

1 PAYSON CITY
2 CITY COUNCIL MEETING
3 Payson City Center, 439 W Utah Avenue, Payson UT 84651
4 Wednesday, January 2, 2019
5

6 CONDUCTING Mayor William Wright
7

8 ELECTED OFFICIALS Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton
9

10 STAFF PRESENT David Tuckett, City Manager
11 Mark Sorenson, City Attorney
12 Sara Hubbs, Finance Director/City Recorder
13 Kim E. Holindrake, Deputy City Recorder
14 Travis Jockumsen, Dev. Serv. Director/City Engineer, PW Director
15 Jill Spencer, City Planner
16 Brad Bishop, Police Chief
17 Dona Gay, Library Director
18 Karl Teemant, Recreation Director
19

20 OTHERS Ty Jones – Chamber President, Ben Probst – Gilbert & Stewart CPA,
21 Dave Gardiner
22

23 Mayor Wright called this meeting of the City Council of Payson City, Utah, to order at 6:00 p.m.
24 The meeting was properly noticed.
25

26 A. PRAYER & PLEDGE OF ALLEGIANCE
27

28 Prayer offered by Dona Gay.
29

30 Pledge of Allegiance led by Councilmember Christensen.
31

32 B. CONSENT AGENDA

- 33 1. Approval of the December 19, 2018 City Council and Redevelopment Agency Meeting
34 2. Proclamation – Cowboy Poetry Week
35

36 **MOTION: Councilmember Hulet – To approve the consent agenda.** Motion seconded by
37 Councilmember Carter. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian
38 Hulet, Doug Welton. The motion carried.
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40 C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

- 41 1. Public Forum
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43 No public comments.
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- 45 2. Staff and Council Reports
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47 Staff Reports

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POLICE – Chief Brad Bishop reported the December statistics as 77 arrests, 142 offenses, 96 citations, 114 violations, 982 calls for service, 3 DUI, 172 traffic stops, and 40 accidents.

PUBLIC WORKS – Director Travis Jockumsen stated with the snowfall, the city is about 126% of normal on precipitation and about 98% on snow water equivalent.

LIBRARY – Donna Gay reported the library is closed until January 22. The library is being remodeled with new carpet, paint, and moving a wall.

RECREATION - Karl Teemant reported construction of the pickleball courts continues with the installation of the fence and sidewalks. Registration for tumbling, gymnastics, and dance continues and begins next week. Youth basketball begins Saturday with more registered than last year. The skiing program with Sundance begins this month.

Council Reports

Councilmember Hiatt stated she appreciate the mayor and council for all they do and thanked all the staff.

Councilmember Welton stated he works with really great people and thanked the mayor and council who work well together. January is cold and miserable, but the city should keep the Christmas lights up through mid-January and the darkest part of the year. There are a lot of great people in the community. Someone recently slid off the road and reached out on social media for help. Five to seven residents responded and pulled him out. He asked staff to look into putting up a flashing crosswalk light at the high school because of the busy mornings, which are dark, and the afternoons.

Mayor Wright thanked the city staff and support from the public. He is honored to be the mayor and is looking forward to three more years. He is happy to listen to any views residents want to express. He thanked the council collectively and individually.

Councilmember Carter stated the employees put in a lot of time and effort and do a lot for the city. She is amazed at what Chief Bishop and the police force accomplish each month. She appreciates the employees, mayor, and council. She looks forward to the new year.

Councilmember Hulet stated Payson had a great 2018 year. He thanked the mayor, council, staff, and residents. He appreciates the input from the residents. This will be even a better year with the general and master plan updates. The city had 78 new home permits last year, which is more than ever before and 230 plus housetops including apartments.

Councilmember Christensen stated he appreciates learning, growing, and understanding how a city works. He appreciates the staff who keeps the city looking beautiful. He looks forward to the new year and moving forward.

3. Scout Attendance Certificates

No scouts present.

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4. CTC – Mayor’s Youth Recognition Award (6:13 p.m.)

Kim Lefler and Mayor Wright presented the Mayor’s Youth Recognition Awards to Alyssa Baker, Payson High School, Trista Larsen, Payson Junior High School, and Chezney Ortega, Mt. Nebo Junior High School.

