

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, March 6, 2013, in the Council Chambers, 45 West 100 South, at 7pm.

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION/INSPIRATIONAL THOUGHT**
4. **CONSENT AGENDA**
 - a. Minutes
 1. February 20, 2013 Council Work Session
 2. February 20, 2013 Council Meeting
 3. February 27, 2013 Special Council Meeting
 - b. Bills
 1. \$72,752.50
5. **FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

Public Forum is held to a 30-minute maximum with each speaker given no more than 5 minutes each. If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement
6. **FORMAL PUBLIC HEARINGS**
7. **UNFINISHED BUSINESS**
8. **BUSINESS LICENSES**
9. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
10. **NEW BUSINESS**
 - a. Review of the Draft Memorandum of Understanding with participating entities regarding the High Line Canal Enclosure Project.
 - b. Discussion and Possible Action with regard to the Fire/EMS Department's Proposed Visionary Plan.
 - c. Discussion and Possible Action with regard to Parlant Technology's Mass Communication Software.
11. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
 - a. Ordinance 03-01-2013 "An Ordinance Amending Santaquin City Ordinance Title 1-8-1 and portions of Santaquin City Ordinance Title 11 Section 8 regarding Testing and Inspection Fees for Infrastructure Improvements."
12. **PETITIONS AND COMMUNICATIONS**
13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
 - a. Mayor DeGraffenried
 - b. Council Members
14. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
15. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
16. **CONVENE OF THE COMMUNITY DEVELOPMENT BOARD**
17. **ADJOURNMENT TO A REGULAR COUNCIL MEETING**
18. **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

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.

BY: Susan B. Farnsworth
Susan B. Farnsworth, City Recorder

POSTED:

CITY CENTER
POST OFFICE
ZIONS BANK

® Amendment to the agenda

**MINUTES OF A COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
MARCH 6, 2013**

The meeting was called to order by Mayor James E. DeGraffenried at 7:01 p.m. Council Members attending: Keith Broadhead, Matthew Carr, Kirk Hunsaker, James Linford, and Rick Steele.

Others attending: City Manager Ben Reeves, Community Development Director Dennis Marker, Public Safety Director Dennis Howard, Nick Miller, Tanner Jackson, Karen Mortensen, Shelby Mortensen, David Hathaway, Cindy Johnson, Scout troop 99, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Scout Tanner Jackson led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Council Member Hunsaker offered an invocation.

Mayor DeGraffenried welcomed those attending. An unidentified member of Scout troop 99 said the troop was at the meeting to fulfill a requirement for a 'Citizenship in the Community' merit badge.

CONSENT AGENDA

Minutes

February 20, 2013 Council Work Session

February 20, 2013 Council Meeting

February 27, 2013 Special Council Meeting

Bills

\$ 72,752.50

Council Member Linford made a motion to approve the Consent Agenda. Council Member Steele seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford and Steele voted unanimously to approve the consent agenda.

FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Shelby Mortensen addressed the Council. Ms. Mortensen said she is the new Miss Santaquin, and will represent the City at the June competition in Salt Lake City at the Capitol Theater. She is in need of service hours for the competition, and would like to help with the Easter Egg Hunt and get a list of possible other projects. Council Member Linford said the library always has projects that need help. Ben Reeves said he would put together a list for Ms. Mortensen.

FORMAL PUBLIC HEARINGS

No public hearings were held.

UNFINISHED BUSINESS

No unfinished business was conducted.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Planning Commissioner Nick Miller addressed the Council. Mr. Miller said that in the Planning Commission's last meeting, a public hearing was held on the amendment regarding the changes to the infrastructure inspection process.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES, continued:

No members of the public attended the Planning Commission meeting, and after some discussion, the Commission forwarded the changes to the Council with a positive recommendation.

Mr. Miller said the Planning Commission has been reviewing the proposed General Plan amendment during the last few meetings, and have had a lot of discussion regarding the five neighborhood areas. They have made some recommendations for goals for each neighborhood. They have also reviewed the first text amendments for the General Plan, and have four more sections to finish before making their final recommendation to the Council on the Plan amendments. Mr. Miller invited the Council to come to the meetings. He said the Commission is still short one member.

