

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, June 16, 2021

CONDUCTING William R. Wright, Mayor

ELECTED OFFICIALS Brett Christensen, Linda Carter, Taresa Hiatt, Brian Hulet, Bob Provstgaard (via Zoom), 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
Janeen Dean, Community Events Coordinator
Karl Teemant, Recreation Director
Audrey Camp, City Treasurer

OTHERS Don Helvey, Ken Berg – Berg Civil Engineering, Abby Woodland, Marilla Burke, Maya Sorenson, April Jones – Miss Payson Pageant Director, Violet Brown – Fregonese Associates

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at 6:05 p.m. The meeting was properly noticed.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Marilla Burke.

Pledge of Allegiance led by Maya Sorenson.

B. CONSENT AGENDA

Dave Tuckett stated the road dedication plat needs a note indicating the developer is responsible for installing the road.

1. Approval of the June 2, 2021 City Council Meeting Minutes
2. Road dedication plat for CR Payson Industrial Development at 387 S American Way
3. Resolution – Fiscal and Operating Procedures

MOTION: Councilmember Hulet – To approve the consent agenda. Motion seconded by Councilmember Hiatt. A roll call vote was taken as follows and the motion carried.

49
50 Yes - Linda Carter
51 Yes - Brett Christensen
52 Yes - Taresa Hiatt
53 Yes - Brian Hulet
54 Yes - Bob Provstgaard
55

56 C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

57 1. Public Forum 58

59 Don Helvey stated he appreciates the two letters from the mayor regarding water conditions. He
60 questioned who can legally write tickets for water usage violations, and how serious is the City in
61 issuing violations. The City has these laws and codes, but there is lack of enforcement. He
62 questioned Sunday watering and how it is being policed. This problem has been here since 1993. He
63 understands needing grass to play ball on but not outside of that area. In his opinion, things need to
64 start now. There are things that can be done to conserve water and prevent overwatering.
65

66 Chief Bishop stated the Water Department forwards the violations to the Police Department, and
67 officers are currently handing out warnings. A second violation will receive a citation. Parking
68 ordinance.
69

70 Jason Sant clarified that according to State Law, only police officers can issue a citation. City
71 employees can issue warnings.
72

73 Mayor Wright stated it is a daunting task, but it's good to have the support of the City and judicial
74 system. The City will work to educate the residents to understand the water situation. The City
75 encourages residents to conserve water. Residents are restricted from watering on Sundays. In
76 theory, it's good to address, but the City can't catch everyone.
77

78 Dave Tuckett clarified that the City doesn't have the man power to drive the streets all day.
79

80 Councilmember Hulet noted the City held a couple meetings with the public to discuss water
81 conservation and water is being metered.
82

83 2. Staff and Council Reports 84

85 Staff Reports 86

87 FIRE AND AMBULANCE – Chief Spencer reminded everyone that there are restrictions on
88 fireworks and open fires. The restriction map now includes all the area around the landfill and the
89 West Mountain area. No open fires are allowed in Payson Canyon Park. Gas fire pits or Coleman
90 stoves are ok. No permits have been issued for firework stands at this time. The county and city
91 perimeter areas are difficult to police. It is an extremely dry year.
92

93 RECREATION – Karl Teemant reported along with the branding rollout, the ribbon cutting at the
94 Forebay parking lot is Saturday at 12:30 p.m. He ordered a bike repair station for the Forebay area.
95 There are baseball tournaments and a swim meet this weekend. The City will host two matches with

the Central Utah Tennis Association. Softball and baseball tournaments begin in July. The Utah Recreational Parks Association is having a junior pickleball tournament on July 9 and 10.

DEVELOPMENT SERVICES – Nestor Gallo stated Development Services has received 62 applications this season from which 21 have been approved. Three applications are pending because of lack of services, but staff is working on the situation. There are 18 projects under construction. The building official is keeping on track with plan reviews. He complimented staff for doing a great job and keeping up.

COMMUNITY EVENTS – Janeen Dean reported the branding event is this Saturday beginning at 10 a.m., and she has assignments for the Council. The Scottish Festival is July 9 and 10, and the Western Heritage Night is July 9.

