

Minutes of the Payson City Council and the Redevelopment Agency of Payson City Meeting held at the Payson City Center, 439 West Utah Avenue, Payson, Utah on Wednesday, March 18, 2015 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, City Recorder Sara Hubbs, and Trista Bishop taking minutes.

Mayor Rick Moore presiding. Meeting began at 6:06 pm

PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Riley Lau and Pledge of Allegiance led by Matthew Moser with Troop 1549.

CONSENT AGENDA

MOTION by Councilman Skinner to approve the Consent Agenda consisting of: Approval of February 28, 2015 Payson City Council Special Meeting Minutes, Approval of March 4, 2015 Payson City Council Minutes, and An Ordinance Amending Section 5.7 (Use of Equipment and Vehicles) of the Payson City Personnel Policy. Motion seconded by Councilman Hardy. Motion carried.

PUBLIC FORUM

Payson City Chamber of Commerce President Colin Logue, would like to update the council on some recent discussions that the chamber has been having with the surrounding area chambers. They are considering combining the chambers to strengthen their membership numbers and focus on economic development in the area. He wondered if the City Council had any questions regarding this matter.

Councilwoman Ford asked if everything was on schedule for the Easter Egg Hunt.

Mr. Logue said they are ready for the hunt and it will be on Saturday, April 4, 2015 at 9:00 a.m. sharp at the Hillman Field Recreation Complex on 800 South and Main Street.

Mr. Logue also mentioned that the annual Chamber Installation Banquet will be held on April 2, 2015 at the Clarion Manor in Payson. Attorney General Sean Reyes will be the guest speaker. They will be raising the board members to 15 members from the surrounding cities. He would like Councilman Hardy to continue being the representative from the Payson City Council.

COUNCIL AND STAFF REPORTS

Golf Pro Tracy Zobell – Explained that they have just completed their third concrete pour at Memorial Park, he hopes to someday have concrete throughout the park. He mentioned that there are a couple of youth groups coming this Saturday to help clean up at Temple View Park and the north Maples retention area to help get ready for the temple open house.

Councilman Hardy asked if these projects were off from the list that was provided to the youth groups.

City Manager Dave Tuckett said yes.

Mr. Zobell indicated that some of the park employees will be at Smiths on Saturday to help with the Boy Scout Food Drive.

Mr. Zobell said that they were drilling today on the Golf Course well and they estimate they will be drilling 60 feet per shift if everything goes well.

Councilman Phillips asked what the current depth was.

Mr. Zobell said approximately 200 feet.

He also mentioned that the men's opening social will be held on Saturday, March 28, 2015.

Ladeen Ellsworth, a previous city employee's funeral is on Saturday. She worked for Payson City for a long time.

Police Chief Brad Bishop reported that in the last two weeks there have been 57 arrests, 147 citations, over 600 calls, 1 D.U.I. arrest, 228 traffic stops and 9 motor vehicle crashes.

Councilwoman Ford asked why these numbers have increased.

Chief Bishop explained that it usually gets busier in the springtime.

Councilman Hardy asked if there have been more officers on the road because he has noticed a lot of them.

Chief Bishop indicated that he has been trying to focus on more time spent in the neighborhoods and on the roads instead of in the office.

He mentioned that there are two (2) sixth graders from Salem; Camden Mead and Benjamin Larsen that are trying to help our city purchase a drug detection dog. He explained that this originally started as a class project and they have done an outstanding job. He said that he and Mayor Moore had an opportunity to go visit with them last week and they were pleasantly surprised at how well organized they are. So far to date they have raised \$1470.00. Chief Bishop also extended thanks to a couple of businesses that have donated so far; Pacific Horizon Credit Union and Dalton's Restaurant. He said that the boys have set up their own website to help fund the police dog at www.policedogforpayson.webstarts.com.

Councilman Skinner asked how much a police dog costs.

Chief Bishop said between \$6,000 and \$8,000. They are planning on some additional fundraising activities such as a car wash etc to assist with the project.

Chief Bishop explained that on the temple open house they had originally asked them to split the 1325 tickets in half and have half the patrons travel on 930 West and the other half travel on 1400 South but the Temple informed him this week that they will not be splitting up the tickets. He said that they will have to make some adjustments on their traffic control plan.

