

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, September 2, 2020

CONDUCTING William R. Wright, Mayor

ELECTED OFFICIALS Brett Christensen, Linda Carter, Taresa Hiatt, Brian Hulet, Doug Welton,
William R. Wright

STAFF PRESENT David Tuckett, City Manager
Cathy Jensen, Finance Director
Kim E. Holindrake, City Recorder
Brad Bishop, Police Chief
Nestor Gallo, Development Services Director
Travis Jockumsen, Public Works Director/City Engineer
Scott Spencer, Fire Chief
Jill Spencer, Planner
Karl Teemant, Recreation Director
Dona Gay, Library Director
Judge David Dahlquist
Jake Terry, Police Officer

OTHERS Michelle Lines – Chamber, Ann Humpherys – Library Board, Emily
Edman, Brian Hansen, SueAnn Larson, Scott Fregonese – Fregonese
Associates, Violet Brown – Fregonese Associates, Aaron Wade – Gillmore
& Bell, Joe Spencer

A. CALL TO ORDER

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at
5:00 p.m. The meeting was properly noticed.

B. ADJOURN TO CLOSED SESSION (5:00 p.m.)

MOTION: Councilmember Christensen – To adjourn to closed session. Motion seconded by
Councilmember Carter. A roll call vote was taken as follows and the motion carried.

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

1. Purchase, exchange, sale, or lease of real property

C. ADJOURNMENT OF CLOSED SESSION

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

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

Prayer offered by Doug Welton.

Pledge of Allegiance led by Brett Christensen.

E. CONSENT AGENDA

1. Approval of the August 19, 2020 City Council Meeting Minutes

MOTION: Councilmember Welton – To approve the consent agenda. Motion seconded by Councilmember Christensen. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Doug Welton. The motion carried.

F. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

No public comments.

2. Staff and Council Reports

Staff Reports

POLICE – Chief Brad Bishop reported the August stats with 91 arrest, 165 offenses, 138 citations, 188 violations, 1,068 calls for service, 2 DUI's, 160 traffic stops, and 39 traffic accidents. There were a couple of unfortunate accidents recently. One with a skateboarder that was critically injured and passed away and one with a motorcyclist who passed as well. They were both adults, and neither of them were wearing helmets. The Utah County Major Crimes Team in August seized 66.97 pounds of methamphetamine, .29 pounds heroin, 3.51 pounds marijuana, 311 dosage units of edibles, 2 grams of DAB, 49 doses of prescription drugs, 14 illegal guns, and \$4,348 in cash.

RECREATION – Karl Teemant reported fall gymnastics, dance, and cheer began. Next week tumbling and parkour begin. Soccer begins this week with a number on the waiting list. There is a baseball tournament this weekend. Tackle football is moving forward. The pickleball tournament is almost full with 94 out of 98 teams. The 5K & 10K races are small. The pool is open on the weekends.

FIRE AND AMBULANCE – Chief Spencer stated they are busy with ambulance and medical calls, structure fires, and false alarms. There have been several fires up the canyon and illegal camp fires. There were a couple wildland fires at Lincoln beach, which were stopped before going up the mountain. They are preparing for Onion Days and the fireworks.

CHAMBER OF COMMERCE – Michelle Lines stated the major fund raiser was cancelled this year because of COVID. As an alternate, they held a pickle ball tournament that was successful with people participating from Logan to St George.

Council Reports

Councilmember Hiatt thanked the staff; they are all awesome.

Councilmember Welton reported Onion Days is this weekend and hopes everyone attends. He gave a shout out to Janeen Dean who does an amazing job. It's been difficult with all the COVID changes and making sure Payson has a celebration. The fireworks are on Friday. A shout out to all the city employees. He thanked Dave Tuckett who deals with the incredible city growth and COVID issues. He is grateful for the council members who don't always see eye to eye but have a great working relationship. It has been a really good experience. This is a great town, residents, and employees. He is proud and happy to live in Payson.

Mayor Wright echoed everything from Councilmember Welton. He enjoys and appreciates Dave Tuckett. It is a challenging time to be the mayor and on the council. It's a pleasure to be a part of the future of Payson City.

Councilmember Carter thanked the employees who are so pleasant and friendly. She has lived here all her life and loves Payson City. She spoke to a visitor who was interested buying a house in Payson who loved the feeling of the city. She thanked Janeen Dean for the nice Labor Day Celebration.

Councilmember Christensen thanked Dave Tuckett and employees.

3. Scout Attendance Certificates

No scouts present.

4. Presentation of New Officers – Oath of Office (6:25 p.m.)

Judge Dahlquist administered the oath of office to Officer Jake Terry.

