

Minutes of the Payson City Council Meeting held Wednesday, July 18, 2012.

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Attending: Mayor pro tem Michael Hardy, Councilmembers: Kim Hancock, Scott Phillips, and Larry Skinner; City Manager David Tuckett, City Attorney Mark Sorenson, and Deputy Recorder Pam Knight. Mayor Rick Moore and Councilwoman JoLynn Ford were excused.

Mayor pro tem Hardy opened the meeting at 6:00 p.m.

PRAYER & PLEDGE OF ALLEGIANCE

Councilman Hancock offered an opening prayer and Councilman Phillips let the Pledge of Allegiance.

CONSENT AGENDA

MOTION by Councilman Skinner to approve the Consent Agenda consisting of the June 20, 2012 City Council Minutes and the Planning Commission Bylaws. Motion seconded by Councilman Phillips. Motion carried.

STAFF REPORTS

Police Chief Tom Runyan reported on a recent homicide that occurred in Payson. He thanked the other agencies that assisted: JCAT, Salem Police Department, Medical Examiner, Utah County deputies and crime scene technicians; also, Spanish Fork recorded the interview. He also noted that Mayor Moore worked with Stadium Cinemas to provide movie tickets as a “thank you” to all who assisted.

He said this has required an enormous amount of staff and time and is very costly. DNA testing alone has cost \$6,000 so far, and there will be a bill for the towing of the car. He said we could not do what needs to be done without the assistance of other agencies and according to our current policy, each of these agencies could bill us, but he doesn’t expect that will happen.

The Council thanked the Police Department for their professionalism.

Water Superintendent Gordon White reported on the current status of the pressurized irrigation. He said as of July 18th the usage rate for the Upper Zone is 8.29 acre feet per day and the usage rate for the Lower Zone is 9.2 acre feet per day. The total needed through September 30th is 736 acre feet and the total water available is 927 acre feet (Big East = 600 acre feet and Spring Lake = 327 acre feet).

Councilman Phillips clarified that no one (including the City) is allowed to water on Sunday and Superintendent White confirmed that one day a week of no watering is necessary in order to allow the ponds to recover.

City Manager Tuckett said Mayor Moore had asked him to mention a letter addressed to the City Council from the LDS Church Payson South Stake in support of completing the walking and biking trail on SR 198.

Human Resources Coordinator Dora Edvalson and mayor pro tem Hardy presented service awards to: Brent Arns, Assistant City Engineer (5 years); Elder (Sonny) Wood, Senior Citizens Bus Driver (5 years); Edna Mount, Senior Citizens Meal Assistant (5 years); Aloha Mize, Senior Citizens Meal Assistant (5 years); Tammy Evans, Assistant Senior Citizens Program Manager (5 years); Jennifer Anderson, Community School Recreation Secretary (5 years); Judy Reynolds, Senior Citizens Program Manager (10 years); Todd Reynaud, Cemetery Maintenance Lead (15 years); and Terry Reilly, Police Officer (15 years).

Fire Chief Scott Spencer reported that the Payson Fire Department has been actively participating with the State of Utah in fighting wildfires in the following areas: Saratoga Springs, Moroni, Pocatello, Herriman, and Long Hollow Junction. He said this has been a good source of revenue for the department and has provided valuable experience.

He also reported that there was a structure fire today at 8600 south 5600 west in West Mountain that destroyed an older home.

Councilman Phillips confirmed that the firework’s restrictions, which allow fireworks at three locations only, will remain in effect. Those locations are the City Center parking lot, Memorial Park parking lot, and Hillman Field parking lot.

Chief Spencer also noted the following fire restrictions: no open fires - propane barbeques only; shooting is prohibited on West Mountain and Lake Mountain; Payson Canyon – fires allowed in approved campgrounds only. He said the fire crews are reminding people and people have been cooperative.

CHAMBER OF COMMERCE

Lou Ballamis, Payson Chamber of Commerce Board Member, reported the following: The Chamber co-sponsored the Kiwanis golf tournament and also the Nebo Economic Summit. The Chamber also sponsored a luncheon at the Clarion for the Payson Royalty. Ribbon Cuttings included Taco Bell, The Avenue Salon and Gameland. The next Leads Group is scheduled for Thursday, July 26th at 10:30 a.m. at Poor Boys & Dawgs.

