

April 1, 2015 City Council Minutes

Minutes of the Payson City Council Meeting held at the Payson City Center, 439 West Utah Avenue, Payson, Utah on Wednesday, April 1, 2015 at 6:00 p.m.

WORK SESSION:

Work Session began at 5:00

Discussion was held regarding property taxes and utility rates for Payson City in comparison with other surrounding cities.

Discussion was held regarding the Golf Course and how to correct the negative fund balance and remove the "Due To" from the Golf Course's Balance Sheet.

Discussion was held regarding the Police Department's desire for new officers and motorcycles.

Work session closed 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 Sara Hubbs.

PRAYER & PLEDGE OF ALLEGIANCE

Prayer offered by City Manager Tuckett and Pledge of Allegiance led by Councilmember Phillips.

CONSENT AGENDA

MOTION by Councilmember Skinner to approve the consent agenda which included minutes from the March 18, 2015 City Council meeting. Motion seconded by Councilmember Hardy. Motion carries.

PUBLIC FORUM

Corrine Agard read a letter regarding her concerns about the Miss Payson Pageant in 2014. The letter is attached at the end of the minutes.

Public forum closed at 6:17 pm.

MOTION by Councilmember Ford to amend the agenda and allow RB&G to present information about the dam and reservoir, seconded by Councilmember Phillips. Motion carries.

Brad Price from RB&G Engineers is the project manager. RB&G is geotechnical engineering firm which specializes in construction of dams and reservoirs. Bruce Barrett and Dan Grundvig are engineers that will be working on the project. Between the 3 of them they have over 120 years of experience.

They presented findings of their study, which was a Geologic Assessment to determine if there are fatal flaws with the potential location and also look at other potential alternate sites and flaws with those sites as well. They weren't sure they were looking at the best site, so they looked at two other sites as well that appeared to have merit.

Engineer with RB&G Dan Grundvig presented first and explained he was asked to look for fatal flaws. He explained that there are no perfect dam sites. There are always characteristics that require

mitigation. Avoidance is always the best option, but can mitigate if it is feasible. Site-Specific geologic and topographic details may make one site preferable to another. He is strictly talking geological details only. There is a thrust fault runs the entire length of the canyon. A lot of large displacement occurred which probably increased depth to competent bedrock due to erosion of brecciated rock, adverse geometry with respect to potential. Councilmember Ford asked if because the fault is inactive is it ok to seal the crack with cement?

Mr. Grundvig explained you can't escape that the bedrock dips into the canyon from both sides. Because the beds have been tilted so much they are extensively jointed. You have to have a smooth surface. It's a stair step foundation, so it is difficult to have a smooth surface Wedge failure can occur. You will need to design some kind of rock bolting to help with that issue.

Slide presented of the picture of Payson Salient showing beds dipping into both sides.

Slide presented of the picture of how fractured the rocks will make it difficult to grout.

Site 1- Mr. Grundvig explained he looked for fatal flaws and didn't see any, but there are some issues. He presents a slide that shows the evaluation of site 1. He explains it is unstable and it will require more excavation and intersection of three faults. He states in his opinion it is not a preferable site.

Site 2- Mr. Grundvig explains Site 2 is just below the debris basin. It looks like it has a land slide. If it is a preferred site, they will need to look into the potential land slide.

Site 3- Mr. Grundvig explains it is just immediately up the debris basin. It is his preferred site. The elevation is the high stand of ancient lake Bonneville. He explained the beach was somewhere in there which is on Walker Flat and thus why the nice flat land.

Councilmember Phillips asked how does the size of Site 3 compare with the other 2? Mr. Grundvig responded that he didn't evaluate size.

Mr. Grundvig turns the time over to Brad Price the project manager. Mr. Price shows a slide showing the different sites. Councilmember Hancock asks if RB&G knew the volume of each? Mr. Price shows a slide that shows the Comparison of Sites. The slide shows the following statistics for each of the sites: High Water Elevation (ft), Dam Height-assumes 7-ft freeboard (ft), Above Ground Embankment, Reservoir Capacity (acre-ft). Dan explained there was a large difference on the pressure that is being exerted on the foundation.

Slide presented of Comparison of Sites based on Geological Considerations and Engineering Suitability

Slide presented of Impacts relative to Existing Ownership and Facilities.

Mr. Price turns the time over to Engineer Bruce Barrett. Mr. Barrett presents a slide that shows where the different sites lay in the property. The 1st and 2nd site cuts across the corner of the US property. The third site was planned to avoid the federal property. Mr. Barret explains the problem with building on federal property is complying with all the federal regulations. He explained it requires a lot of time and dollars. The estimate is 8-10 years and millions of dollars. Mr. Barrett's recommendation is to stay off of the federal property. Site 3 looks more like a typical reservoir. Councilmember Skinner asked how much time do would the city save itself by staying off the federal property. Mr. Barrett replies five to

ten years. Mr. Barrett also explains the slopes are much gentler on site 3 and the gas line would be inundated. Mr. Barrett explained it wasn't a good idea to inundate the gas line and the cost of relocating the gas lines is minimal in comparison to the project as a whole. Mr. Barret explained the gas line and the road will need to be moved. He explained the gas line has a structure that will need to be moved or have a ditch built around it.

