

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, November 15, 2017

CONDUCTING Mayor Richard Moore

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

EXCUSED Scott Phillips

STAFF PRESENT David Tuckett, City Manager
 Mark Sorenson, City Attorney
 Sara Hubbs, Finance Director/City Recorder
 Travis Jockumsen, Dev. Serv. Director/City Engineer, PW Director
 Brad Bishop, Police Chief
 Jill Spencer, City Planner
 Daniel Jensen, Planner II

OTHERS Taresa Hiatt, Burtis Bills, Brett Christensen, Dale Munger, Katie
 Cutler

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 Carter.

Pledge of Allegiance led by Councilmember Hulet.

B. CONSENT AGENDA

1. Approval of the November 1, 2017 Council Meeting Minutes
2. Resolution – Approving Donations to the Payson City Library

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

A. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

Taresa Hiatt thanked whomever fixed the sidewalk she brought up at the last meeting. The business customers can enter the businesses safely.

Burtis Bills stated he appreciates the time commitment and sacrifice from the mayor and council and their families in doing this job. You study the issues and vote what you feel is best for the

community. It is a hard job and not always appreciated. The issues are studied and the best decisions made. Politics may differ at times, but that is politics. He appreciates their expertise in different fields and talents. The election isn't final until the canvass, but there will be two new councilmembers. He appreciates those who ran for office and supports them. Their study and learning curve takes about six months. He offered his assistance in any way he can. He thanked Mayor Moore for his service and active participation on the CDBG committee. He also thanked the staff for making everyone look so good.

2. Council and Staff Reports

POLICE – Chief Brad Bishop reported in the last 15 days there were 501 calls, 46 arrests, 95 offenses, 62 citations, 78 violations, 2 DUI, 110 traffic stops, and 10 traffic accidents. Payson city made the news a couple times this week, but it helped clean up the streets.

PUBLIC WORKS – Director Travis Jockumsen stated the water problem at Peteetneet hasn't come back but a perforated pipe was installed anyway. Green waste grinding was done at the landfill. Paving season is over except for minor potholes. The sidewalk was fixed that was brought up at the last meeting. Goosenest Drive is paved and will be overlaid in the spring. The gutters have been cleaned and swept.

ADMINISTRATION – Dave Tuckett thanked all those for the veterans-day program. It was standing room only.

Council Reports

Councilmember Hulet stated he met with the person over grants for Utah Valley University (UVU) on how the city can get grants. There are not a lot of government grants available. They discussed having some UVU students do some grant research. There is a site visit this Friday with a vehicle assembly company interested in coming to the business park. The company is looking at five other places in Utah for 40 to 60 acres. The company will bring around 600 jobs with managers being paid \$80,000 to \$100,000 per year, and employees \$17 to \$24 per hour.

Councilmember Carter thanked staff for all the work they do. Months ago, she mentioned waiving to the police officers, and she looks for those waivers back from them. It's too bad more residents don't attend the council meetings to witness the discussions and be a voice. The percentage on the elections tells her there are disinterested people who go about their lives and aren't involved.

Councilmember Welton appreciates all the employees as well. It is his belief we praise in public and address issues in house, which are addressed in a professional manner. Veterans day, he is grateful for those who serve. America is great because we stand on the shoulders of those who went first. He appreciates those who have gone before and worked hard to get us where we are today. The library reaching out to other libraries to look at an interlocal agreement to increase circulation. He looks forward to working with Brett Christensen, Taresa Hiatt, and Bill Wright.

Councilmember Hardy echoed the city's great employees. He has worked and associated with them over the last eight years. The chamber's great pumpkin hunt was the most successful year, and they did a great job. Small business Saturday is coming up December 1. The chamber banquet will

tentatively be in January at the veterans home. The city mural project people have been meeting with businesses who are willing to allow murals on their buildings. He attended the veterans event on Saturday. He met with the administrator a week ago; they do an excellent job. It is a world-class facility. He thanked Mayor Moore and all those who worked to get that facility here in Payson.

3. Scout Attendance Certificates

No scouts in attendance.

B. ACTION ITEMS

1. Request for Use of the I-O, Infill Overlay Zone Request to Reduce the Frontage Requirements for Utah County Parcel 08-150-0001 Located at 775 East 100 South in the R-1-10, Residential Zone (6:20 p.m.)

