

1 PAYSON CITY
2 CITY COUNCIL MEETING
3 Payson City Center, 439 W Utah Avenue, Payson UT 84651
4 Wednesday, May 19, 2021
5

6 CONDUCTING Brett Christensen, Mayor Pro Tem
7

8 ELECTED OFFICIALS Brett Christensen, Linda Carter, Taresa Hiatt, Brian Hulet (6:33 p.m.),
9 Bob Provstgaard
10

11 EXCUSED: William R. Wright
12

13 STAFF PRESENT David Tuckett, City Manager
14 Cathy Jensen, Finance Director
15 Kim E. Holindrake, City Recorder
16 Jason Sant, City Attorney
17 Travis Jockumsen, Public Works Director/City Engineer
18 Scott Spencer, Fire Chief
19 Jill Spencer, City Planner
20 Chris Van Aken, Planner II
21 Karl Teemant, Recreation Director
22

23 OTHERS Ann Humpherys – Library Board Chair, Jeff Acerson – Utah Transit
24 Authority, Ben Glazner – America First Credit Union, Ken Berg
25

26 **MOTION: Councilmember Provstgaard – To appoint Brett Christensen as a temporary**
27 **Mayor Pro Tem.** Motion seconded by Councilmember Carter. Those voting yes: Linda Carter,
28 Brett Christensen, Taresa Hiatt, Bob Provstgaard. The motion carried.
29

30 Brett Christensen, Mayor Pro Tem, called this meeting of the City Council of Payson City, Utah, to
31 order at 6:10 p.m. The meeting was properly noticed.
32

33 A. PRAYER & PLEDGE OF ALLEGIANCE
34

35 Prayer offered by Brett Christensen.
36

37 Pledge of Allegiance led by Taresa Hiatt.
38

39 B. CONSENT AGENDA

- 40 1. Approval of the May 5, 2021 City Council Meeting and Work Session Minutes
41

42 **MOTION: Councilmember Hiatt – To accept the May 5, 2021 council minutes.** Motion
43 seconded by Councilmember Carter. Those voting yes: Linda Carter, Brett Christensen, Taresa
44 Hiatt, Bob Provstgaard. The motion carried.
45

46 C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

- 47 1. Public Forum
48

49 Jeff Acerson stated he is a trustee for Utah Transit Authority (UTA) representing Utah County and
50 Tooele County. He is out meeting the council members of cities in these counties. He can be
51 contacted about questions or to know what UTA is doing. UTA is looking at funding and working
52 with the Legislature to line up what will be the future line for FrontRunner into south Utah County
53 to Payson. UTA understands and appreciates the efforts of Payson developing corridors that will
54 support higher density housing so communities can take advantage of transit.
55

56 2. Staff and Council Reports

57 Staff Reports

58
59
60 PUBLIC WORKS – Travis Jockumsen reported he attended the water users conference where the
61 outlook on water is now below what has been reported by the state. Staff will take a look at the
62 lakes next week to review the water levels. The City needs to encourage conservation. Currently,
63 the water coming through the power plant up the canyon is about half. The City doesn't have a good
64 mechanism to go out and fine those who are overwatering or when they shouldn't water. Only
65 police officers can legally write a ticket. The Council needs to have a discussion on the issue and
66 maybe come up with a fine. Hopefully, the issue will be resolved once the pressurized irrigation
67 usage can be billed. Jason Sant noted that the City doesn't have any control over the school districts
68 watering. The City has control over businesses and homeowners. Staff spoke to Utah County
69 representatives at the water conference about the County issuing an emergency declaration. He will
70 put the issue on the next meeting agenda.
71

72 FIRE AND AMBULANCE – Chief Spencer stated fire personnel have been training on rescue and
73 emergency evacuation in large buildings. This week is EMS Week, and Mountain View Hospital
74 honored them with a dinner last night. Wes Walker was recognized as EMS educator of the year. He
75 reminded the public, there are no fires in Pine Forest. The Forebay area is also restricted to fires.
76

77 CHAMBER OF COMMERCE – Michelle Lines stated the Chamber is working on summer
78 activities such as a skeet shoot, power wheels drag race with orchard days (Santaquin), and corn
79 hole for onion days (Payson). She met with the Utah County Chambers Association to form an
80 entity to unite the chambers in Utah County to work on legislation for businesses.
81

