

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, October 5, 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. September 21, 2011
  - b. Bills
    1. \$58,839.96
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. FORMAL PUBLIC HEARINGS
7. UNFINISHED BUSINESS
8. BUSINESS LICENSES
9. REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES
10. NEW BUSINESS
11. INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)
  - a. Ordinance 10-01-2011, "An Ordinance Amending the City's Water Pressure Standards"
  - b. Resolution 10-01-2011 "A Resolution Adopting the 2011 Version of the Santaquin City Council Protocols"
12. PETITIONS AND COMMUNICATIONS
13. REPORTS BY MAYOR AND COUNCIL MEMBERS
  - a. Mayor DeGraffenried
  - b. Council Members
14. EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)
15. EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
16. 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  
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  
OCTOBER 5, 2011**

Mayor James E. DeGraffenried called the meeting to order at 7:02 pm. Council Members attending: Filip Askerlund, Martin Green, James Linford, and Brent Vincent. Rick Steele was excused.

Others attending: City Manager Ben Reeves, Community Development Director Dennis Marker, Public Safety Director Dennis Howard, Legal Counsel Brett Rich, Judy Vincent, Keith Broadhead, Jay Cameron Jolley, Richard Payne, Janet Kelley, Pat Kelley, Marilyn Clayson, Barbara Bean, Matt Carr, Lance Wollebaek, Brent Norton, Francell Pearce, JoAnn Bradford, Doug Rohbock, Denise Rohbock, Shauna Wall, Oran Wall, Elaine Tasker, Clarisse Peterson, Jeremy Roos, Jesse Vincent, Kara Vincent, Megan Vincent, Layne Vincent, Darrel Steele, Penny Reeves, Jason Steele, LeeAnn Wood, Michelle Hancock, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Legal Counsel Rich led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Mr. Rohbock Offered an Invocation.

**CONSENT AGENDA**

***Minutes***

September 21, 2011

***Bills***

\$58,839.96

Council Member Vincent indicated he would not be voting on the Consent Agenda because he is being paid through the Consent Agenda.

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

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

Judy Vincent read a letter to the Mayor and Council Members. (see attachment "A" for a copy of the letter).

Doug Rohbock asked the Mayor and Council Members to review the replacement of the broken concrete by the power box, which was installed in the wrong place. Mr. Rohbock was told the matter would be reviewed.

LeeAnn Wood addressed the Mayor and Council Members with regard to replacing the stop sign at 450 South 690 East (see attachment "B" for her statement).

Michelle Hancock addressed the Mayor and Council Members with regard to the same stop sign issue.

It was determined that the stop sign will be temporarily replaced, until the Council can approve "stop sign standards". The proposed standards will be reviewed in a future work session.

**FORMAL PUBLIC HEARINGS**

Nothing

**UNFINISHED BUSINESS**

Nothing

**BUSINESS LICENSES**

Nothing

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

Mr. Carr reported the Planning Commission approved the fire suppression standard which will be addressed this evening by the Council Members.

The next Planning Commission Meeting will be held at the Spanish Fork Seniors Center. They will be attending a regional planning meeting.

It was reported that Staff Planner Flint as well as two Planning Commission Members will be attending a training this Thursday and Friday.

Director Marker indicated the Main Street Project is moving right along. He will be meeting with the Rohbocks to discuss the concrete replacement issue. Council Member Green indicated the landowners need to be "taken care of" before the project is completed. Director Marker indicated the funding of the project is tight but there may be some funds available to take care of problems.

City Manager Reeves reported the resurfacing of the West side parking lot at the Public Safety Building will begin Saturday. The East side of the parking lot will be rescheduled for next week due to the weather.

City Manager Reeves reported the windows at the Library are scheduled for replacement on October 19th.

City Manager Reeves reported he would be out of office the week of October 17, which means he will miss the next Council Meeting.

City Manager Reeves indicated a budget opening will be scheduled during November. The opening would include the asphaltting of the Seniors Parking Lot as well as resurfacing of the Public Safety Building parking lot.

