

## 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 7, 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. February 15, 2012 Work Session
      2. February 15, 2012 Council Meeting
      3. February 22, 2012 Council Retreat
      4. February 29, 2012 Council Retreat
    - b. Bills
      1. 374,192.48
  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. Appointments to the Santaquin City Library Board
  7. FORMAL PUBLIC HEARINGS
  8. UNFINISHED BUSINESS
  9. BUSINESS LICENSES
  10. REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES
  11. NEW BUSINESS
    - a. Discussion and Possible Action with regards to Stone Hollow Plat C Final Plat Approval Extension
    - b. Discussion and Possible Action with regards to The Orchards, Plats A, B, C, and D, Final Plat Approval Extensions
    - c. Discussion and Possible Action with regards to Apple Hollow Preliminary Plat Approval Extension
    - d. Discussion and Possible Action with regards to ratification of Apple Hollow Plat A-2 Final Approval
  12. INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)
    - a. Resolution 03-01-2012, "A Resolution Modifying the Policies and Procedures of the Planning Commission"
    - b. Resolution 03-02-2012, "A Resolution to modify an agreement with the Central Utah Water Conservancy District (CUWCD) to accept an additional \$500,000 in grant funding for the construction of the Santaquin City Wastewater Reclamation Facility (WRF)"
    - c. Resolution 03-03-2012 "A Resolution Ratifying the Acceptance of \$6,436.00 in Matching Grant Proceeds from the Utah Department of Community and Culture, Division of State History, For Enhancements to the Santaquin City Cemetery Information Systems in Coordination with the Utah Cemetery Inventory Project"
    - d. Ordinance 03-01-2012, "A Temporary Ordinance Allowing Expired Plat Approval Extensions"
  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

**MINUTES OF A REGULAR COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
MARCH 7, 2012**

The meeting was called to order by Mayor James E. DeGraffenried at 7:05 pm. Council Members attending: Matthew Carr, James Linford, and Rick Steele. Keith Broadhead was excused due to illness. Richard Payne was excused due to a family vacation.

Others attending: City Manager Ben Reeves, Community Development Director Dennis Marker, Legal Counsel Brett Rich, Spencer Healey, Rock Haun, Brent Norton, Tami Palmer, Tracy Palmer, Richard Ellsworth, Michelle Moser, Scout Troop 1571 Members Daniel Vchytal, Jordan Villar, Tyler Haroldsen, Jaden Villar, Cade Miller, Corbin Wells, Harrison Carr, and Chad Hall, Cody Behrand and other unidentified individuals

**PLEDGE OF ALLEGIANCE**

Troop #1571 Members led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

City Manager Reeves offered an Invocation.

**CONSENT AGENDA**

***Minutes***

- February 15, 2012 Work Session
- February 15, 2012 Council Meeting
- February 22, 2012 Council Retreat
- February 29, 2012 Council Retreat

***Bills***

374,192.48

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

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

***Appointments to the Santaquin City Library Board***

Mayor DeGraffenried reported he had met with Chad Argyle and Michelle Moser with regard to serving on the Library Board.

Ms. Moser introduced herself to those in attendance. She indicated she was a stay-at-home mother of 3 who runs a daycare. She stated she is excited to serve on the Library Board.

Council Member Linford moved to appoint Michelle Moser and Chad Argyle to the Library Board, each for a three (3) year appointment. Council Member Carr seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative.

**FORMAL PUBLIC HEARINGS**

Nothing

**UNFINISHED BUSINESS**

Nothing

**BUSINESS LICENSES**

City Manager Reeves reported there were a number of new business licenses issued from the first of the year to the current date. (See attachment "A" for the list).

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

Staff Planner Flint reported the Planning Commission will be reviewing the Ordinance pertaining to animal rights at the March 8, 2012 meeting. In the near future, the Commission will review the Hillside Ordinance, including a tour of the affected area.

**NEW BUSINESS*****Discussion and possible action with regard to amending the Notice of Award for the Wastewater Reclamation Facility Project (WRF)***

City Manager Reeves reported the City Council issued a Notice of Award around the end of 2010, to Flatiron Construction. Mr. Ellsworth was invited to come to the front of the room. Now that the bonds have been secured the City can proceed with the project. The "Notice of Award" has a specific date associated with it which needs to be removed during the amending process.