5. Chamber Business of the Month

Michelle Lines announced the September Chamber Business of the Month is Nebo Comfort owned by Robert and Lorene Moore. Lorene stated it is a blessing to be part of the community, and they love to give back a little to this great community.

G. ACTION ITEMS

1. Resolution - Appointment of Library Board Member (6:33 p.m.)

Presentation:

Ann Humpherys stated Steve Southwick is moving from the area. He has made a mark on the community, and the community is better for his presence. She proposed Emily Edman to fill the vacancy on the Library Board.

Emily Edman stated she has been thrilled to be a part of the community since 2004. She loves Payson and the people. This position will enhance her experience here in Payson.

MOTION: Councilmember Welton – To accept the resolution. Motion seconded by Councilmember Carter. 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

2. Ordinance – Regarding updates to the General Plan, Strategic Plan, and Master Plans (6:36 p.m.)

Staff Presentation:

Jill Spencer stated she gave a good overview at the last meeting. The direction of the council was to get information out to the public. An email blast was sent to residents and property owners who registered on the project website, which some feedback was received. The Parks and Recreation section is not included but almost complete.

Mayor Wright stated the public hearing was held two weeks ago, but he understands there may be some who would like to address the council.

Public Comments:

Brian Hansen stated he is concerned that his property by Spring Creek will be industrial, which is a very wooded area. There is no transition between industrial and residential. He understands increasing the tax base, but there is a better way. Most industrial businesses don't use the railroad systems. His property needs to be residential and a park/trails system. He encouraged the council to revisit this area and put industrial properties close to the interchanges.

SueAnn Larson stated the railroad tracks should be the natural separation between industrial and residential.

Jill Spencer noted the Hansen property is located on the north and south side of Utah Avenue along the railroad tracks. Through the General Plan process, it was determined that more industrial area was needed to support jobs. The natural feature of Spring Creek could be used as a separation between land uses. If this area is removed, then additional industrial areas could be identified elsewhere.

Council Discussion:

Councilmember Hulet stated he is ok with the change of Spring Creek as a natural dividing line on the south side; 20 acres won't make a difference. He likes having the railroad access because Payson still gets a few requests for information asking for railroad frontage accessibility. He reviewed several concerns in the proposed General Plan.

- Chapter 1 talks about the Utah Valley University campus. MTECH needs to be mentioned also.

- Page 2, paragraph 2 states “this plan is an advisory guide” and then states “unless it conforms to the current general plan”. He questioned how it can be an advisory guide and then required to conform. The general plan map shows general lines not specific lines.
- Page 25 addresses housing, affordable housing, and higher density. It needs to mention executive housing, which is only mentioned on page 154. The City needs more executive housing, and it needs to be more prominent.
- Page 55 talks about nurseries in Payson Canyon and may be an error.
- Page 59 identifies the wrong spot on the map. Low density between commercial and industrial doesn’t make sense on the north along the Benjamin exit. He would continue commercial and industrial with housing along the transit-oriented development (TOD). Below the south TOD at the frontage roads to the interstate, discussions included making this retail or commercial.
- Pages 70 and 77 address water needs but don’t mention the CUP with pressurized irrigation and should be addressed.
- Page 87 shows existing trails with a trail up P mountain.
- Page 91 the map numbers are shifted as well as on other maps.
- Page 148, section 7.3 talks about infill and density bonuses. It’s really tough to do density bonuses with infill.

Councilmember Hiatt agreed with the railroad tracks as the separation for the Larson property. The General Plan is a guide to help with growth.

Councilmember Christensen is concerned with infill because of the load on infrastructure, and it takes away the small-town feel. He likes revitalizing areas but wants to encourage responsible infill.

Councilmember Welton stated a density bonus should be used in an effort to create a larger park. Bonus means the city is getting something. He remembers discussions to create another large park like Memorial Park. Page 120 references the city is roughly 75% single family and 25% mixed use and high density. He questioned if the general plan update keeps a similar ratio.

Jill Spencer stated the issue on Page 2 is a conflict in Utah State Code; staff and the consultants can look at the context of the State Code. There is a land use task force with the Utah League of Cities and Towns that meets between sessions that can be contacted to address the conflict. The General Plan is an advisory guide, and staff would reflect this in any staff report. The reference to the CUP also needs to be in the master plan. Page 87 shows the Highline Canal Road being used as a trail. One way to accommodate growth is utilizing infrastructure and supporting infill. Infill is a primary component of the General Plan. The number and type of units and required open space is done through a zoning tool. Infill tools are very limited; infill can mean a lot of different things. The reference to a density bonus could be removed. Infill is a legislative decision. Flag lots are eliminating a more appropriate infill development.

