

PAYSON CITY
CITY COUNCIL MEETING
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, July 20, 2022

CONDUCTING Brett Christensen, Mayor Pro Tem

ELECTED OFFICIALS Kirk Beecher, Brett Christensen, Linda Carter, Taresa Hiatt, Bob
Provstgaard, William R. Wright

EXCUSED: 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
Robert Mills, Development Services Director
Travis Jockumsen, Public Works Director/City Engineer
Scott Spencer, Fire Chief
Jill Spencer, City Planner
Michael Bryant, Planner II
Janeen Dean, Community Events Coordinator

OTHERS Renee Crouch, Madi Hill – Miss Payson, Savana Torres, Madison Heaton,
Caitlyn Maloy, Jamyleth Uribe, Thor Mongie – Chamber, Ben Vasquez,
Doug Welton, Paul Garnder, James Senior, Ken Berg, Ross Welch

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

Brett Christensen, Mayor Pro Tem, 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 Savana Torres.

Pledge of Allegiance led by Madi Hill.

B. CONSENT AGENDA

1. Approval of the July 6, 2022 City Council Meeting Minutes
2. Resolution - Pace Industrial Park Annexation Agreement

MOTION: Councilmember Hiatt – To approve the consent agenda and table the Pace Industrial Park Annexation Agreement. Motion seconded by Councilmember Carter. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Taresa Hiatt, Bob Provstgaard. The motion carried.

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Introduction of Miss Payson Royalty

Renee Crouch thanked Mayor Wright and the council for their support of the Miss Payson Scholarship Pageant. The Pageant was successful with five women who will work hard and represent Payson.

Madi Hill, Miss Payson, stated she will attend Acadia School of Aesthetics in the fall. Her platform was autism and disability awareness.

Savana Torres, 1st Attendant, stated she will attend Southern Virginia University to cheer.

Madison Heaton, Attendant, stated she will attend Utah Valley University nursing school this fall.

Caitlyn Maloy, Attendant, stated she will be attending Payson High School at a senior.

Jamyleth Uribe, Attendant, stated she will attend the University of Utah on a full-ride scholarship to study criminology.

Maddy Hill presented the Grand Marshal Award trophy from the Provo Freedom Festival Parade for the most creative design float.

2. Public Forum

Chamber business of the month – Thor Mongie announced the Chamber Business of the Month is Tire Busters. Ben Vasquez thanked the Council for supporting their business. They want to continue to grow and be a big part of the community.

Doug Welton stated he was just elected to be on the Payson Scottish Festival Board. He thanked the Council for their support. The Payson Chronicle reported the festival has never been better. There were 15 food vendors, 37 non-food vendors, 27 clans, 13 bands, and an increase in 30 soloists. On the athletic side, 14 field records were broken including several state records. They estimated at least 20,000 people attended over the two days. It's a good investment and partnership for Payson. He thanked the Police Department, Parks Department, Wes Barney, and Janeen Dean for all their help with the event. Random Acts with BYU was there with a special guest and gave away a free trip to Scotland. This will air the end of October so Payson will be featured on Random Acts. From the legislative side, he is working on three bills. A water transparency bill with regards to golf courses. A recycling transparency bill to include the specific waste from each city and what recycling is being kicked back to landfill because it's tainted. A land immunity bill to address land such as Forebay in Payson to protect cities from lawsuits when there is an accident. He continues to work on roads for Payson and Santaquin.

Paul Gardner stated he recently acquired an office building on Main Street at 41 West 100 South and is proposing a project that he may need guidance. He wants to add an apartment above the office, but parking is a problem. Across the street, there are about 40 public parking spaces. Currently, he has two stalls to cover the office but needs parking for the residents. He wondered if there could be some leniency on the parking because zoning won't allow the apartment without parking. He has discussed the project with Development Services. There is no surrounding property around he could acquire. He

spoke to one of the business owners a block and a half away that said someone could park there overnight if necessary. He doesn't know how convenient that would be for someone. Mayor Pro Tem Christensen suggested scheduling a work session with Development Services to review the issues. The City is working on revitalization of the downtown that may help the situation.