Council Reports

Mayor Wright thanked the Council and staff for the beautiful flowers sent to his mother's funeral and all the support.

Councilmember Carter thanked Dave Tuckett and staff for getting the Christmas decorations cleaned up down town. She noted an email she received from the Fairbanks Family and a marker and questioned if the City was going to put the marker somewhere. It's important that the City does this. She appreciates all the staff.

Councilmember Hulet gave his condolences to Mayor Wright and his family. He thanked Mayor Wright for his tremendous service. He gave a shout out to Amanda Baker for her work and time with the scavenger hunt and picture approvals. He has seen many comments on how people have loved the scavenger hunt and how much they have learned about Payson. He thanked Janeen Dean for taking over the branding event, which will be a great event on Saturday at 10 a.m.

Councilmember Christensen stated residents can use the meter app to watch their pressurized irrigation (PI) water usage, but there is some difficulty is using it. Travis Jockumsen noted the meters only read in hour increments, and use the spreadsheet to the left on the website to calculate the usage. Councilmember Christensen stated Sunday offenders need to be sent a note that they are being watched. He was asked if AstroTurf could be legally installed instead of grass. Discussion regarding defining xeriscape and using AstroTurf. He would like to see the sewer water material put back into the PI system and used. The branding video is awesome.

Councilmember Provstgaard reported he spent time with the Miss Payson royalty over the weekend. The way they conduct themselves and represent the City made him proud. They and their families should be commended. He gave his condolences to Mayor Wright. He attended the Development Services staff meeting two weeks ago; they have a lot of challenges.

3. Scout Attendance Certificates

No scouts present.

4. Chamber Business of the Month

Mayor Wright announced the Chamber Business of the Month is Orchard Hills Bible Church.

5. Introduction of Miss Payson Royalty

April Jones stated the Miss Payson Pageant was held with five contestants participating. The contestants were given a marketing cost to gather sponsorships, and the community donated generously. Because of this, every contestant was awarded at least a \$500 scholarship. The pageant had great attendance. She introduced Abby Woodland, Miss Payson; Maya Sorenson, 1st Attendant; and Marilla Burke, 2nd Attendant. She thanked Mayor Wright and the Council for their support. She noted the royalty won best royalty in the Springville Parade and most beautiful float award in the Orem Parade.

Abby Woodland stated she just graduated from Payson High School and is a CNA.

Maya Sorenson stated she works at Olson's Garden Shop and will be a senior this fall at Payson High School.

Marilla Burke stated she was the first female wrestler at Payson High School and will be pursuing her education in Public Administration.

6. Presentation of State Auditor Fraud Questionnaire (6:47 p.m.)

Cathy Jensen stated as of last year, the State Auditor requires a self-assessed, fraud-risk assessment to show the City has sufficient securities in place to prevent fraud. The City's insurance company also requires this assessment. Employees will receive training next Thursday on some of the policies, ethics, etc. One question asks that municipal councils receive training. She encouraged the Council to do the State Auditor online training and forward the certificate to her or Kim Holindrake. The City has a fraud hotline on the city's website; the city does pretty well.

D. ACTION ITEMS

1. Public Hearing/Ordinance – Regarding updates to the General Plan and Master Plans regarding Parks and Recreation (6:51 p.m.)

Staff Presentation:

Jill Spencer reviewed the General Plan Chapter 5 and Master Plan for Parks and Recreation. Two public hearings are required; one was held with the Planning Commission and the second today with the Council. The next step will be updating the impact fee analysis and fees. It's important to support and build on this plan for the future.

