

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, September 07, 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. August 17, 2011
 2. August 27, 2011
 - b. Bills
 1. \$600,105.32
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
 - a. Discussion and Possible Action regarding Fire Protection Standards in Areas not Serviced with City Utilities
8. BUSINESS LICENSES
9. REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES
10. NEW BUSINESS
 - a. Ratify the 2009 Election Poll Workers to be used for the 2011 Elections
11. INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)
 - a. **Ordinance 06-02-2011** An Ordinance Modifying Fire Protection Standards in Areas not serviced with City Utilities
 - b. **Ordinance 09-01-2011** "An Ordinance Modifying Campaign Sign Regulations"
 - c. **Ordinance 09-02-2011** "An Ordinance Modifying the Santaquin Code Providing for Policies and Procedures for Collection, Disposal and Transporting of Solid Waste and Refuse"
 - d. **Ordinance 09-03-2011** "An Ordinance Modifying the Santaquin Code Providing for Policies and Procedures for Billing of Municipal Utilities."
 - e. **Resolution 09-01-2011** "A Resolution Establishing the Fee Schedule for Santaquin City"
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, City Recorder

POSTED:

CITY CENTER
POST OFFICE
ZIONS BANK

**MINUTES OF A CITY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SEPTEMBER 07, 2011**

The meeting was called to order by Mayor James E. DeGraffenried at 7:00 pm. 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, Director of Public Safety Dennis Howard, Legal Counsel Brett Rich, J-U-B Engineering Representatives Norman Beagley and Mark Christensen, Ryan Lind, Keith Broadhead, Matt Carr, Scott Parkin, Elizabeth Robertson, Richard Payne, Tod Rowley, Phillip Rowley, Shayne Ahlin, Jared Howe, Denise Windley, Darrell Depew, Ryan Shepherd, Wesley LeBaron, Josh Walker, Mike Sorensen, Janelle Bond and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Mr. Howe led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Council Member Linford offered an Invocation.

CONSENT AGENDA

Minutes

August 17, 2011

August 24, 2011

Bills

\$600,105.32

Council Member Linford moved to approve the Consent Agenda with a date change from August 27th to August 24th. Council Member Askerlund seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted unanimously in favor of approving the consent agenda.

FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Mayor DeGraffenried presented City Recorder Susan Farnsworth with the August 2011 Employee of the Month (see attachment "A" for the presentation).

Mr. Tod Rowley reported that at the past Summit Creek Irrigation Board of Directors meeting it was voted unanimously not to allow "Type 2" water on any of their property (see attachment "B" for the full report).

Mr. Phil Rowley read a letter addressed to the Mayor and City Council Members (see attachment "C" for a copy of the letter). Mr. Rowley commented that the write-ups addressing the Fruit Growers being okay with the use of "Type 2" water are inaccurate.

Mrs. Robertson also read a letter addressed to the Mayor and City Council Members (see attachment "D" for a copy of the letter). She indicated she has been concerned with expansion of the sewer lagoons. The family business requires the property they currently have to continue with growing crops to feed their cattle.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Discussion and Possible Action regarding Fire Protection Standards in Areas not serviced by City Utilities

Director Marker reported all of the Council Member requested changes have been incorporated in the proposed Ordinances. The Council Members were told their packets contained a letter from the Fire Department supporting the proposed Ordinance as written. Council Member Green indicated he would like to have a work session.

Council Member Green moved to table Item 7a and Item 11a. Council Member Askerlund seconded the motion. Council Members Askerlund, Green, Steele and Vincent voted in favor of the motion. Council Member Linford voted against the motion. The motion passed by majority vote.

BUSINESS LICENSES

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Mr. Carr reported the Planning Commission reviewed and passed a code amendment pertaining to "The Star Bright Preschool". They also reviewed the code addressing Temporary Signs and Fire Protection. Mayor DeGraffenried thanked Mr. Carr and the Planning Commission Members for all of their work.

NEW BUSINESS

Ratify the 2009 Election Poll Workers to be used for the 2011 Elections

Council Member Linford moved to ratify the 2009 Election Poll Workers to be used for the 2011 Elections. Council Member Vincent seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the unanimous.