James Senior stated he lives in the Spring Creek Development. In this neighborhood, there are bigger families with trucks, RV's, cars, trailers, and rentals. The City has an ordinance for no street parking through the winter, three months, but there hasn't been a good snow fall in the last couple winters. The plow trucks go down the middle and not to the curbs. The streets are nice and wide. It's inconvenient to park in driveways when the plow trucks only come a few days out of the winter. He has a mother-in-law basement that he rents and has street parking and he isn't the only one. It's hard to share the garage and driveway. He asked what is needed to either change the ordinance or rezone. Mayor Pro Tem Christensen stated this isn't the first person to bring this up. It's discussed every fall. The Legal Department can look at it; it's a liability problem for the City. Councilmember Provstgaard stated if the City allows it there because of a wider street, citizens from all over will want the same. It's difficult to enforce in one area and not in another. He's sympathetic to the plow drivers because of little kids, etc. He wouldn't favor even allowing a 24-hour notice, which was tried in the 90's and was abused. There may be another solution. He's not in favor of changing the three-month period or the ordinance. Another concern is access for fire trucks and paramedics. He questioned if Mr. Senior has a legally approved rental basement with approved parking stalls. Jason Sant stated essentially the law has to protect the citizenry as a whole and not by neighborhood or person. It is equal protection of the law. The City protects as best as it can including the plow drivers. If a vehicle is sticking out too far, the plows can't plow right; and it creates potential liability. Vehicles can't get out onto the street. The City asks the street to be clear to allow for plowing. A 24-hour time frame doesn't work really well because storms don't follow time frames. One part of the City may get snow and another part no snow. He recommended the Street Department and Police Department look at it again. Mayor Pro Tem Christensen noted it's also a busy time for police because of accidents. It does become an issue, and the City has tried to make sure there is adequate parking at homes. James Senior questioned how much the police is enforcing overnight parking in the street. Brad Bishop stated warnings are given. If it's snowing, the opportunity has been missed to get vehicles off the road. It makes sense to have the three-month window to keep the streets clear. Mayor Pro Tem Christensen stated he is very sympathetic; but the Council doesn't know how to solve the problem and still cover the issues.

3. Staff and Council Reports

Staff Reports

COMMUNITY EVENTS – Janeen Dean invited the Council to the Western Heritage Festival on July 30 from 5 to 9 p.m. There will be entertainment by the Frontier Marshals and a group of seniors that have been to Nashville. There will be activities for kids such as milking a cow, panning for gold, and pole bending. Food trucks will be there also.

POLICE – Chief Brad Bishop reported the National Night Out is August 2 from 6 to 8:30 p.m. at Peteetneet. This is a public safety give back event with fire and police and Air Med or Life Flight lands in the park.

FIRE AND AMBULANCE – Chief Spencer stated this weekend is the last stint for fireworks. Crews will be out patrolling. They still find some who have bought the unsafe fireworks from out of state.

With the recent moisture, the only restrictions are with fireworks. The State Forest Service has restricted everything in the unincorporated areas of the State. The Fire Department responded to a couple of fires in Pine Forest.

CHAMBER OF COMMERCE – Thor Mongie stated the Chamber will be doing a pancake breakfast at Onion Days on Saturday morning from 7 to 9 a.m. They will also be serving ice cream during Onion Days.

PUBLIC WORKS – Travis Jockumsen reported the Highline Canal water is fine; the City isn't using what it could. People are conserving. The canyon water hasn't been used except maybe one day. The lakes haven't been touched. Dave Tuckett stated the canal company is doing well.

Council Reports

Councilmember Hiatt noted in the Spring Creek area, residents are starting to use the dead-end streets for personal use to park boats, RV's, etc. There are a lot of thistles on city property by the bowling property that needs to be cleaned up.

Councilmember Provstgaard asked about the dredging at Spring Lake. Dave Tuckett stated it has been postponed because of a supply issue. It should start either later this fall or next spring.

Councilmember Carter noticed the signs are up for yard of the month. Several people are nominating other yards. There are comments on Facebook with concerns about prices and everything. It's going to be hard for the next while.

Mayor Pro Tem Christensen appreciates all the City does and the great staff. It's good to see the state finishing the road.

MOTION: Councilmember Beecher – To amend the agenda to change the order on several items. Motion seconded by Councilmember Hiatt. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Taresa Hiatt, Bob Provstgaard. The motion carried.

D. ACTION ITEMS

7. Preliminary Plan for Payson View Estates, Plat C, for a 360-lot subdivision located in the R-1-10, Residential Zone and R-1-12 Residential Zone located at approximately 450 East 1500 South (6:50 p.m.)

