

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, September 18, 2019

CONDUCTING Brian Hulet, Mayor Pro Tem

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

EXCUSED Mayor William Wright

STAFF PRESENT David Tuckett, City Manager
Mark Sorenson, City Attorney
Kim E. Holindrake, City Recorder
Jill Spencer, City Planner
Daniel Jensen, Planner II
Karl Teemant, Recreation Director

OTHERS Ryan Gledhill – Intermountain Nutrition CEO, Jeff Southard

MOTION: Councilmember Christensen – To appoint Brian Hulet as Mayor Pro Tem in the absence of the mayor. Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton. The motion carried.

Brian Hulet, Mayor Pro Tem, called this meeting of the City Council of Payson City, Utah, to order at 6:00 p.m. The meeting was properly noticed.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Jacob Grant.

Pledge of Allegiance led by Thatcher Simmons.

B. CONSENT AGENDA

- Approval of the August 28, 2019 Special City Council Meeting
- Approval of the September 4, 2019 Regular City Council Meeting
- Resolution – Statewide Utility License Agreement (non-interstate) with the Utah Department of Transportation

MOTION: Councilmember Carter – To approve the consent agenda. Motion seconded by Councilmember Christensen. A roll call vote was taken as follows and the motion carried.

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

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50 C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

51 1. Public Forum (6:03 p.m.)

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53 No public comments.

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55 2. Staff and Council Reports

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57 Staff Reports

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59 RECREATION – Director Karl Teemant reported the pool is being winterizing along with
60 preventative maintenance. The lap pool will be covered shortly. Soccer and tackle football are
61 wrapping up. Youth flag football starts next week. Adult basketball and volleyball will begin soon
62 as well as youth basketball.

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64 Council Reports

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66 Councilmember Welton thanked those who attended the Meet the Candidates night last night, and
67 welcomed the youth at the meeting tonight.

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69 Councilmember Carter thanked the chamber for the Meet the Candidates night last night.

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71 Councilmember Hulet stated the golf event on October 2nd has 27 teams signed up.

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73 Councilmember Christensen enjoyed the Meet the Candidates night last night. There was a situation
74 or falling out in the public as the city tries to encourage businesses and shop local that was seen by a
75 lot of people. We always need to remember that people are watching and to keep our best foot
76 forward.

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78 3. Scout Attendance Certificates

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80 No scouts present.

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82 D. ACTION ITEMS

83 1. Resolution – Deferral agreement for Intermountain Nutrition located at 1851 West 200
84 South (6:08 p.m.)

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86 Staff Presentation:

87 Daniel Jensen reviewed the deferral agreement for Intermountain Nutrition, which is an existing
88 building. The business has been in operation for quite a while and wants to add a building. The
89 addition triggers the installation of sewer, pressurized irrigation, curb, gutter, and sidewalk. The
90 culinary water is connected and extends all the way across the frontage. The property is currently
91 serviced with a septic tank. The sewer is a half mile away beyond the railroad tracks, and the
92 pressurized irrigation is 180 feet away. The agreement does not defer curb, gutter, and sidewalk.
93 The applicant is requesting the deferral mainly because of costs. The new building requires an
94 upgrade to the septic system, which is approved through Utah County.

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96 Applicant Presentation:

Ryan Gledhill stated they are proposing to build a 42,000 square foot warehouse building with bathrooms to replace the 65 trailers on property used for storage. In the past seven years, the business has moved five times, and they don't want to move again. The business has grown from 80 employees two years ago to 200 employees and expect an additional 100 employees by next year. A Utah County representative came out to the property two months ago to see the new septic system location, and he didn't see any issues. An application has been submitted to Utah County for the new septic system. Water usage won't change significantly with the additional number of employees, but additional water is being used to produce new products. The old septic tank will remain in place to service the bathrooms up front. The cost to bring the sewer out would be three million dollars so it would be cheaper to relocate to a different city.

Council Discussion:

Councilmember Christensen questioned the sewer issue because a ½ mile is a long way and he understands the cost is prohibitive. He would like to have an answer from the county before approving the deferral agreement. The sewer line runs parallel to the property so costs could be reduced. He questioned the applicant if this could be tabled in order to compare the costs of installing the sewer and a new septic system. He doesn't want the business to leave town and wants to do what is best for everyone.

Councilmember Hiatt stated when she spoke to the Utah County representative last week, she understood the old septic system would have to be removed. The business produces waste with too much BOD so it has been hauled away. The liquid with the BOD is going into the ground and polluting the ground. She questioned how this will be prevented. The Utah County representative suggested a pretreatment system, which has to go through the state. She agrees the County needs to take action; the city needs some really good reasons to pass this agreement. There has already been one deferral. The city's development engineer is willing to sit down with the applicant to determine the best location for the sewer because there are three different locations. Patterson Construction and other property owners in the area may be interested in the sewer line for development. Passing this agreement sets a precedence. She would like to table the item.

Councilmember Hulet suggested extending the pressurized irrigation system so it can be used for landscaping instead of the culinary water. He would rather have a new building than trailers. The septic system is between the business owner and the County. Until the general plan is done, which is months out, the city doesn't know where the sewer needs to go and sizes. Intermountain Nutrition is a great business in Payson. The city needs to be proactive in making businesses work. The additional building is just a warehouse with bathrooms. The business owner is planning another future expansion for manufacturing and that is when the sewer will happen.

