

Minutes of the Payson City Council Meeting held at the Payson City Center, 439 West Utah Avenue, Payson, Utah on Wednesday, February 19, 2014 at 6:00 p.m.

PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Skinner and Pledge of Allegiance led by Phillips

CONSENT AGENDA

MOTION by Councilmember Phillips to approve the Consent Agenda consisting of approval of the February 5, 2014 City Council Minutes and an Ordinance approving the Red Bridge Annexation. Motion seconded by Councilmember Ford. All Motion carries.

PUBLIC FORUM

Richard Steele stated that he has serious matters to address the Council about in the near future, and then he left the meeting.

COUNCIL AND STAFF REPORTS

Chief Runyan updated the Council and thanked all who helped with the services for late Chief Michael Openshaw. He said that there were officers here from Lehi, Springville, Henderson NV, Utah County Sheriff's office, as well as Payson Police, Fire, and Rescue that helped make the services very nice. Mayor and Council also thanked all that helped.

He also said that their new vehicles were all striped, licensed and on the road now.

Public Works Director Jockumsen said that they have started construction on the lower Pressurized Irrigation pond. He reported that we have lost 7 inches of water in the canyon over the last 5-6 days, so we are at 76% on precipitation. Hopefully we will get some more precipitation in the next few days.

Chief Spencer also expressed gratitude for all that helped with the funeral services. He said that Saturday night the Fire Department also escorted the Payson High School Wrestling team after taking the 3A State Wrestling Champions to the high school.

Mayor Moore and HR Dora Edvalson presented a 30 year service awards to: Jeanette Wineteer. Recorder Wineteer thanked all Mayor and Councils, present and past that have re-appointed her every two years and said Payson is a good place to work.

Councilmember Ford offered condolences to Elaine Openshaw in Mike's passing.

Councilmember Hardy suggested that the Council receive responses to the comments that are sent in by citizens. They would like to know how those are handled.

Mayor Moore reminded everyone of the Interfaith Council Banquet on Friday night from 5:30 – 8:30 in the City Banquet Hall. There will be pulled pork and lots of desserts as well as entertainment all night for only \$5. The money raised does not go to any church but will go to help transients that are stuck in the area to get where they need to.

He also thanked everyone involved with the funeral for Chief Openshaw, it was very impressive. Our hearts goes out to Elaine.

He said that they are working on the water agency, and will meet again next week, so will keep everyone updated.

Superintendent Ron Crump said that the only new lights they have left to put up are along North Main.

RESOLUTION – SEWER SELF-ASSESSMENT REPORT

Water Superintendent Brent Arns presented and explained the State of Utah Municipal Wastewater Planning Program Self-Assessment Report. He said we had one violation in September with the rain and overflows.

MOTION by Councilmember Hancock to approve Resolution #02-19-14, the State of Utah Municipal Wastewater Planning Program Self-Assessment Report for 2013. Motion seconded by Councilmember Hardy. Motion carries.

SUSPEND AGENDA

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

PUBLIC HEARING – AMENDMENTS TO TITLE 19 AND TITLE 20

MOTION by Councilmember Hardy to open the public hearing to receive input regarding amendments to Title 19 Zoning Ordinance and Title 20 Subdivision Ordinance. Motion seconded by Councilmember Ford. Motion carries.

The Public hearing opened at 6:23 p.m.

Planner Spencer presented the following staff report:

On occasion, changes in development practices, new land use goals of the City Council, or other appropriate circumstances result in the need to update or revise the development ordinances of the City. Staff generally compiles several potential amendments until a pressing issue arises at which time the proposed amendments are prepared for review by the Planning Commission and City Council. In this instance, the proposed ordinance amendments are suggestions of staff to maintain compliance with State Code and to further the goals of the General Plan.