Mayor DeGraffenried indicated Mr. Ellsworth originally ran his own construction company and now is the manager of Flatiron Construction's Water Division. He reported the company has approximately 30 years of experience with wastewater facilities. Mr. Ellsworth was happy to report there are several residents who work for Flatiron Construction. Council Member Linford was told Mr. Ellsworth will be on site at least once a week. The project manager is Fred May.

Council Member Linford moved to amend the "Notice to Award" by removing the date and clarification that the "Notice of Award" allows the Mayor to proceed and sign the contracts and issue the "Notice to Proceed" when appropriate. Council Member Carr seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative through a roll call vote.

***Discussion and possible action with regard to Change Order procedures and thresholds for the WRF project***

City Manager Reeves restated the information given to the Mayor and Council Members during the Work Session. He said the "Notice of Award" for the Wastewater Reclamation Facility "Project was approved by the City Council more than a year ago when the bids were originally opened. It was awarded to Flatiron Construction, as the low bidder. He said "It was also contingent on us closing on the bonds as well as contingent...we didn't recognize this but it was on or about January 18, 2011, and that word on or about causes a little bit of concern. It could be argued the word 'about' means that we are still in that time frame because of the delays that we have had, we are still within that. To be extremely conservative and make sure that the Notice of Award is 100% accurate, Brett (City Attorney Brett Rich) recommended that we bring that back before the Council and have you amend the Notice of Award to be able to make sure that is solidified with Flatiron and we can proceed and move forward". "With the Notice of Award there are typically two things that immediately follow thereafter. There is 1, signing of the contracts, and the previous Notice of Award did approve the Mayor to go forward and sign the contracts with Flatiron, and then a Notice to Proceed. After receiving the Notice of Award the Contractor typically has 15 days to obtain their Payment and Performance Bonds. We then typically have 15 days to review the bonds. If the time frame is shorter, a Notice to Proceed can be issued. The threshold used for the Main Street Project allowed Staff to approved Change Orders in the field if they don't increase time or the budget beyond the contingency amount. The approved changes would then be brought to the attention of the Council".

Council Member Steele said he would like to see the change orders done through a ratification process.



Council Member Carr moved to allow Staff to approve Change Orders if they don't increase time or the Budget beyond the contingency amount; with ratification of the Change Orders being handled in the next Council Meeting. Council Member Steele seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative through a roll call vote.

Mayor DeGraffenried indicated he makes his living building buildings, and as the Mayor he is over the Staff and will be working hand in hand with the Staff reviewing the requests.

**Moved to item 12.d**

***Ordinance 03-01-2012, "A Temporary Ordinance Allowing Expired Plat Approval Extensions"***

Director Marker reported there are a number of subdivision plats that received approval during 2011. It is at the request of the Developers that the request for extension is being made. Council Member Steele was told the fees associated with the approval of plats. Director Marker was told by Jill Spencer, Payson City Planner, that Payson doesn't have expiration on plat approvals.

Council Member Linford asked why the time frame associated with the Preliminary and Final approvals are different. Director Marker indicated the Ordinance pertaining to this issue will be reviewed and possibly amended. Director Marker read the first page of the proposed Ordinance. (See attachment "B" for information included in the Council Packets).

Council Member Carr moved to approve Ordinance 03-01-2012, "A Temporary Ordinance Allowing Expired Plat Approval Extensions". Council Member Steele seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative through a roll call vote. The motion was amended to include directing the Staff to begin working on the timing associated with the Preliminary and Final approvals. Council Member Steele seconded the amendment. Council Members Carr, Linford and Steele voted in the affirmative through a roll call vote.

Council Member Linford suggested review of all the plats being considered for Plat extension at one time. Director Marker reviewed with those in attendance the location of each plat.

***Discussion and possible action with regard to Stone Hollow Plat C Final Plat Approval Extension***

***Discussion and possible action with regard to The Orchards, Plats A, B, C, D, and F Final Plat Approval Extensions***

***Discussion and possible action with regard to Apple Hollow Preliminary Plat Approval Extension***

Council Member Steele moved to approve the extension of the Stone Hollow Plat C Final Plat Approval, The Orchards Plat A, B, C, D, and F Final Plat Approval, and the Apple Hollow Preliminary Plat Approval for one year. Council Member Carr seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative.