Mr. Barret explained due diligence and environment impact study is still planned to occur, but it will go a lot quicker if it is not on federal land. He also stated the City park is impacted with each of the three sites and the road way.

Private ownership considerations need to be investigated in more detail, but they have not done that yet. A slide is shown that displays numbers that are associated with the owners of the property.

Site 1 will be the most expensive. From geological and engineering aspect, site 3 is most preferable. They would like to begin the borings at the preferred site that Council chooses as soon as possible. Private land issues were discussed very briefly for all the sites. Councilmember Skinner says he would like to proceed with site 3. City Manager Tuckett proposes that we get the item on next meeting's agenda. The study has already been approved and the budget has been appropriated. Mayor Moore advises to bring it up on the next Council as a resolution. City Attorney Sorenson advises to include in on next meeting's consent agenda.

Councilmember Skinner asks Mr. Price given his experience as he looks at projects like this, what type of outside funding and grants are available? Mr. Price said he approached the state and he said they are very excited and anxious to help Payson City with this project. He recommended that the City contact them and then the State would assign an engineer to work with the City. He explained the State doesn't charge for the engineer's time. He doesn't know what type of grant money is available, but he knows there are low interest loans and the State likes to get involved right up front. Mr. Price explained the Core of Engineers and federal funding is also available, but warned to be careful because Federal funds have some pretty heavy strings attached. This project is the kind of project that the state of Utah is excited to see developed by communities. Councilmember Skinner asked if we had the contact information for the state. Mr. Price said he would leave the information with staff.

Councilmember Hancock mentioned in prior meeting a very broad cost of different dams was presented and asks where this dam falls in the cost spectrum. Mr. Price stated that in his opinion the earth fill is probably going to lend itself better to site 3. One of the elements they have to look at is the spillway. The Rock filled became more cost effective on site 1 and 2 because of the rocks available, but alluvial deposits seem to be good at site 3.

COUNCIL AND STAFF REPORTS

Chief Brad Bishop presented the following statistics for the police department: 37 arrests, 58 offenses 97 citations, 129 violations, 499 incidents, 1 DUI, 173 traffic stops, 16 Traffic Accidents, and 2,850 calls for service as of April 1, 2015. Calls are taken a lead in this end of the county.

He mentioned the Cemetery was vandalized. The individual was arrested and is at Utah County Sheriff's office and Payson police department is working with Utah County to close that crime. He stated the media was in town yesterday and he is hoping there will be community donations to help those affected. Initial displacement was about 70 headstones, but only about 37 needed to be fixed or replaced, which is

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about \$40,000-\$60,000 in damage. Some of the headstones have been there since the 1800s, so it was a terrible loss. The Police department is in the process of tracking down family members.

The Police Canine fund raiser has over \$2,000 in the go-fund-me site. Mountain View hospital donated \$500. Chief Bishop thanked the chamber for their thank you letter.

Chief Bishop stated that the police department's plan for the temple open house has not changed. He met with Church representatives yesterday and the Church did give money to help pay the overtime of officers. It wasn't what he expected, but a step in the right direction.

Chief Bishop also stated the seat belt law is now a primary offense. Citizens can be stopped for not wearing a seat belt. Officers must give a warning before giving a citation. Councilmember Skinner asked if it was just the front seats that would be checked. Chief Bishop clarified it was both front and back. Councilmember Phillips asked if the seatbelt offenses would be tracked like the fix-it tickets. Chief Bishop mentioned the state is analyzing that and says it will take some time to get it up and running. The initial phase is in effect until 7/20/18 which will then be discretionary and officers can give tickets without warning.

Golf Pro Tracy Zobell mentioned the concrete at memorial park is completed. The well at the golf course is at 690 ft. and they will drop a test pump in there tomorrow and see where they are at. There was a girl's region meet at the golf course today and they are in full swing.

City Manager Tuckett presented pictures of reservoirs that were taken earlier in the day. City Manager Tuckett mentioned that the reservoirs are down 7 to 8 feet. Councilmember Skinner asked on average at what time of year are the reservoirs this low. City Manager Tuckett replied in August and stated it's not looking real good for water year this year. Box Lake is extremely low. Pete Winward is extremely low. City Manager Tuckett stated we are on year 4 of 5 of a drought and mentioned if the reservoirs go out, there won't be any PI. City Manager Tuckett stated Payson usually tries to coordinate with High Line. They are going to hold off until the last week of April. If Payson doesn't have High Line and Strawberry, it won't have enough water to cover all the demand. Councilmember Hardy asked if it will be put out in public notifications. City Manager Tuckett replied yes notification could be sent out. Public Works Director Travis Jockumsen stated High Line is meeting tonight, so the time frame for water could change. Snow Pact is at 0%. It's going to be an ugly water year if we don't get any rain.

Councilmember Skinner said he was very interested on the dam and reservoir study. Councilmember Hancock stated it needs to concern all of us. He lives next to the run off and it would be nice to have storage.

Councilmember Hardy informed everyone the Chamber's installation banquet has been postponed for later in the month. Saturday at 9:00 is the Easter Egg Hunt.

Councilmember Ford just mentioned the SRO at the high school was awarded as state officer of the year.

Councilmember Hancock stated that there has been discussion in last couple of weeks about managing emails and having them available. He has always run his email through home but he changed it and now is kimh@payson.org. Utah Lake Water Commission is replacing the Director Reed Price and Eric Ellis will be replacing Reed Price.