Analysis

The authority for municipalities to adopt ordinances to guide development can be found in §10-9a Utah Code Annotated. Development ordinances are also influenced by federal laws and case law. It is the role of staff to ensure that any proposed amendments are consistent with the provisions of state and federal statute and all levels of case law. That said, despite the many laws and provisions that guide the creation of development ordinances, the City Council is granted a great deal of deference to enact development regulations tailored specifically for our community. The following list of ordinance amendments is proposed for consideration by the City Council.

Title 19, Zoning Ordinance

1. Section 19.6.4, Pages 21-22, and 25 – Staff is proposing the following amendments to the A-5, Agriculture Zone:
 - a. Changes to the permitted, conditional, and accessory uses.
 - b. Inclusion of subdivision references.
 - c. Modification of residential facilities for the elderly or persons with a disability.
 - d. Providing a reference to the Utah Division of Water Rights.
2. Section 19.6.5, Page 26 – Staff is proposing modifications to the permitted and conditional uses of the R-1-A, Residential-Agriculture Zone.
3. Staff is proposing to repeal Sections 19.6.6 through 19.6.10 and replace these sections with a new Section 19.6.6 that will accomplish the following:
 - a. Consolidate the requirements of the conventional residential zoning districts.
 - b. Create two (2) new residential zoning districts: R-1-20 and R-1-15.
 - c. Complete other minor modifications to the allowable uses in the residential zones.

4. Sections 19.6.11, 19.6.12, 19.6.13, and 19.6.14, Pages 50, 54, 57, and 61 – Staff is proposing minor reference changes to residential facilities for the elderly and persons with a disability to be consistent with State Code.
5. Section 19.9.5.1, Pages 167-168 – It is proposed that the clear view area regulations be modified to further clarify the minimum acceptable vision clearance standards at intersections.
6. Section 19.15.6.2, Page 204 – Staff is suggesting to remove the option to increase the height of a freestanding sign until a Corridor Enhancement Program has been defined and implemented.
7. Chapter 19.23, Pages 226-227, and 230 – To ensure compliance with Utah Code and federal fair housing laws, staff is proposing amendments to the regulations for residential facilities for the elderly and persons with a disability. Furthermore, staff is proposing to remove skilled nursing centers as a permitted use in the I-1, Light Industrial Zone.
8. Chapter 19.28, Pages 247-259 – Numerous changes are proposed to the definition chapter of the Zoning Ordinance. Therefore, staff is proposing the City Council repeal Chapter 19.28 and to readopt a new Chapter 19.28.

Appendix A, Non-Residential Land Use Categories

1. It is proposed that the City Council expand the allowable agricultural related activities in the A-5, Agriculture Zone.
2. Staff is proposing to restrict outdoor storage and display areas for secondhand merchants.

Title 20, Subdivision Ordinance

Staff is proposing to amend Chapter 20.10, Planned Residential Developments to contemplate the new R-1-20 and R-1-15 residential zones.

Recommendation

The City Council, following a public hearing to receive public input, will need to determine if the proposed amendments are consistent with the land use goals and objectives of Payson City. The City Council will need to approve, amend and approve, or deny the proposed amendments to the development ordinances of the Payson City Municipal Code.

On January 8, 2014, the Planning Commission, following a public hearing, recommended the City Council approve the proposed amendments to Title 19, Zoning Ordinance and Title 20, Subdivision Ordinance with the following modifications:

- Change the reference of multiple family dwelling to multi family dwelling in Chapter 19.28, Definitions.
- Exclude the definition of abandoned in Chapter 19.28, Definitions.
- All amendments will need to be reviewed by the City Attorney.

Receiving no public input MOTION by Councilmember Skinner to close the public hearing. Motion seconded by Councilmember Hardy. Motion carries.

Public hearing closed at 6:38 p.m.

MOTION by Councilmember Phillips to approve Ordinance #02-19-14-B, An Ordinance approving amendments to Title 19 City Zoning Ordinance, and Appendix A as presented; and to table Title 20 City Subdivision Ordinance at this time. Motion seconded by Councilmember Hancock. Motion carries.

ORDINANCE – ECONOMIC DEVELOPMENT COMMITTEE

Manager Tuckett explained that the Economic Development Committee has been meeting for a couple of years and requested that the City adopt an Economic Development Board similar to the Power Board and the Library Board. He presented a suggested ordinance.

Councilmember Hardy felt this would allow more key members to help the economic development of Payson City.

Brian Hulet is happy to serve on the committee and feels this would represent a very diverse set of individuals to help the city with economic development.

Councilmember Hancock wondered if the Councilmember on this committee should be appointed by the Council, he felt the Mayor appoints Councilmembers to serve by assignments and didn't want a conflict.

Councilmember Hardy read the names of the people that are currently recommended as board members of this committee: Brian Hulet-Chairman, Evan Ockey-Manger of Wal-Mart, Rick Moore-Mayor of Payson, Mike Hardy-representing the chamber, Russ Fotheringham-EDC Utah, Scott Phillips-Payson City Council, Ric Johnson-Mountain View Hospital, Dave Tuckett-Payson City Manager, Luke Peterson-UVU, Noam Temkin-Temkin, Lorne Grierson, Deidre Henderson-State Senator, Scott Wilson-Nebo School District, Rhett Huff, and Jacob Atkin-UVU.

MOTION by Hancock to approve Ordinance # 02-19-14-C, An Ordinance creating Chapter 19 in Title 2 of the Payson City ordinances establishing an Economic Development Board finding that we need to be proactive with economic development for the city, and at the same time approve the board member names as presented. Motion seconded by Councilmember Ford. Motion carries.

CONSIDERATION OF PROPERTY BY HOLLOW PARK

Parks Director and Golf Pro Tracy Zobell asked for Council consideration or direction from the Council as what to do with City owned property by Hollow Park. If we keep the property, it needs to be maintained, but wondered about planting grass in order to mow, etc. If we sell it for a couple of building lots, he suggested using the money for a parking lot. He thought all properties are or could be buildable and felt they would be worth over \$50K.

Mayor Moore felt we shouldn't do away with the property potential for other things. Councilmember Hardy agreed he didn't like to see us get rid of any park property if there are other potential uses like possibly an amphitheater.

Councilmembers Ford and Phillips didn't feel this property was usable land for the city, especially with no parking for an amphitheater. Councilmember Ford felt like we really need a parking lot in that area and is concerned about that.

Councilmember Phillips didn't feel like we should plant it in grass, but if we did, where would the water come from for that. Councilmember Skinner asked about the cost of an irrigation system for the property.

Councilmember Hardy said that the Mayor has presented to the Trails Committee a plan for this park. He believes that the Council and staff should look at that plan.

Councilmember Hancock felt that a prospective builder would have to put in a lot of money to that lot to make it buildable. He wondered about putting it at a price that basically discouraged building until the right person comes along.

Mr. Zobell said we will get all the information for the questions that have been asked tonight and put it on a future agenda.

DISCUSSION REGARDING FUTURE DEVELOPMENT IN SOUTHWEST PAYSON

Planner Spencer said that the City Council recently adopted the Payson West Meadows Annexation (March 20, 2013) and the Red Bridge Annexation (February 5, 2014). According to the annexation

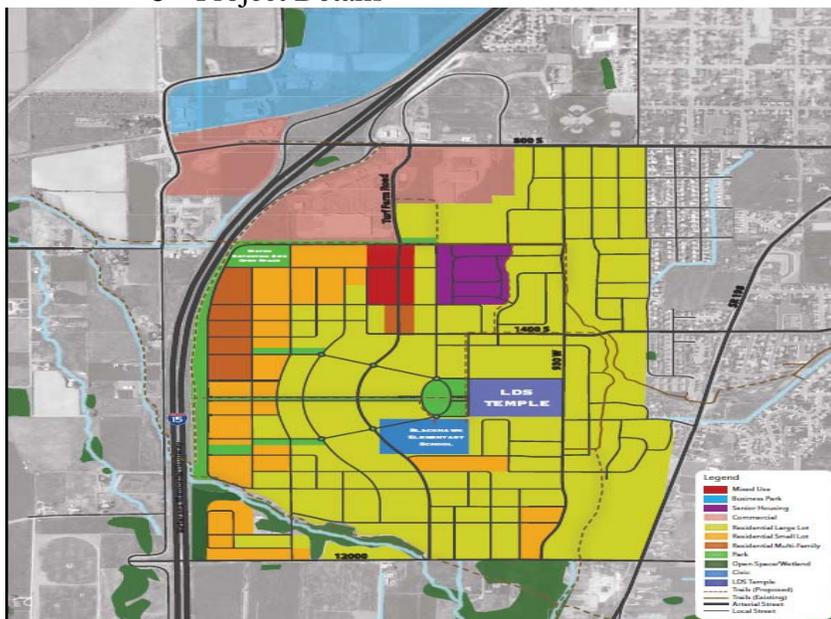
agreement and the annexation ordinance, development in these areas should not occur until the land use studies and infrastructure analyses are completed. Staff has received calls from property owners in both annexations requesting direction on the development process. Staff has informed the applicants of the requirement to complete the required studies, but some of the property owners are looking to develop their property immediately. Staff would like direction from the City Council on how to proceed with the land use and infrastructure studies.

Staff is also looking for direction or confirmation on the land use types and densities in the South Meadows planning area (near the Payson, Utah LDS Temple). There have been several inquiries into the parcel north of the temple, currently owned by with Wilcock family. While working with Fregonese Associates, and based on the Market Opportunity Analysis prepared by RCLCO, the City Council had indicated that the parcels near the temple should be developed to accommodate single family dwellings on larger lots (at least 1/3 acre). Staff would like to discuss the land use layout with the City Council and obtain additional direction regarding the future development pattern in this area.

She presented the following information:

South Meadows Planning Area

- RCLCO Study
- Public Participation
- Meetings with Landowners
- Completion of Plan
 - Land Use Changes
 - Densities
 - Lot Sizes
 - Housing Types
 - Infrastructure Analysis
 - Project Details

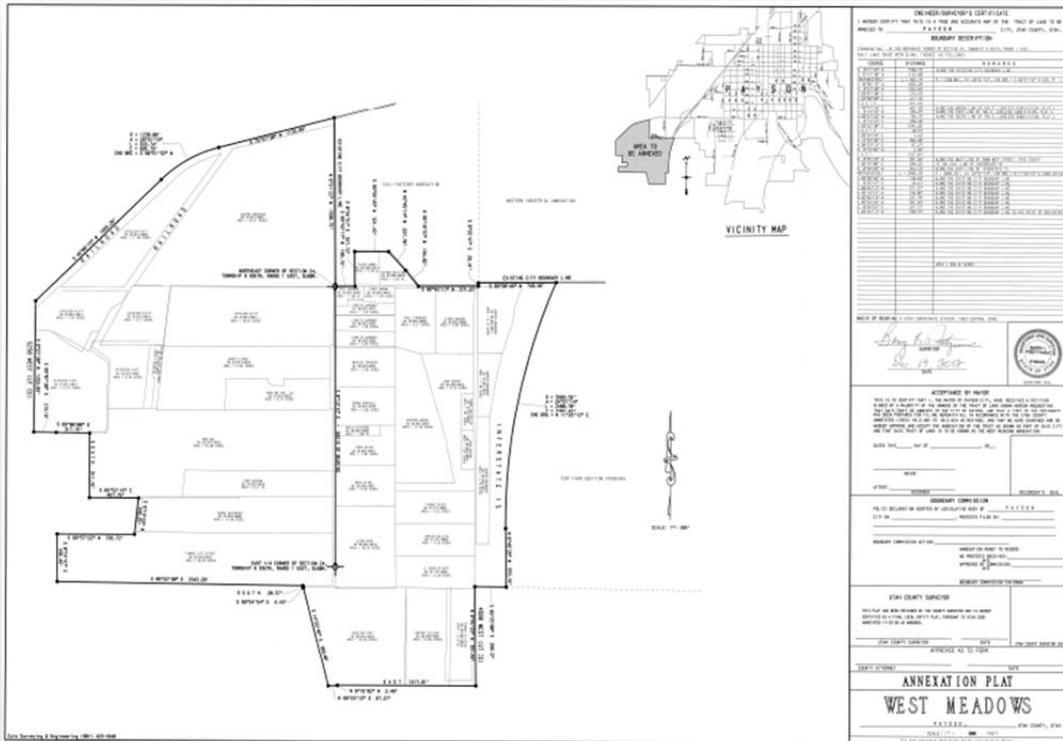


Timing of Development

- Preparation of Plan
- Zoning
- R-1-15
- Planned Residential Development
- Other Zoning District
- Define Executive Housing

- Size of lot
- Size of dwelling
- Architectural details
- Combination?
- Varies depending on location?
- Present challenges

West Meadows Planning Area



Discussion was held regarding the definition of “Executive Housing” with lot size, dwelling size, architectural detail, etc.

Councilmember Hancock suggested giving applicants what has been presented tonight and let them know this is what we want in the area.

Planner Spencer said that the West Meadows Annexation ordinance was amended to say that no development will occur until the studies are completed. Floyd Sucker wants to develop his property and has wanted to for some time, because he has someone interested in developing it. She asked how we were going to proceed with the studies in this area to allow growth.

Manager Tuckett explained that we relaxed some of our requirements in order to be friendlier, because previously before annexation occurred they had to pay the costs to have the studies completed and there was no guarantee that the City Council would annex.

Discussion was held regarding the need for housetops to get retail development, however we might not be in a position to encourage development and other utilities that are needed for development.

Council wondered what other cities do in this situation, whether we should plan and get reimbursed by developments that come in.

Council asked for staff's recommendation. Planner Spencer said that a plan for the whole area would cost around \$50K and maybe during the budget process we should consider this. She agrees with Manager Tuckett that there isn't one property owner that owns enough property to make enough profit to prepare a plan.

BREAK

Council took a break and reconvened at 8:20 p.m.

BUDGET WORK SESSION – GOALS AND VISION

Manager Tuckett presented the Council priorities they have had in previous years. He said that we have accomplished some things pertaining to some of these goals and still working on them. He asked the Council if these were still the goals or if any of them should be removed or new things added.

Council recognized that we have made a good effort to reduce debt.

Discussion was held regarding the importance of water including new sources, storage, and conservation.

Public Safety and adding another new officer was mentioned, along with street surfacing with the new equipment we purchased.

Councilmember Hancock would like to see the previous study regarding a recreation center, pool cover, etc. and open discussions regarding this. Councilmember Ford said that it has been brought up that we might be able to tack on a library. Councilmember Hardy thought with the discussions about this, we need to make sure that it is put on the ballot to make sure the citizen really want it and want to pay for it.

Planning around Temple should include the new growth areas that we talked about earlier in the meeting.

Each Department Head and Superintendent presented and explained their 5 year plans they came up with for their departments.

ADJOURN TO CLOSED SESSION

MOTION by Councilmember Phillips to adjourn to Closed Session to discuss the character and competence of an individual. Motion seconded by Councilmember Ford. Motion carries.

Council adjourned to Closed Session at 10:25 p.m.

ADJOURN

Council reconvened and MOTION by Councilmember Hardy to adjourn. Motion seconded by Councilmember Hancock. Motion carries.

Council adjourned at 10:45 p.m.