

PAYSON CITY  
CITY COUNCIL MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, December 20, 2017

CONDUCTING	Mayor Richard Moore
ELECTED OFFICIALS	Linda Carter, Mike Hardy, Brian Hulet, Doug Welton, Scott Phillips
STAFF PRESENT	David Tuckett, City Manager Mark Sorenson, City Attorney Sara Hubbs, Finance Director/City Recorder Kim E. Holindrake, Deputy Recorder Travis Jockumsen, Dev. Serv. Director/City Engineer, PW Director Brad Bishop, Police Chief Jill Spencer, City Planner Daniel Jensen, Planner II Scott Spencer, Fire Chief Kim Lefler, Communities That Care
OTHERS	Jeremy Sorenson – Strawberry Water Users Association, Jeff Anderson – DeVere Anderson Enterprises, Burtis Bills

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 Welton.

Pledge of Allegiance led by Councilmember Phillips.

**B. CONSENT AGENDA**

1. Approval of the December 6, 2017 Council Meeting Minutes
2. Resolution – City Council Annual Meeting Dates and Times

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

**C. PETITIONS, REMONSTRANCES & COMMUNICATIONS**

1. Public Forum

Jeremy Sorenson reported that over the last year or so employees of Payson City had concerns with the Strawberry Water Users Association assessment. They listened to those concerns via a committee where some things they agreed on and others they disagreed. Through those meetings, they were able to come to a consensus and worked together rather than accusing each other of

things. The assessment was dropped from \$1,870 per share to \$1,550 per share. This came to about a \$9,000 saving for the city. He thanked the employees for coming to them and working through it.

## 2. Council and Staff Reports

### Staff Reports

GOLF - Tracy Zobell personally thanked Councilmembers Phillips and Hardy and Mayor Moore for their service. He appreciates their friendship and support. The city has got a lot done as a city with many positive things.

COMMUNITY EVENTS – Janeen Dean thanked Mayor Moore and Councilmembers Hardy and Phillips for their support. She hopes they will continue to support her and the city. She has taken advice and learned from them. She reported the Peteetneet Museum has had many changes, and residents are more aware of what the museum has to offer. Just in the month of December, they have held many family Christmas parties, ward parties, dance performances, singing group performances, baby showers, weddings, and piano recitals. December 8 and 9 was the Christmas boutique with 1,500 people attending the museum on Saturday. The museum can handle a large group of people and is an events area. Other events included Santa, a train show, the Barbie exhibit, singing and dancing groups, the Nebo Philharmonic, the Art City Band, and jazz bands. It was a fun festive place to be. This week two dance rooms were painted with a new dance floor to come. Currently there are five dance instructors and the city gymnastics are held at the Peteetneet. The emphasized that the Peteetneet accommodates large events to families to remember and is a showcase for Payson City.

POLICE – Chief Brad Bishop reported the shop the cop finished and went well. He appreciates Mayor Moore, Councilmember Hardy, and Councilmember Phillips for all their work. It has been a pleasure working with them.

PUBLIC WORKS – Director Travis Jockumsen thanked Mayor Moore and Councilmembers Hardy and Phillips. Mayor Moore and Councilmember Phillips interviewed him four years ago for his position, and it has been a good opportunity to learn and grow. A lot of crack sealing has been done with the good weather. It will be cold this weekend and next so the water department is ready to deal with frozen meters. They have still been fixing many water leaks and replacing meters when possible.

ADMINISTRATION – Dave Tuckett reminded the council they will have one more meeting on January 3 where the new mayor and councilmembers will be sworn into office. A reception will be held for the outgoing and incoming elected officials. The Christmas brunch will be held tomorrow at noon with Ted Bates Employee of the Year award being announced.

FIRE AND AMBULANCE – Chief Spencer echoed appreciation for Mayor Moore and Councilmembers Hardy and Phillips. The annual Christmas party recognized fire fighters and EMT's. The EMT of the year was Michele Turner, and the fire fighter of the year was Joe Short. Their peers vote on these awards. The Doctor Hogan Award recognizes the person who goes the extra mile and was awarded to Kaden Goodall with the ambulance. The Golden Boot Award was given to Terry Riley.

## Council Reports

Councilmember Hardy stated he met with the Interfaith Council who have done a tremendous job. It has been a pleasure to work with the staff; we have the best staff in the state. They take abuse from outsiders, but they are appreciated by those who are the peoples' representatives. Staff is professional and makes the council's job easier. He wished everyone a happy holiday season.

