

**NOTICE AND AGENDA
AMENDED**

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, November 7, 2012, 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. October 17, 2012 Work Session
 2. October 17, 2012 Council Meeting
 3. October 24, 2012 Special Council Meeting
 - b. Bills
 1. \$801,849.82
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

 - a. Lee Savage
7. **FORMAL PUBLIC HEARINGS**
 - a. FY 2012-2013 Budget Amendment (1)
8. **UNFINISHED BUSINESS**
 - a. Sunroc – Mass Grading Conditional Use Permit
9. **BUSINESS LICENSES**
10. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
11. **NEW BUSINESS**
 - a. Ratification of the Staff directive pertaining to SUVMWA
 - b. Discussion and possible action with regard to Recreation Facilities
 - c. Discussion and possible action with regard to Access Management along Main Street (US-6) in between 400 East and I-15.
12. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
 - a. Resolution 11-01-2012 "A Resolution Authorizing Budget Amendment (1) to the 2012-2013 FY Budget"
 - b. Resolution 11-02-2012 "A Resolution Authorizing an Easement Agreement with Cherry Hill Orchards, Inc. for the Installation of an 18" Sewer Main."
 - c. Resolution 11-03-2012 "A Resolution Authorizing an Easement Agreement with Fowers Fruit Farm, Inc. for the Installation of an 18" Sewer Main."
13. **PETITIONS AND COMMUNICATIONS**
14. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
 - a. Mayor DeGraffenried
 - b. Council Members
15. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
16. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
17. **CONVENE OF THE COMMUNITY DEVELOPMENT BOARD**
18. **ADJOURNMENT TO A REGULAR COUNCIL MEETING**
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

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, City Recorder

POSTED:
CITY CENTER
POST OFFICE
ZIONS BANK

**MINUTES OF A CITY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
NOVEMBER 7, 2012**

The meeting was called to order by Mayor James E. DeGraffenried at 7:06 pm. Council Members attending: Keith Broadhead, Matt Carr, Kirk Hunsaker, James Linford, and Rick Steele.

Others attending: City Manager Ben Reeves, Director Dennis Marker, Director Dennis Howard, Director Kevin Schmidt, Legal Counsel Brett Rich, EMS Director Paul Terry, Lee Savage, Catherine Holman, Taylor Sutherland, Amy Johnson, David Hathaway, Cynthia Johnson, Denise Windley, Riana Jasperson, McKayden Jasperson, Santaquin 9th Ward Scouts, Blake Yost, Gideon Argyle, Stephanie Green, Chris Judd, Shelby Judd, Tyler Rowley, Wayne Humphries, Brian Harris and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Recorder Farnsworth led the Pledge of Allegiance

INVOCATION/INSPIRATIONAL THOUGHT

Offered an Invocation.

CONSENT AGENDA

Minutes

- October 17, 2012 Work Session
- October 17, 2012 Council Meeting
- October 24, 2012 Special Council Meeting

Bills

\$801,849.82

Council Member Steele moved to approve the Consent Agenda. Council Member Linford seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous.

FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Presentation of a Service Award to Lee Savage

Mayor DeGraffenried presented Lee Savage with a Service Appreciation Plaque. Mr. Savage began in EMS service to the community in 1992. Due to health reasons, Mr. Savage has resigned his position as Assistant Director of the Santaquin Emergency Medical Department. Director Terry indicated Mr. Savage was a very dedicated when it came "covering the EMS pager". He spent many hours making sure there was adequate personal to cover all the EMS shifts. Director Howard he has associated with Mr. Savage and finds him to be a very heroic individual. There isn't anyone who has fought harder to stay in the EMS Service than Mr. Savage. Mr. Savage was thanked for his years of service to the Community.

Move to Item 11B

Discussion and possible action with regard to Recreation Facilities

City Manager Reeves suggested taking the next 2 weeks to review and draft a Scope of Work Contract, with regard to the proposed Recreation Facilities, for the Council review.

Council Member Steele moved to direct staff to draft a Scope of Work Contract for their review and approval. Council Member Carr seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous.

