

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a Special City Council Meeting on Friday, February 03, 2012, in the Council Chambers, 45 West 100 South, at 4:00 pm.

AGENDA

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
4. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
5. **NEW BUSINESS**
 - a. Discussion and possible action with regard to a resolution of the Election Contest
6. **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 SPECIAL COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
FEBRUARY 3, 2012**

The meeting was called to order by Mayor James E. DeGraffenried at 4:00 pm. Council Member attending: Matthew Carr, Richard Payne and James Linford. Keith Broadhead recused himself due to a conflict with discussion Rick Steele was excused.

Others attending: City Manager Ben Reeves, Legal Counsel Brett Rich, Nathan Reeves, Martin Green and Nick Miller.

PLEDGE OF ALLEGIANCE

Mr. Green led the Pledge of Allegiance.

INVOCATION

Council Member Carr offered an Invocation.

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)

At 4:07 pm Council Member Linford 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 Payne seconded the motion. Council Members Carr, Linford, and Payne voted in the affirmative.

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

At 4:46 pm the Special Council Meeting resumed.

NEW BUSINESS

Discussion and possible action with regard to a resolution of the Election Contest

Council Member Carr moved to authorize a settlement of pending and potential claims regarding the financing and construction of the proposed MBR facility which is the subject of Proposition 1 and Proposition 2 of the 2011 Santaquin Municipal General Election on the following terms: City would pay \$100,000 payable within 30 days of commencement of construction, City will also establish an advisory committee to work with the fruit growers to mitigate adverse effects of the facility on the Global Good Agriculture Practice (GAP) Compliance, and contingent on an agreement to waive and not pursue any claims related to the financing and construction of the MBR Facility. This agreement would cover the claims of Keith Broadhead, Kenyon Farley, William Ferguson, and companies associated with them. The offer will expire at 12 noon, Wednesday, February 8, 2012. Council Member Payne seconded the motion. Council Members Carr, Linford, and Payne voted in the affirmative through a roll call vote.

(Note – the audio of the meeting has “dead air space between 3.07.0 and 7.14.0 of the audio. The recording was reviewed by Council Members Carr and Payne who found the recording to be a complete meeting recording)

ADJOURNMENT

At 4:50 pm Council Member Carr moved to adjourn. Council Member seconded the motion. Council Members Carr, Linford and Payne voted in the unanimous.

Approved February 15, 2012.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder



CLOSED EXECUTIVE SESSION AFFIDAVIT

I, James E. DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executive Session held on February 03, 2012 was called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property.


James DeGraffenried, Mayor


Date