

## NOTICE AND AGENDA

Amended 12-3-07

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, December 05, 2007, 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. November 20, 2007
  - b. Bills
    1. \$204,751.96
5. **FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

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

  - a. Monthly Employees recognition
6. **FORMAL PUBLIC HEARINGS**
7. **UNFINISHED BUSINESS**
  - a. Discussion and possible action with regard to Santaquin Meadows Plat "F" final approval
8. **NEW BUSINESS**
  - a. Authorization to reimburse sewer line upsize costs in Orchards Plat "E"
  - b. Annual Audit Report ~ Larson and Company
  - c. Formal denial of the Jones Annexation
  - d. Discussion and possible action with regard to Cherry Orchards Villa project
  - e. Zions Bank Lease Agreement – Pumper Truck ®
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (Roll Call Vote)**
  - a. Resolution 12-01-2007 "Zions Bank Lease Agreement for a 2007 Pierce Tanker" ®
11. **PETITIONS AND COMMUNICATIONS**
  - a. Acceptance or denial of the Northeast Santaquin Annexation Petition (submitted 11-30-07)
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
  - a. Update for Chamber of Commerce
13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
  - a. Mayor DeGraffenried
  - b. City Manager Chatwin
    1. Discussion of Economic Development Schedule ®
    2. Discussion of Capital Project priorities for Lobbyist ®
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:

S. BARNSWORTH 12/3/07  
Susan B. Barnsworth, City Recorder

® Amendment to Agenda

### POSTED:

CITY CENTER  
POST OFFICE  
ZIONS BANK

**MINUTES OF A CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
DECEMBER 5, 2007**

Mayor James E. DeGraffenried called the meeting to order at 7:00 pm. Council Members attending: Arthur Adcock, Filip Askerlund, Martin Green, James Linford, and Tracy Roberts.

Others attending: City Manager Stefan Chatwin, City Planner Dennis Marker, Legal Counsel Brett Rich, Director of Public Safety Dennis Howard, Larsen and Company Representative Clyde Jones, Crystal Burke, Justin Fona, Ben Glazner, Andy Hinds, Michael Hinds, Charlie Nybo, Brodie Jarvis, Tim Ringer, Scott Anderson, Brent Vincent, Jesse Conway, Kip Rollins, Joel Gardner, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Michael Hines led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Council Member Roberts offered a Word of prayer.

**CONSENT AGENDA**

*Minutes*

November 20, 2007

*Bills*

**\$204,751.96**

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

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

Ms. Burke requested a clarification on parking hours. She was told that the Parking Ordinance stipulates there will be no parking within the City. She was told the ordinance is very broad but until it is altered, Officers will be issuing citations. There are also liability issues that will come into play. Council Member Askerlund reiterated there are liability issues that need to be addressed. Council Member Roberts indicated the Officer has discretionary powers and will use them. Ms. Burke indicated a Police Car is always parked on the street and wondered why that is allowed. Mayor DeGraffenried indicated it would be looked into.

***Monthly Employees recognition***

Those in attendance were told the Employee Recognitions were awarded at the Christmas Party the previous evening.

Mayor DeGraffenried asked Council Member Roberts to join him at the front of the Council Room. Mayor DeGraffenried presented Council Member Roberts with a Service Appreciation Plaque. Mr. Roberts has served the residents the past 4 years as a Council Member.

**BUSINESS LICENSES**

Council Member Adcock reviewed the following Business Licenses, all of which have received the required reviews and inspections.

- ❖ Benjamin Glazner D.B.A Mountain High Federal Credit Union

Council Member Adcock moved to approve a new Business License for Benjamin Glazner D.B.A Mountain High Federal Credit Union. Council Member Green seconded the motion. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative.

**Item 8b**

***Annual Audit Report ~ Larson and Company***

Mr. Jones reviewed the 2006-2007 Fiscal Year Auditor with the Mayor and Council Members (the audit is on file at the City Office and available for public review). Mr. Jones invited the Mayor and Council Members to ask any questions with regard to the audit.

**FORMAL PUBLIC HEARINGS**

Nothing

**UNFINISHED BUSINESS**

***Discussion and possible action with regard to Santaquin Meadows Plat "F" final approval***

Council Member Linford indicted he didn't see much benefit to the letter drafted to the landowners with regard to enforcing CC&R's. Council Member Roberts said he thinks CC&R's do not hold water, but he isn't sure how they should be enforced. Maybe the answer is to have the CC&R's in place before the land is sold; Mr. Conway indicated the letter addresses the City's Ordinance also. Council Member Adcock was told a Certificated of Occupancy will not be given until landscaping is completed as required in the CC&R's.