City Manager Reeves commented that there has been "a lot of good work lately" from the City Staff as far as "recognizing there are issues amongst the City Staff and the City Council and how we can try to address those things, be more positive, be more cohesive, and bring us together as a City". There was a lot of great training provided at the Utah League of Cities and Towns. He is hoping to take time in some of the work sessions to review some of the training. Several of the departments have been meeting with that intent, trying to pull people together. He has been involved in some of the meetings.

City Manager Reeves said, "with regard to Mrs. Vincent's comments at the beginning of this meeting, I just want to state for the record that the order of events and the letter presented was completely wrong". "I, as a City Manager, have taken an oath to protect the financial investment and the financial dollars of our citizens. I take that oath very seriously". "As far as contacting and making outward connections or try to do so.... none of that happened in the order stated, but I did so with discretion for the protection of our Council so those in question would have the opportunity to remedy the situation either through payment or through receipts in such a manner that was completely resolved and not made public, because there is no need for it to be made public". City Manager Reeves concluded by restating he wanted this information to be on the record.

Mayor DeGraffenried said he didn't want City Manager Reeves to draft a letter to Mrs. Vincent outlining the events. He requested Legal Council Rich draft the letter. Council Member Vincent suggested dropping of the issue. He said, "It's been talked about. Why don't we just let it go." Mayor DeGraffenried voiced his appreciation to Council Member Vincent for making the suggestion but said he would like the matter cleared in everyone's mind. Council Member Linford indicated he didn't know anything about the issue until after the request for payment was given to the Council Members. Council Member Vincent indicated he would explain to Mrs. Vincent the chain of events.

Council Member Vincent reported the Main Street Project is coming along fine, "sucks to be a business owner... but I can put up with it". He voiced his concern with the size of the rocks being used as fill. His concern is that they are too large and may cause sprained ankles as well as cause some liability for the City. Director Marker reported there is an issue with using a smaller size stone because the stones do not stay in place. City Manager Reeves will contact the Trust and have them review the stone issue.

## **NEW BUSINESS**

Nothing

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

### ***Ordinance 10-01-2011, "An Ordinance Amending the City's Water Pressure Standards"***

Council Member Linford moved to approve Ordinance 10-01-2011, "An Ordinance Amending the City's Water Pressure Standards". Council Member Green seconded the motion. Council Members Askerlund, Green, Linford, and Vincent voted unanimously to approve the ordinance through a roll call vote.

### ***Resolution 10-01-2011 "A Resolution Adopting the 2011 Version of the Santaquin City Council Protocols"***

Council Member Green moved to approve Resolution 10-01-2011, "A Resolution Adopting the 2011 Version of the Santaquin City Council Protocols"; adding a period on page 2, line 7 after the wording "section 52-4-202" and striking the remaining wording in that paragraph. Council Member Linford seconded the motion. Council Members Askerlund, Green, Linford, and Vincent voted unanimously to approve the resolution through a roll call vote.

## **PETITIONS AND COMMUNICATIONS**

Nothing



**REPORTS BY MAYOR AND COUNCIL MEMBERS**

***Mayor DeGraffenried***

Nothing

***Council Members***

Council Member Askerlund reported a couple of times during this Council and during the Town Hall Meetings there were questions asked and addressed on a couple of occasions, a voter information brochure that addresses the pros and the cons of the bonding. "I have never seen anything and Ben, I think you indicated that the City would do theirs and then the opposition or the opposing attorney would do theirs, where are we at on that"? Mayor DeGraffenried requested legal Counsel Rich update those in attendance on this issue.