BUSINESS OF THE MONTH – BIG O TIRES

When Big O Tires announced the opening of its newest location in Payson, the new store, located at 1146 West 800 South, was a design prototype for future Big O Tires facilities to be built nationwide. A year later, the new store is the pride of the 1,200 store chain, receiving many awards for customer service excellence at a recent National Convention held in Los Angeles. Reese Carter and Gabe Dunn and their team of 15 certified experts have made the Payson store the pride of Big O and the community.

Franchise owner Kevin Dunn said Big O Tires is thrilled to be in Payson and they look forward to providing great value and exceptional customer service.

COUNCIL REPORTS

Councilman Phillips verified that the resurfacing of North Main would be complete before the Salmon Supper.

Councilman Hancock stated that while he was in attendance at one of the band concerts, which he has enjoyed very much, Charlie Ray Wilson pointed out the run down condition of the water fountain in Memorial Park. Councilman Hancock suggested refurbishing the fountain with river rock or something that would complement Payson. He said the fixtures should be a type that could not easily be vandalized and there needs to be more than one source of sanitary water.

Councilman Hancock said he appreciates the professional conduct of the Payson police officers who have responded to three incidents that have occurred recently near his home.

Councilman Skinner noted that he needs to be excused from the next City Council Meeting.

Councilman Hardy echoed Councilman Hancock's comments regarding the drinking fountain at Memorial Park.

Water Superintendent Gordon White said several years ago it was planned to either move or replace the water fountain to make room for additional benches. He suggested using brick that is left over from a recent project. He said spring loaded fixtures would break immediately as this particular fountain is heavily vandalized. Manager Tuckett noted that using the available brick would be less expensive and they could come up with something for more durable fixtures. Superintendent White suggested using revenue from the Salmon Supper for the improvements.

Councilman Hardy thanked the police staff for their handling of the homicide investigation. He also invited the Council to the Chamber Appreciation event that will be held on August 17th at the Payson Pool.

PUBLIC HEARING – ECONOMIC VITALITY ELEMENT OF THE PAYSON CITY GENERAL PLAN

MOTION by Councilman Hancock to open the public hearing regarding the Economic Vitality Element of the Payson City General Plan. Motion seconded by Councilman Skinner. Motion carried.

The public hearing opened at 6:50 p.m.

City Planner Jill Spencer introduced the framework of the General Plan. She said three of the nine elements are required by State Code: Affordable Housing, Land Use, and Transportation.

She said Staff is requesting approval of the Economic Vitality Element of the Payson City General Plan.

She reviewed the following:

Vision:

Sustain a dynamic, diversified, and growing economic base that enriches the lives of Payson residents and visitors, promotes year-round tourism, thus creating a healthy and vibrant business climate.

Guiding Principles:

- Plan for a proper balance of land uses that will result in fiscal stability through healthy resident to business ratios, adequate employment, a solid base of services, and a variety of shopping experiences.
- Ensure adequate transportation infrastructure, communication facilities, public utility availability and capacity, and soft (social) infrastructure such as schools, medical facilities, civic organizations, and responsive local government.
- Maintain a high quality of life that will result in a stable local economy and will attract a population that includes a wide range of skilled and educated workers, professionals and entrepreneurs seeking to establish new businesses in the community.
- Embrace tourism opportunities, community celebrations, and other activities that allow visitors to contribute to the economic vitality of Payson.
- Invest in partnerships with other agencies to expand the influence of Payson City to a state and regional level maximizing economies of scale while avoiding duplicative efforts and inefficiencies.

The Council expressed appreciation for the professionalism of the element.

Councilman Hardy noted two comments: 1) page 3 paragraph 3 regarding employment opportunities for residents. He suggested changing this to state that it is a priority of the City Council to welcome businesses to provide employment opportunities; 2) He also suggested referencing the Econ Development Task Force.

Receiving no public comments MOTION by Councilman Phillips to close the public hearing. Motion seconded by Councilman Hancock.

The public hearing was closed at 6:58 p.m.

