

**ATTENDANCE:** Mayor Moore; Council member Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips and Doug Welton; City Manager Dave Tuckett; Finance Director Sara Hubbs; City Attorney Mark Sorenson

Meeting began at 6:04 pm.

**PRAYER & PLEDGE OF ALLEGIANCE:** Prayer offered by Nathan Makin; Pledge of Allegiance led by Jaxon Bulkley.

**CONSENT AGENDA:** Approval of July 6, 2016 Payson City Council Meeting Minutes.

Approval of enacting ordinance for zone change of Sterling Grove Subdivision.

**MOTION** by Councilmember Hardy to approve the Consent Agenda. Motion seconded by Councilmember Welton. Motion Carried.

**PUBLIC FORUM:** Public Forum opened at 6:07 p.m.

Mr. Chris Baird publishes the Serve Daily newspaper. He invited the city to send any newsworthy information and any events to be published free of charge. He invited the citizens to serve others daily and together they can build a more positive community.

Rhett Huff said that he has been working with the economic development committee and asking developers what would incentivize them to come to Payson. He said that most developers said that they feel that the city doesn't want to meet them half way to install infrastructure. He suggested that maybe the city needs to invest in getting infrastructure out to the parts of the city that are developable.

Public Forum closed at 6:10 p.m.

**STAFF REPORTS:**

**PARKS** – Tracy Zobell said Mark Hyland hydroseeded Hidden Grove and should work on Hollow Park this Friday. He stated there was a state women's tournament today. He said they have also been working on extending the cart paths, which has been a good project. Councilmember Carter said that there were a lot of ladies that told her how much they love playing in that tournament and how beautiful the course is at Gladstan. Mr. Zobell said that he heard the same feedback as well.

**FIRE** – Chief Scott Spencer said that the fire received \$8,000 grant for Emergency management grant. He said with the celebration happening this weekend, they will have people patrolling the fire-restricted areas more frequently. He said that they have had to reverse the vehicles since the road in front of the building is being repaved. He said the ladder truck has been moved to the sewer plant while the construction is being completed. He said there have been quite a few little calls, but nothing too major. Councilmember Hulet complimented Chief Spencer for responding first to the fire on the west mountain.

**PUBLIC WORKS** - Director Travis Jockumsen said they have been working on both 100 South and Utah Avenue fixing the roads. He reported that they have been fixing water leaks. He said they are also

working on filling potholes. Mr. Jockumsen said that they hired Kim Hollendrake as the administrative assistant and the deputy recorder. Councilmember Hulet said that he noticed there were some sprinklers at the church that didn't have a lot of pressure. Mr. Jockumsen said that when too many people are watering it will cause the pressure to drop. Councilmember Welton mentioned that there are a lot of homes that don't have enough pressure. Mr. Jockumsen said that they can try and turn the pump on more, but it encourages bad behavior because citizens feel it should be on all the time, and it is very expensive to water. Councilmember Hulet asked how the water situation was. Mr. Jockumsen said that they are looking good.

Councilmember Hardy asked if anyone should be watering on Sunday. Mr. Jockumsen said that nobody should be watering on Sunday. Councilmember Hulet asked how the water situation looked. Mr. Jockumsen said that the water situation is looking good.

RECREATION – Recreation Director Karl Teemant reported on all the events that are happening in the city. He said that they had a meeting today with the Tour of Utah at the park to talk about the layout of the event. He announced that the city is hosting the last phase of stage three of the tour of Utah. He reminded all that there will be a Western Heritage Night with Billy Dean performing on Saturday night.

#### **COUNCIL REPORTS:**

Councilmember Phillips reported streets department is working hard on 100 south and Utah Avenue. He thanked Chief Spencer for being the first responder at the fire out at West Mountain. He also asked Rhett Huff to share the list of developers that he has talked with to Dave Tuckett.

