

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, February 15, 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 01, 2012 - Work Session
 2. February 01, 2012 - Council Meeting
 3. February 03, 2012 - Council Meeting
 4. February 08, 2012 - Work Session
 5. February 08, 2012 - Emergency Council Meeting
 - b. Bills
 1. \$175,029.92
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. Community Covenant supporting and honoring our Military
 - b. Authorization for the Mayor to sign the Notice of Award for the Santaquin Eastside Booster Pump Project
7. **FORMAL PUBLIC HEARINGS**
8. **UNFINISHED BUSINESS**
 - a. Discussion and possible action with regard to section of Capital Projects utilizing Park Impact Fees
9. **BUSINESS LICENSES**
10. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
11. **NEW BUSINESS**
12. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)**
 - a. Resolution 02-04-2012, "A Resolution Adjusting The Service Area For The Santaquin Emergency Medical Department (SEMD)"
 - b. Resolution 02-05-2012, "A Resolution Authorizing An Agreement Between Santaquin City and Irewood Pertaining to Property Issues"
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
FEBRUARY 15, 2012**

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

Others attending: City Manager Ben Reeves, Community Development Director Dennis Marker, Public Safety Director Dennis Howard, Legal Counsel Brett Rich, Public Works Director Wade Eva, Infrastructure Inspector Jared Shepherd, Leisure Services Director Kevin Schmidt, Denise Windley, Scout Troop 1584 Members Scott Hart, Michael Magene, Orrin Ward and Dallin Johnson, Scout Troop #1588 Members Travis Hawkins, Tregan Palmer, Kadin Black, Tami Palmer, Tracy Palmer, Scout Troop #100 Member Seth Peterson, Kristy Peterson, Brent Garner, Kyle Garner, Connor Hunt, Nate Taylor, Jamison Judd, Jeff Judd, Brent Norton, Spencer Healey, Allan Thompson, Doug Rohbock, Nick Miller, Jeremy Roos, Paul Terry, Sargent Kris Johnson, Mandy Jeffs, Steph Bezzant, Officer Shawn Carter, Dennis Lamb, Lieutenant Williams, Lieutenant Buffington, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Jamison Judd led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Mr. Rohbock Offered an invocation.

CONSENT AGENDA

Minutes

- February 01, 2012 - Work Session
- February 01, 2012 - Council Meeting
- February 03, 2012 - Council Meeting
- February 08, 2012 - Work Session
- February 08, 2012 - Emergency Council Meeting

Bills

\$175,029.92

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

FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Community Covenant supporting and honoring our Military

Lieutenant Buffington thanked the Mayor and Council Members for allowing them to attend the Council Meeting this evening. He read the list of individuals who were invited to sign the Community Covenant. After those invited to sign had the opportunity, Lieutenant Buffington offered those in attendance the opportunity to sign the document also.

Mayor DeGraffenried commented the Mayor and Council Members have a great love for the Military. Because of them, we have our freedom. "We do appreciate you". Mayor DeGraffenried asked those in the audience to join in signing the Community Covenant.

Authorization for the Mayor to sign the Notice of Award for the Santaquin Eastside Booster Pump Project

Council Member Steele moved to accept the bid from Brotherson Excavating in the amount of \$121,330.19; and authorize Mayor DeGraffenried to sign the documents with regard to the Santaquin Eastside Booster Pump Project. Council Member Carr seconded the motion. Council Members Broadhead, Carr, Linford, Payne and Steele voted in the affirmative.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Discussion and possible action with regard to section of Capital Projects utilizing Park Impact Fees

Council Member Steele requested getting cost estimates for score boards for the ball parks as well as trim some of the costs from the proposals.

Council Member Carr was told the costs of the picnic tables were fairly close to the estimated costs.

Director Marker indicated he has secured a donation of trees for the Orchard Cove Park. The only cost to the City would be "getting the trees here". The Capital Facilities Plan calls for playground equipment which would cost about \$30,000. Council Member Carr said he struggles with adding an additional tennis court when it is a "struggle" to keep up with the maintenance of the current one. It is estimated that the upkeep would cost approximately \$5,000 every 10 years. The Council Members were told Park Impact Fees cannot be used to resurface the existing court.