Councilmember Phillips said the streets department widened the road and doing some asphalt patching. He asked the Public Works Director Jockumsen when 780 CDBG will be starting. Public Works Director Jockumsen stated it won't start until close to July, so it can be in next budget year. Councilmember Phillips asked about 6th east. Public Works Director Jockumsen mentioned they will probably put it off until next year. Mayor Moore asked isn't it County Road? Public Works Director Jockumsen mentioned it was. Public Works Director Jockumsen also said the County is funding it and it will be better to do it during winter because of cheaper rates during winter time.

Mayor Moore stated he appreciated RB&G for coming in and doing the study. The state water meeting showed how scary the low water levels were. He encouraged all residents to conserve water because when we run out the whole city runs out. The Mayor praised the Police department for the good work they did with the Cemetery. It was wrapped up in a couple hours. He stated his appreciation for the Streets department for widening roads. The Mayor mentioned he went to Nebo Water agency meeting and talked about participating in the drainage study and will know more later.

Close Council and Staff Reports 7:17

SCOUT ATTENDANCE CERTIFICATES

Councilmember Hardy presented attendance certificates to scouts in attendance: Ezekiel Gomez.

CHAMBER OF COMMERCE BUSINESS OF THE MONTH

Moved to next Council meeting.

CTC - MAYOR'S YOUTH RECOGNITION AWARDS

CTC Coordinator Kim Lefler and Mayor Moore awarded the Youth recognition awards to (*Payson High*) Allysse Thomas, (*Payson Jr. High*) Tyler Rowley, (*Mt. Nebo Jr High*) Seydy Varela

APPOINTMENT OF PLANNING COMMISSIONERS

Mayor Moore presented the following names for appointment to the Planning Commission. John Cowan, Harold Nichols & Ryan Frisby.

MOTION by Councilmember Hardy to appoint John Cowan, Harold Nichols and Ryan Frisby to the Payson Planning Commission. Motion seconded by Councilmember Phillips. Motion carries.

ROLL CALL Voting aye: Councilmembers Phillips, Hancock, Ford, Hardy, and Skinner. Voting Nay: None.

PUBLIC HEARING – PRELIMINARY AND FINAL APPROVAL OF THE COWAN CORNER SUBDIVISION

MOTION by Councilmember Hardy to open the public hearing. Motion seconded by Councilmember Skinner. Motion carries.

Public hearing opened at 7:26 p.m.

Planner Spencer presented information from the following staff report

Background

The proposed Cowan Corner Subdivision includes thirteen (13) single family dwelling lots and one lot proposed to be dedicated to Payson City and used as a storm drainage basin. The project divides Utah County Parcels 08-159-0002, 08-159-0003, 08-159-0005, and 08-159-0010 located on the northeast corner of 400 North and 500 East. There is an existing dwelling on the site that will be demolished to accommodate new construction. The property will be developed as part of the mutual self-help housing program administered by Rural Housing Development Corporation.

The property is located in the R-1-75, Residential Zone that allows, by right, single family dwellings on seven thousand five hundred (7,500) square foot lots with at least seventy-five (75) feet of frontage on a public street. The lots in the proposed subdivision meet or exceed the minimum zoning requirements (i.e. lot area, frontage) of the underlying zone and the subdivision is considered a traditional subdivision without any request for increased density.

Approval of a traditional subdivision is an administrative action of the City Council. In other words, if the applicant is able to satisfy the regulations of the land use ordinances, the applicant is entitled to approval of the subdivision. However, if the applicant is unable or unwilling to satisfy the adopted regulations, the City Council may deny the request of the applicant. The necessary applications, project drawings, and other required documents, except as noted herein, have been submitted by the applicant.

To develop the property as proposed, the applicant must receive preliminary and final approval from the City Council, following a recommendation from the Planning Commission. On March 11, 2015, the Planning Commission, following a public hearing, recommended approval of the Cowan Corner Subdivision contingent upon the satisfaction of staff conditions. The City Council will need to conduct a public hearing before taking final action on the request. The public hearing has been properly noticed and courtesy notices have been mailed to the appropriate property owners.

Analysis

The proposed Cowan Corner Subdivision has been reviewed for compliance with Title 19, Zoning Ordinance (November 5, 2014), Title 20, Subdivision Ordinance (November 5, 2014), and other applicable requirements of the land use ordinances of Payson City. Following staff review, a list of items has been generated that will need to be satisfied prior to the recordation of the Final Plat or development of the property, as applicable.

1. An application for Final Plat approval will need to be submitted and review fees paid before the plat is approved by the City Council.
2. All improvements must be completed in accordance with the adopted regulations, resolutions, and policies of Payson City. Any proposed changes to the project drawings during the construction phase must be approved by Payson City before the work is completed.
3. The applicant is requesting approval of a modified street cross-section to reduce the diameter of the cul-de-sac by nine (9) feet. The project drawings indicate a diameter of one hundred eleven (111) feet rather than the one hundred twenty (120) foot diameter as required by ordinance. In accordance with Chapter 20.19 of the Subdivision Ordinance, the City Council may, but is not obligated to, approve an alternate cross-section for the proposed street.
4. The applicant will need to work with the Payson Power Department on the layout of electrical facilities for the lots in the proposed subdivision. Payment of all fees associated with labor and

materials provided by the Payson Power Department are the responsibility of the applicant and will need to be submitted prior to issuance of any building permit in the proposed subdivision.

