

PAYSON CITY
CITY COUNCIL MEETING AND WORK SESSION
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, January 5, 2022

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
Kim E. Holindrake, City Recorder
Jason Sant, City Attorney
Brad Bishop, Police Chief
Travis Jockumsen, Public Works Director/City Engineer
Robert Mills, Development Services Director
Scott Spencer, Fire Chief
Jill Spencer, City Planner
Chris Van Aken, Planner II
Janeen Dean, Community Events Coordinator
Eric Jewell, Justice Court Judge
Brian Stevenson, Electrical Superintendent

OTHERS Tyler Horan, Allison Dames, Dale Herbert, Ben Probst – Gilbert and Stewart CPAs, Thor Mongie – Payson/Santaquin Chamber

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at 5:05 p.m. The meeting was properly noticed.

A. WORK SESSION

1. General Plan and Infrastructure

Robert Mills stated he wanted to take the opportunity for council and staff to discuss development goals and collaborate.

Discussion:

- What development projects, incentives, or initiatives happening in Payson that the Council is excited about?
 - Councilmember Provstgaard stated he really like the current projects. Years ago, he participated in a single-family development. Currently, those neighborhoods have block parties and ownership of the neighborhood. He loves single-family projects. He also loves the north-side, multi-housing project (Eversage Apartments) because it's built with integrity (building finishes) and looks nice. Multi-housing is not evil if it's aesthetically pleasing. He doesn't like the project next to it because vehicles are parked on roads that are not part of the project. There is a mini school bus stuck in the snow. The City needs to tell developers that they can't spill over on parking.

- Councilmember Christensen sees a lot of infill projects being pushed to duplexes, which he doesn't like. If the area is single-family, then make the infill single-family.
- Mayor Wright stated the City found that the financial setting of the project next to Eversage is causing the problem because they charge extra for the parking spaces. This needs to be addressed for future projects in ordinances, agreements, etc. A duplex is a little different from high-density multi-housing, which don't belong in established neighborhoods. The State is putting pressure on cities for multi-housing because of the housing shortage, but it needs to be in the right place. There needs to be a good balance. He is excited about Utah Valley University coming, which is tied to a new interchange. He's also excited about MTECH coming, the Main Street revitalization from 100 North to 700 South where the City received \$5 million, the food hall in the downtown area, Parris RV, and the Red Bridge development.
- Councilmember Hulet is excited about MTECH along with a maker space, Utah Valley University, the downtown, food hall, Huish, Parris RV, gun range if it happens, business park with more businesses, and new branding. He agrees with Councilmember Provstgaard and the differences in high-density projects. High density shouldn't be lined up in a row.
- Councilmember Carter agreed with what's been said especially Councilmember Provstgaard. The condos and twin homes don't bother her so much. She like single-family homes and neighborhoods. She doesn't mind the high density where it's happening. She is concerned with areas without sidewalks. The City needs to have special improvement district or something to get sidewalks installed. She spoke to her neighbors who are willing to pay monthly for sidewalks, curb, and gutter. Then the roads can be repaired; the roads need to be good.
- Councilmember Christensen stated he lives in the older part of town and plowing sidewalks is difficult. Every budget needs to include funds to fix the old sidewalks. Safe walking routes are needed to the schools. He's excited about the trail systems and Forebay area with the new parking lot. The Barnett Trail needs to be pushed through, and a dog park is needed. Infrastructure is a concern with developers wanting to build and there is no line capacity.
- Councilmember Hiatt noted the trails up by Riley's needs a bridge across the canal. She's concerned about county property that has been purchased across from Intermountain Nutrition with large equipment being stored. She questioned if this is light industrial and allowed. A lot of property is being bought up in the County.
- What vision do you have for the City? Is the General Plan helping with your vision?
 - Councilmember Hiatt would like to know how many half-acre lots are sold in the surrounding areas. In talking with people in different cities, the half-acre lots were never build on but later subdivided. She doesn't want this same situation in West Mountain. The City needs to plan on more housing with needed infrastructure than what's in the General Plan. She doesn't see two houses per acres happening.
 - Councilmember Hulet stated the General Plan is a good plan, and the City needs to stay with it. The General Plan isn't lot specific; a specific plan is needed in areas. It's very important to remember how to keep the small-town feel while we grow.
 - Mayor Wright agreed with Councilmember Hulet. It's very important to the citizens and the Council to maintain the small-town feel. It's easy for developers and realtors to sell the multi-family; it's an easy sell. The larger, one-acre lots can be sold. It's important have a jewel in the downtown area, which many other cities don't have a central area. The City needs to be careful of the changes to the General Plan. He like having some areas of high-density growth near the freeway and arterial roads.

