

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, March 3, 2021

CONDUCTING William R. Wright, Mayor

ELECTED OFFICIALS Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Bob Provstgaard, William R. Wright

STAFF PRESENT David Tuckett, City Manager
Cathy Jensen, Finance Director
Kim E. Holindrake, City Recorder
Jason Sant, City Attorney
Brad Bishop, Police Chief
Nestor Gallo, Development Services Director
Travis Jockumsen, Public Works Director/City Engineer
Scott Spencer, Fire Chief
Jill Spencer, City Planner
Chris Van Aken, Planner II
Stephanie Whitehead, Animal Control Officer
Karl Teemant, Recreation Director
Dona Gay, Library Director

OTHERS Lea Dodgen, Eric Dodgen, House Representative Doug Welton, Michelle Lines – Chamber, Ann Humpherys – Library Board

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. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Brett Christensen.

Pledge of Allegiance led by Bob Provstgaard.

B. CONSENT AGENDA

1. Approval of the February 17, 2021 City Council Meeting Minutes
2. Resolution - 2020 Municipal Wastewater Planning Program Annual Report

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

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

Lea Dodgen stated she is here again in support of the miniature goat ordinance. Recently, a petition was shared on line with over 350 supporters, which some are attending tonight. In this time of uncertainty, deriving a nutritious source of food for a family should be a human right. She asked that an ordinance be passed that allows citizens to have two to three miniature goats on lots less than 20,000 square feet. Goats would need to be disbudded and males neutered. Proper fencing and shelter would need to be in place and cleanliness maintained. Registered miniature goats are between 21 and 29 inches tall at the withers and less than 100 pounds. They have the ability to provide a gallon of milk per day. She asked what more they could do to get an ordinance passed.

Discussion:

Dave Tuckett noted this is not an agenda item so there is no decision to be made and no ordinance is before the Council. If council wants to reconsider an ordinance.

Stephanie Whitehead stated she looked into many codes around the United States and many surrounding city codes. Recently, the ordinance was amended requiring only ½ acre, which in her opinion is a fair amount for those who want them and for those who don't. She has been contacted by quite a few of people who are against it. There are many concerns with surrounding city animal control officers (ACO) dealing with goats running at large, the same noise levels as regular goats, noise when the goats see their owner or neighbors, smell. One ACO stated he would not allow them on a lot under 20,000 square feet.

Mayor Wright stated he has talked with Lea Dodgen and applauded her for trying to get this on an agenda. As a retired law enforcement officer with 37-years of experience, he dealt with animal concerns. He feels this would be an added concern and agreed with Stephanie Whitehead.

Councilmember Provstgaard stated he has had a week to study this and read the ordinance, which was reworded last year and reads very well. He believes it is what the citizens of Payson deserve and want. He has read all the emails of support and spent time at a couple businesses talking to residents. His opinion is the animal ordinance is wonderful, and he is not willing to open the ordinance right now to make a change. The current ordinance fits the town as a whole and understands the City can't please everyone. He appreciates Lea Dodgen getting involved, making a difference, and making it a subject of conversation.

Councilmember Christensen agreed. It's tough telling someone what they can and can't do with their property. He can relate to the trying times we are in. At the same time, it's tough to allow it to see how it goes.

Councilmember Carter agreed. Her neighbor has goats but owns a lot of land. They can be noisy at times. On this size of lot, it would be extremely hard. She understands needing the milk. The ordinance needs to be left as it is.

Eric Dodgen questioned if there is any forum or method allowed to get a vote of the general public or get it on a ballot.

Jason Sant stated the state guidelines (Utah State Code) would need to be followed to file an initiative petition. The Legislature is currently working on a couple bills that could affect this code section. Any resident can follow these guidelines to file.

2. Staff and Council Reports

Staff Reports

FIRE AND AMBULANCE – Chief Spencer stated with spring cleanup, the open burn is March 30 to May 30 for yard waste. Medical staff is preparing for pediatric advanced life support two-day training and certification. Fire fighters are doing their fit testing to prepare for the SCB's. Three more day-time firefighters retired; Ron Gordon with 34 years, Neil Losser with 54 years, and Stan Spencer with 56 years. They will be greatly missed and were a big part of the day group. He is trying to get people available during the day, but it is a challenge because most people work outside the City. There isn't a specific parameter for creating a permanent department; it's based on the response time wanted for the community. As a volunteer group, Payson has good response times, but the call volume is higher than some of the full-time departments. During the day, the ambulance is out of the station in one to two minutes. Those responding from home, it can take 10 to 15 minutes before the ambulance pulls out of the station. Fire is a little quicker. It's all about the level of service the City wants to provide, which comes with a cost. He recently talked with Santaquin again on pros and cons of a combined department.

