

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, May 17, 2017 in the Council Chambers, 45 West 100 South, at 6:00 pm.

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION/INSPIRATIONAL THOUGHT**
4. **DECLARATION OF ANY CONFLICT OF INTEREST**
5. **CONSENT AGENDA**
 - a. Minutes:
 1. April 19, 2017
 2. May 3, 2017
 - b. Bills:
 1. \$355,639.97
 - c. Consent Agenda:
 1. Resolution 05-04-2017, "A Resolution Declaring Surplus Property of Santaquin City"
6. **PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**
 - a. Award of the Booster Pump Project Construction Manager/General Contractor (CM/GC) Bid
7. **FORMAL PUBLIC HEARING**
8. **BUSINESS LICENSES**
9. **NEW BUSINESS & ADOPTION OF ORDINANCES AND RESOLUTIONS**
 - a. Discussion & Possible Action Regarding Mt. Nebo Water Projects
 - b. Discussion Regarding the Animal Control Ordinance (Title Five Chapter 2)
 - c. Presentation, Discussion & Possible Action Regarding Utopia Right of Access Agreement
 - d. Resolution 05-05-2017, "A Resolution Approving a Water Agreement with Dan Olson"
 - e. Resolution 05-06-2017, "A Resolution Approving an Exchange Agreement with Utah County"
 - f. Resolution 05-07-2017, "A Resolution Adopting the FY2017-2018 Tentative Budget for Santaquin City including the city's sub-organizations – Community Development Agency, Special Service District for Roads Maintenance, Local Building Authority of Santaquin City, and the Santaquin Water District."
 - g. Santaquin City Council – Annual Ethics Training
10. **CONVENE OF THE COMMUNITY DEVELOPMENT BOARD**
11. **CONVENE OF THE SPECIAL SERVICE DISTRICT FOR ROADS MAINTENANCE**
12. **CONVENE OF THE LOCAL BUILDING AUTHORITY OF SANTAQUIN CITY**
13. **CONVENE OF THE SANTAQUIN WATER DISTRICT**
14. **PETITIONS AND COMMUNICATIONS**
15. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
 - a. City Manager Reeves
 - b. Assistant City Manager Marker
16. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
 - a. Mayor Hunsaker
 - b. Council Members
17. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
18. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
19. **ADJOURNMENT**

If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City ten or more hours in advance and we will, within reason, provide what assistance may be required.

CERTIFICATE OF MAILING/POSTING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was e-mailed to the Payson Chronicle, Payson, UT, 84651, posted in 3 places; City Center, Post Office and Zions Bank as well as posted on the State of Utah's Public Website.

BY: _____
Susan Farnsworth, City Recorder

**MINUTES OF A CITY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
MAY 17, 2017**

The meeting was called to order by Mayor Kirk Hunsaker at 6:00 pm. Council Members attending: Keith Broadhead, David Hathaway, Mandy Jeffs, Nick Miller, and Marianne Stevenson.

Others attending: City Manager Ben Reeves, Police Chief Rod Hurst, Police Officers Mark Bell and Kyle Winterton, City Engineer Norman Beagley, Legal Counsel Brett Rich, Fire Chief Steve Olson, Recreation Coordinator Amy Johnson, Bryan Mecham, Cindy Holman, Catherine Holman, Joye Watkins, Perry Rasmussen, and Lindsay Bray. Assistant City Manager Dennis Marker was excused.

PLEDGE OF ALLEGIANCE

City Recorder Farnsworth led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Officer Winterton Offered an Invocation.

DECLARATION OF ANY CONFLICT OF INTEREST

Council Member Broadhead indicated he worked for EPIC Engineering who has an invoice included in the payments. Mayor Hunsaker indicated he was employed by VanCon who had submitted a bid for the Construction Manager/General Contractor of the Booster Pump Project.