82 Council Reports

83
84 Councilmember Hiatt thanked Planning and Zoning and Engineering for working hard; she
85 appreciates them.
86

87 Councilmember Provstgaard reported he met with the FFA to help interview the potential
88 candidates for officers for next year. The FFA is chomping at the bit to do some volunteer service
89 projects for the City. He told them the City is coming up with some beautification and volunteer
90 initiatives, which they were excited. It was great to have a work session with the Planning
91 Commission to discuss perspectives and the future. Future joint work sessions are being planned.
92

93 Councilmember Carter reported she is extremely concerned about the water situation. People need
94 to be smarter about using water every day in the heat of the day. It's disheartening. She thanked all
95 the city employees working so hard on water.
96

97 Councilmember Hulet stated he just finished a meeting with MTECH. MTECH will be meeting on
98 Friday with representatives from Payson, Utah Valley University, and Nebo School District to
99 discuss the new MTECH building, classes, etc.

100
101 Councilmember Christensen stated additional signage around the Pine Forest would be a good idea.
102 If there is a common location where people are camping, the FFA could possibly bring in some
103 cement for fires if it's permissible. There have been a lot of positive comments on how good the
104 cemetery looks, but vehicles along the road are getting watered by the cemetery sprinklers.

105
106 3. Scout Attendance Certificates

107
108 No scouts present.

109
110 4. Chamber Business of the Month

111
112 Michelle Lines announced the Chamber Business of the Month is America First Credit Union. Ben
113 Glazner appreciates the opportunity to be recognized as business of the month. He noted America
114 First Credit Union does a fund raiser called warm the souls. The Santaquin branch helps provide
115 shoes just before Christmas break for students at Santaquin Elementary, Orchard Hills Elementary,
116 and Eureka Elementary. The Payson branch does the same fund raiser.

117
118 D. ACTION ITEMS

119 1. Resolution – Amendments to the Payson City Fee Schedule, non-resident library cards (6:40
120 p.m.)

121
122 Presentation:

123 Ann Humpherys stated there are many things a person can do without a library card such as library
124 programs and things on line. A library card is needed to check out books, audio equipment, etc.
125 Non-residents can pay \$40 for 12 months or \$20 for 6 months. Payson city residents and staff are
126 eligible for a free library card. Less than 15 people purchase a card each year. Santaquin library card
127 holders have access to the Payson library. About 50 people per year that don't live in the City come
128 to the library but choose not to pay or can't pay for a card. There is confusion and frustration about
129 why they have to pay for a library card. The Library Board estimates about 20 households do not
130 live in Payson but pay city utilities. There are about 800 households living outside the City but in
131 the annexation boundary. There are people not in the annexation boundary who attend school, work,
132 and shop in Payson. The Library Board requests a six-month trial such as June 1 through November
133 30 for those within the annexation boundary to receive a free library card. The six months would
134 when the card is received. The plan is to collect information from those who participate and those
135 who don't choose to participate. The library will have a map to identify where people live. The
136 information, findings, and recommendations will be brought back to the City Council. The library
137 system can track those who are non-residents and if they already received a six-month trial.

138
139 Council Discussion:

140 Councilmember Hulet stated this is a good idea and could be made permanent. The fee schedule
141 should say it is a six-month trial. At the end of the six months, they either pay to renew or they
142 don't.

144 Councilmember Christensen stated the six-month trail is a good start and needs to be readdressed in
145 November (2nd council meeting in November).

146
147 Jason Sant clarified this is an amendment to the fee schedule and doesn't include an ending date. It
148 does state the annexation boundary. The library will track the numbers/collect data and present the
149 information to the Council in November or December. The library can request that the Council
150 make it permanent or terminated. The fee schedule would be amended at that time, if needed. The
151 wording can be changed to state it is a trial.

152
153 Dona Gay clarified that these patrons will be given an adapted card that will last six months.

154
155 Councilmember Provstgaard stated he doesn't want people to get used to using the card and then
156 have it ended.