Karl Teemant noted a dog park is addressed in this plan but no location is identified. This plan identifies what the City has, how it is maintained, and the future direction to maintain this good quality of life in Payson. The plan includes a mission statement to support leisure and recreational activities and facilities that will enrich the physical, mental, and intellectual health of the citizens of Payson. The vision is to provide high-quality, successful parks and regional opportunities for the current and future residents of Payson as well as aligning goals and strategies with the National Recreational Parks Association including health and wellness, equity, and conservation. The plan addresses current facilities and needed future facilities. The Planning Commission recommended an additional aspect in the open space area to allow the City to manage and create specific rules as

needed to preserve open space. Each park has been identified with its amenities, location, and opportunities. Public surveys were conducted to identify needs such as neighborhood parks, splash pads, regional parks, and community gardens as well as recreation needs such as a community recreation center, tennis courts, outdoor facilities, and event areas. Future park development goals include public engagement, level of service, and land acquisition as well as connectivity, park quality, recreation facilities, community resilience, maintenance, funding, programming, and department staffing.

Violet Brown stated it has been rewarding to work on this Parks and Recreation Master Plan. The level of service for the City is great at 7.188 acres per 1,000 people. There are gaps so the City needs to ensure the level of service is maintained growth continues. The plan gives the City the technical analysis and framework to move forward in planning for future parks and staffing. She was so very impressed with staff; it was very rewarding.

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

Public Comment:
No public comments.

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

Council Discussion:
Councilmember Hulet thanked Violet Brown and Scott Fregonese for their work; the information on existing parks is great. Health was mentioned. There is something called Healthy Utah where the City can be certified as a healthy Utah city. He would like to look at the Spring Lake area for improvements, which could be a very nice park. The City could have a water conservation park showing how to xeriscape, identifying different sprinkler heads, and displaying signage on how do to water conservation.

MOTION: Councilmember Hulet – To approve (ordinance) the update to the General Plan and Master Plan regarding parks and recreation. 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

2. Public Hearing/Resolution – Amendments to the Fiscal Year 2020-2021 Budget (7:12 p.m.)

Staff Presentation:

Cathy Jensen stated the auditor will review all the funds to ensure each department hasn't exceeded its budgeted allowance. This is the final budget adjustment to make sure the City is in compliance

with the audit. The largest item is a transfer of \$5,775,000 from the Utility Fund to the Capital Fund to comply with the requirement of only holding 35% of revenue in fund balance. The Capital Fund has no balance restrictions and give the City options. Other transfers include \$12,000 to mayor's economic development for continued use of the Vereo Contract, \$9,000 to other professional services for a mayor's project, \$342,400 to capital expenses for new vehicles through the in-and-out program, \$1,700 to interfaith council to close the helping hands account, \$15,000 to building maintenance for air conditioners, \$7,000 to PCT to correct an error transfer, \$7,000 to other professional services for the Walgreens agreement, and \$52,000 to B&C for charges associated with moving planters associated with the ballfields.

MOTION: Councilmember Hiatt – To open the public hearing. Motion seconded by Councilmember Carter. 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.

MOTION: Councilmember Hulet – To approve (resolution) the amendments to the Fiscal Year 2020-2021 Budget. 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

3. Discussion regarding the Fiscal Year 2021-2022 Budget (7:21 p.m.)

Staff Presentation:

Dave Tuckett stated the tentative budget was adopted in May with a discussion to adjust some of the utility fees. Some councilmembers have reached out with additional items for the budget. The City needs to determine the percentage cap for the Truth in Taxation. If the certified tax rate were kept the same, two items, new planning engineer and pool stairs, were funded in the proposed budget. The Council has until August to make adjustments to the proposed budget. The Council discussed getting design work for a new library/city building, which would not go on the ballot until November 2022. The air conditioning has gone out on the upper floors of this building, and the bid came in at \$500,000. It's very hot upstairs. Even if a new building were approved by the citizens in November 2022, the building wouldn't be built for three to four years. Staff is working on a new estimate of about \$280,000 to repair the air conditioning. He would like to get audio visual done in chambers.

Council Discussion:

Mayor Wright noted it's still a good investment in this building for the future.

Councilmember Provstgaard stated the council chambers renovation was tabled and questioned if that money had been earmarked for another purpose. He would like to see those funds put back into the facility.

Councilmember Christensen stated he is working through the development process for a three-lot subdivision on his property. Through the process, he is seeing more deficiencies in Development Services than just a new engineer. There needs to be an additional planner. Two three-lot subdivisions near his property had a lot of oversight that comes back to cost the City. There is a lot for staff to handle. He wants the best for Payson and another city planner is best for Payson.