Councilmember Welton asked when the electrical rate study would be presented. Ms. Hubbs said it would be August 17<sup>th</sup>. Councilmember Welton asked if the sign that will be put up at the Heritage park could be modified. He said that he felt there needs to be more discussion regarding the branding of the sign. Mr. Tuckett said that he can email him the design and can discuss it with him. He asked if the repainting the lines on 300 south is going to make it an arterial road or collector road. Mr. Jockumsen confirmed it was listed on the master plan that way.

Councilmember Hardy recognized Rhett Huff for his service in the Lion's Club. He mentioned that the Chamber had movie under the stars and the shop local event and heard they were both very successful.

Councilmember Carter thanked Councilmember Hulet and Councilmember Hardy for their help cleaning around the library before the Scottish Festival. She said the assistant librarian thanked everyone for all their efforts. She said that she drove by the next morning and it was full of leaves again. Councilmember Carter asked how long does the city have to wait to fix the clock. Councilmember Carter said that it needs to be fixed. Mr. Tuckett discussed the options of fixing it and said a bid they received a few years ago estimated it to cost about \$17,000. Mr. Tuckett said that they have held off because there has been discussion about making it a two-way street again, so they didn't want to invest money into it to just be torn down. Councilmember Welton asked if a sign could replace the face of the clock.

Mayor Moore said that he is still working on water issues that are dealing with Strawberry. He encouraged everyone to attend the concert on July 23 and the tour of Utah. He noted there was going to be a poverty simulation on August 10<sup>th</sup> from 5:30 to 9:00. He said there will be 65-70 seats and he needs to know names of those that want to go through the simulation by next week. Councilmember Phillips asked for more detail. Mayor Moore said that you have to go through a simulation that shows what it is like to live off of \$7 an hour. Councilmember Welton asked if there was a digital sign up that he could put out on facebook. Mayor Moore said he would look into that.

**SCOUT ATTENDANCE CERTIFICATES** – Councilmember Phillips presented attendance certificates to the following scouts in attendance: Nathan Makin and Jaxon Bulkley.

**CHAMBERS BUSINESS OF THE MONTH PRESENTATION**

Louis Ballamis with the Chamber presented Payson RX Express with the Business of the Month Award. He said they are known for their customer service and their community involvement.

**PUBLIC HEARING: REQUEST FOR PELIMINARY AND FINAL APPROVAL OF THE WASATCH MEADOWS SUBDIVISION**

**MOTION** by Councilmember Hardy to open public hearing. Motion seconded by Councilmember Carter. Motion Carried.

Plat A of the Wasatch Meadow Subdivision includes a division of one (1) parcel into four (4) lots which in accordance with Utah Code constitutes a subdivision of property. The proposed subdivision is located north of State Route 198 at approximately 1250 East on property historically used for agriculture purposes. The property was recently annexed into Payson with the recordation of the Wignall Annexation and assigned a zoning designation of PO-1, Professional Office Zone.

The owner, Wasatch Mental Health is proposing to construct an office building on Lot 1 of the proposed subdivision and has already received Site Plan approval for the project. To accommodate the office building and additional commercial development, the applicant is proposing a new public street through the property (1250 East), extension of public and private utilities, installation of a sewer lift station and force main (off-site), and roadway improvements along SR 198. Wasatch Mental Health officials have indicated that there are no immediate plans to develop Lots 2-4 in the proposed subdivision. It should be noted that the Wignall Annexation Agreement stipulates that additional development cannot occur within the annexation until a specific plan is prepared and adopted by the City Council.

The development is being proposed as a traditional subdivision in accordance Title 20, Subdivision Ordinance and Section 19.6.10 of Title 19, Zoning Ordinance. The request is an administrative action, whereby the applicant is entitled to subdivision approval if the applicant is willing to satisfy the minimum requirements of the land use ordinances of Payson City. The necessary applications, project drawings, and other required documents, except as noted herein, have been submitted by the applicant.

