

Minutes of the Payson City Council Meeting held Wednesday, August 7, 2013.

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Attending: Mayor Rick Moore; members of the City Council: JoLynn Ford, Kim Hancock, Michael Hardy, Scott Phillips, and Larry Skinner; City Manager David Tuckett, City Attorney Mark Sorenson, and Deputy Recorder Pam Knight.

Mayor Moore called the meeting to order at 6:05 p.m.

PRAYER & PLEDGE OF ALLEGIANCE

The prayer was offered by scout Jared Koller and scout Ty Koller led the Pledge of Allegiance.

CONSENT AGENDA

MOTION by Councilwoman Ford to approve the Consent Agenda consisting of approval of the July 17, 2013 City Council Minutes, and approval of Ordinance #08-07-13 amending Title 19. Motion seconded by Councilman Phillips. Motion carries.

PUBLIC FORUM

Zak Voorhees, owner of Poor Boys restaurant expressed appreciation for the professionalism of the fire and police staff in responding to a kitchen fire at the restaurant.

Craig Cheney said his property adjoins the Payson High School fields and that at night the area becomes an attractive nuisance. There are no lights and he feels criminal activity is taking place such as drugs, prostitution, and illegal fireworks. He said no one was cited for disturbing the peace with fireworks. He expressed dissatisfaction with the police sergeant and officer stating that the situation was whitewashed. He feels Nebo School District should install proper lighting and the police should watch for curfew violations.

SUSPEND AGENDA

MOTION by Councilman Hardy to suspend the agenda at the mayor's discretion. Motion seconded by Councilman Skinner. Motion carried.

WORK SESSION – DOWNTOWN BEAUTIFICATION ISSUES & CITY PROCESS

City Manager Tuckett explained that some downtown business owners are upset and desire to be clear on who is responsible for what for downtown beautification. The City has streamlined processes in the past and staff is happy to listen to suggestions to better the City.

He reviewed ordinance 19.24.14. as follows:

19.24.14.1 General Maintenance

Property owners are responsible for general maintenance of curb, gutter and sidewalk along all public rights of way for the entire frontage of the property. For the purposes of this Chapter, general maintenance shall include, but is not limited to, the following:

1. The Curb and Gutter shall be kept free of weeds, dirt, and debris to allow the free flow of water and prevent flooding. Any blockage of the free flow of water shall be removed.
2. Weeds shall not be permitted to grow in the joints between concrete or in cracks in the concrete of the curb, gutter, or sidewalk in order to discourage further decay of the concrete.
3. Sidewalks shall be kept free of weeds, dirt, gravel, sand, salt, oils, grease, and other debris to prevent undue tripping or slipping.

19.24.14.2 Removal of Snow and Ice

Property owners are responsible for removal of all snow and ice from sidewalks in order to prevent slipping. Additionally, property owners are responsible to remove snow and ice from the curb and gutter when the

accumulation of snow and ice may result in the lack of free flow of water and could produce flooding of adjacent properties.

19.24.14.3 Minor Repairs

Landowners may complete minor repairs to curbs, gutters, and sidewalks. Minor repairs include the replacement of up to ten (10) feet of sidewalk. Any repairs of greater than ten (10) feet shall be approved by Payson City. After the repairs have been completed, landowners shall contact the Street Department to schedule an inspection to ensure that the curb, gutter and sidewalk have been repaired in accordance with the Design Guidelines and Standard Specifications of Payson City.

Manager Tuckett noted that Superintendent Mark Hyland said some confusion about responsibility may have resulted in the city crews having cleared off snow in the past.

Councilman Hardy said the trees along Main Street belong to the City, but it is the responsibility of the business owner to clean up debris from the trees.

Janet Peterson (Trading Talents), commented on the broken sidewalk, vegetation growth in the storm drain, and a sunken water meter. Manager Tuckett said the City plans to repair the sunken water meter, as well as replace the broken sidewalk; there are three problem areas on that side of the block and as soon as the celebration is over they will be repaired.

Carolyn Bowman (Chamber of Commerce) read two letters from business owners expressing their concerns. They desire downtown to be vintage and cute, not trashy. They want to be clear on who is responsible for what, especially empty storefronts. It was suggested that information be given out with business licenses. There was a question as to whether there are historic downtown fees, what are they used for, and if they are under the umbrella of the National Main Street fund. Manager Tuckett said we do not receive federal or state funds, but we do have a historical zone with specific requirements.

