

February 5, 2014 Payson City Council Minutes

Minutes of the Payson City Council Meeting held at the Payson City Center, 439 West Utah Avenue, Payson, Utah on Wednesday, February 5, 2014 at 6:00 p.m.

ROLL CALL: Mayor Rick Moore; Councilmembers: JoLynn Ford, Kim Hancock, Mike Hardy, Larry Skinner, and Scott Phillips; City Manager Dave Tuckett, City Attorney Mark Sorenson, and City Recorder Jeanette C. Wineteer.

Mayor Rick Moore presiding.

PRAYER & PLEDGE OF ALLEGIANCE

Trever Butler offered the prayer and led the Pledge of Allegiance Brett Pedersen, both scouts in attendance.

MOTION by Councilmember Hardy to suspend the agenda to allow the Mayor to move at his discretion. Motion seconded by Councilmember Phillips. Motion carries.

CONSENT AGENDA

MOTION by Councilmember Phillips to move the two proclamations from the Consent Agenda to consider separately, and approve the January 15, 2014 City Council Minutes, and the Amended Lease Agreement – SpectraSite Communications (Cell Tower Lease Extension). Motion seconded by Councilmember Hancock. Motion Carries.

COUNCIL AND STAFF REPORTS

Chief Runyan said they received a grant from Walmart of \$5,000 to be used to purchase handheld radios. He wanted to thank everyone involved in them obtaining this grant.

He also reported that 8-9 officers attended the funeral procession for the fallen County officer today.

Manager Tuckett asked the Council when they would like to meet for a Council Retreat to discuss budget items and/or goals along with the department 5 year plans. Consensus of the Council was to hold this before the next Council Meeting.

The County Commission would also like to meet with the City Council on February 18th regarding growth, and the majority of the Council would be able to attend. He also announced that the Mayor's State of the City will be held on the 11th.

Councilmember Phillips asked about our water situation and Public Works Director Travis Jockumsen reported that we have 49" of snow and are at 72% of precipitation.

Councilmember Hancock thanked everyone for attending the groundwater recharge meeting, and felt it was very informative.

Councilmember Ford thanked the officers for all they do and their support with Utah County's fallen officer.

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Councilmember Hardy reminded everyone of the Kiwanis Golf Tournament next Friday. He said that the Chamber of Commerce Installation Banquet will be held in March and a Business Expo in June. They are also interested in hosting a movie night this summer similar to what other cities are holding.

Mayor Moore reminded everyone of the state of City next Tuesday. He also thanked the officers that helped out during the chase for the suspect in the shooting of the County officer, and said he knows Chief Runyan sent some of our officers to Santaquin and Juab County for this. He also thanked the Fire Department for all they do to help our citizenry.

He reiterated to the public that we are worried about the snow pack and water situation this year.

SCOUT ATTENDANCE CERTIFICATES

Councilmember Skinner presented attendance certificates to scouts in attendance: Trever Butler, Bret Pedersen, Quaid Hutchinson, Nate Hullinger, Andrew Obland, Decker Lewis, Nate Tarter, Hunter Harvey, and Devin Pugmire.

CHAMBER OF COMMERCE – BUSINESS OF THE MONTH

Rory Adams, Chamber of Commerce member presented the Business of the Month to Payson Market, who is very much involved in our community and we appreciate all they do for the citizens and businesses of Payson.

PROCLAMATION UVU STUDENT AWARENESS WEEK

Mayor Moore read the UVU Proclamation proclaiming February 24 – March 1, 2014 as Non-Traditional Student Awareness Week.

Trisha Nelson from UVU explained what the non-traditional student is and some good things UVU provides for them. She also handed out UVU Basketball tickets for a game.

MOTION by Councilmember Hancock to approve the Proclamation and proclaim February 24-March 1st as Non-Traditional Student Awareness Week. Motion seconded by Councilmember Hancock. Motion carries.

PROCLAMATION – FFA WEEK

Mayor Moore read the FFA Proclamation proclaiming the Week of February 15th through 22nd, 2014 as Future Farmers of America Week.

Breanne Moore, Vice President of Payson FFA Chapter said that the Chapter really enjoys helping out in our community. She said they will be having a Sweethearts Cake Auction this Friday and encouraged everyone to bid on a cake and come and see who is selected as the Sweetheart Royalty.