5. Chamber Business of the Month

Ty Jones reported there is no chamber business of the month for January. He is now serving as the president of the Chamber. Doug Tarter is serving as president-elect. He is excited to be working with Payson. The Chamber is setting goals as a leadership and will be reporting more to the Payson Council. The inaugural ball will be held January 24 at the Veterans Memorial with Josh Romney and Lt Governor Spencer Cox speaking. They are working to get the billboard sign changed along I-15.

6. Presentation of Financial Audit for Fiscal Year 2017-2018 (6:33 p.m.)

Staff Presentation:

Ben Probst presented the 2017-2018 annual audit. Their opinion states, *In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Payson City as of June 30, 2018, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.* The city is receiving an unmodified opinion, which is the best opinion that can be received on a financial aspect for the audit. Management’s Discussion and Analysis summarizes the major purchases and a comparable to the prior year. The financial statements combine the general funds and enterprise funds showing the net position of the city. The Statement of Activities breaks down the various funds. The Governmental Funds and Enterprise Funds show the balance sheet reconciling to the Statement of Net Position. The Proprietary Funds includes water, electric, sewer, storm drain, ambulance, and golf. The Statement of Cash Flows shows generally shows the cash being generated by operations. The notes support the documentations. Note 7, Capital Assets, shows an added three-quarters of a million in infrastructure and roads mostly contributed by developers as well as improvements to machinery and equipment. Note 9, Bonds and Notes Payable, shows the pay-off of approximately two million in bonds. The Internal Control Report didn’t show any issues. The duties of the treasurer and utility billing clerk were separated. The State Compliance Report shows a couple of findings including the General Fund exceeded 25% of revenues by about \$400,000. The other finding is with the JP court giving credit in excess without proper support. Most of the city funds are in the State PTIF or Public Treasurer’s Fund, which is the safest and securest for gaining interest at around 3% or 4%. Part of the road maintenance was capitalized and not expensed so it shows less than previous years.

Sara Hubbs clarified there will be a budget amendment to transfer the excess in the general fund to the capital projects. The State PTIF follows the Money Management Act, which is very strict and has to be very safe. The city also invests with Morten Investment Company, which typically outperforms the PTIF. Investment decisions are made by the city treasurer, manager, and finance

142 director. About two years ago, the city hired iWorQ to independently evaluate and review the city
143 roads. The roads were graded and documented through iWorQ to determine the road life.

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145 D. ACTION ITEMS

- 146 1. Resolution - Development Agreement for Peteetneet Cove Subdivision located south of 500
147 North between 400 East and 500 East (6:48 p.m.)

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149 Staff Presentation:

150 Jill Spencer reported there have been a few text changes to the agreement. This development is an
151 infill overlay project next to Barnett Elementary with five single-family homes and four twin homes
152 totaling 13 units. Preliminary and final approval have been given. Changes were made to section III
153 (C) of the agreement regarding phasing for the roadway, improvements, and landscaping. Lots 1, 2,
154 and 5 will have improvements completed prior to the issuance of a certificate of occupancy. Lots 3,
155 4, 6 – 13 require new utilities and roadways with improvements required prior to a certificate of
156 occupancy. Landscaping will be completed prior to the issuance of a certificate of occupancy for
157 each phase. These exhibits will be added to the agreement. Changes to section III (K) clarifies the
158 building height and unit square footage.

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160 Council Discussion:

161 Councilmember Christensen questioned if the developer is responsible for the new walking path and
162 is the path attached to 400 North. The trees are very dense along the creek especially to the south;
163 he would like to see 80% of the trees removed. It is more difficult and expensive to remove the trees
164 once homes are built. He questioned the retention pond.

165

166 Jill Spencer clarified the trail would be installed prior to any certificate of occupancy, which is the
167 responsibility of the applicant and will be deeded to the city. Staff has discussed the connection of
168 the trail to 400 North, which is not the responsibility of the applicant. This was mentioned to the
169 school district at the last quarterly meeting. They are open to the idea but want to walk the area and
170 explore the opportunity. The parks department may be looking at cleaning up the area as a project.
171 Storm water has to be retained on site so the basin is included in the landscape design of the project.

172

173 **MOTION: Councilmember Hulet – To approve the resolution authorizing the mayor to enter**
174 **into a development agreement on behalf of Payson City, between Payson City and the**
175 **developer of the Peteeneet Cove Subdivision with the modifications that have been discussed**
176 **tonight.** Motion seconded by Councilmember Christensen. A roll call vote was taken as follows and
177 the motion carried.