In order to obtain approval of a project, the applicant must receive a recommendation from the Planning Commission and the City Council must grant approval. On June 22, 2016, the Planning Commission, following a public hearing, recommended approval of the proposed Wasatch Meadow Subdivision contingent upon the satisfaction of staff conditions. 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 applicant is entitled to subdivide the property consistent with the regulations of Utah Code and the land use ordinances of Payson City. Because the subdivision involves property in a commercial zone (PO-1), the specific needs of each lot will be addressed during the Site Plan review process. For informational purposes, the City Council has authorized staff to approve commercial and industrial projects, provided all requirements of the Payson City ordinances have been satisfied, in particular Chapter 19.8 of Title 19, Zoning Ordinance. Although site plans may be reviewed and approved by staff, a decision regarding preliminary and final approval of the proposed subdivision is the responsibility of the Planning Commission and City Council.

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Plat A of the Wasatch Meadow Subdivision has been reviewed for compliance with Title 19, Zoning Ordinance (January 6, 2016), Title 20, Subdivision Ordinance (November 18, 2015), and any other applicable requirements of the Payson City Municipal Code. Following staff review, a list of items has been generated that will need to be satisfied prior to the recordation of the Final Plat or development of the property, as applicable.

1. Each lot must have access to municipal services. The applicant is responsible to provide utility services to each lot and structure, including, drinking water, pressurized irrigation, wastewater, and power service. Connection and impact fees will be assessed at the time of issuance of a building permit.
2. Additional approvals and permits will be necessary to accommodate commercial development on Lots 2-4. At a minimum, the applicant or future property owner will need to satisfy the requirements of Chapter 19.8 of the Zoning Ordinance and obtain Site Plan approval before construction commences on the lots. Provision of utility service, setbacks, parking requirements, access, project signage, and other site planning issues will be addressed at this time.
3. There is an existing irrigation ditch that traverses the proposed subdivision. The applicant or future owner will need to coordinate with the Salem Canal Company on any proposed improvements near the irrigation ditch prior to the development of Lots 3 and 4.
4. State Route 198 is a transportation facility owned and operated by the Utah Department of Transportation (UDOT). An encroachment permit will need to be obtained to ensure that site access, installation of utilities, and other concerns of UDOT are properly addressed.
5. The applicant is requesting approval to delay the installation of roadway improvements along the east side of 1250 East, and the installation of sidewalk along SR 198. It is proposed that these improvements be completed at the time of Site Plan approval for the respective lots. Any request to modify the timing of installation of improvements requires approval by the City Council and must be ratified in a Deferral Agreement that will be recorded in the office of the Utah County Recorder.
6. The Final Plat must be consistent with the regulations of Chapter 20.29 of the Subdivision Ordinance and the approval of the City Council. At a minimum, the Final Plat will need to include the following:
  - a. Addresses for each lot (two for corner lots).
  - b. All easements, right-of-ways and other dedications recorded on the property.
  - c. A note indicating that future uses of the property must be consistent with the provisions of the zoning district and additional approvals and permits must be obtained before commencement of construction.
7. The conditions of Site Plan approval as outlined in a letter dated May 3, 2016 will need to be properly addressed prior to the issuance of a building permit for the office building on Lot 1 or during the construction phase, as required by City ordinance.
8. Until the time of development, the applicant will need to maintain the undeveloped lots consistent with the regulations of the Chapter 19.24, City Beautification of the Zoning Ordinance.

There are other items that will be addressed during the site plan process for the proposed lots. It is the responsibility of the applicant or future owner to ensure the requirements of the land use ordinances are properly addressed. The following list represents some of the items that will be addressed during the site plan review process.

- Preparation of the electrical layout for each lot. The applicant will be responsible for payment of all labor and materials provided by the Payson Power Department.
- Submission of a storm drainage plan capable of handling the twenty four (24) hour, one hundred (100) year storm event.
- Preparation of a public safety plan that satisfies the requirements of the adopted fire code, including the installation of required fire-fighting facilities.
- Submission of financial assurance to guarantee that the work within the public right-of-way and project landscaping are completed in accordance with city standards.
- Transfer of adequate water to serve new development.
- Other business specific requirements, including, but not limited to, proposed uses, business statement, building design, and landscaping requirements.