MOTION by Councilmember Hardy to approve the Proclamation proclaiming February 15th – 22nd as Future Farmers of America Week. Motion seconded by Councilmember Phillips. Motion carries.

UAMPS – REQUEST FOR NO PARKING SIGNS

Superintendent Ron Crump and Jackie Coombs, from UAMPS said that UAMPS is requesting that “No Parking” signs be installed along both sides of the road way in front of the Nebo Power Station to ensure site security.

MOTION by Councilmember Ford to allow the installation of no-parking signs along both sides of the roadway in front of the Nebo Power Station. Motion seconded by Councilmember Hardy. Motion carries.

ORDINANCE – ESTABLISHING A MUNICIPAL ETHICS COMMISSION

Attorney Sorenson explained that the Council had some training on ethics at the last Council meeting and he presented an ordinance referring to that. This ordinance establishes a commission and procedures if an ethics complaint were filed, and participate in an Interlocal Agreement with various cities in the County.

MOTION by Councilmember Hancock to adopt Ordinance #02-05-14, An Ordinance Amending Title 2 of the Payson City Municipal Code by the Addition of Chapter, 2-18 Establishing a Municipal Ethics Commission; Providing for the Membership Thereof Pursuant to an Interlocal Agreement; Establishing the Process for the Filing of a Complaint and the Investigation and Adjudication of the Complaint. Motion seconded by Councilmember Skinner. Voting aye: Councilmembers: Ford, Hancock, Hardy, Phillips, and Skinner. Motion carries.

MS4 STORM WATER PRESENTATION

Public Works Director Travis Jockumsen introduced Ryan Taylor from Epic Engineering who presented the following information to inform the Council what is coming for storm drain monitoring:

- How Did We Get There - Timeline for Water Quality
 - 1950 Water Quality Became an Issue
 - 1970 Clean Water Act
 - 1990 Phase I Regulations
 - 2000 Phase II Regulations
 - 2014 Expansion of Phase II
- Can we get out?
 - It was determined that exemption was not feasible
- What is Storm Water Management Plan
 - Public Education
 - Public Involvement
 - Illicit Discharge Detection and Elimination
 - Construction Site Inspections
 - Post Construction
 - Good House Keeping
- How does this program affect the City
 - New Ordinances
 - Staffing
 - Existing Practices
 - Audits
 - New Regulations
- How can EPIC Assist?
 - Training
 - System Mapping
 - Draft Ordinance Preparation
 - IDDE Inspections
 - Construction Inspections

- Documentation Programs
- Funding Mechanisms
- Master Planning

Councilmember Ford left the meeting at 7:15 p.m.

Discussion was held regarding the cost of implementation of the mandated regulations and it was noted that developers should bear the brunt of the expense but the citizens need to be educated.

Mr. Jockumsen explained that the Notice of Intent that is included in the packet will have to be signed by the Mayor

REVIEW AND POTENTIAL DECISION REGARDING THE RED BRIDGE ANNEXATION

Planner Spencer explained that staff is requesting the City Council consider additional information regarding the proposed Red Bridge Annexation. On November 6, 2013, a public hearing regarding the annexation was conducted during the regular meeting of the City Council. The comments and questions raised during the hearing warranted further review and the City Council directed staff to gather additional information and present the findings at a future meeting. In response to the direction of the City Council, staff will present information on the following issues raised at the November meeting:

- *Purpose of the annexation.* It was inferred at the meeting that the purpose of the annexation is to expand the landfill and mining operation. Rather, the annexation is the result of a petition filed by property owners for various purposes, including future development and concerns regarding an incorporation request pending with Utah County.
- *Provision of municipal services.* It is proposed that the land use and infrastructure studies be completed following annexation and prior to development in the annexation area. It was suggested at the meeting that these studies be completed before the annexation is approved. There are advantages to completing these studies before the annexation, but there are also benefits to waiting until after the annexation is finalized. The preparation of a land use plan and infrastructure analysis for 1200 acres will take a significant amount of staff time and may require consulting services which will involve allocation of money through the budgeting process.
- *Fiscal considerations (cost of services).* As requested, the estimated costs associated with road maintenance and repair, snow removal, garbage collection, among other things will be presented at the meeting. Approval of the annexation will involve new financial obligations, some immediately upon annexation of the property (i.e. snow removal).
- *Landfill and mining operation.* Payson City has obtained the required approvals and maintained the necessary permits to operate the landfill in its current location. The landfill and mining operation will continue regardless of the annexation status. The presentation will include information regarding the Payson City landfill and mining operation, required permits, and other regulations imposed by the Utah State Division of Solid and Hazardous Waste.
- *Annexation requirements and process.* There were several questions regarding the annexation process and whether or not the annexation boundaries can be modified to include or exclude parcels. In short, additional parcels cannot be included without filing a new petition and parcels can only be excluded if it does not create an island or peninsula of unincorporated property. Furthermore, any excluded parcels will be included in the proposed West Mountain City incorporation request.
- *Status of proposed West Mountain City incorporation.* The feasibility study was completed by Zions Bank Public Finance and the findings were presented at two (2) public hearings as required by Utah

