in the first place. However, it was issued in the name of Payson City. We thought it would be best to place the item on the agenda, and make sure the city council was aware of the situation and would be able to weigh in on the issue.

MOTION by Councilmember Phillips to put the \$5,000 on the next budget amendment. Motion seconded by Councilmember Hardy. Motion carries.

### WORK SESSION – CONCEPT PLAN FOR TEMPLE RIM

MOTION by Councilmember Hardy to strike this item from the agenda. Motion seconded by Councilmember Phillips. Motion carries.

### WORK SESSION – ALTERNATIVES FOR PAYSON POWER/SESD

Superintendent Ron Crump and Public Works Director Travis Jockumsen asked for discussion regarding how the City would like to proceed with servicing the power to the annexation areas. They asked if we move forward with Heritage Power or if the City would like to buy out SESD in the annexation areas and service the new Verizon cell tower and VA Hospital area.

Manager Tuckett explained four options that the City could proceed with:

- Merge and create Heritage Energy:
  - Annexation issues go away
  - Payson control the Board
  - Continue ability to make transfers
  - Rates need to be the same for all customers
  - Billing through new entity
- Continue with current Interlocal
  - Annexation issues go away

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- Determine percentage of profits
  - Concern: Electrical Department does not expand
- Terminate current Interlocal and go back to the 1998 Stipulation and state law:
  - Pay SESD for Annexation Areas
  - Build new facilities
  - Follow stipulation or meet with SESD and determine to follow Utah State Law
- Hybrid:
  - Use SUVPS Interlocal or create new Interlocal for different cost sharing opportunities – i.e. Create Interlocal and transfer all employees into organization to take care of employment issues. Still maintain our own entities but work together with employees. Same can be done with resource, equipment, inventory, etc.

Plant Superintendent Brian Stevenson mentioned and explained some additional issues with resource ownership, negotiations for a tap with Rocky Mountain, SUVPS KV line, etc. It was stated that there are a lot of things that need to be worked out.

Consensus of the Council was that a hybrid would be interesting to look into.

### ADJOURNMENT

Council adjourned at 9:35 p.m.