

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, **December 14, 2011**, 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. November 2, 2011
 2. November 16, 2011
 3. November 28, 2011
 - b. Bills
 1. \$650,803.91
5. PUBLIC 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
6. FORMAL PUBLIC HEARINGS
7. UNFINISHED BUSINESS
8. BUSINESS LICENSES
9. REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES
10. NEW BUSINESS
 - a. Discussion on the Oath of Office procedure
11. INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)
 - a. Resolution 12-01-2011 "A Resolution Establishing the Fee Schedule for Santaquin City"
 - b. Resolution 12-02-2011 "A Resolution Declaring Surplus Property of Santaquin City"
 - c. Resolution 12-03-2011 "A Resolution of the City Council of Santaquin City Enacting a Concussion and Head Injury Policy"
 - d. Ordinance 12-01-2011 "An Ordinance Amending the Zoning Map of Santaquin City to Include the Hansen Annexation Area"
12. PETITIONS AND COMMUNICATIONS
13. REPORTS BY MAYOR AND COUNCIL MEMBERS
 - a. Mayor DeGraffenried
 - b. Council Members
14. 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

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® Amendment to the agenda

**MINUTES OF A CITY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
DECEMBER 14, 2011**

The meeting was called to order by Mayor James E. DeGraffenried at 7:04 p.m. Council Members attending: Filip Askerlund, Martin Green, James Linford, Rick Steele and Brent Vincent.

Others attending: City Manager Ben Reeves, Community Development Director Dennis Marker, Police Chief Dennis Howard, Keith Broadhead, Matt Carr, Dave Deschamps, Nick Hines, Scott Parkin, Richard Payne, Todd Rowley, Lance Wollebaek, Mayke Wood, Trevor Wood, David Wride, Scouts from troops 1601 and 1583, including Wyatt Wilcox, Garrett Wilcox, Gavin Shaw, Wyatt Sorenson, Noah Quist, Jaden Hales, Brett Hunter, Nick Montoya and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Jaden Hales led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Matt Carr offered an Invocation.

CONSENT AGENDA

Minutes

November 2, 2011

November 16, 2011

November 28, 2011

Bills

1. \$650,803.91

Council Member Vincent said that in the November 28, 2011 meeting, at the end of the discussion, he had asked City Attorney Brett Rich what Mr. Rich wanted Mr. Vincent to make a motion on, and Mr. Rich had replied. Mr. Vincent said he wanted the two statements added to the minutes.

Council Member Steele made a motion to approve the minutes for November 2, 2011, November 16, 2011, and the bills on the consent agenda. Council Member Vincent seconded the motion. The vote to approve the motion was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Mayor DeGraffenried read a letter from City treasurer Jody Thomas, advising the City that she had accepted another position and was resigning, effective December 19, 2011. The Mayor said he appreciated the years of support Ms. Thomas had given the City and wished her well. Mayor DeGraffenried nominated City Manager Benjamin Reeves for the position of interim City treasurer, as Mr. Reeves is by code the city budget officer and already carries bonds, so no new establishment of bonds will be necessary. Council Member Askerlund said this position dealt with shutoffs and frustrated citizens, and asked Mr. Reeves if he would be the one to deal with the citizens or if he was going to delegate that responsibility. Mr. Reeves said he has the ultimate responsibility for the collection of all funds and deposits. In the short term, all the staff will be covering the front desk. They will refer any necessary issues to Mr. Reeves, as they do now.

Council Member Askerlund asked if the position would be advertised. Mr. Reeves said it would be. He indicated the City is looking at consolidating some of the position duties to save on the budget. Mayor DeGraffenried said the City cannot do away with the treasurer position.

Council Member Green asked if the treasurer needed to be appointed the first meeting in January. Mayor DeGraffenried said the appointment must take place by the second Council meeting in February.

Council Member Linford made a motion to appoint City manager Benjamin Reeves as the interim City treasurer. Council Member Askerlund seconded the motion. The vote to appoint Benjamin Reeves as the interim City treasurer was unanimous.

FORMAL PUBLIC HEARINGS

No formal public hearings were conducted.

