

PAYSON CITY  
CITY COUNCIL MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, July 19, 2017

CONDUCTING                      Mayor Richard Moore

ELECTED OFFICIALS            Linda Carter, Mike Hardy, Brian Hulet, Doug Welton (6:06 p.m.)

ABSENT                            Scott Phillips

STAFF PRESENT                 Dave Tuckett, City Manager  
Mark Sorenson, City Attorney  
Kim Holindrake, Deputy Recorder  
Travis Jockumsen, Dev. Serv. Director/City Engineer, PW Director  
Brad Bishop, Police Chief  
Jill Spencer, City Planner  
Scott Spencer, Fire Chief  
Tracy Zobell, Golf Pro  
Kent Fowden, Streets, Landfill, Storm Drain Superintendent

OTHERS                            Letecia Vigil, Ross Welch – Patterson Construction, Lorene Moore –  
Chamber of Commerce, Parker Key – Buxton Company, Burtis Bills,  
Joel Wright, Kristy Hughes, Greg Callaway, Bill Benson

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 Hardy

Pledge of Allegiance led by Councilmember Carter

B. CONSENT AGENDA

1. Approval of the June 21, 2017 Council Meeting Minutes
2. Approval of the July 5, 2017 Council Meeting Minutes

**MOTION: Councilmember Hardy – To approve the consent agenda as outlined.** Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet. The motion carried.

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

Letecia Vigil stated she has been experiencing flooding every time there is rain over the last four years. The speed bump in front of her home was replaced with a pipe, but the pipe doesn't allow the water to go through. Previously the water came inside her home, and the insurance didn't pay for the

repairs. Recently she finished the basement and doesn't want water to get into the basement. She didn't get water in her basement this time with the rain storm today. She is asking for help from the city. She has lived here 17 years and had no problems until the pipe was installed. She doesn't think the pipe is the right size. She has also had to deal with black mold because of previous flooding.

Mayor Moore stated the pipe was installed and a speed bump installed over the pipe. They got flooded along with some of the neighbors. The city then installed a sump and redone the gutters. It rained again. The city had forgot to take out the plug in the sump so they were flooded again. Now today they are flooded again. Today's storm was unreal, but these storms have been more frequent and larger. There is nowhere for storm water to drain in this area. The city needs another pond in this area, and it needs to be a priority.

Mark Sorenson stated this storm was unique. The city does conduct risk management throughout the city. To indicate the city is liable isn't correct.

Dave Tuckett stated the staff will take a look and make a proposal to the council.

## 2. Council and Staff Reports

### Staff Reports

**PUBLIC WORKS** – Director Travis Jockumsen stated with regards to storm drain, the city has three weather stations throughout the city. The one located near 1400 South and 900 West only received .08 inches of rain today. At the streets department, it received 1.12 inches of rain. At the peak it was coming down at 7.68 inches per hour. No city in the entire state could handle that amount of water in any storm drain system. It was a 500-year event. He agreed it needs to be looked at, but the storm event couldn't be stopped. The pipes are designed for a 10 to 25-year storm event. Staff will try to come up with a solution. The best solution is the city needs a storm drain system and curb, gutter, and sidewalk installed throughout the city. The areas without curb and gutter were flooded today.

**POLICE** – Chief Brad Bishop reported the National Night Out Against Crime is August 1<sup>st</sup> at Parkview Elementary from 6 to 9 p.m. There will be a dunk tank to dunk a cop. Many businesses will be coming out.

**GOLF** - Tracy Zobell stated last Friday the Salem Hills Drill Team fundraiser was hosted at the course. Their biggest church tournament with 96 players was held Saturday by Elk Ridge Stake. They finished today with 88 ladies in a state tournament. The cemetery roads should be paved Monday.

**FIRE AND AMBULANCE**– Chief Spencer stated the last few weeks have been busy with fireworks controls and wild fires. Fortunately, several small fires on west mountain were put out quickly. The department is preparing to patrol again this week for fireworks and keep people out of restricted areas. A number of illegal fireworks have been confiscated.

### Council Reports

Councilmember Hardy stated the shop local event went very well with 17 businesses participating. The Scottish Festival was very good but a hot day. He thanked staff for their work on flooding, fires,

and fireworks especially during July 4<sup>th</sup>. He appreciates the education being done with citizens. He appreciates staff, council, and citizens for their condolences regarding the passing of his father.