He mentioned that they have sent the owners of the Flying J property a nuisance abatement letter which they should've received this week.

Chief Bishop mentioned that he originally informed the Mayor and Council that the legislation was going to address body cameras at this legislation but they did not address it this year.

He said that he has met with the Youth Court; and some of the offenders and the leaders will be helping out with painting garbage cans, he is coordinating this effort with Landfill Superintendent, Kent Fowden.

The police department is getting ready to do a bike sale from the bikes they have in their compound.

Chief Bishop mentioned that they worked with the Utah County Drug Enforcement Team this week and have removed a major heroine dealer in our city.

Recreation Director, Karl Teemant reported that they are gearing up for summer crews to start.

He said that on March 28, 2015 Payson will be hosting the high school JV Tournament. There will be approximately 20 teams coming from all over the state.

Mr. Teemant informed everyone that there is the Pay It Forward family fun run on April 18, 2015 beginning at Memorial Park.

He mentioned that the Peteetneet was awarded a \$10,000 grant to assist with repairs to the ceiling.

Planner Jill Spencer invited everyone to the UDOT open house tomorrow night at the Clarion Event Center from 5:00 to 7:00 p.m. This is an open house to discuss the plans for the north main street interchange.

Public Works Director Travis Jockumsen said that the water precipitation is at 58%, snow water equivalent is 41% and there is only 14" of snow left up the canyon. We are a month ahead of the water schedule for how warm it is this year.

Councilman Skinner said this is not good news for our pressurized irrigation and wondered what the status of our culinary water is.

Mr. Jockumsen explained that we are ok on our culinary water. He asked the Mayor and Council when they wanted to turn on the pressurized irrigation system.

Councilman Hardy said that they would like to push it as close to the end of April as possible.

Mr. Tuckett mentioned that we haven't received any data that our ground water is an issue.

Councilman Phillips indicated that he would rather see our residents use the culinary water rather than sending it to Salt Lake through the Highline.

Mr. Jockumsen attended a meeting with RB&G to see some of the options of relocating the damn. He thinks it will be better to move it up the canyon a little farther. Once they secure a location they will move forward on their studies.

Councilman Skinner asked what the time frame is for completion of the studies.

Mr. Jockumsen said 6 to 8 weeks once they start boring.

Mr. Tuckett said that he spoke with Bruce Barrott and he is doing a lot of work for RB&G and he is a pretty good expert on creating damns. He feels confident about the group that is helping.

Fire Chief Scott Spencer said that they are preparing for a busy wild land season this year. They are being told that it will be busier than years past. They are working for recertification on their wild land red cards.

They have been having a lot of requests regarding open burn. The open burn rules changed a few years ago so there are (2) two per year; one in the spring and one in the fall and they are 60 day time periods except agricultural and horticultural and they can burn whenever they need to. All permits need to be obtained through the Division of Air Quality. They have this information posted on the web-site as well.

Chief Spencer explained that they usually have Eagle Scouts paint the fire hydrants. There is one currently working on them right now and he is hoping to get a few more lined up so they can have all the fire hydrants re-painted before the temple open house.

He said that the ambulance is now authorized to carry Fentanyl to give patients on medical calls which will be helpful because some people can't tolerate Morphine.

The fire department assisted with a request from the Payson High School to put some water down on the new soil they laid for the baselines to get them ready to play ball.

City Attorney Mark Sorenson said that on Tuesday they met with the County Council to forward our efforts on the 46kv line. He explained that the property owners in the area asked the County Council to overlay an agricultural protection area that would affect our line and the highway that is paralleling our line. We are asking the County Council to exclude us out of this agricultural protection zone.

MOTION by Councilwoman Ford to allow the Mayor to amend the agenda as needed. Motion seconded by Councilman Skinner. Motion carried.

SCOUT ATTENDANCE CERTIFICATES

Councilwoman Ford presented attendance certificates to the scouts present at the meeting.

APPOINTMENT OF FINANCE DIRECTOR/CITY RECORDER

Mayor Moore makes the appointment of Sara Hubbs as the City Recorder/Finance Director.