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

Ordinance 06-02-2011, "An Ordinance Modifying the Fire Protection Standards in Areas not serviced with City Utilities"

See Unfinished Business for action on this item.

Ordinance 09-01-2011 "An Ordinance Modifying Campaign Sign Regulations"

Director Marker reviewed the need to amend the Campaign Sign Regulations Ordinance (see attachment "E").

Council Member Linford moved to approve Ordinance 09-01-2011, "An Ordinance Modifying Campaign Sign Regulation". Council Member Steele seconded the motion. Council Member Askerlund questioned if they proposed Ordinance is enforceable. He was told the Community Development Department would be the Enforcement Officers of the Ordinance. Council Member Vincent requested including a time frame in which the Political Signs be removed. Director Marker clarified including a time frame would be considered a free speech violation. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted unanimously to approve the ordinance.

Ordinance 09-02-2011 "An Ordinance Modifying the Santaquin Code Providing for Policies and Procedures for Collection, Disposal and Transporting of Solid Waste and Refuse"

City Manager Reeves reported the Council Members have been working on this Ordinance for some time. The proposed Ordinance addresses all the requests of the Council Members as well as Staff Members.

Council Member Linford moved to approve Ordinance 09-02-2011, "An Ordinance modifying the Santaquin Code Providing for Policies and Procedures for Collection, Disposal and Transporting of Solid Waste and Refuse". Council Member Green seconded the motion. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted unanimously to approve the ordinance.

Ordinance 09-03-2011 "An Ordinance Modifying the Santaquin Code Providing for Policies and Procedures for Billing of Municipal Utilities"

City Manager Reeves reviewed the proposed Ordinance with the Mayor and Council Members. There were a number of issues discussed, both positive and negative.

Council Member Linford moved to approve Ordinance 09-03-2011 "Modifying the Santaquin Code Providing for Policies and Procedures for Billing of Municipal Utilities". Council Member Vincent seconded the motion. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted unanimously to approve the ordinance.

Resolution 09-01-2011 "A Resolution Establishing the Fee Schedule for Santaquin City"

Council Member Green moved to approve Resolution 09-01-2011, A Resolution Establishing the Fee Schedule for Santaquin City with the change of the Resolution Number and the change of the fee associated with Utility Service Order. Council Member Steele seconded the motion. Through a roll call vote, Council Members Askerlund, Green, Linford, Steele and Vincent voted unanimously to approve the resolution.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS BY MAYOR AND COUNCIL MEMBERS

City Manager Reeves reported the Administrative and Utility Offices have completed their move to the Public Safety Building. There are a number of changes still in the works. The phone systems should be installed by next Friday.

The Council Members will be given a "key card" and keys to the new building so they can obtain access.

Mayor DeGraffenried

Mayor DeGraffenried requested Director Marker update the Mayor and Council Members on the landfill property. It was reported that the City will be responsible for certain State regulations and will be working closely with the new property owners to make sure the regulations are met.

Council Members

Council Member Linford reported he attended a Utah Lake Commission Meeting recently and was told the Commission has remained neutral, neither in favor or against the lake crossing.

Council Member Askerlund indicated he would be working on getting the Veterans information on the website.

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 8:26 pm Council Member Green moved to adjourn. Council Member Vincent seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent unanimously voted in the affirmative.

Approved on September 21, 2011.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder

**SUMMIT CREEK IRRIGATION AND CANAL CO.
P.O. Box 700
SANTAQUIN, UTAH 84655**

September 6, 2011

Dear Santaquin City Mayor and City Council Members,

In a board meeting held August 31, 2011 it was unanimously passed by vote that no type II water be allowed upon irrigation company ground for the following reasons.

Summit Creek Irrigation and Canal Company has retained the services of Frandson Engineering to explore and implement the restoration of Reservoir number one as well as the implementation of recharge basins both at the mouth of Santaquin Canyon and downstream from reservoirs one and two. These plans would be forfeit if type II water was being used in proximity of our reservoirs. We will move ahead with our plans to control and utilize all waters from Santaquin canyon for the benefit and protection of the downstream residents of Santaquin and Genola. These plans, once implemented, will be a huge step in protecting our precious water supply. The current plan to utilize farm ground in proximity to these control measures would jeopardize our ability to safely protect this resource and downstream residents.

