

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, May 18, 2022

CONDUCTING Bob Provstgaard

ELECTED OFFICIALS Brett Christensen, Linda Carter, Taresa Hiatt, Bob Provstgaard

EXCUSED: William R. Wright, Mayor

STAFF PRESENT David Tuckett, City Manager
Cathy Jensen, Finance Director
Kim E. Holindrake, City Recorder
Brad Bishop, Police Chief
Robert Mills, Development Services Director
Travis Jockumsen, Public Works Director/City Engineer
Jill Spencer, City Planner
Michael Bryant, Planner II
Karl Teemant, Community Services Director

OTHERS Tara Makin – PARC Tax Committee, Joe Wilkins – Evolve Building and Development

MOTION: Councilmember Carter – To appoint Bob Provstgaard as Mayor Pro Tem. 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	-	Bob Provstgaard

Bob Provstgaard, Mayor Pro Tem, called this meeting of the City Council of Payson City, Utah, to order at 6:02 p.m. The meeting was properly noticed.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Karl Teemant.

Pledge of Allegiance led by Taresa Hiatt.

B. CONSENT AGENDA

1. Approval of the May 4, 2022 City Council Meeting Minutes
2. Resolution - Springs at Spring Lake Annexation Agreement
3. Resolution - Villages at Arrowhead Park, Plat L, Development Agreement

Jill Spencer requested that staff be allowed the flexibility to work with the developer on refinement of the Villages at Arrowhead Park development agreement per the council requests following approval.

MOTION: Councilmember Christensen – To approve the consent agenda with the flexibility that staff has the option to make changes to the Villages at Arrowhead Park Development Agreement and bring back to Council if needed. 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	-	Bob Provstgaard

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. CTC: Mayor's Youth Recognition

Not present.

2. Chamber Business of the Month

Ronda Hair announced the Chamber Business of the Month for April was Simple Nutrition. They have been so successful and opened a second location.

3. Public Forum

No public comments.

4. Staff and Council Reports

Staff Reports

RECREATION – Karl Teemant reported youth baseball and softball are underway, and a track meet was hosted yesterday. The pool inspection was conducted Friday afternoon with a few items to complete. There is a Junior High triathlon Friday afternoon, and some soft openings with elementary schools. The pool will then open Memorial Day weekend. Central Utah Recreation and Parks Association golf tournament was held today with 32 teams. He thanked Tracey Zobell and his staff for their help.

DEVELOPMENT SERVICES – Robert Mills stated since 2019, the City has approved 1,205 housing units. This year, an additional 2,564 units are under approved. This is a potential 3,769 new households to Payson over a 3.5-year period. Payson is an amazing place, and people want to be here.

CHAMBER OF COMMERCE – Ronda Hair stated the Chamber has been working on gift baskets for new businesses and conducting ribbon cuttings. They will inform city employees of these activities. The Home Town Market will be in Santaquin this year from June until September. Mayor Pro Tem Provstgaard asked that the Council be invited to these events.

Council Reports

Councilmember Carter noted Karl Teemant and his staff do a lot of hard work at the ballfields and pool; they work very hard. It was mentioned to her that a bathroom toilet was shattered at the ballfields, which means kids are out in the middle of the night. There was video surveillance showing it was done with their skateboards. She wondered if parents know where their kids are. She drives by the skate park several times a day and receives the stink eye from a group that she has had previous issues with, and that's okay. We need to keep an eye out and pass any destructive information to the Police Chief. The ballpark is beautiful, and we don't want it destroyed.

Councilmember Christensen stated he went to Forebay last weekend with his family; it's a gem. The City needs to get Forebay annexed so the City so it can be policed. It needs to be patrolled on a regular basis and given a police presence. A feasibility study is being done on the trail up Payson Canyon. He rode his bike down the Payson Canyon, but it would have been nice to be off the road. The trail plan needs to have a wider trail. He was grateful for the early water. He has concerns about duplexes and townhouses in infill areas and asked Development Services to keep that in mind. He would like to see a report on the businesses that are coming to Payson or those that have come to Payson.