Mr. Miller said the Chamber of Commerce now has a website, which has been updated with board member and business names. They are working on a mobile app and finishing up the directory. Mr. Miller said all the calendars, City and Chamber, would work together.

Dennis Marker said he met with a representative for half of the former Ahlin ranch property, and the representative would like to meet with the City Council in the next work session to discuss development of the property. The representative likes the idea of a sports complex on the property, and would like to put in large lots an acre to a half acre in size.

Mr. Marker said he has been working with the developer on Orchard Cove Park. The developer is the one who contracted with the city to improve the parks in 2012. He is willing to hold his prices on finishing the grading, irrigation and sidewalk connection to the tot area. This cost estimate is based on work, and there are several items City personnel could handle. The developer is willing to donate excavated materials to the City. A new change order could be created to cover this work.

Mr. Marker said that with the detail staff planner Greg Flint has put together, very minimal engineering costs are expected. A preconstruction meeting is scheduled for next Tuesday. Council Member Steele said enough money has been spent on that park already. Council Member Linford asked if it should be put out for bid. Ben Reeves said the contract is not considered stale until a full year from the contract date. The developer is willing to hold prices because they are already on site. There is an unfinished patch between the park and the sidewalk, and sod in the area would be enough for now.

Council Member Hunsaker asked if it was needed, and if there was money available for this. Mr. Reeves said it will complete the park, and the funds would be taken from park impact fees. 40 old orchard trees need to be removed. Council Member Carr said he would like to see it done if it met some needs of the citizens, and would also like to see more firm numbers on the cost. Council Member Broadhead said he was not opposed to the idea, he just felt there was a need for a rebid. He said if it is just grass a landscaper might have a better deal.

Mr. Marker said he had spoken to the developer about working out an agreement for reimbursement over time from impact fees that come from development in the area. Council consensus held that they would be in favor of the work if it was reimbursed in this fashion. He will bring the Council more refined numbers.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES, continued:

Ben Reeves reminded the Council of the Waste Water Facility tour on Friday at 3 p.m.

BUSINESS LICENSES

The following businesses have applied for and obtained a business license in Santaquin City: Russ Beck Consulting, Brumby's Hometown Cafe and S & D Home Concepts.

NEW BUSINESS

Draft Memorandum of Understanding with participating entities regarding the High Line Canal Enclosure Project.

Ben Reeves said the Draft Memorandum of Understanding from SUMWA, regarding the piping of the High Line Canal, had been reviewed by City Attorney Brett Rich. Mr. Rich suggested Utah County be listed as a participating entity, and that paragraph 8, which states 'participating entities will be expected to contribute financially' be changed. Council Member Linford said a lot of different work was going on with the High Line canal. Jay Franzen had suggested getting everyone working together to help with duplication and with cost savings. The Memorandum of Understanding is not a legal binding document, but will give entities the opportunity to save double work. Council Member Linford said he would like a definition of participating entities. He believes it would be those entities that have water rights, but 'entities' needs to be clearly defined.

Council Member Carr asked how much interest the City had in the High Line Canal. Mr. Reeves said after it is piped the lands are part of the master plan for an equestrian trail. Any property north of the High Line Canal that has irrigation needs will work with the company for water supplies. Council Member Carr said he did not see any benefit to Santaquin if the City paid to put in the piping and then had to pay to use the water. Mayor DeGraffenried said the High Line did not want the City to own the water, the water is allocated for specific property. Dennis Marker said the company is federally mandated to always be able to deliver water. The water is attached to specific lands, and although the property owner can assign the water to the City, the City can only use it for the specified properties. The Mayor said the MOU was not committing the City financially.

Council consensus held that Paragraph 8 be removed and Utah County be added as an entity. Mr. Reeves said the changes will be made, and then the new draft will be reviewed by Mr. Rich and the Council.

Fire/EMS Department's Proposed Visionary Plan Enclosure Project.