Ryan Gledhill stated he is not sure if soil samples have been taken. He agreed the pressurized irrigation could be extended because it's only 180 feet away. Their biggest issue currently is timing. It would take quite a bit of time to get the property owners together and determine costs, which is a significant investment.

Mark Sorenson stated the agreement is contingent upon a decision from the County. The city is not restricted if it continues to defer, and he isn't aware of anything with the city that doesn't allow it.

Councilmember Carter agrees with Mark Sorenson. It's the county's decision and the time frame.

Councilmember Welton stated nothing moves forward without the approval of the County. The sewer master plan is months away and will allow better planning. He understands Councilmember Hiatt's concerns, but the septic system is a County decision.

Ryan Gledhill stated he would rather have sewer, but it is 100% about the cost, which is the obstacle. He is willing to work with the surrounding property owners over a period of time, which will take months and months. He is unable to bear the cost of the sewer line on his own. They are desperate to move forward. Payson has been fantastic to them, and he wants to stay in Payson.

MOTION: Councilmember Welton – To approve the (resolution) deferral agreement between Intermountain Nutrition and Payson City and the pressurized irrigation will not be deferred. Only the sewer is deferred and is contingent upon county approval. Motion seconded by Councilmember Carter. A roll call vote was taken as follows and the motion carried.

Yes	-	Linda Carter
Yes	-	Brett Christensen
Yes	-	Brian Hulet
Yes	-	Doug Welton
No	-	Taresa Hiatt

2. Vacation of a portion of G Madson Estates Subdivision, Plat B, including utility easements and creation of G Madson Estates Subdivision, Plat C, located at 463 East 100 North and 123 North 500 East (6:41 p.m.)

Staff Presentation:

Daniel Jensen stated this amendment includes the vacation and re-establishment of easements as well as a cross access easement. The property is in the Central Commercial Zone with a medical office and reception center. A portion of lot 3 is now owned by the reception center, which was an improper division of land. All the property owners have signed so the public noticing isn't required.

MOTION: Councilmember Christensen – To vacate a portion of the G Madson Estates Subdivision, Plat B, including utility easements and create G Madson Estates Subdivision, Plat C. Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton. The motion carried.

3. Ordinance - Proposed amendments to Title 19, Zoning Ordinance (6:46 p.m.)

Staff Presentation:

Daniel Jensen stated the key points to the senior housing overlay ordinance includes deed restricted 55+ as an overlay, project acreage of 2.5 to 5 acres, a maximum of 30 units per acre, allowable in the PO-1 Zone, parking ratio of 1.4 stalls per unit, maximum building height determined with overlay, possible RV storage requirements, architectural design consistent with the RMF Zone along with the overlay, and unified ownership. The overlay is tied to the project. As far as zoning, staff looked at other zones in general, and other commercial zones would work. The planning commission felt the ordinance could be amended to allow the overlay in the GC Zone. The PO-1 Zone is by other medical facilities, which make sense for a 55+ community. This is not a zone change but an overlay. Also, the special needs housing ordinance is for the PO-1 Zone.

Jill Spencer stated the applicant provided the ordinance as a foundation that was used in another city in a commercial zone. Looking to the master plan for the Holdaway property, the applicant has already received the PO-1 zoning. It is also complimentary to the other uses in the PO-1 Zone. The applicant suggested the GC-1 Zone, but the planning commission wanted to work through the PO-1 to see how it works.

Council Discussion:

Councilmember Christensen stated he has concerns with the parking ratio. There is a gray area that some residents under the age of 55 can live there.

Councilmember Hulet stated he prefers the PO-1 Zone and then up zone to the RMF. He spoke to a realtor who has seen complications with a similar project that houses residents who are under the age of 55. The ordinance addresses that no one under 55 can live there.

Councilmember Welton questioned if the city has the right to access their records.

Daniel Jensen stated the project will be deed restricted with one management company so it is easier for the city to get data to ensure the restrictions are followed.

Applicant Presentation:

Jeff Southard stated everyone at the Avalon in Lindon is 55 and over. The federal law says 20% of the units can be rented to residents under the age of 55 in these communities. This ordinance takes the 20% off the table so everyone has to be 55 and over. A rent roll can be provided to identify the age of residents. Parking studies were done with the Lindon project that showed less than one parking stall per unit. It wasn't quite adequate; they needed 1.25 stalls per unit. His proposal requires a minimum of 1.4 stalls per unit. This overlay could be applied to any property in the PO-1 Zone but must be approved by the city.

Daniel Jensen reviewed the business park development zone proposal that includes a side setback transition standard of 25-feet that can be reduced up to 10-feet when the building is at least 100 feet from a primary residential structure. The rear and interior side setbacks are reduced to 10 feet.

MOTION: Councilmember Christensen – To approve the (ordinance) proposed amendments to Title 19, Zoning Ordinance. Motion seconded by Councilmember Hiatt. A roll call vote was taken as follows and the motion carried.

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

E. ADJOURNMENT

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

241 The meeting adjourned at 7:15 p.m.

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Kim E. Holindrake, City Recorder

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