

PAYSON CITY
CITY COUNCIL MEETING AND WORK SESSION
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, July 7, 2021

CONDUCTING William R. Wright, Mayor

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
Jason Sant, City Attorney
Kevin Stinson, Administrative Assistant
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
Karl Teemant, Recreation Director
Melanie Marsh, Human Resources Director
Westen Barney, Park Superintendent
Robbie Gard, Aquatics Manager

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at 6:01 p.m. The meeting was properly noticed.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Mayor Wright.

Pledge of Allegiance led by Scott Spencer.

B. CONSENT AGENDA

1. Approval of the June 16, 2021 City Council Meeting Minutes

MOTION: Councilmember Provstgaard – To approve the consent agenda. 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

No public comments.

2. Staff and Council Reports

49 Staff Reports

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51 FIRE AND AMBULANCE – Chief Spencer reported that the fireworks restrictions went well; there
52 were no problems. The Fire Department responded for the third time this year to Pine Forest with
53 over an acre burning with this incident. Water access is a problem in this area when putting out
54 fires. The additional signs have helped at Payson Canyon Park with educating people on the dangers
55 of camp fires.

56
57 ADMINISTRATION – Dave Tuckett reported on the water usage. The City and community have
58 been doing well with water conservation. If the canal companies don't have enough water orders to
59 push water all the way down, they may have to shut down early, which could be in September. The
60 CUP pipeline will be completed in 2024 or 2025.

61
62 Council Reports

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64 Councilmember Hiatt noted the branding roll out was awesome and great as well as the opening at
65 Forebay. She hopes residents will use the area and tell their family and friends to see what Payson
66 has to offer. Payson City has a lot to offer. If residents have ideas or suggestions, bring them to the
67 Council; we are here to listen.

68
69 Councilmember Provstgaard stated he couldn't be prouder of the Miss Payson Royalty and how
70 they represent the City. The city float is beautiful; hats off to Janeen Dean, April Jones, and those
71 who maintain the float. The City made an offer on property for a power substation to serve the west
72 mountain area, which will help with future needs. Spanish Fork and Springville are completely
73 maxed on their power usage and may experience power outages with this heat wave. He would like
74 to have a power assessment done and discuss how to prevent this in Payson. The city employees are
75 doing very well at keeping the City up and running.

76
77 Councilmember Carter voiced her concerns with water usage. She encouraged everyone to keep
78 their eyes open and report anyone who misusing water. We want to make sure we have enough to
79 last. Guidelines have been set, and it's important to follow them. The Scottish Festival is this
80 weekend. The branding role out and the scavenger hunt were so fun and fantastic. She appreciates
81 the city employees who work hard.

82
83 Mayor Wright stated he also appreciates all the city employees. The branding role out went really
84 well. The Onion Days Celebration is not going away; it's the city's celebration. The Scottish
85 Festival is wonderful and well known throughout the State of Utah.

86
87 Councilmember Hulet stated he attended a banking convention last week where the Fruit Heights
88 Mayor mentioned Payson's Salmon Supper, so it's a well-known event. The branding role out was a
89 good thing, and the scavenger hunt brought many people to the Peteetneet Museum. He thanked
90 everyone who helped with the event. Businesses are interested in coming to Payson.

91
92 Councilmember Christensen noted the loss of Dee Stevenson who was a loss to Payson and acted as
93 a historian. Condolences to the Stevenson family. The Police building birdhouses with the children
94 was a great activity for the community to work with the police officers.