Councilmember Welton echoed thanks to the staff and all they do for the city. He thanked Mayor Moore and Councilmembers Hardy and Phillips for showing them their ways and being patient with him. Elected officials take a lot of abuse and many are not willing to serve. Those willing to put themselves out and represent the public is a hard thing to do.

Councilmember Carter echoed the appreciations mentioned. She thanked Councilmember Phillips for his help, understanding, and patience he has shown her. She has enjoyed working with Councilmember Hardy at the salmon supper. She appreciates Mayor Moore. She thanked Janeen Dean for her hard work. It was a wonderful two days at the Peteetneet with tons of people having a lot of fun. The firefighter dinner was a wonderful night. She appreciates all the fireman for their many hours. She thanked all the staff. She enjoyed the recent tour of the city where she could hear and see things better.

Councilmember Hulet echoed the appreciation for Mayor Moore, Councilmember Hardy, and Councilmember Phillips for their work. They have put in a lot of time and effort to make the city better. He hopes residents understand this. He wished staff and everyone happy holidays. The city is still getting good positive feedback from the golf event this year. The Utah Homebuilders Association scheduled their golf event here in Payson, and another attendee hired a company they met at the event.

Councilmember Phillips stated it has been an honor to serve the last 12 years. The city has come a long way. He has enjoyed working with the staff. He thanked the current and previous councils for helping him get paving equipment for the city. It would be nice if residents would take pride and put in curb and gutter to make the roads better. He plans to stay involved and wished everyone a merry Christmas.

Mayor Moore thanked the council for all their help. Sometimes we don't always come across the way we would like. Those who run for public office mean well, and everyone has a willingness to serve. Since he has been in office, the number of people voting is up from the teens to 40 plus percent. People took pride in voting; it was a big day. He questioned where that pride is today. Society complains about those in office and what they do. He appreciates anyone who gets in office and helps. He appreciates the council and staff. He is glad he touched shoulders with everyone here, and those who helped him grow. He attended the Colorado River water meeting in Las Vegas last week. There has been a conservancy plan with the lower basin of the Colorado River, and now it's time to plan the upper basin. The purpose is to keep water in Lake Mead and Lake Powell. We need to pray hard for water, which drives the economy. He wished everyone a merry Christmas.

### 3. Scout Attendance Certificates (6:30 p.m.)

No scouts present.

D. ACTION ITEMS

1. Public Hearing/Resolution – Budget Amendments for Fiscal Year 2017-2018

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

Staff Presentation:

Sara Hubbs presented the budget amendments. Most of the amendments are because of revenue increases.

- Library - Donation from hot dog sales for the teen room - \$419.15
- Recreation – Revenue from Utah Youth Soccer Association Grant for the soccer program - \$500.00
- Vehicle Maintenance - Sale of truck beds will be used to purchase a new pressure washer - \$2,400.00
- Police - Highway Safety Grant and Easy Compliance & Tobacco Compliance revenue to cover officers' overtime - \$6,570.80
- Recreation - Donation from football fundraiser to football budget - \$4,139.00
- Electric - Impact fee carryover from previous years to carry forward again - \$400,000.00
- Film Permit Revenue – Cover overtime expenses in mayor/council contingency, police overtime, park overtime, and library general supplies - \$3,030.00
- Fire - Carryover uniform balance from Fiscal Year 2017 - \$14,000.00
- Communities That Care – New Strengthening Families Grant received for full-time employee - \$73,226.88
- Electric - Excess revenue to cover overage for trenching and road repairs at 450 S 1000 W - \$58,200.00
- Recreation - Youth Sports received Utah Angling Activities Grant - \$850.00
- Council Contingency – Refund from PEHP for leadership training program and Qualtrics Program - \$13,097.00
- Capital Projects - Master plan for general utilities - \$150,000.00

Public Hearing:

No public comments.

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

Council Discussion:

Councilmember Welton questioned what the \$400,000 was for in the Electric Department.

Councilmember Phillips questioned how the businesses on Main Street are compensated when filming occurs. Dave Tuckett stated compensation is left up to the filming companies through negotiations with each business. The companies do pay for police officers to be there. The city also

received \$1,000 from a filming company that was used to purchase Christmas lights for downtown area.

Councilmember Hardy agreed in that he needs to see the detail of the \$400,000.