Staff Presentation:

Michael Bryant stated this is phase 3 of Payson View Estates. The project is a multi-phased development on 288 acres with up to 360 single-family homes with various approvals needed from the City as well as other entities. Staff recommends a thorough review of the annexation agreement to determine if all obligations have been met. Other issues include existing sensitive land with fault line, slopes, potential landslides, etc.; protection of the ridgeline view corridor; slope stabilization; and the Wildland Urban Interface Zone that may require certain lots to have internal fire sprinkling systems. Staff also recommends a development agreement. The applicant is requesting a Planned Residential Development, which would require the dedication of property to the City with conditions. The Planning Commission gave a favorable recommendation on May 25, 2022, but suggested addressing

concerns with traffic and density. Staff recommends a preliminary layout approval (concept) instead of preliminary approval, which is allowed by code (Section 12.46.030). The acreage breakdown includes 117.17 acres of buildable area, 146.47 acres of unbuildable area, and 164.84 acres of proposed open space. The majority of the open space would be dedicated to the City and is unbuildable. The project includes R-1-9, R-1-10, and R-1-12 zoning.

Council Discussion:

Councilmember Provstgaard stated he attended the planning commission meeting and recalls the Commission wanted to see larger lots. He stood up and stated when the City created this project, the City wanted nicer, bigger homes there.

Mayor Pro Tem Christensen noted there is a retention pond to the north used as a trail that needs ingress and egress for pedestrians in the neighborhood to access public parks. Need to look at this.

Councilmember Beecher noted this pedestrian path is on federal property so the City would have to work with the Federal Government for access. The canal company runs the canal but the property is owned by the United States. There is restricted access to certain points. One of the planning commission concerns was the smaller lots.

Applicant Presentation:

Ken Berg stated under the city's development ordinance, they took the 288 acres and dedicated the acreage with steep slopes and the areas that can't be served by the existing upper water tank to the City as natural open space. The density in the R-1-9 and R-1-12 areas were calculated to give the maximum density. There are no density bonuses or additional units; just what the base zoning code allows. The slopes govern the roads so there is no grid system. A linear trail winds down through the development starting at the old Riley home and follows the Rocky Mountain Power transmission line to the canal. There will similar improvements like the Dry Creek Park. There are other connections/trails to the top into the mouth of Payson Canyon. The proposed PRD allows a variety of lot sizes with a breakdown of 20,000+ square foot lots on the hill top (purple; 34 lots), 12,000 to 20,000 square foot lots (brown; 56 lots), 10,000 to 12,000 square foot lots (pink), 9,000 to 10,000 square foot lots (light brown), 8,000 to 9,000 square foot lots (light blue), 7,000 to 8,000 square foot lots (light purple; 64 lots), and 6,500 to 7,000 square foot lots (along the canal; 37 total). These are the minimum lot standards in the PRD. They are trying to keep a balance for an overall spread within the development.

Council Discussion:

Mayor Pro Tem Christensen stated he doesn't have a huge problem with the lot sizes. Eventually, the canal will be covered for the trail system. His concerns are with ingress and egress because it goes through an existing neighborhood.

Ken Berg noted there is a fourth point of access proposed down in the 600 area that is an additional crossing of the Highline Canal, which has been discussed with the Bureau and meets their spacing requirements. This road connects to Main Street and 1900 South. This really becomes the entrance to Payson View Estates.

Councilmember Hiatt stated the canal won't be piped for a while. She doesn't have a problem with the smaller lots because people want those.

Councilmember Beecher noted the developer has done all the geological studies, which were in the packet. The biggest concerns from the Planning Commission were the smaller lots and density.

Councilmember Provstgaard stated this is creating the same parking issue mentioned earlier in the Saddlebrook Subdivision (Spring Creek Development). He is concerned with the density with snow removal, parking on streets, etc. He doesn't support the PRD. He supports the actual lot size of the zone. He is sympathetic to the raw property that isn't buildable. Anyone who purchased this property would have know that from the start.

Councilmember Beecher noted the density doesn't exceed the zones.

Mayor Pro Tem Christensen noted the PRD came to the Council previously with this was big open space. The annexation was to support the open space.

Ross Welch reviewed home elevations and floor plans that will go on this site. Several homes have three-car garages and fit on the small lots. There are two-car garage homes as well. These will be nice homes at 3,500 square feet. On terms of density, the zone allows this density. As a land owner, builder, and developer, they need a product with diversity that people want to buy. A traffic study was done showing an A rating. Over 100+ acres will be dedicated to the City. Their charitable organization will dedicate a minimum of \$50,000 for trail improvements to add value to the City and to connect to the federal lands. There will be parking for the trails. This is a benefit to the City. The original cost of a home was \$800,000, and these are beautiful view lots.

Michael Bryant noted the preliminary layout (concept) approval doesn't vest any rights but give them the opportunity to proceed forward. Then they can phase the project.