***Discussion and possible action with regard to ratification of Apple Hollow Plat A-2 Final Approval***

Director Marker presented the Mayor and Council Member a summary pertaining to Apple Hollow Plat A-2. (See attachment "C" for information included in the Council Packets).

Council Member Linford moved to ratify the final approval of Apple Hollow Plat A-2. Council Member Carr seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative.

#### **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)**

##### ***Resolution 03-01-2012, "A Resolution Modifying the Policies and Procedures of the Planning Commission"***

Director Marker reported the Resolution would allow the Planning Commission Members the option of participating in a Planning Commission Meeting electronically. The Planning Commission Members are requesting the Council Members approve proposed changes to the Policies and Procedures. Council Member Steele was told it was extremely rare that the Planning Commission would ever hold a closed door session in which electronic participation would be needed.

Council Member Carr moved to approve Resolution 03-01-2012, "A Resolution Modifying the Policies and Procedures of the Planning Commission". Council Member Steele seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative through a roll call vote.

##### ***Resolution 03-02-2012, "A Resolution to modify an agreement with the Central Utah Water Conservancy District (CUWCD) to accept an additional \$500,000 in grant funding for the construction of the Santaquin City Wastewater Reclamation Facility (WRF)"***

City Manager Reeves indicated over a year ago Mayor DeGraffenried requested an additional \$500,000 in funding from the Central Utah Water Conservancy District which was granted. Passing of this Resolution would conclude the required acceptance documents. Council Member Carr was told the recharge requirements will be met as the documents stipulate.

Council Member Linford moved to approve Resolution 03-02-2012, "A Resolution to modify an agreement with the Central Utah Water Conservancy District (CUWCD) to accept an additional \$500,000 in grant funding for the construction of the Santaquin City Wastewater Reclamation Facility (WRF)". Council Member Carr seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative through a roll call vote.

##### ***Resolution 03-03-2012 "A Resolution Ratifying the Acceptance of \$6,436.00 in Matching Grant Proceeds from the Utah Department of Community and Culture, Division of State History, For Enhancements to the Santaquin City Cemetery Information Systems in Coordination with the Utah Cemetery Inventory Project"***

Those in attendance were told the City was granted money from the Utah Department of Community and Culture, Division of State History to compile cemetery information as well as posting the information online.

Council Member Steele moved to approve Resolution 03-03-2012 "A Resolution Ratifying the Acceptance of \$6,436.00 in Matching Grant Proceeds from the Utah Department of Community and Culture, Division of State History, For Enhancements to the Santaquin City Cemetery Information Systems in Coordination with the Utah Cemetery Inventory Project" and authorize the Mayor to sign the required documents. Council Member Linford seconded the motion. Council Members 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***

Mayor DeGraffenried reported the next City Council meeting will begin at 7:00 p.m. in the Senior Center. The meeting will be a neighborhood meeting to review park issues.

***Council Members***

Council Member Steele requested the corner property across from Maverik be cleaned.

Council Member Linford reported in conjunction with the Library's 10<sup>th</sup> anniversary there will be a number of activities held. Mayor DeGraffenried thanked Mr. Kim Barlow for his years of service on the Library Board.

City Manager Reeves thanked the Mayor and Council Members for the "GREAT" retreat.

Council Member Carr was told by City Manager Reeves he hadn't received any return calls from the DWQ Representatives with regard to the sewer line break.

**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 8:10 pm Council Member Linford moved to adjourn. Council Member Steele seconded the motion. Council Members Carr, Linford and Steele voted in the affirmative.

Approved on March 21, 2012.