157
158 Ann Humpherys stated they can look at these issues and report in November. At that time, they
159 should have enough information to know the next step.

160
161 **MOTION: Councilmember Provstgaard – To accept the (resolution) fee schedule for non-**
162 **residents within the annexation boundary as proposed by the Library Board for the use of a**
163 **temporary library card.** Motion seconded by Councilmember Hiatt. A roll call vote was taken as
164 follows and the motion carried.

165
166 Yes - Linda Carter
167 Yes - Brett Christensen
168 Yes - Taresa Hiatt
169 Yes - Brian Hulet
170 Yes - Bob Provstgaard

171
172 2. Preliminary plan and final plat for Hiatt 7.5 Subdivision located at approximately 1300
173 South between 1950 West and 2450 West and approval of a private road (7:00 p.m.)

174
175 Staff Presentation:
176 Jill Spencer reported the Hiatt 7.5 Subdivision is a three-lot subdivision in the South Meadows
177 Planning Area. The subdivision is correcting an improper division of the land. The final decision
178 also includes approval of a private road for access to lot 1, acceptance of the right-of-way
179 dedication for 2450 West, and a deferral agreement allowing on-site systems and delaying
180 installation of road improvements. The Planning Commission recommended approval, and the
181 subdivision meets the General Plan and underlying zone requirements.

182
183 **MOTION: Councilmember Hulet – To approve the preliminary plan and final plat for the**
184 **Hiatt 7.5 Subdivision and approval of a private road.** Motion seconded by Councilmember
185 Provstgaard. A roll call vote was taken as follows and the motion carried.

186
187 Yes - Linda Carter
188 Yes - Brett Christensen
189 Yes - Taresa Hiatt
190 Yes - Brian Hulet
191 Yes - Bob Provstgaard

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- 3. Resolution – Deferral agreement for property located at approximately 1300 South between 1950 West and 2450 West (Hiatt 7.5 Subdivision)

MOTION: Councilmember Hulet – To approve (resolution) the deferral agreement for property located at approximately 1300 South between 1950 West and 2450 West the Hiatt 7.5 Subdivision. 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. Preliminary plan and final plat for Split Rail Subdivision, Plat A, located approximately 1200 South 2450 West in the A-5-H, Annexation Holding Zone (7:10 p.m.)

Staff Presentation:

Jill Spencer reported the Split Rail Subdivision is a two-lot subdivision with access to a public street. Acceptance includes the right-of-way dedication for 2450 West. There is a deferral agreement allowing on-site systems and delaying installation of road improvements. The Planning Commission recommended approval, and the subdivision meets the General Plan and underlying zone requirements.

MOTION: Councilmember Provstgaard – To approve the Split Rail Subdivision preliminary plan and final plat and accept the right-of-way dedication. Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Bob Provstgaard. The motion carried.

- 5. Resolution – Deferral agreement for property located at approximately 1200 South 2450 West (Split Rail Subdivision)

MOTION: Councilmember Provstgaard – To agree to the resolution for the deferral agreement for the Split Rail Subdivision. 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

- 6. Public Hearing/Ordinance – Amendments to the South Meadows Area Specific Plan

Staff Presentation:

Jill Spencer reviewed the amendments proposed to the South Meadows Area Specific Plan (SMASP), which is an appendix to the General Plan. The amendments will accommodate the Red

240 Bridge Village development, which is a large-scale mixed-use development including the MTECH
 241 campus. The current land use and densities are inconsistent with the SMASP so the applicant is
 242 requesting an amendment. A memorandum of understanding was signed to move the project
 243 forward, acknowledge the need to amend the SMASP, and direct the Planning Commission to
 244 process the amendment. These amendments are limited to certain parcels owned by or under
 245 contract with Payson South Meadows Partners LLC. Other properties would require additional
 246 studies and approvals to change the land use. The applicant is requesting modifications to the land
 247 use and density, transportation network (roads and trails), roadway cross-sections, and utility
 248 systems. The adopted General Plan shows two potential transit-oriented development (TOD) nodes
 249 at the south interchange and north interchange. These nodes are dependent on transit facilities along
 250 with the South Valley Transit Study. It is all about timing. The applicant is requesting a mixed-use
 251 center with hopes of a future TOD. The SMASP was adopted in 2016 with a second alternative for a
 252 use for higher education. The applicant is requesting to modify the acreage for the university/school
 253 designation, change the TOD designation to commercial/mixed use, rearrange boundaries of
 254 commercial/mixed use, increase acreage of commercial/mixed use, and replace the
 255 university/school designation to 15 DU/AC (redistribute density).
 256