Council Member Payne said he has a concern with having parks in disrepair 10 years down the road.

Council Member Linford reiterated there was a promise made to the residents in the Orchard Park area and believes we need to adhere to that promise. It was reported there were 150 children who took tennis lessons this past summer. This number represents an approximate 400% increase. Council Member Broadhead questioned how many "ball players we are losing because we are not keeping up with ball fields".

Mayor DeGraffenried said we have a tendency in this city to think there is only one sport and that is baseball. He indicated there are individuals who like other sports. It was discussed adding basketball standards to the proposed tennis courts also.

Council Member Broadhead stated he would like to see the City get the best bang for its buck.

Council Member Linford said he was accused of not supporting baseball, which isn't true. He believes a vote of the residents would be appropriate for bonding for a complex.

Director Schmidt reported there is a need for more open grass area and lighting of that area.

Council Member Steele wondered if it would be to the advantage of the City to construct the second tennis court in another park. He was told it would be ideal to have all the tennis courts in the same area. The biggest complaint of the Residents is having their children participating in sports in different areas of the City. It would be beneficial to have a sports complex with all sports being held in the same area.

Mayor DeGraffenried reported there are Park Impact Fees Funds that are required to be spent. He, after the previous discussions, was under the assumption that the Orchard Cove Park, the Squash Head Park, the Twin Homes Park and construction of restrooms at Summit Ridge were the projects that would be approved.

Council Member Broadhead was told there would be adequate parking in the area of the existing tennis courts to handle parking for a new court.

Review of the costs for a new court was held. To eliminate the tennis court, there would be a project savings of approximately \$60,000. Council Member Steele stated he would rather see new playground equipment instead of a tennis court.

Council Member Linford made a motion to approve the capital projects that had been previously mentioned and authorize gathering bids for the projects. Council Member Payne seconded the motion.

The voting was as follows:

Keith Broadhead	Aye
Matt Carr	Aye
Jim Linford	Aye
Richard Payne	Aye
Rick Steele	Nay

The motion passed by majority vote. Council Member Linford requested obtaining a bid for ball field scoreboards and Council Member Payne requested beginning the process of amending the "Plan".

BUSINESS LICENSES

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Commissioner Miller reported in the February 9, 2012 Planning Commission Meeting a Public Hearing was held on the Hillside Overlay Zone. There were Residents who were concerned that their property was included in the overlay. Once the intent of the zone was addressed, most of the concerns were alleviated. One of the fire maps included the "Allen Thompson property" in Pole Canyon, which was a concern of Mr. Thompson. A tour of the property will be conducted before the proposed ordinance is recommended to the Council for review.

NEW BUSINESS

Nothing

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

Resolution 02-04-2012, "A Resolution Adjusting the Service Area for The Santaquin Emergency Medical Department (SEMD)"

Council Member Payne moved to approve Resolution 02-04-2012, A Resolution Adjusting the Service Area for the Santaquin Emergency Medical Department (SEMD). Council Member Carr seconded the motion. Through a roll call vote, Council Members Broadhead, Carr, Linford, Payne and Steele voted in the affirmative.

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

At 8:09 p.m. Council Member Linford moved to enter into an Executive Session. The motion died for lack of a second.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor DeGraffenried

Nothing

Council Members

Council Member Broadhead read a letter to the Mayor and Council Members – see attachment "A" for the letter.

Council Member Linford reported tomorrow SUVMWA will hold a meeting with South County Mayors to discuss recharge of ground water.

Council Member Steel would like to have the fruit stand structure across from the Maverick Store "cleaned up".

City Manager Reeves said Director Hoffman was successful in securing a 50/50 Cemetery Grant in the amount of \$6,400. The City would need to dedicate \$6,400 to receive the entire grant. The grant money will be used to update the Cemetery records. This issue will be on a future Council Meeting for discussion.

Jeremy Roos, of Santaquin City's IT Staff, reported the Samson Galaxy is the best "tablet" for the Council Members to use. The cost for each "tablet" would be approximately \$450. Use of the tablet will replace the need for paper documents. Access to the Council Meeting information would be available wherever Wi-Fi is available. Council Member Payne indicated he would not need a device purchased on his behalf.