  
James E. DeGraffenried, Mayor

  
Susan B. Farnsworth, City Recorder

**New business licenses - 2012**

January

Choice Payroll Solutions	Tracy Hurst
Hollie's Herbal Store	Hollie Walker
Paula's Salon	Paula Williams
Brandon's Cleaning Pros	Juan Pantoja
My Missionary Gifts	Paul McSweeney
Dean Steele Floors	Dean Steele
Williams Welding Service	Robert Williams
DCA Surveying, LLC	Dale Ashcraft

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February

CLC Stores	Carla Mosher
M & J Welding	Martin Peterson
Santaquin Floral & Boutique	Necia Bennett
Pinnacle Security, LLC	Steve Zolman
Liquid Asphalt, LLC	William Corbin
Gayliene's Salon	Gayliene Lund
SK Materials, LLC	Steve Clement

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March

B's Western BBQ, LLC	Krystal Gout
Weed Man of Provo	Nicholas Miller



To: Mayor DeGraffenried and City Council  
From: Dennis L. Marker, Community Development Director   
Date: March 2, 2012  
RE: Plat Extension Requests

The City has received requests to extend several plat approvals. The following information will outline the requests, plats' status, and how city ordinances allow the Council to act.

### **Request and Plat Status**

Mr. Robert Horlacher is requesting Stone Hollow Plat C approvals be reinstated and extended for 12 months (see attached letter and plat maps). Stone Hollow Plat C is an expired final plat within the Stone Hollow preliminary plat area, in Summit Ridge.

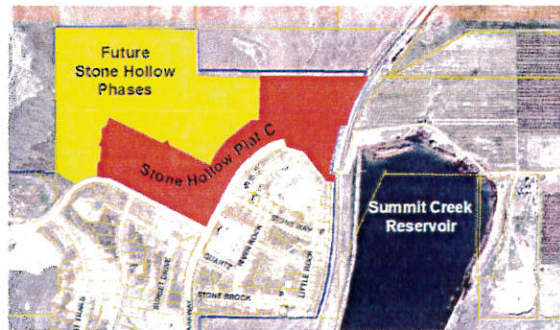


Figure 1: Area around Stone Hollow Development

Mr. Scott Brand is requesting preliminary approval extension for Apple Hollow Plat A and B. Plat A expired on February 11, 2012 and Plat B expired on January 1, 2011.

Mr. Brand is also seeking final plat approval extensions for The Orchards plats A, B, C, D, and F. These plat approvals expired on January 1, 2011.

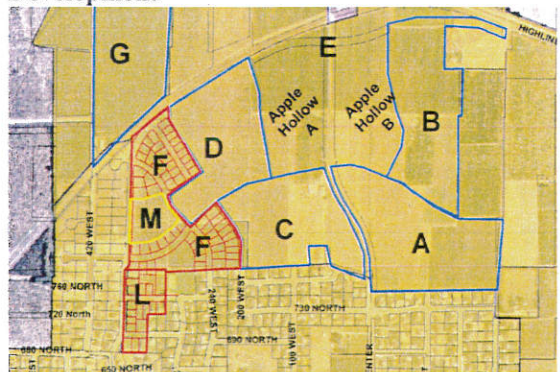


Figure 2: Area around Orchards and Apple Hollow Plats

### **City Ordinances**

Since the subject plats have expired, the Council must first make provision for reinstating the plat approvals before the requests can be granted (see proposed Ordinance 03-01-2012).

City Code, Section 11-5-8 allows the Council to extend final approvals for up to 6 months per request.

City Code, Section 11-5-7 allows the Council to extend preliminary approvals for up to one year per request.

### **Staff Recommendation**

City staff recommends the Council, after adopting the appropriate provisions (i.e. Ordinance 03-01-2012), grant the requested plat approval extensions for the Apple Hollow Plat A and B, The Orchards Plats A, B, C, D, and F, as well as Stone Hollow Plat C. Based on ordinance 03-01-2012 these approvals can be extended for 12 months from the ordinance adoption date.





February 17, 2012

Santaquin City  
Mayor James Degraffenried  
City Council  
45 West 100 South  
Santaquin, UT 84655

*RE: Extension of Final Plat Approval for Stone Hollow Plat C*

Dear Mayor Degraffenried & Santaquin City Council,

The purpose of this letter is to request a one year extension on the final plat approval for Stone Hollow Plat C. Due to the current market conditions and existing inventory, we feel that it would best to postpone the recordation and construction start of Stone Hollow Plat C for a period of 12 months.

Summit Ridge is currently working hard to market the community and we are optimistic about continuing the build-out of Summit Ridge in Santaquin. Unfortunately, like many other projects, we have experienced a vast decrease in lot sales and subsequent absorption over past several years. However, we are still optimistic about the long-term viability of this project.