5. The applicant will need to work with the Payson City Fire Chief to prepare a public safety plan that identifies any required fire-fighting facilities (i.e. fire hydrants, turn-arounds) and satisfies the requirements of City ordinance and the adopted fire code. All fees associated with fire hydrant testing and inspection will need to be submitted to the City.
6. 400 North is a collector status street and should be limited by installation of appropriate fencing or other means acceptable to the City Council. Section 20.19.5 of the Subdivision Ordinance requires the installation of a six (6) foot decorative block or concrete fence, unless an alternative material or barrier is approved by the City Council.
7. The project drawings will need to be modified to indicate the following:
 - a. The reference to phased improvements in General Note #2 on the Preliminary Plat will need to be removed.
 - b. The drain line for the pressurized irrigation line in 550 East will need to be four (4) inches in size.
 - c. The drainage plan indicates the construction of a deep swale along the north property line of Lot 1 to direct overflow from the storm water pond to the street. The project drawings will need to indicate that this area will be improved and completely landscaped prior to occupancy of the dwelling on Lot 1, and properly maintained in a manner that will not obstruct the conveyance of storm water. A detail of the improvements will need to be provided for review.
 - d. The street cross-section (550 East) will need to indicate 3½" of asphalt. A note will need to be provided that states that 2½" of asphalt is required at time of construction with a 1" overlay following the construction of 90% of the dwellings or a period of two years from the initial placement of asphalt, whichever occurs first.
 - e. The 25' easement on Lot 1 will need to be labeled as a Sewer, Water, and Drainage Easement.
 - f. The location of the community box unit (CBU) for the post office will need to be identified. The location of the CBU must be approved by Payson City.
 - g. The curb and gutter along 400 North will need to align with the existing curb line to the west and east of the proposed development.
 - h. Street signs will need to be installed that identify both the street name and coordinate for the new roadway.
8. The Final Plat must be consistent with the regulations of Chapter 20.29 of the Subdivision Ordinance and the approval of the City Council. The Final Plat will need to include the following:
 - a. The 25' easement on Lot 1 will need to be labeled as a Sewer, Water, and Drainage Easement.
 - b. A project note will need to be provided for Lot 1 indicating the drainage swale on Lot 1 will be improved before occupancy of the dwelling. Furthermore, the plat will need to identify the methods that will be implemented to ensure the area is maintained by the owner in a manner that will not obstruct the conveyance of storm water.
 - c. A project note will need to be provided for Lot 13 referencing the additional requirements of the geotechnical report.
 - d. The rear setback for corner lots in the R-1-75 Zone is fifteen (15) feet. The note affecting Lots 4, 5, and 8 should be amended.
 - e. The plat will need to indicate the use of each lot (i.e. residential – single family dwelling).
 - f. The addresses along 400 North for Lots 4, 5, and 8 will need to be removed.
9. The project drawings indicate the removal of the existing dwelling on the project site. A demolition permit must be obtained from the Development Services Department and the structure removed prior to issuance of any building permits in the proposed subdivision.

10. The following items will need to be addressed prior to recordation of the Final Plat or during the construction phase, as required by City ordinance.
- a. Complete the transfer of adequate amount of water to serve the development in accordance with Title 10, Water Ordinance of the Payson City Municipal Code. The applicant will receive a connection fee and impact fee credit (drinking water, pressurized irrigation, sewer, power) for the existing dwelling on the site.
 - b. Provide a performance guarantee in the form of a cash bond or irrevocable letter of credit in an amount equal to one hundred twenty (120) percent of the engineer's cost estimate for completing project improvements. The applicant will also need to submit, in cash, an amount consistent with the fee schedule of Payson City that will be used to complete public works inspections.
 - c. Provide, in cash, the amount necessary to complete the one (1) inch asphalt overlay for the new roadway in the proposed subdivision once ninety (90) percent of the dwellings in the subdivision have been constructed.
 - d. Schedule and conduct a pre-construction meeting with the City Engineer prior to the installation of project improvements. Construction standards, geotechnical requirements, Storm Water Pollution Protection Plan (SWPPP) regulations, traffic control, project schedules, and other improvement related issues will be discussed at the meeting.
 - e. The applicant will need to be aware that prior to excavation and installation of public improvements, the Final Plat must be recorded, and prior to the issuance of any building permit, all required infrastructure, including the installation of asphalt and private utilities will need to be completed, inspected and approved.
 - f. The landscaping requirements of Section 20.17.13 or the Subdivision Ordinance will need to be implemented prior to the issuance of a certificate of occupancy for any new residential structure.
 - g. Prior to the improvement of the site and construction of any structures, all debris and waste, including unused construction materials and asphalt will need to be removed from the site and may not be used as fill material.

These items represent the concerns City staff has identified following a review of the Preliminary Plan and Final Plat. In general, staff had no major concerns with the proposed project if the conditions of this staff report are satisfied. The City Council may require additional information in order to make a well-informed decision.

