Email from myself to Brandon Dalley/Payson City via the state Ombudsman Marcie Jones on 10/1/26

Please convey the following to Mr. Dalley and the power director Shawn Black in response to the City's email you sent me on 9/29/26 from Mr. Dalley.

1. I agree that taxpayer funds should be used responsibly. I am also a Payson taxpayer and a property owner whose private property Payson City is seeking to acquire for a public project. The City's responsibility to taxpayers and its responsibility to fairly compensate a property owner are not competing concepts.

My $50,000 counteroffer was not arbitrary. You stated that "50K is a number that the City does not see as objectively supported." I would appreciate clarification as to what Payson City considers "objectively supported" and the basis for that conclusion.

Payson City's own positions regarding compensation have changed throughout this process. Early on, before any appraisal had been completed, Payson City's representative, Tim Blackham, told me the previous owner of my property said they would have accepted $1,000, then he offered me $3,500, and later stated that $5,000 was the maximum Payson City could pay to acquire the easement. Because no appraisal had been completed at that time, it is unclear to me what objective valuation supported those amounts. Please explain how the $1,000, $3,500, and $5,000 amounts were determined and what valuation, documentation, or other objective basis supported them. To my knowledge, an appraisal was not obtained until after the Utah Office of the Property Rights Ombudsman became involved.

After the Integra appraisal was completed, Payson City conveyed to me through the Ombudsman that it believed the cost of a second independent appraisal exceeded the value of the rights being acquired and counter offered $1,510 despite the same appraisal identifying $15,900 in total compensation, including severance damages. I was later informed by the Ombudsman that you and the Payson City power director had not understood the severance damages and therefore had not included them.

Given this history, the City's changing positions regarding compensation, and the unresolved discrepancies I have repeatedly identified within the appraisal and between the appraisal, other Payson City documents, and communications from you, I have significant concerns about the basis upon which the City is now determining what is or is not "objectively supported." I believe it is reasonable to ask the City to identify the objective valuation basis for its conclusion that my $50,000 counteroffer is unsupported.

I requested an independent appraisal months ago, but Payson City continued to pursue negotiation rather than proceeding with the independent appraisal at that time. Before I move forward with obtaining an independent appraisal, I am willing to give Payson City one final opportunity to resolve this matter voluntarily through the following revised counteroffer:

My counteroffer is $50,000 in monetary compensation plus the pressurized irrigation connection. I am willing to pay the applicable standard one-time Pressurized Irrigation Impact Fee for my property, as well as the private lateral line to my house. I am not agreeing to purchase or dedicate additional water rights. This is an existing one-acre residential agricultural property with a home approximately 90 years old, not a new subdivision or development. I was also informed by the Payson City representative, Tim Blackham, that residents in this area have been told for more than 20 years that pressurized secondary water would be coming. Under these circumstances, I believe Payson City

should absorb any water-right requirement rather than requiring me to purchase additional open-market water rights as a condition of connection.

If Payson City is unwilling to accept this counteroffer, I intend to proceed with an independent appraisal so the valuation issues and impact of the proposed easement can be independently evaluated.

2. I understand the City has its own project schedule. However, that schedule does not eliminate the need to address the outstanding valuation questions, concerns or my reasonable efforts to obtain an independent appraisal before Payson City asks the City Council to authorize eminent domain.

I have also spent considerable time waiting for responses to questions and concerns I raised. In several instances, my questions were not answered, addressed, or even acknowledged by the City. It is therefore difficult to reconcile the statement that “the City cannot afford more delays” with the history of this matter, including the City’s own response times and my prior request for an independent appraisal.

I have been actively working toward a voluntary resolution and am asking that the outstanding valuation issues and questions be addressed before Payson City proceeds further toward eminent domain. If the City does not accept my counteroffer, I will proceed with an independent appraisal as quickly as reasonably possible.

I also believe the City Council should be provided with the complete history of this matter, including my efforts to negotiate, my requests for answers and clarification, my request for an independent appraisal, the unresolved issues, and the City’s decision to proceed toward eminent domain while those issues remain outstanding.

3. I have consistently communicated my questions and concerns in writing because I need an accurate record of the issues raised and the City’s responses. This is particularly important given the length and complexity of this matter.

In your first written response regarding my prior interactions with Payson City’s representative Tim Blackham, you specifically stated:

> “We understand and respect your preference for communication by email, and all future correspondence will be conducted through email unless you direct otherwise.”

I have not directed otherwise and continue to request that communications remain in writing.

I do not believe the issue has been a lack of context. I have provided substantial context and repeatedly identified specific questions and concerns. If additional context is needed to answer a particular question, I am happy to provide it in writing.

To help with this process, I have identified dates of some of my prior emails and correspondence addressing these questions, concerns, and discrepancies. These communications are already part of Payson City’s records and provide the relevant context for the issues I have raised. (Some of the emails sent via the Ombudsman to Mr. Dalley were on 4/25/26, 6/10/26, 7/7/26, 7/17/26, 7/22/26.)

I remain willing to negotiate in good faith to work toward a voluntary resolution. My counteroffer above represents one final opportunity to resolve this matter without the need for an additional appraisal or further proceedings. If Payson City does not accept it, I intend to proceed with the independent appraisal. In either event, I am asking that the outstanding questions, concerns, and discrepancies be addressed and that the history of this matter be accurately reflected before the City proceeds further toward eminent domain. Thank you, Jennifer Mann