Red Bridge Station Amendment #1 Base Scenario vs Higher Education (Amended) Land Use Plan						
Land Use	Base Scenario			Higher Education Scenario		
	Area (ac)	Density DU/AC	Max # of Dwelling Units	Area (ac)	Density DU/AC	Max # of Dwelling Units
Mixed Use	N/A	N/A	N/A	15.47	MU-1 Zone	490
Commercial	23.13	N/A	N/A	9.38	MU-1 Zone	N/A
Residential – 15 DU/AC	42.79	15	642	42.36	15	635
Residential – 2 DU/AC	10.9	2	22	0	2	0
School	0	N/A	N/A	13.31	N/A	0
Parks/Open Space	22.02	N/A	N/A	18.32	N/A	0
Totals	98.84	6.71	664	98.84	11.39	1125

257
 258 The General Plan establishes the big picture of the community. The SMASP shows how the smaller
 259 areas fit into the big picture (General Plan). The General Plan/SMASP amendment does not modify
 260 or waive requirements of the city code and does not entitle land use or densities. It provides a path
 261 for the applicant to make application to move forward. Additional approvals will be needed to
 262 develop the property.
 263

264 The Planning Commission felt this area could accommodate a TOD and was consistent with the
 265 General Plan. The Planning Commission was not comfortable including TOD densities without the
 266 transit question answered. The Planning Commission recommended approval knowing the applicant
 267 has to come back for additional approvals.
 268

269 Applicant Presentation:

270 Ken Berg explained American Fork City’s TOD has different blocks, 1 through 9, that assign
 271 densities. A block 6 requires a certain percentage of the buildings to be office with apartments
 272 above. Those densities range between 45 to 60 dwelling units per acre. Payson’s mixed-use
 273 ordinance doesn’t give a base density, but states rules to be met to receive a density. Their proposed
 274 plans will show how they get to 490 units, which are office-retail on the first floor and residential
 275 above at four-stories maximum. The development team has to prove it all works. The MU-1 Zone

276 requires the applicant to provide a market study supporting the proposal. The market study helps set
277 the relationship between 1, 2, and 3-bedroom units. There may be a small percentage of studio
278 apartments, but there will be more 2 and 3-bedroom units. The PID will go out to market in about
279 month. Once the PID is funded, then the construction bond will be submitted. The road dedication
280 plat is having an additional page of signature blocks added to get it recorded. MTECH is part of the
281 phase one submittal. The next submittal will be a preliminary plan for the southeast corner. They
282 and staff have discussed avoiding the intersection of 800 South and 1950 West because there are
283 many unknowns and other areas can be developed that make sense.

284
285 Jeff Acerson stated the more the City plans for mixed use, the more transit can be extended north
286 and south. FrontRunner is the backbone of transit adjacent to I-15. The more cities plan for TOD's
287 and collaborate with UTA and UDOT, the more UTA will come to the table. It is about projections
288 and usage. UTA has to show there is a base that will use the transit. Depending on the growth,
289 development, and density, options include bus, rail, and FrontRunner.

290
291 **MOTION: Councilmember Hulet – To open the public hearing.** Motion seconded by
292 Councilmember Provstgaard. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian
293 Hulet, Bob Provstgaard. The motion carried.

294
295 Public Comment:
296 No public comments.

297
298 **MOTION: Councilmember Provstgaard – To close the public hearing.** Motion seconded by
299 Councilmember Hiatt. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet,
300 Bob Provstgaard. The motion carried.

301
302 Council Discussion:
303 Councilmember Hulet noted the number of apartments has come down from 3,000 units to 1,500
304 units to now a maximum of 1,125 units.

305
306 Councilmember Christensen stated now that everything is in order, the proposal is a realistic
307 number.

