

PAYSON CITY
CITY COUNCIL MEETING AND WORK SESSION
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, September 16, 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
Scott Spencer, Fire Chief
Jill Spencer, Planner
Kevin Stinson, Administrative Assistant
Janeen Dean, Community Events Coordinator
Karl Teemant, Recreation Director
Ruthie Pedregon, Victims Advocate

OTHERS Erik Humpherys, Jeff McGees – White Horse Development

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at 6:05 p.m. The meeting was properly noticed.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by William Wright.

Pledge of Allegiance led by Taresa Hiatt.

B. CONSENT AGENDA

1. Approval of the September 2, 2020 City Council Meeting Minutes

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

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

Erik Humpherys stated he is from Take Action for Freedom and distributed a declaration to the City Council regarding the termination of the state of emergency by the people of Utah.

2. Staff and Council Reports (6:10 p.m.)

Staff Reports

POLICE – Chief Brad Bishop reported the stats for the last couple weeks included 31 arrests, 46 offenses, 59 citations, 578 calls for service, 2 DUI's, 110 traffic stops, and 20 accidents. Onion Days was quiet; he was glad Payson was able to have a celebration. Councilmember Carter brought up an issue with the skate park as well as garbage cans are needed there. There are other people who want to use the skate park but are afraid to go because of a group. A gentleman said he has to bring his two kids, not his wife, because of the issue. Councilmember Carter doesn't know the answer, but something needs to be done. A couple weeks ago she asked them to pick up their garbage, and one girl told her to pick it up herself. So, she picked up the garbage, they started using profanity to her, and gathered around her taking pictures and video. She told them again they needed to pick up their garbage and would find a police officer. She found out later that a gentleman and his two boys picked up the garbage. Chief Bishop stated there have been previous issues with this group with some arrests for drug possession. He and Dave Tuckett have discussed the problem; he is working on the issue. Karl Teemant noted this summer has been worse than others. The cameras are being fixed and additional cameras may be needed.

COMMUNITY EVENTS – Janeen Dean reported the Peteetneet is still closed for tours, but she is hoping to start opening for two hours a day. Benches were ordered with the PARC tax funds. The lighting in the auditorium is being installed, and the fabric on the walls will be changed as well. Monday September 28 is the Latino Cultural Celebration at the amphitheater from 7 to 9 pm with food trucks. October 1 – 10 is the Quilt Show. October 30 is the Big Band Concert in the auditorium with 50 people. November 27 is the Santa Dash and the turning on of the Christmas lights. The elementary will not be singing carols. December 4 – 5 is the Christmas Boutique on a smaller scale with most vendors coming back. Santa will talk to kids on a bench six feet away.

ADMINISTRATION – Dave Tuckett recognized Ruthie Pedregon who is the City's victim advocate. Ruthie received certification as a Comprehensive Victim Intervention Specialist through the National Organization of Victim Assistance. She is certified in child abuse, domestic violence, drunk driving, homicide, sexual assault, identity theft, financial crimes, human trafficking, and comprehensive specialist program management. Ruthie Pedregon stated certification is received through working in the different fields and hours of training. She took advantage of being home because of COVID to get certified. She appreciates the recognition. Dave Tuckett emailed the council the proposed business stimulus program that will run October 1 through October 31. The city needs to move rapidly to get it done in the Utah County imposed time frame. Staff will reach out to businesses in Payson to see who wants to participate and then send coupons to all Payson residents by the end of the month. The City has grown to over 6,600 residential units.

FIRE AND AMBULANCE – Chief Spencer stated the department has been busy on fires. The Department provided structural protection at the Ether fire in the Mapleton/Springville area, medical service at the Williams fire, Goshen fire, and Pleasant Grove fire. The Goshen fire is contained. The Ether, Goshen, and Williams fires were started by shooting explosive targets or tracer rounds. The Department continues to monitor the Payson Canyon and the Fore Bay area for camp fires, and post information where that fires aren't allowed. Camp fires are allowed in improved camp sites. No open burn permits are being issued, which goes along with the State Forester. The coloring contest is the second week in October. The kids will not be picked up for lunch but will receive some swag.