CONSENT AGENDA

Minutes:

April 19, 2017

May 3, 2017

Bills:

\$355,639.97

Consent Agenda:

Resolution 05-04-2017, "A Resolution Declaring Surplus Property of Santaquin City"

Council Member Miller moved to approve the Consent Agenda. Council Member Hathaway seconded the motion. The vote was as follows:

Council Member Broadhead	Aye
Council Member Hathaway	Aye
Council Member Jeffs	Aye
Council Member Miller	Aye
Council Member Stevenson	Aye

The vote passed 5 to 0.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Officer Winterton addressed those in attendance. He indicated he graduated from the Police Academy this past week and has worked for the Police Department for the past 6 weeks. He was welcomed by the Mayor and Council Members.

Officer Bell also addressed those in attendance. He has lived in Santaquin for approximately 22 years and has been in Police work for a number of years. He transferred from Payson Police

Department to Santaquin Police Department approximately 2 months ago. He also was welcomed by the Mayor and Council Members.

Ms. Holman addressed the Mayor and Council Members with regard to use of the roads maintenance money. She indicated the roads along 400 North need attention. She asked why the money raised from the tax increase hasn't been used to maintain the roads. She was told City Manager Reeves will "look in to it".

Mayor Hunsaker indicated Ms. Watkins had been asked to serve on the Library Board. She stated she has lived in Santaquin for approximately 3 years. She likes the accessibility and the selection available at this Library. She indicated she is in favor of the proposed Seniors Center/Library Project and would be a "champion" for the project. The Council Members were in support of Ms. Watkins serving on the Board. Her appointment will be included on the next agenda.

Award of the Booster Pump Project Construction Manager/General Contractor (CM/GC) Bid

City Engineer Beagley reported they received 3 proposals for CM/GC services for the Booster Pump Station Project. (see attachment "A for supporting information) VanCon, Inc scored the highest with the most relevant experience with their proposed costs for CM/GC services. The proposed cost to have VanCon help with design services (working directly with City Staff and with Gilson during design) would be \$1000.00. The remaining proposed costs (\$25,000 for Construction Management plus markup and contingency) are related to the actual construction of the project. The contingency and markup actual amounts will be calculated based on VanCon's proposed GMP (Guaranteed Maximum Price). He recommended that the Council award the Contract for CM/GC services to VanCon, Inc.

Council Member Broadhead moved to award the Booster Pump Project Construction Manager/General Contractor bid to VanCon, Inc, not to exceed \$76,000.00. Council Member Stevenson seconded the motion. The vote was as follows:

Council Member Broadhead	Aye
Council Member Hathaway	Aye
Council Member Jeffs	Aye
Council Member Miller	Aye
Council Member Stevenson	Aye

The vote passed 5 to 0.

FORMAL PUBLIC HEARING

There weren't any Formal Public Hearings scheduled.

BUSINESS LICENSES

There weren't any new Business Licenses to report.

NEW BUSINESS & ADOPTION OF ORDINANCES AND RESOLUTIONS

Discussion & Possible Action Regarding Mt. Nebo Water Projects

Council Member Broadhead led a discussion with regard to proposed Mt. Nebo Water Projects. He reported the Board would like to purchase 400' of Muscle Walls and a trailer to store them in. They will be available to any of the "members" to use. They would take the place of sandbags. The cost to the City would be \$2777.78.

Also reported was the State is beginning to "crack down on water allocations". The Board would like to have approximate \$4,000 allocated within the budget to help pay for a project to protect the water within South Utah County.

Council Member Broadhead moved to support Project #3 and Project #4 of Mt. Nebo Water. Project #3 in the amount of \$2777.78 and Project #4 in the amount of \$4444.44 should be included in FY2017-2018 budget. Council Member Hathaway seconded the motion. The vote was as follows:

Council Member Broadhead	Aye
Council Member Hathaway	Aye
Council Member Jeffs	Aye
Council Member Miller	Aye
Council Member Stevenson	Aye

The vote passed 5 to 0.