Code. The petitioners need to obtain the required signatures to put the measure on the ballot within one year after the second public hearing (December 2014).

The statutory requirement of a public hearing was conducted on November 6, 2013. As directed by the City Council, staff has mailed courtesy notices to the property owners within the annexation and immediately surrounding the annexation boundaries. Any public comment may be considered at the discretion of the City Council.

She then gave the following presentation:

- ▶ *Purpose of Annexation*
- ▶ Public comment during the public hearing suggested the purpose of the annexation is to expand the landfill and mining operation
- ▶ Rather, the annexation is the result of a petition filed by property owners
 - Development ambitions
 - Concerns regarding incorporation request pending with Utah County
- ▶ *Provision of Municipal Services*
- ▶ Land Use and Infrastructure Analysis
 - Proposed to be completed following annexation and prior to development
 - City may choose to complete this study prior to annexation
- ▶ Agreement with South Utah Valley Electric Service District (SESD)
 - Staff recommendation:
 - Follow terms of 1998 Agreement
 - Consult with ICPE to complete inventory of annexation area
 - Study will take approximately 30 days
 - Study will cost \$8,000
 - Prepare payment schedule and initiate payment to SESD
- ▶ *Fiscal Considerations*
- ▶ Road Maintenance and Repair
 - 2.36 center line miles of road surface
 - \$6,408.41/year
- ▶ Snow Removal
 - 2.36 center line miles of road
 - 1.5 hours per storm event @ \$124.00/hour
 - Possibility of contracting with Utah County
- ▶ Garbage Collection
 - 23 residential dwellings
 - \$1,840 initial startup costs for containers
 - 1.5 hours @ \$125.00/week
 - Identify acceptable transition from private provider to Payson City service
- ▶ *Fiscal Considerations, Cont.*
- ▶ Public Safety
 - Modification of fire contract with Utah County
 - Amount provided by Utah County may be reduced as much as \$30,000 (guesstimate)
 - Wild land fire costs
- ▶ Contractual Obligations with South Utah Valley Electric Service District (SESD)

- Complete inventory of electrical facilities (\$8,000)
- Payment to SESD for facility buy-out (as determined by inventory)
- ▶ *Existing Uses (Landfill and Mining Operation)*
- ▶ Entities that Utilize the Payson City landfill:
 - Payson City
 - Santaquin City
 - Elk Ridge City
 - Salem City
 - Utah County
 - Areas in Juab County and Salt Lake County
- ▶ Utah County Classification
 - Zone: Mining and Grazing 1
 - Sanitary landfill (conditional use)
 - Mining (permitted use)
- ▶ *Existing Uses, Cont.*
- ▶ Permits Required (regardless of county/municipal location)
 - Class 5 Commercial
 - Permitted by State Division of Solid and Hazardous Waste (i.e. water quality and methane levels)
 - Class 4 C&D
 - Permitted by State Division of Solid and Hazardous Waste
 - Approved by the Utah County Board of Adjustment; additional approvals are not required unless the operation changes
 - Business license for mining and crushing operation
 - Permit is not required for landfill operation
- ▶ *Concerns with Landfill*
- ▶ Water Contamination
 - Six (6) deep monitoring wells throughout the site
 - Quarterly samples are completed to satisfy requirements of the Division of Solid and Hazardous Waste
 - Annual reports must be submitted to the Division of Solid and Hazardous Waste
- ▶ Water Run-off
 - Containment areas are provided on the site to capture storm water generated on the site
- ▶ Types of Materials Disposed (i.e. asbestos)
 - Required to maintain daily records of all materials disposed of on the site
 - Cell dedicated for the disposal of asbestos; annual inspections
- ▶ *Concerns with Landfill, Cont.*
- ▶ Loose Debris
 - Landfill is covered each night by spreading a layer of dirt over the disposed debris
 - At least \$10,000 is spent each year to pick up refuse outside of the landfill
 - Containment and security fencing recently upgraded
- ▶ Limitations of Current Permit
 - Life of the landfill (based on volumes included in original permit)