- Councilmember Carter agreed with what's been said.
- Councilmember Provstgaard noted the City has some pretty good challenges ahead. The sewer main won't accept any more growth to the south. He isn't sure the sewer plant has the ability to go further south even with the upgrade. Europe is going off nuclear power, and Payson is invested in one. People don't want the potential hazards with nuclear power and want wind power. Brian Stevenson noted everyone wants electric cars, and he's not sure it can be handled. Councilmember Provstgaard continued that these are age old challenges. The City needs alternatives for water and power because these are at the maximum.
- Councilmember Christensen noted China has started the first modular nuclear power, and we will see how that goes.
- Final thoughts
 - Councilmember Christensen stated the small subdivision processes needs to be streamlined without overlooking the essential elements.
 - Councilmember Provstgaard is excited about the Home to Adventure branding, the opportunities of the new ballfields, and the new Forebay biking area. Payson needs to say it's open for business with a smile. Growth is coming this way, and the ordinances need to be ready.
 - Councilmember Carter stated residents always ask about restaurants in Payson; it's real important. She agreed with the new ballfields, which are centrally located.
 - Mayor Wright echoed all that has been said. Retail and industrial projects need to be streamlined as well. Remove the unintended road blocks that slow the process. We need retail and light industrial to employ those who live here. The ordinances need to be updated to be realistic and protect the future. He wants to continue the open line of communication between staff and the Council.
 - Councilmember Hiatt stated there needs to be enough parking for buildings because then they park at other businesses. We want the business, but there needs to be enough parking.
 - Councilmember Hulet stated we need to take the government out of government; make it like a business where the residents are the customers. Processes need to be easy and not stressful while still having the needed rules and regulations.

B. PRAYER & PLEDGE OF ALLEGIANCE (6:04 p.m.)

Prayer offered by Tyler Horan.

Pledge of Allegiance led by Allison Dames.

C. OATH OF OFFICE CEREMONY

1. Swearing in of Newly Elected Officials

Judge Jewell swore in William R. Wright as Mayor and Brett Christensen, Taresa Hiatt, and Robert Provstgaard as members of the City Council.

Mayor Wright thanked all those he represents in Payson as Mayor. It's an honor and a privilege.

Councilmember Christensen thanked the Public Works and Parks Departments and those who have plowed the sidewalks and roads.

Councilmember Provstgaard appreciates the staff and their dedication; the citizens don't see it all. He's grateful for our families, for their support, and the citizens, which they represent. He wants Payson to become better and better each day. He wants to bring the hometown feeling and services the citizens deserve. Thank you for the opportunity to serve.

Councilmember Hiatt agreed with both comments. She's glad to have another four years to get the things the residents want in Payson.

D. CONSENT AGENDA

1. Approval of the December 15, 2021 City Council Meeting Minutes
2. Proclamation – Cowboy Poetry
3. Bamberger Ranch Road Dedication Plat

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

E. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

Dale Herbert stated the fire chief in the city, county, and state have many responsibilities. The Payson Fire Chief is overburdened. The annual inspections required by the state on every business is a lot of businesses for one man plus doing his job. He suggested the City hire another person to help with those inspections. If something hasn't been inspected, it could come back on the City. He reminded the Council that the City still needs a new fire station.

2. Staff and Council Reports

Staff Reports

COMMUNITY EVENTS – Janeen Dean reported the next city event is this Saturday at 6:30 p.m. at the high school to honor Kaycee Field on his national world title in bareback riding. He will speak to those attending along with his brother Shad Field. The Frontier Marshalls and Saddle Strings will sing afterwards.

FIRE AND AMBULANCE – Chief Spencer stated the increase in COVID cases is affecting the community, businesses, and staff. The firefighters finished the state certification test on apparatus driver operator for pumpers. Next is an aerial class that will take a couple months. The call volume from last year is up 200 calls.

