

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a **SPECIAL** City Council Meeting on Wednesday, July 11, 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. June 27, 2007
 - b. Bills
 1. \$171,153.99
5. **PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

Public Forum will be held to a 30-minute maximum with each speaker given no more than 5 minutes each. If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement
6. **FORMAL PUBLIC HEARINGS**
7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**
 - a. Acceptance of the Summit Ridge Exit #242 Annexation Certification
 - b. Discussion and Possible Action regarding Code Amendment Affecting Enforcement of Land Use Ordinances
 - c. Discussion and possible action with regard to the Movie in the Park
 - d. Discussion with regard vacating property @ approximately 400 N and 200 W
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (ROLL CALL VOTE)**
 - a. Resolution 07-01-2007 " Santaquin City Standards, Specifications and Drawing, July 2007"
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
13. **REPORTS BY MAYOR AND 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: S. B. Farnsworth
Susan B. Farnsworth, City Recorder

POSTED:

CITY CENTER

POST OFFICE

ZIONS BANK @ Amendment to Agenda

**MINUTES OF A COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
JULY 11, 2007**

Mayor James E. DeGraffenried called the meeting to order at 7:07 pm. Council Members attending: James Linford, Tracy Roberts, Art Adcock, Martin Green and Filip Askerlund.

Others attending: Police Sergeant Rod Hurst, City Planner Dennis Marker, J-U-B Engineering Representative David Thurgood, Keith Broadhead, Mike Daniels, Marilyn Bowers, and Scott Mortensen. City Manager Chatwin was excused.

PLEDGE OF ALLEGIANCE

Council Member Adcock led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Mayor DeGraffenried offered a Word of Prayer.

CONSENT AGENDA

Minutes

June 27, 2007

Bills

\$171,153.99

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

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Mr. Daniels thanked the Mayor and Council Members for the fast response with regard to the installation of the stop signs. The soccer group has begun to hang out at the fields from 9 am to 9:30 pm on Sundays. He indicated those at the park are using the bathroom between the car doors and not the port-a-potties. He requested the goals be moved from East and West to North and South. He believed by moving the goals the trespassing problem maybe resolved.

Council Member Askerlund indicated he felt the hours of use for certain activities should be addressed.

Council Member Green indicated that even if the privilege to use the park is paid for, the privilege should not be taken advantage of.

Sergeant Hurst reported the department has taken a number of disturbance reports with regard to those using the City Center grounds on Sundays. He recommended moving the soccer playing to the East Park as the baseball/softball season is concluded this evening and there is a larger playing area and fewer homes who may be effected.

Mayor DeGraffenried indicated he would like to give the Recreation Director an opportunity to meet with the League Director to try to resolve this issue. He indicated to close the park on Sunday's would mean that none of the Residents would be allowed to use it.

Mr. Daniels thanked the Mayor and Council Members for their time.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Nothing

NEW BUSINESS

Acceptance of the Summit Ridge Exit #242 Annexation Certification

Council Member Green moved to accept the certification pertaining to the Summit Ridge Exit #242 Annexation. Council Member Linford seconded the motion. Council Members Linford, Roberts, Adcock, Green and Askerlund voted in the affirmative.

Discussion and Possible Action regarding Code Amendment Affecting Enforcement of Land Use Ordinances

City Planner Marker reported the Mayor and Council had requested that staff modify the language designating authority for enforcement of the City's Zoning Ordinances found in Title 10 of the Santaquin City Code (S,C,C.). Current language stipulates that the Zoning Administrator, or other authorized officers shall enforce the Title. The City Council would like the Police Department specifically mentioned. Proposed amendments to Title 10 must first have a public hearing and recommendation from the Planning Commission before the City Council can act on the proposal (see attachment "A" for Staff's recommendations).

Council Member Askerlund reported that there are concerns of the Planning Department that the Code Enforcer be part of the Police Department. He indicated he personally doesn't have an opinion one way or the other.

Council Member Roberts reported he had a newspaper article he would like entered into the minutes (attachment "B"), and he didn't want "Grandma going to jail because her grass wasn't watered". He reported that the Police Department has better things to do than to see "if the lawns are watered". He is in favor of having a Code Enforcement Person but not one who is a Police Officer.

Council Member Linford reported he was in agreement with both Council Member Roberts and Council Member Askerlund.

Mayor DeGraffenried indicated he had recommended some of the enforcement issues moved from the enforcement by the City Planner to the enforcement of a Police Officer.

Council Member Linford was told that by rearranging the codes into different sections, it would eliminate some of the work load of City Planner Marker.

Legal Counsel Rich indicated the City could appoint a Code Enforcer who could issue citations for violation of the Land Use Ordinance. Legal Counsel Rich indicated he believed the Police should be responsible for health and safety issues.

Council Member Green questioned if there is additional time required to the separation of the duties for the Code Enforcer and the Police Department. He requested a work session to further discussion.

Council Member Green moved to move to a work session. Council Member Roberts seconded the motion. Council Members Linford, Roberts, Adcock, Green and Askerlund voted in the affirmative.