308
309 Ken Berg noted the hardest thing for him as a civil engineer designing a project and staff is when
310 there aren't any rules. Once this is approved, they have something to follow. Behind the scenes this
311 past year, they have been working on utility locations and sizes, etc.

312
313 **MOTION: Councilmember Hulet – To approve (ordinance) the amendments to the South**
314 **Meadows Area Specific Plan with findings of staff and Planning Commission approval.**

315 Motion seconded by Councilmember Provstgaard. A roll call vote was taken as follows and the
316 motion carried.

317
318 Yes - Linda Carter
319 Yes - Brett Christensen
320 Yes - Taresa Hiatt
321 Yes - Brian Hulet
322 Yes - Bob Provstgaard
323

7. Ordinance – Amendments to the Payson City Code, Title 19, Zoning (8:05 p.m.)

Staff Presentation:

Jill Spencer reviewed the amendments that add allowances for project signs in the S-1 Zone, which is around the two interchanges. Language was added allowing a project sign for an individual business if certain criteria is met such as acreage and frontage and approval by the City Council. Stacking requirements for a drive through is proposed to go from five to eight cars. Annual training requirements have been added for the Planning Commission. Previously, Title 4, Business Licensing, was amended regarding stand-alone ATMs and tobacco businesses, but staff found it needed to be in Title 19 as well.

MOTION: Councilmember Provstgaard – To approve (ordinance) the Title 19, Zoning, amendments as discussed. 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

8. Ordinance - Amendments to Title 2, Municipal Government, Forebay Committee

Staff Presentation:

Jill Spencer stated the City adopted the Forebay Management Plan, which recommended creating a committee to help oversee the management and implementation of the plan. Staff reviewed a model ordinance as well as other surrounding city ordinances. The ordinance identifies the membership, appointment, duties and responsibilities, terms, officers, voting, etc. The proposal includes seven voting members/citizens, which could be changed to five. A councilmember is a liaison to the Committee and a non-voting member.

Council Discussion:

Councilmember Christensen suggested five voting members. Through the application process, there may be only five applicants. Once the Committee is established, it's set.

Councilmember Hulet likes seven members to give a diversity.

Karl Teemant stated it could be up to seven members but needs to be an odd number. There needs to be enough representation from the types of users to the area. The Committee is appointed by the Mayor with the advice and consent of the City Council. The Mayor/Council and staff can encourage people to apply.

MOTION: Councilmember Hulet – To approve (ordinance) the amendments to Title 2, Municipal Government, Forebay Committee, and make the committee either five or seven committee. Motion seconded by Councilmember Provstgaard. A roll call vote was taken as follows and the motion carried.

- Yes - Linda Carter

372 Yes - Brett Christensen
373 Yes - Taresa Hiatt
374 Yes - Brian Hulet
375 Yes - Bob Provstgaard

376
377 9. Resolution – Appointment of Justice Court Judge

378
379 Mayor Wright requested that this item be tabled.

380
381 **MOTION: Councilmember Hiatt – To table this item.** Motion seconded by Councilmember
382 Hulet. A roll call vote was taken as follows and the motion carried.

383
384 Yes - Linda Carter
385 Yes - Brett Christensen
386 Yes - Taresa Hiatt
387 Yes - Brian Hulet
388 Yes - Bob Provstgaard

389
390 Mayor Wright requested that this item be tabled.

391
392 **MOTION: Councilmember Hulet – To table the closed session.** Motion seconded by
393 Councilmember Carter. A roll call vote was taken as follows and the motion carried.

394
395 Yes - Linda Carter
396 Yes - Brett Christensen
397 Yes - Taresa Hiatt
398 Yes - Brian Hulet
399 Yes - Bob Provstgaard

400
401 E. ADJOURN TO CLOSED SESSION

402
403 1. Character, professional competence, or physical or mental health of an individual

404
405 F. ADJOURN FROM CLOSED SESSION

406
407 G. ADJOURNMENT

408
409 **MOTION: Councilmember Provstgaard – To adjourn.** Motion seconded by Councilmember
410 Hiatt. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Bob
411 Provstgaard. The motion carried.

412
413 The meeting adjourned at 8:25 p.m.

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415
416 _____
417 Kim E. Holindrake, City Recorder