Ms. Bowman also noted that the debris that was swept from the gutters during the citywide cleanup ended up getting blown all over because the street sweeper did not go through until the next day.

She felt that City properties such as the library and the breezeway should set the example for beautification.

Jody Portillo said there is an issue with employees and business owners taking customer parking. Attorney Sorenson noted that is hard to regulate on a public street and Mayor Moore suggested that the businesses work together and with the Chamber to resolve this issue.

Kelly Morgansen thanked the City for the flowers that were planted along Main Street this year.

Brian Hulet mentioned that the government program for storefronts has gone away. He also suggested a two-hour parking zone for the downtown. He encouraged cooperation with the City and owners, with the owners taking the lead in caring for this unique area. He would like to see a designated person in the City that the owners could go to with their questions.

Brice Creer (Utah Trikes) reported a water main leak south of Utah Trikes.

Zak Vorhees suggested requiring building owners to inform tenants of the ordinances.

Councilman Phillips felt that the overgrown trees, parking blocks, sprinklers, and water system need to be redone.

Councilwoman Ford recalled a consulting firm years ago recommending taking out the trees; they are too big and messy.

Councilman Hardy felt these items should be budgeted for next year and Councilman Skinner said he likes the suggestion of a time limitation on parking.

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Manager Tuckett said the Downtown Alliance survey indicated that several million dollars would be required to replace the infrastructure from bottom to top. There are short term items that could be addressed, i.e., remove the trees and the planters; open the street to two-way traffic. More costly improvements could be undertaken one block at a time through an SID.

Alyssa Thomas felt that a two-way street would be a lot more convenient for people.

Mark Sorenson explained Logan City's SID for downtown and that the owners paid a portion. He will provide more specific figures.

Stan Spencer said he wants to see a two-way street; we have the only business district in the state that has a "do not enter" sign.

Mayor Moore said the suggestions will be considered and Councilwoman Ford noted that some things are easy and others would need to be in next year's budget.

PRESENTATION OF SCOUT ATTENDANCE CERTIFICATES

Councilman Hancock presented a certificate of attendance to scouts Jared Koller and Ty Koller.

CHAMBER OF COMMERCE BUSINESS OF THE MONTH

Lou Ballamis presented the Business of the Month plaque to Papa John's, which has been in Payson since 2011 and supports the chamber and other businesses. Papa John's motto is "quality ingredients" and they also have quality service.

Lindsey Howard accepted the plaque on behalf of Papa John's.

COUNCIL AND STAFF REPORTS

Golf Pro Tracy Zobell read a letter from Eagle Scout Zack Zobell who built a drinking fountain in Memorial Park. Appreciation for the following was noted: Paul Rowley for masonry, Councilman Skinner for plumbing materials, boy scouts for gathering rocks from Peteetneet Creek, Councilman Phillips for providing sealer, and Mark Hyland for all of his help.

Mr. Zobell reported that due to the drought some of the grass at the golf course has been lost and will need to be re-seeded. He noted that Superintendent Mark Hyland is doing a great job.

Councilwoman Ford asked if the course has done well this year and Mr. Zobell said July was good, August has been a little slower, but five corporate events are scheduled for this weekend. He expressed concern about the water situation; other courses do not have the severity of ours.

Manager Tuckett demonstrated Parlant, a new communication program that staff was trained on today. He said the Parlant system will replace the Collector system and will do a lot more in communicating vital information to residents via phone or email.

Councilman Skinner said he is in agreement with his neighbor about the issue of the area by Payson High School.

Councilman Hancock distributed to the Council an article regarding the history of UTOPIA.

Councilman Phillips said the pressurized irrigation problems on Sunny Hill Circle would be fixed prior to paving next week.

He said he feels that a 2 ½ hour wait at the Salmon Supper is unacceptable.

Mayor Moore welcomed City Engineer Travis Jockumsen on board.

Mayor Moore noted that the City is very short on water.

He said there would be a meeting with Peteetneet and the structural people tomorrow morning and the stage should be done by Labor Day. Councilman Phillips felt there should be a backup plan for a tent just in case the stage isn't finished.

Mayor Moore said he has heard many good comments about the water fountain in the park.

He said that other than the long wait at the Salmon Supper everything went smoothly and Janeen did a good job.

There was a discussion about getting folks through the line faster or doing something differently. Mayor Moore felt that the fires should be started at noon next year and Councilman Phillips said he would like to get dirt from Geneva Rock or the orchards. There will be a meeting on Monday to recap the Salmon Supper.