Council Member Askerlund moved to give final approval of the Santaquin Meadows Plat "F" contingent upon the letter being drafted by Eastbench LLC including language indicating property owners have right to seek legal action on property owners not adhering to the CC&R's. Council Member Adcock seconded the motion. Council Members Adcock, Askerlund, Green, and Roberts voted in the affirmative. Council Member Linford voted against the motion. (See attachment "A" for Staff recommendations and a copy of the letter to the Santaquin Meadows Landowners)

**NEW BUSINESS**

***Authorization to reimburse sewer line upsize costs in Orchards Plat "E"***

Council Member Adcock moved to authorize the reimbursement associated with the sewer line upsize in the Orchards Subdivision Plat "E" in the amount of \$26,723.08. Council Member Linford seconded the motion. Council Member Roberts noted the different landowners should be required to participate in reimbursement as they develop. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative.

***Formal denial of the Jones Annexation***

Council Member Green moved to deny the Jones Annexation due to a boundary closure issue. Council Member Roberts seconded the motion. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative. (See attachment "B" for Staff notes)

***Discussion and possible action with regard to Cherry Orchards Villa project***

The Cherry Orchards Villa is the 16-plex condominium project on South Center Street. City Engineer David Thurgood has given his stamp of approval of the project.

Council Member Askerlund voiced his concern with the installation of a slatted chain link fence. He would like to have something installed that would be more durable. Mr. Rollins, Representative of the project, will research the cost of a vinyl fence. Council Member Askerlund indicated the parking stalls are a minimum number and questioned where the snow would be pushed. Mr. Rollins indicated they are having discussions with the builder with regard to this issue. The Homeowners Association will be responsible to pay the Pressurized Irrigation. All recreational vehicles will be required to be parked off site. Council Member Askerlund asked how the City would be assured the project would continue to be a desirable part of the City. Mr. Rollins indicated his intent is to retain four of the properties. Council Member Linford indicated he had concerns with the Home Owners Association. He requested if the current majority owners sale their property and they loose majority control in the HOA, that they would be required to ensure that an HOA be established with the corresponding management company to maintain the Property. Mr. Rollins was in agreement. Council Member Adcock expressed his pleasure with the project not being a rental project. Council Member Adcock indicated he would like to see all requirements met by the developer before the Council approves the project. City Planner Marker indicated there are minor changes to the Mylar. Council Member Roberts voiced his concern with the language allowing a project representative being allowed to enter into a home with reasonable notice. Mr. Rollins indicated the word changes have been made.

Council Member Linford moved to grant approval to change the project from apartments to a condominium project, include wording indicating the HOA represents the entire complex, and address the issue that once control is relinquished by the developer, an HOA and management company be established representing the existing owners. Council Member Adcock seconded the motion. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative.

***Zions Bank Lease Agreement – Pumper Truck***

Council Member Askerlund moved to authorize Mayor DeGraffenried to sign the Zions Bank Lease Agreement pertaining to the Pumper Truck. Council Member Green seconded the motion. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative.

**INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

***Resolution 12-01-2007 "Zions Bank Lease Agreement for a 2007 Pierce Tanker"***

Council Member Green moved to approve Resolution 12-01-2007 "Zions Bank Lease Agreement for a 2007 Pierce Tanker. Council Member Linford seconded the motion. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative.

**PETITIONS AND COMMUNICATIONS**

***Acceptance or denial of the Northeast Santaquin Annexation Petition (submitted 11-30-07)***

Council Member Askerlund moved to accept the Northeast Santaquin Annexation Petition submitted 11-30-07. Council Member Green seconded the motion. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative.

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

***Update from Chamber of Commerce***

Mr. Gardner, Chamber of Commerce Representative, reported Terry's Tire is being recognized at Business of the Quarter. Mark Robbins is also being recognized for all of his volunteerism. He

also thanked those who participated in the Light Parade. Council Member Green would like to open the parade up to the Residents of the City to participate

## **REPORTS BY MAYOR AND COUNCIL MEMBERS**

### ***Mayor DeGraffenried***

Mayor DeGraffenried reported he had met with Representative of the Ekins Annexation. The Representatives indicated they did not offer 80 acres of property. The Representatives were told they would need to make the annexation compelling to the City along with a time line to accomplish the proposed issues.

### ***City Manager Chatwin***

#### **Discussion of Economic Development Schedule**

City Manager Chatwin reviewed a 6-month schedule for Stuart Reid and Economic Development issues. (See attachment "C" for the schedule)

Council Member Askerlund was told there hasn't been any additional conversation with the Representatives of the Sorenson Property.