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

At 8:27 p.m. Council Member Linford moved to enter into an Executive Session to discuss pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property. Council Member Broadhead seconded the motion. Council Members Broadhead, Carr, Linford, Payne and Steele voted unanimously in the affirmative.

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

At 8:52 pm the regular Council Meeting resumed.

Resolution 02-05-2012, "A Resolution Authorizing an Agreement between Santaquin City and Irewood Pertaining to Property Issues"

Council Member Linford moved to approve Resolution 02-05-2012, A Resolution Authorizing an Agreement between Santaquin City and Irewood Pertaining to Property Issues. Council Member Steele seconded the motion. Through a roll call vote, Council Members Broadhead, Carr, Linford, Payne and Steele voted in the affirmative.

PETITIONS AND COMMUNICATIONS

Nothing

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

City Manager Reeves indicated a second Executive Session was needed to discuss the pending or reasonably imminent litigation. He indicated it would be appropriate to have just 4 Council Members present. Council Member Broadhead asked "On what grounds? There is no lawsuit". City Manager Reeves said "Today we received a letter from Jones Waldo indicating there was a ... what you would constitute as a Notice of Claim and a Notice of Claim is the start of a lawsuit". City Manager Reeves said "We would hope it wouldn't be, but the Executive Session is to make the Council aware of that and to read the letter". Council Member Broadhead said "OK, I will recuse myself". Council Member Payne interjected by asking "Can't Keith be here"? Council Member Broadhead said "No, I'll leave. I think ... it basically it's got to do with the letter I just read to you". City Manager Reeves indicated he thought it would be appropriate for Council Member Broadhead to return to the meeting after the Executive Session. He continued by saying "The Council may want to make a statement or whatever they may want to do which might resolve this issue". Council Member Broadhead said "The only reason this came about is because I thought the lawsuit was dropped, the City didn't seem to want to drop it and then my name got smeared in the press and on the streets of the City. The only thing that (the notice of claim) is asking for is for some retraction from the City and the press. There is no lawsuit involved there".

Council Member Carr stated "I think it would be better for Mr. Broadhead to be in here if this is the case because there were some things that were talked about in that meeting that we cannot talk about here". City Manager Reeves said "Right. That actually is the issue and I think that maybe that is the confusion.

Mr. Healey is actually here tonight and I think that if you want to talk to him you would find out that I have been MORE than vague because I can't talk about what was talked about in an Executive Session. I think the misunderstanding or miscommunication which displayed itself in the article wasn't the fault of Mr. Healy or the fault of the City, it was the fact that the City couldn't share the story. Couldn't share why it did what it did because it was talked about in Executive Session. It wasn't that statements were made inappropriately, it was because no clarification statements could be made to give context which would have negated your feelings of being offended". Council Member Broadhead said "The fault of the City was naming me as a recipient of the award that I never asked for". City Manager Reeves indicated he couldn't talk about that either because of the Executive Session. Council Member Broadhead said "Your guys have gotten yourself in a heck of a mess is all I can say. I will recuse myself and I will leave." City Manager Reeves said "I am fine with whatever". Council Member Broadhead continued "If you are threatened by that damn letter, then" Mayor DeGraffenried interjected by calling a stop to the conversation. He told Council Member Broadhead that "We are going to talk about it for a second, then you can have your say. If you are going to stay in here and talk to us about what is going on, he has to have his attorney present. That's where the problem is". Legal Counsel Rich volunteered to leave the room while a discussion was held. City Manager Reeves said "I guess the issue comes from the fact that we really can't talk about what was said in the Executive Session before". Council Member Linford said "We can tell him the date of the Executive Session, can't we"? He was told they could talk about the date of the meeting. Council Member Broadhead said "It started on the Friday, well, the Wednesday after we had Mr. Farley here. Thursday you were notified, even though the Judge hadn't thrown it out yet, that it was going to be dropped. The City chose to have a meeting Friday night and continue with this ... offer. Is that correct? By Wednesday, it was dropped. I am just tired of my name being out there as crap and I am the one trying to gain financial whatever out of this thing and that is absolutely not what went on. The only thing this is asking for is for you to retract some of the statements".