MOTION by Councilman Phillips to approve Ordinance 07-18-12A an Ordinance Repealing the Economic Development element of the Payson City General Plan and Adopting in its place the Economic Vitality Element, with the suggested changes, and providing an effective date of July 18, 2012. Motion seconded by Councilman Hancock. Motion carried.

ORDINANCE – AMENDMENTS TO TITLE 6 ANIMAL CONTROL

City Manager Tuckett explained that Payson City has been regulating chickens through the normal nuisance ordinance of the City. Recently Officer Christensen, our animal control officer, has had difficulty under the current ordinance structure to regulate the keeping of chickens. Therefore, he has researched the various cities ordinances and has made a recommendation that Payson City adopt an ordinance that more fully regulates the keeping of chickens. He noted that generally complaints are about roosters and therefore no roosters will be allowed within any residential zone.

Councilman Skinner suggested accommodating chickens roaming within the property and not restricting them to pens. Manager Tuckett said Officer Christensen is favorable to allowing the chickens to roam within an enclosed yard; he suggested specifying that they be restricted to the rear yard of the main dwelling.

MOTION by Councilman Skinner to approve Ordinance 07-18-12B an Ordinance Amending Title 6 Animal Control Regulations, by Adding a Section Regulating the Keeping of Chickens, with the addition of allowing chickens to roam within an enclosed rear yard of the main dwelling. Motion seconded by Councilman Hancock. Motion carried.

Councilman Hancock wondered if someone already had a rooster would they be allowed to keep it and Manager Tuckett said this would be hard to grandfather and provision has not been made for this.

Motion carried.

RESOLUTION – RULES FOR SPRING LAKE

City Attorney Mark Sorenson said this is a follow up from the June 20, 2012, whereby the City Council requested Staff suggest rules and guidelines for the Spring Lake City Property.

He noted the following Staff suggestions for inclusion in the Resolution for the Rules for Spring Lake:

- (1) Time of day designated for use of the park by the public: Dawn or 6:00 A.M., whichever is later – dusk or 10:00 P.M. whichever is earlier.
(Violation of the time designated for use of the park by the public shall be considered trespassing and may be reported to the Utah County Sheriff's Office for enforcement.)
- (2) Violations of rules may be reported by any citizen or user to Payson City, as well as to the Utah County Sheriff's office as a violation of any applicable law. (Criminal trespass, noise violation, etc.)
- (3) In addition, other rules and uses of the Spring Lake Property as a Community Fishery are those established by the Utah Division of Wildlife Resources.
- (4) Rules to be posted:

Park hours:

Open to the public, Dawn or 6:00 A.M., whichever is later.

Closed to the public, dusk or 10:00 P.M., whichever is earlier.

USE AT OTHER TIMES SHALL BE CONSIDERED TRESSPASSING AND WILL BE PROSECUTED!

No overnight camping.

No littering.

Attorney Sorenson explained that this affects the area between the gates. As the property owner, Payson needs to be aware of concerns, but criminal matters would be handled by the Utah County Sheriff's Department.

Councilman Skinner felt there should be a phone number on the sign to report concerns, as well as the Utah County Dispatch number to call regarding enforcement issues.

Councilman Phillips expressed concern about protecting the sign from vandalism. He also wanted the Park to be open earlier in the day for early morning fishermen.

Attorney Sorenson noted that the controllable area is within the gates, but the rules could reference the entire park and not just between the gates.

MOTION by Councilman Skinner adopt Resolution 07-18-12 a Resolution Establishing Rules and Guidelines for the Payson City Owned Property Located in the Spring Lake Area in Utah County, with the time of day designated for use of the park by the public be 5:00 a.m. to 10:00 p.m.; that the rules and guidelines include the entire Spring Lake Park; that the sign be clear that use at other times shall be considered trespassing and may be prosecuted; that the sign include the Utah County Dispatch telephone number. Motion seconded by Councilman Hancock. Motion carried.

Water Superintendent White noted that the area has been mowed and a schedule will be set up with the Utah County workforce to weed-eat on a regular basis.

It was also noted that the fire restrictions apply to this area.

MOTION by Councilman Phillips to adjourn. Motion seconded by Councilman Hancock. Motion carried.

The Council Meeting adjourned at 7:25 p.m.