Councilmember Provstgaard thanked Brian Hulet for his service on the City Council who resigned as of May 16. Brian Hulet wants to continue to help the City in economic development and has contracted to do so. The City will miss his expertise on the City Council.

D. ACTION ITEMS

1. Resolution – Parks, Arts, Recreation, & Culture (PARC) Tax Committee's recommendations on funding projects (6:25 p.m.)

Staff Presentation:

Tara Makin reviewed the 2021 projects that were approved. The 2022 mini grant applications included the following projects for a total of \$102,276.59. These are 501(c)(3) organizations and have been encouraged to ask for more funding in the future. Mini grants receive 20% of the yearly collected funds.

Mini Grant Projects

Applicant	Summary	Request	Award
Payson Civic Choral	Augment existing music copies, match music with Nebo Philharmonic Orchestra for celebration	\$5,000	\$5,000
Payson City Band	Create spiral bound books of music	\$900	\$900
Utah Live Concerts Foundation	Support overall cost of hosting event at Memorial Park	\$2,900	\$2,900
People Preserving Peteetneet	Upgrade marquee sign to LED at 600 East HWY 198	\$38,476.59	\$38,476.59
Payson Community Theater	Support operations of PCT	\$20,000	\$10,000
Huish Performing Arts and Cultural Education Center	HVAC system for side show, equipment	\$50,000	\$45,000

Council Discussion:

Councilmember Carter noted one or two organizations receive funding every year. It would be nice to find someone else that could also use the funds.

Karl Teemant noted the Utah Metropolitan Ballet applied for \$30,000 stating Payson residents could come and enjoy their show. They are houses in Provo and Orem. The Committee felt that wasn't enough of an influence in Payson to consider. Mini grants are to help with operations of performing and cultural arts, which is part of the policy. This is the allotment of money available. The Council can award how it sees fit.

Mayor Pro Tem Provstgaard questioned the two entities requested more than was given. It is to be explicit what is asked for.

Tara Makin clarified the applicants need to be specific as per the fund bylaws and itemize their request with bids. This year the Payson Community Theater just stated "support operations of PCT". They aren't being explicit. The Huish had an actual bid, but also continually raises funds that can help.

Councilmember Christensen stated it's the Committee's decision, but he would give the Huish the additional \$5,000 if needed. He also supports allowing the Huish to cover their own bases. It would be good to know what the Huish has left to accomplish in order to be functional.

Staff Presentation:

Tara Makin reviewed the Payson City Projects totaling \$245,340.

Payson City Projects

Applicant	Summary	Request	Award
Dry Creek Trail	Finish Dry Creek Trail	\$300,000 (over two years)	\$150,000
Dog Waste Stations	Install dog waste stations along trails	\$10,000	\$3,000
Memorial Park	Trail replacement from 300 South to 200 South	\$46,200	\$46,200
Kiwanis Park	Installation of disc golf tee boxes and signage	\$23,140	\$23,140
Forebay	Solar lights for restrooms, tools for trail maintenance, two picnic tables, 4 benches	\$8,000	\$11,000
Softball Field 4-Plex	Install remote control links for lights	\$12,000	\$12,000

A Forebay shade structure was requested but the committee felt it was very expensive and suggested the picnic tables and benches. Items submitted that were not funded included the pickleball creek area lining because the Committee likes the beauty of the creek as it is and suggest using larger boulders instead. The raised planter curbing on 800 South and Main Street for \$4,800 was not funded. The fund is doing great things in Payson.

Council Discussion:

Councilmember Christensen stated he wrote the dog waste stations application and shot for the stars. It may cause a problem because dogs are not allowed in parks or on trails so the ordinance may need to be modified. He is in favor of just the trails system.

Mayor Pro Tem Provstgaard noted concerns with the Memorial Park trail and if the concrete thickness is sufficient for vehicles, etc. The Forebay shade structure could be done next year.

Karl Teemant stated staff will work toward \$46,200 of work and check on the concrete thickness.

MOTION: Councilmember Christensen – To approve the (resolution) PARC Tax Committee’s recommendations for the funding of the projects with the contingency that the dog waste stations approval is based upon whether or not the City Council approves canines on the trail systems.