Furthermore, this includes a current plan to address floodwater issues in conjunction with the State of Utah, Utah County, Santaquin City, Genola City, and Strawberry Highline Canal Company. Moving ahead with these improvements make it impossible to allow any type II water on or around any property owned by Summit Creek Irrigation and Canal Company. This includes Santaquin Reservoir number two and Santaquin Reservoir number one as well as all Summit Creek Irrigation and Canal Company property surrounding these two facilities.

In addition, it is the opinion of the board of directors of the irrigation company that type II water applied to any ground in the proximity of overflow waters as well as incoming waters to our reservoirs ditches and canals becomes a hazard to downstream water users. It is also our belief that type II water used anywhere in

proximity to our current reservoirs or their inward or outward flows must be strictly forbidden. In the event that type II water is allowed to mix with other irrigation waters it becomes a liability not only for the irrigation company but also for anyone using that water. Type II water clearly can only be used on certain crops for strictly specified uses. Before any additional property could be irrigated with type II water, application must be made to the Utah State water quality division. This application would be aggressively protested for the above-mentioned reasons by Summit Creek Irrigation and Canal Company. Additionally, all entities above mentioned would be invited to protest any further expansion of property to be irrigated using type II water.

Sincerely,

Summit Creek Irrigation and Canal Company, Board of Directors



Wednesday, September 7, 2011

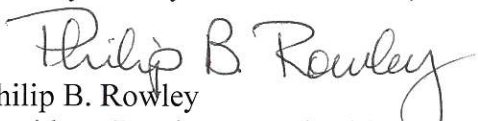
Dear Santaquin Mayor and Santaquin City Council,

For the past 18 years Rowley's South Ridge Farms, Inc. has grown orchards in the adjacent proximity of the Santaquin City sewer lagoons. In the beginning of this arrangement it was agreed that a 500 foot barrier be maintained between any type II water irrigated either through sprinkler or flooded. This distance has been maintained throughout the years. It was also agreed that anytime the prevailing south wind blew between 10-15 miles per hour or greater the pumps would be shut down until the wind subsided. This was also maintained for the first several years. There was also a double row of windbreak trees that was promised between the areas where water was sprinkled and where the orchard began. This promise, however, was never realized. With this type of distance between our orchard and the city ground where irrigation with type II water was occurring and with the limited amount of ground being irrigated with type II water, we have not experienced many adverse effects upon our orchard. However, with the possibility of the expansion of the current lagoon system and the expanded use of type II irrigation over a greater amount of ground in close proximity to our orchards continuance of this practice might well become intolerable.

Over the years we have experienced some communication breakdowns between the city and us. There have been times when pipes have been left open and running and type II water from those pipes have come dangerously close to our orchards before the proper authorities could be contacted and asked to shut off the flow. The division of water quality assures us that the distance between private farm ground and leased or owned ground where type II water is being used can be increased to the distance necessary for safe production of food and fiber. Most of the local fruit growing operations now have to pass a Global GAP (Good Agricultural Practices) audit each year. Water samples of irrigation water used on the crops must pass a rigorous water test. Any possibility of type II water contamination is unacceptable.

The utilization of type II water is not an easy remedy for the cities expanded population growth. Type II water can only be used on certain crops and cannot in any way hinder or impinge upon a neighbor from growing and producing crops using type I water. We believe the expansion of the sewer lagoons and increasing the amount of property irrigated with type II water is a step in the wrong direction. We respectfully ask the city council to not consider this expansion and further use of type II water. We desire to continue to grow fruit in and around the city of Santaquin and do not wish to become involved in unnecessary legal battles to insure our right to grow high quality fruit without the fear and worry of the expanded use of type II water in close proximity to our fruit growing operations.

Thank you for your consideration,


Philip B. Rowley
President, Rowley's South Ridge Farms, Inc.