Council Reports

Councilmember Hiatt stated the fire work production was big, nice, and long. She thanked those who set up and took care of the fireworks.

Councilmember Welton reported it was a great Onion Days event. The fireworks were great, and he recommended budgeting for these larger fireworks in the future. There was great talent at the park. He would like to know if Payson has a COVID spike from the celebration, which didn't occur with the Salmon Supper. He would like to know the cost to decorate Main Street for Christmas, which has been done by Hallmark and was absolutely gorgeous. With the 9/11 recognition last week, he thanked the first responders, police, fire, and dispatch who handle many difficult calls every day. A reminder that the current electric bill is for mid-July to mid-August, which was very hot. Salt Lake City had the hottest August on record. As a note, Payson did not raise rates this year. It's tough with the difficult things going on in the world; please be nice. There are important discussions to have and take part. It's okay to disagree but disagree better.

Councilmember Carter reported the fireworks were wonderful. She appreciates all Janeen Dean does; it has been a wonderful year. She missed the music with the fireworks. She appreciates the police, and their quickness to help and respond. She noticed an email complaining about the cemetery saying it looks worse than any in the county. The City needs to concentrate on the cemetery whether personnel needs to be changed or someone else put in charge. It should be a beautiful place. The Payson Community Theater concert was wonderful. Everyone commented on how good it was and enjoyed seeing local talent more than the others who were brought in.

Councilmember Hulet thanked Janeen Dean and staff for the Onion Days celebration. He didn't know there was music with the fireworks; it needs to be put out there so people know. He has talked about having a Dickens live Christmas downtown with characters, which could draw a lot of people. Utah especially Utah County is spiking with COVID so watch out for each other and wear masks.

Councilmember Christensen stated he watched the fireworks from his porch but didn't know there was music. More police presence on some back roads is needed because he had problems in his neighborhood. Onion Days was really nice, and he didn't miss the carnival.

Mayor Wright stated thanked Janeen Dean, city workers, and council for a successful COVID-style celebration. He noted that he and Dave Tuckett have talked to the individual about the cemetery.

3. Scout Attendance Certificates

No scouts present.

D. ACTION ITEMS

1. Resolution – Agreement to exchange property with Suzy Tidwell to accommodate city trail system (6:53 p.m.)

Staff Presentation:

Dave Tuckett stated this agreement exchanges some property to complete this trail. Suzy Tidwell is on board. He recommended approval.

MOTION: Councilmember Hiatt – To approve the (resolution) exchange of property with the Suzy Tidwell Asset Protection Trust and Payson City for the trail system. 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

Councilmember Hulet thanked Mayor Wright in getting this done, and noted PARC tax funds helped with this on the engineering.

E. WORK SESSION

1. Review of conceptual layout of properties in the South Meadows Planning Area

Jill Spencer stated staff has been working with the White Horse Developers to identify a development pattern consistent with the South Meadows Area Specific Plan (Plan). Before the applicants move forward with an official application for a zone change and preliminary approval, they wanted to share their ideas with the council to ensure they are moving in the right direction.

Jeff McGees stated as a development company, they developed the Spring Creek project in Payson. They are a sister company with Keystone Construction and Red Pine Construction. They have tied up additional parcels and are looking at other parcels in the Spring Creek vicinity. At this time, their development efforts focus on the Hiatt Dairy property and the Renae Spencer property. The Hiatt concept falls along 1950 West with a similar product as Spring Creek with 97 townhomes and 32 single-family residences by the railroad tracks.

Councilmember Hiatt stated the townhomes should be by the railroad tracks and single-family away from the railroad tracks. She would like to see affordable single-family houses, not townhomes. She prefers detached smaller lots with nicer houses because that is what people are looking for.

Jill Spencer stated the applicant has been very willing to satisfy the requirements of density and type of housing product outlined in the Plan. Since adoption of the Plan, there have been alternative plans for the Red Bridge property that could impact, affect, or change the land uses and densities on other properties in the area. Do we want detached single family and if so is it at a higher density? Or do we want multi-family? The applicant can comply with the Plan but what product, what densities, what transition. Is there an opportunity and is the council comfortable with detached single family further south of the Hiatt property verses within the boundaries of the Hiatt property? These railroad tracks are the freight line.