Recommendation

This staff report identifies items that are not in compliance with the land use ordinances of Payson City. It was the intent of the staff to complete a thorough review and identify all items that do not satisfy the requirements of Title 10, Water Ordinance; Title 19, Zoning Ordinance; Title 20, Subdivision Ordinance; the Standard Specifications and Standard Plans; and any and all other development requirements of the City. However, failure of the staff to identify an inconsistency with any City requirement does not release the applicant of the obligation to satisfy all development requirements of the City. If an item is identified at a later date, the applicant will be responsible to satisfy the relevant development requirements.

The applicant is requesting approval of the Preliminary Plan and Final Plat for the Cowan Corner Subdivision, a traditional subdivision consisting of thirteen (13) single family dwelling lots and one storm drainage basin in the R-1-75, Residential Zone. The City Council, following a public hearing to receive public input, may:

1. Remand the proposed subdivision back to staff or the Planning Commission for further review. This action should be taken by the City Council if it is determined that there is not enough information provided by the applicant for the City Council to formulate a well-informed decision.
2. Approve the subdivision as proposed. If the City Council chooses to approve the subdivision as proposed staff would suggest that an opportunity to require the applicant to satisfy the regulations of the Payson City development ordinances and the land use goals of the City will be missed.
3. Approve the proposed subdivision contingent upon the satisfaction of staff suggestions and the recommendation of the Planning Commission. Staff would suggest that if the City Council approves the subdivision contingent upon the satisfaction of staff conditions, the applicant will be required to satisfy the regulations of the Payson City development ordinances and the land use goals of the City.
4. Deny the proposed subdivision. This action should be taken if the City Council determines that the applicant is unwilling or unable to satisfy the regulations of the Payson City development ordinances and the land use goals of the City.

The City Council may, but is not obligated to grant approval of the Final Plat concurrent with Preliminary Plan approval. If the City Council is inclined to grant Final Plat approval, staff would suggest that the City Council include the following conditions:

1. The applicant must satisfy all conditions of Preliminary Plan approval and the regulations of Chapter 20.29 of the Subdivision Ordinance.
2. The Mayor may not execute the Final Plat and the Final Plat may not be recorded in the office of the Utah County Recorder until all conditions of Preliminary Plan and Final Plat approval are satisfied.

Staff would suggest that the proposed use of the property is consistent with the General Plan, Zoning Ordinance and Subdivision Ordinance if the conditions proposed by staff are satisfied by the applicant. The City Council should include findings that indicate reasonable conclusions for their decision.

Mayor Moore asked if the Fire Chief looked at it for fire reasons. Staff stated current ordinance is 120' but Fire Chief said it could be reduced to 96 ft.

Councilmember Skinner mentioned that reading through the planning and zoning minutes there is concern about on the street parking. Planner Spencer stated if the street is reduced it will require a policy to limit parking. She mentioned citizens are concerned. Brent Bluth and Brad Bishop with Self Help homes (Rural Housing Development) are available for discussion.

Mr. Bluth said he will meet all the requirements the staff has indicated. They are waiting for the City to make sure the water was transferred. The fire marshal was satisfied with the reduction in the cul-de-sac radius. They've worked with the power department and have their approval. Mr. Bluth talked about aligning the east side. His engineer and the city engineer are working to address that issue. Mr. Bluth expressed his opinion that it doesn't make sense to install a concrete fence on three homes and asks City Council to consider making an exception for that. They have some asphalt patching issues that they will work on with the City Engineer.

Councilmember Hancock asked Mr. Bluth in regards to addressing this fence along Collector Street, did he have suggestions or recommendations other than facing homes in a specific way. Councilmember Hancock agrees completely it will stick out like a sore thumb. Mr. Bluth said he hasn't planned that far ahead. Mr. Bluth said home owners need to make sure they have enough funding in the loans to install fencing and complete yards. Councilmember Phillips asked about installing the fence that looks like

architectural rock. He mentioned they could help soften it with some landscaping. Mayor Moore expressed concern the planter strip turns into a weed patch. Councilmember Phillips expressed concern about the sidewalk being covered in snow and it is heavily used by elementary students. Councilmember Phillips is concerned for the school kids. Councilmember Phillips asked who is going to plow the sidewalks.

PUBLIC COMMENT: Andre Dilworth agrees that on school days there isn't a sidewalk and it is unsafe. He stated anything the City can do to make the sidewalk as safe as possible would be great. Mayor Moore asked if the home owner's will plow the sidewalk. No response.

Becky Olsen said she applied for building permit to put a roof on her home. She wanted to know if she can't have a variance why can these builders be given variances. She feels like she is being harassed and exceptions are being made for other people. She asked why is John Snelgrove not approving her permits and making an exception for others. Councilmember Phillips says he is working on it and feels like we aren't picking on her and what triggered it is when she applied for a building permit. Councilmember Phillips and Ms. Olsen discussed differences of opinions. Councilmember Phillips explained the City isn't discriminating against anyone and staff did not write the ordinance, they are just enforcing it.

Carol Pulver expressed concern about the irrigation water. She already doesn't have enough pressure to run her sprinklers at night. Councilmember Phillips asked how the new subdivision is bringing in water. Planner Spencer explained they are looping culinary. Carol also expressed concern about the Circle when there are fire trucks or ambulances that need to get in there. She asked how they are going to get in and out of the circle. She stated it's not going to work.