SEWER 2012 SELF-ASSESSMENT REPORT

Sarah Leavitt noted that the 2012 Self-Assessment Report is pretty much self-explanatory.

MOTION by Councilman Phillips to accept the 2012 Sewer Self-Assessment Report and authorize the mayor to sign. Motion seconded by Councilman Hardy. Motion carried.

PUBLIC HEARING – AMENDING FY 2013-2014 BUDGET

MOTION by Councilman Phillips to open the public hearing to amend the FY 2013-2014 Budget. Motion seconded by Councilman Hancock. Motion carried.

The public hearing opened at 7:28 p.m.

City Manager Tuckett explained that we are doing a good job of keeping the cash accounts up and there is money in the fund balance to take care of the following:

Appropriation from Fund Balance; Peteetneet Amphitheater: We had previously budgeted \$20,000. The bid is for \$43,000. I would like to appropriate a few thousand more for contingencies.

\$26,000 appropriated from fund balance to pay for completion of amphitheater.

Tour of Utah: We appropriated \$10,000 for the Tour of Utah. At the end of last budget year we neglected to carry it over to this year's budget. We are asking to re-appropriate the balance of the \$10,000 into this year's budget.

\$10,000 for Tour of Utah from funds that fell to fund balance.

Councilman Hardy asked about sponsorships and Manager Tuckett said we didn't get the sponsors we had hoped for, but what we did get would help.

Fireworks: Last year we appropriated an extra \$2,000 from the Salmon Supper for fireworks. Since we have not completed the Salmon Supper, I would like to appropriate \$2,000 to supplement our fireworks budget for Onion Days. I thought last year was great.

\$2,000 from fund balance.

Water Department: We received a bid from Patterson Construction to install the water line from the Patterson Tank and connect into our water system. The City Council approved for us to utilize funds left over from our water tank bond. The State of Utah finally informed us that they didn't see a problem but that we would need to present our proposal to the Utah Water Board. The next board meeting is in November. We would like to have this completed before that time. We are suggesting that we appropriate fund balance in the amount of \$180,000. We can then proceed with this project. We will then prepare a project to present to the Utah Water Board for the left over funds. We are proposing that we look at Fourbay and drilling a well.

\$180,000 from water fund balance

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Manager Tuckett noted that in order to get this project ready to take to the board in November will need to get up to \$100,000 in engineering.

Councilman Skinner wondered about combining this with the reservoir study and Manager Tuckett said that might be possible but we need expertise on where to drill. He is asking the Council to consider additional \$100,000.

TOTAL APPROPRIATION OF FUND BALANCE

\$218,000

Plus \$100,000 for engineering for drilling in Fourbay.

MOTION by Councilman Hancock to close the public hearing. Motion seconded by Councilwoman Ford. Motion carried.

MOTION by Councilman Hardy to approve the fund balance appropriation with up to an additional \$100,000 for engineering. Motion seconded by Councilman Hancock. Motion carried.

APPROVAL OF COMBINED VOTING PRECINCTS AND POLLING LOCATIONS FOR 2013 MUNICIPAL ELECTION

Manager Tuckett explained the following from Recorder Wineteer:

Polling Places: I would again like to have everyone in Payson City vote at the City Center on November 5th like we did for the 2011 Election. I think it worked well and even though we can't avoid all confusion (because the County always votes at different separate locations), everyone seems to come to the City Center to find out where to vote. This will be advertised, put on the web, and sent to all email addresses and phone numbers we have on file. Also the Early Voting will take place at the City Center.

Combine Precincts: I would like to combine the 8 County voting precincts in Payson into 4 Combined voting precincts and have all 4 vote at the Payson City Banquet Hall just like we did at the last 2011 election. "Third, fourth or fifth class cities and towns may combine two or more county voting precincts into one municipal precinct for voting. If two precincts are combined, the polling place is to be in the combined precinct or within one-half mile of the combined precinct." 20A-5-301(2)

I have talked to Judy at the Sr. Citizen's and she said that they will either close that day or have the seniors have a picnic or sack lunch so as not to need the Banquet Hall.

I will again ask all employees to park along the street or across the street to allow adequate parking. (We could even have Steve put some type of sign at the entrances stating that the parking lot is only for voters on November 5th).

