

PAYSON CITY
CITY COUNCIL MEETING AND WORK SESSION
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, September 21, 2022

CONDUCTING William R. Wright, Mayor

ELECTED OFFICIALS Kirk Beecher, Brett Christensen (on line 6:18 pm.), Linda Carter, Taresa Hiatt, 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
Robert Mills, Development Services Director
Travis Jockumsen, Public Works Director/City Engineer
Scott Spencer, Fire Chief
Jill Spencer, City Planner
Michael Bryant, Planner II
Karl Teemant, Recreation Director

OTHERS Nanette Evans, Ben Peart, Rowland Evans, Logan Moffett

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at 6:00 p.m. The meeting was properly noticed.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Bob Provstgaard.

Pledge of Allegiance led by Taresa Hiatt.

B. CONSENT AGENDA

1. Approval of the September 7, 2022 Regular City Council Meeting Minutes
2. Interlocal Agreement with Utah County regarding Community Development Block Grant Program

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

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

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. Public Forum

Nanette Evans stated she attended the meeting last November/December where the City presented different ideas about West Mountain. She spoke to Councilmember Christensen at that meeting. Councilmember Christensen waived his hand over the area where she lives and said within a few years this will probably all be gone. She has concerns about development; not about people's rights but the affect it will have on people. She would like to be informed when this is addressed. She sent an email to the City Council on September 1 addressing her concerns about the West Mountain/Spring Creek Area. In December 2021, she spoke to the City Council on foresight and planning so that improvements were done once and done right. It noted that the growth that has hit north Utah County is coming our way with expedient growth and speed. They don't want to constantly live with torn up streets and inadequate infrastructure destroying the quality and enjoyment of life and business. They do not want roads that are tight, winding, or poorly designed with safety concerns on every turn. We have the potential to have a wonderful place to live even as we grow. The 800 South overpass has been resurfaced without expansion for the known future development of MTECH and the proposed development of high density residential. The road in front of her home was just resurfaced without expansion. Currently, traveling west from Payson on 200 South to her home, there is a blind corner where she signals way in advance watching the traffic behind her as she approaches the blind corner. Her concern is potentially being hit both in front and behind. School busses stop west of her home and the traffic backs up past her home to this very same blind corner. The new industrial uses with large trucks have greatly increased the use of the road. The proposed high density will overload the capacity of the road, which is already unsafe. There are no stop signs or warning signs of the impending blind corner or the residential accesses to the road. Numerous times vehicles and large trucks bridge the yellow line at the blind corner as well as squealing brakes at the turn. Five or six years ago, two teenagers had a head-on collision at this same blind corner, which ended with a fatality. This last August, she asked the city planner about the 800 South overpass who stated the City receives updates on traffic accidents that is used to address problems on the road system. Being proactive and planning responsibly eliminates the need for accident reports. We already know what is coming; accidents, injuries, and fatalities can be prevented by enlargement and expansion to current road systems by eliminating blind corners, winding streets, and providing warning signs and stop lights. The expansion of the 800 South overpass should be a top priority. She suggested the City purchase the property by the blind corner to redesign and expand the road should also be a top priority. This way the City Council is looking out for the best interest of the residents. The road traffic and safety is her first concern and quality of life is her second concern. The City Council administers the quality of life. The concrete crushing plant creates dust storms affecting the surrounding area and beyond. There are ordinances for the protection from this. Trees, walls, and embankments could be put in place to help with the air quality and uphold sound ordinances. The current nutrition plant has no walls, trees, or embankments for sound or protection. She requested a traffic study on this blind corner and that the Council address these issues.

Mayor Wright stated all of the mentioned statements are valid. The City doesn't have control over many of them, and the road may not be in Payson. Some issues will be addressed with development. The I-15 overpass is owned by the Utah Department of Transportation (UDOT).

Ben Peart stated the road in question according to the county maps is in Payson. Regardless whether it is or isn't in the City, the City has control over when land is rezoned to allow development to take place and widen roads. He would also like to see a traffic study conducted on 200 South. All of the surrounding property (to Westglen Estates) is zoned light industrial. The Spring Creek Plan states the area will be zoned Business Park, which on paper is a positive direction but puts this nine-acre

subdivision is about 800 acres of business. It's not ideal. If this happens, he wants assurance that their quality of life will be maintained and the zoning ordinances will be enforced. Much of the zoning ordinance isn't being enforced, and it's anything goes. He lives directly next to Intermountain Nutrition and there is no sound wall, which is required by code as well as landscaping. He has been in contact with Intermountain Nutrition who is currently working with a contractor to build a wall. He just wants to make sure the code is followed. The place where Jones Paint and Glass is coming is currently zoned Business Park, and he doesn't know if it will include manufacturing, which the Business Park has certain restrictions. He would like the City to have open communication with the neighborhood so they know what's coming.