Santaquin City,

The Owners of the farm around the sewer ponds, we are concerned with the expansion of the sewer ponds the city is proposing. We are not willing to sell or lease our property. We are growing alfalfa, oats, and barley to feed our cattle and we need all the property we own to run our cattle farm. We have a problem with insects with the ponds and there will be a bigger problem if it is expanded. There is a concern for our hired help, who move the sprinklers and their health risks being subject to Type II water. We are using Type II water on 35 acres west of the lagoon raising oats and alfalfa, but after our 5 year lease is up we are no longer going to do it. As property owners we do not want Type II water around our farm and home. We want the City to keep moving ahead with the North system, on the 3 acres, to produce cleaner water instead of buying 200 plus acres that will produce Type II water none of us want.

Shanks,

Bonnie J. Ray Olson
Elizabeth Ray Robertson



City Council Meeting
September 7, 2011
Attachment "E"

A Community Prospering in Country Living

(Agriculture, Equestrian, Recreation)

MEMORANDUM

Tuesday, August 23, 2011

To: Mayor DeGraffenried and City Council via Planning Commission
From: Dennis Marker, Community Development Director
RE: Code Amendment Pertaining to Temporary Campaign Signs CA#06-10

BACKGROUND

Mapleton City recently settled a litigation case pertaining to freedom of speech infringements caused by their campaign sign regulations. As part of that settlement, Mapleton was required to notify surrounding jurisdictions of the need to review each of their campaign sign regulations in respect to the constitutionally guaranteed freedom of speech. As Santaquin has considered its campaign sign regulations, state electioneering laws, and historic case law pertaining to sign regulations, the City staff has determined that some amendments are warranted within Santaquin City Code (S.C.C.) Title 10, Chapter 13: Sign Regulations. The Planning Commission reviewed the proposed amendment during their August 11 and 25, 2011 meetings and have forwarded a positive recommendation to the City Council (See attached minutes).

ANALYSIS OF PROPOSAL

Code Amendment Policy

S.C.C. 10-6-3.A gives standards to be met when considering an amendment of Title 10. It states, *"It is hereby declared to be public policy that this title shall not be amended except to more fully carry out the intent and purpose of the general plan of the city and of this title."* Although there is no specific goal or policy within the City's General Plan about campaign signs, the intent of all City laws and ordinances is to adhere to and be considerate of the enabling powers of the State and the individual protections given under the United States Constitution.

State Law Review

State Law §10-9a-102 Purposes, states the following about land use laws in the state,

- (1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to

sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.

- (2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

Sign regulations are a form of land use control, which the above enabling language permits the City to have. The purposes for Santaquin's sign regulations are similar to the State language, in that they "authorize the use of signs that are compatible with their surroundings, are legible under the circumstances in which they are seen, are effective in indexing the environment, are conducive to promoting traffic safety and the convenience and enjoyment of public travel by preventing visual distraction, protecting pedestrians, attracting tourists to the city, preserving and enhancing property values, establishing first class business and commercial districts, and eliminating fire hazards." Additional purposes of the City's sign regulations include, "promoting short and long term civic beauty and order by establishing standards and regulations for sign design, location, size, type, compatibility, and aesthetics. By doing so it is hoped that this chapter will help to create streetscapes that are functional and attractive to both residents of Santaquin City as well as visitors" (S.C.C. 10-13-1). Although the general purposes of the sign regulations are compatible with the State enabling language, individual regulations within the code are subject to scrutiny.

The stipulation under the state code that must guide the City's laws, etc. is that the regulations are allowed "unless expressly prohibited by law." Many court cases have arisen due to sign regulations and how those regulations may abridge the constitutionally protected "freedom of speech" (United States Constitution (U.S.C.) Amendment I). One landmark case on government regulation of speech is **O'Brien vs US** (O'Brien) in 1968. The Supreme Court found that government could regulate the freedom of speech as long as:

1. It is within the constitutional power of the Government;
2. It furthers an important or substantial governmental interest;
3. The governmental interest is unrelated to the suppression of free expression; and
4. The incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.

