

PAYSON CITY  
CITY COUNCIL MEETING AND WORK SESSION  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, January 6, 2021

CONDUCTING William R. Wright, Mayor

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

EXCUSED: Linda Carter

STAFF PRESENT David Tuckett, City Manager  
Cathy Jensen, Finance Director  
Kim E. Holindrake, City Recorder  
Jason Sant, City Attorney  
Brad Bishop, Police Chief  
Travis Jockumsen, Public Works Director/City Engineer  
Scott Spencer, Fire Chief  
Jill Spencer, City Planner  
Chris Van Aken, Planner II  
Janeen Dean, Community Events Coordinator

OTHERS Michael DeMarco, Nathan Staheli

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

A. WORK SESSION

1. Discussion regarding Pressurized Irrigation Rates

No quorum. Item will be rescheduled for a future meeting.

B. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Bill Wright.

Pledge of Allegiance led by Travis Jockumsen.

C. CONSENT AGENDA

1. Approval of the December 16, 2020 City Council Meeting Minutes
2. Proclamation – Cowboy Poetry Week

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

D. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

No public comments.

## 2. Staff and Council Reports

### Staff Reports

POLICE – Chief Brad Bishop reported the December stats included 76 arrests, 165 offenses, 145 citations, 209 violations, 865 calls for service, 3 DUI, 154 traffic stops, and 26 traffic accidents. Utah County Major Crimes made 16 felony arrests and 1 federal indictment, seized 19.43 pounds of methamphetamine, 1.63 pounds of heroin, 3.76 ounces of cocaine, 1.55 pounds of marijuana, 4.17 pounds of dab, 1,354 doses of edibles, 400 dosage units of LSD, 10 fire arms, and \$43,714 in drug proceeds. Today, a murder suspect was arrested at a traffic stop in Payson.

COMMUNITY EVENTS – Janeen Dean reported she is looking into creating a 2022 calendar with pictures from throughout the year, which would take a lot of sponsorships through businesses. The calendar would identify city, chamber, and Nebo School District events. She would like to try a farmer's market and would like suggestions on a location, which could be Library Square, Memorial Park, or the parking lot across from Zions. The market would run from August 14 through October 23 from 8 a.m. to 1 p.m. It would be a controlled environment with rented and assigned booth locations. Mayor Wright suggested Memorial Park for the atmosphere of the park and power is available. Councilmember Hulet agreed with Memorial Park and suggested beginning earlier in the year because produce is ready. Janeen Dean will look at having a band as well as food trucks. There have been suggestions on moving the parade route because the City is divided during the parade. The council consensus is to wait because future road development should alleviate the issue. Peteetneet museum tours will begin the end of March. Three of the Peteetneet volunteers will not be coming back, and three want to wait until they receive the COVID vaccination before volunteering. Dance classes and smaller events have continued. The Christmas boutique went great, and the vendors were happy. There were 1,300 visitors to the train show this year.

FIRE AND AMBULANCE – Chief Spencer reported staff is preparing for the wild land fire season with staff training and equipment. There has been a rash of vehicle fires and a trailer fire. Medical calls continue to increase. Many patients are positive with COVID, and four personnel are out with COVID. Staff is preparing for ISO to come and survey the commercial entities on water, building, dispatch, and fire aspects. The first round of vaccines was administered Tuesday last week with more coming next week. The Department continues to test city employees with the rapid COVID test.

### Council Reports

Councilmember Christensen gave a shout out to Doug Welton for his service. He will be missed by the community but will do a great job at the state level.

Councilmember Hiatt stated she will miss Doug Welton; they have had good conversations. She thanked Scott Spencer and Brad Bishop for all they do as well as the city employees. They do what they are asked to do. She's glad for the new year and hopes it turns out better than last year.

Councilmember Hulet stated he's sad to see Doug Welton leave and thanked him for his service. Doug Welton has a good temperament, works well with people, and has been a great asset to the City. He will be sorely missed. Even with COVID issues, Payson did great things in 2020 with

development and new businesses moving into the City. Staff has worked hard. 2021 will be an even better year.