These items represent the concerns City staff has identified following a review of the proposed subdivision. In general, staff had no major concerns about the proposed project if the conditions of this staff report are satisfied. The City Council 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 Municipal 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 Design Guidelines and Standard Specifications; 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 preliminary and final approval of a traditional subdivision that would divide a single parcel into four (4) lots in the PO-1, Professional Office Zone. The City Council, following a public hearing to receive public input, may:

1. Remand the application back to staff for further review. This action should be taken by the City Council if it is determined that there is not enough information provided by the applicant in order for the City Council to make a well-informed decision.
2. Approve the Preliminary Plan and Final Plat as proposed. If the City Council chooses to approve the request as proposed staff would suggest that an opportunity to require the applicant to satisfy the regulations of Payson City and the land use goals of the City will be missed.
3. Approve the Preliminary Plan and Final Plat contingent upon the satisfaction of conditions. Staff would suggest that if the City Council approves the Preliminary Plan and Final Plat contingent upon the satisfaction of staff conditions, the applicant will be required to satisfy the regulations of the Payson City and the land use goals of the City.
4. Deny the Preliminary Plan and Final Plat. This action should be taken if the City Council determines the applicant is unwilling or unable to satisfy the regulations of the Payson City Municipal Code and the land use goals of the City.

Staff would suggest that the proposed use of the property is consistent with the General Plan, Zoning Ordinance and Subdivision Ordinance if the conditions proposed by staff are satisfied by the applicant. Any motion of the City Council should include findings that indicate reasonable conclusions for the decision.

Georgia Mills is the president of Rosewood Estates and asked will they be put on the city sewer system. She asked if the business is going to be connected could Rosewood Estates also be connected. Councilmember Phillips and Mayor Moore said that they are working on having a regional lift station installed that would incorporate the Rosewood Estates as well.

Councilmember Hulet asked what the reason is to defer the curb and gutter along SR198. Planner Spencer said that there is a power line right in the way. Mr. Williams said that there aren't any other curb and gutter installed, so it would create an island. Travis with Raymond Vannosdal Architects said that the deferral is just along the sidewalk and they will be installing curb and gutter.

**MOTION** by Councilmember Phillips to close public hearing. Motion seconded by Councilmember Hardy. Motion Carried.

**MOTION** by Councilmember Phillips to approve request for Preliminary and Final Plat Approval of the Wasatch Meadows Subdivision contingent upon staff conditions being satisfied. Motion seconded by Councilmember Hulet. Motion Carried. All present voting aye.

#### **RESOLUTION – DEFERRAL AGREEMENT FOR WASATCH MEADOW SUBDIVISION**

City Planner Jill Spencer said staff recommends to allow the Wasatch Mental Health to defer certain public improvements related to a phased subdivision and be allowed to proceed to develop the initial phase and improvements with additional improvements to follow with the second phase of the subdivision

Councilmember Phillips asked if Mr. Jockumsen is ok with this deferral agreement. Mr. Jockumsen said that he recommends finishing the overlay since there will be new development

**MOTION** by Councilmember Phillips to approve the resolution approving deferral agreement for Wasatch Meadow Subdivision and authorize the Mayor to sign. Motion seconded by Councilmember Hardy. Motion Carried.

Councilmember Hulet asked how soon they can begin construction. Mr. Williams said that they will get it started as soon as they receive the city's approval.

**RESOLUTION – CONTRACT BETWEEN PAYSON CITY AND THE UTAH STATE DEPARTMENT OF WORKFORCE SERVICE, HOUSING AND COMMUNITY DEVELOPMENT DIVISION, HOME ENERGY ASSISTANCE TARGET (HEAT) PROGRAM**

Treasurer Cheryl Hobbs said she is presenting a resolution that approves the updated contract between the Utah State Department of Workforce Service, Housing, and Community Development Division, Home Energy Assistance Target (HEAT) Program and Payson City Corporation. She said this contract allows the city to work with the HEAT program, which helps low-income families.

**MOTION** by Councilmember Hardy to approve contract between Payson City and Utah State Department of Workforce Service, Housing and Community Development Division, Home Energy Assistance Target (HEAT) program. Motion seconded by Councilmember Welton. Motion Carried.