Staff Presentation:

Daniel Jensen reported this request is for the I-O Infill Overlay Zone. These two lots are legal nonconforming lots and buildable lots with lot 2 being a flag lot. Any modification to a lot requires it to come into compliance with one of the zoning laws. This overlay allows both lots to be compliant with the zone. The same individual owns the two lots. The west boundary line will move to the east about 27 feet. With the adjustment, both lots will meet the 10,000 square foot minimum lot requirement. The I-O Infill Overlay Zone requirements include allowing orderly development, encouraging reinvestment and maintenance of existing neighborhoods, stabilizing and enhancing property values, fostering community pride, promoting new development that enhances and protects the existing structures, strengthening the economy, and improving the quality of life. It also requires a 20-foot wide access to the back of the property as well as curb, gutter and sidewalk, which is installed. There is a concern with the north property line by the owner to the north. If there is a dispute on the survey or if the fence is to be the property line, it is a civil matter that would be addressed through the legal system.

MOTION: Councilmember Hulet – To approve the request for the I-O Infill Overlay Zone for the parcel 08:150:0001 in the R-1-10 Residential Zone. Motion seconded by Councilmember Welton. A roll call vote was taken as follows and the motion carried.

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

2. Request for a Zone Change for Utah County Parcels 30-066-0027 and 30-066-0010 (portion) from the A-5-H Annexation Holding Zone to the R-1-9 Residential Zone (6:28 p.m.)

Councilmember Hardy and Councilmember Hulet declared a conflict of interest in that they know Mr. Bastian and deal with him in their employment as well.

Staff Presentation:

Jill Spencer stated this project is 5.75 acres at about 1300 South and 1150 West. The applicant is requesting a zone change and preliminary plan and final plat approval under the planned residential development with a density bonus and various modifications. A development agreement will be required. In addition, the property will need to be removed from the agricultural protection area by action at a future meeting. Currently the property is in the A-5-H Zone, and the applicant is requesting the R-1-9 Residential Zone. The planned residential development allows flexibility in the layout and design with a potential for a density increase with the amenity package. The density is 3.5 units per acre with a request for four additional units as a density bonus. The housing product is similar to the product in the previous phases. Landscaping incorporates xeriscape with some green spaces. There have been some drainage issues in the development with slope and improvements. Fencing is consistent with the previous phases with a masonry decorative wall on the west and vinyl with decorative pillars on the east side. Project amenities include building design and materials, pavilion and BBQ area, upgraded fencing, landscaping, and other items to be presented by the applicant. Compliance with city regulations include working with staff to satisfy items in the city municipal code. The applicant is requesting to waive the RV parking and storage. Currently they do not allow RV's to be stored in the development. They are also asking for an alternate street cross section with rolled curb and sidewalk on one side of the street. The planning commission recommendation included conditions on fencing consistent with city standards and sidewalks be installed on both sides of the street. The city ordinance requires sidewalk on both sides unless an alternate cross section is approved. Because there is not sidewalk on both sides of the street in the current development, city staff felt a compromise would be to include a sidewalk connection from northern phases at 1150 West across 1320 South down 1130 West to 1400 South.

Applicant Presentation:

Byron Bastian stated the sidewalk would dead end at the north end, and he doesn't know if code allows it. Full gutters are installed around the entire house for drainage. He asked if landscaping could be installed after the previous winter to allow the ground to settle.

Travis Jockumsen stated there is an underground drainage system north of the pavilion and then to swales behind the units. There are catch basins in the streets. The current ordinance requires landscaping be installed in the front and side of corner lots.

Byron Bastian stated he has tried to get back and address any problems with the residents. One home was flooded because of the large storms. Their plan is to continue same style of home. These lots are five feet larger for a larger garage. The walking trail is concrete. There is room to add sidewalk in front of units 23 and 24.

Council Discussion:

Councilmember Welton stated sidewalk is an issue for him. A safe walking path is needed.

Councilmember Hulet stated the west street needs at least one sidewalk. He questioned if there could be a lower speed limit. It is a retirement community and needs to be kept a retirement community.

Chief Bishop stated the speed could be posted at whatever the city deems safe.

Councilmember Hardy stated because of safety, he would like to see a sidewalk on the west street. There were discussions at the commission meeting about the traffic patterns. The city needs to talk with UDOT about a traffic light at 930 West and 800 South and do whatever possible to see it through. A warrant shouldn't be because of accidents.

Jill Spencer stated she did talk to the UDOT project manager. If a resident petition is created, UDOT requests that it come through the city for a warrant study so they know the city is in agreement.