POLICE – Chief Brad Bishop thanked the mayor and council for giving he and Stephanie Whitehead the opportunity to address the goat ordinance. Staff spent a lot of time last year on the amendments and recently researching different cities and having discussions with people.

DEVELOPMENT SERVICES – Nestor Gallo reported in February, the initial review of a residential building permit took less than two weeks and commercial plan reviews took three weeks. There were 118 building permits issued and 434 total inspections. The Spring Creek (West Mountain) RFP received two applications, which staff will review and make a recommendation. The plan review season, which began in September 2020, totals 43 residential/commercial applications with 82% of those ready to move forward. Red Bridge Village is ready with final details and is headed to the Planning Commission. Parris RV is preparing and wanting to break ground next month. South Haven Farms is ready for construction with 211 apartments. South Haven Farms Townhomes is coming with 93 units. It will be a busy summer.

Council Reports

Councilmember Christensen noted spring soccer is beginning but is already full. He was unable to get his son and daughter registered. He doesn't want people to be discouraged because there is a waiting list. The City needs to provide the service and a lot of money was invested last year in sports and recreation. Karl Teemant clarified soccer registration was opened and even extended to the next level. Once uniforms were ordered, the cap was set. It could potentially be expanded, but it takes several weeks to get uniforms. He doesn't want to purchase uniforms that just sit on the shelf. This is the second year with spring soccer and is more popular than anticipated. He will look into setting up additional teams where people are waiting.

Councilmember Carter reported the entrance to the cemetery looks so good; she is excited how it honors those buried there. She congratulated the high school wrestling team for taking state, and the basketball team for taking Region 8. She attended Mama Mia at the High School and it was a phenomenal event.

Councilmember Provstgaard reported he participated in the interviews for Spring Creek RFP; he was impressed by both presentations. There is a tough decision to be made. He has been attending the Development Review Committee meetings, and they are busy. He wonders if there could be a limit on the number of project reviews so they can their other work done. He spent time getting up to speed on development projects, and it's overwhelming. He was disappointed in a developer who he witnessed telling staff what he wanted instead of what was allowed and staff recommended. He would like to have a work session with the council and Development Services to discuss ideas and things they are working on. He congratulated the wrestling team and proposed a proclamation honoring the team.

Councilmember Hiatt congratulated the wrestling team as well. There are so many sports children can begin at a young age. When they get to high school, they know what they want to play. So, with the soccer discussion, everyone should have the chance to participate. She appreciates what Payson does to support the children, and appreciates all those who coach. She agreed with having a work session with Development Services; she worries about them handling it all. Staff is awesome; we see you and appreciate you.

House Representative Doug Welton updated the council on some of the state bills. There was a huge transportation funding bill with projects and Payson Main Street was not one of those projects. He started lobbying leadership on his side and Senator McKell started lobbying on the other side. After cutting \$700,000,000 off the budget, Payson Main Street was added to the funding for \$5 million. It now goes to the senate. He misses Payson; the fantastic employees, and council/mayor. Payson City is well served.

Councilmember Hulet thanked Doug Welton for his Main Street assistance. He has been pushing the state for six years on this problem. He thanked those retiring firefighters; they will be missed.

Mayor Wright recognized the wrestling team as well. It was his privilege to speak and be part of the celebration last Monday night. He will have them come to a meeting to celebrate when it is safe to do so.

3. Scout Attendance Certificates

No scouts present.

4. CTC: Mayor's Youth Recognition (6:45 p.m.)

Mayor Wright and Karl Teemant presented Mayor's Youth Recognition Awards to McKay Wright, Mt. Nebo Junior High, Bailey Marvin, Payson High School, and Sam Villegas, Payson Junior High.

5. Chamber Business of the Month (6:55 p.m.)

Michelle Lines announced the Chamber Business of the Month is Costco. Costco has been a member of the Chamber for many years and attended more than three chamber events within the year. Costco is very involved in the community. The Chamber created additional criteria for the Business of the Month so it's a bigger challenge but more prestigious. They were unable to attend tonight but were very honored for the recognition.