Discussion and possible action with regard to the Movie in the Park

Council Member Askerlund reported the rental of the movie screen is between \$1500 to \$3400, depending on the size of the screen as well as licensing fees up to \$1000. He indicated other cities do not license but he doesn't feel comfortable making the decision on his own. Rental of the screen and projector would be in the amount of \$1775. Legal Counsel Riches "off the cuff, no research" thoughts would be that there isn't any commercial gain therefore it would be appropriate. Legal Counsel Rich will research this issue and contact Council Member Green with his findings.

Discussion with regard vacating property @ approximately 400 N and 200 W

A discussion was held with regard to a request to vacate a portion of approximately 400 N and 200 West. It was reported that Justin Gurr is currently the owner of the property who would like to acquire enough of the right-of-way to have enough property to allow a single lot split (see attachment "C").

The purchase request represents a 20'x106.8' strip which equates to approximately 2,136 square feet of land with an appraisal at fair market value in the amount of \$2,100.

Council Member Adcock indicated the City has established the right-of-way for some reason and questioned if it should be sold.

Council Member Roberts indicated this issue had been present by the same property owner at an earlier date. Council Member Roberts was told the appraisal has a May dating.

Council Member Linford recalls the City vacating some right-of-way on the South end of town.

Council Member Askerlund indicated the City has established precedent by vacating and selling right-of-way at approximately 100 South and 100 West.

Council Member Roberts reported he recalled the past property sold had improvement stipulations attached.

City Planner reported the property is within the "core area" of the City therefore curb, gutter and sidewalk is not required unless it is a stipulation of the purchase agreement.

Mayor DeGraffenried indicated the property is of no value to the City. In his opinion he would like to have the property be put to use.

Council Member Roberts would like to have some sort of standards in place associated with the sale of property.

Council Members Askerlund, Green, and Linford indicated they were in agreement of the sale of the property. Council Member Adcock was told 200 West ended at the end of the Gurr property until the new subdivision was built continuing North on 200 West.

Council Member Linford was told the appraiser is certified therefore the appraisal is valid.

City Planner Marker was told to begin the process to vacate the property.

BUSINESS LICENSES

Nothing

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS (roll call vote)

Resolution 07-01-2007 "Santaquin City Standards, Specifications and Drawing, July 2007"

Council Member Askerlund moved to adopt and authorize the Santaquin City Council to adopt and authorize the City staff to implant the Santaquin City Construction Standards, and that the Santaquin City Construction Standards, with proposed changes, be applied to all developments which have not received preliminary Development Review Committee approvals. Council Member Green seconded the motion. A discussion was held with regard to Summit Ridge Development. Council Members Linford, Roberts, Adcock, Green and Askerlund voted in the affirmative.

At 8:21 pm Council Member Askerlund moved to 5-min break. Council Member Green seconded the motion. Council Members Linford, Roberts, Adcock, Green and Askerlund voted in the affirmative.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Nothing

At 8:33 pm Mayor DeGraffenried called the meeting back to order.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor DeGraffenried indicated the purchase of the Expedition was for Economic Development reasons. He indicated he would like to put the Expedition into the City fleet and purchase a vehicle that would get better gas mileage. He also indicated there is a need for a Recreation Director vehicle (see attachment "D" for the breakdown).

Council Member Askerlund felt there would be some savings to the City if an auto allowance was given to the City Manager.

The Council Members were in agreement that the Ford 150 regular cab be purchased for the Recreation Department. Authorization to make the purchase will be included on the next Council Meeting.

Mayor DeGraffenried indicated the City could act as the contractor for the new Court Room which would save the City money. Council Member Adcock indicated that all Judges will soon be employees of the State. He wondered if the City should wait before construction begins. He was told that the design of the new Court could be used at a future date to house fulltime Public Safety Employees.

Council Member Askerlund reported the P.U.D. Ordinance should be addressed.

Council Member Adcock was told 900 South Residents would be required to connect to the sewer system at the time the Ahlin Property is developed.

Council Member Green questioned if the City would adopt an Ordinance to prohibit smoking in a public park. He was told the Council could address the issue if they would like.

Council Member Askerlund reported Staker Paving has a lowboy trailer with buried "treasures" to the celebration that could be redeemed for "prizes" which they would be providing.

Council Member Adcock was told the S.O.B. Ordinance would be addressed shortly.
Council Member Roberts reported the equipment on the site of the Charter School was tagged. He wondered if the Police Department has been contacted.

Council Member Linford was told the Celebration Booklet was at print and would be available to the Residents shortly.

Council Member Linford thanked Dennis Marker and his "crew" for the work associated with the Construction Standards.

Mayor DeGraffenried reported the issue of the building permit cost for the new Dr. Office has been resolved and they will begin the construction shortly.

City Planner Marker invited the Mayor and Council Members to attend the Planning Commission Meeting tomorrow night.

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 9:17 pm Council Member moved to adjourn. Council Member seconded the motion. The vote was unanimous.

