



## NOTICE

Notice is hereby given that the Mayor and City Council will hold a Work Session on May 05, 2010 in the Council Chambers, 45 West 100 South, beginning at 6:00 pm.

### DISCUSSION ITEMS

1. Update from Mike Lee
2. Review of the Council Meeting Agenda
3. General Discussion

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 Office ten or more hours in advance and we will, within reason, provide what assistance may be required.

SBFarnsworth

By: Susan B. Farnsworth, City Recorder

Posted:  
City Offices  
Post Office  
Zions Bank

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, May 05, 2010, 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. April 21, 2010
  - b. Bills
    1. \$194,242.44
5. **FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

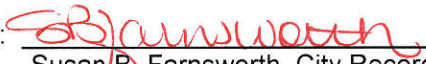
**Public Forum is held to a 30-minute maximum with each speaker given no more than 5 minutes each. If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement**

  - a. Strawberry Days Royalty
6. **FORMAL PUBLIC HEARINGS**
7. **UNFINISHED BUSINESS**
  - a. Discussion and possible action with regard to an Interlocal Agreement with South Utah Valley Electrical Service District
8. **BUSINESS LICENSES**
9. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
10. **NEW BUSINESS**
  - a. Discussion and possible action with regard final payment to Hill's Construction for the Summit Ridge Well Project
  - b. Discussion and possible action with regard to assessment of fees pertaining to sewer connections in areas were sewer service is now available
  - c. Discussion and possible action with regard to purchase of real property along 400 East
  - d. Discussion and possible action with regard to the Gurr Plat "B" single-lot split
11. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)**
  - a. Ordinance 05-01-2010, An Ordinance of the City Council of Santaquin City, Utah County, Utah, Adding a Water Conservation Plan Ordinance by Adopting Chapter 6, "Water Conservation Plan" into the Santaquin City Code; and Providing an Effective Date
  - b. Resolution 05-01-2010, A Resolution of the Santaquin City Council Authorizing the Execution of an Interlocal Cooperation Agreement Between Santaquin City and South Utah Valley Electric Service District Regarding Electrical Services
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 faxed 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  
MAY 5, 2010**

The meeting was called to order by Mayor James E. DeGraffenried at 7:01 pm. Council Members attending: Filip Askerlund, Martin Green, James Linford, Rick Steele and Brent Vincent.

Others attending: Planning Commissioner Pam Colson, City Manager Ben Reeves, City Planner Dennis Marker, Legal Counsel Brett Rich, Public Safety Director Dennis Howard, Caleb Johnson, Burke Hills, Austin Peck, Sarah Sanford, Courtney Brown, Rebecca Woahn, Chelsi Lukens, Aubrey Bench, Madysen Memmott and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Chief Dennis Howard led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Council Member Linford offered an Invocation.

**CONSENT AGENDA**

***Minutes***

April 21, 2010

***Bills***

\$194,242.44

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

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

***Strawberry Days Royalty***

Madysen Memmott, this year's Miss Pleasant Grove, addressed the Council. Ms. Memmott introduced the Strawberry Days Royalty and invited the City Council to attend Pleasant Grove's Strawberry Days. The Strawberry Days celebration will be held June 15 to June 19, and will have activities for the whole family. Ms. Memmott presented the Council with a strawberry cheesecake. In answer to a question from the Council, Ms. Memmott said her platform was called Open Hearts, and concerned breaking the stigma associated with disabled youth.

**FORMAL PUBLIC HEARINGS**

Sarah Sanford addressed the Council. Ms. Sanford said she had purchased a piece of property on 100 East which contained two 1950's trailers pushed together. She has the opportunity to purchase a 1965 trailer in much better condition, which will improve the looks of the neighborhood. City ordinance requires all trailers brought into the city have a HUD seal and a certain roof pitch. The HUD seal certifies that the trailer meets certain safety standards. Ms. Sanford asked the Council if there was any possibility to put the new trailer on the lot without meeting the requirements, perhaps by having a City inspector check that it is safe. It would be used as a rental. Mayor DeGraffenried asked her to give the trailer information to City Planner Dennis Marker so the City could look into the possibility.

Mayor DeGraffenried invited Scout Austin Peck to address the Council. Mr. Peck said he is working on his communication merit badge.

**Planning Commission**

Planning Commissioner Pam Colson addressed the Council. Ms. Colson said a good group of citizens had attended the April 22 meeting. Those attending for the Gurr subdivision were not aware of the uses allowed in the R-8 zone, in this case, twin homes. The citizens had come to the meeting hoping to persuade the Commission to not allow the twin homes. The Commission felt their hands were tied and they needed to send a positive recommendation on the subdivision because it met all the City requirements. The Commission is looking at ways to add a section to notification letters explaining that a proposed subdivision meets the zoning requirements. Council Member Askerlund asked if there had been any discussion on curb, gutter and sidewalks. Ms. Colson said the main issue was the trees and space requirements.

Ms. Colson said there was a lively discussion on the rezoning of the 22 acres at the future water treatment site. Several historical items were brought to the attention of the Commission, and some citizens indicated that they did not feel they had been treated fairly. Ms. Colson said the Commission found it a little confusing and felt they would have liked to be more prepared on the wastewater treatment facility issue. The issue was tabled until the Planning Commission had more information. Ms. Colson congratulated the City on the success of the media event concerning the facility and the funding obtained.