95
96 3. Scout Attendance Certificates

97
98 No scouts present.
99

100 4. Chamber Business of the Month
101

102 This will be addressed at the next meeting.
103

104 5. Presentation of Lifesaving Awards to Payson City Pool Employees: Lifeguards - Mason
105 Walton, Addisyn Argyle, Elizabeth (Eli) Hine, and Whitney Black; Head Lifeguards – Riley
106 Lau, Andria Spencer, and Spencer Bennett; and Aquatics Manager/Recreation Specialist
107 Robbie Gard
108

109 Karl Teemant stated the pool has been very busy and introduced Robbie Gard, Pool Manager
110

111 Robbie Gard noted the recent serious lifesaving incident and how Mason Walton pulled a man
112 from the water and administered life-saving techniques. He is very proud of the lifeguards and
113 their amazing response. These lifeguards are some of the best he has worked with and are fantastic
114 young people.
115

116 Mayor Wright stated he is so grateful for these young people and what they do. He has
117 grandchildren to go the Payson City Pool, and it's good to know these lifeguards are there looking
118 out for his grandkids.
119

120 Mayor Wright and Karl Teemant presented Lifesaving Awards to lifeguards Mason Walton,
121 Addisyn Argyle, Elizabeth (Eli) Hine, and Whitney Black (absent); head lifeguards Riley Lau,
122 Andria Spencer, and Spencer Bennett; and Aquatics Manager/Recreation Specialist Robbie Gard.
123

124 6. Discussion regarding Spring Lake Park
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126 Staff Presentation:

127 Dave Tuckett stated the Spring Lake Park has been discussed in the past, and guidelines were
128 adopted in 2012, which could be refined. In 2017, the homeowners in the Spring Lake Park area
129 have asked if the City could lock the gate at night and open it in the morning. Because of possible
130 enforcement concerns, the police were asked to do this; but if there are police calls at that time, it
131 doesn't get done. The homeowners brought this to the city's attention. Staff has discussed the
132 situation and have asked why the gate can't be left open like all the other parks. One challenge is
133 that the park isn't in city limits so the City has to work with Utah County, which they have been
134 good to work with. To lock and unlock the gate every day has become a burden. Staff is asking for
135 support from the Council to leave the gate unlocked and patrol the area. Additional signage can be
136 added; violators can be charged with trespassing.
137

138 Council Discussion:

139 Councilmember Provstgaard stated all city parks have a curfew of 11 p.m. The people need to
140 govern themselves. He is not in favor of locking the gate; it's a violation after 11 p.m. Signs should
141 be sufficient.
142

143 Weston Barney suggested locking the gate during the winter but not the summer.
144

Councilmember Hulet would like to look at making the Spring Lake Park a better venue.

The consensus of the Council is to keep the gate unlocked but possibly locking it during the winter. The Parks Department will address ways to make this a better park.

7. Discussion regarding private roads

Staff Presentation:

Nestor Gallo stated the problem with private roads is poor maintenance and cost. This problem can be resolved for specific situations by amending the city code and enforcing it. Private roads are owned and maintained by a Homeowner's Association (HOA), Business Owner Association (BOA), or Property Management Company (PMC) that collect fees for maintenance of private landscaping, roads, sewer lift stations, or storm drainage systems. Rarely does an HOA, BOA, or PMC have a pavement management program. Cities are expected to take over maintenance when roads reach a low Remaining Service Life (RSL).

The Payson City Transportation Master Plan (TMP) does not allow the design and construction of private roads based on these facts:

- Narrower than public roads – conflicts with the International Fire Code (IFC).
- Performance guarantee bond not posted.
- Not inspected by the City.
- Asphalt pavement not properly maintained.
- On-street parking causes emergency vehicles response delays and garbage collection challenges.
- Concern with prescriptive road statute of taking ownership.

The City can solve the problems of road design, road maintenance, and maintenance costs by adopting design standards, requiring a road maintenance agreement, and not allowing cut-through traffic. A street grid system promotes good connectivity. The City will not be able to maintain the street grid system when development gets closer to canals, natural streams, I-15, and railroads. Private roads should only be allowed for access to specific uses such as a hotel, retail, offices, multi-family, and in-fill lots. Private roads should not apply to single, detached residential units.