Councilmember Welton stated one of the great honors in his life has been serving Payson City. He has enjoyed every second serving on the City Council; it's one of the highlights of his life. The citizens of Payson are in good hands; the mayor and council are good people. They work hard and are conscientious, listen, and work through the issues. Their intentions are pure. Some times in politics people ascribe intentions that aren't there. He wants the residents of Payson to know that this council and staff love Payson and are doing their very best. It has been an honor and pleasure working with them. The employees do an amazing job. He has found the people of Payson are good people. He asked a favor that he be able to give his input on his replacement. He would like to see the City do Ranked Choice Voting again and asked the council to consider it again. He would like the City to follow the General Plan with high density going where planned and not where developers want it to go. In light of what is happening in the country today, he quoted from CS Lewis and Judge Griffith. *Next to the blessed sacrament itself, your neighbor is the holiest object presented to your senses. Civic charity says that when you are arguing with somebody, recognize that that person you are arguing with is somebody of value, somebody of worth. You don't have to agree with them, but you do need to respect them enough to take their hardiness or at least understand it and then review it if you need to.* He apologized for getting religious in a secular setting, but he is a firm believer that we are all children of God. We have hard conversations that we need to have and that's okay. We need to treat everyone with respect.

Mayor Wright agreed that we need to be supportive of each other whether we agree or disagree. He will miss Doug Welton as well and appreciates his support to himself, the council, and the community.

### 3. Scout Attendance Certificates

No scouts present.

### 4. CTC: Mayor's Youth Recognition

Item moved to the January 20 meeting.

### 5. Chamber Business of the Month

Mayor Wright announced the Chamber Business of the Month is Ryan Mortgage.

## E. ACTION ITEMS

### 1. Public Hearing/Resolution – Amendments to the Fiscal Year 2020-2021 Budget (6:33 p.m.)

Staff Presentation:

Cathy Jensen reviewed the proposed budget amendments. Expenditures include \$100,000 for professional services for the West Side Development Plan, \$22,000 for repairs to the Peteetneet floor, \$22,000 for Peteetneet repairs, and \$115,594 for the 1130 South Sewer Project. Also, \$57,797 from the Redevelopment Agency business park funds to cover the cost of the 1130 South Sewer Project.

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

Public Comment:  
No public comments.

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

Council Discussion:

Discussion that the City sold property (3 lots by Walmart), and the proceeds went into the RDA as reimbursement for the funds borrowed for the new ballfields. These funds were then used to reimburse the Streets and Sewer Departments for the 1130 South sewer project. An RDA meeting needs to be scheduled to take care of these budget amendments. Question as to whether the City or the developer should pay for the West Side Specific Plan. Staff is working to identify the total acreage for this Plan. Developers could pay for their portion upfront and then the other properties would be assessed as they come in. This will be a future discussion.

**MOTION: Councilmember Hulet – To approve (resolution) the budget amendments taking out anything referring to the RDA.** 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. Public Hearing/Ordinance – Amendment to the East Side Comprehensive Plan to allow annexations under 300 acres in size (6:45 p.m.)

Staff Presentation:

Jill Spencer reviewed the amendments to the East Side Comprehensive Plan (ESCP), which was adopted in 2009 with a planning framework. This request was discussed last December, but the Council was unable to take action because of the public hearing noticing oversight. The area is located south of Salem Canal Road, and all annexed areas must be 300 plus acres. The applicant is looking to annex about 24 acres to create three one-acre lots with the remaining acreage to remain agriculture. The applicant would like an exception or amendment to the 300-acre rule or have it removed completely. The Planning Commission addressed the item several times with a lot of discussion with the property owners. The Planning Commission forwarded a recommendation to amend the ESCP but limit annexations beyond this annexation until additional planning is completed for the Uplands Neighborhood with planning tools in place. Staff recommends following the Planning Commission recommendation.

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

Public Comment:  
No public comments.