Councilmember Welton stated fireworks are great, but people need to make sure they are safe and responsible. The Scottish Festival was great with thousands of people and many not from our community. The city elections are coming up and will be done through the mail. Last year there was discussion about putting stop signs and traffic devices at Wilson Elementary. Kent Fowden stated it's in progress with 300 South and some other roads completed.

Councilmember Carter stated the Scottish Festival was wonderful and extremely hot, but it draws a number of people. April Jones did a fantastic job. She was concerned that people had to park far away and walk to the park. They were as far as almost 600 East up 300 South and every street heading north, up to 600 South and 300 East, down the highway, and clear up Main Street everywhere. She drives by the tennis courts at Payson City Park every day and has been tracking the times when she sees the tennis courts being used. It is stupid to her to see it sitting there and rarely used. Someone was there tonight kicking a soccer ball. It is such an eyesore and could be used more efficiently. Cars could be parked on the sand to the north. She wants the city to take a look at it. It is an eyesore in the middle of the city. She thanked Janeen Dean for her work on the Western Heritage event. It was very nice and the entertainment was good. She golfed today in the lady's state golf tournament. She got there at 7 a.m. to set up and the restaurant/clubhouse was a raging furnace. She noticed a city worker was going to work on it. Over the last 3 or 4 years, she has been told it's either the motor or furnace. It needs to be bigger because 88 women couldn't all fit for lunch. The city has a gold mine there, and it needs to be expanded. She requested fans today from building maintenance that helped a little. Also the city purchased beautiful tables and chairs, but the tables have large bases so the chairs can't be pushed in. The table bases need to be replaced or cut down.

Mayor Moore stated the streets division has done great work at Wilson Elementary. The city needs curb and gutter installed throughout the city. Janeen Dean did a great job with the Western Heritage event. The library parking lot is a mess. Kent Fowden stated cars are being moved and it will be swept. It will be striped within the next two days. Mayor Moore continued the library has a group to plant and take care of the two planters on the inside. The city will supply a hose for watering. He is concerned with the breezeway because the walls almost fall over. There is leaking and may leak into the library. He has received more complaints on the heaving sidewalks on Main Street because of the trees.

Councilmember Hulet stated at the next city council, Kameron Martin from the Utah Valley University will be attending to give the council an update on what they are doing in this area.

### 3. Scout Attendance Certificates

No scouts present.

### 4. Oath of Office – Officer Ryan G. Mulford

**MOTION: Councilmember Hardy – To table item 4.** Motion seconded by Councilmember Hulet. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton. The motion carried.

### 5. Chamber Business of the Month (6:38 p.m.)

Lorene Moore presented Anytime Fitness the chamber business of the month. Anytime Fitness recently held a fundraiser for a couple of boys with cancer with fun activities for them.

6. Presentation of Buxton Co. Leading Customer Analytics Provider for Real Estate and Marketing (6:41 p.m.)

Parker Key stated he is here to discuss economic development growth in Payson. Buxton gears toward retail development and local business retention. Discussions have been how can Buxton help bring in new retail business to the community to improve quality of life, generate tax revenue, as well as supporting current local businesses. Buxton is the industry leader in site selection for retailers. Over the last 12 months, he has helped his customers evaluate over 80,000 sites and open 7,500 building. He has helped 700 communities recruit over 40 million square feet of retail since 2002. His program focuses on retail growth and business retention. The first step is getting beyond the limitations of demographics. Demographics only tells a piece of the story. Buxton applies custom analytics on what an individual prefers in shopping, eating, and entertainment to understand consumers. Buxton has more than 250 data sources and maintains data on over 114 million households. The city needs to understand who the customers are by thinking like a retailer. The city can recruit retail by determining its trade area profile. It is his responsibility to match the city's market place with the world of retail. He will come back with the best 20 retailers for the city to pursue. Buxton will provide recruitment packages, contact information for real estate decision making, a warm up letter from Buxton, ongoing partnership, and implementation. This will be done through a 5 to 6-member team from Buxton. Buxton will support local businesses with insights with on-demand trade area reports and market intelligence specifics to each business. The city will have full access to his data and staff. The city has over 88 million in retail leakage currently in its boundaries. He works with developers as well. Many developers have assisted in funding a city's program.

D. PUBLIC HEARINGS/ACTION ITEMS

1. Public Hearing - Proposed amendments to Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; and the Standard Specifications and Standard Plans (7:03 p.m.)