The Planning Commission would like to meet with the City Council on some issues. Mayor DeGraffenried said he would set up a time for a joint work session.

**UNFINISHED BUSINESS*****Discussion and possible action with regard to an Interlocal Agreement with South Utah Valley Electrical Service District***

Legal Counsel Rich reviewed the proposed Interlocal agreement with the Mayor and Council Members. The agreement will be approved by adopting Resolution 05-01-2010 later in the agenda.

**BUSINESS LICENSES**

It was reported that there were 2 business licenses approved since the last Council Meeting.

- Gracie Belle, LLC, Lori Liddiard, Manufacture and Sale of Personal Toiletries (soap, lotions, etc)
- Insulation Specialists, Tyler Teeples, Door to Door Solicitation

**REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES****NEW BUSINESS*****Discussion and possible action with regard final payment to Hills Construction for the Summit Ridge Well Project***

Ben Reeves said Hills Construction had been working on the Summit Ridge Well Project for some time, with several time extensions and change orders. The project is now complete. Because of the delay in completion, staff is recommending \$6900 in liquidated damages be imposed.

Caleb Johnson, the project manager, addressed the Council. Mr. Johnson said his intent was to understand the reasons behind the liquidated damages assessment. He said the project had run into some difficulties with the weather and change orders, and they had felt they were making their best effort to accomplish the work as fast as circumstances allowed. There was work that had to be done before the pump and motor arrived, and some that could not be done until after. Mr. Johnson outlined the complex process involved in the changeover. He said the company had accomplished the work to be done before the pump arrived on time, but had run into problems getting the motor there. Some of the problems were out of their control. Council Member



Askerlund asked what things were out of their control. Mr. Johnson said the weather was one, they had run into a leak that they thought had been a bad thrust block that took a week and a half to identify, a key pad component had not been right and it took 14 days to get the new one.

Council Member Vincent asked if they had been working on other projects at the same time. Mr. Johnson said they were, they generally do three or four at the same time. He said he had never been assessed liquidated damages; the owners had always been content with a good faith effort. Council Member Askerlund asked if he was saying he didn't know about the liquidated damage charges. Mr. Johnson said he did, but didn't think they applied. They understood the contract was open ended and could be extended if needed.

Norman Beagley of JUB Engineering distributed time charts for the project. A 30 day extension was granted for Change Order 1, 30 days for Change Order 4, a 21 day extension for Change Order 6, and a 5 day extension for weather. Mr. Johnson said they needed the extensions after the motor was brought to the site, not before. He said the company had done several things to save the City money, including using native fill and putting pipe under the fence instead of taking the fence down.

Burke Hills addressed the Council. Mr. Hills apologized for the late completion of the project. He said their part of the project had been completed by January 6, and the delay was due to the electrical contractor, who had needed a part and been held up for 20 days. Council Member Steele indicated he can get parts from another country in about 24 hours, and 20 days seemed difficult to believe. After further explanation of construction difficulties, Mr. Hill said he had been under the impression the key thing for the City was access to water for the residents, and they had worked to ensure water was always available. He said liquidation damages presupposed some damage had been done.

Mayor DeGraffenried said the liquidation damages were spelled out in the contract, and a contractor who did not want to pay liquidation damages made sure the job was done on time. Caleb Johnson asked if there were any actual damages for the 15 days. Mr. Reeves said the City had opted not to put a list of damages together because the liquidated damages had been agreed to in the contract. (see attachment "A")

Council Member Askerlund moved to approve payment to Hills Construction per staff recommendation, which would include a penalty for liquidated damages in amount of \$6900. Council Member Green seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the affirmative.

***Discussion and possible action with regard to assessment of fees pertaining to sewer connections in areas where sewer service is now available***

Ben Reeves said when the sewer lines had been placed on 900 South, 200 North and 200 East, a previous City Council had decided that a \$375 connection fee, but no impact fees, would be charged to residents to connect to the new lines, provided the residents connected within 90 days. The impact fee at that time was \$1700. Any home built prior to the sewer line being laid would be eligible for this saving. Council Member Linford said this would entail giving a refund to some who had paid to hook up to the sewer.

The issue of those who have connected to the sewer line but have not been paying for sewer was discussed. Mr. Reeves said the City staff will investigate the correct billing for each home, and refunds will not be issued until the correct billing has been verified.

Council Member Askerlund said he wanted to ensure everyone was treated the same. The sewer line will be laid in Pole Canyon when the Ahlin property is developed, and other areas have similar



issues. City Council consensus held that the 90 day notices be sent at different times, according to when the residents can reasonably tie on to a City line. (see attachment "B")

Council Member Linford moved to approve the assessment fees pertaining to sewer connections where available as discussed and proposed by staff. Council Member Steele seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the affirmative.

***Discussion and possible action with regard to the Gurr Plat "B" single-lot split***

Dennis Marker said this subdivision came to the city a couple of years ago. The developer purchased 16 additional feet of property to make a second lot compliant with city code. The second lot meets the requirements and standards for twin homes in the R-8 zone. The developer would like to subdivide the property for individual ownership. He can legally build a duplex if the subdivision is not approved. Several neighbors are opposed to the twin home idea because of the fear of riff raff in the neighborhood. Staff and the Planning Commission recommend approval of the subdivision. Curb and gutter are installed on the west side, but not on 400 North. Improvements were required in the Butler subdivision because the large numbers of school children using the street made it a prevailing safety issue. These issues are not applicable here. The ordinance says the core area is exempt from improvements. Ben Reeves recommended the City Council revisit the ordinance.

