

**NOTICE AND AGENDA
AMENDED 8-31-09**

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, September 2, 2009, 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 19, 2009
 - b. Bills
 1. \$128,882.08
 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. Award of bid for the construction of Sunset Trails Park.
 7. **FORMAL PUBLIC HEARINGS**
 8. **UNFINISHED BUSINESS**
 9. **BUSINESS LICENSES**
 10. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
 11. **NEW BUSINESS**
 - a. Discussion and Possible Action regarding Final Plat Approval of Apple Hollow Plat A-1 ®
 12. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)**
 - a. Resolution 09-01-2009 "A Resolution of the Santaquin City Council Regarding Overtime Compensation for Law Enforcement Employees"
 13. **PETITIONS AND COMMUNICATIONS**
 14. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
 - a. Mayor DeGraffenried
 - b. Council Members
 15. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
 16. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
 17. **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

® amendment to the Agenda

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SEPTEMBER 2, 2009**

The meeting was called to order at 7:05 pm by Mayor James E. DeGraffenried. Council Members attending: Filip Askerlund, Connie Hansen, James Linford, and Brent Vincent. Martin Green was excused.

Others Attending: Director of Public Safety Dennis Howard, Rick Steele, Kurt Stringham, J-U-B Engineering Representative Norm Bagley, Shayne Ahlin, Marie Durney, Brent Garner, Aaron Robinson, David Waters and other unidentified individual.

PLEDGE OF ALLEGIANCE

Mr. Steele Led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Mayor DeGraffenried offered a Word of Prayer.

CONSENT AGENDA

Minutes

August 19, 2009

Bills

\$128,882.08

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

FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Award of bid for the construction of Sunset Trails Park

City Planner Marker and Mr. Bagley reviewed the bids received for the Sunset Trails Park. It was mentioned that there were 8 bids submitted for the project. Low bidder was Sunroc in the amount of \$199,950.17 which is considerably under the Engineers Estimate. He recommended awarding of the contract to Sunroc.

Council Member Askerlund was told the bids included the installation of "sod and landscaping". A discussion was held with regard to placing sod versus seeding. The intent was to have all the sodding completed before the 1st of October which allows the sod to "take hold" before winter. Council Member Hansen indicated there were two groups willing to help lay the sod. A discussion was held as to the City's liability if a scout troop were to lay the sod. Council Member Vincent questioned if it would be to a benefit to wait until the spring to begin the project. Council Member Hansen indicated those living in the area are expecting construction of the park to begin as quickly as possible. City Planner Marker also reviewed the costs associated with providing equipment for the park.

Council Member Askerlund moved to award the bid for construction of the Sunset Trails Park to Sunroc in the amount of \$199,950.17. Council Member Linford seconded the motion. Council Member Askerlund questioned at what point a discussion would be held as to change orders pertaining to sod versus seeding of the area. Council Members Askerlund, Hansen, Linford, and Vincent voted in the affirmative.

Council Member Askerlund asked if it was realistic to expect a decision on the sod versus seeding before long. Council Member Askerlund was not opposed to a decision being made by phone

conversations. It was decided the cost difference would be approximately \$18,000. Council Member Askerlund's concern is the sod not taking root until spring.

Council Member Hansen indicated she preferred completing the construction of the park. Council Member Vincent and Linford would like to see a cost estimate associated with sod versus seeding. City Planner Marker will put a cost estimate together and contact the Council Members by phone for the authorization to proceed.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Nothing

BUSINESS LICENSES

Council Member Askerlund reviewed the following business license applications. The applicants have received all the required inspections and have met all the city codes.

- Mary Jo Schaub D.B.A. Mary's Designer Hair & Beauty
- Kris Anderson D.B.A Outdoor Retail, LLC (D.B.A. Knives Infinity)

Council Member Askerlund moved to approve the business license for Mary Jo Schaub and Kris Anderson. Council Member Vincent seconded the motion. Council Members Askerlund, Hansen, Linford, and Vincent voted in the affirmative.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Mr. Stringham reported the Planning Commission reviewed a Hillside Residential Zone and a Mobile Home Park Ordinance. A public hearing for the Hillside Residential Zone will be scheduled. During the public hearing, a representative from Division of Wildlife will attend and present a number of possible issues. Council Member Vincent asked why the Planning Commission was told there was urgency for the proposed Ordinance to be reviewed by the Council Members. Those in attendance were told there has been expression of possible development. Council Member Askerlund had a number of questions with regard to the proposed ordinance. City Planner Marker indicated the Planning Commission will be making a recommendation to the Council Members and at that time the Council can address the proposal how they wish.