Councilman Hardy said he is concerned that combined polling places may reduce voter turnout; last election was dismally low.

MOTION by Councilman Hancock to approve combined voting precincts and polling locations for the 2013 municipal election. Motion seconded by Councilman Phillips. Motion carried.

WATER RESTRICTION DISCUSSION

Manager Tuckett explained the following:

The City Council adopted watering restrictions to help us conserve water. We have placed adds in the Chronicle, newsletter, web site and collector. We have provided warnings door to door. Last week we have been issuing citations to those who have been previously warned. This week we utilized our public works employees by canvassing the city looking for violators.

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Members of the Council noted that they have seen many violations and Manager Tuckett said we really need to get the pressurized irrigation system metered.

Assistant City Engineer Brent Arns said we are running the pumps at Spring Lake 24/7 and still the upper pond is dropping. The pumps are costing \$10,000 a month.

He said the ordinance allows for emergency measures; do we go to the next step and only allow 1 day a week or do we shut off the ponds for a week? The water will not last to September at the rate we're going.

MOTION by Councilman Phillips to direct staff to look at going to a mandatory 2 days a week and ticket those using P.I. water on Sunday. Motion seconded by Councilman Hancock.

Councilman Skinner wondered about going to 1 day a week and Councilman Hancock felt this would be too much of a shock and we could go to 1 day if the 2 days is insufficient.

There was discussion of how to implement the water restrictions.

Motion carried.

Attorney Sorenson noted that the ordinance states that the mayor can order the restrictions by proclamation.

MOTION by Councilman Phillips that due to the current water situation for the mayor to sign a proclamation ordering water restrictions. Motion seconded by Councilman Hancock. Motion carried.

SUVMWA REPORT

Councilman Hancock highlighted the SUVMWA Report and noted that the report is very detailed and in-depth.

SUVMWA was formed under the direction of the mayors to represent the water needs of the municipalities in Utah Valley. Funding for SUVMWA has gone toward research including recharging the aquifer, water needs for future population, and the cost of meeting those water needs.

He is very concerned that if Highline canal is enclosed we will lose 28% of the water that goes into recharging the aquifer.

He said Spanish Fork and Salem have been told they need to upgrade their water treatment plants, which will cost millions to meet new requirements. Payson should be getting the same news soon. It may be time to look at a regional plant.

Manager Tuckett added that sometime in the near future a regional plant would need to be discussed.

STREET LEGAL ALL-TERRAIN VEHICLES AND OFF-HIGHWAY VEHICLES ORDINANCE

Attorney Sorenson said the impact of the last ordinance was not what was intended and he asked the council to consider the amendment to allow mobility in business park.

MOTION by Councilman Skinner to adopt the amended ordinance. Motion by Councilman Hancock.

Councilman Hancock asked about street legal dirt bikes and Attorney Sorenson said street legal means street legal as defined by the state.

Motion carried.

DISCUSSION REGARDING ALYSSA THOMAS MUSIC CONCERT EVENT AT MEMORIAL PARK

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Alyssa Thomas said she is concerned about the cost of police coverage for the event and she is asking for a discount and or for the police to volunteer their time.

Councilman Skinner said cutting into the police budget would be very difficult and we can't force people to volunteer. Mayor Moore agreed that the police wages couldn't be cut nor could they be forced to volunteer.

Ms. Thomas wondered if they could use police who are on a lesser wage instead of more experienced officers. Manager Tuckett said the cost is what is given to all applicants for police coverage.

Councilman Hancock said he wants to ensure that all requirements are met for insurance coverage. She said she has everything in place except this last piece.

Councilman Phillips asked if she was aware of what's going on with the Utah County Fair and she said she is fully aware that she is competing with the Fair.

Attorney Sorenson said we are setting precedence with a commercial venture; our staff is skilled at evaluating the correct level of personnel.

Manager Tuckett noted that on July 17th Ms. Thomas was asked to submit a concept plan; we have not received that and our attorney would need to evaluate personnel needs. The fees need to be paid. We've done what we can to have Lieutenant Wright work with her to determine the needs, but this is a week away and we don't have a clear picture of what is being planned.

Councilman Hardy feels that the City, in good faith, has put a lot of work into this. We can't do a budget amendment without a public hearing. He suggested she get help from someone else to fund the event.

ADJOURN

MOTION by Councilman Phillips to adjourn. Motion seconded by Councilman Hancock. Motion carried.

The Council adjourned at 8:56 p.m.