

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, May 17, 2017

CONDUCTING Mayor Richard Moore

ELECTED OFFICIALS Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug Welton

STAFF PRESENT
Dave Tuckett, City Manager
Sara Hubbs, Finance Director/City Recorder
Mark Sorenson, City Attorney
Kim Holindrake, Deputy Recorder
Travis Jockumsen, Dev. Serv. Director/City Engineer, PW Director

OTHERS Carolyn Bowman, Jerry Bradford, Evan Nixon, Mike DeMarco – Salisbury
Homes, Katie Cutler, Bert Butler

MOTION: Councilmember Hulet – To appoint Scott Phillips as Mayor Pro Tem. Motion seconded
by Councilmember Hardy. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug
Welton. The motion carried.

This meeting of the City Council of Payson City, Utah, having been properly noticed, was called to order
at 6:00 p.m.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Councilmember Hulet

Pledge of Allegiance led by Councilmember Hardy

B. CONSENT AGENDA

1. Approval of the May 3, 2017 Council Meeting Minutes
2. Proclamation – American Red Cross Week
3. Proclamation – National Public Works Week

MOTION: Councilmember Carter – To approve the consent agenda. Motion seconded by
Councilmember Hardy. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug
Welton. The motion carried.

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

No public comments.

2. Council and Staff Reports

51
52 Staff Reports
53

54 PUBLIC WORKS – Director Travis Jockumsen stated the tank is fixed and will be cleaned and
55 disinfected. Crews have been out fixing water leaks. Unfortunately, one was in a brand new road that was
56 fixed last year, which happens when the utilities aren't fixed at the same time. Utah Avenue was overlaid.
57

58 RECREATION – Director Karl Teemant reported that youth baseball and softball has started. There was a
59 complaint on Monday regarding the light situation because games went over. Dave Tuckett responded to
60 the resident. The general rule is the parks close at 11 p.m. Staff will try to turn the lights off as soon as
61 possible. Karl Teemant stated lights have changed over the years so the newer lights don't have as much
62 light spillage. Youth games typically don't begin until 8 or 8:30 p.m. He will work on it and try to
63 accommodate. The last inspection of the pool was on Monday and passed so the pool is ready to open. The
64 inspector mentioned that the concrete skirt on the lap pool needs to be addressed next year. Lifeguard
65 training classes began this week with 19 students. They are hosting an invitational track meet with
66 surrounding cities. An adult softball, slow-pitch tournament is scheduled for Memorial Day weekend.
67 Youth tennis begins when school is out.
68

69 Council Reports
70

71 Councilmember Hardy stated the work on 600 East looks good. The Chamber shop local event will be the
72 early part of June. The Payson Community Theater have cast parts and are rehearsing for the Adams
73 Family production during Onion Days.
74

75 Councilmember Welton reported it's nice 600 East is done. He spoke to Representative McKell and
76 Representative Roberts regarding the Main Street situation, and they are willing to help. One indicated that
77 a lobbyist is good and the other felt they could take care of it. He congratulated the Police Department that
78 is no longer in the 10 most dangerous cities in the state of Utah. Chief Bishop stated Payson is now one of
79 the 22 safest cities in Utah.
80

81 Councilmember Carter reported thanked the Water Department for clearing debris in her area. The hydrant
82 was covered for years. She has received multiple calls about kids riding bikes and motorized vehicles on
83 the city property between the pool and ball fields. Something needs to be done for those neighbors. The
84 neighbors okay with the bicycles. Dave Tuckett stated he and Karl Teement recently met with Woodbury
85 who is getting the design work being done for the ballfields.
86

87 Councilmember Hulet stated he met with the Nebo School District this week regarding incentives for a
88 hotel, and they were very positive to working with the city. The Economic Development Committee met
89 and discussed doing a branding study. A representative from Utah Valley University attended and can do
90 the branding study at a cost of \$3,750, which normally costs \$7,500. The branding study would be a three-
91 day intense project. An employment meeting was held with different entities with UTA agreeing to get
92 some vans to shuttle people from the FrontRunner to Payson. They also filed for a grant with Nebo School
93 District, MATC, and UVU for having manufacturing classes at the new center Nebo School District is
94 doing. The city will be helping put together the curriculum for those classes.
95

96 Councilmember Phillips requested a status on KFC. Jill Spencer stated the review has been completed, and
97 staff is waiting for revisions.
98