Councilmember Provstgaard stated he was on council back in the 90's when this subdivision (Westglen Estates) was approved, and it was a mistake. He argued then and voted no. This area was always intended to be the industrial area of town. Due to pressures, the subdivision was approved. A buyer needs to beware. The US Government used the Intermountain Nutrition building for years, and the City didn't even know they were there. They were good neighbors for years. When the subdivision was built, the city ordinances did not include sound walls, etc., which has been added due to experience. It's difficult to enforce a code that wasn't there when they built. He's grateful the owners are working with the neighborhood to do this. The City acknowledges it is a residential area. The City was blindsided by the concrete plant going in the area in the County and didn't know until construction began. The City will work with the County to communicate better. 200 South has been a county/state road his entire life except maybe a small city portion. The City has no say in the road whatsoever. Mayor Wright attends regular meetings on the 800 South overpass, which is controlled by UDOT. The mentality of UDOT is that when the population reaches a certain level, they will do something. The City is doing everything it can to get roads addressed particularly the 800 South overpass. The Council hears you and haven't forgotten you. The Spring Creek Area Master plan is being created; it's a great start and work in progress. If Intermountain Nutrition expands, they would be required to upgrade to current code.

Rowland Evans stated he has lived on 200 South for four years. He runs a mortgage company from his home and has clients come to his home from time to time. In the pictures (handout), a cliff was created that he had to drive over. He put out over \$1,000 in gravel and equipment trying to fill it in. The City is saying it is a county or state issue. He wouldn't mind getting his money back from putting in the gravel. Last year, a driver came around the corner and ended up in his gravel driveway as he was turning into his driveway. It's a dangerous situation. With the additional traffic, a turning lane would make it safer to turn into homes and businesses. There are dead trees across the street at the corner that prevent seeing down the road, and the business is installing more parking and storing more vehicles, which could be related to zoning and planning that needs to be addressed. The City requires a privacy fence, but that would cause a site issue as well.

Travis Jockumsen stated the road (200 South) is in the city until just past Intermountain Nutrition, but he will need to check on ownership.

2. Staff and Council Reports (6:40 p.m.)

Staff Reports

ADMINISTRATION – Dave Tuckett stated the golf course parking lot has been resurfaced and is quite an improvement. The McMullin Park parking lot should be paved this week depending on weather. The parking lot behind the Library will be part of the Main Street Project.

RECREATION – Karl Teemant reported National Hispanic Heritage Month is this month, and there will be a free event at Peteeetneet, Saturday, September 24, beginning at 1 p.m. with various performers and authentic food, which can be purchased.

D. ACTION ITEMS

1. Sprout Condominium Plat A approval for three buildings on one lot located at approximately 1583 West American Way on Utah County Parcel 49:287:0005 (6:45 p.m.)

Staff Presentation:

Michael Bryant stated this request is seeking condominium status for a future development with three new buildings and is currently in the BPD, Business Park Zone. Each building will be individually condominiumized. The Planning Commission addressed the request and recommended approval. The applicant is working on the site plan which is an administrative approval by staff as long as it meets the requirements.

MOTION: Councilmember Beecher – To approve the final plat for the Sprout Condominium, Plat A, for three buildings on one lot. 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

2. Beck’s Place Parking Reduction located at 20 South 100 West

Staff Presentation:

Michael Bryant stated this building is along Utah Avenue and 100 West, and the parking is all owned by Beck’s Place. Beck’s Place has site plan approval for a three-story building with a total of eight residential units and commercial on the bottom. The applicant wants to preserve the integrity of the area for parking of adjacent property owners that do not have parking. The project meets the parking requirements according to zoning, but the applicant would like to develop a parking agreement with the adjacent property owners. The site plan has a dedicated parking stall for each residential unit and then flex parking for businesses. Staff recommends this parking reduction, which is allowed by code up to 20% of the parking.

Mayor Wright stated this agreement isn’t so much a parking reduction as it is time sensitive for people to park at off times. It allows the businesses that no longer have parking along the curb or in the parking lot to use these parking spaces on a time basis.

Applicant Presentation:

Logan Moffett stated it’s an interesting situation with adjoining business having no lot parking and UDOT took away all street parking. The previous owner has tried to enforce parking forever. What has

changed are the uses around. This code has been used in several areas around the downtown area and makes a lot of sense. Day and night parking is a very efficient way to allow businesses to have a use while allowing residential density. Otherwise at nighttime, the parking is unused. He's asking for the reduction to allow flexibility with the commercial uses. Even with Dalton's, it never met parking requirements. He has talked to the surrounding businesses, and they all agree there needs to be a parking plan. This will also provide affordable housing. The code requires 2.2 parking stalls per unit no matter how many bedrooms with no flexibility. He wants to find a way for residents to use other types of transit. The people who rent will know how much parking they have available. This is the best solution for the businesses.

Council Discussion:

Councilmember Provstgaard stated this is noble for the neighbors, but he's concerned that there isn't enough parking no matter what is done. It's kicking the problem down the road. He is trying, as a city, to look at the future to see the potential of what the retail will bring in. He frequented Dalton's quite a bit, and you could never find a parking spot.

Robert Mills stated several of the existing buildings are nonconforming. If it were blank property to develop, it would be different. One of the joys of redeveloping in downtown areas is that there are existing nonconformities. If the nonconformity can't be completely eliminated, then you look for opportunities to reduce the nonconformity. In this case, some of the businesses have no parking whatsoever, which are allowed to continue to operate because they are legally nonconforming. This building was purchased with all the parking except four stalls for Fat Jacks. Staff has looked at the situation, and the applicant complies. The parking lot is ineffective because at night the parking lot goes unused. The applicant has provided an opportunity to create efficiency and reduce a large nonconformity. If nonconformities can't be eliminated, the best thing is to reduce them. This is the best solution for a situation that may not be ideal. This is not an approval of the project, but a proposed reduction in parking.

Councilmember Provstgaard continued this situation has really got him worried. The discussion is about reducing nonconformity, but he's not sure the alleyway is legal for a second point of egress onto the highway with residential. The view is concerning with a blind spot. The owner has the legal right to build what he wants and also help the City. He has lived in the back of this his entire life, and it has always been a problem. He's not sure the proposal is helping but acerbates the problem.

Mayor Wright noted the alley will become just a bike lane.

MOTION: Councilmember Beecher – To approve the Beck's Place parking reduction at 20 South 100 West. 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
No	-	Taresa Hiatt
No	-	Bob Provstgaard

E. WORK SESSION

1. Moderate Income Housing

Staff Presentation:

Robert Mills stated moderate income housing is affordable to those making 80% of the area median income (AMI), which is not very much. Tonight's purpose is to update the Council on strategies and changes made by the Legislature. He will come back to the Council with a full report at a later date. The Legislature made changes to moderate income housing and how it is to be reported. State law requires a moderate income housing plan in the General Plan, which the city complies. The State wants cities to look at those plans and determine if those plans are implemental.

Previous Strategies:

- Strategy 1 – Implement zoning incentives for low to moderate income units on a long-term basis.
- Strategy 2 – Apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing.
- Strategy 3 – Utilize a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency.

House Bill 462 (effective July 1, 2022):

- Modifies and expands the menu items and requires that municipalities review their moderate income housing plans and update items with implementation elements by October 1, 2022. (Date changed from December 1.)
- Reporting forms will change and the reporting period will be tied to the municipal fiscal year with subsequent reports due by October 1.
- Implementation elements must include a timeline that has specific benchmarks for each chosen strategy, but provides flexibility for the municipality to make adjustments.
- Increased the number of strategies for municipalities to choose from.
- Department of Workforce Services is responsible for creating a moderate income housing database and be responsible for providing housing data to municipalities.

Many cities in the state will not meet the October 1 deadline; but through discussions with the State, it's okay.

The Legislature and the Utah League of Cities and Towns prepared a long list of strategies. A city the size of Payson is required to choose three strategies and then the hard work begins. From this list, staff chose three strategies that closely align to the previous strategies and are achievable. Staff is looking for input from the Council.

Updated Strategies (2002):

- Strategy 1 – Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.
- Strategy 2 – Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.
- Strategy 3 – Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

Staff wanted to go with the strategies that seem most natural to the way the City is developing. These strategies align better with the intentions of the City.

Council Discussion:

Councilmember Provstgaard stated there is a reason he lives in Payson. Payson has a uniqueness to it. Payson maintains the small town, the home feeling. He thinks of the parks and city events. We start stuffing so many bodies into a parcel. He doesn't know the tipping point where we lose the open feeling that everyone here has grown up too and cherished. Perhaps that's why we sit here; it's to preserve that. He understands the City is being forced to do some of this. His comment is the minimum the City can get away with. Affordable housing is a sliding scale now as the new interest rates crash in and affordability goes out the door again.

Councilmember Beecher questioned if there are minimum requirements in each of these strategies.

Robert Mills stated there isn't a quota.

Jason Sant clarified there is a quota on the station compliance. As soon as FrontRunner decides to build in Payson, the City will have comply.

Robert Mills noted at the point of FrontRunner, the City is required to have five strategies. The City can choose to put moderate income housing where it chooses. Thank of it in how the City is working towards the General Plan with specific development nodes with higher density. Those nodes fit in well with these strategies and rezoned to allow the types of uses. The City already has pockets of single-family residential where accessory dwelling units are permitted. These strategies address making this easier or more accommodating.

Councilmember Provstgaard stated as he looks at these strategies, his mind immediately goes to the need for more parks and open space for these people. The strategies should also include open space for parks.

Councilmember Hiatt would like to see smaller lots instead of condos and townhomes because it's about ownership.

Robert Mills agreed. The Council recently made changes so all these units will pay impact fees to purchase areas for parks. This is part of the city's own General Plan and requirements. Staff will move forward with finishing the report and take it to the Planning Commission.

F. ADJOURNMENT

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

The meeting adjourned at 7:33 p.m.

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