Legal Counsel Rich stated, "If you are talking about the Voter Information Pamphlet, that information has to be prepared any time there is a referendum. And of course this time there are two. There is Proposition Number 1 and Proposition Number 2". "Two Voter Information Pamphlets will be prepared and distributed to each household in the City. That has to be done prior to and no less than 8 days prior to the election". There are some guidelines pertaining to drafting the pamphlet. Council Member Askerlund was told the process for the voter information pamphlet is set forth in the code. Legal Counsel Rich reported, "There were no applications to write anything opposing the Ordinance. I contacted the Lt. Governor's Office and asked how to handle that and they said all you can do is go straight by the code, go by what the code says, put it together and send it out". "It still has to go out. It is a statutory requirement". Legal Counsel Rich indicated the pamphlet will be "put together" and sent out. The pamphlet will include an introduction as well as the Proposition titles with a summary or a reference to where people can find Resolutions.

Council Member Askerlund asked, "Who was supposed to make application? What's that process?" Legal Counsel Rich indicated anyone who wants to could have made the application, "but it has to be done 50 days prior to the election". Council Member Askerlund continued by saying, "Can the Council, if they so choose, override that"? Legal Counsel Rich indicated, "There is a certain set of priorities that is set in the statute for how that's done". City Council Member Askerlund said, "I guess I'm not understanding if my question is being answered. Is it possible, for this Voter Pamphlet to address both sides of this issue or not, at this point?" Legal Counsel Rich said, "At this point, the Statutory Voter Information Pamphlet will not contain an argument opposing either Ordinance because no application was filed". Legal Counsel Rich continued by saying he anticipated "something else was going to go out that would include pros and cons so there is that opportunity". Council Member Askerlund stated, "I am not sure where you anticipate it coming from". Legal Counsel Rich indicated the voters should receive information with both pros and cons about what is happening with this vote on the MBR facility. He continued by saying by Statute it cannot be included in the Statutory Voter Information Pamphlet. Council Member Askerlund reiterated that the Council can't change that, it is State Statute. Legal Counsel Rich agreed with Council Member Askerlund.

Council Member Green requested clarification on some of the previous comments. He said, "The opposition, whoever brought the suit or whatever to the City, it would have been their Legal Counsel, whoever would have gotten with them to write up that opposition?" "I guess what I am

trying to figure out, so that the Public understands this isn't the City trying to sneak through. They had their opportunity, they meaning those who brought the referendum forward, their Legal Counsel, they, whoever they are, would have had that opportunity to do that and they didn't do it in the time frame"? Legal Counsel Rich indicated that was the case.

Council Member Green indicated we all need to understand that Mr. Reeves is the City Manager. "I don't know how all of this transpired but his responsibility is to make sure the Public Funds are handled correctly and if there was a discrepancy it is his job to find out where that discrepancy is. If the City Treasurer, according to this letter (the one submitted by Mrs. Vincent) gave them a Thank You Card, would the City Treasurer not have had invoices?" Council Member Vincent indicated she didn't have any invoices. Council Member Green questioned "if she didn't have an invoice, how did she figure out, and I am not trying to attack, figure out how if it was payment in kind, who approved that?" Council Member Askerlund interjected, "The Committee". Council Member Green asked who the Committee was. Council Member Askerlund reported the Celebration Committee talked about this at length. Council Member Green asked if this didn't need to come before the Council for approval. Council Member Askerlund indicated, "It never has in the last 5 years. It's fine, I understand what you're saying but until this year it has never been an issue. It's the way we have done it every year". Council Member Green said, "I understand that, if that is the way it's been done. But my question is, so there isn't a problem in the future, I think.." Council Member Vincent interjected by saying, "That's why we addressed it this way". Council Member Green suggested that if a Council Member is "doing a payment in kind, just to cover our own backsides, that needs to be brought forward so that it is not an issue". If the authorization is done by the Committee, someone from that Committee should inform the Council of the decision. "The question goes back to, how does the City Treasurer not have a receipt or some kind of paper work or trail to follow up with for the auditing reasons or whatever to show where that check and balance is". City Manager Reeves indicated this event came up during the week of the annual audit. Through discussion with the audit personnel, they recommended we put a policy in place that clearly outlines how in kind contributions are handled as well as how to handle contributions from Council Members, Employees of the City or spouses of Employees or Relatives who own businesses. Council Member Linford indicated he supported adopting such a policy. Council Member Green indicated, "In Ben's position, where he is charged to take care of thing, the City Treasurer should have a checks and balance somewhere as to what's coming in and what's going out. Obviously we didn't have that". City Manager Reeves indicate the greatest issue in the future would be that all revenues and expenditures are accounted for and while in-kind contributions are very much appreciated, and several were done by several businesses, not just by the two Council Members, they are handled in such a manner that there is an accurate accounting. Council Member Askerlund indicated, "I guess it is apparent that I am the other Councilman and I did turn in the receipts, and copies were made of the receipts, and I also got a thank you from the City Treasurer and I did it no different than I have done it for the last 5 years". "Whatever the process is, and whoever is in charge of that process, there obviously is a disconnect in the communication. I think that is something, Ben, that you probably ought to address internally". City Manager Reeves indicated, "I think we need to address it and I also think that the issue that was caused this year was, the receipts were valid and were provided and I appreciate that, was to cover and make sure we have done everything appropriately, we have dotted our I's and crossed our T's and things are done exactly as it should have been". "We need to make sure that is done well in advance and having a mature process will allow us to do so". Council Member Askerlund agreed