Council Member Green made a motion to approve the Gurr Plat "B" single-lot split. Council Member Linford seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the affirmative. Council Member Green asked if the core area infrastructure installations issue could be fast-tracked and put on the agenda for the next joint meeting with the Planning Commission. Mayor De Graffenried said the original plan was to meet quarterly with the Planning Commission. (see attachment "C")

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

***Ordinance 05-01-2010, An Ordinance of the City Council of Santaquin City, Utah County, Utah, Adding a Water Conservation Plan Ordinance by Adopting Chapter 6, "Water Conservation Plan" into the Santaquin City Code; and Providing an Effective Date***

Ben Reeves said every municipality needs a water conservation plan in order to move forward with grant funding. The plan basically explains the goals the city has and the different efforts the city is making to reduce shrinkage, such as leak detection equipment. This plan is recommended by staff. Dave Thurgood of JUB Engineering said an annual report of water used is currently sent to the State. A Water Conservation Plan is also required by State law. A similar plan has been submitted to the State but has not yet been adopted by the City Council. Mr. Thurgood clarified some wording on flood irrigation. The language of the plan does not preclude money in lieu of water for development purposes.

Council Member Vincent asked what the purpose would be to spend \$42,000 to put in meters for parks, as no revenue would be received by the City. Mr. Thurgood said different uses of the ground are paid for out of different funds. If metered, the parks fund would pay the water department for use of the water. The meters help to account for the water, and also help determine if there are any substantial leaks. Mr. Thurgood said a healthy system has about 10 percent water slippage, and Santaquin's is substantially higher.

Council Member Linford made a motion to approve Ordinance 05-01-2010, An Ordinance of the City Council of Santaquin City, Utah County, Utah, Adding a Water Conservation Plan Ordinance by Adopting Chapter 6, "Water Conservation Plan" into the Santaquin City Code; and Providing an



Effective Date. Council Member Green seconded the motion. Council Member Askerlund said that he would prefer to have some time to look the plan over. Mr. Reeves said the funding sources required that this plan be adopted before they could close. Council Member Vincent said he also would have preferred to have some time to look the plan over. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the affirmative.

***Resolution 05-01-2010, A Resolution of the Santaquin City Council Authorizing the Execution of an Interlocal Cooperation Agreement Between Santaquin City and South Utah Valley Electric Service District Regarding Electrical Services***

Council Member Green moved to approve Resolution 05-01-2010, A Resolution of the Santaquin City Council Authorizing the Execution of an Interlocal Cooperation Agreement between Santaquin City and South Utah Valley Electric Service District Regarding Electrical Services, with the addition of 10.1 and 10.2, referencing termination for cause, as outlined by City Attorney Brett Rich. Council Member Steele seconded the motion. Mr. Rich clarified that taxes would be received from the date of the agreement, not the date of annexation. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the affirmative.

**PETITIONS AND COMMUNICATIONS**

Nothing

**REPORTS BY MAYOR AND COUNCIL MEMBERS**

***Mayor DeGraffenried***

Mayor DeGraffenried invited Jana Janssen to address the Council. Ms. Janssen said she has twelve years of child care experience, and is working toward opening a new child care center in the old Senior Citizen building at 63 West 100 South. She purchased the building yesterday. She said she would like to open in August, starting with three or four employees. The center will eventually have the capacity to care for 80 children. City ordinance requires 9 stalls at this time to open the center. The ordinance does allow off-site parking. Ms. Janssen has obtained a conditional use permit from the Planning Commission to open the center, contingent on the parking issue being resolved. She asked the Council to allow her to lease the street for parking, as it has been historically used, during the first phase of the development. Ms. Janssen said she plans to purchase the property behind the building during the second phase, and will do a boundary line adjustment so there will be room to have a driveway behind the building and an access on the east side onto 100 South, providing two means of egress and ingress. A private investor has agreed to help her with the funding for parking improvements in six to eight months. Council Member Askerlund said he felt this would be a great use of the building, and he would like to see it cleaned and fixed up.

Council Member Vincent asked how the City was able to provide parking on the street for the City office building. Dennis Marker said that was one of the arguments the property owner had. Mr. Vincent said he would like to see the building used. Mayor DeGraffenried suggested Ms. Janssen have the issue be put on a future Council agenda.

**EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)

Nothing.



**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property). At 8:58 p.m., Council Member Green made a motion to move into an executive session to discuss the pending or reasonably imminent

litigation, and/or purchase, exchange, or lease of real property. Council Member Linford seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the affirmative.

Those attending: Mayor DeGraffenried, Council Members Askerlund, Green, Linford, Steele and Vincent, City Manager Reeves, Legal Counsel Rich, City Planner Marker, and Secretary Linda Midgley.

At 10:20 p.m. the regular Council Meeting resumed.

***Discussion and possible action with regard to purchase of real property along 400 East***

Council Member Askerlund moved to approve purchase of real property along 400 East at the offering price on Parcel B and E and at a price of \$3.10 per square foot on parcel A. Council Member Linford seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the affirmative.

***Council Members***

Council Member Green said he would not be present at the May 19, 2010 meeting. Currently on the agenda are two Eagle Scouts and a presentation of a plaque to Amy Jackson.