FORMAL PUBLIC HEARINGS

FY 2012-2013 Budget Amendment (1)

Council Member Carr moved to enter into a Public Hearing pertaining to the FY 2012-2013 Budget Amendment #1. Council Member Linford seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous.

City Manager Reeves reviewed the proposed amendments to the FY 2012-2013 Budget. See Resolution 11-01-2012 for a copy of the amendments.

There weren't any public questions or comments.

Council Member Linford moved to close the Public Hearing. Council Member Hunsaker seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous.

UNFINISHED BUSINESS

Sunroc – Mass Grading Conditional Use Permit

Director Marker reported Sunroc's presentation was given to the Community Development Department at 4 o'clock this afternoon therefore the information has not been previously presented to the Mayor and Council Members.

Council Member Carr asked if permission was granted to store foreign materials. It was determined that there wasn't permission given. He is concerned that the Sunroc Representatives will continue to "do as they please" without the permission of the Council. Mr. Harris indicated he and Mr. Humphries are new to the area and vowed to adhere to the plan they have presented. Council Member Carr voiced his appreciation to them for "being good neighbors" but has a concern with the affect the operation is having on the roadway. Mr. Harris indicated there is more aggregate than was previously thought. With the increase of aggregate he doesn't believe the removal of product would be complete in the required 2 years. City Planner Flint hasn't had the opportunity to review all of the City's requirements pertaining to slopes since the proposal was presented as such a late hour today. Mayor DeGraffenried suggested adhering to the standards for the grading slopes. Mayor DeGraffenried asked the Council Members to make recommendations to the Sunroc Representatives so the operation can move forward and the reclamation of the property can begin. Council Member Broadhead indicated he can't see any reason why the property can't be cleaned up and the scales moved within 12 to 18 months. It was recommended the original grading plan be reapproved with the option of allowing the Sunroc Representatives to reapply with amendments to that original plan. It was requested that a copy of the original contract be submitted to the City for review. Council Member Broadhead strongly suggested the "Storm Water Protection Plan" be enforced by staff.

Council Member Hunsaker moved to approve a 2 year extension of the Mass Grading Conditional Use Permit, with the following conditions: provide a copy of the original contract between Sunroc and Summit Ridge Development, reassignment of royalties derived from sale of materials harvested from the City property, submit a Storm Water Protection Plan, moving of the scale to the South side of Summit Ridge Parkway within 18 months, approve the original grading plan with the renewal with the grading beginning on the North and moving South, bond for damage to the road with the City Engineer providing an estimate and Sunroc submit a bond

accordingly, remove the foreign material off of the site, and revised grading plan submittal is up to the Sunroc Representatives. Council Member Broadhead seconded the motion.

Council Member Hunsaker amended the motion to add a 1 year review by Council Members and adding a 60 day time from for removal of foreign material off of the site. Council Member Broadhead seconded the amendment. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the affirmative

BUSINESS LICENSES

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Director Marker reported he met this morning with a group of individuals to discuss initiating a study to enclose the Highland Canal. The group will be meeting on a monthly basis. During the next month discussion will be held with regard to the impact of the project.

He also reported more information on the Main Street access will be shared as it is available.

City Manager Reeves reported the City won "Rodeo of the Year" for the 4th year. Congratulations to the Celebration Committee and the Roping Club.

NEW BUSINESS

Ratification of the Staff directive pertaining to SUVMWA

Council Member Carr moved to ratify the Staff directive pertaining to SUVMWA. Council Member Hunsaker seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the affirmative. (see attachment "A" for the response letter)

Move to Item 12a

Resolution 11-01-2012 "A Resolution Authorizing Budget Amendment (1) to the 2012-2013 FY Budget"

Council Member Linford moved to approve Resolution 11-00-2012, "A Resolution Authorizing Budget Amendment (1) to the 2012-2013 FY Budget". Council Member Steele seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous through a roll call vote.

Move to item 16

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

At 8:50 pm Council Member Steele moved to enter into an Executive Session to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property. Council Member Hunsaker seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous.