NEW BUSINESS

Discussion and Possible Action regarding Final Plat Approval of Apple Hollow Plat A-1

City Planner Marker reviewed the area of the proposed Apple Hollow subdivision. He indicated this plat is a small portion of the overall view. The proposed subdivision reflects the 2004 Construction and Development Agreement. In the Standards a density is established however a minimum frontage was not. The PUD 3 standards include:

- 10% of multi-family complex area must be in open space. Proposed for this phase is the 10%
- Must provide picnic area with tables and barbecue area
- Landscaping is required per home and in common areas
- Non minimum frontage or lot sizes specified within the multi-family complex

The proposed development is located on the West side of North Center Street just before the railroad tracks. The plat includes 10 lots which will be located on a PRIVATE street. The City Police would not patrol private streets. Council Member Hansen indicated she was not in favor of private streets. She also voiced her concern with allowing construction of a tot-lot instead of a regular size park. Council Member Hansen indicated she was not against their proposal but would like a bench for the parents to sit on while the kids are playing. Council Member Vincent was told the proposed tot-lot would be incorporated into the proposed open space.

Mr. Robinson indicated his intent is not to propose a development that does not meet the earlier standards. He indicated the current developers are trying to phase in to the development as a whole. They do not have the funds or are the funds available to them for a larger development. Mr. Robinson indicated he is happy to make the changes requested by the City Council. Their concern is the ability to move forward with the project. Council Member Hansen asked why the decision was made to have a certain streets private. She was told the private street is not designed to the public road specifications. It was reported that the project would not move forward until final approval is received, fees paid, and bonds posted.

Council Member Linford moved to grant final approval of the Apple Hollow Plat A-1. Council Member Linford amended the motion to include extension of the tot-lot to include benches. Council Member Askerlund seconded the motion. Council Members Askerlund, Hansen, Linford, and Vincent voted in the affirmative.

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

Resolution 09-01-2009 "A Resolution of the Santaquin City Council Regarding Overtime Compensation for Law Enforcement Employees"

Council Member Hansen reviewed the proposed Resolution which included the overtime hours be retroactive to the first pay period in July. Council Member Askerlund stated for the record that the proposed Resolution is not a pay raise but is actually bringing our department into line with neighboring departments.

Council Member Askerlund moved to approve Resolution 09-01-2009 "A Resolution of the Santaquin City Council Regarding Overtime Compensation for Law Enforcement Employees". Council Member Hansen seconded the motion. Council Members Askerlund, Hansen, Linford, and Vincent voted in the affirmative by roll call vote.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS BY MAYOR AND COUNCIL MEMBERS

Council Members

Council Member Askerlund reported he spoke with a young lady with regard to forming a Youth Council and Youth Court. Chief Howard stated it would be beneficial if there was a high school within the City. A Youth Council would be a "voice" to the Council Members. Council Member Askerlund indicated "he would personally do what is needed to get the Council up and running".

Council Member Askerlund also reported he was contacted by a Citizen with regard to the need for a Noise Ordinance. A draft ordinance is in the hands of Legal Counsel for review. Upon the review completion, it will be given to the Council Members for review.

Council Member Linford was told the road projects were prioritized as 400 North along 400 East as well as the road by the cemetery. It was discussed that the digging in the road along 400 North was due to a water problem. It was recommended that the water fund pay for the road repairs.

Council Member Vincent questioned if the funding and reuse permits are in place as of yet. He was told the funding requests are now being reviewed at the State level. Mayor DeGraffenried said Central Utah Water Committee has committed to \$500,000 in grant money and is trying to fund additional grant amounts. Those in attendance were told the \$350,000 EPA Grant is being used for engineering. Council Member Vincent was told the reuse permit has been submitted and is in the hands of the State Engineer.