***City Planner***

Dennis Marker said he had met with Stuart Reid and Brad Galdez regarding the master plan for the Sorenson and Charles Worth properties. They agreed with the plans Intern Greg Flint had laid out. The grocery store person has asked for an extension until Mid-May on the time for commitment. Once the grocery store commits, it is anticipated other retail affiliates will get onboard in the following ten to twelve months. The grocery will most likely break ground in late 2011 or spring of 2012, about the time the widening of Main Street will be close to completion. Dave Earnshaw said he is securing the financing for the hotel. Stuart Reid was asked to speak to the investors last week to firm up the commitments. The Mayor asked Mr. Marker to call Mr. Reid tomorrow for an update.

***City Manager***

Ben Reeves said he is currently refining the electronic budget presentation. The last City Council meeting in May will need to be an official meeting in order to hold a public hearing on the budget. The budget will be passed at the first Council meeting in June. Code changes are needed for some personnel changes. It is anticipated they will take place on June 1, 2010.

Only one public hearing is left for the Board of Water Resources on the wastewater treatment facility. Mr. Reeves said he met with Jonathan Ward, who said Board of Water Resource money cannot be used on sewer related items, but can be used to pay for the PI portion, and can be paid back with water funds. This could be done by increasing the sewer utility fees by \$39, and the water by \$3. A notification in the paper is required. A notification will be sent to each rate payer in the next utility bill. The public is invited to the June 16, 2010 public hearing. Council Member Linford said about 400 of the City bills are sent electronically, and do not receive the mailers. Mr. Reeves said he will ensure everyone gets the newsletter.



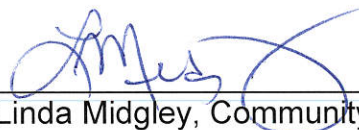
**ADJOURNMENT**

At 10:30 p.m. Council Member Green made a motion to adjourn. Council Member Steele seconded the motion. Council Members Askerlund, Green, Linford, Steele and Vincent voted in the affirmative.

Approved May 19, 2010.



James E. DeGraffenried, Mayor



Linda Midgley, Community Development  
Secretary



## CLOSED EXECUTIVE SESSION AFFIDAVIT

I, James E. DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executive Session held on May 05, 2010 was called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property.

  
James DeGraffenried, Mayor

5/5/10  
Date





J-U-B ENGINEERS, Inc.  
ENGINEERS • SURVEYORS • PLANNERS

240 West Center, Suite 200  
Orem, UT 84057  
801.226-0393  
Fax: 801.226-0394  
www.jub.com

March 15, 2010

Ben Reeves  
45 West 100 South  
Santaquin, Utah 84655

RE: Summit Ridge Well Upgrade

Dear Ben,

Application for Payment No. Two-Final accompanies this letter. This application is for work completed through February 11, 2010 and includes items from the original contract and Change Orders 1 thru 6. Performance of the work is in accordance with plans and specifications. All work covered under the Contract is complete, so this Application also releases the retainage. Two lien releases also accompany this letter. These lien releases are from two of Hills Construction subcontractors on the project.

Of particular note the Final Contract Amount is \$191,912.75, which is \$2,918.52 less than the Revised Contract Amount including all Change Orders.

Contract Times are as follows:

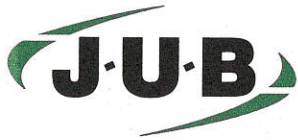
- Contracted Substantial Completion Date: January 22, 2010
- Actual Substantial Completion Date: February 11, 2010
- Contracted Final Completion Date: February 5, 2010
- Actual Final Completion Date: February 11, 2010

Hills Construction went over their contract time by 15 days on substantial Completion and by 6 days on Final Completion. According to the Contract Agreement (see 4.03 A of the Agreement) the Owner (City) and Contractor (Hills Construction) "...agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner \$300.00 for each day that expires after the time specified in Paragraph 4.02 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner \$400.00 for each day that expires after the time specified in Paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment." In keeping with the Agreement the following Liquidated Damages should be deducted from the final payment to Hills Construction:

- 15days X \$300.00 = \$4,500.00
- 6 days X \$400.00 = \$2,400.00

Total Liquidated Damages = \$6,900.00

Final inspections have been made and punch list items completed. Subsequent to the final inspection, Denny requested that Hills Construction repaint the floor of the building as it was chipped up during construction. We have contacted Caleb Johnson of Hills Construction concerning this matter and asked that he coordinate this with Denny to complete the request.



Once Hills Construction has completed the City's request to repaint the floor and upon receipt of Operation and Maintenance Manuals we recommend that the project be accepted as completed and that Application for Payment No. Two-Final be approved and paid (minus Liquidated Damage).

We have included three originals of the Application for signatures. Once signed, keep one for the City files and return the other two to us. We will send the Contractor their copy. We are happy to answer any questions you may have.

Best regards,  
J-U-B ENGINEERS, Inc.

A handwritten signature in blue ink that reads "Ross Wilson".

