

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, **November 12, 2008**, 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. October 15, 2008
  - b. Bills
    1. \$81,025.59
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. Appointment of Lynn Meacham and Frank Staheli to the Appeals Board
  - b. Appointment of 2 Planning Commission Members
  - c. Chamber of Commerce - presentation to Police Department
7. **FORMAL PUBLIC HEARINGS**
  - a. Santaquin 66 Annexation
8. **UNFINISHED BUSINESS**
9. **BUSINESS LICENSES**
10. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
  - a. Planning Commission
11. **NEW BUSINESS**
  - a. Approval of Change Order #2 submitted by Harper Construction for the PI Pond (\$5,280.35)
  - b. Approval of a Assistant Court Clerk Position
  - c. Discussion and possible approval of the Franchise Agreement to provide Telecommunication Services between City of Santaquin and Central Telcom Service, LLC
  - d. Discussion and possible approval of a 6 month recording extension for Plat F, H,I,J, and K of the Orchards at Santaquin
  - e. Discussion and possible action with regard to the Santaquin 66 Annexation and Development Agreement
  - f. Discussion and possible action with regard to Countyside Estates Plat "E" final approval
  - g. Formal denial of the Summit Ridge – Exit 242 Addition Annexation
12. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)**
  - a. Resolution 11-01-2008 "Fee Schedule"
  - b. Resolution 11-02-2008 "Surplus Property"
  - c. Resolution 11-03-2008 "Franchise Agreement to provide Telecommunication Services between City of Santaquin and Central Telcom Service, LLC"
  - d. Ordinance 11-01-2008 "An Ordinance amending the Zoning Map of Santaquin City to include the Santaquin 66 Annexation Area located adjacent to the current corporate boundaries of Santaquin City, Utah"
  - e. Ordinance 11-02-2008 "Agricultural Protection Areas"
  - f. Ordinance 11-03-2008 "Agricultural Zones"
13. **PETITIONS AND COMMUNICATIONS**
14. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
  - a. Mayor DeGraffenried
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:

S. Farnsworth  
Susan B. Farnsworth, City Recorder

**POSTED:**

CITY CENTER, POST OFFICE, ZIONS BANK @ Amendment to Agenda

**MINUTES OF A CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
NOVEMBER 12, 2008**

Mayor James E. DeGraffenried called the meeting to order at 7:00 pm. Council Members Martin Green, Connie Hansen, Jim Linford, and Brent Vincent. Council Member Filip Askerlund was excused.

Others attending: City Planner Dennis Marker, Legal Counsel Brett Rich, Director of Public Safety Dennis Howard, Central Telcom Service Representative George Lee, Kathy Stringham, Kae Bean, Rex Bean, Pamela Colson, Loretta Moshier, Mandy Jeffs, Ben Glazier, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Council Member Vincent led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Mayor DeGraffenried offered a Word of Prayer.

**CONSENT AGENDA**

***Minutes***

**October 15, 2008**

***Bills***

**\$81,025.59**

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

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

Mr. Bean addressed the Mayor and Council with regard to the 900 South sewer project. He indicated some within the neighborhood had signed a petition to stop the construction along Pole Canyon Road (see attachment "A").

***Appointment of Lynn Mecham and Frank Staheli to the Appeals Board***

Council Member Green moved to appoint Lynn Mecham and Frank Staheli to the Appeals Board. Council Member Hansen seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Appointment of 2 Planning Commission Members***

Mr. Mecham introduced himself to the Mayor and Council Members. He reported he had lived in Santaquin for approximately 10 years, retired from the military after 22 years of service and is currently working in Spanish Fork at an aluminum extraction company. The Council thanked Mr. Mecham for his willingness to serve the community.

Council Member Green moved to appoint George Mecham to the Planning Commission. Council Member Linford seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

Ms. Colson reported she is fast approaching her 25<sup>th</sup> year with Provo School District and is interested in finding new opportunities and involvements. They Mayor and Council also thanked Ms. Colson for her willingness to serve the residents.