MOTION by Councilman Philips to accept the mayor's request to appoint Sara Hubbs as the City Recorder/Finance Director. Motion seconded by Councilwoman Ford. Motion Carried.

Judge Dahlquist administered the oath of office to Mrs. Hubbs.

APPOINTMENT OF LIBRARY BOARD MEMBER

The library board is proposing that Brittany Johnson be approved to serve as the next board member.

Mayor Moore would like to appoint Brittany Johnson as the new library board member.

MOTION made by Councilman Hardy to approve Brittany Johnson to serve on the library board. Motion seconded by Councilwoman Ford. Motion carried.

COUNCIL REPORTS

Councilwoman Ford mentioned that the parks look great.

Councilman Hancock reported that the settlement money from the government regarding UTOPIA has been received.

He also said that SUMWA board members are willing to help out with any projects that the City may need.

He attended the CDBG scoring committee meetings and they were able to complete the work on the allotment of the county monies that are available. There was appointment of a new president and vice president.

Councilman Phillips mentioned that the water line tie is done for 1400 S and 730 W. They are going to pave the 200 East project. Equipment is on site for the Wilcock property to widen the road.

He asked what the intent is with CUP, if they are going with them instead of Strawberry it is a big mistake!

Mayor Moore attended the water meetings in St. George and he said that it will be a scary year this year for water. They met with a lot of the Bureau and State people and learned a lot of things.

He thanked Councilman Hancock for taking care of the CDBG meetings and Councilman Phillips for passing out popcorn at Salem High.

He encouraged people to be mindful and help out when needed.

Council and Staff reports closed at 6:44 p.m.

PUBLIC HEARING – REQUEST FOR PRELIMINARY AND FINAL APPROVAL OF THE CORNWALL SUBDIVISION AND USE OF THE I-O, INFILL OVERLAY ZONE.

MOTION by Councilman Phillips to open the public hearing to receive input regarding Request for Preliminary and Final Approval of the Cornwall Subdivision and Use of the I-O, Infill Overlay Zone. Motion seconded by Councilman Hardy. Motion carried.

Public hearing opened at 6:46 p.m.

Planner Spencer presented the following staff report:

The applicants, Shawn and Natalie Cornwall are requesting approval of the Cornwall Subdivision and use of the I-O, Infill Overlay Zone to improve property located between Main Street and 100 East at approximately 530 South. The subdivision consists of two (2) lots, one of which contains an existing single family dwelling owned by Rick and Mari Broadbent (Lot 2). The applicants are proposing to install the necessary improvements to construct a single family dwelling on Lot 1 of the proposed subdivision.

The proposed subdivision is located in the R-1-9, Residential Zone which allows single family dwellings on lots containing at least nine thousand (9,000) square feet of lot area and ninety (90) feet of frontage

on a public street. The width of both parcels is less than the minimum frontage requirement of the underlying zone (90 feet); therefore, the applicants are requesting approval of the overlay zone to reduce the frontage requirement of the R-1-9 Zone. As proposed, Lot 1 has 65.14 feet of frontage and Lot 2 has 75.40 feet of frontage.

The applicants are processing the applications to correct an improper division of land that occurred in 1993. Utah Code and City Ordinance require the division of land to be approved by the legislative body (City Council). Staff has completed a review of City records to determine if subdivision approval was granted before the deeds were recorded in 1993 and nothing was found. Therefore, the applicant must receive subdivision approval from the City Council to ensure compliance with Utah Code and City Ordinance. The applicants have discussed the proposed subdivision and the obligations to correct the improper division of land with the adjoining property owner (Broadbent).

In order to obtain approval of the subdivision and the overlay zone request, the applicant must receive a recommendation from the Planning Commission and the City Council must grant approval. On February 25, 2015 the Planning Commission, following a public hearing, recommended approval of the overlay zone request and the Preliminary Plan for the Cornwall Subdivision contingent upon the satisfaction of staff conditions, finding that the proposal is consistent with the characteristics of the surrounding properties. The City Council will need to conduct a public hearing before taking final action on the request. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

Analysis

The subdivision was reviewed for compliance with Title 19, Zoning Ordinance (November 5, 2014); Title 20, Subdivision Ordinance (November 5, 2014); the Standard Specifications and Standard Plans of Payson City, and other sections of the Payson City Municipal Code. Following staff review of the proposed Cornwall Subdivision a list of items has been generated that will need to be satisfied in conjunction with development approval.