Jill Spencer noted she has been involved with Payson View Estate for many, many years. It is different. Preliminary layout approval provides flexibility for the City and staff to work with the applicant to complete the level of detail needed to resolve the issues that have been discussed tonight. Preliminary plan approval is vesting, which expires in one year. With preliminary layout, staff can address lighting, turn arounds, and lot changes because of topography. It gives the applicant enough assurance of the general layout with lot variety, open space, trails, etc. The applicant can come back with smaller phases and answer the questions. It also allows the applicant to work with the market on timing. Many things haven't been answered but can be on a smaller scale.

MOTION: Councilmember Beecher – To follow staff's recommendation of approving preliminary layout approval in order for the developer and engineers to work on it and get preliminary plans on individual, smaller parcels for Payson View Estates, whole development, Phase 3 and finding it meets the requirements of the zones associates with the area. Motion seconded by Councilmember Carter. A roll call vote was taken as follows and the motion carried.

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

1. Resolution - Appointment of new Planning Commission Members and Oath of Office

Presentation:

Mayor Pro Tem Christensen stated Mayor Wright has presented Jim Rowland to serve on the Planning Commission.

MOTION: Councilmember Provstgaard – To approve (resolution) Jim Rowland as a planning commissioner to replace Kirk Beecher to fulfill the remainder of his term (April 2023). Motion seconded by Councilmember Beecher. A roll call vote was taken as follows and the motion carried.

Yes	-	Kirk Beecher
Yes	-	Linda Carter
Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Bob Provstgaard

Kim Holindrake swore in Jim Rowland as a member of the Planning Commission.

2. Mount Loafer Flats Subdivision zone change from I-1, Light Industrial Zone to the R-1-7.5, Residential Zone located at approximately 1100 East and 100 North (7:28 p.m.)

Staff Presentation:

Michael Bryant reported the next three items (zone change, overlay, preliminary plan) are related. This project is located just across from the hospital with 20 lots. The zone change is only for a portion of the two parcels located in the center. The commercial will remain the same along SR-198 and the property on the north side will remain I-1. A public hearing was held with the Planning Commission on June 29, 2022, and those comments have been reviewed with the applicant. The Planning Commission forwarded a positive recommendation of approval. The RMO-1 Overlay is for a planned residential community of 55+ and will be all single-family homes. The sewer connects to the existing 55+ community and then goes to a current lift station. Residents in the current community would be asked to help with the cost to reach the lift station. The existing failing lift station will be removed. The two HOA's will work together on the sewer connection. There will be a masonry fence to buffer between the commercial and the storage units. The homes will have two-car garages plus a driveway so there is plenty of parking. Additional visitor parking is provided.

Council Discussion:

Mayor Pro Tem Christensen stated the development fits the area and is a great use of the land.

MOTION: Councilmember Provstgaard – To approve the Mount Loafer Flats Subdivision zone change from I-1, Light Industrial Zone to the R-1-7.5, Residential Zone located at 1100 East and 100 North. Motion seconded by Councilmember Hiatt. A roll call vote was taken as follows and the motion carried.

Yes	-	Kirk Beecher
Yes	-	Linda Carter
Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Bob Provstgaard

3. Request for use of the RMO-1 Two-Family Residential Overlay to support a Planned Residential Community known as the Mount Loafer Flats Subdivision located at approximately 1100 East and 100 North

MOTION: Councilmember Provstgaard – To approve the RMO-1 Two-Family Residential Overlay to support a planned residential community known as Mount Loafer Flats Subdivision located at 1100 East and 100 North. Motion seconded by Councilmember Beecher. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Taresa Hiatt, Bob Provstgaard. The motion carried.

4. Preliminary Plan and Final Plat for the Mount Loafer Flats Subdivision including twenty (20) single-family dwellings for persons 55 years of age and older located at approximately 1100 East and 100 North

MOTION: Councilmember Beecher – To approve the preliminary plan and final plat for Mount Loafer Flats Subdivision located at 1100 East and 100 North. Motion seconded by Councilmember Carter.

AMEND MOTION: Councilmember Provstgaard – To include meeting staff recommendations.

Accepted by Councilmember Beecher and seconded by Councilmember Carter. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Taresa Hiatt, Bob Provstgaard. The motion carried.

5. FV Condominium Plat located at 1568 West 800 South

Staff Presentation:

Michael Bryant stated this is the existing building that will be condominiumized. Landscaping has not been completed so staff recommends as a condition of approval that it be done. The landscaping is included in the bonded.

Council Discussion:

Councilmember Provstgaard questioned the need for fire walls between the units as a requirement.

Councilmember Beecher stated the building already meets the fire requirements; it just wasn't condominiumized.