UNFINISHED BUSINESS

No unfinished business was conducted.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Matt Carr, representing the Planning Commission, addressed the Council. Mr. Carr said the Planning Commission had one item on the December 8, 2011 agenda, a renewal of the conditional use permit for the Wagon Wheel Sports Bar and Social Club. The applicant was asked in December of 2010 to return for a review in 2011. Police Chief Howard reported there had been very few police incidents, comparatively speaking, at the address, and the applicant met all the requirements that had been set the previous year. The conditional use permit was approved.

Council Member Askerlund asked why patrons were not allowed to park in the rear of the bar. Community Development Director Dennis Marker said during the first review of the Sports Bar, which took place in 2009, several neighbors behind the building expressed their concerns regarding parties in the back, and other concerns were raised regarding the potential for improper actions in that area at night. To address these issues, the requirement was made that no activities take place behind the building after 10 p.m. In the second review, the applicant, Dwight Fisher, asked to create a smoking area in the back, as there had been some issues with cigarette residue in the front. It was proposed that an enclosed deck area be built in the back, but this was not followed up on. Mr. Carr said Scott Phillips, a partner of the applicant, said they were talking to the building owner about putting a smoking area in the back with no outside access. Mr. Marker said the applicant had turned in his liquor license about three weeks ago, intending to close, but came back a few days later saying he had a new partner and was going to reopen.

NEW BUSINESS

Discussion on the Oath of Office procedure

City Manager Ben Reeves said typically the Oath of Office is administered on the first Monday in January, but the office will be closed that day for the New Year's holiday. The ceremony is planned for Tuesday, January 3rd at noon, in the City Council Chamber, and will include a lunch. Mr. Reeves asked that those wishing to attend RSVP.

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

Resolution 12-01-2011 "A Resolution establishing the fee schedule for Santaquin City"

Mr. Reeves said an oversight on the last fee schedule had left off the hydrant deposit, and this resolution was a housekeeping item. Council Member Vincent asked why the City charged \$150 to turn off water. He said a resident had told him that when the resident's parents died, the City had charged them \$150 to turn off the water. Mr. Reeves said he was not aware of the entire reasoning behind the fee, it had been part of the water ordinance and based on numbers recommended by the City Treasurer and the Public Works Director. It was his understanding that the Public Works staff had to go out and pull the meter and changes had to be made to the bookkeeping records.

Council Member Green made a motion to approve Resolution 12-01-2011, "A Resolution establishing the fee schedule for Santaquin City". Council Member Linford seconded the motion. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted in favor of Resolution 12-01-2011, a resolution establishing the fee schedule for Santaquin City.

Resolution 12-02-2011 "A Resolution declaring surplus property of Santaquin City"

Mr. Reeves said from time to time it became necessary for the City to discard some items. He said it was good bookkeeping practice to let the Council be overtly aware of what was being disposed of. Presently there are some library books and old computer equipment to be purged.

Council Member Steele asked what determines the book list. Mr. Reeves said the librarians go through the books as a group, and decide which items to discard based on their condition. Usually the book list is brought to the Library Board, but the Board has not met recently. Council Member Steele said it appeared some of the books were quite valuable. Mr. Reeves said the price on the list was the original cost. If the books are still fairly good, then they are set out for public purchase.

Council Member Askerlund asked what the final disposition of the computer items was, and whether the City had considered donating them to the schools. Mr. Reeves said that was a great idea. It is proposed that Rocky Mountain Technology go through the items for disposal when the new police computers arrive, and the schools could be invited to look at the items. Council Member Askerlund asked if Rocky Mountain Technology was being paid to go through the items. Mr. Reeves said the City paid them a flat rate per month for a certain number of hours, so there would not be an additional fee.

Council Member Askerlund made a motion to approve Resolution 12-02-2011, "A Resolution declaring surplus property of Santaquin City". Council Member Green seconded the motion. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted in favor of Resolution 12-02-2011, a resolution declaring surplus property of Santaquin City.

Resolution 12-03-2011 "A Resolution of the City Council of Santaquin City enacting a concussion and head injury policy"

Mr. Reeves said the State of Utah now requires any organization that has a recreation program to enact a concussion policy. The policy requires that any player who receives a head injury at an event not be allowed to return to play until they have been checked out by a doctor.

