

PAYSON CITY  
CITY COUNCIL MEETING  
Payson City Center, 439 W Utah Avenue, Payson UT 84651  
Wednesday, January 4, 2023

CONDUCTING William R. Wright, Mayor

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

EXCUSED: Taresa Hiatt

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 Jim Rowland, Benjamin Winkler, John Bascom, Eileen Miller – Utah Valley Homebuilders Association, Mark Weldon, Phil Martin

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at 6:05 p.m. The meeting was properly noticed.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Karl Teemant.

Pledge of Allegiance led by Jim Rowland.

B. CONSENT AGENDA

1. Approval of the December 7, 2022, Regular City Council Meeting Minutes
2. Proclamation – Cowboy Poetry Week
3. Proclamation – Honoring Rodeo Pioneers
4. Resolution – Payson Community Theater Surplus
5. Resolution – Land Lease Agreement with New Cingular Wireless PCS LLC
6. Resolution – Fire and 911 Ambulance Services Interlocal Cooperation Agreement with Utah County

Mayor Wright noted the Honoring Rodeo Pioneers Proclamation honors two previous Payson residents Raymond Knight and Earl Bascom and their contributions to our rodeo heritage.

Jason Sant noted that state law requires the city council to determine how the surplus items will be auctioned, sold, etc. The consensus of the council is to auction/public surplus the items.

**MOTION: Councilmember Beecher – To approve the consent agenda as outlined by the mayor.**

Motion seconded by Councilmember Christensen. A roll call vote was taken as follows and the motion carried.

|     |   |                   |
|-----|---|-------------------|
| Yes | - | Kirk Beecher      |
| Yes | - | Linda Carter      |
| Yes | - | Brett Christensen |
| Yes | - | Bob Provstgaard   |

**MOTION: Councilmember Provstgaard – To suspend the agenda.** Motion seconded by Councilmember Christensen. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Bob Provstgaard. The motion carried.

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

2. Public Forum (6:10 p.m.)

Benjamin Winkler stated he wants to organize an Ecumenical Easter Sunrise Service or musical celebration of Easter in Payson. He has contacted some of the congregations in the area and the Interfaith Committee. He handout out his proposal. The term ecumenical seems to have a different meaning in parts of the county, and there are some folks in the area who are not comfortable worshipping together. He defines it as putting aside any doctrinal differences as people and share and celebrate those we have in common. To be clear, he isn't asking the city for permission, but simply letting the city know so it isn't a surprise.

Councilmember Provstgaard stated it's a great idea and suggested he contact David Dahlquist.

Benjamin Winkler stated he is meeting with David Dahlquist tomorrow; they have worked together in the past. The biggest reason for not involving the Payson Civic Chorale is because of the name. He wants to maintain an appropriate distance between the government and associated organizations and a religious ecumenical situation. He wants this to be a community event rather than a government event. Those who want to participate can do so. He does want to utilize city facilities that are set up for use by the community. He spoke to Janeen Dean at the Peteetneet about using some facilities there.

3. Staff and Council Reports (6:17 p.m.)

Staff Reports

PLANNING – Jill Spencer reported a Public Visioning Workshop will be held Thursday, January 12, from 6:30 p.m. to 7:30 p.m. in the banquet hall. The Utah Transit Authority (UTA) completed a study at the end of 2021 addressing transit from Provo to Santaquin. The study determined FrontRunner would extent in the future to Payson with express bus service to Santaquin. The workshop addresses the next step in developing a community plan around the future UTA FrontRunner Station located north of the current Main Street interchange. This planning effort involves many pieces and includes a Utah Valley University campus. Mayor Wright noted an article will be in the Payson Chronicle next Wednesday to reach residents. There is an advisory group and also a working group involved.

FIRE AND AMBULANCE – Chief Spencer stated the Fire Department is working on emergency preparedness, which was suspended during COVID. He has met with different area representatives and citizen training will start on the second Tuesday of each month. They are teaming with the State of Utah, Be Ready, to do some lectures beginning January 10 at 7:00 p.m. at Station 91. The year finished for fire and medical calls, which continue to increase. There were 501 fire calls and 2,065 medical calls. The challenge is getting new employees, and volunteerism is difficult. The city is faced with competition with neighboring cities. On pay, the city was on the higher side of medical but is now average. He is working on the budget to get pay where it needs to be to be competitive.