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	-	Bob Provstgaard

2. Resolution - Bird Scooters Contract (6:52 p.m.)

Staff Presentation:

Dave Tuckett stated this has been in the works for a while, and the hope is it will be beneficial to the City. These scooters are seen in larger cities. It is a six-month contract that automatically renews every six months up to 1.5 years. Then it can be renegotiated.

Presentation:

Sean McGrath stated this is a pilot program and hope to renew the contract after six months. They have scooters in 18 cities in Utah and all of those cities choose to renew their contracts. Scooter ridership is up in the state; Payson is a perfect spot.

Council Discussion:

Mayor Pro Tem Provstgaard questioned if Payson is at all liable for someone getting injured. No scooters allowed on trail systems.

Sean McGrath noted he has reviewed the legality of liability with Jason Sant. The City is named as an additional insured and is not liable unless there is gross negligence by the City. A rider signs a waiver when using the scooter. The age limit is 18, and a valid driver’s license is required.

Dave Tuckett stated staff will review scooter use in the trail systems.

Sean McGrath explained they can make areas a no ride zone, which can be applied to the trail systems and speed zones can also be defined. They will look at bikes as well.

MOTION: Councilmember Christensen – To approve the (resolution) contract with Bird Scooters.

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	-	Bob Provstgaard

3. Request for use of the RMO-1 Overlay to allow twin homes associated with Evolve Twin Home Estates located at 110 South 300 West (6:57 p.m.)

Staff Presentation:

Michael Bryant reviewed the Evolve Twin Home Estates projects. The site is the old green church site close to the City Center. The project includes six twin homes along 300 West and three single-family homes on 1.53 acres in the R-2-7.5 Zone. He showed renderings of the twin homes. A public hearing was held by the Planning Commission on April 13, 2022. There was some opposition voiced against the project. A motion for a negative recommendation failed at the Planning Commission, but a new motion was made for a positive recommendation that passed with a 4-2 vote. The project meets the General Plan and underlying zone requirements and the minimum requirements for the RMO-1 Overlay. This is a legislative decision. Staff recommends approval of the RMO-1 Overlay and subdivision pending any redlines. The final plat will be presented at a later date.

Council Discussion:

Councilmember Hiatt stated the lot sizes are 4500 to 5,000 square feet. The Council has discussed smaller lots with larger houses in order to meet the desired housing rather than townhomes, which hasn't been seen in Payson but in other cities. Home ownership is special to people. People want to get out of townhomes quickly and maintenance isn't kept up.

Joe Wilkins stated he recognizes the concerns. These are private ownership. It is a planned project, and they want to do what is best for the neighborhood. Financially, they would do better with smaller single-family homes with two stories. They would still get eight homes with just single family, but the homes would be taller on smaller lots. The RMO-1 Overlay allows three twin homes, which are larger ramblers at 2,500 square feet on each side, main floor and basement. The twin homes yards are completely landscaped. This is a better product in his opinion. The two-car garages are long enough for a large truck at a 22-foot minimum.

Mayor Pro Tem Provstgaard doesn't like the idea of two stories in the neighborhood. Likes the exterior finished.

Discussion regarding layout, renderings, garages, and garage access.

MOTION: Councilmember Christensen – To approve the RMO-1 Overlay to allow twin homes associated with the property at 110 South 300 West. Motion seconded by Councilmember Provstgaard. A roll call vote was taken as follows and the motion failed.

Yes	-	Linda Carter
Yes	-	Bob Provstgaard
No	-	Brett Christensen
No	-	Taresa Hiatt

Further Discussion:

Councilmember Christensen stated the property to the east of his home is trying to do this exact overlay. It's difficult for him to vote yes when he doesn't want to see it next to his home.

Robert Mills understands the dilemma. The planning field uses a wonderful word, context; it's all about context. Individual decisions are based on individual sites because of context. A positive vote on one site is made because the context makes sense. It doesn't set a precedence because the context is different at another site. These items come to the Council for a legislative decision so the Council can make the decision based on the context of the location not on the precedent of the decision.

Councilmember Christensen stated this helps. He likes this project based on the configuration of the lots.

