

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, July 18, 2012, in the Council Chambers, 45 West 100 South, at 7:00 pm.

### AGENDA

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INVOCATION/INSPIRATIONAL THOUGHT
4. CONSENT AGENDA
  - a. Minutes
    1. July 11, 2012 Work Session
    2. July 11, 2012 Council Meeting
  - b. Bills
    1. \$0
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. Presentation to Ed and LaDean Westover
7. FORMAL PUBLIC HEARINGS
  - a. FY 2011-2012 Budget Amendment #3
8. UNFINISHED BUSINESS
9. BUSINESS LICENSES
10. REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES
11. NEW BUSINESS
  - a. Discussion and possible action with regard to Change Order #2 associated with the WRF
  - b. Discussion and possible action with regard to City Council vacancy candidate selection procedures
  - c. Discussion and possible action with regard to leasing 4-LP15 Monitors
12. INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)
  - a. Resolution 07-03-2012 "A Resolution Approving the FY2011-2012 Budget Amendment 3"
  - b. Ordinance 07-01-2012 "An Ordinance Establishing a Uniform Bail Schedule for Fines Applicable to Criminal Violations of Various Santaquin City Ordinances"
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. 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

® Amendment to the agenda

**MINUTES OF A CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
JULY 18, 2012**

The meeting was called to order by Mayor James E. DeGraffenried at 7:00 p.m. Council Members attending: Keith Broadhead, Matthew Carr, James Linford, and Rick Steele. Richard Payne was excused.

Others attending: City Manager Ben Reeves, Legal Counsel Brett Rich, Ed Westover, LaDean Westover, Denise Windley, Kirk Greenhalgh, Ryan Lind and Paul Terry.

**PLEDGE OF ALLEGIANCE**

Mr. Terry led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Mayor DeGraffenried offered an Invocation.

**CONSENT AGENDA**

***Minutes***

July 11, 2012 Work Session

July 11, 2012 Council Meeting

***Bills***

\$0

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

**FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

***Presentation to Ed and LaDean Westover***

Mayor DeGraffenried presented Mr. and Mrs. Westover with a Plaque of Appreciation. The Westovers are serving as Grand Marshalls for the Augusts 4 Santaquin Orchard Days Mammoth Parade. The write-up used in the Celebration Booklet is as follows:

*Ed and LaDean Westover have lived in Santaquin for a long time; LaDean since 1942 and Ed since 1947. They were married in 1958 after Ed was discharged from the Army. They lived in Arizona for seven years before returning to Santaquin where they have lived for the past 47 years.*

*Ed's mother was born in Santaquin. Four of their seven children were born in Payson and all of them were raised in Santaquin. All but a daughter living in Spanish Fork still live in Santaquin so their roots here go deep. Ed credits LaDean and the rest of the town for the good job in raising their kids.*

*The Westover's feel like the boundaries of Santaquin have included Dry Mountain where they have many special memories of hiking, hunting, and riding horses. Ed's parents planted an orchard here in 1931, the year he was born, so he started out in the orchard business very early and has been involved in it ever since. His great grandfather Hudson planted one of the first orchards in Santaquin. Their orchard had dwindled down to less than a hundred trees. Along with the orchard Ed worked at Keigly Quarry for 27 years and always seemed to be doing something else on the side.*

*"This has been a good place to live and raise our family. We are grateful for our association with the many good, wonderful people we have known and lived with here over the years. That includes the many good people who have moved into our town recently. We thank all of you for being such good friends and neighbors, and making our town what it is".*

Congratulations Mr. and Mrs. Westover.

#### **FORMAL PUBLIC HEARINGS**

##### ***FY 2011-2012 Budget Amendment #3***

Council Member Linford moved to open the Public Hearing for the FY2011-2012 Budget Amendment #3. Council Member Broadhead seconded the motion. Council Members Broadhead, Carr, Linford, and Steele voted in the affirmative.

No comments were received from the public.

Council Member Carr moved to close the Public Hearing for the FY2011-2012 Budget Amendment #3. Council Member Steele seconded the motion. Council Members Broadhead, Carr, Linford and Steele voted in the affirmative.

#### **UNFINISHED BUSINESS**

Nothing

#### **BUSINESS LICENSES**

Nothing

#### **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**

#### **NEW BUSINESS**

##### ***Discussion and possible action with regard to Change Order #2 associated with the WRF***

Change Order #2 includes wage adjustments for Western States Rebar. Many sub-contractors, including Flatiron, are paying increased wages due to the updated Davis-Bacon Rates. In these cases the increased amount is being absorbed by each Contractor. The change in the "Iron Work" classification was substantial enough that it could not be absorbed. (see attachment "A" for the complete Change Order documents).

Council Member Broadhead asked if Flatiron would sign the Change Order if the project "increase" was addressed separately than the "decrease". He would like to commit to the increase later in the project. He voiced his concern of using all contingency money at the beginning of the project. He requested having 3 competitive bids for the excavation project.

Mayor DeGraffenried said he has had a number of conversations with the Contractor and has been told the numbers billed for the excavation are fair.

Council Member Carr said he agrees with Council Member Broadhead and would like to have all the agreements in writing instead of having verbal agreements.

City Manager Reeves stated the request for Change Order #2 is City driven, not Contractor driven. This "drive" is due to reducing the cost of the building to offset the cost of installing the lines needed to retire the current lagoons.

Mayor DeGraffenried reported he has met with the Openshaw family to discuss the required easement. Mr. Openshaw has committed to work with the City to complete the project.