Ross A Wilson, P.E.  
Project Manager

Enclosures

cc: Dennis Barnes, Santaquin City Public Works Director  
Caleb Johnson, Project Manager, Hills Construction



Item 10b



Susan B Fa.....  
City Recorder  
45 West 100 South  
Santaquin, UT 84655  
(801) 754-3211 ext 17  
(801) 754-1620 fax

CITY COUNCIL 5-5-10  
ATTACHMENT "B-2"

## MEMO

**TO:** Mayor DeGraffenried and City Council Members  
**CC:** City Manager Reeves  
**DATE:** 04-28-10  
**RE:** Sewer connection issues

~~~~~  
Mayor DeGraffenried and Council Members,

From the discussion held during the April 28, 2010 Council Work Session the following has been added to the May 5, 2010 City Council Agenda:

- All residents who have not connected to the sewer system be sent a letter instructing them to do so;
- The fee associated with the connection is \$375 unless the connection has not been made within 90 days from the date of the information letter which will be sent; and
- If the connection is not made within the required time frame, the resident will be required to pay the current impact fee.

Please include all these requirements in any motion that is made concerning this issue.

As always, thanks for your support of the staff.



## A Community Prospering in Country Living (Agriculture, Equestrian, Recreation)

# MEMORANDUM

April 29, 2010

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To: Mayor DeGraffenried and City Council via Planning Commission  
From: Dennis Marker, City Planner  
RE: Gurr Plat "B" Single-lot Subdivision S#10-06-06, 10-7A Zone: R-8  
190 West 400 North Lots: 2, Acres: 0.24

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Notice: This item was noticed to property owners within 500 feet of the subject property.

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### Background

Mr. Scott Peterson owns the property located at 190 West 400 North. The property was subdivided by Mr. Justin Gurr in 2007. Mr. Peterson is requesting the City approve a single lot subdivision of the same property. There is no existing home on the subject property (See attached maps). The lot would be used for a twin home with one unit facing 200 West and the other fronting onto 400 North. The subdivision was reviewed by the Development Review Committee on April 13, 2010. The subdivision was reviewed by the Planning Commission on April 22, 2010, wherein a public hearing was held (minutes have been attached).

### Subdivision Analysis

**Zoning.** The property is zoned R-8, in which multi-family homes are a permitted use in accordance with adopted development standards. Multi-family detached lot standards in the R-8 Zone are found in section 10-7A of the Santaquin City Code (S.C.C.). Additional standards for multiple-unit dwellings are found in the S.C.C. section 10-6-6. The location standard requires that multiple-unit developments cannot be built within 300 feet of another multiple-unit development in any direction. The proposed lot satisfies the requirement in that there are no other multiple unit dwellings within 300 feet of the proposed subdivision. Additionally, before a building permit is issued, the architectural review committee must review the proposed dwelling unit to ensure that it meets the architectural requirements for multiple-unit developments. The proposed twin home is similar to the Butler home built on 300 West and 300 North.

**Area and Dimension Standards.** Multi-unit developments for two-unit structures are required to have a minimum of 9,000 square feet (4,500 square feet per unit). Two-unit dwellings that have separate ownership of the units and associated land require that the interior lot have 40 feet of street frontage. The adjacent corner lot must have at least 95 feet of frontage on one side and 40 feet of frontage on the other street. Multiple-unit dwellings may not be constructed on lots created using the city's infill standards or on flag lots in the zone. The proposed corner lot is over 4,500 square feet, and has over 95 feet of frontage along 200 West and over 40 feet of frontage along 400 North. The proposed interior lot fronting 400 North is over 4,500 square feet and



meets the required 40 feet of frontage. The proposed lots comply with the area and dimension standards of the R-8 Zone for 2-unit dwellings with separate ownership.

**Access.** All lots are required to front onto public or private streets. The proposed lots front onto either 200 West or 400 North.

**Utilities.** New lots are required to tie onto, and if necessary, extend public utilities (e.g. sewer, water, irrigation) to the properties. The applicant is proposing to tie the future twin home onto existing utilities located in 400 North. Impacts to the City's systems are addressed through impact fee assessment at the time of building permit purchase.

**Public Improvements.** S.C.C. §11-6-8.B. requires street improvements (e.g. curb, gutter, & sidewalk) to be installed when a subdivided lot abuts or is proposed to abut a public road. Exceptions to this are granted for developments fronting certain public streets listed in S.C.C. §11-13-1. Those streets include 400 North. The list does not include 200 West north of 400 North, but there is currently curb, gutter and sidewalk along the corner lot facing 200 West. No improvements along the east side of 200 West or the north side of 400 North would be required at this time.

City Engineering staff have recommended that the applicant sign a "waiver of protest" for the creation of a Special Improvement District, which the City may create for the purpose of installing curb, gutter, sidewalk and other improvements in the core of the City. The applicant has expressed a willingness to sign such waiver and record it against the property and future owners.