**RESOLUTION – AUTHORIZING THE CITY TREASURER TO WRITE OFF CERTAIN UNCOLLECTIBLE DEBT**

Treasurer Cheryl Hobbs said at the end of the fiscal year, she compiles a list of utility accounts to be written off as bad debt. She said accounts are considered bad debt if they have been sent to collections, have filed bankruptcy or the customer is deceased and the estate is unable to pay. She said Exhibit A is a list of the Bad Debt to be written off for FY2015-2016 in the amount of \$33,825.71; which is greatly reduced from last year's total of \$166,615.74.

Ms. Hobbs said that Alice Heslop has been doing a great job contacting customers, so hopefully they won't have to be sent to collections. She said they have made changes to our collection process which have resulted in an increased number of past due accounts being paid in full instead of being sent to collections. She said \$23,849.57 was paid by June 30, 2016, through payment arrangements instead of being sent to collections. She also showed a statistical report from the Collection Agency showing how much was sent to collections in FY2015-2016.

Ms. Hobbs mentioned that there was an outstanding balance with Ridgestone condos, and said that the balance was about \$17,000; but the balance is now down to around \$800.

Councilmember Welton asked how much were actual utility expenses and how much was late fees. Ms. Hobbs said that they don't let the late fees accumulate more than three months of fees.

Councilmember Hulet asked if the city collects deposits for first time customers. Ms. Hobbs said they collect a \$150 up front or the customer can also have a cosigner sign with them. She said they also check with the collection agency to make sure they don't have outstanding balances and if they do they have to pay the outstanding balance before they can sign up for utilities.

**MOTION** by Councilmember Hardy to approve write off of uncollectible debt. Motion seconded by Councilmember Carter. Motion Carried.

**DISCUSSION REGARDING POTENTIAL AMENDMENT TO ANNEXATION POLICY PLAN BOUNDARIES**

City Planner Jill Spencer In accordance with the provisions of §10-2-401.5 of Utah Code Annotated, Payson City has adopted an Annexation Policy Plan to establish the growth boundaries of the community. This document serves as a planning tool to guide the expansion of municipal boundaries through annexation in a manner that is consistent with the Payson City General Plan and the laws of the State of Utah. In part, the Plan provides guidance for achieving the following purpose and objectives:

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- Prepare for future expansion of municipal services
- Plan for an appropriate balance of commercial, industrial, and residential growth
- Provided public safety services in an effective way with acceptable response times
- Preserve valuable agricultural lands
- Protect the natural environment

During the preparation of the Annexation Policy Plan, city officials and staff discussed the proposed growth boundaries with Spanish Fork, Salem, Elk Ridge, and Santaquin. Payson City has entered into Interlocal Cooperation Agreements with the surrounding communities to avoid, to the extent possible, gaps or overlaps in the growth boundaries of the cities.

On February 3, 2016, Lee Haskell requested the City Council consider amendments to the Annexation Policy Plan and the Interlocal Cooperation Agreement to allow the parcels owned by Haskell to be annexed into Elk Ridge. As currently adopted, the Interlocal Cooperation Agreement between Payson City and Elk Ridge City specifies the parcels will be annexed and developed within the municipal boundaries of Payson. Mr. Haskell prefers to develop the property in Elk Ridge because utility services are currently available. Payson City does not have infrastructure systems in the immediate area.

Following consideration of Mr. Haskell's request, the City Council directed staff to meet with Elk Ridge officials to discuss the terms of the Interlocal Cooperation Agreement and the possibility of utilizing Elk Ridge utility systems on a temporary basis until Payson City utilities are extended to the subject properties. Staff has conducted meetings with Elk Ridge and the Allred family to discuss various options. Elk Ridge indicated they are not interested in providing utilities on a temporary basis and would honor the terms of the adopted Interlocal Cooperation Agreement. The Allred family expressed concerns with annexation of their property into either city, and development encroachment on the existing agricultural operation. It should be noted that staff has received calls from other property owners in the vicinity that are concerned with the suggested changes to the Annexation Policy Plan boundaries and the Interlocal Cooperation Agreement.