Council Reports

Councilmember Carter thanked all the city employees for all they do. When we talk about Payson City, she thinks about the town she grew up in. We talk about how we don't want to lose the small-town feel, but people are coming here because they have heard about the City. She's so thankful for all the Payson citizens. Everyone does a great job, and she appreciates all that is done for the citizens.

Mayor Wright stated it will be a chore to keep that hometown feel, but Payson can be a greater place to live than it already is.

Councilmember Hulet congratulated all those who were sworn in; it's great to have them another four years. He thanked those plowing the roads. He's seen on Facebook one or two people complain about the plowing but then others comment supporting those doing the plowing. Payson has a new website with exciting information, a new calendar, and more information to come.

3. CTC: Mayor's Youth Recognition

Mayor Wright and Kim Lefler presented Mayor's Youth Recognition Awards to Sydni Stevenson, Mt. Nebo Middle School, Allison Dames, Payson Junior High, and Alexander Thornton, Payson High School.

4. Chamber Business of the Month

Thor Mongie announced the Chamber Business of the Month is Halo Branded Solutions with Jim Rowland as owner.

5. Presentation of Financial Audit for Fiscal Year 2020-2021

Ben Probst reviewed the financial audit for Fiscal Year 2020-2021. He and his staff spent hours looking at disbursements and expenses and then confirming those disbursements and expenses for accuracy. The auditor's opinion is found on page 16 stating, *In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Payson City as of June 30, 2021, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.* This is the best opinion the City can receive. He provided a letter of communications. He clarified that many cities received COVID funds over three fiscal years. These COVID funds varied per city size but were beneficial to all. Because of this funding, the Payson 2020 audit required a single federal audit, which was not required this year. It will be required when the current fiscal year is audited.

Council Discussion:

Councilmember Provstgaard questioned if the PARC Tax could be increased.

Councilmember Hulet clarified that Payson is capturing the maximum with the PARC Tax.

Dave Tuckett noted the percentage stays the same but additional businesses increase the revenues. The PARC Tax can be redone every 10 years; Payson has about 6 years left.

Councilmember Hulet stated page 115, Other Matters, shows no findings but talks about a noncompliance and a letter was sent to the City. He questioned what this refers to.

Bob Probst stated this is covered in the letter of communications. It's the finding relating to the General Fund unrestricted funds that cannot exceed 35% but was exceeded by \$600,000, which can be a good finding. The State may want to see how that will be resolved in the future.

Dave Tuckett clarified that funds were moved to the Capital Projects, but not enough. The City received more COVID funding than expected.

Councilmember Hulet stated pages 85 and 86 talks about 50% of city roads are to have a service life of 9 years or better. The graph shows 55% are less than that. It's getting better, but the City needs to work on this. It shows 42% are 0 to 6 years. The graph on page 32 is missing a title on one item. He noted sales tax went up 18%; it was a great year for the City. He thanked Bob Provst and Cathy Jensen for their hard work.

Mayor Wright noted that the Street Superintendent maintains a schedule to appropriately address road maintenance.

F. ACTION ITEMS

1. Review of the Peteetneet Museum Restroom Remodel

MOTION: Councilmember Provstgaard – To table the Peteetneet Museum restroom remodel.

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

2. Ordinance – Amendments to Title 9, Streets and Sidewalks (6:50 p.m.)

3. Ordinance – Amendments to the Payson City Development Guidelines

Staff Presentation:

Jason Sant stated staff has worked quite hard to get this where it is today from previous proposals. Title 9 includes two new sections, 9.3.8, roadway Design Standards and 9.3.9, Private Roads and Alleys. These sections simply refer to the Design Guidelines. The proposed amendments to the Design Guidelines include Section 9.2, Definitions. Previously, definitions didn't exist so most of these are new. The definition of an alley means, *a private right-of-way that is primarily designed to serve as an access to a garage from the rear or side of those properties whose principal frontage is on a public street.* A driveway means, *an access constructed within and adjoining a roadway, private or public street, connecting the roadway with adjacent property and intended to be used in such a way that the access into the adjacent property will be complete and will not cause the blocking of any sidewalk border area or roadway.* The idea is a driveway access crosses a public sidewalk. Infill development means, *the development of vacant or partially developed parcels which are surrounded by or in close proximity to areas that are substantially or fully developed and are no larger than an acre and a half. Any in-fill development shall have pedestrian access to a public sidewalk.* The reason is to have access to a public sidewalk, which can be dangerous to children when not provided. There is no requirement of a sidewalk itself but a way to protect pedestrians from traffic. The main part of the amendments is addressed in Section 23, Private Roads and Alleys. It states, *a roadway within a residential development may be designated as a private road or private alley, provided the street meets the following standards.* Those standards are then defined. Commercial development was removed because it is addressed with the site plan. Subsection i. states, *private roads are only allowed for infill development or parcels with physical barriers and are not allowed for all other green field development. A physical barrier is Interstate 15, railroad tracks, the Highline Canal and/or natural streams.* It should be rather limited. It further states, *a subdivision of 5 acres or more in size will not qualify for private roads no matter what barrier exists on the property.* Subsection ii addresses single-family attached units such as townhomes or duplexes. It goes on to address road width at thirty-two

feet under certain conditions or at thirty-four feet. Recent state legislation determined that cities can't regulate the design of a private home such as roof pitch, etc. A table is provided to address infill lots. All private road shall be finished with asphalt with an exception for agricultural driveways, which are addressed on a case-by-case basis. All private roads shall include a five-foot wide and six-inch thick concrete sidewalk as well as a two-foot concrete curb and gutter or reinforced concrete waterway adjacent to the private street excluding private alleys. The maximum length of a private road is 250 feet, which took the city's road standard in half.

Council Discussion:

Councilmember Provstgaard questioned a flag lot driveway is still on private property and not regulated by the City.

Jason Sant and Robert Mills confirmed that is correct.

Councilmember Provstgaard questioned giving staff the latitude to determine the road length with a not to exceed length. First, he doesn't like private roads, but he understands there are railroad tracks and I-15 to work around.

Councilmember Christensen stated if you don't set it then developers fight it.

Jason Sant stated staff basically took the city's standard block and cut it in half. If the Council wants it longer, it can be done.

Mayor Wright stated it can be brought to the Council if needed.

Robert Mills stated having it not be so lengthy encourages longer roads to be public and averts many of the problems.

Councilmember Provstgaard stated he doesn't want city crews digging up a sewer line or water line because the HOA can't do it. He doesn't want the City stuck with it in the future. He wants enough in there so the City will not maintain the infrastructure in a private road.

Jason Sant stated this can be added. It currently states, *all private roads shall include a public utility easement (PUE) for streets, including a public sanitary sewer, culinary water, and pressurized irrigation pipe system. The construction of the underground public utilities located within a private road shall meet Payson City Standards and Design Guidelines.*

Councilmember Provstgaard noted he is okay with this section but requested that an additional paragraph be added stating all utilities underground are the responsibility of the HOA.

Jason Sant noted that section E.iii. addresses a maintenance agreement, which can be a legal quagmire. The City can't enforce a maintenance agreement. He would like to take this out.

Councilmember Provstgaard stated a maintenance agreement is a recorded document with an easement, and a realtor can see that it's recorded. The City doesn't review or approve a maintenance agreement, but it's there. He doesn't want the City involved.

Jason Sant stated these would have to be approved through the city and then the HOA signs off on it. If it's just an HOA requirement, that's fine.

Councilmember Hulet wants to make sure there is something in place for a private road in areas similar to where the hotel is going by Walmart.

Jason Sant stated all commercial including hotels is under a commercial site plan and private roads are addressed under that system. These amendments are just for housing.

Travis Jockumsen clarified that private commercial roads are considered a drive isle with parking on both sides. Commercial and industrial have a private drive isle to parking lots.

MOTION: Councilmember Provstgaard – To approve the ordinance amendments to Title 9 as presented with one additional number being added. 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 Provstgaard – To approve the ordinance amending the Design Guidelines. 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 |

G. ADJOURN TO CLOSED SESSION (7:20 p.m.)

MOTION: Councilmember Christensen – 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. Pending or reasonably imminent litigation

H. 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.

I. ADJOURNMENT

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

The meeting adjourned at 7:43 p.m.

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