### **General Plan Application**

The City's general plan lists a goal of the city's community vision "to provide a small-town atmosphere with well-planned, organized growth". The first policy under this goal is to "channel future growth and development into areas that can be efficiently and effectively served by public infrastructure and facilities". This subdivision is within the core part of town and will not require additional public facilities or infrastructure for its development. This is an efficient and effective use of existing public infrastructure. Additionally, this subdivision supports the goals of the moderate income housing element of the general plan that "distribute[s] multi-family development opportunities throughout the community".

### **Notice Response**

Notification of the proposed subdivision was mailed to property owners within 500 feet of the subject property for the public hearing for the Planning Commission. Staff has not yet received comments from noticed residents regarding this proposal.

### **Staff Recommendation**

Staff recommends the City Council approve the Gurr Plat "B" subdivision located at 190 West 400 North, based on the following findings and conditions.

**Findings**

1. The request is consistent with the goals and policies of the General Plan, more specifically by channeling growth and development into areas that can be more efficiently and effectively served by public infrastructure and facilities, as well as providing affordable housing options.
2. The proposed lots comply with the minimum lot area and width standards for two-unit multi-family developments in the R-8 Zone.
3. Meets the spacing standards between two unit multi-family developments.

**Conditions**

1. The Waiver of Protest to any possible Special Improvement District be signed and recorded against the property as recommended by the City Engineering staff.

A handwritten signature in black ink that reads "Greg Flint". The signature is written in a cursive, slightly slanted style.

Greg Flint  
Planning Intern





## PLANNING COMMISSION MINUTES

Santaquin City Council Chambers, 45 West 100 South  
April 22, 2010

**Present:** City Council Member Rick Steele, Commission Members Pam Colson, Fred Openshaw, Kaye Westwood, Lance Wollebaek, City Planner Dennis Marker, City Planning Intern Greg Flint and Clerk Linda Midgley.

**Visitors:** George Baker, Scott Brand, Delbert Christensen, Keith Evans, John Farley, Kenyon Farley, Justin Holm, Shane Penrod, Shannon Penrod, Scott Peterson, Terry Pyne, Noah Torres, Tia Torres, and other unidentified individuals.

Commissioner Lance Wollebaek called the meeting to order at 7:16 p.m.

### INVOCATION / INSPIRATIONAL THOUGHT

Commissioner Openshaw offered a word of prayer.

### PLEDGE OF ALLEGIANCE

Commissioner Colson led those present in the Pledge of Allegiance.

### AGENDA

No changes were made to the order of the Planning Commission agenda.

### CITY COUNCIL

Council Member Rick Steele said the City Council has been working on the budget in the last few weeks, in addition to trying to find a safe route across Main Street to the elementary school and improving the crosswalk situations. Mr. Steele said UDOT has agreed to paint parking indicators on the curbing at intersections, which will help with corner visibility. The City has agreed to maintain the indicators in the future.

### PUBLIC FORUM

Commissioner Wollebaek opened the Public Forum. No items were brought to the attention of the Commission. Commissioner Wollebaek closed the public forum.

### PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS

#### **Gurr Subdivision, Plat B, a two lot subdivision at 200 West 410 North.**

During the work session, Planning Intern Greg Flint said the developer had submitted a request for a two lot subdivision at 200 West 410 North. The developer plans to build a twin home with one unit facing 200 West and the other unit facing 400 North. The plat sits the required minimum distance of at least 300 feet away from any other multi-family, and meets City setbacks and the goals of the general plan. Utilities will be stubbed off 400 North. As a multi-family unit, the home will have to meet certain architectural standards and be reviewed by the ARC. Shane Penrod asked who had determined the lot was big enough for a twin home. Dennis Marker responded that the developer had purchased 15 feet of property in order to have a big enough parcel to split into twin home lots.