Mr. Haskell is once again requesting the City Council consider amending the growth boundaries included in the Payson City Annexation Policy Plan to allow the Haskell parcels to be annexed into Elk Ridge. Such an amendment would also require a modification of the Interlocal Cooperation Agreement between Payson City and Elk Ridge City.

To achieve a balance of housing product in the community, Payson City has identified several areas in the community that would be favorable to higher-end housing. These areas include properties near the Payson, Utah LDS Temple, properties near Gladstan Golf Course, and the hillsides near Payson Canyon and the City of Elk Ridge. Upon review of the request, the primary concern identified by staff is the stated objective of having a balance of housing options for all income levels, including executive housing opportunities.

City Planner Spencer said the City Council will need to determine if the request is consistent with the land use goals of Payson City, the purpose and objectives of the Annexation Policy Plan, and will further the goals of the Payson City General Plan. She said this is a legislative decision of the City Council and the Council is not obligated to approve the request. If the City Council determines approval of the request is in the best interest of the community, the Interlocal Cooperation Agreement between Payson City and Elk Ridge City will need to be amended.

Mr. Lee Haskell said that he feels it would be best to annex to Elk Ridge because Elk Ridge also has utilities there. Mr. Haskell said that they want to do a higher-end housing, which he said will work with Payson's goals. He said the East side plan has bothered him because they have the plan, but they aren't using it because they aren't annexing it nor developing it. He said they are open to annexing to Payson, but he doesn't feel it fits right now because Payson doesn't have the infrastructure to support it.

Mayor Moore asked who talked with Elk Ridge about hooking onto Elk Ridge's water. Mr. Tuckett said that he, Planner Spencer, and Mr. Jockumsen met with them and it didn't seem amenable to them. Councilmember Welton said that is Elk Ridge willing to help us out if we offer them something. Mr. Tuckett said that when they met with Elk Ridge, they indicated that they will stand by the agreement.

Mr. Haskell said Elk Ridge will honor the agreement, but they said if Payson will amend the agreement then they are willing to annex Mr. Haskell's property.

Councilmember Hulet asked if the annexation policy is binding contract. Mr. Tuckett said that they could just annex the property if they wanted to because the document doesn't really have any teeth behind it. Councilmember Hardy asked how far away is Payson from providing water to the east side. Mr. Tuckett said that they have the well drilled and they will need to build a water tank. Mr. Hardy asked if it would be four or five years before the water is provided to the east side.

Mr. Haskell said that even if you get the water down there the other properties may not want to annex, so the money has been wasted getting water to properties that don't want to be annexed. Mr. Tuckett agreed that he is worried about the 300-acre rule not allowing the other areas to develop. He's worried about the buffer being diminished if Elk Ridge keeps developing.

Councilmember Welton asked if there is a copy of the East Side plan. Mr. Tuckett said that he will send it out to everyone.

Mayor Moore said that he would like to look at the East Side plan and meet with the Mayor of Elk Ridge about the water situation. Mr. Haskell said that Payson staff has already done that. Councilmember Hardy said that he would like the water issue taken to the Elk Ridge council meeting and have the council vote on it.

Councilmember Hardy said that he doesn't want to hold Mr. Haskell hostage, so there needs to be a time table set, so he can move forward.

Councilmember Hulet said that even if the water situation was figured out, it wouldn't matter because the 300 acre rule will not allow them to annex into the city. He said the only way Mr. Haskell could annex is if the 300-acre rule was changed. Councilmember Welton asked if the 300-acre rule should be looked at. Mr. Haskell said that the prior Mayor Burtis Bills who signed the 300-acre rule said he made a mistake by signing it.

Becky Allred Ellsworth with Allred Orchards said that Payson City Council came to them 7 or 8 years ago and asked what they could do for them, so they can remain a farm. She said that was the beginning of the East side comprehensive plan. She said they are ecstatic about the plan to keep it agricultural.