1. The lots in the proposed subdivision satisfy the minimum lot area requirements of the R-1-9, Residential Zone; however, neither lot satisfies the minimum frontage requirements of underlying zone. To develop the property as proposed, the applicant will need to obtain approval from the City Council for use of the I-O, Infill Overlay Zone. Approval of the overlay zone is limited to reduction in the frontage requirements of the R-1-9 Zone. All other zoning requirements, including setbacks must be satisfied.
2. The applicants are requesting the City Council waive the review fees associated with the I-O, Infill Overlay Zone. The current owners of the property were not involved in the improper division of land that occurred in 1993, yet are responsible to correct the situation before improvement of the property. The applicants have incurred considerable costs (i.e. survey, boundary line adjustments, subdivision review fees) to correct the error and request that the overlay zone fees, in the amount of \$300.00, be waived.
3. A title report will need to be submitted that indicates any encumbrances, easements, deed restrictions or other barriers that could impact development of the site. All easements, right-of-ways and other dedications must be indicated on the Preliminary Plan and Final Plat.
4. Prior to recordation of the Final Plat, all property taxes, including current year taxes will need to be paid and verification of payment provided to Payson City.
5. There is a significant grade change between Main Street and 100 East. The project engineer has included contour lines on the project drawings to identify the location of steep slopes. Moreover, a note has been included on the plans indicating the hillside (western portion of Lot 1) will not be

disturbed. If in the event the hillside is altered, geotechnical studies will be required to identify improvements that will be implemented to properly stabilize the slope. Site grading and slope stabilization plan must ensure positive lot drainage and stabilization of the lots in the proposed subdivision and adjacent properties. Compaction tests will need to be completed for all imported or redistributed material.

6. The applicant will need to work with the City Engineer to identify solutions to control the storm water generated along the frontage of Lot 1 following the installation of curb, gutter, and sidewalk. A pre-treatment catch basin and sump may be required to capture the storm water generated along 100 East.
7. The applicant will need to work with the Payson Power Department to design the electrical layout of the proposed subdivision. The power service line for the new dwelling will need to be located underground. The applicant will need to submit payment of the material and labor costs associated with the installation of power facilities by the Payson Power Department.
8. The project drawings (i.e. Preliminary Plan, Final Plat) will need to be modified to indicate the following:
 - a. The size of the utility main lines in 100 East and lateral sizes.
 - b. The 100 East street cross-section will need to be consistent with the Standard Specifications and Standard Plans of Payson City (i.e. width of asphalt, sidewalk, asphalt thickness).
 - c. An address will need to be provided for each lot (Lot 1 – 538 South; Lot 2 – 535 South).
 - d. Staff would suggest the service laterals for Lot 1 be extended in a manner that will limit the number of utility cuts in 100 East.
 - e. The property line between Lot 1 and Lot 2 will need to be clearly defined.
 - f. A public utility easement will need to be provided on the perimeter of each lot. The easement will need to be five (5) feet on the side and rear property lines and ten (10) feet along any public right-of-way (Main Street and 100 East).
 - g. Other changes as required by the City Engineer following additional review of the project drawings.
9. The following items will need to be addressed prior to recordation of the Final Plat or during the construction phase, as required by City ordinance.
 - a. In accordance with Title 10, Water Ordinance of the Payson City Municipal Code, the applicant will need to transfer an adequate amount of water to Payson City to serve the new parcel (Lot 1).
 - b. The applicant will need to submit a performance guarantee in the form of a cash bond or irrevocable letter of credit in an amount equal to one hundred twenty (120) percent of the engineer's cost estimate for completing the project improvements.
 - c. Prior to commencement of construction, a pre-construction meeting will need to be held with the City Engineer to discuss project timelines, construction standards, and other site improvement requirements. Improvements in the public right-of-way must be completed by a licensed and bonded contractor.
 - d. Any improvements required by the private utility providers will need to be completed prior to the issuance of a building permit or during construction, as applicable, and at the applicant's expense.
 - e. Prior to the improvement of the site and construction of any structures, all debris and waste, including unused construction materials will need to be removed from the site and may not be used as fill material.
 - f. Prior to the issuance of a Certificate of Occupancy, the front yard landscaping for the dwelling on Lot 1 will need to be completed in accordance with the provisions of the development ordinances.