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

2. Ordinance/Resolution - Review and Decision Regarding DAE Annexation and Annexation Agreement (6:36 p.m.)

Staff Presentation:

Jill Spencer stated this is not a public hearing. The required public hearing was conducted at the planning commission meeting, and the minutes were provided to the council. The DAE Annexation will expand the boundaries of the city with about 213 acres covering five parcels. The petition was signed by a majority of the owners, which exceeded the minimum code requirements. The city accepted the petition for further review back in June. It was then certified by the city recorder, which initiates the 30-day protest period. No protests were received. A letter was then sent to the sponsor requesting the needed information to move forward. Notice of the pending annexation was sent to all the property owners. Staff created a specific plan for the annexation area, which becomes an exhibit to the annexation agreement. The current uses of the property are agricultural with no existing habitable structures. The current uses will continue until residential development is proposed. The proposed zoning falls under a specific plan overlay with the underlying zone in the R-1-A, which is similar to the Harward property to the northwest. The Mitchell property will continue its existing uses under greenbelt and includes a land locked parcel located in Salem. The Horn parcel is a non-conforming parcel with restrictive covenants and no animal rights with the plan ensuring access to the parcel. The specific plan and annexation agreement address existing and proposed utility systems, proposed land uses, environmental hazards, transportation and circulation, and coordination with neighboring projects. The specific plan includes low density, medium density, high density, multi-family, and open space. The planning commission recommended approval of the annexation with the zoning designation of R-1-A with the specific plan subject to staff recommendations and satisfying Utah code and city ordinance.

Mark Sorenson stated he met with the sponsors yesterday and came up with language to be added to the proposed agreement. The following paragraphs will be added.

*At the time of development should the City and Developer or Owner determine that the Developer or Owner should upscale the size of municipal service(s) extended to the development by the developer or Owner, the City shall participate in the cost of upscaling of such municipal service(s).*

*Also, at the time of development should the Developer or Owner extend municipal services along vacant properties in order to reach the proposed development, the City shall allow the developer to enter into a reimbursement agreement for the collection of reimbursement of a pro rata portion of the original costs of the extension of the*

*municipal services past the vacant properties form future developers or owners at such time as new connection(s) to the extended services are requested.*

Annexation Sponsor:

Jeff Anderson thanked the council for the opportunity to work with staff who were very accessible. They have reviewed the proposal going forward and made comments. They have seen the most recent language and feel good about moving forward.

Public Comments:

Burtis Bills stated he is for the annexation. The property was annexed years ago and then deannexed. It could handle a lot more density. The city needs high-density housing or workhouse housing. There is nothing wrong with using sewer lift stations.

Council Discussion:

Councilmember Hulet stated he is excited the annexation coming to Payson. He has some concerns with the high density in the area between Payson and Salem. Bamberger was given a higher density because they gave back to the community by donating land and helping with the VA. One reason to give some density will be because of the infrastructure installed. He questioned the installation of a new water tank and how the costs would be shared.

Travis Jockumsen stated the culinary would be extended to the area with a 12-inch line. The pressurized irrigation is the biggest concern with 24-inch and 18-inch lines. An additional pond will be needed with Bamberger. No new tank is needed for this development.

Councilmember Hardy agreed with Mr. Burtis in that this property should have been annexed a long time ago. Overall he is in favor of the proposal.

**MOTION: Councilmember Hardy – To approve the ordinance, which includes the zoning designation, approve what has been presented by staff as far as the specific plan, approve the annexation extending the municipal boundaries, and the annexation agreement with the proposed amendments (resolution).** Motion seconded by Councilmember Hulet. A roll call vote was taken as follows and the motion carried.

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

3. Resolution – Development Agreement for Heritage Village, Plat E, Located at Approximately 1300 South 1150 West (7:05 p.m.)

Staff Presentation:

Jill Spencer stated Heritage Village, Plat E, was approved last month. The developer has reviewed the agreement and had no concerns. The plat has sidewalk connections from the north to the south along the east side and around the center. There is no sidewalk on the west side.

Council Discussion:

Councilmember Welton stated for the record it needs a sidewalk on the west side. The council just approved a project and required sidewalks. He doesn't understand why sidewalks wouldn't be required with this project.

Councilmembers Hardy and Hulet disclosed they have a possible conflict of interest with this project.

**MOTION: Councilmember Phillips – To approve the resolution for Heritage Village, Plat E.**

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	-	Scott Phillips
No	-	Doug Welton

4. Review and Decision Regarding the Peteetneet Creek Infill Development located at approximately 500 East and 500 North in the R-1-75 Zone (7:08 p.m.)

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

5. Discussion Regarding Utah County Commission (7:09 p.m.)

Doug Welton stated he would like to discuss this item at some point in time. There has been a lot of discussion, and the county put out a report on the behavior that has been happening. He has not had time to look at it himself.

**MOTION: Councilmember Welton – To table this item.** Motion seconded by Councilmember Hulet.

Discussion:

Mayor Moore stated the discussion would be does the council support in getting rid of Greg Graves.