City Manager Reeves suggested approving the Davis-Bacon wages in the amount of \$76,908 and the reduction of the Pre-Engineered Building in the amount of \$139,080; and to hold off on approval of the installation of the 18" line until additional information regarding easements and competitive subcontractor bids have been fully incorporated into Flatiron's numbers. (It is anticipated that this will be submitted to the council for its consideration on August 1<sup>st</sup>, 2012.)

The Council Members were in agreement with City Manager Reeves, therefore Council Member Broadhead "so moved" the motion. Council Member Carr seconded the motion. The vote was as follows:

|                          |     |
|--------------------------|-----|
| Council Member Broadhead | Aye |
| Council Member Carr      | Aye |
| Council Member Steele    | Aye |
| Council Member Linford   | Nay |

**Discussion and possible action with regard to City Council vacancy candidate selection procedures**

City Manager Reeves read an e-mail submitted by Council Member Payne –

*Mayor and Council,*

*I trust that there will be constructive and respectful discussion this evening regarding candidate selection and I would like to go on record with my position concerning this matter.*

*First, I feel a duty to continue to represent the citizens of Santaquin that elected me to the City Council for as long as I hold office. I believe these individuals voted for me because they felt that I most closely represented their views and concerns for the city. To me, it seems only right that I do my best to ensure the replacement council member will continue to represent them in a like manner.*

*Second, I will fully abide by the formal legal opinion to be issued by Mr. Brett Rich. If his findings indicate that my participation is inappropriate, I will withdraw from the selection process. I understand that some members of the council do not agree with my position in this matter based on their understanding of state law or various other sources of information. I would remind everyone that Santaquin City retains expert legal counsel to assist and provide direction in just such matters. Mr. Rich has proven to be a valuable and trustworthy resource to the city in legal matters and we should trust his legal opinion.*



*Third, I'm very pleased with the way the current council has conducted itself. There is a feeling of mutual respect and a desire to put first the best interests of the citizens in all we do. I respectfully ask that we not let this matter introduce contention and ill will into the council. I admit that it is a unique situation, but we have the capacity to handle it with the same professional decorum as with previous issues.*

*Thank you for listening.*

*Regards,*

*Richard Payne*

Legal Counsel Rich reported Mark Thomas of the Lieutenant's office is out of town until the 19<sup>th</sup> and therefore he is not in the position to present a formal opinion on the selection procedures. It was suggested the discussion be continued until the next Council Meeting.

Council Member Linford moved to continue the discussion. Council Member Steele seconded the motion. Council Members Broadhead, Carr, Linford, and Steele voted in the affirmative.

***Discussion and possible action with regard to leasing 4-LP15 Monitors***

Mr. Terry addressed the Mayor and Council with regard to leasing 4-LP Monitors versus buying 1 monitor per year. He reported that on July 11<sup>th</sup> a proposal was presented to the State of Utah, and Santaquin received a Variance to use Paramedics when they are available. In order to implement the program there is a need to upgrade all the monitors at the same time. It was originally budgeted to replace one monitor per year until the monitors are upgraded. If the monitors are traded at this time there is some value. The City has been offered \$15,000 trade-in credit for the 3 monitors we currently have.

It was determined that a 60 month lease would be in the best interest of the Department.

Staff recommends approval to lease 4-LP monitors for 60 months with US Bank in the amount of \$168,025.65.

Council Member Linford moved to accept Staff's recommendation. Council Member Broadhead seconded the motion. Council Members Broadhead, Carr, Linford, and Steele voted in the affirmative.

**INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

***Resolution 07-03-2012 "A Resolution Approving the FY2011-2012 Budget Amendment 3"***

Council Member Linford moved to approve Resolution 07-03-2012, A Resolution approving the FY2011-2012 Budget Adjustment #3. Council Member Steele seconded the motion. Through a roll call vote, Council Members Broadhead, Carr, Linford, and Steele voted to approve Resolution 07-03-2012.

**Ordinance 07-01-2012 "An Ordinance Establishing a Uniform Bail Schedule for Fines Applicable to Criminal Violations of Various Santaquin City Ordinances"**

City Manager Reeves reviewed the proposed Uniform Bail Schedule. He indicated the Building Inspector supplied the fines that were missing. Those fines would be \$250.00 for each missing fee.

Council Member Steele moved to approve Ordinance 07-01-2012, "An Ordinance Establishing a Uniform Bail Schedule for Fines Applicable to Criminal Violations of Various Santaquin City Ordinances". Council Member Carr seconded the motion. Council Member Steele amended the motion to include the additions discussed. Council Member Carr seconded the amendment. After the amendments, Council Members Broadhead, Carr, Linford, and Steele voted in the affirmative through a roll call vote.

**PETITIONS AND COMMUNICATIONS**

Nothing

**REPORTS BY MAYOR AND COUNCIL MEMBERS**

***Mayor DeGraffenried***

Nothing

***Council Members***

Council Member Broadhead asked if the open space at Summit Ridge has been reviewed. City Manager Reeves said he has discussed the issue with Public Works Superintendent Wade Eva and came to the conclusion installing gravel would be appropriate.

Also reported was that Cate Equipment will bring a street broom into town for the Public Works Director to test.

Council Member Linford requested "No Vandalizing" signs be hung at the parks.

Council Member Steele was told City Manager Reeves will follow up with the person interested in chairing the mud digs; and the portable score board has arrived and can be used during softball.

City Manager Reeves reported the closing on the bonds is scheduled for next week but the Mayor will be signing them tomorrow.

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

Nothing

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

Nothing

**ADJOURNMENT**

At 8:51 p.m. Council Member Carr moved to adjourn. Council Member Linford seconded the motion. Council Members Broadhead, Carr, Linford, and Steele voted in the affirmative.

Approved on August 1, 2012.

  
James E. DeGraffenried, Mayor

  
Susan B. Farnsworth, City Recorder