### Council Reports

Councilmember Christensen gave a shoutout to the snowplow drivers and parks crews; it's been a rough week. He's seeing cars parked on the roads and sidewalks, which makes it difficult to clear the snow and walk safely in the city. It's good to see the water; the average is going up.

#### 4. Reports from House Representative Doug Welton and Senator Mike McKell (6:27 p.m.)

Mayor Wright stated there are many bills coming forward that affect cities. He and the council would love the opportunity to discuss those bills for the State and the City to both understand the position of both entities.

House Representative Doug Welton stated he ran for office because he believes in local government, which is closest to the people. It's easier for the residents of Payson to hold this body accountable. Whereas with him, he is one of 75. A resident's best representation is local; and the mayor and council have done a great job. There is a lot of need for transportation and infrastructure particularly in this area of the county because of growth. He serves on the Transportation Committee and hopes to lend an ear to south Utah County and address the new exit. Senator McKell has done a tremendous amount of work on infrastructure for Payson and Santaquin. He is working on a couple education bills, and a municipal election bill for special elections when a councilmember steps down, which he anticipates passing easily. He met with Chief Bishop on law enforcement issues and is now working on a bill regarding law enforcement personnel issues and pay. He plans to invite several colleagues down for the Salmon Supper for them to see the traffic issues facing Payson.

Senator Mike McKell stated he loves working with Doug Welton and the city officials. City staff and elected official are active with the Utah League of Cities and Town and at the capital. The most important issue is growth and managing growth in south Utah County, which is his main focus. North Utah County grew way too fast before the infrastructure was in place. Like it or not, growth is coming. The State has huge surpluses that he would like to see used for a tax cut and to teachers/education. There will be a lot of transportation dollars that need to be used in south Utah County. He has an ongoing dialogue with Mayor Wright.

Councilmember Provstgaard noted his concern watching and seeing transportation funds allocated for north of Salt Lake City and Davis County. Now, all of a sudden, he reads about redoing I-15 that will take homes and is in a design phase. Governor Cox even said the State is not in the business of taking homes. He questioned at what point does the Senate and House look at the south counties and see we have just as many problems. He wants to bring representatives down to see the issues.

Senator Mike McKell stated there has always been an ebb and flow with the Legislature and a good effort to balance the needs. Lists are prioritized and can be modified. It's a fair point. It's a challenge when eminent domain is used; he rarely sees eminent domain used. There is no artery to get to Mapleton, and it's needed. He takes these concerns seriously and will fight for funds. The Payson north exit/Main Street is at \$180 million; the project may need to be phased.

Mayor Wright stated Payson is all for phasing. A part of this project is expanding I-15 to three lanes. Appreciates their work.

House Representative Doug Welton stated in his conversations with the House Speaker, it's Utah County's turn. It needs to get done and done right. Now is the time with growth coming. Local issues, while serving on the Payson City Council, the council went to great lengths getting the General Plan and Master Plans in place before growth came. He is proud of the work done here in Payson.

Senator Mike McKell stated there is a finite amount of funds available, but he will push as hard as possible to make sure projects are done correctly. Mountainland Association of Governments (MAG) is very active on Capitol Hill and received more funds for project. They are looking at language in the budget to give MAG more flexibility to assist cities. He wants to get the interchange done, which may be done in phases.

2. Public Forum (continued)

John Bascom recognized two cowboys, Raymond Knight and Earl Bascom, who lived in Payson and contributed to the sport of rodeo worldwide. Raymond Knight was born in Payson in 1872 and then moved to Alberta, Canada. He came up with the term "stampede", which is used all over the world. Earl Bascom developed important pieces of equipment such as the bareback rigging, hornless saddle, and bucking shoot. He had an art studio in Payson back in the 1970's. Payson done a good job promoting their names and keeping them alive.

D. ACTION ITEMS

1. Public Hearing/Resolution – Amendments to the Fiscal Year 2022-2023 Budget (6:47 p.m.)

Staff Presentation:

Cathy Jensen reviewed the proposed budget amendments.

|                                |  |          |
|--------------------------------|--|----------|
| Communications, Repair Uniform | Additional expenses for Ambulance Department                                 | \$26,100 |
| Contingency Fire               | Additional expenses for Fire Department                                      | \$3,700  |
| Golf Improvements              | Sound system   | \$6,702  |
| Landfill Repairs               | Removal of tank from purchased property, reimbursed through sale of property | \$12,912 |
| Economic Development           | Golf tournament net revenue  | \$3,904  |
| Parks Budget                   | Timers and cords for Christmas tree lights                                   | \$1,000  |
| Dowdle Puzzle                  | Additional amount for Dowdle puzzle economic development                     | \$25,000 |

|                             |   |           |
|-----------------------------|---|-----------|
| Lease Adjustment – Cemetery | Adjust revolving loan – cemetery vehicle lease    | \$7,848   |
| Community Survey            | Utah Dept Cultural and Community Engagement grant | \$2,500   |
| Police                      | Security cameras for front desk                   | \$10,000  |
| Downtown Building           | Principal balloon payment                         | \$390,000 |
| Sewer Bond                  | Interest – first payment on new sewer bond        | \$150,000 |
| Adventure Days              | Adventure Days                                    | \$15,000  |

**MOTION: Councilmember Provstgaard – To open the public hearing.** 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 - Bob Provstgaard

Public Comment:  
No public comments.

**MOTION: Councilmember Provstgaard – To close the public hearing.** Motion seconded by Councilmember Beecher. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Bob Provstgaard. The motion carried.

Council Discussion:  
Councilmember Provstgaard questioned the sewer bond payment since the facility drawings haven't even been completed.

Cathy Jensen clarified that this is the interest portion on the \$10 million borrowed for purchasing equipment.

**MOTION: Councilmember Provstgaard – To approve (resolution) the amendments to the Fiscal Year 2022-2023 budget as outlined.** 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 - Bob Provstgaard

2. Public Hearing/Ordinance – Updates to the Impact Fee Facilities Plan and Impact Fee Analysis for Drinking Water, Pressurized Irrigation Water, and Wastewater Collection System (6:55 p.m.)

Staff Presentation:  
Travis Jockumsen stated the city is in the process of updating the impact fees for these three utilities to handle growth and projects.

Sewer Impact Fee – The current impact fee is \$2,177.45 per ERU. The proposed impact fee is \$4,612 per ERU. Existing projects include the 800 South Sewer Line (\$1,435,702.29) and the Redbridge PID Sewer Line (\$3,150,542.83). Future projects include the 1950 West Sewer Line (\$4,530,000), American Way Project (\$1,120,000), Wasatch Mental Lift Station Upgrade (\$1,800,000), and Sewer Treatment Plant Upgrade (\$40,440,392). The Sewer Treatment Plant fee may go up in the future depending on the costs. He reviewed the locations of the proposed projects.

Culinary Water Impact Fee – The current impact fee is \$1,299 per ERU (1” meter). The proposed impact fee is \$2,004 per ERU instead of meter size. The areas that use both culinary water for inside and outside water will pay an impact fee based on lot size. Existing projects include the existing 5 MG Water Tanks (\$644,279.65), Arrowhead Transmission Line (\$15,131.77), Well #4 Rehabilitation (\$420,380.00), and Redbridge Well (\$1,386,741.72). Future projects include the Patterson Pump Station (\$900,000), Salm Canal Road Transmission Line (\$210,000), Pipe Out of Water Tank Upsizing \$2,260,000), Southern Lower City Zone Expansion (\$7,880,000), Arrowhead Zone Transmission Expansion (\$3,090,000), and 1950 West Transmission (\$5,190,000).

