

PAYSON CITY
CITY COUNCIL MEETING AND WORK SESSION
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, February 7, 2018

CONDUCTING Mayor William Wright

ELECTED OFFICIALS Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton

EXCUSED Linda Carter

STAFF PRESENT David Tuckett, City Manager
Kim E. Holindrake, Deputy Recorder
Travis Jockumsen, Dev. Serv. Director/City Engineer, PW Director
Brad Bishop, Police Chief
Jill Spencer, City Planner
Janeen Dean, Community Events Coordinator
Karl Teemant, Recreation Director
Scott Spencer, Fire Chief
Mark Hyland, Parks & Cemetery Superintendent

OTHERS Karen Tribett, Jake Bunton, Burtis Bills, Mike Hardy, Ed Rutledge, Ross Welch – Patterson Construction, Jim Riley, Dave Gardner, Jade Walker - Chamber

This meeting of the City Council of Payson City, Utah, having been properly noticed, was called to order by Mayor Wright at 6:02 p.m.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Karen Tribett

Pledge of Allegiance led by Jake Bunton

B. CONSENT AGENDA

1. Approval of the January 17, 2018 Council Meeting Minutes

MOTION: Councilmember Welton - To accept the consent agenda. Motion seconded by Councilmember Hulet. Those voting yes: Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton. The motion carried.

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum (6:05 p.m.)

Burtis Bills stated residents now have to pay at the landfill. There is no more free dumping. The residents own that landfill and giving them opportunity to dump isn't a privilege but a necessity to keep the community clean. When residents have to pay even \$3, it doesn't send the public a very

good message. He would like to see the fee rescinded. This will make the town a showcase and clean town. In order to generate funds, he suggested charging Elk Ridge more for their sewer because they get the same rate as Payson residents.

Mike Hardy stated he noticed the item on the agenda for SESD was taken off and a closed session added. If the council is going into closed session to discuss SESD, he feels the issue should be open to the public for discussion.

2. Council and Staff Reports (6:09 p.m.)

Staff Reports

POLICE – Chief Brad Bishop reported in January there were 68 arrests, 128 offenses, 117 citations, 156 violation, 964 calls for service, 1 DUI, 240 traffic stops, and 31 accidents. The Utah County Major Crimes Task Force reported in January 24 felony arrests and 12 misdemeanor arrests. They seized just over a pound of methamphetamine, almost a pound of heroin, 25 pounds of cocaine, 188 pounds of marijuana, 1.13 pounds of DAB (marijuana concentration), 2.59 pounds of LSD, 109 dose units of LSD “cubes”, 2,531 doses of illegal drugs, seized six guns, and \$26,199 in cash. Two NOVA graduations were held last week and another will be on February 21. The K-9 officer will graduate on March 1. The Virtra simulator training will be on February 13 beginning at 9 a.m.

RECREATION – Director Karl Teemant reported the women’s volleyball league ends tonight. Registration for adult, coed volleyball is open as well as youth gymnastics, tumbling, and clogging.

COMMUNITY EVENTS – Janeen Dean reported Ruben Jimenez and Yunuen Carrillo will provide a free concert called Viva el Mariachi with mariachi music, costumes, and beautiful dances on May 4 from 7 to 9 p.m. This group has performed at BYU, Salt Lake, and many other areas in the state. They take care of their own sponsorships to cover costs. She will schedule vendors to cover the costs of restrooms, a banner, and flyers. It will be great for the community.

FIRE AND AMBULANCE– Chief Spencer stated the department has received calls about open burning. The burn window is set by the state and doesn’t begin until March 1, which he will notice on the city’s website. Agriculture and horticulture are exempt from these dates and can burn year round. The great shake out will be on April 19. He is meeting with the area representatives next week to finalize the communication aspect. They will then do practice runs weekly. Community CPR classes are up from about \$2 per card to \$16 so he is looking at different avenues to get residents certified. Medical has an increase in transfers.

PUBLIC WORKS – Director Travis Jockumsen stated snow is at about 51% for precipitation, 48% on the snow water equivalent, and 17 inches at the snow tail site. This summer could be challenging with water, and residents will need to conserve. The sewer is under construction at the RV park. Dave Tuckett has met with the president of the Highline Canal and started discussions regarding renting water if needed. Each user would be allowed to rent 4% of their allotment.