Councilmember Provstgaard is 100% with Councilmember Christensen. He would like to have a work session to discuss the budget further.

Councilmember Hiatt agreed. The staff can't keep working over 40 hours per week.

Dave Tuckett stated he will add this to the budget and schedule a work session for the next meeting.

Councilmember Hulet would like to see the drywall finished in the chambers and door knobs on the doors. He would like to contact and work with Zions Finance to discuss bonding to upgrade infrastructure.

Councilmember Provstgaard noted construction costs are astronomical, but he believes there will be a leveling off period.

4. Resolution – Amendments to the Payson City Fee Schedule (7:32 p.m.)

Staff Presentation:

Dave Tuckett stated the packet included two fee schedules; one having the utility rate increases and the other with GRAMA, Police Department, and Salem Impact Fee adjustments/additions. The Truth in Taxation public hearing isn't until August so it is premature to address the rate increases and proposed those be tabled.

MOTION: Councilmember Hulet – To approve (resolution) the amendments to the Payson City Fee Achedule excluding the utility rate changes. 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
No	-	Bob Provstgaard

5. Resolution – Authorizing the City Treasurer to write off certain uncollectible debt (7:35 p.m.)

Staff Presentation:

Audrey Camp reviewed the uncollectible debt for fiscal year 2020-2021 totaling \$19,686.94. This was much better than the previous year due to stimulus checks and the work of the utility clerks. The breakdown includes 75% for residential renters and almost 13% for commercial renters. The remainder is from home owners and landlords. The City previously discussed a good landlord program, which she would like to see happen because it would significantly help. The City holds a deposit for most renters unless they sign up for direct deposit. It takes almost a month before the City is aware of the new renter, and the bill could be two-months-worth of charges.

Council Discussion:

Councilmember Christensen stated the good landlord program doesn't allow a renter to put the utilities in their name. Otherwise, the person may need to pay in advance. He also doesn't want to charge too much and make it difficult on renters.

Councilmember Hulet suggested a larger deposit if direct deposit isn't used.

MOTION: Councilmember Christensen – To (resolution) authorize the City Treasurer to write-off certain uncollectible debts. Motion seconded by Councilmember Hulet. 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. Resolution – Red Bridge Village Concept Plan Agreement (7:43 p.m.)

Presentation:

Ken Berg stated this concept plan agreement presents the infrastructure required for the PID to support development as well as an analysis of what the future taxes can support to pay for the infrastructure.

Jill Spencer stated one clarification is needed on the development summary attachments prepared by D A Davidson that has some residential tools. It goes through the years of the PID and the number and type of units anticipated to be built. The residential total is different than what was discussed with the General Plan amendment approved a month ago. Ken Berg has indicated that these totals are based on equivalent residential units (ERUs). She wants to ensure that there is nothing in this agreement or the attachments that would give any type land use approval. Most of her concerns are addressed in the body of the agreement. It is very clear in paragraph 4, *Approval of this Agreement and the Concept Plan Agreement by the City pursuant to this Agreement does not imply approval of the development of a specific area within the District, nor does it imply approval of the number of residential units or the total site/floor area of any residential, commercial or industrial building.* She wants it to be very clear this doesn't signify any approval of a residential count.

Ken Berg agreed with Jill Spencer's comments. D A Davidson is trying to create their model of what the tax base is for security to pay back the PID. The residential portions are the same; but they had to be able to capture the tax base for the mixed-use areas, which include office, retail, and other

commercial components. It's not a true residential density number (ERU) because it's inflated with those mixed-use areas. This is why the number is higher than the agreed in the specific plan.

Council Discussion:

Councilmember Hulet questioned the city's liability with the PID if this is passed and the density is lower than what they presented.

Jason Sant stated there is not liability for the City. They are well aware that areas such as the wet lands may not carry the projected density. The number passed in the specific plan amendment was an up-to number. The bonds are their funding mechanism and their responsibility. The PID covers more area than just this portion. As the remainder of the area develops, the City will see more and more things come on line. Staff working on a pioneering agreement so when new properties outside the PID connect to the utilities, they will pay a fee.

