

PAYSON CITY  
CITY COUNCIL MEETING AND WORK SESSION  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, June 2, 2021

CONDUCTING William R. Wright, Mayor, and Brian Hulet, Mayor Pro Tem

ELECTED OFFICIALS Brett Christensen, Linda Carter, 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  
Travis Jockumsen, Public Works Director/City Engineer  
Scott Spencer, Fire Chief  
Jill Spencer, City Planner  
Dona Gay, Library Director  
Eric Jewell, Prosecuting Attorney  
Dave Dahlquist, Justice Court Judge  
Janeen Dean, Community Events Coordinator

OTHERS Ann Humpherys – Library Board, Helena Carter Thomas

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 Bob Provstgaard.

Pledge of Allegiance led by Brett Christensen.

B. CONSENT AGENDA

1. Approval of the May 19, 2021 City Council Meeting Minutes
2. Resolution – Deferral agreement for property located at approximately 425 East 920 North (Parris RV)
3. Resolution – Agreement with the Utah Department of Transportation (UDOT) regarding the SR-198 Corridor
4. Resolution – Amended agreement with JKLMN Investments LC (Kenny Seng) regarding sand and gravel extractions operations
5. Resolution – Amended agreement with Vereo Impact regarding consulting services
6. Resolution - Mutual Aid Mobile Field Force Agreement

**MOTION: Councilmember Hulet – To approve the consent agenda.** 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

**MOTION: Councilmember Hulet – To amend the agenda as Mayor Wright needs to.** Motion seconded by Councilmember Provstgaard. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Bob Provstgaard. The motion carried.

#### D. ACTION ITEMS

##### 2. Resolution – Appointment of Justice Court Judge (6:05 p.m.)

Presentation:

Mayor Wright submitted the name of Eric Jewell for appointment of Justice Court Judge. He is currently the prosecuting attorney for the City.

**MOTION: Councilmember Hulet – (resolution) To appoint Eric Jewell as Justice Court Judge.** 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

Eric Jewell stated nine years ago he became the prosecutor. He and his family moved to Payson; they love Payson. It's an honor to accept this appointment as Justice Court Judge. It's humbling and an honor to have the support of the mayor and council.

Dave Tuckett personally thanked Eric for his service as prosecutor. He and his family are a great part of the community. It's great to have him as Justice Court Judge.

Mayor Wright thanked Eric for his service. He will be missed as prosecutor.

Dave Dahlquist stated he looks forward to the day Eric is sworn in following approval of the Judicial Council. It has been 40 plus years since he brought his family to Payson. This is their home. He appreciates the ways the City has treated his family. It has been a great learning experience to sit on the bench for the last 13 years. He is especially pleased that Eric Jewell is the next judge. He has worked with him for years, and he stands very high in his book. He has a kind heart, knows that he's doing, and will be a great addition to the City. He is grateful for the support of the mayors and members of the council over the last 13 years. He has been given senior judge status to be able to fill in around the State as necessary in justice courts. He appreciates that this is his home, this is our home, and it's a great place to live and work. He stands willing and able to help out in any way as a senior judge.

(Mayor Wright excused 6:14 p.m.)

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

## C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

### 1. Public Forum (6:15 p.m.)

Helena Carter Thomas mentioned she took part in the General Plan planning sessions. She felt the General Plan went along with those things that were planned as far as the transition into the Spring Lake area. Her family was raised in the Spring Lake area, and they love it there. She believes in personal property rights and doing the highest and best use when developing your property. As a realtor, she sees some of these developers have a tunnel vision on high density development. She wanted to make the council aware that there is a need for horse properties. She is on the Steering Committee for developing the west part of Payson. One thing that brings value to properties is animal rights. She hopes the council considers transitioning and keeping Spring Lake somewhat the way it is. Also, a lot of fill was brought into the Springside Meadows development so the sewer would flow. She had clients who were willing to purchase property there to keep it as horse property but were discouraged because of the high homes, small lots, high density, and townhomes. She is concerned with the slope there, and there are a lot of springs in the area that will affect development in the future.

### 2. Staff and Council Reports (6:20 p.m.)

#### Staff Reports

**POLICE** – Chief Brad Bishop reported the department hired a new officer, Tanner Healey. On June 12, they will be helping with the triathlon. They have put out extra shifts because of traffic problems on certain streets. In May, calls for service was just over 1,000. They partnered with Lowes Home Improvements and will build about 105 bird houses with kids ages 6 to 14 on June 21. It will be a fun activity for the summer.

**COMMUNITY EVENTS** – Janeen Dean reported 450 people registered for the pay-it-forward challenge and the winning school was Spring Lake Elementary with Park View Elementary in second and Taylor Elementary in third. The City received the Thrive 125 Grant to do something special to celebrate Utah's 125 years as a state. There will be an event/program during Onion Days to celebrate. The Scottish Festival is July 9 and 10, and Western Heritage Night is on July 9. The first Rock Festival on July 30 and 31 with 30 plus bands as well as vendors.