It is apparent that regulations affecting speech can not be imposed for the purpose of regulating speech and that any regulation must be strictly tailored to serve a noted important or substantial government interest with as minimal an impact on speech as possible. Additionally, the **Central Hudson Gas & Electric Corp. v. Public Service Commission of New York, June 20, 1980**

found a distinction between regulation of commercial and non-commercial speech. Non-commercial speech may not be regulated by government unless affected by a regulation meeting the criteria established by the O'Brien case.

The Santaquin Sign regulations primarily deal with commercial speech in the community. A sign utilized to entice customers to a product, service or to a location where a product or service is provided is considered commercial speech. Typical regulations of commercial speech pertain to the size, location, construction materials, aesthetics, and design. Forms of non-commercial speech regulated by Santaquin City include community signs and information boards, religious symbols, and campaign signs. The remainder of this report will address the City's campaign sign regulations.

Campaign signs are non-commercial in nature and by City definition are "Temporary Signs"(S.C.C. §10-13-16). All temporary signs must meet the regulations found in S.C.C. §10-13-9.A. Standards for Temporary Signs. It reads as follows:

Temporary signs shall not be placed in or over a public right of way, may not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind. They shall not be attached to telephone poles, fences, or trees. They must be firmly secured to the building or ground ... No off premises temporary signs are allowed except those specifically noted and regulated for real estate purposes or otherwise noted in this title.

Additional regulations for Political or Campaign Signs are found in S.C.C. 10-13-7.A.13, which states,

13. Political or Campaign Signs: In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:

- a. Said signs for all candidates, regardless of participation in a primary election, may not be erected earlier than thirty (30) days prior to a primary election and shall be removed by the Monday following a general election. Candidates who lose a primary election shall remove signs by the Monday following the primary election. Signs relating to elections on special issues may be installed and must be removed on the same basis.
- b. Any one sign shall not exceed sixty four (64) square feet in aggregate area and, if freestanding, shall not exceed eight feet (8') in height. Such sign shall not be erected in a manner as to constitute a roof sign. Signs may not be placed on public property, in a public right of way, or in any place which would impede traffic visibility or safety. Signs along roadways which do not contain improvements of curb, gutter, and/or sidewalks may not be placed closer than ten feet (10') to the edge of the paved surface.
- c. Campaign signs may not be placed closer than one hundred fifty feet (150') to building where any official voting station is located.

Since Campaign signs are non-commercial, any regulation must meet the standards of O'Brien. Since all state laws are presumed to be constitutional, Santaquin's having land use laws in accordance with Utah Code §10-9a is constitutionally allowed. State law, section 20A-3-501(2)

of the Utah Code gives additional powers to the City as pertaining to electioneering materials (e.g. campaign or political signs). It reads as follows:

- (2) (a) A person may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:
 - (i) do any electioneering;
 - (ii) circulate cards or handbills of any kind;
 - (iii) solicit signatures to any kind of petition; or
 - (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.
- (b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.

Based on these regulations, the majority of paragraph c of the City's campaign sign regulation is presumably constitutional because it prohibits electioneering within 150 feet of a polling area similar to State law. However, the Santaquin provision differs from the Utah code in one important aspect. The restriction of the Utah code is limited to public property, while the current version of the Santaquin Code is not. This distinction is probably not justified and may result in a violation of the First Amendment if not adjusted or eliminated.

Those portions of paragraph b, which regulate the manner of displaying campaign signs is also valid as per paragraph (2)(b) in the referenced State law. These provisions also serve to accomplish the Cities desire to protect community aesthetics and traffic safety, which the Supreme Court found, in its decision of **Metromedia, Inc. v. City of San Diego** in 1981, to be "substantial government goals." However, the provision of allowing political signs within the public right-of-way where no curb and gutter exists and not allowing it where curb and gutter does exist raises concern for meeting the intent of protecting public safety. Where no curbing exists, the traveling public is more able to run into or be impacted by signs in the public way. Furthermore, curb and gutter is not considered by the State a traffic safety infrastructure, but is rather a means of addressing storm drain issues. Any regulation pertaining to the use of public right-of-way should be consistent and fair regardless of the existence of curb and gutter. This is in accordance with the Fourteenth Amendment to the United States Constitution, which prohibits laws which "deny to any person within its jurisdiction the equal protection of the laws."

