

PAYSON CITY
COUNCIL MEETING AND WORK SESSION
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, February 5, 2020

CONDUCTING William R. Wright, Mayor

ELECTED OFFICIALS Brett Christensen, Taresa Hiatt (6:00 p.m.), Brian Hulet, Doug Welton,
William R. Wright

EXCUSED Linda Carter

STAFF PRESENT David Tuckett, City Manager
Mark Sorenson, City Attorney
Kim E. Holindrake, City Recorder
Brad Bishop, Police Chief
Travis Jockumsen, City Engineer/Public Works Director
Jill Spencer, City Planner
Ron Crump, Electrical Superintendent
Kim Lefler, Communities That Care Coordinator
Scott Spencer, Fire Chief
Karl Teemant, Recreation Director
Kent Fowden, Streets/Landfill/Storm Superintendent

OTHERS Jeremy Miller, Shana Wood, Jody Mitchell – Chamber, Kregg Chidester,
Grant Leavitt, Ann Humpherys – Library Board Chair, Mackenzie
Monthey – UAMPS, Reece DeMille – Republic Services,

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at
5:15 p.m. The meeting was properly noticed.

A. WORK SESSION

1. Discussion/Review of Economic Development Strategic Plan

Councilmember Hulet presented an update on economic development regarding construction value and comparisons between local cities. Housing units in 2019 included Payson 314 units, Santaquin 184 units, Salem 97 units, Spanish Fork 268 units, and Springville 92 units. Building permit values included Payson \$61,460,000, Santaquin \$56,080,000, Salem \$46,936,000, Spanish Fork 149,358,000, and Springville \$45,929,000. added to Payson. Commercial values included Payson \$5,669,000, Santaquin \$7,741,000, Salem \$313,000, Spanish Fork \$61,710,000, and Springville \$14,338,000.

TOD's Working Group includes MAG, Payson City, Church of Jesus Christ of Latter-Day Saints, Mountainland Technical College (MTECH), Utah Valley University (UVU), UTA, UDOT, Nebo School District, and land owners. This group has met twice.

- The MTECH building rendering is about 100,000 square feet and includes diesel, automotive, welding, classrooms, etc. They went to the Legislature this year for funds for the first building. The building could go up in about 1 to 1.5 years.
- Utah Valley University is finalizing the land survey and plan to purchase the property this spring. MTECH is working with UVU for classes this fall to have a presence. Classes can be held at the high school or an elementary school.
- An RV dealership has looked at land in Payson. The Economic Board looked at using “Adventure Land” for different types of recreational vehicle dealerships in one area.
- An auto mall was discussed previously.
- A company is looking at a Hilton, Marriott, or Wyndham with 120 beds, convention space, and restaurant. Another company is looking at a Comfort Inn with 80 beds, convention space, and restaurant. Both have had some difficulty getting a restaurant on board.
- The president of Smiths was here about two weeks ago and discussed a Smith’s Marketplace. They will at least remodel the current store. The Kroger representative is coming out next month.
- Entities such as Smiths and Home Depot encompass about a three-mile area, but Payson draws in as far south as Delta and Manti. This trade area draws a current population of 184,873. An estimated population in 2030 is 300,000. This is a retail gap of \$40,862,522.
- Mayor Wright and UVU have organized groups to work on an indoor rodeo arena. It may include an indoor and outdoor arena, horse stalls, RV park, and veterinary service. They are working on a business plan to make it self-sufficient. The interest is there.
- A motocross track is another possibility. The BLM wants a layout of the proposal. Rocky Mountain ATV working on the layout.
- Downtown Culinary and Arts Program
- The Payson annual golf event will be held October 1, 2020.

Economic Development Strategic Plan - Key Initiatives and Goals

Key Initiative	Goal
Education / Workforce / Employment	Payson is the premier experienced based education hub for South Utah County and Central Utah providing a diversified and educated workforce.
Entrepreneurship / Innovation / Manufacturing	Payson is a vibrant hub for entrepreneurs, innovation and the high-tech manufacturing
Outdoor Recreation, Hospitality & Tourism	Embrace tourism opportunities, community celebrations, recreation businesses, and other activities that allow visitors to contribute to the economic vitality of Payson
Transportation / Infrastructure	Payson will develop mass transit, freeway access, roads and infrastructure to accentuate the education, manufacturing and recreation opportunities available without creating growth gridlock.
Increase Economic Vitality	Payson recruits retail/restaurants to provide a variety of shopping and dining experiences for Payson residence and to provide regional centers for these activities.
Home Town Feel / Downtown Revitalization	Revitalize Payson's downtown to provide a gathering place and keep the hometown feel as Payson grows.
Marketing / Promotion / Friendly Business Climate	Payson is recognized as a destination for prospective businesses and a place for current businesses to thrive while attracting and retaining talent.
Quality of Life	Payson promotes a healthy, active lifestyle.

76 Discussion:

- 77 • The city is being proactive.
- 78 • Install an ATV trail from the city out to West Mountain along with the motocross track. This
- 79 needs to be part of the trails master plan.
- 80 • Establishing ATV trails in Payson Canyon; discuss with the Forest Service. Noise pollution
- 81 would need to be addressed.

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83 B. PRAYER & PLEDGE OF ALLEGIANCE (6:05 p.m.)

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85 Prayer offered by Jeremy Miller.

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87 Pledge of Allegiance led by Councilmember Hiatt.

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89 C. CONSENT AGENDA

- 90 1. Approval of the January 15, 2020, Payson City Council Meeting

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92 **MOTION: Councilmember Hiatt – To approve the consent agenda.** Motion seconded by
93 Councilmember Welton. Those voting yes: Brett Christensen, Taresa Hiatt, Brian Hulet, Doug
94 Welton. The motion carried.

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96 D. PETITIONS, REMONSTRANCES & COMMUNICATIONS

- 97 1. Public Forum

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99 Shana Wood stated she has lived in Payson two years by the high school baseball fields. People use
100 the walking path a lot, and there is a lot of dog poop left in the soccer field, which she has been
101 cleaning up. She asked for a sign stating people are to clean up after their pets. She is willing to
102 restock bags in a stand. She has a dog and doesn't want pets banned from the area.

103
104 Grant Leavitt stated his issue is with the installation of pressurized irrigation meters. The contractor
105 excavated a five-foot by two-foot section of his lawn out. The meter would have fit in the box that
106 was already there. He had an inline shutoff valve and drain line that are now both gone. He
107 connected his system with threaded unions, which are all gone; and the contractor tore out a pipe.
108 The box, line, and filter assembly are a foot further in his yard. The box was not installed deep
109 enough. The contractor poured gravel inside and outside the box and then dumped dirt on the
110 gravel. He would like a councilmember to come take a look at the mess. His daughter has the same
111 issue; there are some real issues.

- 112
113 2. Staff and Council Reports (6:12 p.m.)

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115 Staff Reports

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117 PUBLIC WORKS – Travis Jockumsen stated the snow report includes 95% precipitation, 98%
118 snow water equivalent, and about 40 inches of snow. He will have the water staff look at the
119 pressurized irrigation meter installation issue. Gravel is put under all the boxes, then dirt around,
120 and sod at the end. A larger meter box with two stop and wastes is being installed, which is needed
121 to do work in the box. The placement is as close to the existing box as possible and in easements
122 and right of ways.

POLICE – Chief Brad Bishop reported the January totals included 88 arrests, 142 offenses, 168 citations, 234 violations, 1,088 calls for service, 352 traffic stops, and 22 traffic accidents.

FIRE AND AMBULANCE – Chief Spencer stated in January there were 27 fire calls and 128 medical calls. Community first aid classes continue with great results. The new ambulance will be delivered tomorrow, and then it's about a week to get it in service.

RECREATION – Karl Teemant reported youth skiing finished last weekend and women's volleyball finishes this week. Registration for youth spring soccer has begun, and extreme tumbling and adult coed volleyball are coming up. He is working on getting the ballfields out to bid.

Council Reports

Councilmember Hiatt thanked the road department for keeping the roads clean. She thanked Councilmember Hulet for his work on economic development and keeping the council updated. She thanked the Development Services staff who are working hard with all the new developments and ensuring the city is built correctly. She thanked the department heads for taking care of their employees.

Councilmember Welton thanked the staff for plowing and cleaning the streets, and their early mornings. There were over 300 building permits in 2019; Payson is growing. Warrants were accepted by the state for traffic lights by McDonalds and the road to the LDS temple, which will take time to get funded. People have concerns with beautification in Payson and if ordinances are being upheld. He is a property rights person and doesn't like over policing of private property; but the city needs to look at the ordinances for beautification of the city. He would like a work session to discuss the issue. Service and volunteer work by the beautification committee is up and coming.

Councilmember Hulet thanked all the city staff, they do a great job. Earlier today a work session was held on economic development. The city is working on a strategic plan, which will be part of the master plan. MTECH is looking south near 800 South for a building and went to the Legislature for funding for the first 100,000 square-foot building. Utah Valley University is purchasing 30 acres by the power plant. There are two active groups looking at bringing hotels to Payson along with convention centers and restaurants. The president of Smiths came down and met with officials to try to get a marketplace or upgrade the current store. An RV dealership is looking at Payson. The council is being very proactive to bring in businesses to increase the sales tax base to keep taxes down and build roads.

Councilmember Christensen thanked the road department for snow removal.

Mayor Wright thanked the council for their hard work. The council is trying to do what is best for Payson with resident involvement.

3. Scout Attendance Certificates

No scouts present.

4. CTC – Mayor's Youth Recognition Award

Mayor Wright and Kim Lefler presented Mayor's Youth Recognition Awards to Anthony Payton, Payson High School, Autumn Huntington, Mt. Nebo Junior High, and Ephriam Wilde, Payson Junior High.

5. Chamber Business of the Month

Jody Mitchell announced Parkway Health and Rehab as the Chamber Business of the Month. Parkway Health and Rehab opened in 2009 to provide skilled nursing care and specialized rehabilitation services on a short and long-term basis. Parkway prides itself in being ranked among the best facility in the industry. Parkway is proud to be part of Payson City and its vision of the future. Gregg Chidester stated they are proud to be part of such a great community and provide the best care possible in a wonderful setting.

6. Presentation by the Library Board (6:35 p.m.)

Ann Humpherys reported on the state of the library.

- Bad libraries build collections, good libraries build services, great libraries build communities – R. David Lankes. Great libraries build communities because they see the library itself as a collection. It is a place where individuals, businesses, and the community explore those collections, connect with the services, and others in the community. By doing this they create new knowledge, share knowledge, build a community, and solve problems, which makes the whole community great.
- 2019 was a great year for the library including the new teen room and library renovation. Every square inch of the library is being used.
- Payson Friends of the library became a 501C organization, which took eight years. A big thanks to Dave Johnson.
- The new tween night has been an amazing success. They planned for 30 and almost 90 kids showed up, which shows a need in the community.
- Payson Friends purchased 1,000 shirts for the 1,000 books before kindergarten award. There were 21 shirts given in 2019.
- Library activity over time includes downloadable collection items, total physical library collection, program attendance, computer/internet usage, and circulation.
- Circulation over time includes the digital collection, children's collection, and physical collection. From 2018 to 2019, there was a significant increase overall.
- Circulation of KITs over time included a grant that was received for community adventure kits, digital kits, discovery kits, chromebooks, and hotspots.
- Computer and internet usage increased in 2018 and 2019 with those actually sitting in the library and doing productive work.
- Programs attendance has increased considerably such as story time and the tween night. The library has on average six programs per week. Activities include literacy for all ages, youth education and social development, and community building.
- OverDrive is the state online library. The state library has been paying for this program but as of last year need the city libraries to contribute. The city cost for 2019 was just under \$2,500.
- Action items:
 - Library activity is increasing so they are asking for the children's librarian to be fulltime and to increase the library hours from 54 to 60 hours per week.

- Budget issues include requests to keep janitorial service, programs, and overdrive/digital books as a separate item as well as an increase for printed materials.
- Identify and procure a site for a new library because of anticipated population growth, the maxed out and land locked current building, and to find a central location with the master planning.
- A grant for \$56,000 was submitted for a radio frequency identification system and half was received. They would like the city and possibly library friends to help with the remaining funds. The system is user friendly and helps the staff and patrons, prevents theft, and gives an accurate count of patrons to the library.

Discussion regarding a future location for the library, keeping it in the downtown area, the city-owned parcel by Memorial Park, and near Peteetneet.

Councilmember Welton stated the Library Board is fantastic and does an amazing job. Libraries are the root of the community. When you hang out together, talk together, create together, and learn together, you create a community. More and more libraries are becoming community centers. He questioned if impact fees were discussed with upgrading the library.

7. Presentation by Utah Associated Municipal Power Systems (UAMPS) (7:08 p.m.)

Ron Crump stated currently UAMPS offers three programs to residents. He asked UAMPS to present the other programs available if the city is interested. Currently the city spends \$5,000 to \$7,000 per year, which can be addressed in the budget process.