Councilmember Welton stated the discussion would be whether to join in with some other mayors, Senator Henderson, and Senator Bramble regarding sexual harassment in work place, which has not been corroborated. There are multiple sources that have come forward and corroborated some allegations.

Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton, Scott Phillips. The motion carried.

6. Discussion Regarding Proposed Zoning Map Amendments in Unincorporated Utah County (Payson Canyon) (7:11 p.m.)

Staff Presentation:

Jill Spencer reported staff watches what is happening around the city for things that may affect the city's long-term plans, etc. Staff received a notice for a zone change in Payson Canyon. The question is does city want to provide an official statement to the county commissioners regarding the zone change. The proposal is to change 35 acres from the Critical Environmental Zone (CE-1) to the Residential Agricultural Zone (RA-5). The CE-1 Zone covers the canyon, mountain, and riparian areas of environmental concern. The purpose is to protect and conserve water recharge areas, vegetation, soils, wildlife, and other natural resources. It limits the danger of flood, fire, and other natural hazards, preserves the aesthetic appearance and prevents the degradation of the mountain environment, ensures development of private land consistent with the environment, and ensures development of adequate public facilities to match private development. The RA-5 Zone historically has been irrigated land utilized for growing of crops and the raising of livestock. The purpose is to preserve agricultural land, foster and protect agriculture from incompatible land use, coordinate rural development, encourage cultivation of crops and the raising and keeping of livestock, promote the conservation of water, land, and other resources, maintain open space, and avoid public service costs. The primary differences between the two zones is the CE-1 allows one unit per 50 acres compared to RA-5 with one unit per five acres. The zones are similar in uses but the intensity increases considerably in the RA-5 Zone. The city's general plan shows the canyon in sensitive lands so we do not foresee a lot of development in the canyon. A portion of the property is in the city's annexation policy plan. The county planning commission met last night and recommended denial of the change. The city needs to look at the vision of Payson Canyon. The property owners petitioning for the change have built two homes on two parcels. Then there was some improper division of land.

Councilmember Welton stated with the possibility of mink farms, windmills, and reducing from 50 acres to five acres, he is not in favor.

Councilmember Hardy agreed.

**MOTION: Councilmember Welton – To send a letter to the Utah County Commission expressing our wish that this not be changed.** Motion seconded by Councilmember Phillips. A roll call vote was taken as follows and the motion carried.

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

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

1. Public Hearing/Resolution – Budget Amendments for Fiscal Year 2017-2018 - Continued

Dave Tuckett stated the impact fees collected are for work on the transmission line between the racetrack substation and industrial substation. A more specific plan will be presented in the future. Currently staff works on obtaining the needed easements.

**MOTION: Councilmember Hulet – To approve the budget amendments for Fiscal Year 2017-2018 (Resolution).** 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	-	Scott Phillips
Yes	-	Doug Welton

**MOTION: Councilmember Hardy – To go into RDA.** Motion seconded by Councilmember Welton. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton, Scott Phillips. The motion carried.

E. ADJOURN TO REDEVELOPMENT AGENCY  
1. Resolution – RDA Annual Meeting Dates and Times

Dave Tuckett stated this is a state requirement each year to adopt the annual meeting schedule of dates and times for upcoming year.

**MOTION: Director Hulet – To approve the resolution for the RDA annual meeting dates and times.** Motion seconded by Director Carter. Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton, Scott Phillips. The motion carried.

G. ADJOURNMENT TO CLOSED SESSION

**MOTION: Director Hardy – To go into closed session.** Motion seconded by Director 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
Yes	-	Scott Phillips

1. Discussion Regarding Property Sale and/or Purchase

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

H. ACTION ITEMS

1. Sale of Payson Business Park, Plat G, Lot 7 (7:41 p.m.)

**MOTION: Director Hulet – To do a counter offer to the representative that has been presented to us with Drift Wood Management to sell lot 7 with a purchase price of \$286,624.80 at \$2 per square foot, and not to waive impact fees, and escrow to close by December 1, and all the other terms and conditions to remain unchanged.** Motion seconded by Director Hardy. A roll call vote was taken as follows and the motion carried.

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

F. ADJOURNMENT OF REDEVELOPMENT AGENCY

**MOTION: Director Phillips – To go out of RDA.** Motion seconded by Director Carter. Those voting yes: Linda Carter, Mike Hardy, Brian Hulet, Doug Welton, Scott Phillips. The motion carried.

I. ADJOURNMENT

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

The meeting adjourned at 7:42 p.m.

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