Pressurized Irrigation Impact Fee – The current impact fee is \$1,116 for an 8,000 square-foot lot (0.18 irrigated acres). The proposed impact fee is \$1,443 per ERU based on irrigated acre. This impact fee can be updated when the CUP water is available in about three years. Existing projects include the Arrowhead Transmission Project (\$795,182.68), Rec Zone Waterline (\$1,050,702.99), Eastern Lower Zone Transmission (\$471,970.00), and Spring Lake Pump Rehabilitation (\$232,515.00). Future projects include the Eastern Upper Zone Transmission (\$1,990,000), Main Street ULS Source (\$1,640,000), 1950 West Transmission (\$2,530,000), and Lateral 20 Connection Upgrade (\$120,000).

**MOTION: Councilmember Beecher – To open the public hearing.** Motion seconded by Councilmember Christensen. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Bob Provstgaard. The motion carried.

Public Comment:

Eileen Miller stated the Utah Valley Homebuilders Association is finding that with the growth coming to Utah County, the big issue is with cities that don't have the main skeleton infrastructure lines installed. Their costs will be a lot higher, and the cost of everything is higher. She distributed an impact fee comparison with other cities. Orem City has had its infrastructure in for a long time and is almost completely built out so it doesn't have to install large trunk lines. This is the biggest different seen in the comparisons. From the homebuilder's side, the impact fees are generally passed on from the builder to the purchaser, which is what is driving the cost of homes up. The cost of a single-family home on a 10,000 square-foot lot is \$700,000. The largest amount of growth is still our own families who can't afford to move into a single-family home so there has been a lot of drive and push for multi-family dwellings. The Utah Valley Homebuilders Association doesn't see anyway with where the city is headed with growth where things can be circumvented and didn't find any discrepancies with the impact fee analyses.

**MOTION: Councilmember Beecher – To close the public hearing.** Motion seconded by Councilmember Carter. Those voting yes: Kirk Beecher, Linda Carter, Brett Christensen, Bob Provstgaard. The motion carried.

Council Discussion:

Councilmember Christensen stated he sees a lot of large houses with two people (empty nesters) living in them. He questioned if there is a way legislatively to incentivize those people to move into apartments to free up single-family homes. He understands that's not a possibility.

Councilmember Provstgaard stated he is a home builder, served on the Planning Commission, and served three years on the Council. He believes the new residents should pay their fair share. He is finishing a home in Mona, and the impact fees were unreal. The City isn't going this to stop growth, but this will make sure and ensure the current residents don't have to pay an unfair share.

Mayor Wright noted the city is doing its best to provide multi-family housing and options.

**MOTION: Councilmember Christensen – To approve (ordinances) the updates for the impact fees facilities plans and analyses for drinking water, pressurized irrigation, and wastewater collection system.** 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 | - | Bob Provstgaard   |

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS (continued)

1. Oath of Office – Fire Marshal (7:14 p.m.)

Chief Spencer introduced Terrance Reilly as the new Fire Marshal. Terry has been with fire and EMS for a long time and completed his education/training.

Kim Holindrake administered the oath of office.

D. ACTION ITEMS (continued)

3. Ordinance – One Properties LLC (Springs at Spring Lake) Zone Change from A-5-H, Annexation Holding Zone to R-1-15, Residential Zone on Utah County parcels 30:084:0067, 30:084:0065, 30:084:0068, 30:084:0117 at approximately 12240 South 550 West (7:16 p.m.)

Staff Presentation:

Michael Bryant stated this zone change and the following subdivision will be presented together. The subdivision is contingent on the zone change approval. He reviewed the location of the properties, which includes three parcels. The subdivision will incorporate additional property. The preliminary plan layout identifies 35 individual, single-family lots with each lot consisting of 15,000 sq feet (1/3 acre) or greater. The zone change request is for R-1-15. The Planning Commission gave a positive recommendation for the R-1-15 zone change. The applicant is willing to offer the detention basin area to double as park space and water detention storage to add to the future city park to the north. Staff proposes either the detention basin area be part of the HOA until it has proven to properly drain and can also be a beneficial use to the City as a park or allow the applicant to do percolation tests at the proposed detention basin area proving a basin would be operable. The trail system continues to the north portion of the subdivision and along 12240 South. The applicant continues to work with staff through final plat approval. The first planning commission public hearing in October instructed the applicant to work on the possibility of a road extending northward from the western side of the

subdivision exiting to 1900 South. Staff was not in favor of this because the road would go through the proposed city park. Staff was asked to address another access onto SR-198 so staff met with UDOT, and the request was denied without significant costs to the City and applicant for additional property. Also, UDOT not in favor of reducing the speed limit on SR-198. The applicant was asked to work with Utah County to verify access onto 12240 South, which the applicant received a letter basically stating it would be allowed with the proper permits. On December 14, 2022, the Planning Commission gave positive recommendation on the preliminary plan. Staff recommends approval of the zone change and preliminary plan finding the applicant has met all the code requirements and done everything possible as requested.

#### Council Discussion:

Councilmember Provstgaard stated he's disappointed because the City laid all the cards on the table with the Spring Lake residents and funded \$150,000 for a study on their behalf for what would be best for growth in the area. Now he finds the Spring Lake residents have applied to become a township and are out politicking and pushing neighbors to join. That's ok, but he's disappointed because he met with them face to face where no one mentioned becoming a township. He favors the zone change because on merit it is a wonderful project, but he's frustrated that developer was asked to find an alternative access because 12240 South dead ends to the east and narrows at the pond, which he didn't. The pond is what keeps Payson, Payson. With that said he favors the zone change but is against the preliminary plan because of the access. He doesn't see the change asked by council, but it meets the ordinance. The decision is based on what's best for everybody and dumping traffic on 12240 South is not in the best interest of the City. He appreciates all staff has done. It meets the ordinances and requirements but is a legislative decision, which is what he was elected to do; make a fair and just decision on what his heart tells him is best for everyone.

#### Applicant Comments:

Rob McNeel stated he feels he did follow through with the recommendations to find an alternative. He disagreed with Councilmember Provstgaard. There is no question in his mind or Payson City's staffs mind that he's gone above and beyond trying to find an alternative for this subdivision. He met with UDOT, and Payson City staff met with UDOT. UDOT will not allow a connection to the west. The neighbors wanted him to go to 1900 South, which can't be done because of the proposed city park. He meets the requirements with two accesses; one to the north and one to 12240 South. There is no alternative in his perspective that will satisfy the neighbors, and he's tried. This has gone on for months and months. He has bent over backwards to figure something else out.

#### Further Council Discussion:

Jason Sant clarified with the Council that there are two separate motions. If the zone change is approved, then the preliminary plan meets the ordinance. Denial of an administrative matter give the applicant the right to sue the City and force the city's hand because it meets the ordinance. Councilmember Provstgaard, when you say you're denying the subdivision, and he's not stopping anyone from voting no, but reminded the Council the subdivision is an administrative matter. If the Council choose to deny it, he does have the right to sue and he will do it.

Councilmember Provstgaard questioned why the subdivision is before the Council if it's an administrative decision. Based on his personal findings, he doesn't meet what he asked.

Jason Sant stated the zone change is legislative. The City is in the process of working on the development ordinance (Title 13), and there are certain things that will not come before the Council in



the future such as site plans and subdivisions. This year, there is a possible change in the Utah Legislature that will force all cities to handle all administrative matters administratively and not through city council. In some cities, the Planning Commission approves them. This is administrative, but the current Payson ordinance requires it to come before the Council.

Councilmember Christensen asked for clarification that 12240 South is not large enough to facilitate the egress required for the facility.

Councilmember Provstgaard answered no, but the county letter says 12240 South must be brought to county standards.

Michael Bryant clarified the requirement is only for the portion of road in front of the subdivision.

Councilmember Christensen stated the applicant isn't obligated and another access to 1900 South isn't a viable option at this time. He asked if there is recourse to have improvements to 12240 South completed in order to handle the traffic. He understands the residents don't want the traffic. If the road is widened and repaved with curb, gutter, and sidewalk on both sides, it's much cheaper than installing another road. He doesn't know if that can be required. The City can't take this pristine road and hold it tight where it can't be what it needs to be at this point. His heart leaps for third-acre lots because it's what Payson City needs and wants.

Councilmember Provstgaard stated we pride ourselves on being Payson and Spring Lake is a gem. He speculates this will be a thoroughfare for people to drive through the subdivision. Maybe that's not a fair assessment, but it's another point of egress on a very sensitive road.

Mayor Wright stated he believes the bulk of the subdivision traffic will go to 500 West and up to 1900 South. Eventually 1900 South and SR-198 will be signalized.

Robert Mills noted in the Council's purview as legislatures, the discussion is timeliness. It's a legislative decision based on the zoning. If there is a timing issue, it's with the zone change and not the subdivision. Staff made its recommendation based on all the data, information, and meetings held. The council's discussion is on timeliness.

Councilmember Carter questioned if the property owners along 12240 South been given their voice.

Councilmember Beecher noted they weren't in favor.

Jason Sant stated as of now Spring Lake has filed for incorporation and have quite a bit of area to the border of this subdivision and west to I-15. We'll see where it goes, and then the City can address the issues. The issue of the roads may be a timely issue. The Council has the right to accept or deny in a legislative matter and must have findings, which could be road access. He asked that the motion for the zone change include an explanation.

**MOTION: Councilmember Beecher – To approve (ordinance) the zone change from A-5-H to R-1-15 for this area.** Motion seconded by Councilmember Christensen. A roll call vote was taken as follows and the motion defeated.

- No - Bob Provstgaard - Based on too much traffic timewise coming onto 12240 South.
- No - Linda Carter – I can’t even imagine a road there to handle the traffic for the subdivision.
- Yes - Kirk Beecher
- No - Brett Christensen – He wants to see the property developed with large lots but doesn’t know the road can handle it. It’s choppy, not smooth, comes off a hill, and a pavilion. Until there is a timely way out and a light at the intersection.

4. Preliminary plan for Springs at Spring Lake located on Utah County parcels 30:084:0067, 30:084:0065, 30:084:0068, 30:084:0117, 30:084:0121, 30:084:0115 at approximately 12240 South 550 West

**MOTION: Councilmember Beecher – To remand the Spring Lake preliminary plan until the zone change is positive.** Motion seconded by Councilmember Provstgaard. A roll call vote was taken as follows and the motion carried.

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

Rob McNeel stated he will file a lawsuit this week. He meets every requirement. This isn’t about personal decisions of I don’t like this, or I don’t like that from councilmembers. It’s does this meet Payson City requirements. It’s not about personal decisions whether a car can go down the road or not. It’s saying we can live here but we don’t want anyone else to live here. The County will follow the direction of the City.

5. Preliminary plan and final plat for WICP Payson Tech Subdivision located at approximately 1130 North Main Street located in the I-1, Light Industrial Zone (7:45 p.m.)

Staff Presentation:

Michael Bryant stated this project consists of seven parcels that will create a four-lot industrial subdivision currently zoned I-1. The proposal meets the requirements of the I-1 Zone. There are three outstanding issues that need to be resolved prior to the plat recording. Those issues are receiving approval from the U.S. Army Corps of Engineers on wetland areas in the northeastern most portion of the subdivision, receiving UDOT approval for right-of-way access onto Main Street, and addressing all redline concerns prior to plat recording. Staff recommends pushing the cul-de-sac to the end.

Council Discussion:

Councilmember Christensen confirmed Geneva Rock is working on an east/west road through their property. He doesn’t like the cul-de-sac in the middle and questioned why it can’t go to the west boundary. It doesn’t make sense. Springville has a cul-de-sac like this that ends at railroad tracks. He worries about turning vehicles around. It needs to go to the back of property line and eventually go through.

Applicant Comments:

Mark Weldon stated they own a number of developments in Utah and bring in over 5,000 jobs to the Lindon area, which were toured by the Payson Mayor, staff, and economic development. They certainly don't like the cul-de-sac; it's hard for the cul-de-sac to show the whole scope of the development. There is 190 feet between each building. Police and fire went over the project and know there is traffic that goes around each building so there is no fire or life safety issues or obstacles. This development is built to be a campus. He was asked to bring what's in Lindon to Payson. They don't want traffic ripping through the park, but want the tenants protected from high-speed vehicles. They prefer a private road that terminates and not a cul-de-sac, but code requires the cul-de-sac. Before the project is built, they would request the code be changed. Each building will be in a separate LLC and not condominiumized. There is plenty of time to make this perfect. Even if the road is extended to the west, they would not want a road that rips through and used as a cut through. He has been in the industry for 35 years and knows what works around the country from listening to cities and tenants. The project doesn't need to be fenced. In the end, the four buildings will cost over \$80 million and bring high paying jobs. They have a verbal ruling from the U.S. Army Corps of Engineers and the springs are actually wetlands. The wetlands are less than one-tenth of an acre and will be delineated meaning registered, surveyed, and protected water flow. The Utah Fresh Water Conservancy put them on notice saying do not pollute or contaminate these fresh-water springs. Unfortunately, when the city sewer pipes were installed, they were very close to those wetlands, which has not caused contamination. They have been lied by UDOT and are now being extorted by UDOT. But, now as of today, UDOT has backed off and is not requiring a road on Geneva's property. They will take water outside their development and retain water in their retainage just to be a good neighbor. He wants the building permit approved.

**Council Discussion:**

Mayor Wright stated this is not a discussion regarding the building permit; it's just preliminary plan and final plat approval for the subdivision.

Councilmember Christensen stated he used an example of a railroad track blocking a road out, but this is also not far displaced from a railroad track. He sees the viability of the road not going through so he's not opposed to the cul-de-sac. The road from Geneva can come through to access land. He would like to see the buildings set back so if a road needs to go through it can be done.

Phillip Martin stated there is significant space between the buildings for access and other purposes.

Michael Bryant continued that staff recommends approval of the subdivision contingent on not recording until the three issues are addressed.

**MOTION: Councilmember Provstgaard – To approve the preliminary plan and final plat for the WICP Payson Tech Subdivision at 1130 N Main Street including that three requirements are met and following staff redlines.** Motion seconded by Councilmember Christensen. A roll call vote was taken as follows and the motion carried.

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

6. Ordinance – Amendments to the Payson City Code regarding Title 14, Sensitive Lands relative to stream corridor and wetland development standards to reduce the required setbacks (8:08 p.m.)

Staff Presentation:

Michael Bryant stated the amendments to Title 14 are simple updates regarding delineated wetlands. The staff report states, *Development Services in cooperation with Engineering have drafted an update to the current ordinance regarding development near delineated wetlands. The current ordinance mandates a minimum 50-foot setback from the edge of a delineated wetland. After researching what neighboring cities require, we discovered that a 50-foot setback is not uncommon, however, other cities have an option to reduce the setback by meeting additional standards. The following ordinance update adds provisions to reduce the 50-foot setback to 10-feet easily and gives additional guidance to reduce the setback to zero if needed. Additionally, the update gives the City Engineer authority to approve any reduction to the setback if all outlined provisions are met.* Staff wants to be able to reduce the setback if it's not an impact on the wetland.

Council Discussion:

Councilmember Christensen wanted to make sure the wording is there to not put staff in a difficult decision.

Jason Sant clarified the changes state, *provide a minimum ten (10) foot undisturbed natural buffer and show that all physical improvements made to the site will be sloped away from the limit of the delineated wetland so that no contamination from the proposed improvements will be allowed to discharge into the wetland area.* This can be done quickly and easily in most circumstances. Most wetland is in area with no ability for a leeway. All four standards in Paragraph 4 must be met to go to a zero buffer.

**MOTION: Councilmember Christensen – To approve (ordinance) the code amendments to the Payson City Code regarding Title 14, Sensitive Lands.** Motion seconded by Councilmember Provstgaard. A roll call vote was taken as follows and the motion carried.

|     |   |                   |
|-----|---|-------------------|
| Yes | - | Kirk Beecher      |
| Yes | - | Linda Carter      |
| Yes | - | Brett Christensen |
| Yes | - | Bob Provstgaard   |

D. ADJOURN TO CLOSED SESSION

**MOTION: Councilmember Beecher – To adjourn to closed session.** 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 | - | Bob Provstgaard   |

1. Purchase, exchange, sale, or lease of real property

E. ADJOURN FROM CLOSED SESSION

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

ADJOURNMENT

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

The meeting adjourned at 8:26 p.m.

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