#### **Discussion of Capital Project priorities for Lobbyist**

City Manager Chatwin recommended requesting help from a Lobbyist for the following projects:

- Farmers Heritage Center
- Equestrian Facilities
- Wastewater Treatment Facilities

Council Member Adcock reported he had a Citizen of the Community request using the gym in the morning for police officers playing basketball. At this time there isn't storage space for the equipment that is used on a daily basis.

Council Member Adcock requested discussing the December Meeting Schedule. A joint Public Hearing is scheduled to discuss billboard lighting and standards.

There will not be a meeting held on December 26<sup>th</sup>.

Council Member Adcock voiced his appreciation to the Staff for the excellent party the past evening.

Council Member Roberts voiced a concern that a City Representative is not attending the national convention for the League of Cities and Town. He would recommend budgeting to send a representative.

Council Member Linford questioned at what point the City's Annexation Declaration should be amended to include the Northeast Santaquin Petition. He was told that after the Certification of the Northeast Annexation the process will begin with the petitioners being involved in the process.

Council Member Askerlund indicated the Council might need to review the Parking Ordinance. Those in attendance were told the issue of City Vehicles being parked on the street has been addressed. Warnings are being issued before violators are being ticketed. Council Member

Askerlund questioned what happens when there is a dumpster out in the street. He was told dumpsters could not be stored on the streets.

Council Member Askerlund requested City Planner Marker address the multi-family unit Ordinance. Mayor DeGraffenried recommended having the Planning Commission work on this issue and forward a recommendation to the Council. Council Member Linford would like to address all multi unit issues no just twin homes and duplexes.

City Engineer David Thurgood will be addressing the manhole issues along 690 East.

Council Member Green requested the potholes at Hwy 6 and Highland Dr. be filled in. He thanked those involved in the City Party. He also reminded those in attendance of the Community Choir performance that will be held on Sunday at 7 pm at the Stake Center on the West of town.

Council Member Green indicated our Part-time Officer Stan Egan is planning to get married in the near future. The "wedding couple" requested donations made to the fund associated with helping officers hurt by Meth Labs. Council Member Green recommended donating \$500 to this fund. The Council Members were in favor of supporting the organization, but questioned if the use of City funds were appropriate.

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

Council Member Green called an Executive Session at 8:55 pm. Council Member Askerlund seconded the motion. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative. Those attending the session are Mayor DeGraffenried, Council Members Adcock, Askerlund, Green, Linford, and Roberts. City Manager Chatwin and City Recorder Farnsworth were asked to leave the room.

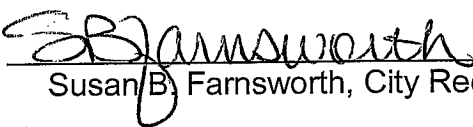
**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)  
Nothing

#### **ADJOURNMENT**

At 9:10 pm, Council Member Green moved to adjourn. Council Member Roberts seconded the motion. Council Members Adcock, Askerlund, Green, Linford and Roberts voted in the affirmative.

Approved on December 19, 2007

  
James E. DeGraffenried, Mayor

  
Susan B. Farnsworth, City Recorder



Consulting Engineers and Surveyors, Inc.

COUNCIL MEETING 12-5-2007  
ATTACHMENT "A-1"

Corporate Office:  
3302 N. Main Street  
Spanish Fork, Utah 84660  
801-798-0555

Salt Lake Office:  
14441 South 980 West  
Bluffdale, Utah 84065  
801-495-2844

November 16, 2007

Mayor DeGraffenried and City Council  
Santaquin City  
45 West 100 South  
Santaquin, Utah 84655

Re: Santaquin Meadows Plat F

Dear Mayor and Council,

At the last City Council meeting, the above mentioned project was tabled for further discussion. The City had asked our client to address the following items:

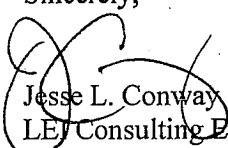
1. Review Covenants Conditions and Restrictions (CC&R's) for existing 31 homes in previous phases
2. Review landscaping requirements for new homes built in proposed Plat F

Attached is a letter drafted by the attorney for our client, East Bench Developers, LLC. Upon your review and recommendations, our client is prepared to have this letter and a copy of the CC & R's mailed to each of the current home owners.

Regarding the remaining 5 lots, our client is prepared to require that a bond for \$1500 be set aside once the building permit is issued. The bond will be released once the required landscaping is installed.

We look forward to discussing this project with you at the December 5, 2007 City Council meeting.

Sincerely,

  
Jesse L. Conway  
CESI Consulting Engineers and Surveyors, Inc.

November 15, 2007

Santaquin Meadows Landowner

Re: Santaquin Meadows Conditions, Covenants, and Restrictions

Dear Land Owner,

My firm has been retained by East Bench Developers, LLC, who are the original land owners of the Santaquin Meadows Subdivision in which your home is located.

As you may be aware, the subdivision where your home is located was annexed into Santaquin City in 2002. As part of the annexation process, an Annexation and Development Agreement along with Covenants, Conditions, and Restrictions, (CC&R's) that govern the property where your home is located, were adopted and recorded at the Utah County Recorder's Office. Those documents were of record at the time you purchased your home. Each lot within the subdivision is subject to the requirements contained within those documents.

By way of information, as the Santaquin Meadows Subdivision progressed, the project was broken into six different phases or plats. Each plat was then sold to an individual developer or homebuilder. The developers and builders were given copies of the CC&R's at closing, and by purchasing, agreed to meet the terms set forth in the CC&R's. As developers and builders sold individual homes, they were to provide each of the home owners with their own copy of the above documents. This was intended to allow each of the homeowners to familiarize themselves with the contents of the CC&R's and adhere to them. Whether or not you were given a copy of the CC&R's at the time of your purchase, because the CC&R's were of record with Utah County, you are subject to the provisions set forth in those documents. In the event that a copy of this agreement was not provided at the time of your occupancy, a copy of the signed agreement is enclosed for your review.

At present there are five undeveloped lots remaining for completion this development. At a recent Santaquin City Council meeting where completing the development was discussed, the City Council indicated that it felt that the terms of the CC&R's had not been entirely met. Because my clients are the land owners of the five remaining lots, the City has indicated that it would like my client to make the current home owners aware of the terms of the CC&R's, as there are a few lots that are not in compliance. During the City Council meeting, and in subsequent conversations with the City staff, specific items were discussed which are not being upheld by some within the development. Specifically, the complaints regarding the CC&R's



primarily involve landscaping and parking issues. Regarding those issues the restrictive covenants state as follows:

**1. Landscaping (taken from Section 9 item a of the CC&R's)**

*All landscaping must meet the following criteria:*

- a. *Each lot front, side or rear setback which is visible from the roadway shall be landscaped by the title-holder within one year of the issuance of a certificate of occupancy. Landscape shall include at a minimum:*
  - 1) *Final grading of lot.*
  - 2) *Installation of three (3) 2" caliper trees.*
  - 3) *Installation of seven (7) two-gallon minimum shrubs.*
  - 4) *Decorative rock or grass.*
  - 6) *All grass and irrigated trees and shrubs to be provided with an automatic sprinkling system.*
- b. *In order to assure uniformity of street appearance, no trees are to be planted upon property on the street side of any sidewalks without specific approval of Santaquin City and the Architectural and Landscape Committee.*

*The following trees, because of their **desirable** characteristics, are recommended in the Santaquin Meadows Subdivision;*

**Popular or Common Name**

*Maple*

*Ash*

*Aspen*

*Thornless Honey Locust*

*All other trees as approved by the Architectural and Landscape Committee*

*The following trees, because of their **undesirable** characteristics, are prohibited in the Santaquin Meadows Subdivision.*

**Popular or Common Name**

*Tree of Heaven*

*American Plane Tree*

*Lace Leaf Poplar*

*Silver Leaf*

*Bolleana Poplar*

*Narrow-leaf Poplar*

*Carolina Poplar*

*Fremont's Poplar*

*Lombardy Poplar*

*Black Locus*

*Siberian Elm*

**2. Vehicles, RV's Trailers (taken Section C item 14):**

*Parking and use of recreational vehicles shall be controlled according to Santaquin City Ordinance. In addition to the City Ordinance, boats, trailers, other recreational vehicles, large trucks, and commercial vehicles shall not be parked on the streets. Boats, trailers, other recreational vehicles, large trucks or commercial vehicles parked on any lot shall be screened from view with an approved fence according to C.10 of this document or other sight obscuring structures approved by the Architectural and Landscape Committee.*

In addition to discussing the issues set forth above, the City referenced concerns with maintenance of nuisances on some of the lots. Title 4-2-3-1 of the Santaquin City Ordinances states as follows:

*For the purpose of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious, or unsightly to public view, which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following:*

*A. Lumber, junk, trash or debris*

*B. Abandon, discarded or unused objects or equipment such as furniture, automobiles, stoves, refrigerators, freezers, cans, containers, machinery or other discarded items not currently in use. (Ord. 6-01-2001, 6-6-2001, eff. 6-7-2001)*

According to a recent inspection of the subdivision, the items referenced above, as well as several others items referenced in the CC&R's were not being followed by some lot owners. As landowners of these 5 remaining lots, my clients are determined to ensure the covenants are upheld so that the remaining five lots can be completed. My clients are certain that the lack of compliance is likely based on a lack of knowledge of the specific requirements of the CC&R's and city code. The purpose of this letter is to encourage each of you to review the CC&R's, and to make sure that your lot is in full compliance.