Jeff McGees stated traditionally they would probably land plan it all with a multi-family townhome product to buffer the denser product proposed to the north. Affordability is the topic of conversation, and there is a huge demand. As development moves south, there will be more single-family detached housing. Shared common space between the single family detached lots. 6000 to 12000 square foot lots. Maybe large lots don't work in this plan. Do smaller uniform lots ... gives ability to serve the entry buyer.

Discussion to move the townhomes to the left and right and single-family detached homes in the middle with the larger homes by Spring Creek on right. The townhomes do benefit from the space along the creek. The larger lots along the railroad tracks give a buffer from the home. Does the City need more affordable housing? This project will be market-rate housing. Multi-family doesn't mean affordable housing. The 1950 West street will be a collector street with five lanes. Executive housing could be built west of the railroad tracks.

Jeff McGees proposed a new concept with the townhomes to the north and single-family detached lots to the south for a transition. The Spencer concept is a straight forward layout similar to project in Spring Creek. These are front-loading townhomes with an open space/court yard, which complies with the requirements.

Councilmember Welton stated the City needs a large regional park in the area.

Councilmember Hiatt stated these people will want their own park instead of having to go a long way to a park. There needs to be a large park off 800 South.

Jeff McGees noted a pocket park is a great amenity. They are working with the Red Bridge PID developers to access sewer. The wetlands are not counted towards open space.

2. Discussion regarding Ordinance Amendments (7:35 p.m.)

Jill Spencer reported staff is working on some land use ordinance amendments and looking for direction from the city council.

Title 19, Zoning:

- Billboard Regulations – There were previous discussions about providing additional opportunities for LED electronic signs along I-15 specifically the North Main Interchange. This may move in a different direction with community signage so amendments may not be necessary.
 - Discussion that lumens need to be addressed.
- Infill Development - Additional tools need to be developed to encourage transition housing (between land uses) and compatible residential developments. Flag lots are discouraged but are currently being utilized for infill. The planned residential community was adopted a few years ago for infill lots, which seems to be valuable and useable. There are about four projects that have been approved or are underway. There are many other infill tools communities are using.
 - Discussion to open the infill areas with a road because flag lots limit additional inner-block development. A flag lot is a quick and easy way to get an additional lot. A challenge with infill is getting 5-6 landowners to sell a piece of property to do an infill. Someone won't want to sell and then it can't be done. Development may be delayed, but it can be done. The planned residential community code will need to be evaluated following the recent projects. There is a balance between what's good for the neighborhood and the developer's interest. The City needs an incentive plan to remove old buildings and build new. The newly adopted General Plan pushes infill. There are one-acre lots in the City that can be split in half. Flag lots are offensive to the neighbors on the block. Staff will reach out to other communities with infill development for additional information and options. A form-based code is intriguing, but will it work in Payson.

- Garage Requirement - Remove garage requirement for stacked flat residential developments. The RMF Zone requires single, detached car garages. Currently, one project has been completed and one is under construction. In the completed project, these garages have turned into storage space that is causing parking problems. Staff suggests removing the garage requirement to ensure ample off-street parking. Developers can still choose to install garages but will not be counted toward the parking calculation requirement.
- Distance Requirements - Clarify distance requirements for construction adjacent to wetlands. Development is moving into jurisdictional wetland areas and areas with a higher water table. The code carries some room for interpretation so it needs to be tightened up.
- Outdoor Storage - Remove or modify the outdoor storage requirements in the Payson Business Park (BPD) Zone. Many businesses are interested in the Park but don't help accomplish the goals of an employment center. Many businesses want to use space for a construction yard or storage. Staff suggests removing outdoor storage in the BPD Zone until a formula can be developed for outdoor storage property use.
 - Discussion to tie it into the building size and not the land size. Outdoor storage is allowed in the industrial zones.
- Off-Street Parking Regulations – Staff is working with a consultant to modify the off-street parking regulations. One task is finding out what other cities are doing to address RV parking. Developers can ask to have the RV parking waived and so they all ask to have it waived. This is also an enforcement issue.
- Development Guidelines – There are inconsistencies between the Development Guidelines (i.e. clear view) and the City Code.