MOTION by Councilmember Skinner to close the public hearing. Seconded by Councilmember Phillips. Motion carries.

Councilmember Ford asked if we have enough water for the cul-de-sac. Planner Spencer says they are bringing water. Councilmember Ford mentioned others have brought in water and we still run out. Councilmember Skinner stated they are bringing actual water. Councilmember Phillips asked Public Works Director Jockumsen what he could tell them about the PI water. Public Works Director Jockumsen said the City will have to look at it.

Councilmember Phillips asked if we can record against the plat that is has no approach. Mr. Bluth said they would be willing to put a notation on that plat. Councilmember Phillips mentioned he hates to be stickler on the sidewalk, but it is about the safety of the kids. Planner Spencer says there are some things they can do to work with that issue. They need to have a sidewalk installed to help with the safety of the children.

Councilmember Hancock mentioned in the last couple months they've had some tough discussions on the overly zones. In each one, we've had the public say they don't want more multi-family. He stated now the City has one come in that's all single family, and he feels like to be consistent with the public, they should favor this development. Councilmember Hardy agrees with that. Planner Spencer states they are meeting the zoning. The only exception they are asking for is the length of the diameter of the cul-de-sac, which allows for a bigger foot print for the house next to it. Public asked if city could restrict the street parking. Councilmember Ford mentioned the retention basin should help mitigate the

parking on the street. Councilmember Phillips asked if the City can require the symtech fence. Planner Spencer stated yes if required by Council and if they felt the barrier is necessary and wanted a symtech fence. Mr. Bluth stated his concern that the fence becomes a target for tagging.

Councilmember Hardy is concerned about the fence. Councilmember Ford asked Planner Spencer what she prefers to do. Councilmember Skinner thinks the issue is preventing access to the street. Planner Spencer thinks there needs to be a barrier of some sort, but each fence has its flaws. Councilmember Skinner asked if we are trying to prevent access will a fence do the job. Mr. Bluth said they would be willing to file a notice that would limit the access.

MOTION by Councilmember Phillips to grant approval of the Preliminary Plan and Final Plat of the Cowan Subdivision contingent upon the satisfaction of staff conditions and to include that the curb and gutter along 400 North align at the intersection, a landscaped planter is provided along 400 North, a 6' fence made of composite material (similar to SimTek) is installed along 400 North, and the Final Plat include a notation to limit access onto 400 North for Lots 4, 5 and 8. Motion seconded by Councilmember Skinner. Motion carries.

ORDINANCE – AMENDMENTS TO TITLE 4, BUSINESS LICENSE ORDINANCE

Planner Spencer discusses the business license ordinance to address mobile food businesses and how the City addresses them from a business licensing perspective. They are putting some regulations in for the food business similar to rock chip repair businesses. Business licensing is now with the Administrative department. The Business License Administrator would like to change the policy for all itinerant merchants to only allow them in certain commercial and industrial zones, so no one can set up shop in neighborhoods.

MOTION by Councilmember Skinner to approve the proposed amendments to Title 4, Business License Ordinance as presented, to clarify that itinerant merchants are only allowed in non-residential zones, and authorize the Mayor to sign Ordinance 04-01-2015-1. Motion seconded by Councilmember Ford. ROLL CALL Voting aye: Councilmembers Phillips, Hancock, Ford, Hardy, and Skinner. Voting Nay: None
Motion carries.

ORDINANCE – AMENDMENTS TO TITLE 7.01.160 “Group Demonstration Area”

City Attorney Sorenson discusses the existing free speech zone language and the new language and amendments to be made. Payson City is using Ogden City's policy as its template. A demonstrator is single individual or two. If it becomes three or more, then it becomes a group demonstration and they are asked to move to the group demonstration area. The ordinance expands on how a group demonstration could be established and explains they have to get a permit from the City. A Committee could be established that consists of the City Attorney, City Manager, and the Chief of Police. It will effectively replace the old language. Councilmember Skinner asks if it means a demonstrator has to be in a designated area. City Attorney Sorenson responds no as long as it is one or two they don't have to. They are not considered a group. One or two can be on the sidewalk but can't obstruct the sidewalk. Councilmember Hardy asks if there are three or more that start demonstrating will they be escorted to the designated area. City Attorney Sorenson replies yes and if they refuse it is a violation.

MOTION by Councilmember Hardy to approve the proposed amendments to Title 7.01.160, Group Demonstration Area as presented and authorize the Mayor to sign Ordinance 04-01-2015. Motion Seconded by Councilmember Hancock. ROLL CALL- Voting aye: Councilmembers Phillips, Hancock, Ford, Hardy, and Skinner. Voting Nay: None.
Motion Carries.

RESOLUTION – GROUP DEMONSTRATION AREA

City Attorney Sorenson explains this resolution is in regards to the Temple Open House Area. City Attorney Sorenson passed a map to the Council and Mayor. The Temple Open House establishes a need for a demonstration area and stays in force until it is dedicated and there is no more meetings related to the open house. City Attorney Sorenson explains the area is the sidewalks on both sides of the streets that surround that area. He also explains there are privately owned sidewalks in the area which are owned by The Maples. The city will be speaking with them to discuss what their desires are. This resolution and the attached map will be a tool to hand out to anyone that wants to demonstrate at the event.