We appreciate your consideration regarding this matter. If you have any questions, please do not hesitate to call me at 801.754.0300.

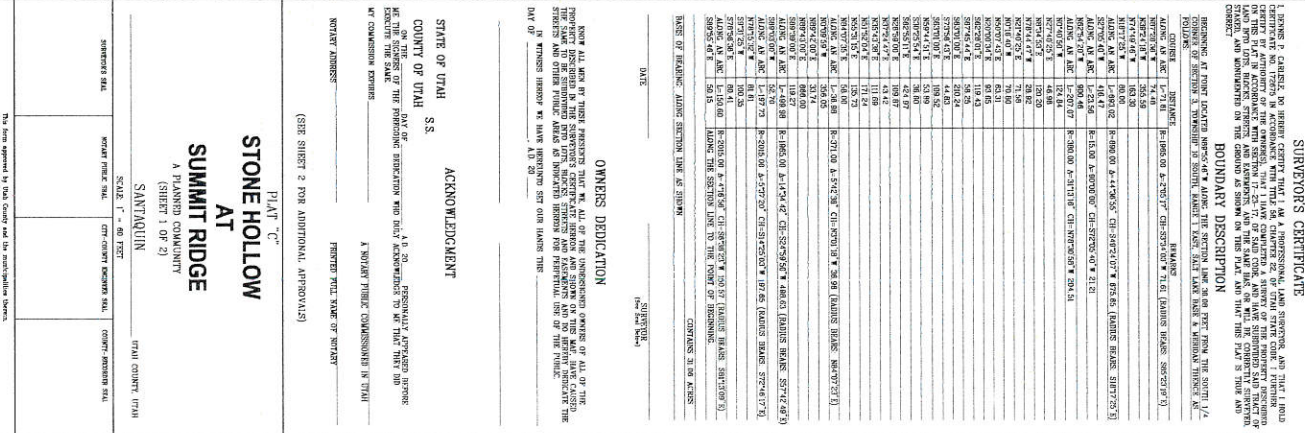
Sincerely,

Rob Horlacher  
Manager  
HG Utah I, LLC  
2321 East University Drive Suite 103  
Mesa, AZ 85213

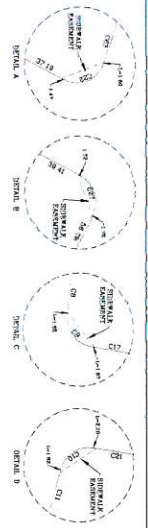
Summit Ridge Communities  
PO Box 130  
Santaquin, UT 84655

cc Dennis Marker, City Planner

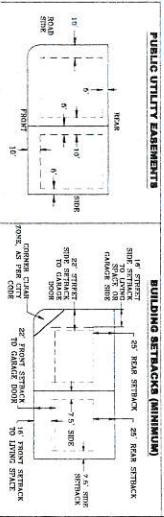
R=371.00  
4=5°42'30"  
1=35.08  
CH=NS\*01 10°"  
36 p6  
(RADIUS: NS\*07'23")





[illegible]

LINE TABLE		
LINE	DIRECTION	DISTANCE
L3	NEP 60 25 E	28.50
L4	NEP 60 40 E	17.10
L5	NEP 60 45 E	24.72
L6	NEP 60 47 E	38.50
L7	NEP 60 44 E	29.165
L8	NEP 60 45 E	29.125
L9	NEP 60 43 E	16.85
L10	NEP 60 43 E	20.21
L11	NEP 60 49 E	16.17
L12	NEP 60 46 E	27.25
L13	NEP 60 20 E	25.20
L14	NEP 60 40 E	28.50
L15	NEP 60 30 E	16.87
L16	NEP 60 39 E	43.46
L17	NEP 60 15 E	14.43
L18	NEP 60 26 E	41.50
L19	NEP 60 34 E	41.50
L20	NEP 60 43 E	7.57