Travis Jockumsen stated he requested a warranty study last year, and it didn't warrant a light.

MOTION: Councilmember Hulet – To approve the zone change for parcels 30:066:0027 and 30:066:0010 a portion from the A-5-H Annexation Holding Zone to the R-1-9 Residential Zone. Motion seconded by Councilmember Carter. A roll call vote was taken as follows and the motion carried.

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

3. Preliminary Plan and Final Plat for Heritage Village, Plat E, for Utah County Parcels 30-066-0027 and 30-066-0010 (portion)

Public Comment:

Dale Munger stated sidewalk is a concern because several residents use walkers and one is in a wheel chair. At least sidewalk around the center island then coming south and along the east road. Drainage between homes is to be from each house to the swales. He is working with the developer to bring the drainage to the street because it is a consistent problem. He doesn't like the vinyl fencing because of problems with the product. He would like the cast fence on the east side. There is an issue of diluting the current amenities. Amenities need to be sized for all the phases of a project. He agrees with the RV waiver.

Katie Cutler agreed with the sidewalk issue. She lives in the Maples where only part of the streets have sidewalks, and it is a disaster. Whatever path is there doesn't supersede the need for a sidewalk. It's not safe to be walking in the street.

Council Discussion:

Councilmember Welton recommends there be a sidewalk. It is a danger to the residents and causes problems down the road. He suggested a sidewalk along the west and south roads as well. Lots 23 and 24 may be ok. The neighbors can't visit unless walking down the street.

Jill Spencer clarified the road widths are the standard 40 feet.

Councilmember Carter stated she lives on a street with limited sidewalks and witnessed many people walking in front of her home where cars come close to them. Sidewalks for the elderly is

needed. She read the letters from the residents with the commission meeting. Most are excited to see this phase come.

MOTION: Councilmember Welton – To remand back to staff and come back with sidewalks resolved. No second. Motion dies.

Further Discussion:

Byron Bastian stated if he has to put in sidewalks, he might go back to a standard subdivision and not deal with the amenities, etc. He feels he is adding to the community.

MOTION: Councilmember Hulet – To approve the preliminary plan but not the final plat and to go back and look at the sidewalk situation. No second. Motion dies.

Byron Bastian stated he is willing to put sidewalk around the center section.

MOTION: Councilmember Hulet – To approve the preliminary plan and final plat with the density and RV parking waiver and requiring additional sidewalk around the interior. Motion seconded by Councilmember Hardy. A roll call vote was taken as follows and the motion carried.

Yes	-	Linda Carter
Yes	-	Mike Hardy
Yes	-	Brian Hulet
No	-	Doug Welton

4. Resolution – Appointments to the Planning Commission (7:18 p.m.)

MOTION: Councilmember Hulet – To table items 4 and 5. Motion seconded by Councilmember Hardy. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton. The motion carried.

5. Ordinance – Amending Title 2

C. OTHER

1. Discussion Regarding Food Trucks (7:19 p.m.)

Dave Tuckett stated there have been requests in the past and a current request for food trucks to have permanent power. Currently there is one at Payson Market and one by Smiths with permanent power. It creates a dilemma with impact fees. Food trucks by nature are to be mobile. There have been some concerns from businesses who are in actual buildings. The state legislature created business license regulations in that food trucks licensed one city don't have to pay fees again in another city. Cities may requires a license but no fees. Most food trucks use a generator. Food trucks are gaining popularity. They would have to pay the cost to extend the power line and the impact fees. There are some issues if they move elsewhere, does that connection move with them. Other communities have areas where the food trucks go and power is available. He isn't sure if they use a separate sales tax number.

Councilmember Hulet stated it's much cheaper to drive the truck than it is to build a building. He is concerned that they are permanent without a building.

Councilmember Carter feels the same way. A food truck should move and shouldn't have permanent power.

Mark Sorenson stated the snow shack by Smiths is a seasonal business but permanent power was installed for when it is there.

Brett Christensen stated his brothers owns the snow shack by Smiths and permanent power made a difference in reducing costs. If a location works well for the trucks, others can come in and use that position. It puts the food trucks in the denser communities and who wants a generator running. He sees it going both directions. The closer the power the safer it is, and they pay into the system. There is a worry about them coming and going.

C. ADJOURNMENT

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

The meeting adjourned at 7:31 p.m.

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