This item was discussed in the work session.

Council Member Linford made a motion that a 29 hour per week fire chief position be created, to begin July 1 or earlier if funding is available; that the position be posted internally and externally; that the position pay at sergeant level, from 22.56 to 33.10 per hour, starting at the beginning of the range; that the hiring process and job review process policy be amended; that a change in command be implemented so the new fire chief reports directly to the mayor; that the fire and police chief both be director level positions; that the City manager act as the City's emergency manager; that the fire chief work on changes to standard operating procedures and refinement of a long range plan. Council Member Carr seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford and Steele voted unanimously in favor of the motion.

The question of checks and balances on emergency manager actions was discussed. Mr. Reeves said the emergency manager basically played a communication role.

Parlant Technology Mass Communication Software

This item was discussed in the work session. Council consensus during the work session held that the City move forward with the Parlant software for use in emergency management communications. Ben Reeves asked if the Council preferred to invest in Option 1, the initial level, or Option 2, all components. Council Members Broadhead, Hunsaker, Carr and Steele preferred Option 2. Council member Linford said he preferred to start with the lower option, which could be changed later if desired.

Council Member Carr asked if the software was necessary, with the other options available, such as the web page. Mr. Reeves said the UVU students had made valuable changes to the website, creating a data base shell. With Parlant, the product will be fully supported, whereas the website will not be. Mayor DeGraffenried said most people don't visit the website, don't attend the meetings and don't look at mailers. This software will use phones for communication, and be one way to become more transparent.

Council Member Hunsaker made a motion to accept Option 2 of the Parlant Technology Mass Communication Software. Council Member Steele seconded the motion. The vote was as follows:

Council Member Broadhead	Aye
Council Member Carr	Aye
Council Member Hunsaker	Aye
Council Member Steele	Aye
Council Member Linford	Nay

The motion passed by a majority vote.

Dennis Marker said the City had been approached by Shop Local regarding an app, at a cost of \$2000 and \$175 per month. After some research, staff felt Parlant was the best way to go.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Ordinance 03-01-2013 "An Ordinance amending Santaquin City Ordinance Title 1-8-1 and portions of Santaquin City Ordinance Title 11, Section 8 regarding Testing and Inspection Fees for Infrastructure Improvements.

Council Member Carr made a motion to table Ordinance 03-01-2013, "An ordinance amending Santaquin City Ordinance Title 1-8-1 and portions of Santaquin City Ordinance Title 11, Section 8 regarding Testing and Inspection Fees for Infrastructure Improvements." Council Member Linford seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford and Steele voted unanimously in favor of tabling Ordinance 03-01-2013.

PETITIONS AND COMMUNICATIONS

No petitions or communications were received by the Council.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor

Mayor DeGraffenried said the PI pond had the capacity for fishing. He asked if the Council felt people should be allowed to fish there. Council Member Linford said it would have to be posted as "Use at Your Own Risk". Director of Public Safety Dennis Howard said the City has no rescue capabilities for the pond, other than throw bags, and would have to depend on the County for rescue issues. If swimming was allowed, the City was asking for problems. Council Member Broadhead said a parking area would be needed. He is not opposed to the idea but concerned partying or vandalism might become a problem. Council Member Carr suggested posting for daylight hours only. Council consensus held that the area be opened for fishing if posted.

Ben Reeves said JUB Engineer Norm Beagley had indicated a couple of places would need fencing. The Department of Natural Resources may have grants available for a cleaning station. Mr. Reeves suggested a dumpster and a Port-a-Potti would be needed as well.

Council Members

Council Member Linford said this year's Utah Lake Festival would be held the first or second Saturday in June. He would like some help manning the booth, distributing apples and brochures. The festival runs from 6:30 a.m. to 2 p.m. He said former Council member Rich Payne helped last year, and Mountainland donated 800 apples. Approximately 2000 people attended the festival in 2012. Mr. Marker made a City brochure for distribution, and the Red Barn had a flyer as well.