<p>APPROVED BY LEGISLATIVE BODY</p> <p>OF</p> <p>CITY OF</p> <p>THE PEOPLE, THIS _____ DAY OF _____ A.D. 20____</p>	
<p>APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:</p>	<p>APPROVED THIS _____ DAY OF _____ A.D. 20____</p>
<p>PLANNING COMMISSION APPROVAL</p>	<p>CITY-COUNTY HEALTH DEPARTMENT</p>
<p>PLANNING COMMISSION APPROVAL</p>	<p>CITY-COUNTY HEALTH DEPARTMENT</p>
<p>APPROVED THIS _____ DAY OF _____ A.D. 20____</p>	<p>APPROVED THIS _____ DAY OF _____ A.D. 20____</p>
<p>DIRECTOR, SECRETARY</p>	<p>CLERK, PLANNING COMMISSION</p>
<p>PLAT "C"</p> <p>STONE HOLLOW</p> <p>AT</p> <p>SUMMIT RIDGE</p> <p>A PLANNED COMMUNITY</p> <p>SHEPHERD &amp; DE WITT</p> <p>SANITARIUM</p> <p>TRAIL COUNTY, OREGON</p>	<p>SCALE: 1" = 40 FEET</p>
<p>STATE PLANNING AID</p>	<p>CITY-COUNTY PLANNING AID</p>
<p>STATE PLANNING AID</p>	<p>CITY-COUNTY PLANNING AID</p>
<p>This form approved by OHA Council and the participating counties.</p>	



**Dennis Marker**

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**Subject:** FW: Preliminary Plat Approval Extensions

Hi Dennis,

I would like to formally request that we extend the preliminary plat approvals for Apple Hollows Plats A and B, and The Orchards Plats A, B, C, D and F. I would also like to request a re-approval of plat C-1. We appreciate your attention to this matter.

Sincerely,

Scott Brand  
Manager  
Santaquin Orchards Group

*Thanks,*



**Scott Brand**

**Portfolio Investments**

**(801) 830-8300 (Cell)**

**(801) 278-0800 (Office)**

**(801) 278-0811 (Fax)**

**[scott@portfolioinvestments.com](mailto:scott@portfolioinvestments.com)**



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To: Mayor DeGraffenried and City Council  
From: Dennis L. Marker, Community Development Director *DL Marker*  
Date: March 2, 2012  
RE: Ordinance 03-01-2012

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The City has received requests to extend several plat approvals. Ordinance 03-01-2012 provides a mechanism to extend subdivision plats, which may have expired. The following is a list of subdivision phases which could benefit from this ordinance being adopted, and options the City Council may consider before approving the ordinance.

**List of Plats Potentially Benefiting**

Development	Plat	Approval	Expiration	Lots
North Orchards	C-1	Final	4/7/2011	6
	Plat A	Final	1/1/2011	104
	Plat B	Final	1/1/2011	95
	Plat C	Final	1/1/2011	79
	Plat D	Final	1/1/2011	81
	Apple Hollow A	Preliminary	2/11/2012	120
	Apple Hollow B	Preliminary	1/1/2011	120
Summit Ridge	Stone Hollow Plat C	Final	1/1/2011	82
	Stone Hollow Plat D	Preliminary	1/1/2011	67
	Stone Hollow Plat E	Preliminary	1/1/2011	105
	Vistas West	Preliminary	1/1/2011	95
Oak Summit	Plat G	Preliminary	10/27/2011	29
	Plat H	Preliminary	10/27/2011	5
	Plat I	Preliminary	11/10/2011	19
	Plat J	Preliminary	11/10/2011	28

**Additional Considerations**


The subject ordinance would allow developers to petition the City Council for extension of their expired plats due to the current economic situation. The City Council may consider altering the amount of time the plat approvals can be extended or the process which must be followed for extending the plats. If the Council approves this ordinance, it will be the second time such allowances were given. The first time the City allowed this to happen was in June 2009, which extended requested plats for two years from January 1, 2009.

**Staff Recommendation**

City staff recommends the Council approve Ordinance 03-01-2012.