- Class 5 Commercial: 35 years
- C&D: 27 years
- Additional cells may be used if State requirements are satisfied
- ▶ *Annexation Requirements*
- ▶ Annexation Process
 - Petition: signatures and valuation
 - Parcels may be annexed without consent of property owner
- ▶ Modification of Annexation Boundaries
 - Inclusion of additional parcels
 - Removal of parcels included in the annexation boundaries (i.e. Perry request)
- ▶ Zoning Designation
 - A-5-H, Annexation Holding Zone
 - PRZ, Planned Reclamation Zone
- ▶ *Status of Proposed Incorporation*
- ▶ Feasibility study completed by Zions Bank Public Finance
- ▶ Public hearings to share feasibility findings
 - December 3rd – McMullin Orchards
 - December 17th – Dee Henderson Property
- ▶ Petitioners need to obtain the required signatures to put the measure on the ballot within one year after the 2nd public hearing (December 2014)
- ▶ *City Council Options*
- ▶ Remand annexation back to staff for further review
 - Complete additional studies regarding future municipal services
- ▶ Approve as proposed
 - Annexation boundaries as proposed
 - Zoning designations: A-5-H, Holding Zone and PRZ, Planned Reclamation Zone
- ▶ Amend and approve
 - Modify annexation boundaries and/or zoning designation
- ▶ Deny proposed annexation

Mark Belk said he lives outside the annexation, and has been to both of the incorporation meetings for West Mountain. He just wanted to ask a few things and see what they envision.

He wondered why the annexation was extended beyond 5600. Manager Tuckett said the LDS Church has property there and was interested in annexation. Also the initial incorporated application that went to the County included our landfill, so there were some concerns about controlling our own destiny.

Planner Spencer explained that some zoning could change in whatever entity the landfill is in. The operation is licensed by the State, but regulations within the County or another entity could change.

Councilmember Skinner explained that the annexation application was put in prior to the incorporation application.

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Mr. Belk stated that his impression is that the incorporation will not likely pass unless something changes out there. It looks like in order to cover those costs of services their taxes would have to increase.

Councilmember Phillips explained that we wouldn't tax the newly annexed area any more than we do the rest of the city. Planner Spencer explained the way the County taxes, they tax the county properties because of their development potential. We created the new agricultural holding zone which means that the taxes will be based on the zoning or the use. There are always financial considerations with an annexation and that is why we look into the fiscal impact when considering them.

Councilmember Skinner wondered if staff was satisfied with what all is involved. Planner Spencer said there are a few loose ends, like trash collection, but they are things we can work through.

Councilmember Phillips stated that he wanted to resolve the SESD issue. Superintendent Crump's recommendation was to pay to get the inventory done for this area. Manager Tuckett noted that we have given inventory to SESD on other annexations and still haven't heard anything, so even after the inventory is complete it may have that delay also.

MOTION by Councilmember Hancock to approve the annexation with the acknowledged amendment of the Perry land with the A5H Holding Zone and PRZ Planned Reclamation Zone, finding that to do so addresses the will of the majority of the landowners in the area and consolidates our access and use of the landfill we own. Motion seconded by Councilmember Skinner. Voting aye: Councilmembers: Hancock, Hardy, Phillips, and Skinner. Motion carries.

ADJOURNMENT TO CLOSED SESSION – LAND ACQUISITION

MOTION by Councilmember Hardy to adjourn to Closed Session to discuss land acquisition. Motion seconded by Councilmember Hancock. Voting aye: Councilmembers: Hancock, Hardy, Phillips, and Skinner. Motion carries.

Council adjourned to Closed Session at 8:22 p.m.

RECONVENE

Council reconvened at 9:10 p.m.

ADJOURNMENT

MOTION by Councilmember Phillips to adjourn. Motion seconded by Councilmember Hardy. Motion carries.

Council adjourned at 9:11 p.m.