Legal Counsel Rich excused himself from the meeting.

City Manager Reeves requested permission to speak. "As a timeline of events, the City was preparing for a trial, which we didn't know if it was going to be held on Thursday or Friday. The recount had already been done and yes, Mr. Broadhead, I completely agree with you that you did indicate to me that it looks like this is all behind us. I don't remember exactly the phrase or the terminology you used, but to your credit, exactly right. And to your credit, you DID NOT ask for anything from the City and I'll put that on public record. It never was put forth nor was anything requested from a financial needs from Mr. Farley or Mr. Ferguson. Where we were still preparing for trial, the City Council authorized an offer to be made which was made to your attorney. Now your attorney is your attorney, he represents you. We do have to recognize your attorney did say in open court that he also represented Mr. Farley so he was representing more than one interest although your name was the only one on the lawsuit. We fully recognize you were leaving and you were fine with whatever ... it really wasn't your concern. This issue was behind you but it was Mr. Farley who was trying to decide and we were having difficulty trying to get into communication with him. I think I sent you an e-mail saying your attorney is trying to get hold of you and you said that he talked to you but you were deferring to Mr. Farley to figure out and you were headed out on vacation. Yes, your attorney came in at your request to dismiss the case. It had not yet been filed or entered by that point. In good faith the City Council had made that offer prior to your attorney going in and dismissing it with the judge. The City Council, at that juncture did not want to say 'now we're good, now we're settled, now we don't have to honor the obligation' in which we had already made, the offer we already made. In good faith the Council was continuing to make that offer and decided to do so to a deadline on Wednesday which Mr. Farley could have chosen to accept or deny. He just didn't act at all so that offer just was never accepted".

Mr. Reeves said "The City Council wanted to do several things with this offer: 1. Wanted to make sure this case was behind us, that there would be further appeals, and to make sure any other potential litigation would be done and that the City could come together and heal. 2. They wanted to make sure that you to some degree were made whole. You and those who were pursuing this because there were certainly costs expended on your side to make sure and from your point of view the Civil Rights of the Citizens were taken

care of and to some degree that City Council wanted to make that whole. And 3, just have an olive branch that we can come together and have this done and completed. That is why the City Council formalized the offer and wanted the offer to maintain. Not to defame you or Mr. Farley or Mr. Ferguson but to take formal action to make sure you knew that the offer was still there in good faith. Not that you asked for it or anything but because we wanted to have this issue behind us and because there is a certain recognition that the costs to the City of delay hurt everybody, you, us, every citizen of Santaquin. Monetarily speaking if there were another 6 month or 8 month delay from any other kind of lawsuit the costs of the settlement offer would have been less than the cost of delay. As far as my role in this whole thing, I did not share hardly any of this with Mr. Healey other than the actual motion itself and the motion states your name. It also states Kenyon Farley and Bill Ferguson because Kenyon Farley's name was stated by your attorney in open court and because it was paid for either by yourself, Mr. Farley or Mr. Farley's company in which he is a part owner and that is why Mr. Ferguson's name was mentioned".

Council Member Steele asked "What motion are you talking about, Ben"? City Manager Reeves said "On Friday afternoon, the one Matt read. You weren't here". Council Member Carr said "The one we came up with on the Friday Night and was talked about on Wednesday Night". Council Member Broadhead said "We had hundreds of people help pay for this. You didn't name those people". City Manager Reeves said "It would be nearly impossible for your attorney to go obtain signatures from everybody". Council Member Broadhead said "I represented 685 people or how many that voted against this. What is to stop them? This branch was not an olive branch. Whatever you want to call it, it was not an olive branch". City Manager Reeves said "It was intended to be such". Council Member Broadhead continued, "Your intentions are crap. I had no idea I was involved in this until I got the e-mail and it was all over and I seen it in the press". City Manager Reeves stated "Wednesday evening the Council extended the offer. Thursday morning your attorney talked to you"... Council Member Broadhead said "No. You told me you were making an offer that ... that they'd sit down in this meeting and make an offer and I thought 'Well, I kinda heard that's what' ... I assumed the whole time the offer was going to Kenyon Farley. He was the only one who was going to be damaged. My damages are gone".