Council Member Vincent moved to appoint Pamela Colson to the Planning Commission. Council Member Linford seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Chamber of Commerce - presentation to Police Department***

Chamber of Commerce Representatives Stringham, Jeffs, Glazier and Moshier presented Santaquin City with a check for \$1000 to be used by the Police Department to help purchase D-fibs for the Officers Police Cars. They Mayor and Council Members thanked the Chamber for their service to the Community and especially for the donation.

**FORMAL PUBLIC HEARINGS**

***Santaquin 66 Annexation***

Council Member Green moved to open a Public Hearing with regard to the Santaquin 66 Annexation. Council Member Linford seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

City Planner Marker reviewed the location of the Santaquin 66 Annexation. The property represents a parcel of land adjacent to the Country Sides Estates Plat "E". There were no Public comments or concerns.

Council Member Vincent moved to close the Public Hearing. Council Member Hansen seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

**UNFINISHED BUSINESS**

Nothing

**BUSINESS LICENSES**

Council Member Green reviewed the following Business License application. He reported the applicant has met all City requirements and has received all required inspections.

- Joseph R. Macdonald D.B.A. Luminosity LED, LLC.

Council Member Vincent asked who reviews the business license applications. He was told that the City Representative is Dennis Marker, Building Official Randy Spadafora, Police Chief Howard, and Fire Chief Bott also reviewed the applications for compliance with applicable regulations.

Council Member Green moved to approve a new Business License for Joseph Macdonald. Council Member Vincent seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

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

***Planning Commission***

City Planner Marker reported the Planning Commission on Thursday Night would be reviewing a rezoning application for the Oberg Storage property. The request is to rezone from a C-1 Zone to an I-1 zone. The newly appointed Commission Members can obtain a Planning Commission information packet from Mr. Marker.



**NEW BUSINESS**

***Approval of Change Order #2 submitted by Harper Construction for the PI Pond (\$5,280.35)***

Council Member Green moved to approve Change Order #2 with regard to the PI Pond. Council Member Hansen seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Approval of an Assistant Court Clerk Position***

Mayor DeGraffenried reported that the City is responsible to assure that when the current Court Clerk is absent from work, someone is assigned to perform those duties. On the days the clerk is absent, one of the Utility Billing Clerks will act as the Court Clerk except on the days of scheduled court. On those days Judge Williams would bring her Juab County Court Clerk to assist (see attachment "B").

***Discussion and possible approval of the Franchise Agreement to provide Telecommunication Services between City of Santaquin and Central Telcom Service, LLC***

Council Member Linford requested a deletion within the agreement. See item 12C for details of approval .

***Discussion and possible approval of a 6 month recording extension for Plat F, H,I,J, and K of the Orchards at Santaquin***

City Planner Marker reviewed the location of the subdivision as well as reported the power pole issue would be complete by the end of next week.

Council Member Linford moved to approve the 6 month recording extension for Plat F, H, I, J and K of the Orchards at Santaquin. Council Member Vincent seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative. (see attachment "C" for request)

***Discussion and possible action with regard to the Santaquin 66 Annexation and Development Agreement***

It was reported that the owner of the property has not contacted the City with any changes to the proposed agreement. The Mayor and Council were told Legal Counsel Rich drafted the agreement therefore he was in agreement with the wording. Council Member Vincent was told that the agreement recognized that the owner had an option to petition the Mayor and Council to pay money in lieu of water at time of development.

Council Member Green moved to approve the Santaquin 66 Annexation and Development agreement. Council Member Hansen seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Discussion and possible action with regard to Countyside Estates Plat "E" final approval***

Council Member Linford moved to table final approval of Countryside Estates Plat "E". Council Member Vincent seconded the motion. Council Members Green, Hansen, Linford and Vincent voted in the affirmative.