99 D. PUBLIC HEARINGS/ACTION ITEMS

- 100 1. Public Hearing – Request for a Conditional Use Permit to install and maintain a roof mounted
101 antenna (small cellular tower) located at 1052 South Turf Farm Road
102

103 **MOTION: Councilmember Hardy – To open the public hearing.** Motion seconded by Councilmember
104 Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug Welton. The
105 motion carried.
106

107 Staff Presentation:

108 Jill Spencer reported the request is for a single, roof-top antenna for Verizon Wireless on top of the
109 Walmart building. It includes a connection through the parking lot with an easement. The applicant has
110 received the necessary approvals from Walmart.
111

112 Public Comment:

113 No public comment.
114

115 **MOTION: Councilmember Hardy – To close the public hearing.** Motion seconded by Councilmember
116 Welton. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug Welton. The
117 motion carried.
118

119 **MOTION: Councilmember Hardy – To approve the conditional use permit with staff conditions and**
120 **find it meets the goals of the city.** Motion seconded by Councilmember Welton. Those voting yes: Linda
121 Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.
122

- 123 2. Public Hearing – Preliminary Plan for the Springside Meadows Planned Residential Development
124 generally located east of SR-198 and west of the High Line Canal between approximately 1700
125 South and 2000 South (6:24 p.m.)
126

127 **MOTION: Councilmember Hulet - To open the public hearing.** Motion seconded by Councilmember
128 Welton. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug Welton. The
129 motion carried.
130

131 Staff Presentation:

132 Jill Spencer stated this is for preliminary approval of the Springside Meadows development. The property
133 was annexed in 2002, and has seen different renderings and designs over time. The guidelines of the
134 Mower Specific Plan from 2002 have been used for the layout. The applicant is going through the approval
135 process again because of the changes in the market, the need for larger lots in portions of development,
136 and the reduction in the property size. The project proposes 85 townhome units, 167 single-family lots,
137 and 5.77 acres for public use. Home construction along the High Line Canal will need to be addressed at
138 the time of building on a phase by phase basis. RV parking and storage is required with a certain number
139 of units. The commission recommended that it be addressed at the final plat stage with each project.
140 Currently no modifications have been requested to setback requirements but may be addressed with each
141 neighborhood. The phasing plan includes nine phases. Each phase will need at least two points of ingress
142 and egress. Street layout and lot access must be consistent with the street master plan, which includes two
143 arterial streets (Main Street and 2000 South). There is one section of 2000 South that will not be
144 constructed until the Mower property is developed. In front of Spring Lake Elementary, 500 West will be
145 extended down to 2000 South to give another point of ingress and egress. SR-198 continues through the
146 city property and will need to meet the UDOT requirements. The width of the access through the
147 townhomes will need to be addressed with the phase because it doesn't meet the fire requirements. There
148 is limited access along Main Street and 2000 South streets by the use of private access drives. This will

149 reduce access as well as eliminating backyards fronting the street and fences. These drives will be
150 maintained by the HOA. Housing product will be addressed with each phase. Exterior materials will
151 include brick, stucco, and stone (masonry) with a request to use an engineered, simulated wood siding. A
152 development agreement will be required identifying the goals of the project. Utility improvements include
153 the installation of an off-site sewer trunk line. Irrigation facilities include working with the High Line
154 Canal Company, Bureau of Reclamation, and private irrigation facilities. Electrical service includes the
155 installation of a substation. Utilities will be extended along the project frontage with utility extension
156 agreements for connections by those outside the project. Amenities and government facilities include 5.77
157 acres of open space, an electrical substation, and a fire station site, which will be consolidated near SR
158 198. There is a trail corridor along 2000 South and Main Street with a connection to the High Line Canal.
159 Other considerations include completing engineering with each final plat, compliance with city regulations
160 including access width, review by phase, and a development agreement. The planning commission held a
161 public hearing and made a recommendation for approval with conditions to the city council. Those
162 minutes have been provided to the council. The commission asked to review each final plat, recommended
163 waiving the RV parking on a neighborhood by neighborhood basis, recommended allowing use of
164 engineered wood or cement board siding as accent materials, and housing product be considered by
165 neighborhood. An additional consideration is to address the Bureau of Reclamation and High Line Canal
166 requirements as well as other private irrigation facilities.

167
168 Public Comment:

169 Carolyn Bowman stated she likes the plan and appreciates the city listening to them. She questioned if
170 sidewalk is on both sides of the street. She also has concerns with the elementary school because there is
171 no crossing guard at this time. The kids walk and ride scooters out in the street because there is only
172 sidewalk on one side of the street.

