

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, November 2, 2011, in the Council Chambers, 45 West 100 South, at **6:00 pm**.

AGENDA

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. INVOCATION/INSPIRATIONAL THOUGHT
4. CONSENT AGENDA
 - a. Minutes
 1. October 12, 2011 City Council Meeting
 2. October 26, 2011 Work Session Meeting
 - b. Bills
 1. \$793,293.43

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

6. INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)
 - a. Resolution 11-01-2011 "A Resolution Establishing a Fee Schedule for Santaquin City"

7. 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
NOVEMBER 2, 2011**

The meeting was called to order by Mayor James E. DeGraffenried at 6:00 pm. Council Members attending: Filip Askerlund, Martin Green, James Linford, Rick Steele and Brent Vincent.

Others attending: City Manager Ben Reeves, Director of Public Safety Dennis Howard, and Jack Fetterman.

PLEDGE OF ALLEGIANCE

Council Member Askerlund led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

City Manager Reeves offered an Invocation.

CONSENT AGENDA

Minutes

October 12, 2011 City Council Meeting

October 26, 2011 Work Session Meeting

Bills

\$793,293.43

Council Member Green moved to approve the Consent Agenda. Council Member Linford seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted unanimously to approve the consent agenda.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Mr. Fetterman addressed the Mayor and Council Members with regard to the voter Information Pamphlet (see attachment "A"). He stated he read in the Daily Herald an article with regard to Mayor DeGraffenried being investigated by the Lt. Governor's Office. He said, "I am tired of the dishonesty" (see attachment "B").

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Resolution 11-01-2011, "A Resolution Establishing a Fee Schedule for Santaquin City"

A discussion was held as to the proposed changes of the fee schedule. The Mayor and Council Members were told the proposed changes were in wording only and didn't change any actual fees.

Council Member Linford moved to approve Resolution 11-01-2011, "A Resolution Establishing a Fee Schedule for Santaquin City". Council Member Vincent seconded the motion. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted unanimously to approve the resolution.

Council Member Vincent asked for clarification on who submitted the "Voter Information Pamphlet" language on behalf of the City. He was told both the application and language were submitted by Mayor DeGraffenried. He was reminded that no application was submitted by those in opposition to the sewer project.


City Manager Reeves indicated that while he was on vacation he did respond to Mr. Fetterman's e-mail. Before the meeting Mr. Fetterman indicated he didn't receive a response and was asked by City Manager Reeves if he would like to read the e-mail sent since Mr. Reeves could not print him out a copy. Mr. Fetterman read the response e-mail and indicated it was "very vague" (see attachment "C" for City Manager Reeve's e-mail).

ADJOURNMENT

At 6:17 pm Council Member Linford moved to adjourn. Council Member Vincent seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted unanimously in favor of adjournment.

Approved on December 14, 2011.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder

From: Jack Fetterman <jckft@yahoo.com>
To: breeves@santaquin.org
Cc: jdegraffenried@santaquin.org; jckft@yahoo.com
Sent: Friday, October 14, 2011 10:36 AM
Subject: Voter pamphlet

Mr. Reeves,

On two occasions (city meeting and the "meet the candidate" meeting) I asked you directly about a voter pamphlet that the city would put out that would address both sides of the proposed sewer plant. You indicated that there would be a pamphlet put out and that it would address both pros and cons of this important issue.

It has recently been brought to my attention that only the pros (or cities position) will be addressed and that any opinion to the contrary will not be addressed. This is a great disservice to the community and I am surprised that both you and the mayor feel that you are serving the people of this community by not giving them both sides of an issue of such great importance. It appears that you and the mayor are quite willing to block any legitimate debate and will go to great lengths to move forward on your agenda.

I came into this issue with an open mind on the importance of this issue. I am coming to the conclusion that the cities position must be weak if it has to resort to dishonesty and lies to further it's position. I intend to tell all my friends and associates about my personal experience with you and urge them to look into this matter more closely.

Jack Fetterman

Lt. Gov's office investigating Santaquin over newsletter

- Story
- Discussion

Lt. Gov's office investigating Santaquin over newsletter

Candi Higley - Daily Herald Daily Herald | Posted: Saturday, October 1, 2011 12:35 am | No Comments Posted

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Related Links

- Related: Santaquin City

If you happened to be visiting the Santaquin website over the past few days or if you subscribe to the city's newsletter via email, you may have read a four-page addition to the city newsletter that has many residents of Santaquin angry and it just might be a violation of the Utah Election Code.

The angry residents forwarded the newsletter, which shows a large photo of an elephant on a toilet, and says, "Here's the real poop scoop" on the first page. The document quotes various individuals who are for the current sewer bonds and discusses all the pros for a water reclamation facility, which uses membrane bioreactor technology and will be the first of its kind in the state to turn around 100 percent of the water.

"We, at the Lt. Governor's office, received this newsletter, which was forwarded to us by the Utah County Clerk," said Mark Thomas, deputy chief of staff and director of elections. "The newsletter appeared to be one-sided, and we have spoken to the Santaquin city attorney and are currently investigating to see if there is a violation and waiting to hear back from Santaquin city as to a remedy for this situation. Right now we don't know who was responsible for this newsletter."

Newsletters, which were scheduled to be mailed to residents, were not sent out.