MOTION: Councilmember Provstgaard – To approve the FV Condominium Plat located at 1568 West 800 South as presented provided it meets the condominium ordinance, fire marshal approval, and building inspector approval and finish the landscaping prior to recording the plat. Motion seconded by Councilmember Beecher. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Taresa Hiatt, Bob Provstgaard. The motion carried.

6. Redbridge Business Center Condominium Plat located at approximately 1693 West American Way (7:45 p.m.)

Staff Presentation:

Michael Bryant stated this project has not been built yet and is proposed around and behind Cornaby's. An additional 95,216 square feet of built-out area will be condominiumized. Staff recommends design elements that are conducive to that in the BPD Zone and surrounding properties. The applicant is

willing to incorporate colors and similar design features to blend the entire development. Engineering staff is requiring a 6-inch sewer lateral tied to the main with a manhole for the central two units. There are two points of ingress/egress. Staff recommends approval.

MOTION: Councilmember Beecher – To approve the Redbridge Business Center Condominium Plat at 1693 West American Way as long as it meets all staff conditions and concerns. Motion seconded by Councilmember Provstgaard. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Taresa Hiatt, Bob Provstgaard. The motion carried.

8. Ordinance – Amendments to Title 4, Public Utilities regarding Water

Staff Presentation:

Travis Jockumsen stated Hansen Allen & Luce review the city's water rights and found the City has twice as much culinary water as currently used. Therefore, Hansen Allen and Luce recommended not requiring culinary water shares until the City reaches 80% use of allocation, which is a requirement of state law. Then the City will require culinary water shares again. This doesn't impact secondary water shares, which will still be required. New homes are required to purchase city water rights for culinary usage.

Council Discussion:

Mayor Pro Tem Christensen stated water rights were a hostile takeover at one time, and he wants the city's infrastructure to receive a benefit from this by selling water rights to new development. Then the City can build a new water tank or sink a new well.

Dave Tuckett stated if the City can show it purchased the water that gave the surplus, then the City can charge new development for water. Staff looked back and couldn't find anything back to the 1990's that the City paid for the water.

Mayor Pro Tem Christensen questioned if the City could amend the impact fee so culinary water has an increased impact fee until the City meets the 80% criteria. Their impact is based on infrastructure and not water. When he built his house, he paid for the water rights. He wants it to be fair.

Travis Jockumsen stated this would require a new impact fee study, which is currently in process, but not for this reason. He will check with Hansen Allen & Luce to see if this is legal.

Councilmember Provstgaard stated developers have brought in culinary water rights for their developments, which they have purchased. What about those who did years ago.

Jason Sant stated the City can keep those water rights. Hansen Allen & Luce says we can't collect more water rights because the City will exceed the need.

Dave Tuckett noted the City is using about 50% of its culinary water.

Travis Jockumsen clarified this has nothing to do with water volume but water rights.

Mayor Pro Tem Christensen stated he is okay not taking water rights but doesn't want to give it away. Previously, water rights had to be purchased for development or building a home. Now developers or builders will receive a discount because they don't have to provide water rights.

Councilmember Beecher stated the impact fee is for infrastructure not water right. They don't mix or match. The developers and residents will need to be educated on why this done.

Mayor Pro Tem proposed a work session on the matter.

MOTION: Councilmember Provstgaard – To table the ordinance amendments to Title 4, Public Utilities regarding water and ask for more clarification on what can be done legally in the best interest of the citizens of Payson and the water. Motion seconded by Councilmember Beecher. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Taresa Hiatt, Bob Provstgaard. The motion carried.

9. Ordinance – Amendments to Title 11, Public Facility Standards, Section 04, Streets and Sidewalks (8:00 p.m.)

Staff Presentation:

Travis Jockumsen stated the proposed amendments clean up the title to be consistent with development guidelines and text. It defines trees that can go in planter strips.

Council Discussion:

Councilmember Hiatt noted there are trees in Spring Creek that will buckle the sidewalks.

Jason Sant stated if a tree is buckling the sidewalk, the City can fix the sidewalk and bill the owner. This list can be provided to developers and builders.

MOTION: Councilmember Provstgaard – To approve the amendments to Title 11, Public Facility Standards, Section 04, Streets and Sidewalks. Motion seconded by Councilmember Hiatt. A roll call vote was taken as follows and the motion carried.

Yes	-	Kirk Beecher
Yes	-	Linda Carter
Yes	-	Brett Christensen
Yes	-	Taresa Hiatt
Yes	-	Bob Provstgaard

E. ADJOURNMENT

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

The meeting adjourned at 8:05 p.m.

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