City Manager Reeves said "We made the offer to your attorney. We just assumed that your attorney talked to you on Thursday". Council Member Broadhead said "You know what assume does". City Manager Reeves continued, "He is your attorney." Council Member Steele interjected by saying "That offer was made only to Kenyon Farley though. There wasn't any other names on it when I was here". City Manager Reeves stated "On Friday, the Council made formal that offer and was very clear and named it and so the only thing Mr. Healey was given was the actual motion which did name those three and a press release that I will read for you right now." Council Member Broadhead interrupted by saying, "On Friday, you knew the suit was going to be dropped, everybody knew it was going to be dropped". City Manager Reeves stated "You said it would be, but you also said that your attorney had also said, made comment to us that you weren't the only litigant. That there were other parties involved. So if you dropped it, it didn't mean the case was dropped on behalf of the City."

Council Member Broadhead said "The only case there ever was was me versus Santaquin City. Kenyon Farley was not involved and neither was Bill Ferguson". Council Member Broadhead was told his attorney had represented that there were other litigants involved. City Manager Reeves said "Your attorney said he was still waiting to hear from Mr. Farley so in good faith the City maintained the offer. The only thing the City said was from our point of view that we made the statement which is the actual motion. We made a press release which said, 'On Friday, February 7, Judge Samuel McVey of the 4th District Court, dismissed the Election case filed against Santaquin City at the recommendation of parties on both sides of the issue. Out of respect of the concerns of those in opposition of this project and an attempt to address those concerns, Santaquin City formally extended an offer for settlement which was formalized on February 3. As of this time the Legal Counsel for the opposition has requested an extension of time". City Manager Reeves continued "It was very factual. It was exactly what happened and then Mr. Healey ran an article. Now when he ran his article, it said there were three lawsuits. I sent a clarification to Mr. Healey right away because it was right after Council Meeting. I think I walked right out and I read that article. I sent a

clarification right away and I said no, there is only one lawsuit that is named with Keith Broadhead but funded by Kenyon Farley and Royal Apple who is a part owner with Bill Ferguson. That's it and so Mr. Healey retracted or altered that article and said that Ben Reeves had provided clarification. My clarification was just from stating there were not three lawsuits, only one. I didn't ... there were other things that were maybe technically inaccurate in the article but not because he could know the difference between what was talked about and what was not talked because I couldn't share it because it was an Executive Session. I guess the INTENT of this all was to extend an olive branch and obviously it wasn't taken that way and it caused injury which it shouldn't have been that way". Council Member Broadhead said "It sure did".

City Manager Reeves said "If you could see it from our perspective, the case wasn't fully dismissed and we were just trying to make sure the" ... Council Member Broadhead interrupted by asking "What was the urgency of the Friday Night meeting"? City Manager Reeves said "to formalize what would exactly be in the offer to Mr. ... we would have done it that night had this meeting not gone on much later ... we should have you come back in that night. You went out and went to the Seniors Citizens Center for awhile and we continued discussions for a long time. The City Council should have formalized that and had you come back in and decide right then if you wanted to accept it or not and finish it off but you had already left. We tried to contact your attorney right after the meeting. It was late that night, he was driving home, we contacted your attorney the next morning, I contacted you and said your attorney is trying to get hold of you, all that took place after the fact. I think I can speak on behalf of the Council in saying the intent was only 1, to resolve it, 2, to make you whole and 3, to get this behind us". Council Member Broadhead said "It didn't work. I'm sorry". City Manager Reeves said "The City Council was not intending to offend you at all". Council Member Broadhead said "Intended or not, it went in to that". Council Member Payne indicated "I want you to know, Keith, that was the intent. No matter how the press construes it, how your associates construe that, we were in the meeting, we know what was, and you can choose to believe them or you can choose to believe your associates up here. It's up to you. We can't do anything about it".