If you have any questions regarding the contents of this letter, please contact our office.

Sincerely,

Donald E. McCandless  
Attorney at Law



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

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**MEMO**

**TO:** Mayor DeGraffenried and Council Members  
**CC:** City Manager Stefan Chatwin and Utah County Records Office  
**DATE:** 11-29-07  
**RE:** **Jones Annexation**

~~~~~  
Mayor and Council Members,

Utah County Mapping Department brought to my attention the Jones Annexation has a closure error.

I have spoken with Jimmy DeGraffenried, sponsor of the annexation, with regard to this finding. I indicated the annexation would be formally denied at the December 5 City Council Meeting then he could resubmit the annexation petition. His hope is to have all the necessary information available for the December 19 meeting.

I will add this item to the December 5 City Council Meeting Agenda for formal action.

If you have any questions or comments, please contact me.

Thank you.



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

## **MEMORANDUM**

**November 2, 2007**

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To: Mayor DeGraffenried and City Council via Planning Commission  
From: Dennis Marker, City Planner  
RE: Cherry Orchards Villas Condominiums  
700 South Center Street

Zone: R-8  
Acres: 1.5+/- Units: 16

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### **Background:**

Mr. Kenny Parcell is seeking approvals of a 16 unit condominium project located at 700 South Center Street (**See attached site plans and plat**). The Development Review Committee (DRC) reviewed the site plan and improvements of this development in May 2006 using the City's multiple unit development standards found in the Santaquin City Code §10-6-7. The plan met the standards of the City and was issued a building permit on May 1, 2007. The conversion of these units to a condominium development requires Planning Commission review before being forwarded to the City Council for final approval. The Planning Commission reviewed this application during their November 8, 2007 regular meeting (See attached Draft minutes) and has forwarded a positive recommendation on the proposal.

### **Analysis:**

#### Lot Standards.

Title 10-6-7 as adopted in May 2006 required that each multiple family unit have at least 900 square feet. Each living unit on the subject property will have at least 1,200 square feet.

#### Open Space.

Title 10-6-7 requires at least 1,500 square feet of usable open space per unit excluding the front and side yard setbacks. This equates to 24,000 square feet of usable space. The development is providing over 40,000 square feet (0.92 acres).

#### Impact on Adjacent Properties.

Impacts on adjacent properties include the following

- The presence of a two story structure with an overall height of 35 feet to the peak of the roof line near homes which typically single story dwellings.
- The additional density of housing surrounded by single family dwellings.
- Additional lighting impacts caused by site and safety lighting on the development.
- Vehicular activity along the back yards of existing homes.

- The cleaning up, occupying and utilization of a parcel used for illegal dumping by other area residents as well as containing debris from past uses and fire hazards.
- Theoretically a multiple unit structure having owner occupied units will be better maintained than one being fully leased by a single landowner. Assuming the owners will be occupying the units, a condominium development will have greater potential to be maintained and cared for thus sustaining a better development next to the adjacent home owners.

The developer was willing to increase the structure setbacks along the adjacent rear property lines to help reduce the massing impacts. Most of the other impacts have been addressed through the approved landscaping plan. The landscape plan shows maintaining and improving the existing perimeter landscaping on the property. Many of the existing trees are at least 20 feet tall and will help to screen the massing of the building as well as any light spill. Improving the property will be a benefit to surrounding properties.

#### Traffic and Circulation.

The development has provided adequate parking accommodations of the number of units as well as to comply with ADA standards. The subdivision will have direct access off Center Street

#### Sensitive Lands.

There are no natural areas with 30% or greater slopes within this development. The southerly portion of the property

#### State Law

Under Utah State Code, annotated as amended (U.C.) law title 57-8, a.k.a. the Condominium Ownership Act, properties may be developed as a condominium development as long as appropriate "declarations" and plats are provided. Declarations are defined as "the instrument by which the property is submitted to the provisions of this act as it from time to time may be lawfully amended," and usually consist of legal descriptions of the property, descriptions of the units, common or limited common area details as well as any code covenants and restrictions relating to the project (See attached Declaration of Condominium). Some additional information or review is necessary within the proposed declarations. It is as follows:

1. U.C. 57-8-10(2)(a)(i) requires a description of the land or interest in real property included within the project. City Engineering staff still needs to verify the correctness of the plat and legal descriptions, however the legal description for the property was determined to be correct when the development went through the DRC process in 2006.
2. More information is necessary to comply with U.C. 57-8-10(2)(a)(ii), which states, "The declaration shall contain a description of any buildings, which states the number of stories and basements, the number of units, the principal materials of which the building is or is to be constructed, and a description of all other significant improvements contained or to be contained in the project."
3. A statement in the declaration referencing U.C. 57-8 as applying to the property needs to be made.

Staff Concerns:

The proposal complies with each of the City's standards for multiple unit developments in the R-8 zone and can, with minor changes to the declarations, comply with State law. Staff has no concerns about the proposal's compliance with applicable ordinances.

Additional items of concern that could not be enforced due to lack of ordinance language included massing consideration to adjacent homes, architectural elements and features of the building, exterior building materials, and recreation equipment facilities for future residents of the property.

**Recommendation:**

Staff recommends the Planning Commission forward a positive recommendation to the City Council for the final approval of Cherry Orchards Villas Condominium development, located at 700 South Center Street, based on the following findings and subject to the following conditions:

**Findings**

1. The development complies with the City's multiple unit family development standards in the R-8 zone.
2. The development will serve to clean up and utilize a parcel containing past nuisance violations and fire hazards.
3. With minor modifications, the submitted declarations can comply with Utah State Code and city law.
4. Impacts caused by the development have been mitigated according to allowances within City ordinance and development standards.
5. The Planning Commission held a public hearing on November 8, 2007 and afterwards forwarded its positive recommendation for the development.

**Condition**

1. That the appropriate modifications be made to the Cherry Orchard Villas declaration in order to comply with State law.



Dennis L. Marker  
City Planner



## PLANNING COMMISSION MINUTES

Santaquin City Council Chambers, 45 West 100 South  
November 8, 2007

DRAFT

**Present:** Planning Commission Members John Chatterley, Kurt Stringham, Doug Rohbock, Linn Wright, City Planner Dennis Marker, and Clerk Linda Midgley.

**Visitors:** Garrett Seely, Kenny Parcell, Cary Larson.

Commissioner John Chatterley called the meeting to order at 7:00 p.m., and welcomed those attending.

### AGENDA

No changes were made to the agenda timetable.

### PLEDGE OF ALLEGIANCE

Commissioner Kurt Stringham led those present in the Pledge of Allegiance.

### PUBLIC FORUM

Commissioner Chatterley opened the Public Forum. No items were brought to the attention of the Commission. Commissioner Chatterley closed the Public Forum.

### PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ITEMS

#### Cherry Orchard Villas Condominiums

Commissioner Chatterley opened the public hearing on the Cherry Orchard Villas. No public comment was received. Commissioner Chatterley closed the public hearing.

Dennis Marker said Kenny Parcell has requested that his 16 unit multi family building located at approximately 700 South Center be converted to a 16 unit condominium. This will allow the units to be sold individually. The landscaping and parking standards are the same for a condominium as for a multi-family building. A declaration and plat have been submitted for the condominium. Mr. Marker said the City had relied on state law for this request, as Santaquin does not currently have an ordinance addressing condominiums. The City engineer has reviewed the condominium plat, and the plat complies with state code. With a few minor changes the declaration statement will also comply with state code. Staff recommends forwarding a positive recommendation to the City Council.

Kenny Parcell addressed the Commission. Mr. Parcell said he had made the changes to the declaration to bring it into compliance with state law. Mr. Marker said he had received a call from a neighbor who was concerned about the 20 foot high trees on the property being removed. Mr. Parcell said he planned to keep all of the vegetation which was alive, remove the dead trees, and plant new shrubs and trees. He will also add a chain link fence with vinyl slats.

Commissioner Kurt Stringham asked Mr. Parcell if he intended to retain ownership in the condominium. Mr. Parcell said he did not know at this time if he would. Commissioner Stringham asked where the HOA office would be in the future. Mr. Parcell said typically one of the owners would have it in their home.

Commissioner Stringham asked about control of the HOA by the developer. Mr. Parcell said he did not want to have control once most of the units are sold. He said his intent was to have a quality project, with amenities like covered parking, tile floors, solid countertops and solid wood doors on the cabinets. Commissioner Chatterley asked about RV parking. Mr. Parcell said none is available on the site.

# PLANNING COMMISSION MINUTES

October 25, 2007 – Page 2