Discussion Regarding the Animal Control Ordinance (Title Five Chapter 2)

City Manager Reeves led the discussion with regard to amending the current Animal Control Ordinance. (see attachment "B" for the presentation)

Council Member Broadhead was told the current code addressed the properly restrained dog. Council Member Miller indicated he doesn't like the code addressing any bite being treated the same. He was told before the dog was put down the case would go through the Court system. Council Member Hathaway stated during his last stint on the Council he dealt with animal control. He felt the Ordinance is to Black and White but common "sense says we should let the Judge decide if the dog is vicious". Mayor Hunsaker stated he doesn't like the step system for penalties. Council Member Jeffs wants to keep the Ordinance the same. She feels it was drafted to meet the needs of the Residents. Council Member Stevenson was also in favor of keeping the Ordinance the same. Council Member Miller continued to voice his concern with the "Black and White" of the Ordinance. He thinks the Ordinance is too harsh. Council Member Hathaway commented at night there are "100's of dogs running the streets". Council Member Miller stated he has his dog in a kennel within his fenced yard. But if it were to get out and nipped at someone he didn't want to put it down. Council Member Stevenson stated "not everyone is as responsible as you are Nick". Council Member Broadhead reported he has been on the receiving end of a dog bite and laying on his back with a Great Dane staring him in the face. Council Member Broadhead would like the Officer or the Judge to have some latitude. City Recorder Farnsworth indicated she, at the age of 12 was bitten and had to begin the "rabies treatments". It was very devastating and life altering.

Ms. Bray indicated she was not around when the incident with her dog happened. The Police report stated "there was a small white mark on the calve of the victim". She isn't convinced the "white mark" was even a bite.

Council Member Jeffs moved to keep it (the Ordinance) as it is and add language for K-9 Units. Council Member Stevenson seconded the motion. Legal Counsel Rich asked if the "animal killing an animal" needed to be address. Council Member Miller stated he wanted the Ordinance changed. Ms. Holman indicated that all animals need to be contained. Not just dogs.

Council Member Jeffs reported when she lived up North, her dog got out of a 6 foot enclosure and traveled to the next City. The dog ended up at a farm and killed chickens. A couple of days later she received a call for the Police Department to come and get her dog. The dog had been killed by the farmer. She stated she still had to pay a fine for her dog being "at large" and would have gotten rid of the dog had he not been killed by the farmer. She wasn't going to take the chance the dog would take after a child.

Council Member Miller thinks there needs to be "steps to the penalty". He doesn't feel euthanizing a dog on the first bite is reasonable.

Council Member Broadhead would like to change the Ordinance to exempt the K-9 Units.

At the conclusion of the discussion the vote was as follows:

Council Member Broadhead	Aye
Council Member Hathaway	Nay
Council Member Jeffs	Aye
Council Member Miller	Nay
Council Member Stevenson	Aye

The vote passed 3 to 2.

Presentation, Discussion & Possible Action Regarding Utopia Right of Access Agreement

The Representative of Utopia was not present. City Manager Reeves indicted Utopia is requesting a Right-of-Use Agreement to install a trunk line throughout the City. They would like to have the opportunity to provide internet to the Residents if requested. Council Member Miller was told Utopia is under new management and basically would like to install a trunk line. If granted, the City would not receive franchise taxes from them. Council Member Broadhead would like to direct the staff to treatment them just like any other. They would be allowed the Right-of-Use Permit and pay for all inspections. It was reported that CentraCom currently doesn't offer fiber network which Utopia would. City Manager Reeves was instructed to work with Legal Counsel Rich in drafting a contract. The contract will be placed on the next agenda.

Resolution 05-05-2017, "A Resolution Approving a Water Agreement with Dan Olson"

City Manager Reeves reviewed the history behind the original agreement between Santaquin City, Myron Olson and Dan Olson. After the history review, Council Member Jeffs moved to approve Resolution 05-05-2017, "A Resolution Approving a Water Agreement with Dan Olson". Council Member Broadhead seconded the motion. The vote was as follows:

Council Member Broadhead	Aye
Council Member Hathaway	Aye
Council Member Jeffs	Aye
Council Member Miller	Aye
Council Member Stevenson	Aye

The vote passed 5 to 0.