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

Council Discussion:

Councilmember Christensen stated the objective of the 300-acre rule was to establish and maintain a lifestyle of the area so he's concerned it's being kicked to the curb. He realizes times are rapidly changing. He questioned if there is a way to amend the rule to allow adjacent property owners to agree to an annexation to move it forward. This may or may not be a step in the right direction. The Council can eliminate the 300-acre rule, only allow this Staheli annexation until proper ordinances are in place, and establish a map. He can agree if the property owners are in favor of the change.

Jill Spencer clarified there are a number of things that can be done such as making an exception, amending the plan, or removing the rule completely. Through this process, neighborhood spokesperson Sheree Staheli mentioned at the planning commission meeting that the 300 acres was an arbitrary number, and they hadn't really looked at how it limited other land owners from annexation or development. Without the correct tools in city ordinance, this plan can't protect the unique features of the area. The neighbors see the need and want to support the Staheli Family but don't want to lose the opportunities in the plan.

Councilmember Hiatt noted her concern with setting a precedence by allowing 1-acre lots.

Mayor Wright stated the 5.25-acre rule applies in the county and not the City. With proper safeguards, he believes it can work.

Councilmember Welton questioned if there is a statewide standard with annexations.

Jill Spencer clarified the city annexation ordinance encourages 100-acre annexations because of land uses, densities, and infrastructure planning but isn't required. This ESCP requires 300-acre annexations; this area is referred to as the Uplands Neighborhood, which contemplates cluster development. The Allreds came up with moving forward with this annexation but would appreciate the city's support with additional planning tools for when additional properties are annexed or developed. Staff could do a series of meetings with the property owners to create the Uplands Neighborhood Plan.

Councilmember Hulet stated a few years back, a piece of property from this area was annexed into Elk Ridge. Other cities don't have to follow this plan so property owners may choose to go to other cities, which is a concern.

Nathan Staheli stated Utah County didn't require the 5.25 acres per lot because it's transitional land.

**MOTION: Councilmember Hulet – To approve (ordinance) an amendment to the East Side Comprehensive Plan allowing the annexation under 300 acres for the Staheli's request right now, but no other annexation can occur in this area until additional planning is completed for**

**the Upland Neighborhood and appropriate zoning ordinances are established to support the long-term goals of the East Side Comprehensive Plan.** Motion seconded by Councilmember Hiatt. 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. Public Hearing/Ordinance – Amendment #1 to the 2020 Transportation Master Plan, an appendix to the Payson City General Plan (7:08 p.m.)

Staff Presentation:

Chris Van Aken stated the proposed amendments to the Transportation Master Plan include changing the classification of 920 North from 300 East to 500 East, 300 East from 600 North to 920 North, and 500 East from 600 North to 920 North from local roads to major collector status. The main reason is because of truck traffic needing to get through safely and quickly and will allow better traffic flow.

Travis Jockumsen clarified the location is near the Parris RV property, Flying J property, and Nebo School District bus depot. The road width will allow wider lanes with a center turning lane. Some widening and road completion will occur with Parris RV and the rest will come with new development.

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

Public Comment:

No public comments.

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

Council Discussion:

Councilmember Hulet noted it will cost landowners eventually and questioned if they were notified of this change. This would be a good practice going forward. Also, 800 North goes all the way to a dead end at I-15 and may not need to be widened. There is already development on both sides of 500 North so it may never be widened.

Chris Van Aken stated this was properly noticed but isn't sure if property owners were contacted directly.

Councilmember Christensen stated the properties are owned by Strawberry Electric, Nebo School District, Parris RV or the storage units. The parcel behind Quality Inn is privately owned. He doesn't see anyone having a problem because wider roads will give better access.

**MOTION: Councilmember Welton – To pass (ordinance) amendment #1 to the 2020**

**Transportation Master Plan.** 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

4. Request for use of the RMO-1 Overlay at approximately 550 West 100 North to create a Planned Residential Community consisting of 3 existing dwellings and 5 twin home structures (7:22 p.m.)