Title 20, Subdivision:

- Planned Residential Developments - Challenges with interpretation and in applying the regulations. A minimum lot size needs to be established. There needs to be discussion on density bonuses. Most applicants are looking for flexibility in lot frontage, lot area, and setbacks. Some cities use an average lot density. Recent setback concerns dealt with the site triangle, driveway depth, and public safety. Staff questions keeping this in place or removing.
- Minor Subdivisions (three lots or less) – The land use authority is the Planning Commission for a minor subdivision. Recently, the Council addressed a three-lot commercial subdivision where it was suggested that all commercial subdivisions should come to the Council.
 - Discussion that commercial land tends to be much larger so there is a higher impact to the City. Suggestion to change minor subdivisions to five lots or less for residential. A development that meets the subdivision and zoning requirements is difficult to deny or change. There isn't a lot of discretion. Consensus that the Planning Commission can approve residential subdivisions at five lots or less and commercial at three lots or less.
- Development Guidelines – There are inconsistencies between the Development Guidelines (i.e. utility standards) and the City Code.

Development Guidelines:

- Garage/Carport Dimensions - Clarify dimensions for two-car and single-car garages and carports and add illustrations.
- Trail Specifications and Construction Standards - Staff is working with Mountainland Association of Governments and other communities to develop trail standards (subbase, asphalt thickness, etc.).

Future Items to Address:

- Compliance with State medical cannabis regulations.
- Conditional use criteria for specific uses.
- Mixed-use overlay.
- General plan implementation and ordinance modification.
- Incentives for curb, gutter, and sidewalk in existing neighborhoods.
- Dark sky ordinance requirements (added).

Kevin Stinson addressed the business license ordinance. Staff has met with state, county, and city representatives to see how they handle business licensing.

- Home Occupations – Home businesses should be minor and not impact the neighborhood. Payson doesn’t allow home occupations to be conducted in garages or accessory building. Orem and Spanish Fork allow the use of garages and accessory buildings but the space is counted toward the maximum square foot or percentage for the business use. Staff suggests allowing items to be produced outside the dwelling if certain requirements are met.
- Accessory Apartments and Home Occupations – This is not addressed in the City Code. Orem and Provo allow home occupations in accessory apartments for non-impact businesses only.
- Home Business Fee – The City Code requires a license to operate a home occupation. Utah Code doesn’t allow municipalities to charge a fee for a home-based business unless the business is a high-impact business. Spanish Fork created two categories, home occupations with impact (patrons and/or deliveries) and home occupations without impact (no patrons and/or deliveries; subject to late fee). Staff suggests licensing all home occupations with a fee for impact home occupations and no fee for non-impact home occupations. Non-impact home occupations could pay a fee to have the business listed/advertised on the city’s business listing. This enables the City to keep a record of businesses operating in the City.
 - Discussion of governmental overreach. The City creates a loophole mandating licensing. The residential area is for residents, and a home occupation may cause an impact. An advertising fee can be great and promotes the business. Three or more deliveries is an impact.

3. Discussion regarding the City’s Annexation Policy Plan

(Item not addressed)

ADJOURN TO CLOSED SESSION (7:35 p.m.)

MOTION: Councilmember Welton – To adjourn to closed session. 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

1. Purchase, exchange, sale, or lease of real property
2. Character, professional competence, or physical or mental health of an individual

(Councilmember Hiatt excused.)

ADJOURNMENT OF CLOSED SESSION

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

MOTION: Councilmember Carter – To table the remaining agenda until the next council meeting. Motion seconded by Councilmember Welton. Those voting yes: Linda Carter, Brett Christensen, Brian Hulet, Doug Welton. The motion carried.

F. ADJOURNMENT

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

The meeting adjourned at 9:15 p.m.

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