Commissioner Wollebaek opened the public hearing on the Gurr Subdivision. Justin Holm addressed the Commission. Mr. Holm said he lived east of the property under discussion. He questioned the difference in the setbacks and the size of the lots between the notice he received and the one shown.



## PLANNING COMMISSION MINUTES

April 22, 2010 – Page 2

### **Gurr Subdivision, Plat B, a two lot subdivision at 200 West 410 North, continued:**

Dennis Marker said the plat was revised by the developer following a meeting with the City's Development Review Committee. The plat is now compliant with current City code. Mr. Holm said his main issue is having a twin home as a neighbor. He said the two big trees on the lot will have to go in order to fit two homes on the lot. City ordinances say the City would like to conserve trees. Mr. Marker asked about preserving the vegetation. Scott Peterson said he realized the trees were an asset, and he is having an arborist look at them to determine if they can be preserved. He said it will depend on the root structure impact.

Shane Penrod addressed the Commission. Mr. Penrod said his main concern was the lot was so small. He feels, as there are no duplexes on their street and the whole street one block over is duplexes, any new duplexes should be built on the next street. His concern was that the twin home would be rental units, which would impact their single family community. Mr. Penrod said he did not want 'riff-raff' in his neighborhood, and having a rental unit on the street would also make empty lots harder to sell.

Shannon Penrod addressed the Commission. Ms. Penrod said she would prefer not to have twin homes in her neighborhood.

Tia Torres addressed the Commission. Ms. Torres said she agreed with what her neighbors were saying.

Joah Torres addressed the Commission. Mr. Torres said he did not think it was right to build a duplex in that area. He asked what kind of homes would be built on the lot. Scott Peterson said the two units will be ramblers with unfinished basements. Each will have 1400 square feet, a single car garage, and be finished with stucco and brick on all sides. Because this is a corner piece of property, the homes will face different streets and look like single family homes, with stone veneer covered porches. Mr. Peterson said the lot is zoned for a duplex, but the developers preferred to have homes with separate ownership, not rentals.

Dennis Marker said the City's intent in the R-8 zone was to build up the housing stock in the core of town, in order to address vacant and underutilized properties, as well as bring in potential homes for the business area. The developer would not have had to notify the neighbors to build a duplex. Commissioner Openshaw asked Mr. Peterson if they planned to build a duplex if a twin home was not allowed. Mr. Peterson said they would, but would prefer to do a twin home. He said there is some concern with twin homes all built together, and the City would like to see them more spread out.

Commissioner Wollebaek closed the public hearing.

Commissioner Westwood asked if the Commission had to approve the lot split if it fits all the City requirements. Mr. Marker indicated that was true unless an issue of major public health and safety or a countervailing public interest could be shown. Commissioner Openshaw asked why the meeting was necessary if the Commission was required to approve the subdivision, as it seemed like a waste of time for both the Commission and the residents. Mr. Marker said Utah State Code required the landowners within 500 feet of the subdivision be notified. Commissioner Openshaw suggested that when notices are sent out to property owners, it is indicated that the subdivision has met all the requirements.

Commissioner Colson made a motion to forward the Gurr Subdivision to the City Council with a positive recommendation, given that it meets all requirements. Commissioner Westwood seconded the motion.



## PLANNING COMMISSION MINUTES

April 22, 2010 – Page 3

### **Gurr Subdivision, Plat B, a two lot subdivision at 200 West 410 North, continued:**

The vote to forward the Gurr Subdivision to the City Council with a positive recommendation was as follows:

|                 |     |
|-----------------|-----|
| Fred Openshaw   | Nay |
| Pamela Colson   | Aye |
| Kay Westwood    | Aye |
| Lance Wollebaek | Aye |

The motion to forward the Gurr Subdivision to the City Council with a positive recommendation passed by a majority vote.

### **Rezone 22 acres from PUD R-10 to PF - Approximately 1100 North Center:**

Commissioner Wollebaek opened the public hearing on the rezone of 22 acres from PUD R-10 to PF at approximately 1100 North Center. Kenyon Farley addressed the Commission. Mr. Kenyon said he is a property owner in the area, and he is against the zone change. Three years ago he and several property owners on the north end of town were invited to a meeting with the City Council. Mr. Farley said it appeared at the time their property was on target to be annexed by Payson, and the Council indicated if the property was brought into Santaquin, the owners would have some input on what became of their property, which the owners preferred to remain residential. The annexation agreement talks about this area being set aside for a park, and now it looks like it will be a sewer treatment facility.