At 7:35 Legal Counsel Rich was excused from the meeting.

Resolution 05-06-2017, "A Resolution Approving an Exchange Agreement with Utah County"

City Manager Reeves reported Utah County would like to trade paving of a road within the Cemetery for the VacTruck recently surplused. After the discussion, Council Member Stevenson moved to approve Resolution 05-06-2017, "A Resolution Approving an Exchange Agreement with Utah County". Council Member Jeffs seconded the motion. The vote was as follows:

Council Member Broadhead	Aye
Council Member Hathaway	Aye
Council Member Jeffs	Aye
Council Member Miller	Aye
Council Member Stevenson	Aye

The vote passed 5 to 0.

Resolution 05-07-2017, "A Resolution Adopting the FY2017-2018 Tentative Budget for Santaquin City including the city's sub-organizations – Community Development Agency, Special Service District for Roads Maintenance, Local Building Authority of Santaquin City, and the Santaquin Water District."

City Manager Reeves reviewed the proposed FY2017-2018 Budget with the Mayor and Council Members. After the adoption of the Resolution the budget will be placed on the website for Public access.

After the review, Council Member Miller moved to approve Resolution 05-07-2017, "A Resolution Adopting the FY2017-2018 Tentative Budget for Santaquin City including the city's sub-organizations – Community Development Agency, Special Service District for Roads Maintenance, Local Building Authority of Santaquin City, and the Santaquin Water District". Council Member Jeffs seconded the motion. The vote was as follows:

Council Member Broadhead	Aye
Council Member Hathaway	Aye

Council Member Jeffs	Aye
Council Member Miller	Aye
Council Member Stevenson	Aye

The vote passed 5 to 0.

Santaquin City Council – Annual Ethics Training

Council Member Broadhead moved to table the Ethics Training. Council Member Stevenson seconded the motion.

Council Member Broadhead retract the motion. Council Member Stevenson seconded the retraction.

City Manager Reeves showed 10 minute You Tube video with regard to "Utah State Ethics Training". The training was conducted by David Church.

CONVENE OF THE COMMUNITY DEVELOPMENT BOARD

There was not a need to convene the Community Development Board.

CONVENE OF THE SPECIAL SERVICE DISTRICT FOR ROADS MAINTENANCE

There was not a need to convene the Board of the Special Service District for Roads Maintenance.

CONVENE OF THE LOCAL BUILDING AUTHORITY OF SANTAQUIN CITY

There wasn't a need to convene the Local Building Authority of Santaquin City Board.

CONVENE OF THE SANTAQUIN WATER DISTRICT

There wasn't a need to convene the Board of the Santaquin Water District.

PETITIONS AND COMMUNICATIONS

There weren't any Petitions or Communications to address.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager Reeves

City Manager Reeves reported the following:

- Plans are back for the retrofit of the Recreation Building. The projected cost is close to \$350,000 which was discussed earlier. The plans will be placed out to bid with the bids being back for Council approval.
- Because of the timing of the LBA Bond payment, this years payment is due by June 28th. Upon payment, there will actually be 2 payments made during the FY2016-2017. He indicated the current budget would be able to absorb the double payment.
- The Dispatch Board made an offer for a new Dispatch Director.
- Due to the recent changes in the Community Development Department they are understaffed. Penny Reeves will be helping out in the department while she is working on the website review.

- May 24th is the last day to except applications for the Assistant City Manager. The top 2 or 3 candidates will be interviewed by the Mayor and Council Members during the Council Meeting scheduled for June 7th.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Hunsaker

Council Members

Council Member Hathaway was told City Manager Reeves will be researching grants that can be used to help fund the proposed Senior's Center/Library Project. It is anticipated using \$20,000 of a County Grant to fund the project design.