**Staff Presentation:**

Chris Van Aken reported items 4 and 5 are related and will be addressed together. The property is west of 500 West along 100 North. The project combines three existing parcels totaling 1.49 acres to develop 13 total units. The purpose of an overlay is for infill development where land isn't being utilized efficiently and is reviewed on a case by case basis. Without the overlay, the subdivision can't move forward. The underlying zone is R-2-7.5. The overlay allows 4,500 square feet per unit. The Council can ask for changes in density, elevations, etc. The Planning Commission held the public hearing with no comments and recommended approval last December. He later received a couple emails voicing concerns with density. Surrounding property owners were notified according to state law.

**Applicant Presentation:**

Michael DeMarco stated he is one of the owners and also represents the Schramm family. There has been a lot of work on this project throughout the summer, and they are excited to move forward. They knocked on about 30 doors in the area to show the proposal and received positive comments. They feel the housing product blends well in the neighborhood. There will be a park with open space, benches, and BBQ pits.

**Council Discussion:**

Councilmember Christensen questioned if there is adequate turnaround for fire trucks, etc. He is good with the proposal. There are other properties that could tie into the subdivision.

Scott Spencer stated there are crash gates at the end of the streets with wider turning at the T section.

Councilmember Hiatt stated this is the type of infill the City needs to approve instead of a house behind a house.

Councilmember Hulet stated he personally would like to see small lots with homes instead of twin homes for future proposals but is okay with this proposal.

Michael DeMarco stated this could be a mixture of both owners and renters. The current intent is for the property owners to keep the property. There is an HOA to take care of the streets, open space, and snow removal. Also, everything will be red curbed so there is no parking on the streets.

Councilmember Welton would like to see at least one home in the back.

**MOTION: Councilmember Hiatt – To approve the RMO-1 Overlay at 550 West 100 North to create a planned residential community consisting of three existing dwellings, adding five twin homes, and meeting all planning and zoning requirements (findings).** Motion seconded by Councilmember Christensen. Those voting yes: Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton. The motion carried.

5. Preliminary plan for Elm Hollow Subdivision located at approximately 550 West 100 North

**MOTION: Councilmember Hiatt – To grant the preliminary plan for the Elm Hollow Subdivision at 550 West 100 North and meeting all planning and zoning requirements (findings).** No second. Motion dies.

Council Discussion:

Councilmember Christensen questioned if infill projects will tax the infrastructure such as the pressurized irrigation pressure. He doesn't have concerns with the twin homes.

Chris Van Aken stated the project went through the normal review process with the Development Review Committee, and no one had concerns with infrastructure. The minimum for the overlay is a net of 4,500 square feet per unit. This proposal also includes open space. The underlying zone has a minimum of 7,500 square feet per lot. The reduction in square footage can seem daunting, but compliments the existing character of the surrounding area.

Michael DeMarco stated he is not in favor of reducing the twin homes from five to four. The project meets the overlay and the ordinance. He has gone back and forth on this with staff. They didn't have the intent of stuffing in every unit possible; they looked at unit count very closely. They hope the amenities and building product would justify the unit counts. The pressurized irrigation flow rate shows sufficient pressure.

Mayor Wright stated the overlay is allowed in this residential area.

Councilmember Welton appreciates Mike DeMarco's comments and honesty.

Councilmember Hulet will go along with a motion and second but prefers small lots with single family.

Councilmember Hiatt noted the City maybe need to push the smaller single-family lots with infill.

**MOTION: Councilmember Hiatt – To accept the preliminary plan for the Elm Hollow Subdivision located at 550 West 100 North meeting all the planning and zoning requirements and findings with all units having at least 4,500 square feet net.** Motion seconded by Councilmember Christensen. Those voting yes: Brett Christensen, Taresa Hiatt, Brian Hulet, Doug Welton. The motion carried.