**FIRE AND AMBULANCE** – Chief Spencer stated they began training on the new self-contained breathing apparatus, which have a built-in camera. The Department participated on a fire with Genola. Calls are busy as well as transfers from the hospital.

#### Council Reports

Councilmember Hiatt thanked the parks staff for how awesome the cemetery looks. The Forebay bridge is awesome.

Councilmember Provstgaard reported he went on a road trip yesterday and is excited to see the businesses coming to Payson. Today in the Spring Creek meeting, most of the discussion centered

around lot sizes of one acre with some at half acre in order to accommodate executive housing. Next month they will have drawings to review. They discussed the culture and rural feel of the area, which they want to keep.

Councilmember Carter was glad to see the cover go over the play area today. She was surprised to see so many people at the pool on opening day. She appreciates all the employees and how hard they work.

Councilmember Christensen attended the Memorial Day Veterans activity, which was wonderful. He's excited the new play area for Peteeetneet has been ordered; it will be good to have it back. The "P" on P Mountain is all broken up and needs to be cleaned up.

Councilmember Hulet reminded everyone of the branding rollout June 19 from 10 a.m. to noon at Memorial Park. There will be a ribbon cutting on June 19 at 12:30 p.m. for the Forebay parking lot. Later in the day there will be events such as archery, bowling, and horse-back riding that people can sign up to participate. He, Mayor Wright, and Dave Tuckett met with MTECH, UVU, and the consultants on the new MTECH building. They are putting a lot of work into this project, and renderings will be done by September.

### 3. Scout Attendance Certificates

No scouts present.

### 4. Chamber Business of the Month

Item tabled until June 16

### 5. Legislative Updates (6:45 p.m.)

Jason Sant presented legislative updates for 2021.

- The American Rescue Plan Act of 2021 will provide \$2.2 million to Payson City with \$1.1 million this year and \$1.1 million in 2022. The funds can be used similar to the CARES Act funds.
- 2021 Legislative Session – 502 bills passed with 245 bills impacting local government and 20 plus bills related to public safety.
- HB 23 Referenda – A referenda that challenges a local land use law or a local obligation law requires a higher number of petition signers. The bill clarifies that an ordinance that rezones one or more parcels of real property is a land use law and also grants the election officer greater latitude in scheduling the election following a successful referenda petition.
- HB 25 Mental Health Protections for 1<sup>st</sup> Responders – There is now a workgroup to make recommendations to the Business and Labor Interim Committee regarding barriers to mental health treatment, worker's compensation for mental stress claims, and improving access to mental health treatment for first responders.
- HB 27 Public Information Website Modifications – Two new public information websites were created i.e. Utah Open Records Portal and Utah Open Data Portal Website.
- HB 43 Emergency Procurement Declaration Modifications – Modifies provisions related to the public procurement of goods and services during an emergency and defines natural disaster.

- HB 60 Concealed Carry Amendments – Creates a new fund entitled the Suicide Prevention and Education Fund, which is funded with 50% of conceal carry permit fees. Anyone 21 years of age or older who may lawfully possess a firearm may do so without a permit.
- HB 63 Impact Fees – Clarifies that study overhead costs can be included in the determination of impact fees.
- HB 75 Municipal Alternative Voting Methods – 23 cities opted into Ranked Choice Voting.
- HB 82 Internal Accessory Dwelling Units – Internal accessory dwelling unit (IADU) is defined, and an individual can be punished for listing or offering an IADU as a short-term rental. Entities are allowed to require specific physical changes to IADU's in a single-family residential land use zone and must classify IADU's as a permitted use. A lien can be recorded against the home for code enforcement measures.
- HB 94 Microenterprise Home Kitchen – Governs non-commercial kitchens in private homes where ready-to-eat food is handled, stored, prepared, or offered for sale.
- HB 107 Subdivision Plat – Subdivision plats must show water conveyance facilities and easements. Written notice is required to be mailed to a water conveyance facility owner within 100 feet of the proposed subdivision.
- HB 142 Cyclist Traffic Amendments – Allows cyclists to proceed through an intersection that has a stop sign without stopping if certain tasks are followed.
- HB 63 Agricultural Land Use – Expands ability to farm hemp.
- HB 409 Land Use Changes – Requires planning commissions to receive at least four hours of training annually, defines substantial evidence, requires conditional use decisions to rely on objective standards, defines lot-line adjustment, parcel boundary adjustment, plat, and boundary line agreement, defines/revises use of a development agreement, and adds a section regarding roadways.
- HB 433 Infrastructure Funding – Authorizes \$264,000,000 in bonds for specific transit and transportation projects. Payson will receive \$5 million for the Payson Main Street Project.
- SB 33 Uniform Building Code – Amends the composition of the Uniform Building Code Commission and amends several international codes such as the International Building Code, International Residential Code, and National Electrical Code.
- SB 72 Open and Public Meetings Act – Prohibits a public body from taking a vote in a closed meeting except to end the closed portion.
- SB 125 Open and Public Meetings Act – Modifies the anchor location provisions related to convening an electronic meeting and makes exceptions in providing an anchor location such as a risk to public safety.
- SB 164 Housing Affordability – Defines affordable housing unit as 50% or below AMI, allows deed restrictions, describes activities that may receive funding, and includes monitoring the number of affordable units in jurisdictions.
- SB 199 Water Conservation – Addresses secondary water metering and supports the development of a unified, statewide water strategy to promote water conservation and efficiency.
- SB 201 & HB 1007 Public Notice – Changes public notice requirements of virtually every instance, eliminates the vast majority of newspaper publishing requirements, and adds many other public notice requirements.
- HB 1003 Local Government Building Regulations – Reduces municipal authority over when an application is considered complete, what can be required in terms of building design, how long a review of building plans may take, how many days are allowed before an inspection, defines complete permit application, and limits design, plan review changes, and inspection changes.