Council Member Broadhead said "No one believed me when I told them I was dropping the suit". City Manager Reeves stated "That is because, even though you were the only one named" ... Council Member Broadhead interjected, "Brett had to have known by Monday this thing would have formally resolved. But we chose to have a meeting Friday Night anyway ... it that correct"? Council Member Linford said "When we had the meeting we had no idea that it would be dropped. None". City Manager Reeves stated "No, we knew that they were dropping it but the question from your attorney to us was, 'OK, we are dropping this but is the offer still on the table'. Your attorney said before I go ahead and drop this with the judge, I want to make sure the offer is still on the table. That's the way your attorney worded it to us and we came back to the Council and said, because he didn't want the carpet pulled out from under it ... OK, now it's dismissed, now we aren't going to have an offer anymore, he wanted to make sure your interests were protected, maybe not yours personally but you and the other clients of Mr. Rampton. Because of the time sensitive nature of the case he had to go before the Judge and let him know one way or another. So we, through Brett, had this meeting to let him know that yes, in fact the offer was still going to be good because these men are honorable and were going to make sure that the offer that they made in good faith was upheld. And that is exactly the way it went down. Part of making a formalized offer, it becomes public and therefore ... and part of being in Executive Sessions where you can't context to what I just said. I couldn't say to Mr. Healey 'No, Mr. Broadhead did not ask for any money', or 'No, Mr. Farley didn't ask for any money. I couldn't say any of those things and give context to Mr. Healey". Council Member Steele asked if we could have it straightened out now in the papers.

Mr. Healey requested and was allowed to make comment. He said he had "received more than enough e-mails from the Legal Counsel of Mr. Broadhead. We did not publish that article suggesting in any way that you asked for any money. He used the quotes from Citizens comments in the e-mail that he sent to me to justify the claim that our article was not only injurious to you but that it was the reason for people calling for your resignation and a whole list of other things that was the result of our article. Our article did never, never ever, say that you had asked for money, that you had accepted the money just that the City had offered it which was all that was public record, which was all that we could say". Council Member

Broadhead said "My whole issue is that you are going to report what you know. My issue is being offered something I didn't want". Council Member Linford said "We were given the opinion from your attorney that a counter offer would be accepted. That was our understanding". City Manager Reeves stated "I would say the offer made by your attorney could not be accepted until the City Council wanted to make a counter offer that could somehow make you whole without accepting the offer you had made because we couldn't accept it".

City Manager Reeves indicated this discussion being held right now would provide context and clarification to Mr. Healey on the issues at hand. Mr. Healey said "we had our ideas as to why you did it but we couldn't publish it. We couldn't give context like you said. We presented the information we had in the best way we could. Mr. Rampton has said that we suggested that you were asking for money, I disagree with him 100% that we suggested that ever. And if he is going to use the comments from the Citizens that was made on that article as proof of that then he should go back and read the comments again because 8 out of 10 of those comments are actually in support of you, Mr. Broadhead. If he is going to use those as his justification for why our article has slandered you in some way then he needs to look at the slander that was done to the City also from the other people who made comments. Because if we are using comments for justification of slander we are in trouble because it's internet and it's comments from the Citizens and they might not even be Citizens, we don't know. We apologize if some readers misconstrued that way but we know that all readers didn't. We are going to continue doing the same thing, taking the information we are given and allowed to have and writing the best that we can. We ask any time we put out an article for any corrections to factual statements. Mr. Rampton actually made some corrections to factual statements today which I disagree with and we will not retract some of the statements from the newest article regarding a settlement offer. We thought we had presented what you said, what Mr. Farley said and what Mr. Ferguson said. We have interviewed everyone. We hope we have covered all the bases".

Council Member Broadhead said "People will be people, but it goes back again to me being offered money that I never asked for. People will take that ... you've read it and it is on the streets, it's at the coffee shop, it's everywhere that I am only in there just to take the money. That was never my intention and it just" ... City Manager Reeves said "Likewise, all of us need to recognize that this issue... let's put it behind us". Council Member Broadhead said he tried to put it behind him on the 2nd of February and it won't go away. City Manager Reeves indicated he wasn't "Trying to stir anything up by this next comment, as much as you have been talked about in the coffee shop, we've been talked about, we are no-good, election controlling whatever. I think when you look at the results of the second recount that shows that they were dead on, we did our jobs to the best of our ability but it sure is put out there to the public that we're no-good, untrustworthy people. We all have to let that baggage go and all get behind us so we can tackle all the things that our City needs us to tackle. We are just mired by nothing but this project that never goes away. There are good men on both sides of this issue and maybe we choose to disagree on these simple issues. We need to compartmentalize and set it aside because there have been some horrible things said about Susan, about myself, about the Mayor, about Dennis that just are not true". Council Member Broadhead agreed.