***Formal denial of the Summit Ridge – Exit 242 Addition Annexation***

Council Member Green moved to formally deny the Summit Ridge – Exit 242 Addition Annexation due to the request of additional land being included. Council Member Vincent seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

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

***Resolution 11-01-2008 “Fee Schedule”***

Council Member Linford moved to approve Resolution 11-01-2008 “Fee Schedule”. Council Member Vincent seconded the motion. By poll vote, Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Resolution 11-02-2008 “Surplus Property”***

Council Member Green moved to approve Resolution 11-02-2008 “Surplus Property”. Council Member Vincent seconded the motion. By poll vote, Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Resolution 11-03-2008 “Franchise Agreement to provide Telecommunication Services between City of Santaquin and Central Telcom Service, LLC”***

Council Member Green moved to approve Resolution 11-03-2008 “Franchise Agreement to provide Telecommunication Services between City of Santaquin and Central Telcom Service, LLC” with the deletion of the last sentence of section 5.b. “Grantee will be limited to five-hundred dollars (\$500) maximum construction cost per location. Council Member Hansen seconded the motion. By poll vote Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Ordinance 11-01-2008 “An Ordinance amending the Zoning Map of Santaquin City to include the Santaquin 66 Annexation Area located adjacent to the current corporate boundaries of Santaquin City, Utah”***

Council Member Linford moved to table Ordinance 11-01-2008 “An Ordinance amending the Zoning Map of Santaquin City to include the Santaquin 66 Annexation Area located adjacent to the current corporate boundaries of Santaquin City, Utah”. Council Member Vincent seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Ordinance 11-02-2008 “Agricultural Protection Areas”***

Council Member Green moved to approve Ordinance 11-02-2008 “Agricultural Protection Areas”. Council Member Linford seconded the motion. By poll vote, Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

***Ordinance 11-03-2008 “Agricultural Zones”***

City Planner Marker reviewed the proposed ordinance. It was requested that a maximum of 10 rooms be added to the Bed and Breakfast standards. Council Member Linford requested deleting the bunkhouse dwelling section and refer it to a work session. It was reported that subdivision options could be addressed through the development agreement.

Council Member Linford moved to approve Ordinance 11-03-2008 “Agricultural Zones” with the previously discussed changes. Council Member Hansen seconded the motion. Council Member Vincent indicated he felt the City was creating an “AG PUD”. By poll vote, Council Members

Green, Hansen, and Linford voted in the affirmative. Council Member Vincent voted against the motion.

**MOVED TO ITEM 16**

**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

At 8:15 pm Council Member Linford moved to enter into a closed Executive Session to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property. Council Member Vincent seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

Those attending the closed session: Mayor DeGraffenried, all Council Members, Legal Counsel Rich, City Planner Marker, and City Recorder Susan Farnsworth.

**At 9:07 pm the regular Council Meeting resumed.**

**PETITIONS AND COMMUNICATIONS**

Nothing

**REPORTS BY MAYOR AND COUNCIL MEMBERS**

***Mayor DeGraffenried***

Mayor DeGraffenried reported he talked with Russell Fotheringham representative of EDCU letting him know economic issues should be addressed by either himself or Dennis Marker.

Mayor DeGraffenried reported the Maverick property agreements have been signed allowing for marketing of the property.

Mayor DeGraffenried along with Council Member Green met with UDOT Representatives to discuss the Main Street realignment issues.

Council Member Hansen reported she attended the Craft Show and visited with some of the vendors. She recognized Kevin and the work he put into the event.

Council Member Hansen indicated she would like to use the back lawn of the City Center to hold a Farmers Market.

Council Member Green was told Mayor DeGraffenried and City Planner Marker met with Brian Seager concerning the current sign ordinance. Mr. Seager indicated he would meet with the developer of the South interchange property to draft a package of what they would like to have adopted in that area.

Council Member Green reported Lynette Davis has resigned as the Chair of Miss Santaquin. She has agreed to help the current Miss Santaquin get ready for the "Miss Utah" pageant.

Council Member Green reported the Employee Christmas Party is scheduled for December 10. More information will be given as it is available.

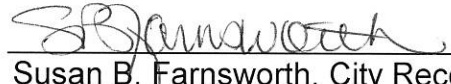
**EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)  
Nothing

**ADJOURNMENT**

At 9:22 pm Council Member Green moved to adjourn. Council Member Linford seconded the motion. Council Members Green, Hansen, Linford, and Vincent voted in the affirmative.

Approved on November 19, 2008.

  
James E. DeGraffenried, Mayor

  
Susan B. Farnsworth, City Recorder

Dear Mayor and City Council:

The attached petition will be presented to you in city council meeting next week during the public forum. It is from the citizens that will be impacted by the plans to construct sewer and pressurized irrigation along Pole Canyon Road and be forced to endure unacceptable road conditions during the winter months. The signatures represent nearly 83% of the total residences and 95% of residences that were contacted.

I must say that it pains me to have to go to this level of effort to attempt to get any recognition on the negative impacts pertaining to the timing of this project. While gathering the signatures, it became quite apparent that I am neither alone, nor in the minority in my frustration to obtain accurate or timely information either from the city staff or elected officials on this matter. Repeated inquiries from many of those that signed the petition have either gone unanswered, or the information proffered has been inaccurate.

Please stop this project before destroying an already substandard road.

Sincerely,

Charles Hedelius



5 November 2008

**A Petition to the Current Mayor on City Council of Santaquin, Utah requesting a cessation of utility construction along Pole Canyon Road.**

Mr. James DeGraffenried, Mayor  
Mr. Fil Askerlund, Councilman  
Mr. Martin Green, Councilman  
Ms. Connie Hansen, Councilwoman  
Mr. James Linford, Councilman  
Mr. Brent Vincent, Councilman  
Santaquin City, UT 84655

We, the undersigned citizens are fundamentally opposed to the present plan to construct both sewer and pressurized irrigation along Pole Canyon Road this late in the year. While the road has been severely inadequate and deteriorating for the past six years, destroying what is left of a quasi-hard surface (the remaining chip sealed road was completely destroyed by a road grader in June of this year) and replacing it only with road-base at the beginning of the winter is grossly inadequate. The present course of action will inflict emotional, financial, and potentially physical damage for all of the residents that live along the road.

Since we were forced to endure similar hardships when the Silver King subdivision was constructed a few years ago, it is easy to foresee the issues that will arise from this course of action. The proposed road-base only solution with the anticipated water from the winter storms will quickly turn into a soupy, sticky, muddy mess that will make driving difficult, damage vehicles, track mud into garages and homes, and soil clothing while getting in and out of the automobiles. The road-base will wash out of the trenches with a sufficient amount of moisture and be displaced when driven on wet. These two actions will form deep drop offs along the trench lines and frozen ruts where the vehicles drive. Additionally, if Pole Canyon Road receives adequate snow removal, the road-base will be slowly scraped off with each passing plow leaving no structure for the road. All of these issues were experienced only a few short years ago during the construction of Silver King.

5 November 2008  
Petition to Santaquin City Mayor and City Council  
Page 2

We therefore petition Santaquin City to retreat from the current plan to construct these facilities up Pole Canyon road until spring. The project can be completed without the severity of winter weather not only delaying the construction of the project but creating the losses and hardships delineated above. We further request that should the weather break sufficiently, Santaquin City construct a temporary asphalt cover to that portion of the road that was destroyed earlier this year.

Name	Address	Signature
CHARLES HEDELINUS	1075 S. POLE CANYON RD	Charles W. Hedelinus
Shawn Taylor	Pole Canyon Rd.	Shawn Taylor
Thomas Mangano	1125 S. Pole Canyon Rd	Thomas Mangano
Mitch Sorensen	995 S. Pole Canyon	Mitch Sorensen
Kim Barlow	900 S. 90 W.	Kim Barlow
Margaret Garrett	82 W 900 S.	Margaret Garrett
Frank Bean	60 W 900 S	Frank Bean
BRENDAN BOWEN	31 W. 900 S.	Brendan Bowen
Lynn Merrens	40 E 900 S	Lynn Merrens
BART PROUSTGARD	39 E 900 South	Bart Proustgard
Carl Miz	938 S. Center	Carl Miz
Donald V. Collier	993 So. Center	Donald V. Collier
Lena Villegas	985 S. Center	Lena Villegas
Cody Leatham	965 S. Center	Cody Leatham
Robert W. Ward	39 W 900 S	Robert W. Ward