Mackenzie Monthey stated the current programs include the home energy savings program (appliances), cool cash program (central air conditioning), see “ya” later refrigerator program (refrigerator recycling), and commercial lighting program. The home energy savings rebate program includes clothes washer \$50, dishwasher \$20, refrigerator \$100, freezer \$20, lighting fixtures 50% of cost of fixture or up to \$10 with a limit of 12 per household, electric water heater \$50, portable evaporative cooler \$50, and room air conditioner \$20. Cool cash rebate program includes central air conditioning for the resident as well as the installation company, evaporative cooler rebate, ductless heat pump, heat pump, gas furnace, and smart thermostat. Payson City participates in the central air conditioning rebate, evaporative cooler rebate, and refrigerator recycling program. The commercial lighting rebate program includes incentive amounts between \$0.25 to \$125.00 per fixture, which is billed through the UAMPS monthly bill to Payson City. Future rebate programs could include EV charging stations, SMART tankless water heater, and WEMO plugs. UAMPS can tailor programs to meet the city’s needs by adjusting rebate amounts and offering advertising materials such as magnets, pamphlets, flyers, and social media posts for city uses. She will check into a house fan program.

The council would like to see information provided in the city newsletter and on social media.

8. Discussion regarding recycling (Republic Services) (7:25 p.m.)

Dave Tuckett stated the city contracted with Republic Services, who has been great to work with over the years. The contract put the risk on Republic to pay for and receive funds for the materials. No one foresaw the recycling market tank; it has become expensive. The contract goes for another couple years. Some cities with recycling have stepped up to pay for the tipping fees.

Reece DeMille stated when they bid on the service, there was no rebate or risk on the commodity value. They felt it was a wash and made their proposal on that premise. Since then, they are charged \$100 per ton to dispose of recycling. The issue has been the down market so processing the material is upside down. It was an unforeseen issue, and they are absorbing every penny of that \$100. He is asking if Payson is willing to alleviate some of the \$100 cost. Payson does 35 to 40 tons per month, which is up to \$4,000 per month to dispose. The contract ends June 30, 2021. Republic charges Payson \$7.65 monthly per resident with 44% of Payson's residents currently recycling. Other cities have added \$.65 to \$.85 per home rate and then \$.01 for every dollar under or over the \$100. With 17 months left on the contract, he would like to just split the cost. Many cities charge one rate for two cans whether garbage or recycling. Some cities charge \$10 to \$15 per month to recycle. He requested the issue be addressed fairly quickly; the contract can be amended.

Discussion:

Kent Fowden stated the city is saving about one ton per day with recycling. Recycling was 444 tons the last calendar year. The landfill does about 75 tons per day.

Mayor Wright stated staff can review the issue and make some recommendations.

Councilmember Hulet stated he likes having the option for the city to recycle. It's more and more important to have it available.

Dave Tuckett stated the council will need to decide whether to continue with recycling when the contract comes up. There are residents who like recycling. The city charges an extra \$.50 for overhead and billing, which could be used to absorb the increase. The current recycling fee is \$8.14. Some cities make recycling mandatory.

Travis Jockumsen stated using 37 tons per month, 2,200 customers, and splitting it 50/50, the fee would need to be raised \$.84 per month.

Councilmember Welton stated he has a hard time changing contracts but wants to be good partners. Utilities go up all the time with the consumer price index, utility upgrades, etc. He questioned if it would be better for Payson to opt out completely.

E. ACTION ITEMS

1. Resolution – Development agreement for Ashlee Ridge Subdivision, Plat D (7:47 p.m.)

Staff Presentation:

Jill Spencer stated preliminary plan and final plat approval were given last month for Ashlee Ridge, Plat D. The development agreement will finalize the terms and obligations. Two changes include the name of the developer is Intelegente Vida LLC and on page 3 additional language was included under electrical consideration to be consistent with court proceedings and rulings between Payson and SESD.

MOTION: Councilmember Hulet – To approve the (resolution) development agreement for Ashlee Ridge Subdivision, Plat D, with changes presented by staff and recommendations by legal team. 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

2. Resolution – Agreement with Rocky Mountain ATV

Staff Presentation:

Dave Tuckett stated the proposed agreement is for the expansion to the north of Rocky Mountain ATV. Old master plans have shown a road going by their current building; but through reviews, the road will be better further to the north. They are looking for assurance from the city that if they purchase this property, the city will move the road further to the north so it isn't through their property.