173
174 Jill Spencer clarified that sidewalks are on both sides of the streets.

175
176 Jerry Bradford stated he has concerns with the sewer, and his property being land locked. The sewer
177 comes to 1750 South in front of the church and then dead ends. He questioned if the sewer is adequate for
178 all the development. The settling pond was discontinued along the canal and on the Smith property, which
179 reduced his pressure by one third. He proposed fencing the condos so kids have specific areas they can
180 cross and be safe.

181
182 Travis Jockumsen stated the sewer has been addressed for the first phases and is fine. The pressurized
183 irrigation is unknown, but the modeling has worked.

184
185 Evan Nixon stated he questioned the number of townhomes and the needed amenities on site. All projects
186 of this type should be equal. He questioned there is not additional parking planned in the townhomes. He
187 stated the project by Salisbury in Spanish Fork has rear elevations that are flat with no change in elevation.
188 He feels townhome projects should be treated the same throughout the city.

189
190 Mike Demarco stated each unit has a two-car garage with two parking stalls in the driveway. Small
191 sections of parking will be added to the condos at the final plat.

192
193 Jill Spencer clarified that the townhome project will need adjustments because of accesses and will come
194 back for final approval. Mr. Nixon has another project in the review process that is in the RMF-10 Zone.
195 The parking requirements are different than this zone. He is comparing what is required for his
196 development to this project, but there are two different sets of rules. This property has a specific plan that

was adopted, and this application meets that specific plan. This applicant is entitled to a certain type of development.

Katie Cutler stated she lives in the Maples. She has issues in her development with there being only one HOA for the single-family homes and townhomes. They have problems with snow removal and garbage pickup difficult. It may look fine on paper, but the actual usage is difficult. She doesn't want to see a similar development like the Maples.

Mr. Demarco stated the HOA's will be separate.

Bert Butler stated there is a high pressure gas line in the project area. Due to topography, all ground settles to the north. He questioned if sewer would be able to work or if a lift station would be needed.

Jill Spencer stated there are two high pressure gas lines. One comes from the hillside to the Nebo tap, which feeds the Nebo power plant. The other comes out of Payson Canyon to 2000 South and beyond. There is a serviceability map.

Jill Spencer read an email from Layne Batty. *As I was looking at the map I did not notice access or a trail connecting 12000 South with the Highline Canal road. One day it is most likely that the canal will be enclosed. The Murdoch canal was enclosed a few years ago. It now serves as a walking, biking, skating, and horseback riding trail and is wheelchair accessible. It is 17 miles long and goes from 800 N. in Orem to Thanksgiving Point. People are already using the Highline for such purposes. I think that it would be wise to make sure that people have access to areas that already exist for physical activity without having to build new ones. I have cited a few reasons that benefit the community by doing so. 1. Lack of community and public access to safe open and green space is a critical area of concern for urban residents. 2. Open space provides recreational areas for residents and helps to enhance the beauty and environmental quality of neighborhoods. 3. It is believed that urban planning decisions have a key role to play in combatting growing levels of obesity and helping prevent lifestyle-related diseases through facilitating physical activity and positive mental health. 4. It has been associated with better perceived general health, reduced stress levels, reduced depression and more. 5. According to the World Health Organization, physical inactivity is a major public health risk. One study found that people who use public open spaces are three times more likely to achieve recommended levels of physical activity than those who do not use the spaces. Users and potential users prefer nearby, attractive, and larger parks and open spaces (Wolf, 2008). 6. Improving access to public open space has the potential to increase levels of physical activity, and to have mental health benefits and reduce healthcare and other costs. Thanks for the opportunity to provide input.*

Jill Spencer stated there is a trail connector in this project as there has been in the past to the north. Some have been built. Also staff has looked at different solutions to address the missing section of street on 2000 South such as a temporary road. Staff will continue to work with the applicant.

MOTION: Councilmember Hardy – To close the public hearing. Motion seconded by Councilmember Hulet. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug Welton. The motion carried.

MOTION: Councilmember Hardy – To approve the preliminary plan contingent upon the satisfaction of staff suggestions and the preparation of a development agreement to establish expectation and requirements for each phase. To approve the preliminary plan with conditions specifically also that the global development agreement be included, to include the planning commission recommendations, that there be additional review of the townhomes to address access,

and the use of the engineered cement board. Motion seconded by Councilmember Hulet. A roll call vote was taken as follows.