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To: Mayor DeGraffenried and City Council  
From: Dennis L. Marker, Community Development Director   
Date: March 2, 2012  
RE: **Ratification of Apple Hollow Plat A-2 Final Approval**

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### Summary

The Apple Hollow Plat A-2 Subdivision was recorded on February 24, 2012. DRC and Council approvals of this plat were granted through a series of convoluted happenings, which involved ordinance and review process changes, temporary ordinance adoptions and miscommunications. The plat was recorded at the direction of the City administration after reviewing the circumstances and being made aware of a potential risk due to timing of the recordation. **Based on the circumstances outlined below, DRC has asked the City Council to ratify approval of the Apple Hollow A-2 plat.**

### Circumstances Leading to the Ratification Request

- Apple Hollow A-2 is part of the Apple Hollow plat, which was granted preliminary approvals by DRC on February 12, 2008. Review processes at the time gave DRC the authority to grant the preliminary approval.
- The preliminary plat was originally valid for two years (i.e. until February 12, 2010). The preliminary approval time frame was extended for one year when Plat A-1 was granted final plat approval by the City Council on September 2, 2009 (i.e. new validity date of February 12, 2011).
- DRC approved final drawings for Plat A-2 on September 29, 2009 subject to a secondary access being provided. The final plat approval was tabled by the City Council on December 2, 2009.
- Under Santaquin City Code, 11-5-7.B., the City Council granted a discretionary one year extension of the preliminary approval on June 16, 2010. This last extension brought the preliminary plat approval validity date to February 12, 2012.
- On June 16, 2010, the City Council adopted Ord. 06-03-2010, which authorized final approvals to be handled by DRC.
- In accordance with the June 16, 2010 amendment, DRC continued to work with Mr. Brand and secure the secondary access to be built with the A-2 improvements. Once plans were completed a final Engineers' estimate of fees and bonding amounts was provided to Mr. Brand on June 1, 2011. (City ordinance required bonding and fees be provided to the City before any work started. The City would record the plat as soon as the fees and bonds were provided.)
- Mr. Brand asked the City to consider adopting an ordinance allowing construction-at-risk for his development. In response to this request, the City Council adopted Temporary Ordinance 06-03-2011, on June 15, 2011, which allowed a developer to move forward with construction of approved plans but not have the corresponding plat recorded until the City received all guarantees.
- Mr. Brand paid all required inspection, street light, and street sign fees on July 1, 2011. He began construction of the project in August 2011. In accordance with Ord. 06-03-2011, the City has been holding the plat since July 2011 and waiting for improvements to be completed or bonding provided.
- In January 2012, after constructing 95% of the improvements, Mr. Brand requested a revised engineer's estimate of cost so that he could bond for the remaining work and get the plat



recorded. With all recording documents anticipated in good timing, the City Council signed the mylar for A-2 on February 1, 2012. The signing of the plat was done with the understanding that DRC had granted final approval and signatures were a formality to getting the plat recorded.

- Bonds for the remaining work, plus warranty on the entire project, were provided, on February 15, 2012.
- Although the mylar was signed, a concern was raised about the City Council not having formally given approval to the preliminary or final plat.
  - Under the previous review process, if DRC had granted preliminary approval, then City Council should have granted final approval. After the bonds were posted, a formal final approval could not be granted by the Council because the preliminary plat expired on February 12.
  - Under the current ordinance, the City Council grants preliminary approval and DRC grants final approval. According to City Legal Counsel, the Council's discretionary extension of the preliminary plat on June 16, 2010, which took place under the current review process, would constitute the Council preliminary approval of the Apple Hollow Plat. On this basis, the preliminary plat approval will not expire until June 16, 2012.
- DRC met on February 22, 2012, amidst the confusion of this matter and as recommended by Legal Counsel, to formally grant a final plat approval for Apple Hollow A-2. They did this subject to City Council approval.
- The developer of the plat, Mr. Scott Brand, was contacted after the DRC meeting and notified of the pending Council consideration of the plat. Mr. Brand informed me that significant losses would occur to him if the plat was not recorded before February 29, 2012. He also questioned the legitimacy of holding up the plat at this time after all the previous Council considerations, City inspections, and receipts for bonds and fees for the plat. After discussing Mr. Brand's concerns with the City Administration, I was directed to get the plat recorded and then have the Council ratify the decision.

#### **Staff Recommendation**

City staff recommends the City Council ratify DRC final plat approval and recordation of the Apple Hollow A-2 plat, based on the current review processes allowing DRC to grant final plat approval and the City Council granting discretionary preliminary plat approvals on June 16, 2010.