Staff proposes amending the code to accommodate private road design:

- Must not create a conflict in the road grid system
- 34-foot minimum road width (like a public road)
- 5-foot wide concrete sidewalk
- 2-foot wide curb and gutter
- No park strips
- 46 to 48-foot total road width
- IFC regulations required
- Road maintenance agreement to regulate on-street parking

Development would need to comply with Payson City Design Guidelines, Section 13, Parking Facilities:

- 26-foot drive lanes
- 9-foot wide parking stalls
- 18-foot long parking stalls

- ADA regulations
- Required number of parking stalls based on proposed land use

Roads exceeding 150 feet require an emergency vehicle turnaround that complies with the IFC. The maximum road length is not to exceed 660 feet (size of one block in Payson). Fire hydrants need to comply with the IFC.

Maintenance by HOA, BOA, and PMC includes:

- Street lights
- Asphalt pavement
- Snow plowing
- Landscaping
- Storm drainage

Easements are needed for individual culinary water meters and main to the meter, sanitary sewer mains, individual PI meters and main to the meter, storm drain retention pond and pipes, and perpetual non-exclusive ingress and egress. Maintenance agreements include a road maintenance agreement and a storm water maintenance agreement. The idea is to discourage an HOA and require the design of private roads that are so close to a public road that it discourages private roads.

He recommends amending the Payson City Design Guidelines and allow private roads under special conditions and specific land uses such as retail, hotel, office, multi-family, in-fill lots, and odd-shaped lots without the option for cut-through traffic. Also, adopt a modified road cross section following the IFC Guidelines, require a road maintenance agreement, and conduct yearly inspections and verify road conditions.

Council Discussion:

Councilmember Provstgaard questioned the definition of a private road, is a private road a flag lot, and is it a private road if it leads to more than one parcel. The ordinance needs to spell it all out instead of an agreement. Who will be here in 20 years to look up the signed agreement? Ordinances are much easier to track. If a private road meets the IFC, he's in 100%. The City needs to be user friendly as well as protect the public. This proposal may be a little far reaching in definition. The proposal needs to be in an ordinance. The approach to the garage and parking stalls needs to be longer; 18-feet isn't long enough. Private roads should not be allowed except on rare occasions. He doesn't want the City to be in the business of taking over private roads. If a road doesn't meet city standards, the City doesn't take it over.

Councilmember Christensen questioned if the ordinance can require 40% of parking stall to be 25 feet. The project east of Mountain View Hospital had a private road that the City took over and the City had to replace the road and infrastructure because it didn't meet city standards. Private roads to a parking lot are more doable. The City has a grid system but needs to work past I-15 to develop to the west. The City should make exceptions for private roads instead of just allowing them. He isn't in favor of HOAs because these residents pay property taxes and then the HOA collects fees, which is an extra tax to the resident. The City shouldn't take over roads that don't meet city criteria.

Councilmember Hiatt stated she wants to allow the rear access developments so parking is in the back and you can see the fronts of the buildings.

Councilmember Hulet stated Nestor has done a great job looking through all this. If the City does inspections, there needs to be a fee.

Nestor Gallo clarified if access leads to one parcel it's a driveway. The City will do inspections whether a road is private or public so the City is protected if it takes over the road. He suggested pushing the housing forward to allow rear-loading housing with space for a back yard. He proposed a maximum length of 660 feet but the Council can change it. Inspections on private roads would save the City money on future construction costs if the City takes over the road.

Dave Tuckett stated staff wanted the Council to discuss the issue before taking it through the approval process. He's hearing that the Council is okay allowing private roads on a limited basis. Staff will rework the ordinance based on the comments tonight and bring it through the approval process.