Mr. Haskell said that about 10 years ago in the preliminary planning stages of the East side plans it contained the following passage, "In general annexations will be at least 100 acres in size and will be accompanied by a specific plan that identifies how the municipal services will be provided to the area and the anticipated development pattern." He said it was going well until there were some private meetings that were held and it changed from 100 acres to 300 acres.

Councilmember Welton proposed that council relook at the 300 acre rule and possibly changing it. He said he needs more information to make a decision and would like to have more discussion regarding it. Mr. Haskell said that the 300 acre rule was put in place to protect any property from being annexed. He said there isn't any property over 300 acres unless it includes the orchards.



Mayor Moore asked Mr. Tuckett to send out the plan that was approved and the plan Mr. Haskell referenced, so the council can read up on the East Side plan. Mr. Tuckett said that he will also contact Elk Ridge to see if they can do a combined joint council meeting.

#### **DISCUSSION REGARDING TEMPORARY USE ON FLYING J PROPERTY**

City Manager Dave Tuckett said staff has been discussing with the owners of Utah County Parcel #30-027-0066 (former Flying J site) various options to demolish the existing structures on the site. He said the owners are willing to remove the structures if they can cover the expenses associated with the demolition. He stated the owners would like the City Council to consider a request to allow various temporary uses on the site until the Payson Main Street & Interstate 15 EIS is completed and the site becomes viable for new commercial construction.

Mr. Tuckett said in accordance with Chapter 19.11, Temporary Uses of the Payson City Zoning Ordinance, requests for temporary uses may be considered by the City Council. Mr. Tuckett said if the council approves the temporary use permit they will tear down the building and work on cleaning up the site. Mr. Tuckett said that the use would last for two years.

Mayor Moore asked who owns the property and asked about the noncompete contract. Mr. Paul Linford said there was a noncompete contract but it dealt with truck stops. Mr. Linford said that he has been asked to get rid of the building and clean up the area. He said he wants to clean it up as well, but is in limbo until the state makes their decision. He said they are just trying to solve the problem of homeless and other things that are going on in that area and earn brownie points with the city. He said they aren't coming out ahead by doing this. He said they are doing it to help the city out.

Councilmember Hulet asked if there is a way to limit the amount of RVs and if slatted fences would be installed to help with visibility. Mr. Linford said that they had this property sold to a national company until UDOT said they were going to fix the interchange. Mr. Linford said the last thing they want to do is to keep it RV storage and Hay storage.

Mayor Moore asked when a preferred decision should be made about the interchange. Mr. Tuckett said that it may be in November, and the final decision will be made in February, but until UDOT decides to fund it, nobody knows when it will be completed.

Mr. Tuckett said that they have talked with UDOT about the project and they said the EIS study is only good for three years, so he is hoping it is funded within that time frame. Mayor Moore asked if the building would be torn down right now. Mr. Linford said that they will tear it down right now. He said the only thing they won't tear down is the canopy. Mr. Linford said the building is a problem for them and it is a problem for Payson City and they would like to help. Mayor Moore asked if Chief Bishop was ok with this option. Chief Bishop nodded it was good. Councilmember Welton said that he doesn't see a down side to this.

Councilmember Hardy asked if an agreement would be brought back to council to approve. Mr. Tuckett said that if the council approves the temporary use permit, he will bring back agreement at the next council meeting for the council to approve.

**MOTION** by Councilmember to Phillips to approve the temporary uses. Motion seconded by Councilmember Carter. Motion Carried.

**DISCUSSION REGARDING OPINION QUESTION (RAP TAX)**

Councilmember Brian Hulet presented the language for the opinion question for the Parks, Arts, Recreation and Cultural (PARC) tax that will be placed on the November Ballot. Councilmember Hulet said that there has been a committee that has been working on this. Councilmember asked for clarification about whether the time frame should be 8 or 10 years. Mr. Tuckett confirmed that it was 10 years.

**MOTION** by Councilmember Hardy to accept the language with the number of years changed to ten years. Motion seconded by Councilmember Phillips. Motion Carried.