Council Member Jeffs reported the Police Department is hosting a "Bike Rodeo" at each of the Elementary Schools next week. Chief Hurst will be in contact if additional help is needed.

Council Member Broadhead reminded those in attendance of the Memorial Day "Veterans" Program on Monday, May 29th. He also reminded everyone of the Memorial Day Breakfast hosted by the Fire Department that same day.

EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)

There wasn't a need to hold an Executive Session to discuss the character, professional competence, or physical or mental health of an individual.

EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

There wasn't a need to hold an Executive Session to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property.

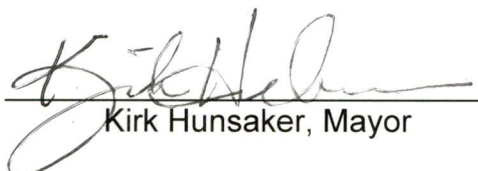
ADJOURNMENT

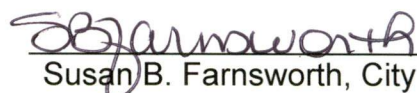
At 9:01pm Council Member Miller moved to adjourn. Council Member Broadhead seconded the motion. The vote was as follows:

Council Member Broadhead	Aye
Council Member Hathaway	Aye
Council Member Jeffs	Aye
Council Member Miller	Aye
Council Member Stevenson	Aye

The vote passed 5 to 0.

Approved on June 7, 2017.


Kirk Hunsaker, Mayor


Susan B. Farnsworth, City Recorder

**05-17-17 COUNCIL MEETING
ATTACHMENT "A-1"**

Santaquin City 2017 Booster Pump Station Project CM/GC (Construction Manager/General Contractor) Selection Committee Evaluation & Scoring						
Proposing Firm	Rank	Relevant Experience (40 pts possible)	Methodology (30 pts possible)	Proposed Costs (30 pts possible)		Total Pts (100 pts possible)
VanCon	1	36.3	24.3	\$ 76,000.00	30.0	90.7
Ellsworth/Paulsen	2	31.3	25.2	\$ 85,600.00	27.6	84.1
Gerber	3	31.2	21.5	\$ 289,000.00	13.9	66.6

Santaquin City
2017 Booster Pump Station Project
CM/GC (Construction Manager/General Contractor)
Cost Proposal Evaluation

Company	VanCon	Ellsworth	Gerber
Design Phase Fee	\$ 1,000.00	\$0.00	\$ 19,200.00
Design Phase Duration (Days)	30	28	65
Construction Supervision & Management Fee	\$ 25,000.00	\$ 38,000.00	\$ 200,000.00
Construction Phase Duration (Days)	90	91	64
CM/GC Multiplier	5%	5%	7%
Calculated Multiplier Cost based on \$1.0M project	\$ 50,000.00	\$ 50,000.00	\$ 70,000.00
GMP Contingency	3%	3%	5%
Calculated Contingency Cost based on \$1.0M project	\$ 30,000.00	\$ 30,000.00	\$ 50,000.00
Contingency Plan	50%	30%	50%
Contractor Reservation (assumes 80% of contingency used)	\$ 3,000.00	\$ 1,800.00	\$ 5,000.00
Back to City (assumes 80% of contingency used minus Contractor reservation)	\$ 3,000.00	\$ 4,200.00	\$ 5,000.00
Totals	\$ 76,000.00	\$ 85,600.00	\$ 289,200.00

Animal Control

Ordinance Discussion

May 17, 2017





Purpose for this discussion:

- During the April 19th public forum, a resident petitioned the City Council to evaluate the provisions of Santaquin City Code Section 5-2-6: Dangerous or Vicious Animals
- Council Member Miller also requested that we review two provisions of the code:
 - Desire for staged penalties for violations of this code section
 - Applicability (or exclusion) of this code on the City's Police K-9 Unit