## Cherry Orchard Villas Condominiums continued:

Commissioner Stringham asked if a vacancy on the condominium DRC would be filled by the developer even if he no longer retained ownership. Mr. Parcell was uncertain. Commissioner Stringham questioned the 30 day approval on reselling the condominiums. Mr. Parcell said the declaration had been written by his lawyer, and he believed that clause was inserted to prevent 'flipping' of sales.

Kurt Stringham made a motion to forward the Cherry Orchard Villas Condominiums located at approximately 700 South Center to City Council with a positive recommendation, contingent on the project meeting any concerns raised in the DRC review. Doug Rohbock seconded the motion. The vote to forward the Cherry Orchard Villas Condominiums was unanimous.

## DISCUSSION AND POSSIBLE ACTION ITEMS

### Orchards, Plat F, H, I, J, K, L:

The Commission agreed by consensus to discuss Orchard plats F, H, I, J, K, and L at the same time.

Commissioner Chatterley asked for public comments. Cary Larson addressed the Commission. Mr. Larson said he was concerned about access in Plats L and F. Mr. Larson lives near the boundaries of the two plats. He said he currently must go through five turns and nine stop signs to get to a main road. This development will bring additional traffic to the area, and Mr. Larson said the traffic issues needed to be addressed before the additional traffic was present. He said it was important the streets were put in the right spots, as it was very difficult to change them later.

Garrett Seely reviewed the proposed subdivision roads for the Commissioners. Mr. Seely said traffic studies had been done for each plat. Center Street will have a 99 foot right-of-way, so additional lanes can be added when needed. At present, two lanes will be constructed.

Mr. Seely said the development will include 1,000 units. Dennis Marker said the development agreement allowed for 1,500 units, but the developer had chosen to use a lower density. Commissioner Rohbock asked if the traffic study had affected UDOT's plans. Mr. Marker said UDOT has to work with the regional budget plan, but was looking at the traffic studies. The study indicated that when the subdivision is complete a traffic light will be needed at Center Street. The traffic study also addressed traffic flowing out of the city to the north, along Center Street and 400 East. Based on current economic centers and anticipated traffic flow, the study showed traffic would flow to Main Street and then to I-15. The study showed no improvements would be necessary to Center Street. Mr. Marker said the County recognizes there will be increased traffic on 400 East and Center Street, but indicated they would close the roads off rather than improve them if traffic becomes an issue. Mr. Seely noted the county has made some improvements to 400 East.

Mr. Larson asked if the roads will all be done before construction is started. Mr. Seely said roads in Plat C will be started this spring. The organization placing the church in the subdivision would like to begin building quickly, so the road from 350 West will be connected to Center Street. There are several entries in the Orchards I subdivision, and no parcels are locked out. Double G has shown a possible concept for the adjacent properties.





**DEVELOPMENT REVIEW COMMITTEE MINUTES**  
November 13, 2007

The Development Review Committee held a regular meeting on Tuesday, November 13, 2007 in the City Council Chambers, 45 West 100 South, Santaquin, Utah. Committee Member Dennis Marker called the meeting to order at 3:12 p.m.

**Committee Members Present:** City Planner Dennis Marker, City Engineer Dave Thurgood, Fire Chief Shayne Bott, Police Chief Dennis Howard, Public Works Superintendent Dennis Barnes, Chief Infrastructure Inspector Ray Ross, Building Inspector Randy Spadafora.

**Others Present:** None.

Dennis Marker said Mike Carter had requested that Oak Summit Plat G be pulled from the agenda, as added information on the development, including the Debris Hazard Assessment, would be incorporated into the plans. Mr. Marker said the developer for Foothill Village Phase 1 had requested the Foothill Village review be moved to the next agenda.

### **Cherry Orchard Villa Condominiums**

First review of a proposed 16 unit condominium located at approximately 580 South Center Street.

**Public Safety:** Police Chief Dennis Howard had no concerns with the condominiums.

**Infrastructure:** Committee Member Ray Ross had no concerns with the condominiums.

**Building Inspection:** Committee Member Randy Spadafora said the street address of the condominiums will be 580 South Center Street, with the units numbered from one to sixteen.

**Fire:** Fire Chief Shayne Bott said he had no concerns with the condominiums.

**Public Works:** Committee Member Dennis Barnes said he had no concerns with the condominiums.

**Zoning:** Committee Member Dennis Marker said the site plan for the Cherry Orchard Villas was originally reviewed as a multi-family unit. In changing to condominium units, the developer was required by State law to provide a condominium plat and declaration statement. Mr. Marker said the developer would be required to meet the State regulations on condominiums.

**Engineer:** Committee Member Dave Thurgood distributed a list of required details (See attached memorandum). Mr. Thurgood said the developer needed to prepare the condominium plat in accordance with the Condominium Ownership Act Section 57-8-13., and to ensure the language of the owner's certificate was consistent with the Act.

## **DEVELOPMENT REVIEW COMMITTEE MINUTES**

November 13, 2007 – Page 2