These items represent the issues that are not consistent with the development ordinances of Payson City and will need to be completed by the applicants. The City Council or staff may require additional information in order to make a well-informed decision.

Recommendation

This staff report identifies items that are not in compliance with the Payson City Development Code. It was the intent of the staff to complete a thorough review and identify all items that do not satisfy the requirements of Title 10, Water Ordinance; Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; the Standard Specifications and Standard Plans; and any and all other development requirements of the City. However, failure of the staff to identify an inconsistency with any City requirement does not release the applicant of the obligation to satisfy all development requirements of the City. If an item is identified at a later date, the applicant will be responsible to satisfy the relevant development requirements.

The applicant is requesting approval of a subdivision and use of the I-O, Infill Overlay Zone. Because each application requires separate motions from the City Council, staff has appropriately separated the requests of the applicants:

Approval of the I-O, Infill Overlay Zone

The applicants are seeking approval for use of the I-O, Infill Overlay Zone to reduce the frontage requirement for the lots included in the proposed Cornwall Subdivision. Approval of an overlay zone is a legislative action which the City Council is not obligated to approve. Upon review of the request, the City Council may approve, modify and approve, or deny the proposed use of the I-O Infill Overlay Zone.

Cornwall Subdivision

Following a review of the proposed subdivision, the City Council will need to determine if the subdivision satisfies the provisions of the adopted development ordinances. Following a review of the information, the City Council may:

1. Remand the proposed subdivision back to the Planning Commission or staff for further review. If the City Council requires more information to reach a reasonable conclusion, the project could be remanded with specific instructions to obtain and submit additional information for review.
2. Approve the subdivision as proposed. If the City Council chooses to approve the subdivision as proposed staff would suggest that an opportunity to require the applicant to satisfy the regulations of the Payson City development ordinances and the land use goals of the City Council will be missed.
3. Approve the subdivision contingent upon the satisfaction of the conditions included in this staff report. Staff would suggest that if the applicants are able and willing to satisfy the conditions listed herein, an additional dwelling may be appropriate in this area.
4. Deny the proposed subdivision. This action should be taken if the City Council determines that the applicant is unwilling or unable to satisfy the regulations of the Payson City development ordinances and the land use goals of the City Council. It should be noted that if the overlay zone request is denied, the subdivision will not satisfy the minimum zoning requirements of the R-1-9, Residential Zone and should be denied.

All decisions should include findings that indicate reasonable conclusions for the action taken by the City Council.

Councilman Hancock said that he is concerned about the slope on this property. He mentioned that the drawings don't do justice compared to driving by and looking at it. He asked if we are doing any favors by not requiring more on this. He said that when this is built any serious rain has the potential of pouring through that back lot.

Councilwoman Ford indicated that all of these properties have the same slope.

Planner Spencer said that there are certainly some challenges and that is why they required the landowner to put the placement of the home on the plan so that they can see to make sure there are not going to be any requests for variances of setbacks in the future.

Councilman Hancock explained that he is not opposed to this, he just wants to make sure that there are not going to be any concerning issues in the future.

Mr. Jockumsen said that he has seen this and he doesn't have any concerns. He mentioned that the property owner will have to have some kind of retaining wall.

Property owner, Mrs. Cornwall said that the house will meet the setbacks requirements. The basement of the house will be the garage and they will not disturb the slope. They will bring in dirt to help with extra runoff.

Councilwoman Ford asked if there is going to be any issues with disturbing the neighbors.

Mr. Jockumsen explained that they just have to grade it so that it doesn't cause issues with the neighbors.

No public comment

MOTION by Councilman Hardy to close the public hearing. Motion seconded by Councilman Phillips. Motion carried.

Public hearing closed at 6:58 p.m.

MOTION by Councilman Skinner to approve the use of the overlay zone and to waive the fees as requested. Motion seconded by Councilman Hancock. Motion carried.