[illegible]





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City Council meeting  
November 12 2008  
Attachment B-1

October 29, 2008

Hon. James E. DeGraffenried  
Mayor, Santaquin City  
45 West 100 South  
Santaquin, Utah 84655

**Re: Assistant Court Clerk**

Dear Mayor DeGraffenried:

The purpose of this letter is to address the requirements concerning hours of operation of the Justice Court and related staffing concerns.

We understand that at the present time only one person is authorized to act as the Court Clerk for the Santaquin Justice Court. Concerns have arisen over the fact that when the Court Clerk is either sick or on vacation, the court is not open for business.

The provisions of the Utah Code that authorize the operation of municipal justice courts require that the courts be open for business as follows:

- (3) County and municipal justice courts shall be open and judicial business shall be transacted:
  - (a) five days per week; or
  - (b) no less than four days per week for at least 11 hours per day.
- (4) The legislative body of the county, city, or town shall establish operating hours for the justice courts within the requirements of Subsection (3) and the code of judicial administration.
- (5) The hours the courts are open shall be posted conspicuously at the courts and in local public buildings.
- (6) The clerk of the court and judges of county and municipal courts shall attend the court at regularly scheduled times.

*Utah Code Ann. § 78-5-108.*

In addition, Rule 9-105 of the Utah Rules of Judicial Administration sets certain requirements for minimum daily hours of court operations.

Hon. James E. DeGraffenried  
October 29, 2008  
Page 2

Justice Courts shall provide, at a minimum, the following hours of operation;

Number of Average Monthly Filings	Hours Per Day
0-60	1
61-150	2
151-200	3
201-300	4
301-400	5
401-500	6
501 or more	8

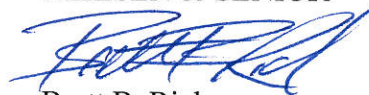
In determining the appropriate minimum daily hours of operation, the numbers of the Santaquin, Genola and Goshen cases should probably be combined. In reviewing the information that we have received from court filings, it appears that the combined number of average filings for the past twelve months is below 150. Therefore, the court should be open for business at least 2 hours per day, five days per week.

To assure compliance with these provisions, we recommend that the City take appropriate steps to assure that another person is available to "fill in" at the Justice Court at times as necessary considering the requirements outlined above. This additional or substitute clerk may be an appropriately trained employee of the City, or an individual with whom the City contracts to provide these services as needed. In order to work as a court clerk, a person must complete at least ten hours of training per year, which training is provided by the state. However, there is no requirement for certification or any initial training prior to employment.

Please feel free to contact our office with any questions of concerns.

Yours truly,

NIELSEN & SENIOR



Brett B. Rich



City Council meeting  
November 12, 2008  
Attachment C-1

DP Santaquin, LLC  
151 East 6100 South, Ste. 309  
Murray, UT 84107

October 13, 2008

City Council  
Santaquin City  
45 West 100 South  
Santaquin, UT 84655

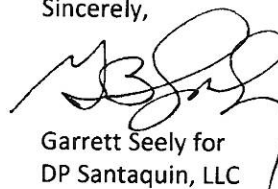
RE: Request for Extension on Time to Record Plat

Santaquin City Council:

I write to request an extension of 6 months for the recording of Plat F of the Orchards at Santaquin.

I thank you in advance for your consideration.

Sincerely,



Garrett Seely for  
DP Santaquin, LLC



October 13, 2008

City Council  
Santaquin City  
45 West 100 South  
Santaquin, UT 84655

RE: Request for Extension on Time to Record Plats

Santaquin City Council:

I write to request an extension of 6 months for the recording of Plats H, I, J and K of the Orchards at Santaquin.

I thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Garrett Seely', written over a horizontal line.

Garrett Seely  
President, Double G Development, Inc.  
For DGI Santaquin, LLC