Council Member Askerlund was told the records of SUVMA show the City owns 10,000 acre feet of water. He asked if all the available water would be used in the pressurized irrigation system. The Capital Facilities Plan addressing water needs anticipates the city will rely on ground water until the time the CUP water is delivered to the City. It is anticipated that the time frame the water would be delivered is approximately 12 years. Council Member Askerlund asked where the funding would be found to construct additional storage areas. He was told this project is not included in the current wastewater facility project. Mayor DeGraffenried indicated CUP is reviewing many options pertaining to recycling water back into the main stream. Council Member Askerlund indicated Shannon is excellent at "finding" grants. Could she research funding possibilities? Mayor DeGraffenried reported Shannon is continually reviewing grant funding options. Council Member Linford reported the City is being required to complete a City Resident Survey and application submitted before the December deadline. City Planner Marker reported all departments are actively researching available grants.

Council Member Vincent was told the City is waiting for easement from the Division of Natural Resources for pressurized irrigation issues.

Council Member Hansen indicated she "wanted to talk about the elephant in the room". She continued by stating she was referring to the "smear campaign" that went on this past weekend. She indicated she had copies of the Pledges of Fair Campaign Practices which was signed by each of the Candidates involved in this year's election. She voiced her concern that the "smear campaign" has the involvement of some current City Council Members.

She indicated upon review of the letter circulating, some of the statements/questions included stem from issues discussed in Executive Sessions. Council Member Askerlund indicated he didn't know what Council Member Hansen was referring to. Council Member Hansen offered him a copy of the circulation.

Council Member Hansen indicated she had received phone calls for citizens that were so disgusted with the campaign and worried about the reflection on the City as a whole. Included in the letter was the question, "Why under the current Administration has there been approximately 30 Executive Sessions held?" Council Member Hansen indicated, "We all sat through them, that answer should be out there". She indicated "the questions are twisted enough" to make the Citizens wonder about the current Mayor and wonder enough that maybe the vote would go to those Council Members running for Mayor. Council Member Hansen offered Council Members Askerlund and Vincent a copy of the letter. Council Member Vincent indicated he had received one. Council Member Hansen said she found it offensive that they had to find an elderly lady to

distribute the letters. It was said that there was a lot of speculation in the city as to the origin of the letter. She said there were some in attendance who have applied for seats on the City Council and "you damn well be honest if you want to set on it, but right now it isn't a requirement". Mr. Steele questioned if Council Member Hansen was speaking to him. She replied, "I am speaking to everyone". Mr. Steele indicated he got his letter in the mail today and he didn't have anything to do with it. Council Member Hansen indicated she hadn't said he did, she was looking at those in attendance and not at him directly. In closing Council Member Hansen indicated the author of the letter said they wanted to "take their city back" She said "whenever you get involved in a smear campaign, you take it back, you take it back 50 years".

Council Member Hansen reported she had told the Citizens who contacted her that she would ask this question of the Council Members. The question is, "Are you aware of this and are you involved in any way?" Council Members Askerlund and Linford adamantly stated they were not involved. Council Member Vincent stated, "Yes, I mailed some". Council Member Hansen thanked Council Member Vincent for being honest. Council Member Askerlund asked if Council Member Hansen was implying He was not honest. Council Member Hansen indicated she was not. In conclusion, Council Member Hansen remarked that the City deserved better. She reported she appreciated every person she has worked with on the Council. She questions the desire to follow a Pied Piper in many cases. She felt those she served with could make their own decisions and render a vote accordingly but she is finding that not to be true. She feels this issue "smacks" of an ethics violation and "I would be damn careful of what I was doing". Council Member Hansen was told by Mayor DeGraffenried he got a copy of the letter and guaranteed he didn't have anything to do with it. He also indicated he could truefully answer all the questions asked. In closing Council Member Hansen indicated she wished those responsible would have signed the letter, it would have given the letter a lot more credibility.

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)

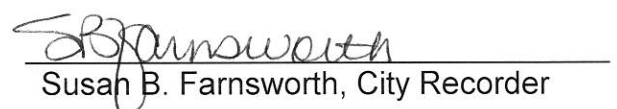
Nothing

ADJOURNMENT

At 9:10 pm Council Member Linford moved to adjourn. Council Member Vincent seconded the motion. Council Members Askerlund, Hansen, Linford, Vincent voted in the affirmative.

Approved the 16th day of September, 2009.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder