

PAYSON CITY
CITY COUNCIL MEETING AND WORK SESSION
Payson City Center, 439 W Utah Avenue, Payson UT 84651
Wednesday, March 1, 2023

CONDUCTING William R. Wright, Mayor

ELECTED OFFICIALS Kirk Beecher, Brett Christensen (online 6:05 p.m.), 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
Jill Spencer, City Planner
Michael Bryant, Planner II

OTHERS Austin Moore, Ken Berg

William R. Wright, Mayor, called this meeting of the City Council of Payson City, Utah, to order at 6:03 p.m. The meeting was properly noticed.

A. PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Kirk Beecher.

Pledge of Allegiance led by Austin Moore.

B. CONSENT AGENDA

1. Approval of the February 15, 2023, Regular City Council Meeting Minutes

MOTION: Councilmember Beecher – To approve the consent agenda. 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
Yes	-	Bob Provstgaard

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS

1. CTC: Mayor's Youth Recognition

Mayor Wright and Kim Lefler presented Mayor's Youth Recognition Awards to Michael Triplett, Payson Junior High, Teague Jones, Mt. Nebo Middle School, and **Brooklynn Hales, Payson High School.

2. Public Forum

No public comments.

3. Staff and Council Reports

Staff Reports

POLICE – Chief Brad Bishop invited the Council to the citizens academy. It begins June 1 to mid-July and is on Thursday nights each week from 6 p.m. to 8 p.m. This is the first. Teacher and hospital staff are invited as well.

DEVELOPMENT SERVICES – Robert Mills stated the community survey for the station area plan will be released this Friday. It will go out on Facebook. Please forward it to friends and family to keep the momentum going. The City received the R&C Annexation application for the property by the Orchard Business Park by 400 North.

ADMINISTRATION – Dave Tuckett stated he and Mayor Wright met with the Strawberry Water Users along with Salem, Spanish fork, Mapleton, and a couple of the canal companies to discuss potential flooding this Spring. Track hoes will be located at various locations. The City will conduct a cleanup of the Dry Creek Chanel on March 18 as well as some of the choke point areas. The hope is it will be a nice cool spring, and the water comes down slowly. The snowpack is great, and it's looking like a good water year. The County will do email blasts, so everyone is aware. The City will have sandbag stations for residents at possibly Memorial Park and the city shops.

Council Reports

Councilmember Provstgaard thanked the Department Heads and Dave Tuckett for the budget retreat. He came away with some good notes.

Mayor Wright stated the budget retreat was very productive, and we were able to talk freely about budgetary concerns. It was time well spent.

Councilmember Carter echoed the same. The retreat was a wonderful experience.

D. ACTION ITEMS

1. Resolution – Appointments to the Forebay Committee (6:23 p.m.)

Staff Presentation:

Mayor Wright stated it was his privilege to interview candidates for the Forebay Committee. He submitted the names of Helena Curtis, Gale Skousen, and Adam Cowie for the Committee.

MOTION: Councilmember Provstgaard – To approve (resolution) Helena Curtis, Gale Skousen, and Adam Cowie to the Forebay Committee as the Mayor’s recommendation. 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. Preliminary and final development plan approval for the Red Bridge Development, Lot 3, for multi-family housing located at approximately 1130 South 1700 West (6:25 p.m.)

Staff Presentation:

Michael Bryant reviewed the overall concept layout for the Red Bridge Development. Various legislative approvals have occurred at this point including land and parking agreements, memorandum of understanding in 2020, Public Improvement District (PID) in 2020, South Meadows Specific Plan Amendments in 2022, Mixed-Use Overlay Zone in 2022, and the Super Pad Subdivision Plat in 2022. The request is for preliminary and final development plan approval of lots 3 and 4, which allows them to put shovels in the ground following preconstruction and bonding. This is the first two phases of a 16-phase, large-scale development. Lot 3 is a 12-building, multi-family residential complex with two and three-bedroom units for a total of 129 dwelling units. Lot 4 is a two-building complex with office and retail fronting 1700 West. It includes one, two, and three-bedroom units totaling 100 units and 7,544 square feet of office/retail space. He reviewed the layout of lot 3, which includes a clubhouse, playground, and pool; and lot 4 with the housing and office/retail space. He reviewed the architectural renderings. Staff recommends approval of both lot projects. This is an administrative action for completion.

Council Discussion:

Mayor Wright noted the MTEC land dedication has been completed.

Councilmember Provstgaard questioned the number of dumpsters; he only saw one dumpster per four 12 fourplexes. There are other projects in the city with similar dumpster issues. Secondly on lot 2, the city garbage truck will have to go down a dead-end street. He is looking at the architectural renderings from the packet. If asked to approve, his answer is no. He feels he doesn't have what's needed for him to give approval.

Michael Bryant noted this is an initial concept layout so staff will make sure lot 2 meets all the requirements.

Ken Berg stated as part of the city's design standards, there is a specific number and size of dumpsters to be provide based on the number of units and the number of buildings. The project meets those requirements including sizing, location, and angle to pull in. This is all addressed in the civil plan set. This is preliminary and final site plan approval. The packet should have included his construction drawings. He submitted everything through staff and checked all the boxes for dumpster locations.

Councilmember Provstgaard stated he gets a presentation saying they want to be shovel ready, which he wants them to begin also. But he is looking at insufficient dumpsters and an issue on lot 2 with the garbage truck. He apologized if he is missing something.