Council Reports

Councilmember Welton reported that he met with the library board who is working on an interlocal agreement with the Santaquin library to share books. The planning staff held a meeting with the Main Street business owners that generated some great ideas and interaction. He asked staff about a resident who asked to put up a sign to sell fruit in between the ball field and the swimming pool, which is not allowed in the ordinance, and was told no. He questioned why an aeration sign on the berm in this location has been allowed for two years. This sign needs to be taken down.

Councilmember Hiatt stated she has checked into the dump pass issue. She found the \$3 fee actually costs the city \$12 to process a load back into the landfill. It is getting expensive to take care of the landfill and extend its use with the new compactor. The city has had the landfill quite a while and is lucky to have it. Things have to be paid for somehow. Residents have to pay for it forward. The dump is run very efficiently.

Mayor Wright stated he attended the downtown business meeting where the discussion addressed ways to make the downtown area look better and involve the businesses. He thanked the council and staff for all they do.

Councilmember Hulet stated the Economic Development Committee (EDC) set goals for the year. He is scheduling a work session in March for the EDC and the city council to discuss those goals.

Councilmember Christensen thanked staff for all they do for the city. There is a lot that goes on behind the scenes that the residents don't know.

3. Scout Attendance Certificates

Councilmember Christensen presented scout certificates to the following scouts and asked them to state what they like about scouting.

Nicholas Leuk

Quayde Beck

Haden Pond

Gavin Penberthy

4. CTC – Mayor's Youth Recognition Award (6:29 p.m.)

Dave Tuckett announced the Mayor's Youth Recognition Awards for the following students.

David Mendenhall, Payson High School
Katelynn Wettstein, Mt. Nebo Junior High
Bryson Jensen, Payson Junior High

5. Chamber Business of the Month (6:36 p.m.)

Jade Walker stated the business of the month is Insurance Center located on historic Main Street in Payson, which has been in business since 2002. They do many things for the chamber such as treasurer for the chamber. Ty Jones stated he is excited for this area and glad to see the youth participating in the community. He is optimistic for the future and providing a service.

D. ACTION ITEMS

1. Resolution – Appointment to the Library Board (6:41 p.m.)

Mayor Wright stated Ann Humpherys has been a resident of Payson since 1999. She has been serving as secretary/treasurer of Friends of Payson Library and has been extremely active in the friends activities. She has a bachelor's degree in social work and a master's in gerontology.

Councilmember Welton stated she does a great job and will be a fantastic addition to the Library Board.

MOTION: Councilmember Welton – To approve the appointment of Ann Humpherys to the Library Board. Motion seconded by Councilmember Hulet. A roll call vote was taken as follows and the motion carried.

Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Brian Hulet
Yes	-	Doug Welton

2. Resolution – Tour of Utah Agreement (6:43 p.m.)

Staff Presentation:

Dave Tuckett stated Payson was chosen as a host city for the 2018 Tour of Utah in August and will be a start and finish city. This is the legal contract of what the city provides and the benefits.

Council Discussion:

Councilmember Hulet questioned the agreement states the city is responsible in getting and paying for all the permits as well as liquor licenses even for the county.

Dave Tuckett clarified that the city is only responsible for those in the city limits. He will verify this in the agreement.

MOTION: Councilmember Hulet – To agree to the agreement for the Tour of Utah looking at the one item. Motion seconded by Councilmember Welton. A roll call vote was taken as follows and the motion carried.

Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Brian Hulet
Yes	-	Doug Welton

3. Resolution – Payson Heights Annexation Petition for Consideration of Acceptance and Further Review Located at Approximately 1700 South and 100 East (6:45 p.m.)

Staff Presentation:

Jill Spencer stated this is the first step in the annexation process. The application includes 216 acres along the Nebo Loop near Payson canyon, Dry Mountain, the High Line Canal, and Spring Lake Elementary. The majority of the property is hillside, which is challenging for development. The application must meet city ordinances as well as Utah code. This step is consideration of acceptance

by the city council for further review. This gives the council the opportunity to address whether the annexation is appropriate for the city. The application includes eight parcels with 216.57 acres with signatures from all landowners. Following certification, the applicant will work with staff in preparing a land use plan and infrastructure analysis.

Council Discussion:

Councilmember Hulet questioned if a majority of the property would be zoned mountain hillside, how many developable acres are available, and if a new water tank would be needed. It will be great to move forward.

Jill Spencer stated the steepness of the slopes might require a new zone for critical environment and canyon areas. The only concern at this point is how long it will take for a new zone adoption and keeping the applicant on his time line. There is a water site included as part of this annexation.

Ross Welch stated there is about 40 acres available to develop on the hillside.

Mayor Wright stated this is exciting to contemplate and will be a great addition to the city.

