

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, May 19, 2021

CONDUCTING Brett Christensen, Mayor Pro Tem

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

EXCUSED: William R. Wright

STAFF PRESENT David Tuckett, City Manager
Cathy Jensen, Finance Director
Kim E. Holindrake, City Recorder
Jason Sant, City Attorney
Travis Jockumsen, Public Works Director/City Engineer
Scott Spencer, Fire Chief
Jill Spencer, City Planner
Chris Van Aken, Planner II
Karl Teemant, Recreation Director

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

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

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

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Brett Christensen.

Pledge of Allegiance led by Taresa Hiatt.

B. CONSENT AGENDA

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

MOTION: Councilmember Hiatt – To accept the May 5, 2021 council minutes. 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

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

2. Staff and Council Reports

Staff Reports

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

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

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

Council Reports

Councilmember Hiatt thanked Planning and Zoning and Engineering for working hard; she appreciates them.

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

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

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

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

3. Scout Attendance Certificates

No scouts present.

4. Chamber Business of the Month

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

D. ACTION ITEMS

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

Presentation:

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

Council Discussion:

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

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

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

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

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

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

MOTION: Councilmember Provstgaard – To accept the (resolution) fee schedule for non-residents within the annexation boundary as proposed by the Library Board for the use of a temporary library card. 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. **Preliminary plan and final plat for Hiatt 7.5 Subdivision located at approximately 1300 South between 1950 West and 2450 West and approval of a private road (7:00 p.m.)**

Staff Presentation:

Jill Spencer reported the Hiatt 7.5 Subdivision is a three-lot subdivision in the South Meadows Planning Area. The subdivision is correcting an improper division of the land. The final decision also includes approval of a private road for access to lot 1, acceptance of the right-of-way dedication for 2450 West, and 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 Hulet – To approve the preliminary plan and final plat for the Hiatt 7.5 Subdivision and approval of a private road. 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

- 192
193 3. Resolution – Deferral agreement for property located at approximately 1300 South between
194 1950 West and 2450 West (Hiatt 7.5 Subdivision)
195

196 **MOTION: Councilmember Hulet – To approve (resolution) the deferral agreement for**
197 **property located at approximately 1300 South between 1950 West and 2450 West the Hiatt 7.5**
198 **Subdivision.** Motion seconded by Councilmember Provstgaard. A roll call vote was taken as
199 follows and the motion carried.
200

201 Yes - Linda Carter
202 Yes - Brett Christensen
203 Yes - Taresa Hiatt
204 Yes - Brian Hulet
205 Yes - Bob Provstgaard
206

- 207 4. Preliminary plan and final plat for Split Rail Subdivision, Plat A, located approximately
208 1200 South 2450 West in the A-5-H, Annexation Holding Zone (7:10 p.m.)
209

210 Staff Presentation:

211 Jill Spencer reported the Split Rail Subdivision is a two-lot subdivision with access to a public
212 street. Acceptance includes the right-of-way dedication for 2450 West. There is a deferral
213 agreement allowing on-site systems and delaying installation of road improvements. The Planning
214 Commission recommended approval, and the subdivision meets the General Plan and underlying
215 zone requirements.
216

217 **MOTION: Councilmember Provstgaard – To approve the Split Rail Subdivision preliminary**
218 **plan and final plat and accept the right-of-way dedication.** Motion seconded by Councilmember
219 Carter. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Bob
220 Provstgaard. The motion carried.
221

- 222 5. Resolution – Deferral agreement for property located at approximately 1200 South 2450
223 West (Split Rail Subdivision)
224

225 **MOTION: Councilmember Provstgaard – To agree to the resolution for the deferral**
226 **agreement for the Split Rail Subdivision.** Motion seconded by Councilmember Hiatt. A roll call
227 vote was taken as follows and the motion carried.
228

229 Yes - Linda Carter
230 Yes - Brett Christensen
231 Yes - Taresa Hiatt
232 Yes - Brian Hulet
233 Yes - Bob Provstgaard
234

- 235 6. Public Hearing/Ordinance – Amendments to the South Meadows Area Specific Plan
236

237 Staff Presentation:

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

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

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

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

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

Applicant Presentation:

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

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

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

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

Public Comment:
No public comments.

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

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

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

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

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

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

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
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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