Council Member Broadhead asked if the SWPP plan from SUNROC had been submitted. He said they are tracking mud all over the road, and he thought it might be time for citations. Mr. Marker said SUNROC and the City were still in the agreement process.

EXECUTIVE SESSION (May be called 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)
No executive sessions were held.

ADJOURNMENT

At 8:00 p.m. Council Member Linford made a motion to adjourn. Council Hunsaker seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford and Steele voted unanimously in favor of adjournment.

Approved on March 20, 2013.


James E. DeGraffenried, Mayor


Linda Midgley, Deputy Recorder

MEMORANDUM OF UNDERSTANDING

between

**South Utah Valley Municipal Water Association,
Elk Ridge, Town of Genola,
Town of Goshen, Mapleton City,
Payson City, Salem City,
Santaquin City, Spanish Fork City,
Springville City, City of Woodland Hills, and
Strawberry High Line Canal Company**

for

High Line Canal Enclosure Project

This MEMORANDUM OF UNDERSTANDING (MOU) is entered into on the _____ day of _____, 2013 between the above named parties. The MOU is intended to be the document to guide the parties in the planning of the High Line Canal Enclosure Project (Project).

RECITALS

Strawberry High Line Canal Company

- A. Strawberry High Line Canal Company (COMPANY) was officially organized and incorporated in 1916 to administer the delivery of water from the Strawberry Valley Project to areas west of the Spanish Fork River in southern Utah County.
- B. The COMPANY administration consists of nine directors who serve three-year terms, with three directors being elected each year by stockholders based on shares within that respective district boundary.
- C. The COMPANY provides irrigation and residential secondary water for farmers and residents in an area of approximately 35 square miles in southern Utah County, including the communities of Salem, Payson, Santaquin, and Genola.
- D. In addition to delivering of Strawberry Valley Project water, the COMPANY owns other water rights for the benefit of its stockholders.

South Utah Valley Municipal Water Association

- E. South Utah Valley Municipal Water Association (SUVMWA) is an association of municipalities in south Utah County. The ten municipalities are Elk Ridge City, Town of

Genola, Town of Goshen, Mapleton City, Payson City, Salem City, Santaquin City, Spanish Fork City, Springville City, and City of Woodland Hills.

- F. The Association is a separate legal Entity and political subdivision under Utah Law. The Association was formed by an agreement dated November 8, 1994, pursuant to the provisions of the Utah Interlocal Co-Operation Act.
- G. The purposes of the Association including the following: 1) securing reliable sources of culinary and secondary irrigation water for the Members, 2) protecting, fostering, and conserving water and the benefits of culinary and secondary irrigation water, 3) assisting Members in providing reliable competitive, low cost culinary and secondary irrigation water to citizens of the Members, 4) evaluation, planning, financing, developing, acquiring, constructing, reconstructing, improving, enlarging, bettering, operating, and/or maintaining one or more Projects for the benefit of all of some of the Members and 5) facilitating the purchase, sale, lease, exchange, transfer, development, distribution, and/or delivery of culinary and secondary water between two or more Members.
- H. The members of the Association appoint representatives to a board of directors who manage the affairs of the Association.
- I. Each member of the Association separately has water rights under Utah Law.
- J. SUVMWA has commissioned a study of recharge in southern Utah County.
- K. SUVMWA is involved in other water management planning and projects in the south county area.

Cities

- L. Each of the following cities have separate water rights and distinct water demands:
 - a. Elk Ridge City
 - b. Town of Genola
 - c. Town of Goshen
 - d. Mapleton City
 - e. Payson City
 - f. Salem City
 - g. Santaquin City
 - h. Spanish Fork City
 - i. Springville City
 - j. City of Woodland Hills

High Line Canal

- M. The canal was constructed during the decade of 1910.
- N. The Canal begins at the Terminus of the Strawberry Power Canal and proceeds in a westerly direction for approximately 18 miles through Spanish Fork, Salem, Payson, Santaquin, and unincorporated portions of Utah County west of the Spanish Fork River.