City Attorney Brett Rich has looked at the policy from several cities, and has indicated he likes this one best. Council Member Askerlund pointed out a typo in the form. He said he agreed with the idea, but had some concerns on who would monitor it. He asked how the City would know if the release had been obtained from a doctor. Mr. Reeves said ultimately it was a parental responsibility, but the coach would receive a copy of the doctor's letter and give it to the city. The City coaches are being trained on this policy. Council Member Linford said the first paragraph in the policy requirements talked about having a provider. He asked if the City had a provider in mind. Mr. Reeves said he did not know of anyone in the City who was qualified at this time. It was suggested that EMS director Paul Terry might have an answer.

Council Member Linford made a motion to approve Resolution 12-03-2011, "A Resolution of the City Council of Santaquin City enacting a concussion and head injury policy". Council Member Steele seconded the motion. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted in favor of Resolution 12-03-2011, a resolution of the City Council of Santaquin City enacting a concussion and head injury policy.

Resolution 12-04-2011 "A Resolution of the Santaquin City Council authorizing the execution of an interlocal cooperative agreement between Santaquin City and UDOT regarding the Santaquin Main Street Highway project"

Community Development Director Dennis Marker said the City had been working with UDOT to close out the Main Street project, and had entered into an agreement to receive funding from them for signal pole installation. The City was to pay UDOT \$6800 for the black coating on the poles. UDOT indicated they were willing to make alterations to the curb alignment to help with further improvements. These improvement costs totaled \$49,643.27. UDOT has suggested that rather than cash the City check for \$6800, they subtract that amount from the \$49 thousand. The City received the interlocal cooperative agreement for this on Tuesday. This resolution authorizes the mayor to sign the agreement. Mr. Marker reviewed the agreement provisions.

Council Member Askerlund said the new sign at the lube shop does not have electrical power and needs to be fixed before the project is finalized. Mr. Marker said the sign company was a different group than those who were to reconnect the wiring. He indicated he has contacted them several times but has not heard back.

Council Member Linford said during the discussion about widening the road to 400 East, it had been inferred that the road might be taken to I-15 next year. Mr. Marker said the Mountainland Association of Governments was coordinating with UDOT to add transportation projects. That process began this month and will be refined in January. Council Member Linford asked if the rest of Main Street is on the agenda. Mr. Marker said that will be raised in these discussions.

Council Member Vincent asked how the Main Street project had come out financially. Mr. Marker said the project was still under budget. He indicated he could send a report to the Council if they would like one.

Council Member Green made a motion to approve Resolution 12-04-2011, "A Resolution of the Santaquin City Council authorizing the execution of an interlocal cooperative agreement between Santaquin City and UDOT regarding the Santaquin Main Street Highway project".

Council Member Askerlund seconded the motion. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted in favor of Resolution 12-04-2011, a resolution of the Santaquin City Council authorizing the execution of an interlocal cooperative agreement between Santaquin City and UDOT regarding the Santaquin Main Street Highway project.

Ordinance 12-01-2011 "An ordinance amending the zoning map of Santaquin City to include the Hansen Annexation Area"

Mr. Marker said the Hansens were involved with some court cases, the result of which was a court-ordered mandate that their property would be annexed when they requested the City to do so. There had been some discussions with the family regarding development and intent for the property, and discussion on a future Pressurized Irrigation pond, but at this time, Kimball Hansen has indicated he does not care about development, but wants to get the annexation done. He is willing to take the lowest zone, currently 1 acre lots. Mr. Marker said the Hansen's daughter, Julie Early, has asked that this be done before the end of the year.

Council Member Askerlund asked why this issue could not be put off for the new Council. Mr. Reeves said this is just granting annexation, separate from a development agreement. The intent of this is to fulfill the court requirement that the land be annexed when requested. Council Member Steele said he wants some more information, including what their intent is and how they feel about the one acre zone. He said he would like to table this ordinance. Mr. Marker said he had received multiple emails agreeing to the zoning. Brett Rich had spoken to the family about using the Agricultural zone, and they have indicated they prefer the one acre lot zone.