Councilmember Hiatt questioned the water rights considerations and well location mentioned White Horse, which pulled out of the PID. She would like the agreement amended that the density numbers are no guarantee so it's in writing.

Ken Berg clarified in developing the infrastructure plans, Hansen Allen and Luce determined where the well needed to be located, which was determined to be next to MTECH. White Horse is mentioned because the property was looked at for the well location. It just documents their design process.

Jason Sant stated the minutes are enough to clarify the density numbers, which are in the attachments; but it could be clarified in the agreement.

Councilmember Provstgaard stated he would like to know why White Horse pulled out; he's heard three different stories. He's concerned there is a \$25 million PID out there, and the City isn't on the hook for it. He wants something nice down there for Payson City and doesn't want the taxpayers on the hook. He reads the numbers and has concerns.

Ken Berg stated he doesn't know why White Horse pulled out. They accommodated their decision to wait; they will pay with the pioneering agreement. You're at the start or the end of the development process, and pay either way. Intermountain Nutrition is in the sewer phase 1D to cross the tracks south of their existing building.

MOTION: Councilmember Christensen – To accept (resolution) the Red Bridge Village Concept Plan Agreement with the understanding written that the numbers for housing density and non-residential square footage are just a recommendation. 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

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

8. Preliminary plan and final plat for South Haven Farms, Plat B, at approximately 50 South 1400 East (8:02 p.m.)

Staff Presentation:

Chris Van Aken stated South Haven Farms, Plat B, is a two-lot subdivision with the club house and townhomes area. The townhome development includes 101 units under a single owner with private roads. The use of private roads was supported by the Council at a work session on February 17. The amenities will be shared with multiple development and will be brought to the Council under the development agreement in the future. He reviewed the plat, townhomes layout and renderings, clubhouse layout and renderings, and floor plans. At least two different building materials shall be used on the front elevation and elevations viewable from the public street with at least 40% vertical surface containing brick or stone. The storm drainage will be used as part of the open space requirement. The clubhouse and other amenities will be for 311 total units. The development engineer recommends approval with conditions of the road layout. The Planning Commission recommended more strict design standards than presented.

Council Discussion:

Councilmember Hulet would like to see additional relief in the front elevation renderings.

Councilmember Provstgaard disclosed that he previously disclosed that he had worked for the same employee as the applicant. They are men of their word and follow through.

MOTION: Councilmember Christensen – To accept the preliminary plan and final plat for South Haven Farms, Plat B. Motion seconded by Councilmember Carter. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Bob Provstgaard. The motion carried.

7. Preliminary and final development plan for Valo at South Haven Farms (Townhomes) located at approximately 1400 East 100 South (8:10 p.m.)

MOTION: Councilmember Christensen – To approve the preliminary and final development plan for Valo at South Haven Farms (Townhomes). Motion seconded by Councilmember Hulet. Those voting yes: Linda Carter, Brett Christensen, Taresa Hiatt, Brian Hulet, Bob Provstgaard. The motion carried.

9. Ordinance – Amendments to the Payson City Code, Title 18, Cemetery (8:11 p.m.)

Staff Presentation:

Jason Sant stated the proposed amendments change the policies for burials, stacking of burials, and the sexton reports to the Park and Golf Director. Burial stacking can be done as long as the vault is large enough, the sexton can determine if a site can accommodate stacking.

Dave Tuckett noted there will be an additional fee for stacking, which staff will bring to a future meeting.

MOTION: Councilmember Hulet – To approve (ordinance) the amendments to the Payson City Code, Title 18, Cemetery, and look at the fee structure. 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

Mayor Wright asked the Council to table the closed session to give him additional time.

MOTION: Councilmember Hulet – To table the Closed Session. 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

E. ADJOURN TO CLOSED SESSION

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

F. ADJOURN FROM CLOSED SESSION

G. 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 8:17 p.m.

Kim E. Holindrake, City Recorder