6. Resolution – Development agreement for Payson View Estates Subdivision, Plat H (7:52 p.m.)

Staff Presentation:



Jill Spencer reported the final plat was approved in December, 2020, and the developer is Patterson Construction. The agreement has been reviewed by staff, legal department, and Patterson Construction. Two changes were discussed with Patterson Construction. First, section 3 E ii regarding the lack of pressurized irrigation (PI) for lots above the Highline Canal. These lots will use culinary water for outdoor use. The adjustment to this section is that no new PI connections will be provided within this area. This is because there is one current connection to PI. The developer is responsible to notify new owners. Second, section 3 H regarding electrical considerations has typical language that costs with SESD are born by the developer. The developer would like to add the language, *as it relates to plat H*. Staff had no concerns with these modifications and recommends approval.

Council Discussion:

Councilmember Christensen questioned if an additional tank is built above the no PI area, would PI be required.

Jill Spencer stated PI pipes or a dry system will not be installed in this subdivision. Also, the funds for the PI system were used to upgrade the culinary line up Payson Canyon.

**MOTION: Councilmember Hulet – To approve (resolution) the development agreement for Payson View Estates Subdivision, Plat H, with no new pressurized irrigation connections required and section 3 H regarding electrical as it relates to Plat H with SESD there will be no additional fees except for Plat H.** Motion seconded by Councilmember Hiatt. A roll call vote was taken as follows and the motion carried.

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

7. Resolution – Deferral agreement for property located at approximately 19 West 700 South for curb, gutter, and sidewalk (8:03 p.m.)

Staff Presentation:

Chris Van Aken reported this is a lot of record, and the builder will work with staff on a project for curb, gutter, and sidewalk.

Council Discussion:

Mayor Wright spoke with Kent Fowden today, and what is being proposed makes perfect sense.

**MOTION: Councilmember Hulet – To approve (resolution) the deferral agreement for the property located at 19 West 700 South.** 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

## 8. Ordinance – Amendments to Title 16, Traffic

### Staff Presentation:

Jason Sant reported the legal department and police department have been working together to clean up the traffic code. The proposed amendments modify Chapter 16.1.1 to just include the parts of Utah code that regulates all traffic offenses. The City receives a letter once a year from Nebo School District allowing Payson police to enforce traffic offenses or traffic laws on their property so this was added. There are a number of deletions to outdated references or duplications where state code trumps. Chapter 16.9 is added regarding parking citations. These citations can be paid directly through the Police Department or contest it to work through the court system. He clarified these amendments includes all parking violations. This is an administrative element and does not affect a person's record. In the future, staff will address other changes regarding nuisances and the fire code.

**MOTION: Councilmember Hulet – To approve (ordinance) the ordinance amendments to Title 16 Traffic Code.** Motion seconded by Councilmember Hiatt. A roll call vote was taken as follows and the motion carried.

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

## 9. Resolution – Amendments to the Payson City Fee Schedule (8:13 p.m.)

### Staff Presentation:

Jason Sant reported this item ties to the previous code amendment by adding fees for civil parking infractions. The first offense is \$25, second offense is \$50, and third offense is \$100. After the third offense, they are not eligible for an administrative citation; it will be a criminal parking citation. A timeframe for the three citations could be added such as one year, which is similar to traffic school.

### Council Discussion:

Discussion to amend the previous item #8, Traffic Code, to include a timeframe for the three citations.

**MOTION: Councilmember Hulet – To approve (resolution) the amendments to the Payson City Fee Schedule.** Motion seconded by Councilmember Hiatt. A roll call vote was taken as follows and the motion carried.

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

## 8. Ordinance – Amendments to Title 16, Traffic (Readdressed)

**MOTION: Councilmember Hulet – To amend Title 16 Traffic Code to say parking citations would be renewed each year for the statute of limitation.** 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

1. Annual Training - Open and Public Meetings Act and Municipal Officers' and Employee Ethics Act (8:20 p.m.)

Dave Tuckett suggested postponing the training until the new councilmember is on board.

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

G. ADJOURN TO CLOSED SESSION (8:22 p.m.)

**MOTION: Councilmember Hiatt – To adjourn to 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. Purchase, exchange, sale, or lease of real property

H. ADJOURN FROM CLOSED SESSION

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

The meeting adjourned at 8:30 p.m.

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