In response to complaints about the newsletter, the Santaquin city manager issued a news release after being contacted by the Daily Herald:

"In the upcoming election on Nov. 8, 2011, Santaquin City has two ballot propositions regarding the proposed Wastewater Reclamation Facility for treatment of the city's wastewater. In an effort to provide information to the citizens, the city recently prepared a newsletter.

Prior to mailing, it came to the attention of Santaquin City that the newsletter may have exceeded the presentation of fact by advocating support for the propositions, thus requiring equal representation from both sides of the issue. As soon as the content of the newsletter came into question, Santaquin City immediately removed it from its website and pulled the newsletter from distribution in its monthly utility billing statements. Unfortunately, the newsletter had already been distributed electronically to those citizens registered to pay their utility bills online. Santaquin City regrets any misunderstanding and is cooperating fully with the Utah State Lieutenant Governors' Office to resolve this matter."

The newsletter also contained information that some claim is not correct. They also claim that individuals are quoted out of context, and they are questioning whether city funds were used to create, print and distribute the newsletter. The newsletter could be a violation of Utah Election Code 20A-11-1203, which prohibits a public entity from expending public funds on certain electoral matters.

The code states that "a public entity may not make an expenditure from public funds for political purposes or to influence a ballot proposition." It also says that a public entity can provide factual information about a ballot proposition to the public.

CITY COUNCIL MEETING 11-02-11
ATTACHMENT "B-2"

ballot proposition. It also says that a public entity can provide factual information about a ballot proposition to the public, as long as "the information grants equal access to both the opponents and proponents of the ballot proposition."

Utah Election Code 20A-11-1204 goes on to state that "each public official who violates this part is guilty of a class B misdemeanor."

Candidates who are running for city council and will be on the November ballot are upset and claim that the city has held 13 meetings for the bonds and the sewer facility telling all the pros without sharing the cons of the bonds and the sewer facility. They want the information given to residents to be fair, equal and accurate.

Keith Broadhead, a current candidate and a former Santaquin city council member, was quoted in the newsletter. The quote used came from the minutes of a Feb. 18, 1992 city council meeting and pertained to the events taking place in 1992, regarding whether Santaquin should send its water to another city, not the current sewer issues.

"It seems like a bad tactic on their part, and I don't really know why they quoted me," Broadhead said. "The things I said 19 years ago were in context then. Things have changed dramatically since then, and Santaquin's relationship with other cities has changed as well."

Susan Farnsworth

From: Ben Reeves
Sent: Thursday, November 03, 2011 9:35 AM
To: Susan Farnsworth
Subject: FW: Voter pamphlet

-----Original Message-----

From: Ben Reeves
Sent: Wednesday, November 02, 2011 5:45 PM
To: 'Jack Fetterman'
Subject: RE: Voter pamphlet

Mr. Fetterman,
This is an attempt to "resend" this e-mail...
Please let me know if you get this correspondence.
Thanks,
Ben

Mr. Fetterman,

Yes, you did ask me about the voter information packet and yes I did fully expect that, when asked at the meet the candidate night, it would contain both sides. However, I also indicated that night that I was not sure when or where this would be taking place. This was due to the fact that even with almost 8 years of government experience, this was my first referendum...and frankly, I did not know the process or procedures myself.

However, several days ago, in talking with our legal council, he made the casual comment, "So has the Mayor submitted your application to make an argument 'for' the propositions in the voter information packet yet?" I said that I did not realize that State Statute required an application. Had he not made that comment, we would have missed this deadline ourselves. (Apparently State Statute is quite specific about an application deadline being 50 days before the election.)

Being advised by our legal counsel, I put in application on behalf of the Mayor just shy of the deadline. I asked our legal counsel about the 'against' portion and he indicated that Jones Waldo Law Firm was the opposition's attorney and would be surely be advising their clients to put in their application. Of course, it would not have been appropriate for the city to write the "against" language as it would pose a conflict of interest. As such, we did not address the "against" portion believing to would be taken care of by those in opposition.

I am sorry that you are upset in this regard. Quite honestly, the voter information packet almost didn't have a "For" or an "Against" argument contained within it due to this deadline. I am not sure if the opposition's legal counsel provided legal advice on the voter information packet or not. If so, I am not sure if those in opposition chose not to put in application. But to be sure that we acted properly, we contacted the Lieutenant Governor's office who indicted we should follow State Statute, which is what we did.

With all of this said, it's also important to note that on October 4th, I contacted Keith Broadhead (over the phone and with a follow-up email) to offer to him the ability to put the oppositions arguments against the proposed system in newsletter format (up to 4 pages in length) which would be e-mailed out in similar fashion to the newsletter the City sent. To-date, we have not received a newsletter from the opposition for distribution.

Respectfully,

Benjamin A. Reeves
Santaquin City Manager
275 West Main Street
Santaquin, Utah 84655
breeves@santaquin.org
(801) 754-3211 x22 (office)
(801) 754-1620 (fax)
(801) 420-3052 (cell)

-----Original Message-----

From: Jack Fetterman [<mailto:jckft@yahoo.com>]
Sent: Friday, October 14, 2011 10:37 AM
To: Ben Reeves
Cc: James DeGraffenried; jckft@yahoo.com
Subject: Voter pamphlet

Mr. Reeves,

On two occasions (city meeting and the "meet the candidate" meeting) I asked you directly about a voter pamphlet that the city would put out that would address both sides of the proposed sewer plant. You indicated that there would be a pamphlet put out and that it would address both pros and cons of this important issue.

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Jack Fetterman