Robert Mills stated the staff has reviewed the project and it is consistent with the requirements and code. If the Council isn't comfortable, it can be remanded back to staff.

Councilmember Beecher noted all the Council is approving is the preliminary and final development plans that has nothing to do with dumpsters. It meets the current code so we can't deny it. The construction drawings are not the legal documents; the legal documents are in the packet. What the City Council is approving has nothing to do with dumpsters.

Michael Bryant reviewed the drawings, the location of the dumpsters, and showed the garbage bin calculations.

Jason Sant stated once approved, staff takes care of the specifics to meet city requirements.

Robert Mills noted the commercial space is 7,500 square feet and can be divided per the building code.

Councilmember Provstgaard noted he is not running for office again; he is retiring. His frustration is he's tired of citizens commenting that they can't even get down to a new building to see my kid because there is so many cars parked on the road and not enough parking stalls. Last meeting, the council approved a road because it met the criteria; he thinks it's flawed. There are a lot of big developments going on and wants to make sure it's right. His name will be drug through the mud if not right.

Jason Sant clarified the Council approved a parking plan for this development at 1.9 stalls per unit a year and a half ago. There is a cross-parking agreement with MTEC when there aren't enough stalls.

Councilmember Provstgaard stated he doesn't have a problem with the plan, but there is a problem with the parking and dumpsters. He remembers approving 1.9 stalls, but it was flawed because of the two and three-bedroom units. Students will stay there, and a three-bedroom unit will have three vehicles. The City needs to be careful.

Jason Sant understands, but the City agreed to the parking. Part of this goes back to an argument in January. A bill was passed and should be signed by the Governor any day that takes preliminary approvals completely out of the council's jurisdiction. These are administrative matters and should be handled by staff. Final approvals may be taken away as well. The Council will focus on annexations, zone changes, etc. Staff is asking the Council to rely on them. Staff will make sure there are enough dumpsters, and it does meet the code. Preliminary and final looks at infrastructure issues. He's sorry the packet didn't have all the information.

Councilmember Provstgaard noted he received a drawing with everything else there. Somebody will question it later that the council approved the drawings. He will be the first to support staff; he trusts staff. Staff isn't the ones the citizens scream at. His point is, eliminate the pictures in the next packet if staff just wants flat approval.

Mayor Wright believes the Council could approve Lot 3 and Lot 4 based on the fact that staff's recommendation is accurate, and we trust the staff. He suggested approving the project based on staff's recommendation.

Robert Mills noted staff tries to strike a balance, and this has been a good discussion for staff to understand the council's direction. Staff provides accurate and good information without overwhelming the Council. Staff whet over it with a fine-tooth comb and recommends approval.

MOTION: Councilmember Provstgaard – To approve the preliminary and final development plan for Lot 4 as shown as platted per staff recommendation. 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

3. Preliminary and final development plan approval for the Red Bridge Development, Lot 4, for mixed-use, multi-family housing, and commercial development located at approximately 1130 South 1700 West (6:57 p.m.)

MOTION: Councilmember Provstgaard – To approve the preliminary and final development plan for Lot 3 of the Red Bridge Development finding the proposal meets all the requirements of the Payson City Code. 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
Yes - Bob Provstgaard

E. OTHER

1. Annual Training - Open and Public Meetings Act and Municipal Officers' and Employee Ethics Act

Jason Sant reviewed the Open and Public Meetings Act and municipal Officers' and Employee Ethics Act.

Open and Public Meetings Act:

- The council handles the city's business openly.
- A quorum is three councilmembers to conduct a meeting.
- A 24-hour minimum notice for meeting is required.
- Closed meetings include the character, professional competence, or physical or mental health of an individual (employees); pending or reasonably imminent litigation; and purchase or sale of property. The only motion allowed in a closed session is to close the session.

- During COVID, the City was able to hold online meetings because of an emergency order. A number of circumstances have come up since COVID. The City Code 2.08.060(B) states an electronic meeting will only be allowed if there is a quorum at anchor location. The State Code allows the City to dictate how many councilmembers need to be present at the location. With the inclusion of Zoom with every meeting, it gives a member the opportunity to participate. He would like to change the City Code and recommends at least two councilmembers be present at the anchor location. The consensus of the Council is in favor of the change.

Municipal Officers’ and Employees Ethics Act:

- Disclose, disclose, disclose. Any connection outside council duties such as a business or project that the City regulates needs to be disclosed. This prevents any malfeasance or appearance of malfeasance.
- Councilmembers can’t use their office for any personal benefit.
- Compensation for assistance in a transaction involving the City needs a public disclosure and filed with the mayor and city recorder.
- Interest in a business entity that is regulated by the City such as running a business in the city limits.
- Councilmembers can’t be paid to make a decision for or against any project.
- There are various penalties including rescission of the decision and/or criminal penalties.
- Be careful with texting among councilmembers; don’t conduct city business through texting.
- Accepting a gift has a maximum of \$50.

MOTION: Councilmember Provstgaard – To suspend the agenda to allow the Mayor to move freely with the agenda as he sees fit. 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

F. WORK SESSION

1. Fiscal Year 2023-2024 Budget

Mayor Wright questioned the council and then tabled the work session.

C. PETITIONS, REMONSTRANCES & COMMUNICATIONS - CONTINUED

1. CTC: Mayor’s Youth Recognition

Mayor Wright and Kim Lefler presented Mayor’s Youth Recognition Awards to Brooklynn Hales, Payson High School.

G. ADJOURNMENT

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

The meeting adjourned at 7:10 p.m.

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