**MOTION: Councilmember Welton – To go into the public hearing and action item.** Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton. The motion carried.

Staff Presentation:

Kent Fowden presented the changes to the Standard Specifications and Standard Plans. Staff is trying to tighten up control on utility cuts and trenches and restoration of trenches. These amendments are addressed in APWA but are not in detail in Payson City Standards and Specifications. This will tie them together and put a little teeth in trench restoration and surface repair.

Jill Spencer stated Title 19 and Title 20 have multiple changes to the number of public hearing for land use applications. Utah Code requires one hearing for all land use applications. Currently the Payson Code requires two hearings. The proposed change is to have one public hearing with the planning commission. There are two applications that will remain with two public hearings. The city council may still allow public comment, but it wouldn't be required. There would be no notice in

paper or courtesy noticing with the city council. The subdivision ordinance amendment requires a signature block for the city attorney on the final plat.

Daniel Jensen reviewed the amendments to accessory apartments, which has been under review for a while. The city is seeing more and more accessory apartments that are not legally established. The process gets explained to applicants, but it is cumbersome so they don't go through the process. Therefore, the buildings are not getting inspections or building permits, and the city doesn't know the standards of living or the number of occupants. These amendments will streamline the process and make it easier for applicants. An accessory apartment is defined as a living area inside a single-family dwelling that is subordinate to the dwelling. It is not defined as a second unit. The home maintains its single-family character, which is most important. A duplex can have any family in each unit. An accessory apartment has the homeowner's family and a maximum of two adults plus their minor children in the apartment. The requirements include a maximum of one accessory apartment, one driveway, minimum of four off-street parking spaces, interior access maintained in the home, located in the home and not accessory building, only one front door, apartment entrance on the side, paved access to parking area, only one paved side yard, no lot size minimum, available parking used for parking not storage, and curb, gutter, and sidewalk brought up to code. Once approved the apartment doesn't not run with the land but with the family. The current process is a legislative process that is costly, time consuming, a hassle, and the outcome is uncertain. The proposal is for an administrative process that saves money and time for the city and applicant, removes barriers to compliance, and the homeowner knows the rules of the game before they play. The purpose encourages homeowner occupancy and longevity, empowers home buyers, facilitates legal use of the property, targets code enforcement on violators, improves safety and quality of housing, and protects neighborhood integrity.

**Public Comment:**

Burtis Bills stated he understands the need taking into account the rentals in the community where there are no guidelines to follow. He hopes the city considers grandfathering current rental. He worries with what is required and the cost factor of rentals. Some residents have rentals and want to provide living accommodations for kids who can't pay a lot and are good kids. They are providing a service to them. Utility costs and taxes have increased over the years. These requirements may not be cost effective with some of the existing rentals. He worries about the amount of government involved in what residents can do with their properties. Existing neighborhoods need to encourage private ownership but by not penalizing those providing and responsible with their rentals. Payson is a great town with great things happening. There should be a standard.

Daniel Jensen clarified the ordinance has a section for grandfathering if the apartment was legally established.

Joel Wright stated when he originally built his house, he wanted to provide for his family. Having an accessory apartment helps him do that. He spoke to the city building official 1.5 years ago about creating an apartment. The previous assistant planner stated it is a hit and miss process, but the staff was working on changing the code back then. He began building his home using the guidelines from the city and finished in six months. The plan was to do the apartment legally. Neighbors did the same thing and installed an apartment. This amendment to the code allows the city and residents to have peace of mind. It has been 40 years since a housing shortage; currently houses can't be built fast enough. This is a great thing, and he will be the first to get it legalized. He supports the amendments.

Daniel Jensen clarified one change in the general requirements paragraph 10.c. should read, *not be located closer to the front lot line than the dwelling unless the parking space leads to covered parking or legal parking past the front setback.*

Daniel Jensen reviewed the amendments to second kitchens. Currently the ordinance states a single-family dwelling can only have one kitchen, but this hasn't been followed. The proposed amendments include a two-kitchen maximum in a single-family home. Duplexes are kept at one kitchen per unit. Homes with an accessory apartment is one kitchen for the home and one for the accessory apartment. Requirements include one front entrance, one address, interior access kept throughout the house, one meter, and a certificate of present condition required, which is recorded against the property.