MOTION: Councilmember Hulet – To approve the resolution for the Payson Heights petition for further review. No second. Motion dies.

Further Discussion:

Councilmember Welton stated he is hesitant in developing the small triangle piece in Payson canyon and would not be in favor of that.

Councilmember Hiatt agreed.

Ross Welch clarified he is not anticipating development of that small piece at this time but may look at it in the future for three homes. He prefers just buying the land he can develop, but the landowner wants to sell all the property at once. He is looking at doing some fun trails on that property. It will be a great addition to the residents of the city.

MOTION: Councilmember Hulet – To adopt the resolution approving the Payson Heights annexation petition for further review. Motion seconded by Councilmember Welton. A roll call vote was taken as follows and the motion carried.

Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Brian Hulet
Yes	-	Doug Welton

4. **Resolution – Agreement with the Utah Department of Transportation Regarding the 800 South Storm Drainage (6:53 p.m.)**

Staff Presentation:

Travis Jockumsen stated three years ago the city approved Big O Tires with the storm drain tying into 800 South. When they went to get their UDOT permit, UDOT denied the connection claiming

they owned the storm drain system. UDOT has now consented to turn the storm drain system over to the city so businesses can be connected if capacity is available. A UDOT permit would still be needed for the right of way. This may help with the pooling problems at 800 South and 830 West. He will look into that problem.

MOTION: Councilmember Hiatt – To accept the proposal with the Utah Department of Transportation and Payson City because it will be great for the city. Motion seconded by Councilmember Welton. A roll call vote was taken as follows and the motion carried.

Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Brian Hulet
Yes	-	Doug Welton

5. Review and Decision Regarding Pavilion in Memorial Park (6:56 p.m.)

Staff Presentation:

Jill Spencer stated Memorial Park is the most recognized park in the city. Staff reviews city projects for compliance with state regulations and city ordinances. The planning commission reviews city projects and makes a recommendation to the council with the council making the final decision. Funding has already been allocated through the budgeting process. Staff recommends approval with the conditions mention in the staff report and any motion should include findings.

Mark Hyland stated \$50,000 has been budgeted but he thinks it will come under that amount. Staff will be constructing the pavilion under the supervision of a contractor.

Council Discussion:

Councilmember Christensen voiced his concerns with the setback off the road because it seems close to the road.

Mark Hyland stated this location allows the tent to be installed for other events. The only other location removes many trees. He has worked with the community events coordinator to make sure food vendors will be located properly.

Mayor Wright stated this will be a great addition to the park and needed for the salmon supper.

MOTION: Councilmember Welton – To approve the pavilion at Memorial Park pending staff conditions and findings. Motion seconded by Councilmember Hulet. A roll call vote was taken as follows and the motion carried.

Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Brian Hulet
Yes	-	Doug Welton

6. Ordinance – Amendments to Title 12, Sewer and Wastewater Regarding Dental Amalgam (7:02 p.m.)

Staff Presentation:

Travis Jockumsen stated this is an EPA mandate regarding the silver fillings being removed by dentists and the need to install a separator filter so the silver doesn't get into the city's sewer system. The city's pretreatment coordinator will check the current businesses for compliance and notify businesses of the changes. New dentists are aware of the mandate and others will be notified. There is a date dental businesses will have to meet the requirement.

MOTION: Councilmember Hulet – To adopt the ordinance amending the various sections of Title 12, Sewer and Wastewater Department, an ordinance of the Payson City Code, to include Section 12.01.231 Amalgam Separator(s) and providing an effective date. Motion seconded by Councilmember Christensen. A roll call vote was taken as follows and the motion carried.

Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Brian Hulet
Yes	-	Doug Welton

E. OTHER

1. Discussion Regarding Storm Drain Issue at 192 North 100 West (7:05 p.m.)

Ed Rutledge stated his main concern is to maintain the value of his property. The natural stream has a certain aesthetic value. He purchased the property in 1997. He has witnessed the flooding problem at 163 West 300 North. The stream comes into his property through a 36-inch culvert and exits through a five-foot culvert with an 18-inch clearance. The hydraulics work, and he has never had a flood on his property. He understood that initially the plan was to entomb the culvert on the southeast side of 192 North all the way down. If the city picks up the water on the west side of 100 West and leaves the natural stream on 192 North, he feels is a benefit to the city. If an owner wants to enclose the stream later, it would be at their cost.