MOTION by Councilman Hardy to approve the subdivision as presented. Motion seconded by Councilman Phillips. Motion carried.

PUBLIC HEARING – REVIEW AND POTENTIAL APPROVAL OF THE PROPOSED WIGNALL ANNEXATION

MOTION made by Councilman Phillips to open the public hearing to receive input regarding Request for Preliminary and Final Approval of the Wignall Annexation. Motion seconded by Councilman Hardy. Motion carried.

Public hearing opened at 7:00 p.m.

Planner Spencer presented the following staff report:

Background

The Wignall Annexation is located east of the existing municipal boundaries generally between State Route 198 and 400 North, and between 1200 East and 1600 East (approximately 2400 West and 2000 West, Utah County coordinate system). The proposed annexation contains ten (10) parcels and includes approximately one hundred three (103) acres with a majority of the property used for agriculture and other farming activities. There are other uses in the annexation area, including four (4) single family dwellings, an intermediate care facility, and multiple agricultural buildings.

The annexation was accepted for further review by the City Council on November 7, 2007. The original petition was signed by all the owners of property; however, since that time, there have been changes in parcel ownership and some property owners have requested their signature be removed from the petition. Staff has noted these changes in the annexation file and has verified the petition still satisfies the minimum requirements of Utah Code as it relates to petition qualification (signatures and valuation).

The primary reason for the delay in processing the application was an effort by the annexation sponsor, Dean Wignall, to obtain support to change the use of the existing structure on Utah County Parcel #30-030-0042 from an agricultural building classification to a facility that could accommodate business storage. This structure is currently classified by Utah County as an agricultural building and was constructed under the regulations of an agricultural building. Staff would recommend the building continue to be classified as an agricultural building following annexation.

Due to the lack of utility services in the area, it is unlikely that a considerable amount of development will occur in the annexation area immediately following annexation. However, if the annexation is approved, Wasatch Mental Health intends to improve a portion of their property to accommodate an office building. Wasatch Mental Health representatives have expressed support of the annexation and would like the annexation process completed soon so the new facility can be constructed by 2016. Staff is proposing the parcels in the annexation area, with the exception of the Wasatch Mental Health parcel, be zoned A-5-H, Annexation Holding Zone until a specific plan is prepared for the area. It is proposed that the portion of the property proposed for the Wasatch Mental Health facility be zoned PO-1, Professional Office Zone which is a district which would allow the facility as a permitted use.

Over the years, staff has met with several of the landowners to discuss existing uses, future development, and general opportunities and limitations that are involved with annexation. Although some land owners have requested special considerations upon annexation, proceeding without special considerations will simplify the annexation process. In an effort to finalize the annexation process, staff would suggest that all site specific needs be addressed following annexation. However, it should be noted that following annexation the allowable uses must be consistent with the designated zoning district, except in those instances where the property owner can demonstrate that a specific use was permitted by Utah County prior to annexation. In all such instances, it is the responsibility of the applicant, or property owner, as the case may be, to demonstrate the use was authorized by Utah County prior to annexation.

The annexation process requires action by the Planning Commission and City Council. The Planning Commission reviewed the request at a public meeting on February 11, 2015. Their recommendation is included in the recommendation portion of this staff report. The City Council will need to conduct a public hearing before a final decision is made regarding the proposed annexation. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

Analysis

Annexation is a complex and extremely important issue for any municipality. Extension of the municipal boundaries should only be completed when it can be clearly shown that including the property in the City will be a benefit to the community. These benefits are measured in many ways including fiscal considerations, ensuring consistency of land use goals and realization of the General Plan, and many other factors.

Recognizing that a majority of the annexation area will continue to be used for agricultural purposes for some time following annexation, it is unnecessary to complete a comprehensive review of the property at this time. The scope and timing of the land use and infrastructure studies will be addressed in the annexation agreement for the proposed Wignall Annexation. Additional studies will need to be conducted prior to future development within the annexation area. It should be noted that no requirements of annexation are being waived, but rather delayed until the future development pattern of the property has been identified.