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|-----|-----|---|-------------------|
| 179 | Yes | - | Linda Carter |
| 180 | Yes | - | Brett Christensen |
| 181 | Yes | - | Taresa Hiatt |
| 182 | Yes | - | Brian Hulet |
| 183 | Yes | - | Doug Welton |

184

- 185 2. Preliminary Plan and Final Plat approval of Phases 5, 6, and 7 of Villages at Arrowhead
186 Park, a planned residential development arranged on Utah County Parcel 30:009:0067
187 located west of Arrowhead Trail at approximately 1500 North (7:03 p.m.)

188

189 Staff Presentation:
190 Jill Spencer stated this entire development is approximately 95 acres with about 650 units. Approval
191 has been given for phases 1 through 4. Unique features include wetlands, beer creek channel,
192 extension of city services, temporary lift station, roadway improvements including arterial,
193 coordination with irrigation companies, and coordination with Salem City for future sewer
194 connections and access to local streets. Land use and density includes 85 single-family dwelling
195 lots. Items of consideration include the project layout and design with modified street cross sections
196 over wetlands, recreational vehicle parking and storage included on each lot with a wider garage-
197 side setback, a phasing plan including two points of ingress/egress, housing products similar to
198 phases 1 through 3, amenities including open space areas and a public trails system, compliance
199 with city regulations, and a development agreement. There will be an HOA. Required approvals
200 with the preliminary plan include modifications with project layout and design (density), phasing
201 plan, housing product, amenities and open space, and compliance with city regulations. Staff
202 recommends preliminary and final plat approval contingent upon staff conditions, including
203 modifications to street cross-sections, RV parking and storage on each lot, a development
204 agreement, and an extension of utility services agreement.

205
206 Council Discussion:

207 Councilmember Christensen stated even with the wetlands, the layout looks like it is working
208 toward a grid system.

209
210 Councilmember Welton stated it's important that any future developments use the grid system.
211
212 Mayor Wright stated the grid system will have some limited exceptions because of wetlands, etc.
213
214 Councilmember Hulet asked staff to look at the general plan and other cities regarding RV parking
215 because developers are asking for this modification.
216
217 Councilmember Hiatt stated the landscaping includes sod, and she would like to see sod that doesn't
218 need a lot of water as well as trees and bushes. The more people who come the less water there is
219 available. We are a desert and need to cut back on water use.

220
221 Applicant:
222 Dave Gardner stated their landscape architect is looking at different ways with water conservation.
223 There will be native grasses from the trail to the wetlands area and not a big irrigation system. There
224 will be sod from the trail to the sidewalk so it looks like a park. They are looking at sod that uses the
225 least amount of water. Native trees use less water, but they aren't very good looking and have bark
226 that isn't child friendly. Overall, they are installing landscaping that uses the least amount of water
227 per square foot.

228
229 **MOTION: Councilmember Hulet – To approve the preliminary plan and final plat for phases**
230 **5 – 7 of the Villages at Arrowhead Park with a development agreement and extension utility**
231 **agreement to come later and subject to staff conditions (project layout and design, modified**
232 **street cross-section, recreational vehicle parking and storage, phasing plan, housing product,**
233 **amenities, compliance with city regulations), and the modification of the RV parking and**
234 **wetland crossings, and include findings (subdivision consistent with the annexation**
235 **agreement, specific plan for the North Payson Addition Annexation Agreement. land use and**

236 **development ordinances**). Motion seconded by Councilmember Welton. A roll call vote was taken
237 as follows and the motion carried.

238
239 Yes - Linda Carter
240 Yes - Brett Christensen
241 Yes - Taresa Hiatt
242 Yes - Brian Hulet
243 Yes - Doug Welton
244

245 3. Appointments to the Library Board (7:25 p.m.)

246
247 Dave Tuckett stated the proposal is to appoint Apria Martin and Debra Kelly to the library board.
248

249 **MOTION: Councilmember Welton – To approve the resolution appointing Apria Martin and**
250 **Debra Kelly as library board members on the Payson Library Board.** Motion seconded by
251 Councilmember Carter. A roll call vote was taken as follows and the motion carried.

252
253 Yes - Linda Carter
254 Yes - Brett Christensen
255 Yes - Taresa Hiatt
256 Yes - Brian Hulet
257 Yes - Doug Welton
258

259 4. Resolution – Agreement between Payson City and South Utah Valley Electric Service
260 District regarding the Depot Road (7:27 p.m.)