Travis Jockumsen stated staff would like to pipe everything because it's easier to clean and maintain. The city only has a perpetual easement for the culvert so an easement would be required to pipe it through properties. The proposal is to put in a new pipe on the west side of the property to the existing line and then take it into the street. This gets the line out of the back yards. The design is complete, and the next step is getting an engineer's estimate. There is funding in the budget. North of this property, it goes through the back yards as an open channel. The problem has been with the channel getting plugged and then flooding occurs. This is a liability issue for the city and needs to be put in the city's right-of-way. The property is very flat and the grade of the lots goes from the channel to window wells. The city needs to be able to maintain its infrastructure. There are about 10 residents involved. The budget is about \$250,000.

Councilmember Hiatt would like the residents contacted for input.

Councilmember Christensen stated the other stream in the area runs through his property and wouldn't want his piped because of the aesthetics. If a property owner opts out of having the water diverted, then they take on the responsibility.

Councilmember Welton questioned if it floods again and residents have opted out, then is the responsibility on the city or the resident. He likes open features as well if they can be left open and the city doesn't have a liability.

Councilmember Hulet stated he likes keeping it open as long as the flooding problem is solved.

Travis Jockumsen stated it's difficult if one resident opts out because it still leaves a problem with the other property owners.

Dave Tuckett stated staff was directed to work on the flooding problem. If the council wants staff to look at other ways, staff can do that.

2. Discussion Regarding Transfer of Water Rights (7:21 p.m.)

Dave Tuckett stated developers are required to transfer water to the city for development for drinking water and irrigation water. The city has received excess water that developers can purchase from the owner if needed. The Mount Nebo Water Agency has asked cities not to accept water from up north because of concerns with the aquifer having more paper rights than actual water. It has been a conundrum because agency members will accept water from the north but then ask the cities not to do the same. He recently heard that the State might shut down transfers to the south valley. Jim Riley is a water engineer that has consulted with the city on several projects.

Jim Riley stated a study was completed in the 1990's and the U.S. Geological survey went through the entire south Utah valley from Springville south to Santaquin. They looked at the total amount of water getting into the aquifer system, the amount of recharge, and the safe yield of the aquifer. They also looked at where the recharge was coming from. There has been a lot of development since the study. When he worked for the Division of Water Rights, they reviewed the study and the water rights and found no reason to be concerned. Looking at the study today, he sees why there is some concern. The area recharging the Spanish Fork area isn't nearly the recharge as from Salem to the south. Salem south to Santaquin has adequate recharge. Spanish Fork is beginning to experience some drawdown issues because of the non-recharge. The U.S. Geological study also takes water measurements every year. In this area, we are not seeing the water levels drop as other areas. Three or four years ago, a Payson city well was measured at the same level as 40 years ago. He feels the ground water levels need to be monitored in the city's wells to see if there are drawdowns. He would not change the city's position is accepting water. The fact is water is needed for growth. First, the city needs to encourage the water that is on lands be given to the city with development to keep the water that is here. There are priority rights and secondary rights. Priority rights are king when it comes to water rights. The first in time is the first in right. Approximately half of the water in Utah Lake comes from ground water with the remainder from surface water during the runoff season. He discussed the reasoning behind water rights having to be met before an entity can store water in ponds, etc. The city would change the point of diversion when taking these northern water rights. The city needs to plan into the future to have the resources needed. He is not concerned with the southern Utah valley.

Councilmember Hulet stated water is king and can limit any development. If the city has any opportunity to bank water, the city should seriously look at it.

Dave Tuckett stated the Mount Nebo Water Agency includes Spanish Fork, Salem, Payson, High Line Canal, Central Utah Water Conservancy District, Santaquin, Genola, and Goshen Valley Local District (LDS Church). It was organized to ensure the water in the area was put to the best use. The agency has a board meeting next Monday at 7:30 p.m. at the Salem City offices. The city's ordinance requires developers to prove there is not water on the land and that they can't find water before being allowed to purchase this type of water. Payson City was the second in the state to apply to use its sewer affluent and put it into the pressurized irrigation system. The power plant is using most of the city's sewer affluent. He will look at the requests to transfer water to the city.

F. WORK SESSION

1. Villages at Arrowhead Park Located at Approximately 1500 N Arrowhead Trail (7:45 p.m.)

Jill Spencer reviewed the Villages at Arrowhead Park development that consists of 100 acres. The applicant has put together a master plan to include the type of housing, mix of housing, and the property improvements because of the wetlands and creek running through the property. They are ready to move forward with their first phases. They are looking at many different housing products that include single-family, townhomes, 55-plus community, and eight-plex units. They have been working through requirements from the Army Core of Engineers. The applicant looked at future development patterns surrounding the area. The Salem sewer plant is to the north as well as a large development. The Bamberger Ranch Specific Plan densities to the south were also considered.