For the purposes of this petition, staff has determined that it would be appropriate for the City Council to formulate a motion based on a review of any qualified protests, existing land uses, and determination of the appropriate zoning designation with all other annexation requirements addressed prior to development approval for any portion of the property in the proposed annexation. The outstanding items will be included in the annexation agreement which will clarify the delayed items and clarify the responsibilities of the property owners and the City in relation to the annexation. In relation to this annexation petition, staff is primarily concerned about traffic circulation, the provision of wastewater service and other municipal infrastructure systems.

Qualified Protests

Utah Code Annotated (UCA) provides a thirty (30) day protest period for affected entities as defined in UCA §10-2-407. The protest period concluded quite some time ago and the Payson City Recorder has verified that no qualified protests were submitted to either Payson City or Utah County. For informational purposes, if a qualified protest were submitted, the applicant would have been required to complete additional fiscal analyses to determine if the annexation would result in a fiscal hardship on any qualifying entity (generally Utah County, adjoining cities, and special districts).

Zoning Designation

In accordance with Section 19.12.2 of Title 19, Zoning Ordinance, all annexation petitions should be consistent with the Payson City General Plan. As currently adopted, the Payson City General Plan indicates a low residential density (.2 – 1 dwelling unit per acre) land use designation with a section of commercial designation along the frontage of SR 198. Staff is proposing an A-5-H, Annexation Holding Zone designation for all parcels, except for the parcel owned by Wasatch Mental Health which is proposed to be zoned a PO-1, Professional Office. The proposed zoning would provide the flexibility for all landowners in the annexation area to utilize their property, whether for agricultural purposes or development purposes. Preparation of the required land use plan and infrastructure analyses would be required before additional development occurred on the property.

Annexation Agreement

Typically, annexation petitions are accompanied by an annexation agreement which clarifies the responsibilities of the annexation sponsor/petitioners and the City in relation to the proposed annexation. In this instance, the annexation agreement will include existing land uses and zoning designation along with the outstanding requirements of annexation that must be completed prior to development approval

for any portion of the property included in the proposed annexation. At the request of the owners of property in the proposed annexation, the agreement will protect existing agricultural operations and indicate how the newly annexed property will receive utility services.

Placing the complex details of annexation aside, the request of the City Council is rather simple; will the proposed annexation benefit Payson City? Because annexation is such an important issue, the City Council may require additional information to make a well-informed decision. Because annexation is a purely legislative act, the requests for information need not be included in the development ordinances of the City. At the annexation stage, the members of the City Council may request information about any reasonable issue and include conditions to address any reasonable concern.

Recommendation

The City Council will need to complete a review of the proposed Wignall Annexation and the annexation agreement and conduct a public hearing prior to taking final action on the annexation request. As mentioned above, the public hearing has been properly noticed and the surrounding property owners have been notified of the opportunity to provide input on the proposed annexation.

Approval of the annexation requires a recommendation by the Planning Commission and a decision by the City Council. On February 11, 2015, the Planning Commission reviewed the annexation materials, considered input from the property owners in attendance, and forwarded a recommendation to the City Council. The motion of the Planning Commission recommended approval of the Wignall Annexation as proposed by staff.

Following the public hearing, and deliberation, if the City Council chooses to approve the proposed annexation, the Council will need to designate the appropriate zoning district for the property and approve, or amend and approve, the annexation agreement. The annexation must be completed by ordinance and the City Council should include findings that indicate reasonable conclusions for the decision.

Annexations are legislative matters and the City Council is not obligated to approve any petition for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation. At any time during the annexation process, the City Council may deny the proposed annexation following written notice to the applicant. If the City Council takes action to deny a petition for annexation, there will be no appeal process. If a petition for annexation is denied by the City Council, the proponent of the annexation will be required to submit a new application and pay all associated fees in order to have the petition reviewed again by the Planning Commission, City Council and staff.

Councilman Hardy asked how many acres are in the 'island'.

Planner Spencer explained that for islands there are provisions in Utah State Code for this to be done with a resolution which is an expedited annexation process.

Councilman Hancock clarified that we can solve this problem through resolution.

Planner Spencer said yes and that if the City initiates, there is no charge.

Councilman Phillips declares a conflict of interest and recuses himself from the discussion.

Councilman Phillips left the discussion at 7:16 p.m.

No public comment.