Yes	-	Linda Carter
Yes	-	Mike Hardy
Yes	-	Brian Hulet
Yes	-	Scott Phillips
Yes	-	Doug Welton

3. Resolution – Development Agreement for Payson View Estates, Plat G-1 located at approximately 1370 South 500 East

This item was pulled by the applicant.

4. Resolution – Development Agreement for the Apartments at The Depot located at approximately 700 North 400 West (7:15 p.m.)

Jill Spencer stated this is a 168-unit apartment complex at 700 North and 400 West. Final approval has been given. The applicant is asking for one change to allow building permits to be issued along with the construction of the project infrastructure, but no Certificates of Occupancy would be issued until the infrastructure is complete.

MOTION: Councilmember Hulet – To approve the resolution for the development agreement for the Apartments at the Depot. Motion seconded by Councilmember Carter. A roll call vote was taken as follows.

Yes	-	Linda Carter
Yes	-	Mike Hardy
Yes	-	Brian Hulet
Yes	-	Scott Phillips
Yes	-	Doug Welton

5. Resolution – Interlocal Agreement with Utah County regarding Vote by Mail (7:17 p.m.)

Staff Presentation:

Sara Hubbs stated the county will administer the city's vote by mail election. The reason is the county gets a discounted rate on postage and the turnout increases significantly. The county also does the count and is announced by them on their website. We can also put a link on the city's website. Every resident receives a ballot through the mail. Then there will be a service center on election day for those to vote provisionally. It is not a polling location. Provisional ballots will not be included in the initial count; it will be processed during the canvass. Ballots are mailed 21 days before election day. Staff will educate residents that their ballots are coming in the mail. Only two cities, Highland and Mapleton, are not doing vote by mail. If Representative Chaffetz resigns, every city will have to do vote by mail because it will be a federal election, which have an even greater turnout. This will increase costs for the city.

MOTION: Councilmember Hardy – To approve the resolution regarding vote by mail and the interlocal cooperation agreement. Motion seconded by Councilmember Hulet. A roll call vote was taken as follows.

295 Yes - Linda Carter
296 Yes - Mike Hardy
297 Yes - Brian Hulet
298 Yes - Scott Phillips
299 Yes - Doug Welton
300

301 E. OTHER

302 1. Discussion regarding Net Metering (Solar Power) (7:22 p.m.)
303

304 Dave Tuckett stated staff met with a citizen group of solar customers a month ago and will be meeting
305 again Tuesday evening. At the first meeting, staff listened to comments and concerns. Staff discussed
306 those comments and concerns. The city council adopted a new policy. The Berg Study didn't account for
307 the potential subsidies from the regular customers to the net metering. Most customers would like to be
308 grandfathered. There is about 100 of them from the time the policy changed the fee structure. It means
309 more work for utility billing, but the utility program may be fixed to accommodate. If a home is rented or
310 sold, the new policy or rate structure goes into effect. Currently the city charges what they use at the
311 residential rate and pays back at 7 cents per kilowatt. The Berg Study recommended 8.87 cents. Staff is
312 okay with either amount. It comes down to not having a subsidy with the regular customers.
313

314 Ron Crump stated the retail rate average is 6.2 cents and then added transmission distribution losses or
315 savings to bring it up to 7 cents.
316

317 Dave Tuckett stated there needs to be a time limit on grandfathering because technology is changing all
318 the time. Staff doesn't want to grandfather these 100 and then later another group and another group
319 creating different requirements that are charged differently. Staff wants to be sensitive to the investment
320 provided, but the city can't control how long it takes a customer to recoup their investment. Staff doesn't
321 want to have multiple grandfathering as technology changes.
322

323 The consensus of the city council is to have no grandfathering time limit, but it would change with
324 property ownership or rental. Staff will prepare a resolution for adoption.
325

326 F. ADJOURNMENT TO CLOSED SESSION

327 1. Discussion Regarding Property Sale and/or Purchase
328

329 No closed session.
330

331 C. PETITIONS, REMONSTRANCES & COMMUNICATIONS (continued)
332

333 3. Scout Attendance Certificates
334

335 Councilmember Welton presented Will McClellan a scout certificate and asked him to state what he likes
336 about scouting.
337

338 G. ADJOURNMENT
339

340 **MOTION: Councilmember Hardy – To adjourn the meeting.** Motion seconded by Councilmember
341 Welton. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Scott Phillips, Doug Welton. The
342 motion carried.
343

344 The meeting adjourned at 7:37 p.m.

345

346

347

348

Kim E. Holindrake, Deputy City Recorder

DRAFT