

Minutes of the Payson City Council Meeting held Wednesday, December 17, 2008 at 5:30 p.m.

Mayor Burtis Bills presiding.

ROLL CALL: Mayor Burtis Bills; Councilmembers: Brad Daley (entered the meeting at 8:24 p.m.), JoLynn Ford, Brent Grotegut, and Kim Hancock; City Manager Rich Nelson, City Attorney Dave Tuckett, and City Recorder Jeanette Curtis. Councilmember Scott Phillips excused.

#### FIELD TRIP - "I CAN LEARN TO DO IT MYSELF PRESCHOOL"

Council took a field trip to the "I Can Learn To Do It Myself Preschool" and returned to the Council Chambers at 6:15 p.m.

#### PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by Dan Bradley and Pledge of Allegiance led by Rich Wilson, leaders for Scout Troop 452.

#### CONSENT AGENDA

MOTION by Councilmember Grotegut to approve the Consent Agenda consisting of: approval of the November 2008 Disbursements and approval of the December 3, 2008 Minutes. Motion seconded by Councilmember Ford. Voting aye: Councilmembers: Ford, Grotegut, and Hancock. Motion carries.

#### COUNCIL & STAFF REPORTS

Manager Nelson said he had a request from the newspaper for a "Christmas Ad" and wondered if the Council would want one. Consensus of the Council was to have "Merry Christmas" from the City Council placed in the Payson Chronicle.

Amy Hickman, Business License Specialist presented pictures of the downtown Christmas festival that was held last Friday, December 12<sup>th</sup>.

Councilmember Grotegut reported on a UTOPIA Board Meeting that he attended and said they discussed and organized subcommittees.

Councilmember Hancock reported that the Eagle Scout Project that is helping PCT move their storage is happening and should be completed by the end of the month. Manager Nelson said that PCT did turn back the extra \$5,000 and we will use that to pay the rent for their storage at the Huish up to the end of the year.

Mayor Bills complimented the citizens on decorating houses for Christmas. He also reported that there would be work done on the railroad lines because a manufacturing business is opening that will be using those lines.

#### REED FINCH'S DOWNTOWN DEVELOPMENT UPDATE AND DISCUSSION

Reed Finch, Chairman of the Downtown Committee said the committee was formed to rejuvenate and establish guidelines of the downtown historic area. There is a mission statement for the downtown to become a gathering place with unique shops, dining and entertainment. They have created 4 subcategories that they hope all things can fit into: downtown future, downtown now, downtown events, and downtown cultural arts. The long-term and future plan for downtown is really city administered because of infrastructure. He said they have ideas for events and a subcommittee working on cultural arts for the downtown area and City Park. He said that Payson City is a corporation and needs a marketing plan for downtown. We have made steps in cleaning up the downtown, we want to continue to have events there, but need a concerted effort to bring businesses.

Mayor Bills can see his enthusiasm and it reminds him of campaign promises. He agrees we need a marketing plan, and also a commitment for downtown from all including the city, business owners and the Chamber of Commerce. He commits that he will bring this up during the Council goal setting session.

Manager Nelson expressed his appreciation to Mr. Finch for his hard work.

BEN PROBST, GILBERT & STEWART ó PRESENTATION OF PAYSON CITYS FY 2007-2008 ANNUAL AUDIT

Ben Probst, Gilbert and Stewart CPA Firm and Payson Citys Independent Auditor expressed his appreciation to the city staff for their help in preparing the audit. He read In our opinion, the financial statements referred to present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of Payson City as of June 30, 2008, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America, in other words a clean audit. He said that basically the City is in a fairly good position to meet this type of economy and has been fiscally responsible in maintaining the services to the citizens. He did note the findings in the audit and said there were a few departments that had minor budget overages and the same finding as in other years that the General Fund Balance is above the allowable 18% of budgeted revenue.

MOTION by Councilmember Hancock to accept the City Audit as presented. Motion seconded by Councilmember Grotegut. Motion carries.

PUBLIC HEARING ó EAST SIDE COMPREHENSIVE PLAN

Mayor Bills opened the public hearing at 7:00 p.m.

Planner Spencer said that since distribution of the public notice, staff has received numerous telephone calls and inquiries regarding the plan and staff looks forward to participation by the property owners and residents.