MOTION by Councilman Hancock to close the public hearing. Motion seconded by Councilman Hardy. Motion Carried.

Public hearing closed at 7:17 p.m.

MOTION by Councilman Skinner to approve the Wignall annexation according to staff recommendations. Motion seconded by Councilman Hancock. Councilmen Skinner, Hardy and Hancock voting aye. Councilwoman Ford voting naye. Motion carried.

MOTION by Councilman Hardy to approve the annexation agreement as written. Motion seconded by Councilman Skinner. Motion carried.

Councilman Hancock wondered if he could give direction to staff to pursue fixing the island of unincorporated land in the city boundaries.

Councilman Hardy agrees.

RESOLUTION DESIGNATING LOCATIONS AND CONDITIONS FOR GROUP DEMONSTRATIONS DURING THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS TEMPLE OPEN HOUSE

Attorney Mark Sorenson explained that they are in the process of redrafting the free speech ordinance to be a group demonstration area. They will be providing a resolution to the city council to designate a temple open house area which will consist of 930 West from 800 South to the south road at the south end of 1550. The protest area will be within the temple open house area.

Councilman Skinner asked if it has to be in this area.

Mr. Sorenson explained that we are proposing it be in the same area so that we have better control.

The open house area is inclusive so that the police can work with traffic flow etc.

The area will also be the area that demonstrators can demonstrate free speech issues that they want to present. They will be on the public sidewalk. A demonstrator is defined as one (1) or two (2) individuals, if they become three (3) they have to go to the group area which is the trail and 930 West and it forms a triangle. There will be a map provided to demonstrators.

Mr. Sorenson explained that in looking at this some of the areas to the north of this are private property and that is why it will end where it does. We will have to sign the property as 'public property ending' so there is no confusion.

This allows for pedestrian type of protesting. One of the unique things that it will be describing is across the street from the temple looks like public sidewalk but it is actually part of the homeowners association and is private property. For someone to demonstrate in this area they would have to get permission from the homeowners and be able to provide proof that they have obtained permission.

This will be brought back to the City Council at the April 1, 2015 City Council meeting.

**ORDINANCE - AMENDING TITLE 7 - OBSTRUCTING ACCESS TO PREMISES
DISTURBING PASSERBY**

Attorney Mark Sorenson explained the amendment to this ordinance broadens the focuses of the ordinance to include obstruction of streets and other areas of access and obstruction of movement or passage by the public as being unlawful.

Councilman Phillips re-joined the meeting at 7:26 p.m.

MOTION by Councilman Hardy to approve the ordinance as presented. Motion seconded by Councilman Skinner. All councilmember's voting aye. Motion carried.

Councilman Hancock said that he noticed in the new language that the person or persons will be required to leave the area if asked to do so by a police officer.

Mr. Sorenson explained that that would be mandatory and if they don't leave it would be another crime.

Councilman Hancock asked if this is what the police will be enforcing and does this interfere with free speech.

Mr. Sorenson explained that the free speech issue will come to them at their next meeting. This ordinance doesn't address free speech. This is under public safety, not free speech. This is protecting the public allowing them un-obstructed access to properties etc.

ADJOURN TO REDEVELOPMENT AGENCY

MOTION by Councilman Phillips to reconvene to the Redevelopment Agency. Motion seconded by Councilwoman Ford. Motion carried.

Redevelopment Agency convenes at 7:30 p.m.

**RESOLUTION AUTHORIZING THE CREATION OF A COMMUNITY DEVELOPMENT
AREA**

Manager Tuckett explained that they are proposing to create a Community Development Area in and around our business park to assist in boosting our economic development efforts. The resolution needs to be adopted prior to moving forward with negotiations with Nebo School District.

MOTION by Councilman Hardy to approve the resolution as presented. Motion seconded by Councilman Phillips. Motion carried.

MOTION by Councilman Phillips to go out of the Redevelopment Agency. Motion Seconded by Councilman Hardy. Motion carried.

RECONVENE

Council reconvened at 7:31 p.m.

ADJOURNMENT

MOTION by Councilmember Phillips to adjourn. Motion seconded by Councilman Skinner. Motion carried.

Council meeting adjourns at 7:32 p.m.