Mr. Norton questioned why this issue was discussed behind closed doors? He was told that when pending or reasonably imminent litigation issues were discussed, it could be in an Executive Session.

Mayor DeGraffenried indicated he hoped this was the end of it and could move forward. "Keith, I got the impression tonight that you feel I am the one that is trying to get you out of City Office. I have no intention of ever asking for you to resign. I am looking forward to working with you for the next 1 year, 10 months and 8 days. I think now is the time that we just back the heck off and we just forget about it all and we move forward. Like I said, I have been accused of EVERYTHING that ... I just sit there and ... after first it was something that depressed me and now it is back to the point that it has become so humorous that I say 'Boy, if I done all those things ... Wowee, I didn't have time to do anything but take money under the table or this or that or whatever it was. The fact is we have all been beat up, we have all hurt. I say it is time we shake hands and say OK, we are through with this and let's move forward and get some things

accomplished in this City and if I've offended you, I'll apologize and I'd like you to apologize to me if you have offended me. So let's shake on it and say that we are ready to go forward". Council Member Broadhead said "I'm ready to go forward".

Mayor DeGraffenried and Council Member Broadhead shook hands. With a laugh, Council Member Broadhead stated he didn't stay mad forever.

Council Member Linford stated he thought the conversation this evening went well.

Mayor DeGraffenried thanked everyone and asked for a motion to adjourn.

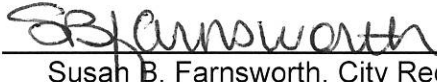
EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)
Nothing

ADJOURNMENT

At 9:30 pm Council Member Linford moved to adjourn. Council Member Carr seconded the motion. Council Members Broadhead, Carr, Linford, Payne and Steele voted in the affirmative.

Approved on March 7, 2012.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder

February 15, 2012

Mayor, Council and Ben Reeves
Santaquin City

To all involved: I feel that I need to set the record straight on the Sewer Bond Issue and Lawsuit.

As you all should be aware, that on February 2nd, Santaquin City through its attorney was notified that I was dismissing the election contest lawsuit with no stipulation of compensation. After the recount by the 4th District Court, I could see no reason to continue. In fact I had conversation with Ben Reeves on Friday February 3rd to that effect. He did mention that there was some discussion by the council of a settlement offer and I was under the impression that this offer was going to be made to Kenyon Farley only. I chose not to attend the council meeting on February 3rd, because I felt that the four council members should finish whatever they were doing without my influence. Also without any pending litigation there was no reason to have any special or executive meetings. Little did I know that the offer was being made to me also?

I was quite surprised upon returning from a week of vacation to find out that I was included as a recipient of a \$100,000 settlement offer.

Including me as a recipient of this offer has caused some citizens to believe that I am trying to make some kind of financial gain from the lawsuit. My sole purpose from the beginning was to give the citizens their constitutional right to vote on this matter and offer some alternatives to the MBR. When the recount was finished by the court and the outcome was the same as the first, I accepted the fact that it was over. The only reason I did not drop the action before February 1st is that Kenyon Farley wanted to have an audience with the City Council before we ended the action. That meeting happened on the 1st of February and we dismissed the action on February 2nd.

For some reason, that I do not understand, you decided to continue on with closed door meetings and financial offers when none were needed. My conclusion is that this was just an attempt on your part to discredit and defame my name and reputation.

When I was elected, I knew that I would be one lone voice on the council. However, I made a vow to do all I could to mend fences, feelings and become a team player. I can now see that this vow was in vain. It looks to me like some of you would like me gone no matter what, I WILL NOT GO AWAY. There is no amount of "settlement money" that you could offer that would cause me to sell my soul.

I am willing to do my part in the healing process; I wish you that you would too.

Keith Broadhead



CLOSED EXECUTIVE SESSION AFFIDAVIT

I, James E. DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executive Session held on February 15, 2012 was called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property.


James DeGraffenried, Mayor

2/15/12
Date