261
262 Staff Presentation:

263 Dave Tuckett stated staff has been working with the attorneys and have come to an agreement on
264 the line relocation to move the power poles out of the street. The work should be completed by the
265 end of the month.

266
267 Mayor Wright expressed his support for the document. It's not a perfect agreement, but there has
268 been give and take.

269
270 **MOTION: Councilmember Welton – To approve the resolution approving the line relocation**
271 **agreement between Payson City and South Utah Valley Electric Service District (SESD)**
272 **regarding the Depot roadway.** Motion seconded by Councilmember Hiatt. A roll call vote was
273 taken as follows and the motion carried.

274
275 Yes - Linda Carter
276 Yes - Brett Christensen
277 Yes - Taresa Hiatt
278 Yes - Brian Hulet
279 Yes - Doug Welton
280

281 E. OTHER

282 7. Annual Training - Open and Public Meetings Act and Municipal Officers' and Employee
283 Ethics Act (7:29 p.m.)

284

285 Staff Presentation:

286 Mark Sorenson stated this training is required annually.

287

288 Open and Public Meetings Act:

- 289 • Meetings are to be open to the public with deliberations done openly and by following
290 certain rules.
- 291 • Notices are posted on the State public notice website and in the city offices. An emergency
292 meeting still requires the best possible posting.
- 293 • All meetings (open meetings, work sessions, closed meetings, emergency meetings) require
294 minutes and a recording. There are certain requirements to enter a closed meeting including
295 a 2/3 vote and a specific purpose as outlined in state law. Closed meetings are not open to
296 the public and the minutes and recording cannot be GRAMA requested. No action can be
297 taken or passed formally in a closed session. Electronic meetings can be held with members
298 present via telephone. A gathering that has not been called as a meeting, even with a quorum
299 present, is not a meeting; and city items should not be discussed.
- 300 • Workshops and fieldtrips are noticed, but no minutes are taken and no actions approved.

301

302 Municipal Officers' and Employee Ethics Act:

- 303 • This covers all elected officers, appointed officers, and employees of the city. It includes
304 standards of conduct and disclosure of actual or potential conflicts of interest between their
305 public duties and their personal interests.
- 306 • A person does not have to recuse themselves but needs to disclose their position. If not done
307 appropriately, it can lead to criminal action.
- 308 • The use of an office for personal benefit is prohibited. A personal benefit is an economic
309 benefit that is tantamount to a gift. The general concept of a gift is something of value. Gifts
310 under \$50 can be accepted. A public award or recognition and a political campaign
311 contribution are okay.
- 312 • Disclosure or improperly providing private, controlled, or protected information to anyone
313 outside the structure of the city for personal gain or the gain of someone else is prohibited.
- 314 • An officer or employee cannot furtherance their personal economic interest or secure special
315 privileges for themselves or others. A personal or economic interest needs to be disclosed.
- 316 • Disclosure is done through a sworn statement provided to the mayor and kept by the city
317 recorder. These records are open to the public. Disclosure is then needed during the open
318 meeting if there is an interest being discussed. Any conflict of interest needs to be disclosed.
319 A person disclosing does not have to recuse himself or herself during an item of discussion
320 but may choose to do so. Disclosure forms are available for updating.

321

322 ADJOURNMENT TO CLOSED SESSION (7:50 p.m.)

323

324 **MOTION: Councilmember Hulet - To go into closed session (sale of real property).** Motion
325 seconded by Councilmember Welton. A roll call vote was taken as follows and the motion carried.

326

327 Yes - Linda Carter

328 Yes - Brett Christensen

329 Yes - Taresa Hiatt
330 Yes - Brian Hulet
331 Yes - Doug Welton

332
333 Discussion Regarding Sale of Real Property

334
335 **MOTION: Councilmember Welton - To close the closed session and reconvene the council**
336 **meeting.** Motion seconded by Councilmember Hulet. Those voting yes: Brett Christensen, Taresa
337 Hiatt, Brian Hulet, Doug Welton. The motion carried.

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339 F. ADJOURNMENT

340
341 **MOTION: Councilmember Hiatt – To adjourn.** Motion seconded by Councilmember
342 Christensen. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Doug
343 Welton. The motion carried.

344
345 The meeting adjourned at 8:00 p.m.

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348 _____
349 Kim E. Holindrake, Deputy City Recorder