### **Cherry Orchard Villas Condominiums, continued:**

Dennis Barnes made a motion to approve the conversion of the Cherry Orchard Villa multi-family units to condominiums, contingent on the developer complying with all State condominium requirements. Shayne Bott seconded the motion. The vote to approve the Cherry Orchard Villa Condominiums was unanimous.

### **General Items**

The committee members discussed closure of the road at 200 West 500 South.

### **Minutes**

Randy Spadafora made a motion to accept the minutes of October 23 and October 30, 2007. Shayne Bott seconded the motion. The vote to accept the minutes of October 23 and October 30, 2007 was unanimous.

### **Adjournment**

Shayne Bott made a motion to adjourn the meeting. The meeting adjourned at 3:25 p.m.

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Dennis Marker, Committee Member

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Linda Midgley, DRC Clerk

## 6-Month Calendar – Economic Development with Stuart Reid

### December and January

#### East Side Maverick Property

1<sup>st</sup> Right of Refusal on land that can be transferred. Recruit for hotel, restaurant, etc.

#### West Side of Santaquin North Interchange (Sorenson Property)

Continue discussions with all property owners. Possible 1<sup>st</sup> Right of Refusal for land acquisition. Rezone of commercial property

#### Look at feasibility and opportunity of a "Santaquin Foundation"

Not for profit foundation legally separate from municipal government. Foundation is made up of the mayor, members of the city council, selected staff and prominent members of Santaquin City. Purpose is to promote the betterment and progress of Santaquin City. Some goals of foundation may include fundraising, agricultural preservation, historic preservation, environmental preservation, etc.

#### Look at feasibility and opportunity of a "Santaquin Political Action Committee (PAC)"

Another separate entity not affiliated with the city's government. A legal fund raising entity that may support certain legislative issues, non-municipal government elected officials, and organizations that are favorable to Santaquin City's goals. PACs are governed under state and federal election laws.

#### List of "homegrown" potential investors, partners and participants

Develop list of "well-to-dos" either living in or affiliated with Santaquin City (grew up in, once lived in, family helped settle, planning to retire in, etc.). Share with them Santaquin goals, direction, plans. How can they participate in this great vision and renaissance and be contributors to the Foundation and the PAC.

#### Discuss opportunities with Lobbyist

Can we find money in Washington DC for some potential capital projects that may not have other funding sources available? Possible projects may include a farmer's heritage center, equestrian facilities, water treatment facilities, etc.

## **February**

### Utah Lake Marina

Look at land locations, amount of land needed (30 acres?), funding possibilities, cost and benefit analysis, and potential for a city owned marina and RV campground at Utah Lake. Municipal and private partnerships.

## **March**

### Gravel Pit on South Border (by Summit Ridge)

Look at possibilities and opportunities for future reclamation of gravel pit into a viable water feature for both recreation as well as P.I. holding pond. Continue discussions with Sunroc about partnerships for this potential project. Benefit analysis, engineering requirements, funding opportunities, etc.

## **April**

### Equestrian Center(s)

Continue analysis on future and possible locations for equestrian facilities. Funding requirements and opportunities. Private vs. public as well as private/public partnerships. Federal government, state government and county government participation possibilities.

## **May**

### Business Park

Develop a layout of future Business Park. Land resources. Utility, power and communication availability and needs (what is stubbed out to where and what is lacking). Road, rail and other transportation requirements and opportunities. Establish standards and specifications. Identify funding requirements and possibilities. Begin recruitment of targeted industries.

### Summit Ridge

Continue recruitment of retail and professional opportunities. Retail Convention in Las Vegas targeting outlet and other retail opportunities. Hotels, restaurants, professional offices and religious edifices. Facilitate agreements with Boyer Co.

**June**

Marketing

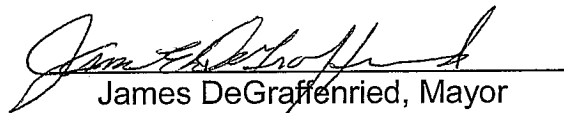
Develop marketing strategy. Packaging the product and telling the story. Message. Targets. Billboards, website, brochures, etc. Partnerships with other entities; chambers of commerce, tourism bureaus, businesses, etc. Funding sources and opportunities.

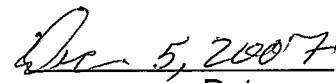


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## **CLOSED EXECUTIVE SESSION AFFIDAVIT**

I, James DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executives Session held on December 05, 2007 May be called to discuss the character, professional competence, or physical or mental health of an individual.

  
James DeGraffenried, Mayor

  
Date