Those attending the Executive Session: Mayor DeGraffenried, Council Members Broadhead, Carr, Hunsaker, Linford, and Steele, City Manager Reeves, Director Marker, Legal Counsel Brett Rich, and City Recorder Farnsworth.

At 9:33 pm the Regular Council Meeting resumed.

Discussion and possible action with regard to Access Management along Main Street (US-6) in between 400 East and I-15.

Council Member Linford moved to direct Staff to move forward with negotiations with regard to the access management along Main Street (US-6) in between 400 East and I-15. Council Member Carr seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Resolution 11-02-2012 "A Resolution Authorizing an Easement Agreement with Cherry Hill Orchards, Inc. for the Installation of an 18" Sewer Main."

A discussion was held as to proposed agreement. Council Member Steele voiced his concern with including a land swap in the agreement. Council Members Hunsaker and Linford were sympathetic to Council Member Steele's concerns.

Council Member Carr moved to approve Resolution 11-02-2012, "A Resolution Authorizing an Easement Agreement with Cherry Hill Orchards, Inc. for the Installation of an 18" Sewer Main" with the wording of "to be placed to 8 to 10 foot depth" added to Paragraph D. Council Member Hunsaker seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and voted in the unanimous through a roll call vote. Council Member Steele voted against the motion.

Resolution 11-03-2012 "A Resolution Authorizing an Easement Agreement with Fowers Fruit Farm, Inc. for the Installation of an 18" Sewer Main."

Council Member Broadhead voiced his concern with the inclusion of annexing of the Fowers' Property. He was told that with approving the easement the Council Members are agreeing to approve the annexation as long as the applicant follows the process as outlined in the State Code. It is envisioned the annexation process would begin during this project time frame.

Council Member Linford moved to approve Resolution 11-03-2012, "A Resolution Authorizing an Easement Agreement with Fowers Fruit Farm, Inc. for the Installation of an 18" Sewer Main" with the annexation petition being submitted within a 2 year period. Council Member Broadhead seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous through a roll call vote.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor DeGraffenried

Mayor DeGraffenried asked Director Marker if he had anything to report. Director Marker reported he has met with Representatives of the Highline Canal and Bureau of Reclamation with regard to installing a bridge on the Depew property. Additional information will be shared as it is available.

Council Members

Nothing

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

Nothing

CONVENE OF THE COMMUNITY DEVELOPMENT BOARD

Nothing

ADJOURNMENT TO A REGULAR COUNCIL MEETING


Nothing

ADJOURNMENT

At 10:02 pm Council Member Linford moved to adjourn. Council Member Hunsaker seconded the motion. Council Members Broadhead, Carr, Hunsaker, Linford, and Steele voted in the unanimous.

Approved on November 28, 2012.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder



Tuesday, October 30, 2012

WATER LAW PC
623 East 100 South
Salt Lake City, Utah 84102

RE: *Change Application on SUVMWA water rights*

Dear Mr. Parkinson:

This letter is in response to the inquiry from your office about the use of Santaquin's existing wells as potential points of diversion for SUVMWA water.

After briefly discussing this issue with the Santaquin City Council, I am authorized to inform you that Santaquin is favorable to using all of its wells as potential PODs for SUVMWA Water Right Nos. 51-1019 and 54-1131. It is understood that the said rights are in dispute at this time and that SUVMWA is actively pursuing a resolution to the validity of these rights. Upon resolution of the dispute, Santaquin will participate, as a SUVMWA member, to appropriately allocate the rights to areas of most beneficial use.

Santaquin recognizes the significance of these water rights and long term benefits to SUVMWA members. It is also recognized that additional discussions and possible agreements will be entered into before these rights could be used in Santaquin's wells.

Thank you for keeping Santaquin involved in the process. If you have any questions about this response or need to contact us again, please contact me directly at (801) 754-1923 or dmarker@santaquin.org.

Sincerely,

Dennis L. Marker
Community Development Director



CLOSED EXECUTIVE SESSION AFFIDAVIT

I, James E. DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executive Session held on November 7, 2012 was called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property.


James DeGraffenried, Mayor

11-7-12
Date