Mr. Farley said the City condemned property next to his house for lagoons, and he negotiated for over two years for an alternate location. A decision was made to go west of town, and a court order settlement was made between the growers and the City. The growers donated rights-of-way worth \$160,000. Part of the settlement agreement was the distance from the original location. Mr. Farley said he is opposed to the location of the new sewer plant because it does not follow the court order, and that should be settled before any zone changes are made. He built his home where he did because of the agreement. 15 years later he is looking at a sewer coming to the front of his home. Mr. Farley said there were several other options for the new plant.

Mr. Farley said he has visited three facilities and spoken to the facility operators, and the City deserves lot more information before signing on. Farmers are required to answer questions concerning fruit handling which include questions on municipal waste treatment facilities, and having the facility close to his fruit will be a disadvantage. The perception that the fruit is grown next to a sewer plant will also hinder sales. Mr. Farley said the location of the facility may be legal but it is breaking the trust of the former Mayor and Council.

Terry Pyne addressed the Commission. Mr. Pyne said he owns ground west of property in question, and raises fruit there. He has the same concerns as Mr. Farley on his ability to farm and sell his crop. He said the original annexation agreement included a 20 acre park donated to the City, located across the railroad tracks. Now the property will be a sewage treatment plant, which will not help property values.





Produced By  
Santaquin City Community Development



Gurr Plat B Subdivision





# GURR PLAT "B"

## A RESIDENTIAL SUBDIVISION SANTAQUIN, UTAH COUNTY, UTAH

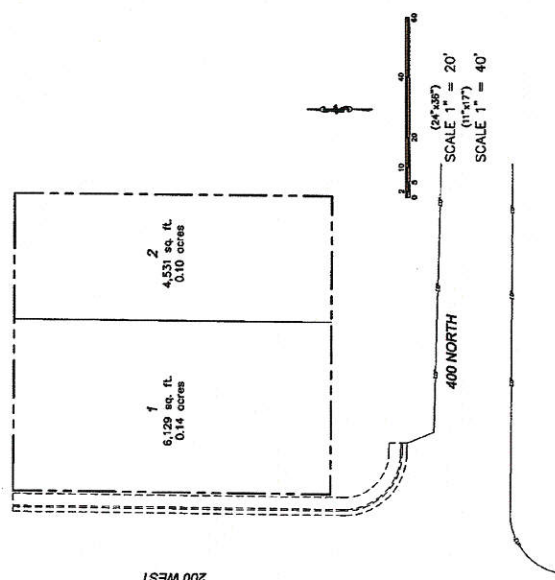
### PRELIMINARY PLAN SET

APRIL 2010

| SHEET | SHEET NAME         |
|-------|--------------------|
| 1     | COVER & INDEX      |
| 2     | PRELIMINARY PLAT   |
| 3     | UTILITY PLAN SHEET |

DENSITY TABLE  
TOTAL NUMBER OF LOTS=2  
TOTAL ACRES IN LOTS=24 ACRES  
TOTAL ACRES TO BE DEDICATED FOR STREET ROW=00 ACRES  
DENSITY PER ACRE=0.00

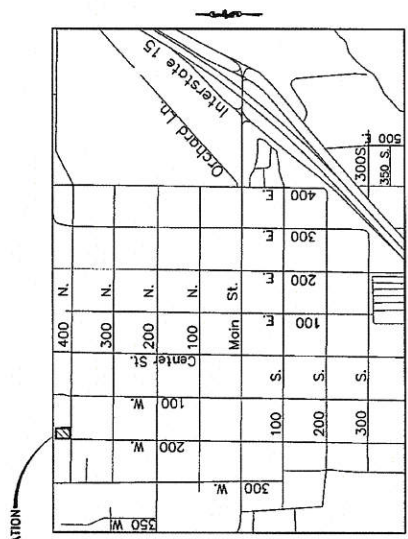
200 WEST



PHONE: 801-655-0566  
FAX: 801-655-0109  
507 NORTH 1500 WEST  
OREM, UT 84057

OWNER: JAMES G. GERR  
SCOTT P. PETERSON  
PHONE: 801-655-0566  
FAX: 801-655-0109  
507 NORTH 1500 WEST  
OREM, UT 84057

VICINITY MAP  
-NTS-



#### LEGEND

LEGEND APPLIES TO ALL SHEETS

- SECTION CORNER
- EXISTING VALVE
- EXISTING POWER POLE
- EXISTING STREET LIGHT
- EXISTING FIRE HYDRANT
- EXISTING STOP SIGN
- EXISTING STREET SIGN
- EXISTING TREE
- PROPERTY BOUNDARY
- CEMENT
- PROT-OF-WAY LINE
- LOT LINE
- SECTION LINE
- BUILDING SETBACK
- CAVEAT
- EXISTING DEED LINE
- EDGE OF PAVEMENT
- EXISTING OVER HEAD POWER
- EXISTING GAS
- EXISTING FENCE LINE
- EXISTING DITCH
- EXISTING SANITARY SEWER MAIN/HOLE
- EXISTING CULINARY WATERLINE
- EXISTING PRESSURIZED IRRIGATION





PHONE: 801-655-0566  
FAX: 801-655-0109  
507 NORTH 1500 WEST  
OREM, UT 84057

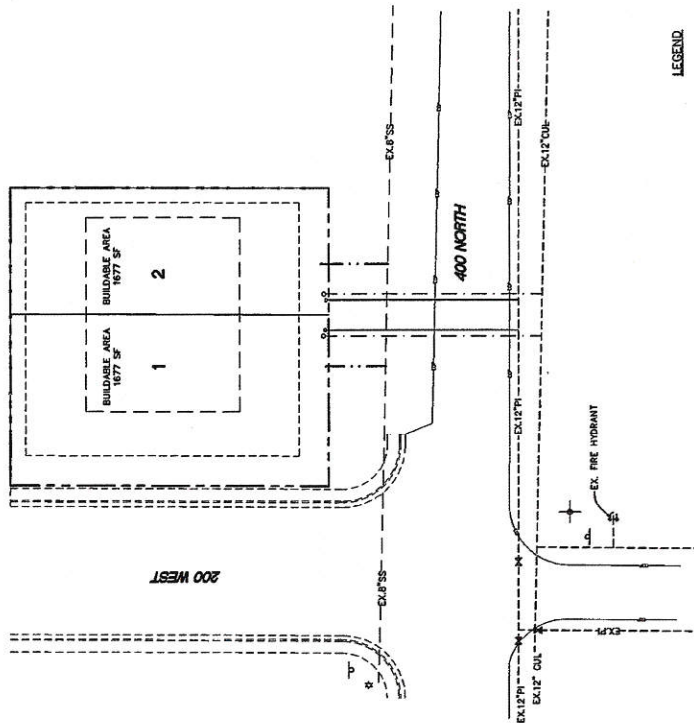
3  
SHEET NO.

Diagram of a 24x36 inch scale bar. The scale bar is marked from 0 to 60 inches. Below the scale bar, the text reads: SCALE 1" = 20' and SCALE 1" = 40'.



|                       |  |                         |  |
|-----------------------|--|-------------------------|--|
| SECTION CORNER        |  | EXISTING FENCE          |  |
| EXISTING VALVE        |  | PROPERTY BOUNDARY       |  |
| EXISTING POWER POLE   |  | CENTURLINE              |  |
| EXISTING STREET LIGHT |  | RIGHT-OF-WAY LINE       |  |
| EXISTING FIRE HYDRANT |  | LOT LINE                |  |
| EXISTING STOP SIGN    |  | SECTION LINE            |  |
| EXISTING STREET SIGN  |  | RAILROAD TRACK          |  |
|                       |  | EASEMENT                |  |
|                       |  | EXISTING EED LINE       |  |
|                       |  | EDGE OF PAVEMENT        |  |
|                       |  | EXISTING OVER HEAD      |  |
|                       |  | EXISTING GAS            |  |
|                       |  | EXISTING FENCE LINE     |  |
|                       |  | EXISTING DITCH          |  |
|                       |  | EXISTING SANITARY SEWER |  |
|                       |  | EXISTING CULINARY WASTE |  |
|                       |  | EXISTING PREPARED       |  |

--- . . . --- PROPOSED SEWER LATERAL  
 --- . . . --- PROPOSED CULINARY WATER LATERAL  
 --- . . . --- PROPOSED PI WATER LATERAL



**OWNER/DEVELOPER**  
**SCOTT PETERSON**  
**PHONE: 801-655-0566**  
**FAX: 801-655-0109**  
**507 NORTH 1500 WEST**  
**OREM, UT 84057**



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