Scott Fregonese stated the general plan map is not a regulatory map but a guide; the zone map is regulatory. Following the General Plan update, the city then updates its zone map. When there is a proposal for development, staff reviews the general plan map but then the zone map to what is actually allowed. There is a conflict in Utah State Code.

Dave Tuckett noted the State Code addresses a General Plan may be mandatory or a guide. The General Plan needs to state whatever the State Code section says.

Violet Brown stated the general plan goals are very general and development applications are to further the goals. The code reference on page 2 isn't a mistake. The reference to nurseries was added from work session retreat for agricultural uses in Payson Canyon.

Nestor Gallo noted that the city engineer will evaluate road capacity as well as underground utility capacity with proposed infill development.

Violet Brown noted the statement says "such as density bonuses" and then the city crafts what the city is comfortable with. It encourages building within the existing infrastructure. The council is not obligated to give a density bonus; it's just one option. Density bonuses can be taken out or other examples could be added.

Dave Tuckett suggested adding "etc" after density bonuses.

Scott Fregonese stated an advantage of Payson doing this general plan update is coordinating all the master plans. Infill and new growth were considered in the master plans. The future housing mix is based on a preferred scenario so the housing mix will fall in the high 60% and low 70% of single family. The percentage will lower years and years down the road.

MOTION: Councilmember Hulet – To adopt (ordinance) the updates to the General Plan, Specific Plan, and Master Plans including:

- **add to section 7.3 "encourage responsible infill" and add "etc" or other examples after density bonuses,**
- **fix the map with the numbers in the wrong areas and other places,**
- **change the general plan map to show the area south of Utah Avenue along Spring Creek to low density housing,**
- **add more wording for executive housing in the housing section,**
- **add MTECH to places where Utah Valley University is mentioned,**
- **change the top of the general plan map by the Transit Oriented Development to have commercial and industrial and remove the low density,**
- **add to the general plan map at the south end below the mixed use and the Transit Oriented Development along the frontage road a strip of commercial/retail,**
- **evaluate road and utility capacity in section 7.3,**
- **remove the reference to nurseries in Payson Canyon,**
- **and address the reference to the CUP in water at a future date,**

Motion seconded by Councilmember Christensen.

Discussion regarding the Larson property and the natural divide with Spring Creek and the railroad tracks. Future general plan changes can be made with development requests. The Larson property could be low density.

MOTION AMENDED: Councilmember Hulet – To change the Larson property from industrial to low density. Motion seconded by Councilmember Christensen.

A roll call vote was taken as follows and the motion carried.

Yes - Linda Carter

284 Yes - Brett Christensen
285 Yes - Taresa Hiatt
286 Yes - Brian Hulet
287 Yes - Doug Welton
288

289 3. Ordinances – Regarding updates to the Impact Fee Facilities Plan and Impact Fee Analysis for
290 Sewer, Culinary Water, and Pressurized Irrigation (7:50 p.m.)
291

292 Staff Presentation:

293 Travis Jockumsen stated this was addressed at the last council meeting and tabled because the General Plan
294 was tabled.
295

296 **MOTION: Councilmember Christensen – To accept (ordinance) the updates for the impact fee**
297 **facility plans and impact fee analysis for sewer, culinary water, and pressurized irrigation.**

298 Motion seconded by Councilmember Carter. A roll call vote was taken as follows and the motion
299 carried.
300

301 Yes - Linda Carter
302 Yes - Brett Christensen
303 Yes - Taresa Hiatt
304 Yes - Brian Hulet
305

306 4. Resolutions – Consideration to create Red Bridge Public Infrastructure District No. 1, Red
307 Bridge Public Infrastructure District No. 2, and Red Bridge Public Infrastructure District No.
308 3 (“Proposed Districts”), appointing boards of trustees therefor, approving governing
309 documents for the Proposed Districts, approving interlocal agreements with the City and the
310 Proposed Districts, approving of an annexation area, and all other matters relating to the
311 creation of the Proposed Districts (7:53 p.m.)
312

313 Staff Presentation:

314 Dave Tuckett stated the public hearing was held at the last council meeting and tabled. There are three PID’s
315 and three governing documents. One amendment was made on the definition of municipal advisor today. If the
316 bonding is a private placement, Zions Public Finance can be used for advice. The creation of a PID allows a
317 financing mechanism. The document itself indicates they cannot go out to bond until they have development
318 approval by the City.
319

320 Kim Holindrake stated the three PID’s have been certified and notice was sent to the council.
321

322 Applicant Presentation:

323 Joe Spencer stated the annexation area from PID 1 has grown to 1,005 acres, and is a significant size for other
324 properties to join for sewer access.
325