It may be argued that the regulations in paragraph a of the City sign code are a permissible regulation of time for the display of campaign signs. In **City of Ladue v. Gilleo** (1994) the Supreme Court struck down the City of Ladue's regulation of non-commercial signage on residential properties. The court found,

"Signs that react to a local happening or express a view on a controversial issue both reflect and animate change in the life of a community. Often placed on lawns or in windows, residential signs play an important part in political campaigns, during which they are displayed to signal the resident's support for particular candidates, parties, or causes. They may not afford the same opportunities for conveying complex ideas as do other media, but residential signs have long been an important and distinct medium of expression.

Even regulations that do not foreclose an entire medium of expression, but merely shift the time, place, or manner of its use, must "leave open ample alternative channels for communication." *Clark v. Community for Creative Non Violence*, 468 U.S. 288, 293 (1984). In this case, we are not persuaded that adequate substitutes exist for the important medium of speech that Ladue has closed off

Displaying a sign from one's own residence often carries a message quite distinct from placing the same sign someplace else, or conveying the same text or picture by other means. Precisely because of their location, such signs provide information about the identity of the "speaker." (CITY OF LADUE, et al., PETITIONERS v. MARGARET P. GILLES, No. 92-1856, 1994)(emphasis added)

Although paragraph a of Santaquin's campaign sign regulations does not "close off" the ability for residents to have lawn signs, it appears from the City of Ladue case that any regulation of "time" with regards to lawn signs is an abridgement of an "important medium of speech".

STAFF RECOMMENDATION

City staff recommends changes be made to the City's Campaign sign regulations as shown in Exhibit A (attached hereto) based on the following findings:

1. Santaquin recognizes the need to protect the constitutionally guaranteed freedom of speech, which the courts have found may only be abridged under limited circumstances pertaining to signage within communities.
2. Santaquin City has adopted signage regulations as part of its land use laws in accordance with Utah State Code Annotated 1953, Section 10-9a-102.
3. Santaquin desires, through these sign regulations, to protect the community's aesthetics, promote traffic safety and the convenience and enjoyment of public travel by preventing visual distraction, which can occur with a proliferation of unregulated signage. Furthermore, the City desires to protect the voting public from unlawful electioneering practices in accordance with Utah State law, section 20A-3-501(2), Electioneering.
4. By amending its campaign signage laws at this time, the City can better protect freedom of speech for its citizens while achieving its desired interests and better complying with Utah State electioneering guidelines.

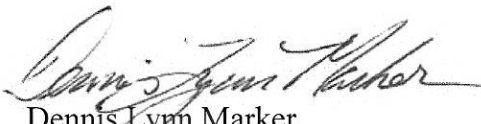

Dennis Lynn Marker
Community Development Director

EXHIBIT A

Proposed Changes to Santaquin City Sign Code (10-13-7.A.13)

(underlined text is added, stricken text is deleted)

13. Political or Campaign Signs: In addition to signage otherwise authorized by this chapter, ~~political or campaign electioneering signs on behalf of candidates for public office or measures on election ballots are~~ allowed as follows:

- a. ~~Said signs for all candidates, regardless of participation in a primary election, may not be erected earlier than thirty (30) days prior to a primary election and shall be removed by the Monday following a general election. Candidates who lose a primary election shall remove signs by the Monday following the primary election. Signs relating to elections on special issues may be installed and must be removed on the same basis.~~
- ba. Any one sign shall not exceed sixty four (64) square feet in aggregate area and, if freestanding, shall not exceed eight feet (8') in height. Such sign shall not be erected in a manner as to constitute a roof sign. Signs may not be placed on public property, in a public right of way, or in any place which would impede traffic visibility or safety. ~~Signs along roadways which do not contain improvements of curb, gutter, and/or sidewalks may not be placed closer than ten feet (10') to the edge of the paved surface.~~
- eb. Campaign Electioneering signs or other such materials may not be placed within a polling place or in any public area closer than within one hundred fifty feet (150') ~~to~~ of any building where ~~any an~~ official voting station is located.