Purpose of the Code

- Due to the ambiguity of the previous code and the discretion it afforded, prosecution of cases involving vicious dogs often resulted high costs, no meaningful penalties, and a perpetuation of risk to the public.
- To eliminate the risks and cost to the public, the Santaquin City Council chose to remove the ambiguity of the code.
- The following code was past:



Title 5: Chapter 2

Section 6 Paragraph A: Dogs Attacking Persons and Animals:

- “1. Allowing Dog to Attack: It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to bite, claw, attack, chase, harass, pursue, or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. “Worry”, as used in this section shall mean to harass by tearing, biting, or shaking with the teeth.
- 5. Allowing Dog to Attack an Animal: Any dog that acts in a manner that results in a conviction of allowing a dog to attack an animal under A1 of this section, shall be removed from the city within five (5) calendar days of said conviction.
- 6. Allowing Dog to Attack a Person: The sentence upon a conviction of allowing a dog to attack a person under subsection A1 of this section shall include the euthanization of the offending dog within five (5) days of the conviction.”



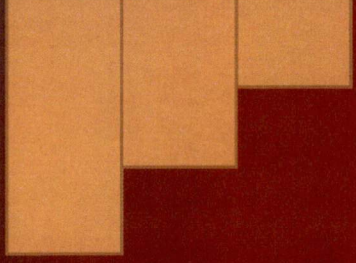
Title 5: Chapter 2

Section 1: Definitions:

- “Vicious Animal: A dog, or any other animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals.
- Vicious Dog: A dog that has bitten, clawed, attacked, harassed, pursued, or worried a person without provocation or a dog that has a known propensity to attack or bite human beings. The term worried shall have the same meaning as in section 5-2-6 of this chapter.”

Possible Changes to the Code:

- It would not be wise to add ambiguity back into the code, such as *what constitutes the severity of a bite?*
- Instead, if a modification of the code is desired by the council, the council may consider a staged or progressive penalty for violations





Option 1: No Change to the Code

- *The code is black and white*
- *It puts a primary focus on the protection of the public*
- *It puts the primary responsibility on the owner of the dog*



Option 2: Two-Step Progressive Penalty

- Allowing Dog to Attack an Animal or a Person (First Offense): Any dog that acts in a manner that results in a conviction of allowing a dog to attack an animal or person under A1 of this section shall, at the option of the dog owner, be removed from the city within five (5) calendar days of said conviction or shall include the euthanization of the offending dog within five (5) days of the conviction
- Allowing Dog to Attack an Animal or a Person (Second Offense): Any dog that acts in a manner that results in a conviction of allowing a dog to attack an animal or person under A1 of this section shall include the euthanization of the offending dog within five (5) days of the conviction



Option 2: Three-Step Progressive Penalty

- Allowing Dog to Attack an Animal or a Person (First Offense): Any dog that acts in a manner that results in a conviction of allowing a dog to attack an animal or person under A1 of this section shall, at the option of the dog owner, be removed from the city within five (5) calendar days of said conviction or shall include the euthanization of the offending dog within five (5) days of the conviction, **or the dog's owner shall pay a five-hundred (\$500) fine.**
- Allowing Dog to Attack an Animal or a Person (Second Offense): Any dog that acts in a manner that results in a conviction of allowing a dog to attack an animal or person under A1 of this section shall, at the option of the dog owner, be removed from the city within five (5) calendar days of said conviction or shall include the euthanization of the offending dog within five (5) days of the conviction.
- Allowing Dog to Attack an Animal or a Person (Third Offense): Any dog that acts in a manner that results in a conviction of allowing a dog to attack an animal or person under A1 of this section shall include the euthanization of the offending dog within five (5) days of the conviction.



Exclusion of this code on the City's Police K-9 Unit

- Evaluation of this code by Council Member Miller highlighted the fact that the City's K-9 Unit does not currently have any exclusionary language. We propose the following:
 - 5-2-6-A-8. The provisions of this section do not apply to dogs used for law enforcement purposes by the police department or other public law enforcement agencies



Council Discussion & Staff Direction