## D. ACTION ITEMS

### 1. Resolution – Watering Restrictions (7:15 p.m.)

#### Staff Presentation:

Dave Tuckett stated the Payson City water management plan is intended to protect and preserve public health, welfare, and safety in the event of a water shortage. This plan is designed to monitor the city's irrigation supply and make educated decisions regarding water restrictions. It is important for any Payson water user (municipal, commercial, residential) to understand how to appropriately respond to a water shortage. This document explains how a water shortage is defined, what action should be taken by city administration and Payson water users, and how the provisions will be enforced. The provisions of this plan apply to all persons, customers, and property utilizing water provided by Payson City.

Water Shortage Phases – The Payson City Water Department regularly monitors the level of city water resources. Twice a month (could be done weekly) during the water usage season, the Payson Water Department will use data collected internally, as well as data provided from external sources, such as Strawberry High Line Canal and Strawberry Water Users Association, to determine the drought conditions in Payson City. Based upon the water available for irrigation purposes, the water department will recommend the water shortage phase to be implemented by the Payson City Mayor and Council. The level and severity of water shortage has been categorized into three phases according to the availability of irrigation water.

Phase 1 - Regular water schedule of three days per week. Watering up to three days per week. All water users with even numbered addresses shall water only on Tuesday, Thursday, and Saturday. All water users with odd numbered addresses shall water only on Monday, Wednesday, and Friday. Large water users (churches, schools, city parks, large agricultural users) will water on Monday, Wednesday, and Saturday. Watering times are from midnight to 10 a.m. and 6 p.m. to midnight. It is recommended that pop-up sprinkler heads operate at 30 minutes or less and rotating sprinkler heads operate at 40 minutes or less. There shall be no hard-surface washing of driveways and parking lots. These restrictions are in place and notice was sent to the residents.

#### Council Discussion:

Councilmember Christensen questioned if there is a rotation schedule between the odd and even addresses. He would like to see the pressurized irrigation meter readings on the utility bills now so residents can see their usage. It's part of the educational process.

Dave Tuckett explained that previously, the City rotated between odd and even addresses; but there were resident complaints as to why it was changed. There were unintended consequences with residents having to change sprinkler system times, clocks, etc.

Travis Jockumsen noted that previously some residents were given permission to water whenever they could because of low water pressure issues. He's not so concerned if a resident waters at 2 p.m. because of low pressure even though it's not as efficient. He has a meeting next week on the portal for residents to see their water usage.

Councilmember Provstgaard stated because of the large water users, he may only have 15 psi, which is very severe.

Staff Presentation:

Dave Tuckett continued Phase 2 - Current water supply is below the projected amount needed to complete the irrigation season. All water users with even numbered addresses shall water only on Tuesday and Saturday. All water users with odd numbered addresses shall water only on Monday and Friday. Large water users will water on Wednesday and Saturday. Watering times are from midnight to 10 a.m. and 6 p.m. to midnight. It is recommended that pop-up sprinkler heads operate at 30 minutes or less and rotating sprinkler heads operate at 40 minutes or less. There shall be no hard-surface washing of driveways and parking lots.

Phase 3 - Current water supply critically below the amount needed to complete the irrigation season. All water users with even numbered addresses shall water only Tuesday. All water users with odd numbered addresses shall water only on Wednesday. Large water users will water on Thursday. Watering times are from midnight to 10 a.m. and 6 p.m. to midnight. It is recommended that pop-up sprinkler heads operate at 30 minutes or less and rotating sprinkler heads operate at 40 minutes or less. There shall be no hard-surface washing of driveways and parking lots.

Enforcement – Payson City has established a progressive enforcement strategy that is intended to educate water users about proper water conservation and provide punitive action for repeat violators. First violation is a written warning, second violation is an infraction citation with a \$100 fine and warning for subsequent violations, third and subsequent violations is a misdemeanor citation with a \$500 fine and mandatory appearance before the Justice Court. Exceptions are made for new lawns that require frequent irrigation within 30 days for establishment purposes and also made for short cycles required for testing, inspecting, and maintaining irrigation systems.

Council Discussion:

Councilmember Christensen stated if the City goes to phase 2, these need to be applied exceptions. The City may need to tell residents they can't plant a new lawn if there isn't water.

Dave Tuckett stated if the Council is comfortable with this water management plan, staff will put this policy out to the citizens so they know up front. We are not currently in crisis right now and within the three days per week. He likes using the data to show where the City is with water and being transparent with the residents.

Councilmember Hiatt stated some residents mentioned to her that they would use culinary water. She told them the State is in a drought, we live in a desert, and the water may be needed to put out a fire. We need to look to the future beyond the end of September especially if we don't get much water this winter.

Staff Presentation:

Travis Jockumsen reviewed water sources and usage. Strawberry Highline sends the City a statement each time the City orders water. Between April 26 and September 30, the total allocated water is estimated at 33,452.60 acre inches. Between April 26 and June 2, the City used 4,440 acre-inches of water, which is 13.27% of the total allocated water for the year. There are 157 days left to September 30 so the average daily usage can be 213.07 acre inches. If the average usage amount increases, the City may need to go to the two-day watering per week.

Council Discussion:

Councilmember Provstgaard stated residents ask him why growth and building are being allowed when water is needed for the current residents. The City can't stop growth and building but can

manage it sensibly and responsibly. He would like to tell them the CUP water will help. He questioned if in a drought year, the CUP water will justify more growth.

Councilmember Hulet stated as growth comes, the City receives the water from the farmers to use for the housing. The water allocation goes up as the City grows.

Discussion to implement a xeriscaping ordinance and promote conservation. The City needs to be proactive. Central Utah Water Association is willing to come and help educate residents. The proposed resolution imposes phase 1 with the penalties; the Council can change the resolution with different penalties and add all the phases.

**MOTION: Councilmember Provstgaard – To adopt the resolution on water restrictions as constituted with policy presented to the public this evening.** 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

#### E. WORK SESSION

##### 1. Discussion regarding new library and city center (7:47 p.m.)

###### Staff Presentation:

Dave Tuckett stated the library board would like to see the council support a new library. There is also a need for a city center as well as many other buildings including fire and a recreation center. It's a good time to have the discussion for a new city center and library. The process would include hiring a consultant, renderings, finding a location, and informing the public for a GEO bond. The City received one bid to remodel the council chambers, and it was too high.

###### Council Discussion:

Councilmember Christensen stated he would like to see the downtown take off and tax revenue brought in to move toward a new library and city center. The City needs to start saving. There is the \$2.2 million coming that could go in this direction. It may need to be done in association with the large community park to the east or west.

Councilmember Provstgaard stated there needs to be a feasibility study and a location found. He would like to see this building dropped, which is out of air conditioning on the second floor. The property to the west of this building could be used, and the City could practice water conservation. The remodel of the council chambers (\$230,000) could be held off, and the funds saved for a feasibility study. The City needs to do its homework.

Councilmember Hulet stated a library and recreation center are easy to sell; a city center is not so easy. Someone like the group that presented to MTECH that understands building size and room size, would be great. Then the City can look at costs, etc. It's a sell just like the PARC Tax, which won by 65%. Qualtrics can conduct a survey. He spoke to a citizen yesterday



Dave Tuckett stated combining uses increases the cost and makes it more difficult to sell to the community. Pleasant Grove City lost three times in a row until they pared is down to just a public works building. The estimate to repair the air conditioning on the upper floor is about \$500,000. It's unsure if the \$1.1 million could be used, but he will look into its use on a feasibility study.

Ann Humpherys stated the Library Board understands a new library is a long-term discussion, but it's time to start. It took Spanish Fork 10 years to get its new library; and Santaquin took several years. Money, location, and a concept are needed. A library, recreation center, or city center are all on the table as well as who is interested.

Jason Sant noted staff will look at different options for financing. The two main options are a general obligation bond or a revenue bond.

Dona Gay stated they just wanted to get the discussion started because it's important to have a plan, location, and direction.

F. ADJOURN TO CLOSED SESSION

**MOTION: Councilmember Provstgaard – To table the closed session.** 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

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

G. ADJOURN FROM CLOSED SESSION

H. ADJOURNMENT

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

The meeting adjourned at 8:07 p.m.

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