Dave Gardner stated they annexed the property years ago along with an annexation agreement for a mixed development. The market wasn't right at that time, but now is a good time to proceed with the first phases. The first phase includes single-family and townhomes. Sewer and pressurized irrigation lines will be brought into the site. Future phases would include more single-family, urban townhomes, stacked flats, and 55 plus. Future phases may change because of what the builders want to incorporate. There will be sidewalk on both sides of the public streets. They are looking at 653 units total. Currently the market is stronger for the townhomes.

Councilmember Hulet stated the single-family lots compared to multifamily seems overwhelming. The small lots with small houses in Vineyard has done very well. He is excited for the development but wants to get the right mix. There will be a lot of multi-housing in the area. Going forward he asked if they could add smaller lots in the townhome areas and what amenities were planned.

Dave Gardner stated narrow deeper lots lay out better for the retirement market. They want to hit the young, family market at this time. The original agreement allowed 634 to 840 units so they are on the low end of that range. The ratio of ground to single-family is about 1/3.

Mayor Wright stated he appreciates the flexibility shown with the addition of exits and entries.

Councilmember Welton is concerned with the amount of high-density housing. He understands that it's what everyone wants now but wants to develop around families. He wants Payson to be the destination for families. He is excited for the project to come in.

Dave Gardner stated this is a five-year project and the phases may change according to the market. The products that sell the best will change the layout. The retirement market will be an

overwhelming market that he doesn't want to miss. It will be one large umbrella association with about four smaller associations, which has been done with other projects and worked well. The wetlands areas and trail systems are the amenities. There is no clubhouse or pools. The open space may include gazebos and exercise points. There is a great potential for commercial in this area.

2. Mobile Data Center Located at Approximately 200 S American Way in the Payson Business Park (8:02 p.m.)

Dave Tuckett reviewed the proposal for a mobile data center in the Payson Business Park. The city recently closed on these two lots. The buyer will soon begin a building on the first lot, but would like to have a mobile data center on the second lot for up to three years. They met with the development review committee, and current ordinances don't allow this type of business. Staff thought maybe it could be allowed while they build their building. Some business owners have some concerns because of the design standards they were required to meet. It would use a lot of power. It's a great business, but he's not sure the business park is the best place for it.

Councilmember Hulet stated it's a challenge because of the type of business. He doesn't have a huge problem if they are very temporary and fenced so you can't see them. Temporary for a year while the other building is being built. They look like an ugly container. He questioned collecting property taxes on the equipment or just the land. There needs to be some kind of tax. There needs to be a time frame whether the building is done or not. He questioned the level of sound it makes.

Councilmember Welton stated once the building is done, it would have to go. The city needs to reach out to the business owners for input. It wouldn't look any worse than a building under construction and gone when the building is done so he's okay with that. If the ordinance is changed, then the other businesses could add storage containers.

Councilmember Hiatt stated when the building is done the data center would go. She questioned if there was any other place it could go. The businesses owners will fight back because of the standards they had to meet. This doesn't even closely meet the standards. If the business owners are for it, she is okay with it.

Councilmember Christensen questioned if the timeline could be attached to the building permit. It's interesting it's not pertinent to what is being constructed there so why allow it. He sees it opening up a can of worms and a double standard. They are just trying to utilize a lot they own.

Dave Tuckett stated staff can get more information. The zoning would need to be changed, and the city could receive some calls from the business owners. They were informed that the other businesses had to meet specific standards. This is an accessory use without a main building.

The consensus of the council was to talk to the business owners for their input.

G. ADJOURNMENT TO CLOSED SESSION (8:20 p.m.)

MOTION: Councilmember Welton - To go into closed session to discuss potential litigation.

Motion seconded by Councilmember Hulet. A roll call vote was taken as follows and the motion carried.

Yes - Brett Christensen
Yes - Taresa Hiatt
Yes - Brian Hulet
Yes - Doug Welton

1. Discussion Regarding Potential Litigation

MOTION: Councilmember Welton - To close the closed session and reconvene the council meeting. Motion seconded by Councilmember Christensen. Those voting yes: Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton. The motion carried.

I. ADJOURNMENT

MOTION: Councilmember Hulet – To close the city council meeting. Motion seconded by Councilmember Welton. Those voting yes: Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton. The motion carried.

The meeting adjourned at 9:55 p.m.

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