with City Manager Reeves comments and stated, "From this point on it is a dead issue with me but to state that it was kept quiet, I'll bring to your remembrance that you told me that a Citizen requested that information. I can't think of too many reasons why a Citizen would request that information other than for negative purposes, so I don't see how it was kept private". City Manager Reeves indicted he didn't say a Citizen requested the information, he said that any Citizen could question us at any time and that is our duty to be able to provide full disclosure".

Council Member Askerlund adamantly disagreed with the statement made by City Manager Reeves.

Council Member Green reported he would be out of town on October 26 and therefore he will not be attending the Council Meeting that evening.

Council Member Vincent indicated, "we have a lot of our conversation prior to this meeting at 6 o'clock in our Work Session, we have, I will call them expert people come and talk to us, we have a lot of professional people come and talk to us, we make a majority of our discussion and decisions, not decisions with a vote, but decisions are made in that meeting but we have no minutes to approve. I think we should start receiving minutes because that's where a lot of our discussion is held. A lot of times we will just get to an agenda item and say we make a motion we approve when there is no record of the discussion other than the recording". "I think that meeting seems to be as important as the Council Meeting and I think we should have minutes that we approve of that meeting".

**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)

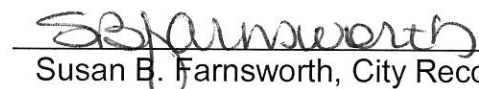
Nothing

#### **ADJOURNMENT**

At 8:02 pm Council Member Linford moved to adjourn. Council Member Vincent seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the unanimous.

Approved on October 19, 2011.

  
James E. DeGraffenried, Mayor

  
Susan B. Farnsworth, City Recorder

This past summer we received a letter from Santaquin City soliciting donations for the Orchard Days Celebration. We enjoy supporting our community so Brent and I decided we would sponsor a bucking chute at the rodeo for \$1000. In 2010 we did this and it worked out well for us and the rodeo.

Our Subway Manager and employees worked very hard on Friday and Saturday of the celebration to prepare all the sub sandwiches for the rodeo contestants as well as cut the tomatoes for the Chamber of Commerce to use in their concession stand.

The cost for the sandwiches and chips was \$1081.65. We were comfortable with the amount even though it was over the \$1000.00 we had initially agreed to donate. When Brent went to pick up his packet for council meeting the next week, the city treasurer gave him a "thank you" card from the celebration committee. Brent brought the card home and we did not think about it again.

On September 21<sup>st</sup> following city council meeting the City Manager, Ben Reeves, asked Brent to meet with him privately because he wanted to handle a matter "discreetly". He handed Brent a letter which stated they had not received our \$1000.00 donation. It also stated the matter needed to be resolved before September 30<sup>th</sup>.