MOTION by Councilmember Hardy authorizing Mayor Moore to sign the Resolution designating the Group Demonstration Area. Seconded by Councilmember Hancock. ROLL CALL-Voting aye: Councilmembers Phillips, Hancock, Ford, Hardy, and Skinner. Voting Nay: None.
Motion Carries.

RESOLUTION – AMENDMENTS TO FEE SCHEDULE

Planner Spencer is proposing \$100 annual permit for itinerant merchants. Councilmember Hardy asks how the annual permit requirement will be enforced. Planner Spencer believes the Business Licensing department will check up on them. Councilmember Phillips states except for on Fri-Sun, which they will have to defer to the police officers.

MOTION by Councilmember Hardy authorizing Mayor Moore to sign the Resolution amending the Payson City Fee Schedule. Seconded by Councilmember Phillips. ROLL CALL- Voting aye: Councilmembers Phillips, Hancock, Ford, Hardy, and Skinner. Voting Nay: None.
Motion Carries.

MOTION by Councilmember Ford to move to closed session at 8:27. Seconded by Councilmember Phillips. Motion Carries.

MOTION by Councilmember Hancock to move out of closed session at 9:21. Motion seconded by Councilmember Hardy. Motion carries.

ADJOURNMENT

Motion by Councilmember Hardy to adjourn.

Council adjourned at 9:21p.m.

Dear Mayor Moore, City Council Members and Miss Payson Pageant committee,

I have needed to write this letter since my daughter participated in the Miss Payson Pageant in 2014. There are things that took place that were a bit alarming to me. I had a couple of conversations with Renee about my concerns and she commented to me that in all the years she has been involved in the pageant she has not had complaint.

I remember thinking to myself that just because there has not been a complaint does not mean there should not have been. We seem to live in a society that believes in not getting involved and just letting things go, it is the "go along to get along" mentality. It is an idea I have never bought into, if people do not stand against immoral or bad behavior just to get along, there is no reason for it to change.

I am not writing to attack Renee personally, I am writing to bring attention to some things I was very upset about in our experience with the pageant. I am hoping to bring attention and light to something I think Payson residents should be aware of and make an informed decision about.

First, I was very surprised when Renee told the participants that the swimsuits were no longer required to be modest one piece suits. The comment continued to be "it's the Miss America guidelines." This usually came from the pageant director, Renee. There also seems to be no restrictions on the evening gown and other attire. My daughter warned us about the immodesty prior to our attending dress rehearsal, but I have to admit it still did not prepare me for what I saw.

I was also upset that the swimsuit portion would be viewed by the whole audience. When my sisters and myself competed in city pageants, the swimsuit portion was viewed only by the judges and the parents of the girls. I do not understand why it is necessary to put our young women on display in front of a large audience.

Back to what I saw at the dress rehearsal, it was inexcusable the very skimpy swimsuits some of the girls wore. The Miss Payson pageant audience is filled with families! Husbands, sons, and brothers attend the pageant and it is shameful to allow these young women to dress so immodestly in front of the audience. My son, husband, brother in-laws, and other male friends were there to support my daughter and, at a family event, should not have been subjected to this immodesty.

In my family, there were many complaints as they were shocked by the display before them. I was very upset as I knew my husband and son were there and would be subjected to something they work consciously to avoid. I have spoken to people involved in city pageants around the state and they do not allow immodest dress period. I know Renee continued to state it was Miss America guidelines, but I have become aware it depends on which Miss America guidelines you choose to use. I have spoken to people who have been involved in Lindon City, Alpine City and Salem City pageants, and they do not allow immodest dress and only one piece swimsuits.

My question to you, Mister Mayor, City Council, and Pageant committee: what type of city do we want to be? What type of behavior do we want to encourage? Do we want the young women of Payson to be put on such display or do we want them to be treated with the respect they deserve? Do we want to subject Payson families to such immodesty and cause such discomfort in an event that families are encouraged to attend? I am asking you to please look into this and make a choice for morality in our city, even if there is some type of guideline in the Miss America pageant to allow for immodesty, could we as a city

have the courage to say 'not in our city pageant?'

Could we stop putting our young women on display in front of the whole audience and have judges and parents, only, view the swimsuit portion? Why is it necessary for the whole audience to view our daughters in swimsuits? I have never understood the need for a swimsuit portion in a scholarship pageant, why are we not encouraging modesty?

I had a conversation with the mother of the winner of the Miss Pleasant Grove Pageant and told her how the mothers of the Payson contestants were told not to add lace or anything to the swimsuit bottoms to make them less revealing because "it just looks tacky." The Mother of Miss Pleasant Grove showed me the picture of her daughter's swimsuit appearance in their pageant and they had done just that, they had added to the bottoms to make them less revealing, and guess what? Her daughter still won!

Could it be that we are buying into the worldly idea that this is unacceptable, that you will lose points with the judges for choosing to be modest? Isn't it time we have the courage as a society, as a city to say modesty is beautiful?! That part of the strength of our young women is to stand against the tide? I cannot profess to know who each of you are as individuals but I can tell you, as elected officials, it does matter to me and many other Payson citizens, your standards and what you stand for. I also understand that the pageant committee is a volunteer position, but they are still representing the citizens of Payson. They are over a pageant that chooses young women to represent us as a city. As I have met each of the pageant committee, it seemed to me they had the same moral belief as myself and my daughter. All I'm asking is: can we, as Payson City, have the courage to set a higher standard?