Mayor DeGraffenried asked what the court time line was. He was told the court documents mandate that the property be annexed when requested. Council Member Green asked what advantage the Hansens would have by getting the property annexed by the end of the year. Mr. Marker said the county zoning is 50 acre lots, so they are unable to build on the property. Mr. Green said the Hansens have sat on this for three years, and now all of sudden they want the City to move on it. He said the new Council should have all the information from the past three years of bantering when they made a decision about development on the property and the property purchase. He said he would rather approve it and let the new council get caught up on the information.

Council Member Linford said his hang-up is the court mandate. He did not know what the consequences would be if the City did not follow the legal mandate. Accepting the annexation will not hurt the City, and will provide some revenue. Mayor DeGraffenried said this ordinance is strictly the annexation and approval of zone, and fulfills the court mandate.

Keith Broadhead addressed the Council. Mr. Broadhead asked if this zoning map amendment was approved, would it mean the property was annexed. Mr. Marker said approving the zoning map to include the property establishes that the city is willing to do the annexation. Mr. Broadhead said he remembered the agreement was part of buying the water tank, and he remembered the agreement was the City would annex the property when the Hansens were ready. Mr. Marker said the City would prefer to wait, but the Hansens had requested it be done now. Council Member Green asked how many times the City was ready to do it, but the Hansens said no.

Mr. Reeves said some significant engineering needed to be done for development, and the Hansens had not been willing to spend the money. Because the annexation and the development had been mingled together, it kept getting thrown back, and Ms. Early had now asked that the two issues be separated out.

Council Member Vincent said it seemed that if the City approved the annexation, they were losing bargaining tools. He indicated water connections had also been discussed. Mr. Reeves said the City hold the leverage power in a development agreement, when the real negotiations take place, and the Hansens will probably want new zoning. The annexation fee was discussed. Mr. Marker said he will look into what was paid. Council Member Linford said the City might be in trouble if the court mandate is not followed.

Council Member Green made a motion to table Ordinance 12-01-2011, "An ordinance amending the zoning map of Santaquin City to include the Hansen Annexation Area". Council Member Askerlund seconded the motion. The vote was as follows:

Askerlund	Aye
Green	Aye
Steele	Aye
Vincent	Aye
Linford	Nay

The motion to table Ordinance 12-01-2011, an ordinance amending the zoning map of Santaquin City to include the Hansen Annexation Area, passed by a majority vote.

Council Member Steele asked if the maps given to the Council could be made bigger.

Mr. Reeves said City Attorney Brett Rich was not at the meeting because he was ill. Mr. Reeves said a Santaquin citizen had won a Lamborghini in a Maverik contest, which would be awarded on Saturday, between 11 a.m. and 1 p.m. The City Council and the media have been invited.

A television travel channel is filming an episode of the show 'Dead Files', dealing with ghost stories. They will film at the Family Tree restaurant, the library and the police station. Brett Rich is working on releases to protect the City.

Mr. Reeves told the departing members of the Council that he appreciated their years of service. Mr. Marker indicated he felt the same way.

PETITIONS AND COMMUNICATIONS

No petitions or communications were received by the Council.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor DeGraffenried

Mayor DeGraffenried expressed his thanks for the years he had worked with the three Council members whose terms are up this year. He said he hoped to have some association with them in the years to come. He invited them to a January council meeting to receive their official plaques.

Council Members

Council Member Rick Steele asked why the agenda did not list the executive sessions. He asked about the Main Street Lights. Mr. Reeves said the fuse needed to be replaced with a bigger one because of the Christmas lights. Mr. Steele said a streetlight is still out west of Tischner Ford.

Council Member Steele asked how the price of water shares was determined. Mayor DeGraffenried said the price had been set at \$3900 a share, and the City had used that figure for several years.

EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)
No executive sessions were held.

ADJOURNMENT

Council Member Green made a motion to adjourn. Council Member Linford seconded the motion. The vote to adjourn the meeting was unanimous. The meeting adjourned at 8:13 p.m.

Approved on January 4, 2012.


James E. DeGraffenried, Mayor


Linda Midgley, Deputy Recorder