On September 22<sup>nd</sup> Brent went to city hall with a receipt for \$1081.65 which he gave to the City Manager. At this time Brent became aware of what the city's definition of "discreet" is. This is the chain of events that occurred. The City Manager contacted the Mayor, then the City Attorney, and next the Chief of Police. Finally the City Manager contacted the County Attorney. My definition of "DISCREET" is somewhat different than Ben Reeve's.

On Monday September 26<sup>th</sup> Brent called our city attorney. Brett Rich indicated he already knew what Brent was calling for. Brent expressed our embarrassment about the entire situation. Brett replied when the City Manager contacted him he told Mr. Reeves he did not want to be involved and suggested Mr. Reeves call Brent directly to resolve any problems or answer questions. Instead Ben Reeves choose to call the Chief of Police and County Attorney.

It is evident that as soon as we became aware of the situation, we took swift action to resolve the issue. We regret this simple misunderstanding was not handled in a more positive manner. A phone call is free, a stamp costs 44 cents and certified letter just over \$3.00. Is there something wrong with clarifying what took place with the celebration committee or asking Brent directly?

We can estimate the cost to the taxpayer in the hours spent, the phone calls made and the time wasted. I feel this was mishandled because of the division between the staff and a few select members of the city council. It is time for all involved to respect each other and the positions they hold.

I felt good about giving the Santaquin Baseball team a six foot sub as a reward when they won the State Championship. I received a tee shirt signed with all the players' names and a "thank you" card.

Each year Santaquin Subway and Kat-Den Storage donate dictionaries to the 3<sup>rd</sup> grade students at CS Lewis Academy and Santaquin Elementary. We receive a creative thank you signed by all the students.



I recently donated a 140 plate china service to the Santaquin Senior Citizens and was thoughtfully recognized in their next meeting.

**I give \$1000.00 donation to Orchard Days celebration and the committee gave us a "thank you".**

**The City Hall gives us . . . you can fill in the blank**

**The City Hall questions our integrity – our honesty.**

Please use better judgment and discretion in the future. Hopefully this will be forgotten by the time the 2012 letter for solicitations arrives. It would be a shame if our celebration suffers due to the actions of one thoughtless person.

As we've learned from our neighbor Tonja Yost, she seems to be aggressive with this issue all alone. So because we're all concerned about the issue of the stop sign that was removed from the intersection of 690 East and 450 South, that's why we're here.

I have done a little figuring, mostly for my own purpose and so I'll share what I think could be important in regards to this issue. I am a mother of 5 boys, ages 18 – 5. My little boys play hard and pay no attention to traffic. They think they always have the right of way and that cars will stop for them. I can't always get them to stay on the sidewalks and I'm not with them always to make sure they stop at that particular intersection. My older boy said to me one day, "Dallan is going to get hit one day, because he just cruises through the intersection without looking and cars don't even slow down, yet stop anymore."

My next concern is my older boys. Teenage drivers. They drive fast and don't always pay attention. I counted roughly 21 teenage kids who live on 450 south and south and drive that intersection multiple times a day. They simply won't slow down until there's a stop sign to make them slow down and stop. I've watched a mother of 3 kids drive so fast through the intersection that if she were to hit a child, they could end up on my front lawn. That kind of tragedy could ruin someone's life.

There have been 17 new homes built south of me (on 450 south) since we moved here 11 years ago. There was obviously a reason to put up a stop sign once and now it should be much more justified just because of the increase in residence in that area. 450 South is the main street that residence high on the east bench drive to take kids to Orchard Hills and the only thing that slows them down is the stop sign on the east/west corners. Kids from up there cruise down and never stop at this intersection. They could be in the middle of the road before they see a car coming too fast to stop for them.

The cars traveling north on 690 East can get going too fast too soon and they wouldn't need to stop for 6 blocks.

I've seen the reports by the city manager and I believe the results justify putting the stop signs back up.

I believe that because of the increase in homeowners has simply made for an increase in traffic. Please err on the side of safety and help us protect our children as well as our teenage drivers and all drivers. Let's not wait for a tragedy to take place before we consider this serious. The tragedy could end up being one of my children.