She presented the *Basemap* drawing saying that it indicates the original land use pattern prepared by staff following involvement from the property owners at the Visioning Workshop. Since that time, other renditions of the land use plan have been prepared. Upon further review of the proposed uses and interaction with major stakeholders, staff modified the basemap to indicate a more effective land use pattern (*Staff Revision*). The residents and property owners conducted a series of neighborhood meetings and suggested various changes as well (*Residents Preference*). Finally, a *Hybrid* map was prepared that indicates a mixture of the ideas presented during the planning process. For informational purposes, the Planning Commission forwarded a favorable recommendation for the proposed text and the land use pattern indicated on the *Hybrid* map.

She explained the Comprehensive Plan and the hybrid map that the Planning Commission recommended. She reminded everyone that adoption of the plan does not represent annexation or petition to annex. She also explained that any annexation sponsor must put together a land use inventory, so the Council can know what uses are occurring in the area and be taken into consideration for protection of the landowners.

Planner Spencer mentioned that there was some concern expressed by Richard Holdaway and a letter submitted appealing the 60 ft. set back along highway SR 198 as recommended by the Planning Commission and felt that it would be more appropriate for a 10 to 15 ft. set back.

BREAK

Council took a break and reconvened at 8:10 p.m.

PUBLIC HEARING ó Continued

Debra Cloward lives on Gooseneck Drive and speaking on behalf of Allred Orchards. She said that they have been farming 400 acres since 1957 and plan to continue for many years. They feel that with good planning the entire area could be enhanced.

Josh Webster said that he is representing Robert and Lynette Zeeman and they are on record wanting their property to be traditional and not active living.

Kent Haskell said that he and his brothers and sisters own 75 acres west and north of Highline canal, and they have a problem being boarded by orchards and this plan doesn allow them to develop their property

in the future. They feel and would prefer that the line goes across Highline canal to Allredø and then up. He said that Elk Ridge meets their needs better than Payson for utilities. He also said that no one has contacted them to allow them to give input regarding their property.

Councilmember Daley entered the meeting at 8:24 p.m.

Robert Huber said that he and his brother and sister own 21 acres south of Salem Canal road and feels that this has been an extremely enlightening meeting. He said that Payson Cityø web page lists a link to this map but the link doesnø work. He asked if the map includes the 22 acres that the LDS church owns to the south of them and if so wondered if it is realistic to include that property in the concept plans.

Planner Spencer answered that it is included and believes it should be. We donø search to see when a church is wanted in what area, but usually the LDS Church follows the zoning plans.

Mark Haskell read the following letter regarding to article published in the Payson Chronicle on annexation petition from Lee F. Haskell. This letter was signed by Leo D. Haskell, LuDean S. Haskell, David L. Haskell, Dorthy P. Haskell, Mark D. Haskell, and Becky C. Haskell:

øThe Payson Chronicle published an annexation petition from lee F. Haskell on December 10, 2008. Our names and property were listed on the petition.

We are farmers! Our property is being used for farming purposes. We would like this letter placed on file for those who seek annexation and those future residents (??) who would build or place retail businesses, homes and other structures by our property lines. Our farming operation contains and uses agricultural crops, irrigation water, agricultural equipment and chickens, cows and horses.

The operation of this farm runs 24-7. (Twenty-four hours a day ø seven days a week.) Hay is often harvested at night with the accompanying sounds of machinery and lights of that machinery.

We still irrigate our property with flood-irrigation. This method has run-off potential and is now very adequately handled by a series of canals, laterals, and ditches. These must be maintained and preserved not only by the water users but by all people who encroach, or try to change or add to the system.

The chickens, cows, and horses living on our property make noises. Sometimes these noises are not the cluck, moo, or whinny that is found in Childrenø story books. Roosters can often be heard as early as 3:00 a.m. announcing the rising of the sun even though itø still four hours early. When calves are weaned they often bellow for a week for their mothers. (Not a pleasant sound for city-dwellers.) The strident call of a stallion to his mares is not a welcome noise in the middle of the night. At times all animals might get out of their pens and wander off.

Then there is the problem of animal excrement commonly called manure. We use the manure produced by our farm animals to fertilize our soil and help it continue to be productive. We store the manure in various places until it can be spread on the fields in the Fall or Spring for this is the best time for application. At different times throughout the year there are definite odors and smells which accompany this manure.