D. ACTION ITEMS

1. Ordinance - Amendments to the Payson City Code, Title 17, Library (6:57 p.m.)

Staff Presentation:

Jason Sant stated the Library Board Chair, Library Director, Kim Holindrake, and he worked on the amendments to Title 17, Library, to match what is occurring today. Changes included referring to the Library Board as members and not directors, the board secretary as another employee was removed because the Board appoints a secretary from its members, the meeting schedule was revised to allow the Board to choose the meeting date, only four members are needed to be present for a special meeting, the Council appoints the librarian/library director, the board chair creates the annual report and reports to the council, and the unlawful acts section was removed because it is in state code. There were some minor clarifications and changes as well.

Ann Humpherys clarified the Board elects a chair, vice chair, and secretary from its members.

MOTION: Councilmember Brett – To accept the (ordinance) amendments to Payson City Code Title 17, Library. 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 - Bob Provstgaard

2. Resolution – Library Board Appointments

Presentation:

Ann Humpherys reported the Library Board has three-year appointments with a limit of two terms. Terms ended for Emily Edman and herself, and they both would like to be reappointed.

Dona Gay noted Councilmember Carter is now the council representative to the Library.

(Note, BriAnne Zabriskie has moved from the City and is no longer on the Board. There is no new appointment because of the changes to Title 17, Library, regarding the number of board members, which was previously addressed in this meeting.)

MOTION: Councilmember Provstgaard – To approve (resolution) board members Ann Humpherys and Emily Edman. 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
- Yes - Bob Provstgaard

3. Ordinance - Amendments to the Payson City Code, Title 19, Zoning, including Appendix A

Staff Presentation:

Chris Van Aken reviewed items 3, 4, and 5. These amendments bring the ordinances more in line with state code as well as the city’s general plan. He reviewed the larger amendments. The density bonus in the PRD section is removed, which hasn’t been used for over a decade; but still allows flexibility in lot configuration. Performance guarantees and timelines were brought in line with state code. Language allowing private streets and alleys was removed. There are a couple projects that initiated the approval process that include private roads before these amendments were initiated. Staff can look at how to address those projects.

Travis Jockumsen explained with the General Plan revisions, the asphalt width of a road was changed from 40 feet to 34 feet. Private roads are no longer allowed. He reviewed pictures of issues on private roads such as illegal parking and garbage collection delays. Driveway lengths are proposed to be 25 feet. These proposed changes were a unanimous recommendation from the Development Review Committee.

Council Discussion:

Councilmember Provstgaard stated this is a great tool in meeting the needs of garbage collection, snow plows, and emergency personnel. It has been a heated topic of discussion in Development Review Committee meetings.

Councilmember Christensen noted the garbage containers may need to be taken to the public street for collection or a private company should do pickups. That could make the situation worse.

Councilmember Hulet questioned the removal of requiring letters to be sent out seven days before a public hearing in section 19-2-7. He questioned cash bonds only. He questioned the removal of open space transfer for a density bonus in Title 20.

Jill Spencer clarified staff gets letters out at least 10 days prior to the public hearing, which is a courtesy notice and not required by state code. Staff doesn’t want an application to not proceed forward if that courtesy notice wasn’t provided in a certain number of days. The language may need to be reworded.

Jason Sant noted staff can work on the wording. It isn’t required by state code. It is standard practice that a hearing is continued or tabled if notices don’t go out on time.

Chris Van Aken clarified a cash bond or irrevocable letter of credit can be used. Since a density bonus hasn’t been used in ages, staff wants to research and find what is being used.

Jill Spencer clarified there are some instances where it must be a cash bond such as a slurry seal.

MOTION: Councilmember Hulet – To approve the (ordinance) amendments to the Payson City Code Title 19, Zoning, including Appendix A with having the wording on 19-2-7 fixed to an appropriate time to get the letters to the City. Motion seconded by Councilmember Provstgaard. 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 - Bob Provstgaard

4. Ordinance - Amendments to the Payson City Code, Title 20, Subdivisions

MOTION: Councilmember Christensen – To approve the (ordinance) amendments to the Payson City Code Title 20, Subdivisions. 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 - Bob Provstgaard

5. Ordinance – Amendments to the Payson City Development Guidelines (7:25 p.m.)

Staff Presentation:

Jill Spencer stated Payson Power and Light wants to change some of its design standards, and engineering is including a backflow detail in the standards.

MOTION: Councilmember Hulet – To approve the (ordinance) amendments to the Payson City Development Guidelines as presented. Motion seconded by Councilmember Provstgaard. 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 - Bob Provstgaard

E. ADJOURNMENT

MOTION: Councilmember Christensen – To adjourn. Motion seconded by Councilmember Hiatt. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Bob Provstgaard. The motion carried.

The meeting adjourned at 7:28 p.m.

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