DRAFT – subject to Review and Revision

- O. The United States through its representative agency, Bureau of Reclamation, holds the title to the right-of-way of the canal.
- P. The current capacity of the canal is approximately 240 cubic feet per second.
- Q. The canal needs to be rehabilitated to meet current standards and reduce liability and risk.
- R. The COMPANY Board of Directors intends to enclose the canal in a pipeline.
- S. The COMPANY is utilizing the professional assistance of a Program Manager to develop a plan for the enclosure of the canal.

Utah County

- T. Growth is and will impact the use of the water supplies within the project area.
- U. The project area is served by both surface and groundwater.
- V. The hydrological cycle creates periods of above normal flows (floods) and below normal flows (droughts). Both extremes create economic consequences to water users and residents of the area.
- W. The demand for water continues to increase creating further competition for the limited water supply, especially during droughts, and consequently producing the need for improved water management.

TERMS

The parties agree to the following terms:

- 1. A vision of the future and a willingness to plan for the impending water needs of southern Utah County are critical during the planning of the canal enclosure project.
- 2. There are likely common benefits to both parties by working together in planning for the Project.
- 3. If the common benefits can be identified and incorporated into the Project, the result will provide a better future for the residents of southern Utah County.
- 4. An orderly framework for communication will assist in exploring potential common benefits during the planning of the Project.
- 5. An executive committee comprised of representatives of the signatory parties of this MOU will conduct coordination meetings of the parties as necessary to move the project forward by exploring options and alternatives. This MOU is intended to create cooperation and collaboration in developing the Project.

6. In order to accomplish the items above and be consistent with the dynamic process of project implementation, this MOU is amendable as appropriate during the development process of the Project. The intent of subsequent amendments is to allow flexibility for modifications to keep the agreement up to date. As the enclosure plan is developed, there is a full expectation that amendments to the MOU will be required.
7. The major objectives of the Project are to improve overall water management during normal years, drought conditions, and high water conditions. During the planning phase, it is anticipated that a broad spectrum of water management opportunities will be evaluated, including groundwater recharge, water exchanges (surface and sub-surface), facilities, and conjunctive use of surface and groundwater.
8. Those entities who would receive benefits from the Project would be expected to contribute to the financial implementation of the canal enclosure project.
9. This MOU does not commit any entity to long term financing.
10. However, as the canal enclosure project moves forward, it is anticipated that amendments or specific financial agreements will be needed to secure loans and grants for the implementation of the project. Those agreements will be reached separately. The details will be determined and approved distinctly and separably from this agreement depending upon the individual project features and their benefit to the respective parties.

Water Rights

11. This MOU does NOT change any current water rights of any party and does not foresee doing so.

Termination

12. Should any party independently determine that it does not receive sufficient benefits from participating in the MOU, they should notify the other parties in writing and withdraw from the MOU.
13. This MOU is valid insomuch as it is consistent with the laws of the State of Utah and the United States of America. In the event that this MOU conflicts with the law, the law shall prevail and shall govern in all cases, but only to the provision(s) that conflict with the law.

DRAFT – subject to Review and Revision

SIGNATURES

Kim Hancock, Chairman
South Utah Valley Municipal Association

Date

Attest _____
Date _____

Hal Shelley, Mayor
Elk Ridge

Date

Attest _____
Date _____

Dan Throckmorton, Mayor
Town of Genola

Date

Attest _____
Date _____

Fred Jensen, Mayor
Town of Goshen

Date

Attest _____
Date _____

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Brian Wall, Mayor
Mapleton City

Date

Attest _____

Date

Richard Moore, Mayor
Payson City

Date

Attest _____

Date

Randy A. Brailsford, Mayor
Salem City

Date

Attest _____

Date

James DeGraffenried, Mayor
Santaquin City

Date

Attest _____

Date

G. Wayne Anderson, Mayor
Spanish Fork City

Date

Attest _____

Date

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Willford W. Clyde, Mayor
Springville City

Date

Attest _____

Date

Steve Lauritzen, Mayor
City of Woodland Hills

Date

Attest _____

Date

Martin Larson, Chairman
Strawberry High Line Canal Company

Date

Attest _____

Date