We would like the above conditions to be called to the attention of anyone who would live by or frequent our property lines.ø

He asked about those that have existing wells. It was explained that upon development the water is given to the city.

George Woodruff lives on 1600 West in the area labeled øThe Linksø and wanted to object to that being ølinksø and would like it to remain øcountry-sideø. He said that there are a few property owners along there and they would have little say in what is developed. They like it the way it is and would like to see the residences there now be a focal spot rather than development being money driven.

Sheree Stahelli was originally the south-side representative and said they appreciate the foresight to create this plan before it is too late. They suggest the hybrid plan as presented. Like Mr. Woodruff says, many of us moved here because of the way it looks now. She believes there needs to be a plan in place because the people change that are on the deciding end.

Shawn Bufton lives on the south-side and thanked Sheree and Jill for putting in a lot of hard work and said they have tried to come up with a plan that works for everyone. The requirement of 300 acre for an annexation is what pretty much the whole south-side wants. It looks like the Lee Haskell proposal goes against that, and we need to hold steady to the rules that we want. He reflected on what has happened to Lehi and that their growth has gone out of control, and they grew way too fast without the proper planning. He suggested patterning after what Lindon City has done and bring in industry rather than houses.

Walt Johnson said the role of government is to provide the welfare of the citizens. His big worry is sewer and feels that there should be a large County plant for the whole area.

Mayor Bills said that we are working on that with several other communities and created South County Regional Sewer District, which has purchased 350 acres in Lake Shore for a new plant. We still have plenty of capacity at our sewer plant, but it will be used for pretreatment in the future. Councilmember Hancock said that these committees are in place right now and meeting on a monthly basis.

Kelly Hansen lives on the corner of 1900 West and SR 198, near where the higher development is proposed. He is a hobby farmer and has an assortment of animals and feels it doesn't fit well with high density housing.

Mayor Bills said that we are looking at growth patterns and growth might not exist for 10-70 years, we cannot stop growth. We are trying to be very pro-active and plan for a better community.

Ray Allred commended the City for putting the effort into this type of plan. The one point he wanted to emphasize is to not let exceptions be made to the plan. This is not perhaps the ideal situation for Allred, but it probably is the ideal situation for this area in the future to control the growth that takes place. We encourage the Council to adopt this plan.

Holly Hansen said that she still likes the Residents Preference map rather than the hybrid.

Mayor Bills suggested transfer of development rights to transfer value.

Planner Spencer said she has had a chance to talk to Holly numerous times and she feels her property is invaluable.

Ivan Haskell said he has been concerned about culinary water and still is. He is right on the corner of the city and still doesn't feel he should pay storm drain.

Mayor Bills said we have adequate water for our needs and future growth. We are in a unique position with our water. As development comes in they have to give to the City, water rights for culinary and secondary water.

Planner Spencer said the infrastructure part of the ordinance is not the prettiest, but probably is the most important. Water is addressed at the time of annexation.

John Miller said he is representing landowners (Holdaway/Orton), they desire flexibility because demands change over time, because we don't know how long it will take to develop. He needs acreage, he needs space. He said that TDRs say easy but work difficult. He is all for pro activity but there is nothing to preserve except what is there. He likes the 300 acre requirement for annexation.

Collin Bell owns property on the north side in the high-density section and enjoys the open atmosphere. He asked about annexation requirements and what determines the percentage in favor of an annexation.

Planner Spencer explained the formula from State Code for annexation, first it has to be contiguous to Payson City, it needs 50% of the signatures of the property owners, and 1/3 of the assessed value of the total annexation. You cannot create an island of unincorporated area and cannot create a peninsula.

Richard Robertson represents Robertson Trust and said that 2170 West is approximately 14 feet wide and asked if it were proposed to be widened.

Mayor Bills said that would be determined at a time when it was annexed and development came. This is an annexation request it is just a conceptual plan. Councilmember Daley said that the County road requirement is 56 feet wide, now so if anything were to happen even while in the county the road would have to be widened.

Councilmember Daley said that the Council makes both decisions regarding annexation and the conceptual plan. We have been working on this plan for a long time; Mr. Haskell has the right with our current ordinance to bring an annexation before the Council. We have to become pro-active and plan or we lose the feel that is out there and lose everything like other cities that have grown too fast. This plan is conceptual but we want to stick to it as close as we can.