Daniel Jensen reviewed the amendments to the RMO-1 Overlay Zone that adds a new section called planned residential development as a permitted use in the zone. It allows for duplexes and single-family homes on an infill basis. Features include planned community development as a permitted use, common space area per unit at 60% of the underlying zone, frontage of 200 feet minimum total, setbacks the same as adjacent or if none at 20 feet, and design standards. The amendment incorporates many of the concepts of the South Meadows Area Specific Plan. The architectural standards include columns, grouped windows, gables, dormers, roof pitches, wrapping, garages set back, a prominent entry, and varied exteriors. A development would include open space for gathering, trails, amenities, and alley loading garages. This is not for all homes in the city but for planned residential communities in the RMO-1 overlay zone. It is an additional tool for developers. The proposed Arrowhead and Salisbury developments will not be affected by this amendment.

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

**Council Discussion:**

Councilmember Hulet suggested if there is no public hearing with the city council, that the council be sent the planning commission agenda so they can attend if they feel they want to. He questioned what is the controlled mechanism in place for accessory apartments when a homeowner moves out and then rents the upper and lower areas of the home.

Daniel Jensen stated under the section, Conformance with Payson City Code, it states, *a violation of any Payson City Code may result in denial, suspension, or revocation of an accessory apartment application or permit.* Under Duration and Severance, it states, *an accessory apartment permit is only valid for the duration of ownership..., shall terminate whenever owner occupancy is not maintained or when an owner occupant elects to discontinue using the living space as an accessory apartment. If an accessory apartment is denied, revoked, or discontinued, the accessory apartment address shall be removed from the structure.* Under Violation, it states, *any violation of this section may result in a Class C Misdemeanor.* Staff can regularly check these items for compliance and a database will be kept. It can also be reviewed when the utility bill changes. Regular screenings can be done on these apartments.

Councilmember Hardy stated his concern with the design standards in the RMO-1 Overlay Zone in that it may make the city noncompetitive by overprescribing what a developer has to do in developments.

Daniel Jensen clarified these design standards were developed under a mix of staff and architects. It is a new permitted use that would be available to developers. It is providing a limited tool to see how it catches on.

**MOTION: Councilmember Hulet – To approve the ordinance amending the Standard Specifications and Standard Plans of the Payson City Code, and providing an effective date.**

Motion seconded by Councilmember Hardy. A roll call vote was taken as follows.

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

**MOTION: Councilmember Hulet – To approve the ordinance amending various sections of Title 19, Zoning Ordinance of the Payson City Municipal Code, and providing an effective date including the legal parking past the legal setback in the one area.** Motion seconded by

Councilmember Hardy. A roll call vote was taken as follows.

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

**MOTION: Councilmember Hulet – To approve the ordinance amending various sections of Title 20, Subdivision Ordinance of the Payson City Code.** Motion seconded by Councilmember

Hardy. A roll call vote was taken as follows.

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

2. Resolution – Development Agreement for Payson View Estates Plat G-1 located at approximately 1370 South 500 East (8:02 p.m.)

Staff Presentation:

Jill Spencer stated the final plat approval was previously reconfirmed a few months ago. This agreement finalizes the conditions of approval. One particular change is in section 3C that references all electrical facilities or power lines are to be underground. There is a Rocky Mountain Power transmission line in the area that is not intended to be underground. It is just distribution lines that will be underground.

(Mayor Moore excused. 8:04 p.m.)

**MOTION: Councilmember Hulet – To appoint Mike Hardy as Mayor Pro Tem for the remainder of the meeting.** Motion seconded by Councilmember Welton. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton. The motion carried.

Ross Welch stated they are excited and enjoy working with Payson. The staff is great. The property is a beautiful piece and feel the market is moving forward. The stub road will be in the next phase so they have the multiple accesses needed.

**MOTION: Councilmember Welton – To approve the resolution authorizing the Mayor, on behalf of Payson City, to enter into a development agreement between Payson City, A Utah Municipal Corporation and Patterson Construction, Inc.** Motion seconded by Councilmember Carter. A roll call vote was taken as follows.

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

3. Resolution – Amendments to the Payson City Fee Schedule (8:07 p.m.)

Dave Tuckett stated there were a few concerns to clarify on the solid waste fees. The landfill deals mostly with cash so the fees have been rounded to eliminate the change. There is a \$3 minimum for residents up to a ton. For non-residents, it was just over \$17 per ton. The vehicle was weighed, and the fee prorated. This caused some non-residents to pay less than residents. The has been amended to \$6 per ton for non-residents. Also waste requiring special handling was charged the same as a commercial load but was not what was in practice at the landfill. This has been corrected.