326 Consultant Presentation:

327 Aaron Wade stated the larger area for PID 1 makes sense because there are a lot of properties that may need
328 access to the sewer line. A property can only be annexed through consent of the PID.
329

330 Council Discussion:

331 Councilmember Hulet stated the sewer trunk line is shown on the map on the east side of the railroad tracks.
332 He questioned if the line could be moved to the west side to make it easier for properties to connect easier.
333

Nestor Gallo stated manholes and casings can be used to connect pipe under the railroad tracks to provide a connection. There is no need to build another pipe on the west side. This is how the outfall line is being designed. He wants to make sure the group understands the PID is a financing mechanism for the construction of the public infrastructure. The approval process is the same as any other application including plan review, meetings, posting a guarantee bond, paying fees, material testing, power fees, conveying water rights, and inspections. It is a project owned by a developer; it's not a capital improvement project done by the City. The developer is responsible for the costs that come with the development project. They are not exempt from these requirements.

MOTION: Councilmember Christensen – To create (resolutions) the Red Bridge Public Infrastructure Districts #1, #2, and #3 and all matters related. Motion seconded by Councilmember Welton. 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

5. Resolution - Award Bid for Hillman Baseball Fields (8:05 p.m.)

Staff Presentation:

Dave Tuckett stated the City has been working on these fields for a long time. The bid was put out in pieces because of unknown funding. The bids ranged from \$12 million to \$8.559 million, which was the low bid. The City appropriated 5.5 million in the current budget, which included 1.5 million from Woodbury, a 2 million advance from the gravel pit royalties, and 2 million from the City. This left the funding short. He proposed borrowing 2 million from the Redevelopment Agency (RDA) funds. There is a revenue stream to pay it back as the pit area/old fields are developed, which will end up being 2.5 million. Some funding was included from impact fees for lights on two fields and upsizing the storage facility from 2 to 3 bays. Also, Mayor Wright has talked with businesses to give a cash donation of \$3,000,000 to have a field named after them, which hasn't been included at this time. Any donations would require a budget amendment and should be used before borrowing from the RDA. The recommendation is to award the bid to Kenny Seng in an amount not to exceed 8.1 million. Staff will then work with Kenny Seng to see if the entire project can be done. If needed, the storage facility could be postponed.

Mayor potential for about \$900,000.

Council Discussion:

Councilmember Christensen stated six fields are what the public wants, and the City shouldn't cut itself short.

Councilmember Welton questioned encumbering the RDA funds if it is needed for something else.

Cathy Jensen stated the RDA has an annual obligation to Walgreens through the RDA.

Councilmember Hulet stated there have been discussions to use RDA funds to help with the downtown and purchasing buildings. There was a discussion about a maker space with the MTECH development. His biggest concern is using the RDA funds and not having funds for economic

development. He questioned if the City could bond and pay the RDA funds back if the RDA funds were needed elsewhere.

Dave Tuckett noted there is an RDA property under contract for 2 million that is associated with the PID project. The three lots east of Walmart are also under contract for \$300,000 and should close in 30 days. The City could do a sales tax bond to repay back the RDA or do a project. The City can pay back with excess funds at the end of the budget year.

Cathy Jensen noted the biggest source in fund balance is utility tax, which currently has about 13 million but other funds roll in and out. It depends on how conservative city council wants to be.

MOTION: Councilmember Christensen – To (resolution) award the bid for the Hillman Baseball Fields to Kenny Seng Construction not to exceed \$8.1 million. Motion seconded by Councilmember Carter.

Discussion about borrowing from the RDA and how it is paid back.

MOTION: Councilmember Christensen – The funding will be distributed as outlined and based on the presentation by Dave Tuckett and when the three lots by Walmart sell, the funds will pay back the RDA. Motion seconded by Councilmember Carter.

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

6. **Resolution – Emergency Watershed Program Funding** (8:22 p.m.)

Staff Presentation:

Dave Tuckett stated the Emergency Watershed Program funds are to pay for flooding projects to help with future flooding issues related to the wild fires. The projects went to bid through Utah County as the administrator. The bids came in lower than expected. Payson City projects include the diversion structure by Maple Dell that was washed out and culvert upgrades. The bid come in at 1.1 million with the City responsible for 25%, which is about \$300,000 and isn't in the budget. The State of Utah also contributed funds, which will cover the city's match. There may be some cost overruns that the city may need to cover.

MOTION: Councilmember Hulet – To approve (resolution) the Emergency Watershed Program funding. 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

431 Yes - Doug Welton

432

433 H. ADJOURNMENT

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

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439 The meeting adjourned at 8:30 p.m.

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Kim E. Holindrake, City Recorder