I also had concerns that, at first, the parents are encouraged to be involved and welcome to come to rehearsals, yet, as an involved mother I was treated as if I were a nuisance, as I chose to come to some of the rehearsals. Also, we were, as parents, only allowed to come to the final dress rehearsal which made it very stressful for me as a mother because it left me with a very short amount of time to fix the things I noticed needed work or to be added to for my daughters talent costume, dress, etc. I think treating the parents like they are a nuisance is wrong. We are paying for our daughters to participate and they are our daughters and we have every right to attend all rehearsals if we so choose, without being treated rudely by the pageant committee.

If the committee wants to ask that boyfriends and friends not come because it causes problems, I believe that is fair. As parents, seeing the rehearsals on stage allow us the opportunity to know what our daughters need to work on or change, etc. And only allowing us to be at the last rehearsal does not give us time. As parents, we want our daughters to look and do their best in the pageant. We again pay for most, if not all, that is involved in the pageant. We as parents for some reason do not involve ourselves in our children's lives as much as we should. We seem to believe that we do not have the right to speak to the teachers, principals, dance teachers, coaches, etc. or that if we do, it will cause problems for our children so we remain quiet. If that is the case with anyone involved with our children, that they are harder on a child whose parents are involved and do not just ignore bad or unnecessary behavior, that teacher, coach, etc. should be removed.

Parental involvement is essential to the success of our children. Society has bought into the idea that it is just the child's job to stand against improper behavior or that parents are an interference. This, I believe, is one of our biggest problems with society. Our children

are always our responsibility no matter where they are and always, always, should be. Parents know what is best for their children. I felt that the parents were treated as intruders with the pageant committee and I hope this treatment will change. After all what a child becomes is hugely influenced by how they were raised by their parents.

I do know that at Miss Utah or Miss America, they do not allow the parents to be with their daughters. I have never understood the reasoning behind this and do not agree with it. We are involved in a city pageant and just because this is how the larger pageants do it does not mean it is right or even makes sense. Again, could we have the courage to encourage and even applaud parental involvement in the lives of our children? There is a very evil element in our society and politics that is trying to step in-between the parents and their children. I implore you, as our city government, to please pay attention to this and be a city government who encourages parental involvement and does not discourage it.

God gave parents their children because He knew that they, in most cases, will do what is best for their children. Children belong to their parents and not society. My final concern happened when my daughter had her interview with the judges. My daughter's platform was abortion and bringing awareness to the taxpayer funding of abortions. When in her interview, two of the judges took great offense to her platform. Instead of just asking her questions, they seemed to want to debate with her, especially one judge in particular. Because of this, the other judges could hardly get a word in. The judges are not there to debate, they are there to ask questions and get to know the contestants.

My daughter was especially taken aback when this judge told her it was pennies that went to planned parenthood, the largest abortion provider in America. It is abortions that they spend most of their money on. Just one penny is too much of taxpayer money to give to planned parenthood. The Majority of Americans believe abortion is murder and our government has no right to give our money to such an evil cause. My daughter was especially disturbed when this same judge told her that there was taxpayer money going to handicapped Americans. She said if you know a baby is going to be born handicapped, they should be aborted because they wouldn't be "contributing members of society" and they would be a drain on taxpayer dollars. My daughter was shocked by such an evil comment, it was something she had not experienced before. Her comment back was that life is given by God and no one has the right to take it, she also commented that you never know the impact their life would have and they should have the opportunity to live it.

Some of our taxes should go to those who literally cannot help themselves and to compare that to abortions is abhorrent! The type of ideology this judge had is very evil. She seemed to be of the opinion that handicap people do not deserve to live and if they do, they do not deserve taxpayer funded assistance. There are people within our government who truly believe life only belongs to those who can contribute to society and anyone who cannot, ie; handicapped, those they deem too stupid, the elderly, etc. need to be gotten rid of or bred out of society through eugenics. This is a very real ideology. My question to each of you is this: who are we? And is this the type of judges we want judging our pageants? Also, who vets these judges?

Why are we allowing judges who stand against the principles that our nation was founded on, life, liberty, and the pursuit of happiness, judge Miss Payson? Do we not want Miss Payson and the attendants to reflect what Payson residents, and, hopefully, it's

Mayor and city council, believe in, which is, I hope, a moral, pro-life, hardworking, self-reliant, God-fearing, small government city? Why are we allowing such judges to judge our pageant?

My question again is: who vets these judges? Who looks into their background? My daughter was treated unfairly and attacked for her beliefs. This is not the way judges should be acting with our contestants. We need judges who hold the same values as most Payson residents and Americans, not the evil ideologies that are being so loudly spoken of by a small group of Americans. I am asking you as a Payson resident, whom you serve, to look into these matters. I hope to bring this to light with the residents of Payson and pray they will feel the same way about what we want to be known for, and our Queen to represent. We need to have the courage to take a stand for what we know to be right and I hope you, Mayor Moore, City Council members, and Pageant Committee will take the lead. Should we not fear more what God may think of us than man?

Sincerely, Mrs. Corinne Aagard: Proud stay-at-home mother, wife of an honest hardworking man, and proud God-fearing American.