Councilmember Hulet questioned up to one ton is \$6 and then one ton and over is \$40. If smaller loads are brought in instead of one large load, the cost is much less. He suggested lowering it down to 500 pounds. Also with construction demolition, a resident and non-resident are the same.

Kent Fowden stated it calculates into truck time and really doesn't take place. The contractors look at truck time, hauling time, and loading time. With demolition, the city has agreements with Santaquin and Elk Ridge. It doesn't happen enough with the other cities.

**MOTION: Councilmember Carter – To approve the resolution amending the fee schedule for solid waste reflecting the fees being charged and rounding to accommodate cash payments.** Motion seconded by Councilmember Hulet. A roll call vote was taken as follows.

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

E. OTHER

1. Discussion Regarding Spring Lake

Dave Tuckett stated residents have concerns regarding Spring Lake. There were discussions a few year ago and signs installed because the lake is in the county.

Kristy Hughes stated for the past seven years she and her husband have been cleaning the Spring Lake park area and feeding the birds. Through the years they have found drug paraphernalia such as a syringe, pill, burnt spoon, or piece of foil. Since about the first week of June, the amount of

paraphernalia has increased along with birth control devices and many other feminine things you don't want kids to find. They realize they are not the only area dealing with drug problems. Law enforcement is doing their best to deal with the problems of drugs 24/7. When the drug users are chased from one area, they simply go to another. If the small neighborhood of Spring Lake doesn't deal with this, they could be easily overrun. She presented pictures of the area. The community is out of the way, quiet, and very dark. There are no lights, cameras, and very few citizens driving around after dark. More importantly there is a wooded area on the east side with easy access in and out for cars. There are two main problems, easy access for drug users and vandals and the gates are open. The drive over the baby ducks and geese to where the populations are decimated. The signs on both gates state the park is closed at 10 p.m. This rule has never been enforced. Residents would like the two gates locked at night. Then the drug users would be forced to park on the street where their cars and license plates can be seen by officers and residents. They feel they get kicked back and forth because they are still in the county. The county sheriffs take care of patrol and do a great job. They can't sit there 24/7. Payson City claims the Spring Lake water and holds the keys to the gate locks.

Greg Callaway stated the cars don't turn off their lights, which shine in his bedroom. The sheriff talks to people who say they are just fishing. Once the sheriff leaves, they are very loud. When the gates went up, he locked and unlocked them. The fight is on when residents try to kick people out at 10 p.m. He won't be involved with that again. Previously the city said they don't have the right to go out there, but the city owns the property. He would like to see a cap on ducks like Salem because they eat his garden and are ruining the lake because of their droppings and it creates algae.

Chief Brad Bishop stated he reached out to Chief Deputy Brower with the county for extra patrol. They would support locking the gates at night, but he can't guarantee he can have an officer there right at 10 p.m. The city may want to look at closing the entire road around the lake. He does want to solve the situation. He can dispatch an officer as quickly as possible when a call is received. He will get a key for the gates.

Councilmember Carter stated that if it was done for a two-month, they will see that they can't get in.

Councilmember Hardy stated the city needs to be good citizens and resolve the problem.

Chief Deputy Brower stated he appreciates the working relationship with Payson and the citizens coming forward. He has stepped up extra patrols and will continue to do it. There are two deputies on duty at night in the entire south county area. He will have the undercover units put additional emphasis in this area. They are willing to help, support, and clean up the issue.

Councilmember Welton stated the lake could also be closed entirely as well. It isn't that big to park on the street and walk to the lake.

Chief Bishop stated we can start with this. We want people want to use the lake, fish, and have fun. This will help, and the city will be a good neighbor.

Bill Benson stated for a while the gates were locked. It's a problem between the city and county that needs to be taken care of. There are a lot of people who come to enjoy the lake. It would be nice to keep it open during the day.

#### F. ADJOURNMENT TO CLOSED SESSION

**MOTION: Councilmember Welton – To go out of council and into closed session.** Motion seconded by Councilmember Carter. A roll call vote was taken as follows.

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

1. Discussion Regarding Property Sale and/or Purchase

**MOTION: Councilmember Welton – To adjourn the closed session.** Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton. The motion carried.

G. ADJOURNMENT

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

The meeting adjourned at 9:20 p.m.

/s/ Kim E. Holindrake  
Kim E. Holindrake, Deputy City Recorder