Mayor Pro Tem Provstgaard noted he doesn't want to see two-story homes. He is reminded of the first presentation on this property that was multi-housing apartments and the statement it was the only way they could make money. This developer has a project that is acceptable, residential, and not dense. It is the best plat and best use where the City can benefit from the tax base, and the developer can sell the lots. It is all ownership homes and not rentals.

Councilmember Christensen is willing to revote based on context.

Dave Tuckett stated another motion can be made or the item can be reconsidered at another meeting with four or more councilmembers present.

MOTION: Councilmember Christensen – To approve the RMO-1 Overlay to allow twin homes at 110 South 300 West. 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	-	Bob Provstgaard

4. Preliminary Plan approval of the Evolve Twin Home Estates at 110 South 300 West

MOTION: Councilmember Christensen – To approve the preliminary plan for Evolve Twin Homes Estates at 110 South 300 West. 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	-	Bob Provstgaard

5. Ordinance - Amendments to Title 19, Zoning (7:20 p.m.)

Staff Presentation:

Jill Spencer addressed items 5, 6 and 7 explaining most of the proposed changes to Titles 19 and 20 are related to modifying noticing requirements to be more in line with State Code and streamlining the approval process. Notices would no longer be published in the newspaper. There are also proposed minor adjustments to the Business Park Development Zone as far as allowable coverage, and in Planned Residential Development to allow alternate setbacks for porch-forward design. Planned Residential Developments are a legislative approval and case by case. This allows the ability to have modified setbacks for additional housing products. The other item is consistency between the Development Guidelines and Title 20 with clarification in wording.

Council Discussion:

Mayor Pro Tem Provstgaard thanked staff for all the hard work.

Councilmember Hiatt questioned if this is close to what other cities are doing.

Jill Spencer clarified the proposed changes are because of inconsistencies and requests from the Council in approaching development.

MOTION: Councilmember Carter – To approve (ordinance) Title 19, Zoning amendments.

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	-	Bob Provstgaard

6. Ordinance - Amendments to Title 20, Subdivisions

MOTION: Councilmember Hiatt – To approve the ordinance amendments to Title 20,

Subdivisions. 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	-	Bob Provstgaard

7. Ordinance - Amendments to the Payson City Development Guidelines

MOTION: Councilmember Christensen – To accept the (ordinance) amendments to the Payson

City Development Guidelines. 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	-	Bob Provstgaard

8. Resolution - Amendments to the Payson City Fee Schedule

Staff Presentation:

Dave Tuckett stated staff is still working on the fee schedule so it was not included in the packet. Part of the tentative budget approved at the last meeting was to have utility rate increases. Because the budget hearing isn't until August, staff proposes having a public hearing at the second meeting in June on the utility rates. This gives the public the ability to address the rates before the budget as well as the budget in August. He asked that the item be tabled tonight.

Council Discussion:

Mayor Pro Tem Provstgaard stated it's critical in good faith with the bonding company and the sewer upgrade project to address the utility rates before the budget is approved.

MOTION: Councilmember Christensen – To table item 8, amendments to the Payson City Fee Schedule. 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	-	Bob Provstgaard

9. Ordinance - Adoption of the recodified Payson City Code

Staff Presentation:

Kim Holindrake stated staff began the process of re-codifying the city code back in 2020 by soliciting proposals. The City received three proposals, compared the proposals and costs, and signed an agreement with Municode on February 4, 2021. The agreement included recodification of 24 titles, an ordinance drafting tool, code updates, a history tool, and pdf ordinance storage. This is not a legal review of the City Code. The recodification included combining titles, reorganizing chapters and sections, correcting missing references, and correcting non-substantive issues. As a side note, the agreement included a program called MuniDocs, which is a document library. All of the city council minutes back to April 12, 1853 are now in this document library and available on line. The recodification resulted in 15 titles with standard features including the acronym PCC (Payson City Cope), uniform numbering, standard Utah Code references, source documents, and history notations. The entire code is now searchable on line with any device.

MOTION: Councilmember Christensen – To adopt the (ordinance) recodification of the Payson City Code. 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	-	Bob Provstgaard

E. ADJOURNMENT

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

The meeting adjourned at 7:35 p.m.

Kim E. Holindrake, City Recorder