**WORK SESSION – DISCUSSION REGARDING PROJECT PROPOSED BY SELF-HELP HOMES**

City Planner Spencer said Self-Help Homes is here to discuss a proposal to improve 10 acres of land to accommodate a senior rental housing project. She said 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.

Councilmember Hardy asked where the access would come from. Planner Spencer said it would be 1000 South and 200 East. She said that 400 north will extend to the east, so they would like to have a connection to the north. She said there is an existing stubbed road to the east of it.

Brent Bluth said that he is personally aware of the previous concept plans. He said the zoning is a problem because it is zoned for commercial. He said that the owner's vision of the property has changed from being commercial to residential. He said that they have met with staff to address some of the issues. He said that he has met with the neighbor Mr. Phillips and talked about connectivity.

He said they place units on the piece of property and said the commercial property would be about 2 acres. He said they wanted to place a number of units on the map to show what it would look like. He said they would target senior rental housing. He said the demand is tremendous right now. He said there are about 12.5 residential units per acre. He said the building just behind the commercial building is a multi-housing building which would be about 30 units in the building. He said from a financial perspective, it is still very tight to make it work.

Councilmember Hulet asked if there are four-plexes on the land and how big they were. Mr. Bluth confirmed they are four-plexes and they are about 900 square feet. He said they have 1 bedroom and 1 bathroom. Mr. Bluth said that they completed a senior housing project in Springville next to the Little Caesars.

Councilmember Hulet asked if they receive state or federal money to help with the project. He said there would be federal and private money.

Ms. Taresa Hiatt from the planning commission asked how the elderly would be able to access the four plex if there are stairs. Mr. Bluth said that there are no stairs and they are all one level. Discussion was

held regarding the size of the four-plexes. Councilmember Welton asked what would happen when the baby boomers are not around to rent these type of housing units. Mr. Bluth said the millennials are double the size of the baby boomers.

Councilmember Hulet asked if there is an option to own the homes. Mr. Bluth said that they are all rental units. Councilmember Hulet asked who would own this development. Mr. Bluth said that it will be a private ownership that would own it for about ten years, but then they would end up owning it in the end.

Councilmember Welton said he doesn't love the ideas, but he sees that there is a need for them. Councilmember Welton asked Mr. Bluth if he had considered developing the buildings up like the Riverwoods project. Councilmember Hardy and Mayor Moore said that the Riverwoods and projects like it have not been successful. Mayor Moore said that he knows Vicki has tried everything that she knows to try and get people to buy it. Mayor Moore said that there are senior homes to the east of them, so he isn't sure if he would put young people there.

Councilmember Carter said that she is looking at the parking and wouldn't want to walk that far to get to her car. Mr. Bluth said that most seniors don't have cars. Mayor Moore said basically Mr. Bluth wants to know if they are interested in something like this. Discussion was held about the project. A resident from Rosewood Estates said that she felt the development would be a slum. Mr. Bluth disagreed. Councilmember Carter said that she would like to see garages and better parking.

Mayor Moore asked members from the Planning Commission what their thoughts were and whether or not Mr. Bluth should continue. Planning Commission member Kirk Beecher said that he is for the commercial building in the front and something behind it, but he isn't sure the senior development is it. Planning Commission member Ryan Frisby said that he is not opposed to the idea. Planning Commission member Taresa Hiatt said that she wants to see it all commercial.

Councilmember Hardy said that he is not too excited about it. Councilmember Welton said that he is hesitant about it. Councilmember Carter said that she is not too sure about it, but would like to see the senior homes be more in line with the Rosewood Estates. Councilmember Hulet said that he needs more time to mull it over, but he does think it would be hard to do commercial all the way back. Discussion was held about different options of this. Mayor Moore said that he is thinking of his mom and she would not be happy with this plan.

Mr. Bluth said that he will email Planner Spencer some addresses of other developments he has completed.

**MOTION** by Councilmember Welton to adjourn.

Meeting adjourned at 8:08 p.m.