D. ACTION ITEMS

1. Resolution – Parris RV Incentives Agreement

Presentation:

Councilmember Hulet discussed recruiting Parris RV to Payson and providing an incentive. Parris RV came to Payson faster than the City could create an incentive. The project is underway on a 25-acre parcel. Parris RV donated a side-by-side for the branding scavenger hunt and sponsored a hole at the golf event so they have already been a part of the community. Parris RV paid back all the roll-back taxes to Utah County, Nebo School District, Payson City, Central Utah Water, and others. Payson City returned the \$27,720.22 in taxes back to Parris RV. Once the building and development is complete, it will be worth over \$17 million. Payson City will receive over \$20,000 in property taxes. The Nebo School District will receive over \$147,000 yearly in taxes but declined to offer any incentives. The proposal is to give a property tax incentive of \$71,617 based on a percentage over the next six years. A sales tax incentive would be based off a declining percentage over 20 years. Based on \$30 million in sales and property taxes, the City could receive just under \$5 million and return just over \$600,000 to Parris RV in incentives. Over time, Parris RV will bring in over 160 new jobs as well as new businesses to Payson.

Council Discussion:

Councilmember Hiatt appreciates Councilmember Hulet and Mayor Wright for their work in bringing Parris RV to Payson. They will bring businesses and jobs to Payson.

Councilmember Provstgaard would like to put a cap on the amount given back and look at different options that would include changing the percent back if they reach a certain point. Parris RV isn't the only business coming to Payson and others will want the same deal.

Councilmember Hulet stated other businesses won't come in with sales like this; but if they do, the City should give them the same deal. When looking at incentives, you look at capital investment, sales tax, and employment; Parris RV meets all three.

E. WORK SESSION

1. Fiscal Year 2021-2022 Budget

Staff Presentation:

Dave Tuckett noted the Council discussed keeping the certified tax rate the same as last year, which is how the tentative budget was adopted. This included a new engineer and fixing the steps at the pool. The City would need \$287,000 for a senior engineer, senior planner and to fix the pool steps. The proposed tax rate is .001128. Holding the tax rate steady at .001193 creates an additional \$87,849 in revenue. Increasing the tax rate 20%, creates an additional \$305,444 in revenue, which would fund the engineer, planner, and pool steps. There are other options such as cutting items from the budget to fund these items.

Council Discussion:

Discussion as to why taxes need to be increased and if Development Services isn't bringing in enough funds. Rainy-day funds could be used now and then see how things fall over the budget year. These two new positions could pay for themselves by eliminating mistakes and problems. The city's revenues will increase with the new businesses coming to Payson. The City has kept the mill levy the same over the last several years and should be done again at a minimum. There is a concern in using fund balance for ongoing expenses such as personnel. Development Services definitely needs help; the level of stress is very high. The City doesn't have a full-time city engineer and needs to comply with federal and state regulations. Staff barely keep up with the number of projects coming in and many more projects are coming. Discussion on degrees of planners and engineers that could be hired. Santaquin has a full-time city engineer with two additional engineers under that position.

Councilmember Provstgaard is not in favor of funding both positions now but working forward to get those positions one step at a time. The City has two great engineers that are spending their time being department heads. He wants staff to be as effective as possible and not overworked. Developers need to be paying for the design of their projects not the citizens of Payson.

Councilmember Hulet would like to hear from Development Services on their reasoning for the positions. He would like to find new ways of funding and wants both positions. The City updated the General Plan and Master Plans and now the staff is need to implement those plans.

Councilmember Hiatt would like to see what has been spent on outside consulting. Every department is overworked but willing to do the job because they care and want the City to succeed. The Council understands this. A senior planner is important to get projects through the process. Ordinances are an issue and outside help could be hired just to redo ordinances.

Councilmember Christensen stated the City needs to be ready to handle future development or it's dead in the water. This doesn't include current projects, the west side comprehensive plan, or the new interchange. Developers will not catch the need for upsizing; this falls on the staff. The City missed an upsizing issue with the development by the hospital and paid for it.

Dave Tuckett concluded the final budget decision has to be made in August following a public hearing. He asked Development Services to provide written justification of the needed positions. Staff will look at fund balance and the mill levy and prepare a proposal.

2. Land Use and General Plan

Item not discussed.

F. ADJOURN TO CLOSED SESSION

MOTION: Councilmember Hiatt – To adjourn to 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

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

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 10:20 p.m.

Kim E. Holindrake, City Recorder