MOTION: Councilmember Christensen – To approve the agreement with Rocky Mountain ATV including the resolution. 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

3. Presentation/Resolution/Sale of Property - Central Utah Water Conservancy District, Easement Agreements, and Warranty Deed located at approximately 1255 South and Main Street (7:54 p.m.)

Staff Presentation:

Dave Tuckett stated there are 12 separate easement agreements and one deed for the CUP pipeline. This phase is the Payson Spring Lake Reach. Most of the easements are in the roadway going down the mountain on 700 South and ending toward Spring Lake. The proposal is for the city to donate these easements and the one piece of property for a structure. They will then replace and upgrade many of the city utilities along the way. They hope to put this out to bid this spring and begin construction later in the fall. It will then be a year to complete construction.

MOTION: Councilmember Hulet – To approve the resolution approving and authorizing the execution of twelve donation contract and grant of easement agreements and one warranty deed with the United States of America for construction of the Spanish Fork Santaquin Pipeline through the streets of Payson. 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

F. OTHER

363 1. Annual Training - Open and Public Meetings Act and Municipal Officers' and Employee
364 Ethics Act (8:00 p.m.)
365

366 Mark Sorenson distributed and reviewed the Municipal Officers' and Employee Ethics Act and the
367 Open and Public Meetings Act.
368

369 Municipal Officers' and Employee Ethics Act:

- 370 • This covers all elected officers, appointed officers, and employees of the city. It includes
371 standards of conduct and disclosure of actual or potential conflicts of interest between their
372 public duties and their personal interests.
- 373 • There are two types of disclosure. One, a sworn statement provided to the mayor and kept
374 by the city recorder. These records are open to the public. Second, disclosure is then needed
375 during the open meeting if there is an interest being discussed. Any conflict of interest needs
376 to be disclosed. A person disclosing does not have to recuse himself or herself during an
377 item of discussion but may choose to do so. If not done appropriately, it can lead to criminal
378 action.
- 379 • The use of an office for personal benefit is prohibited. A personal benefit is an economic
380 benefit that is tantamount to a gift.
- 381 • An officer or employee cannot disclose or improperly provide information to further their
382 personal economic interest or secure special privileges for themselves or others. A personal
383 or economic interest needs to be disclosed. Use or attempt to use an officer's or employee's
384 official position for economic interest or secure special privileges, or exemptions is
385 included. Also, knowingly receive, take, solicit, directly or indirectly, personally or for
386 someone else a gift is prohibited.
- 387 • This section does not protect the officer or employee if it is a criminal offense.
- 388 • The Act points out different types of association with the same guiding language such as
389 compensation for assistance in a transaction involving the municipality (written disclosure
390 10 days before transaction), interest in a business entity regulated by the municipality,
391 interest in a business entity doing business with the municipality, and investment creating
392 conflict of interest with duties.
- 393 • Written statements need to be updated and kept current.

394
395 Open and Public Meetings Act:

- 396 • Most of the compliance is done by the city recorder and staff with minutes, notices,
397 recordings, publications, etc. Notices are posted on the State public notice website and in the
398 city offices.
- 399 • Meetings are to be open to the public with deliberations done openly and by following
400 certain rules.
- 401 • All meetings (open meetings, work sessions, closed meetings, emergency meetings) require
402 minutes and a recording. A chance social gathering is not a meeting even with a quorum
403 present, and city items should not be discussed. Discussing and deliberating city business at
404 a conference probably isn't appropriate. Workshops and fieldtrips are noticed, but no
405 minutes are taken and no actions approved.
- 406 • Closed meetings are not open to the public but must begin in an open meeting. There are
407 certain requirements to enter a closed meeting including a 2/3 vote and a specific purpose as
408 outlined in state law. The minutes and recording of a closed meeting are sealed and cannot
409 be GRAMA requested. No action can be taken or item passed formally in a closed session.

Participants in a closed session are not to discuss the items with others outside the closed meeting.

- If there are violations of the Act, the city has an ethics review panel that was created through an interlocal agreement to address the issue.
- Transmitting an electronic message to other members of the public body when not in an opening meeting is not restricted, but such transmissions are considered public records.

G. ADJOURN TO CLOSED SESSION (8:25 p.m.)

MOTION: Councilmember Hulet – To go into closed session. 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

1. Discussion regarding reasonably imminent/pending litigation

H. ADJOURNMENT OF CLOSED SESSION

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

I. ADJOURNMENT

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

The meeting adjourned at 9:50 p.m.

Kim E. Holindrake, City Recorder