Planner Spencer said she knows a lot of residents would like to see the 300 acre requirement, and maybe we cannot have that now. However this Council is dedicated to adopting this plan before Mr. Haskell annexes to make sure the basic concepts are followed.

Receiving no further input MOTION by Councilmember Daley to close the public hearing. Motion seconded by Councilmember Hancock. Motion carries.

Public hearing closed at 9:22 p.m.

Mayor Bills noted that the Council needs to consider the requirement of annexation of 300 acres south of Salem canal and 100 acres north, changes to the map, width of greenway along SR 198, and possibly TDRs in their decision.

Councilmember Grotegut said that the infrastructure would be brought in by developers, and is worried about patchwork infrastructure and felt it should be sized right.

Planner Spencer said that we require an infrastructure plan to be paid for and done by the developers, but staff also fears the patchwork infrastructure and wonders how involved the city should be involved in the infrastructure plan.

Councilmember Grotegut wondered how dedicated the surrounding communities are to complement their surrounding area.

Planner Spencer said that the planning staff just needs to stay informed, because we cannot regulate what happens in another community. We have had good relationships with Elk Ridge and Salem.

Councilmember Daley said we cannot stagnate our own plan worrying about what the neighbor next door is going to do.

Councilmember Hancock said we might not have to include the section that is in question with the annexation agreement with Salem, but until that agreement is reached we might want to plan for it anyway.

Councilmember Grotegut wondered if this was going to be part of the General Plan or a stand alone document. Planner Spencer wants it to be included in the General Plan.

Councilmember Grotegut understands the ideas for the 300 acre requirement, but feels there will always need to be some flexibility and it would have to be reviewed on a case by case basis.

Councilmember Ford asked why the district moved over in the hybrid map. Planner Spencer said she didn't have an answer so maybe it could be moved back over, it can be flexible.

Councilmember Hancock said he doesn't ever want to feel threatened as a landowner, but most of the work we do is defense of a plan. Without a plan there is no defense. He feels that the most important thing is to get a plan in place and there is room for us to live within a plan.

Councilmember Ford feels more comfortable tonight that it is the direction we want to go. With as much time as has been put into this, however she doesn't want to feel pressured into adopting it.

Councilmember Daley agreed that he didn't feel we were at a point to adopt; we need to direct staff to take modifications we have talked about and put more in-depth study into infrastructure analysis. We also need an ordinance in place to charge a developer for part of that analysis if we do it.

MOTION by Councilmember Daley to direct staff to take the modifications we have heard tonight, take the hybrid revision and move forward in creating a document that represents the modifications of the hybrid version and prepare an ordinance and text regarding the infrastructure analysis, and that any annexation or subdivision that comes up follows the guidelines before it can continue for approval. Motion seconded by Councilmember Ford. Voting aye: Councilmembers: Daley, Ford, and Grotegut. Voting Nay Councilmember Hancock saying he believes the items in the motion could be done at a later time. Motion carries.

MOTION by Councilmember Daley to direct staff to bring this back on the Council agenda within 2 months. Motion seconded by Councilmember Grotegut. Motion carries.

#### RESOLUTION 6 APPOINTMENT OF REPRESENTATIVE FOR THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT

Attorney Tuckett presented a resolution to appoint Manager Nelson as the representative for the Utah Valley Dispatch Special Service District.

MOTION by Councilmember Grotegut to approve Resolution #12-17-08, a Resolution Appointing the Representative for the Utah Valley Dispatch Special Service District. Motion seconded by Councilmember Ford. Motion carries.

#### ADJOURNMENT TO CLOSED SESSION

MOTION by Councilmember Daley to adjourn to Closed Session. Motion seconded by Councilmember Ford. Motion carries.

Council adjourned to closed session at 9:52 p.m.

#### RECONVENE

Council reconvened at 10:25 p.m.

Council discussed concerns regarding the members of group homes coming to the City. The consensus of the Council was that the City would continue to follow the federal and state laws on this matter.

#### ADJOURNMENT

MOTION by Councilmember Ford to adjourn. Motion seconded by Councilmember Grotegut. Motion carries.

Council adjourned at 10:30 p.m.