Approved on July 18, 2007.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder



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

MEMORANDUM

July 6, 2007

To: Mayor DeGraffenried and City Council
From: Dennis Marker, City Planner
RE: **Amended Staff Report:** Code Amendment Regarding Police Department Enforcement
of Zoning Ordinances CA#07-05

Notice: This item was noticed to the general public in accordance with City procedures.

Background:

The City Council and Mayor DeGraffenried have requested that staff modify the language designating authority for enforcement of the City's Zoning Ordinances found in Title 10 of the Santaquin City Code (S.C.C.). Current language stipulates that the Zoning Administrator, or other authorized officers shall enforce the Title. The City Council would like the Police Department specifically mentioned. Proposed amendments to Title 10 must first have a public hearing and recommendation from the Planning Commission before the City Council can act on the proposal.

The current Zoning Administrator ordinance (S.C.C. 10-5-2) reads as follows:

10-5-2: POWERS AND DUTIES:

A. It shall be the duty of the zoning administrator, or other authorized officer, to administer, enforce, and interpret, when required, the provisions of this title. He/she shall enforce all the provisions of this title, entering actions in the courts when necessary, and his/her failure to do so shall not legalize any act in violation of such provisions.

The proposed language is as follows:

A. It shall be the duty of the zoning administrator, or other authorized officer, to administer, enforce, and interpret, when required, the provisions of this title. He/she shall ~~The Zoning Administrator, Police Department, or other designated officers are hereby~~ authorized to enforce all the provisions of this title, entering actions in the courts when necessary, and ~~his/her~~ failure to do so shall not legalize any act in violation of such provisions.

Analysis

The Utah State Code (UCA) Title 10-9a-102 (2) states that , "municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law."

Enforcement of such laws is dictated by the legislative body of the individual municipalities. The Police Department is currently responsible with enforcing the City's Criminal Code, Animal Control and Nuisance ordinances as well as "such duties as may be prescribed by the City Council" (S.C.C. 1-6-8.C). The Zoning Administrator currently has the duty to enforce Title 10; the City's Land Use Development and Management ordinances. The proposed amendment clarifies the ability of the Zoning Administrator to utilize and coordinate with the professional expertise of the police department to accomplish the goals and enforce the standards of the City's Zoning regulations.

Public Comment:

The Planning Commission held a public hearing on this proposal during their June 28, 2007 regular meeting. One resident voiced concerns about police involvement in civil issues rather than criminal matters (See draft minutes from June 28 meeting).

Additional discussion of this item during the Planning Commission meetings included moving portions of the Land Use Ordinance, Title 10, which ought to be enforced by City police. These sections are respectively

Section	Proposed Relocation
<u>Title 10-6-15: STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES PROHIBITED:</u> It shall be unlawful to park a double axle truck having a rated capacity of two (2) tons or more on any public street in any residential zone for a continuous length of time of seventy two (72) hours or more. It shall also be unlawful to so park any construction equipment, such as graders, compressors, etc., on public streets, for a time period of greater than twenty four (24) hours, provided that construction equipment may be on a lot during construction of a building thereon.	Move to New Title 6 Chapter 4 (MOTOR VEHICLES AND TRAFFIC)
<u>10-6-22: POLLUTION PREVENTION:</u> Any use which emits or discharges gases, fumes, dust, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah state division of air quality and any use which emits or discharges liquids or	Move under Nuisances Title 4-3

solid material onto the soil or water in amounts exceeding the standards prescribed by the Utah state division of water quality, and the Utah state division of hazardous waste shall be prohibited.	
10-18-4: LEASH LAW:	Move to animal Control Title 5:
10-18-5: ANIMAL NUISANCES:	
10-18-6: MITIGATION OF NUISANCE:	
10-18-7: CARE, CLEANLINESS, AND IMMUNIZATIONS:	
10-18-13: FORBIDDEN USES:	
10-18-15.B: PENALTY AND IMPOUNDING:	

PC Recommendation:

The Planning Commission reviewed this proposal during their June 14, 2007 regular meeting and made the following recommendations:

- 1- Deny the proposed code amendment.
- 2- The City Council approve the hiring of a Civil Code Enforcement Officer, who would work under the direction of the Community Development Director, to carry out the enforcement of zoning regulations as well as other civil ordinances.

It was also the consensus of the Planning Commission that those portions of the Land Use Code which ought to be part of the City's criminal regulations be moved to the appropriate chapters of the municipal code.

These recommendations were made based on discussion points relative to the perception of civil enforcement being done by police and allowing police to have more authority to encroach on personal freedoms than should be allowed (See attached minutes from June 14 meeting).

Staff Recommendations

- 1- Staff recommends that the City Council approve for adoption the proposed amendment, based on the following findings.

Findings.

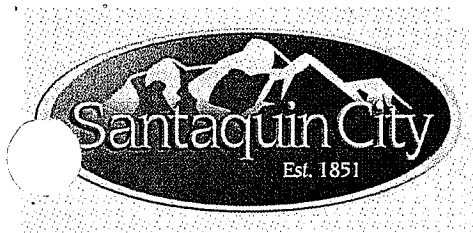
1. State law enables municipalities to enact laws pertaining to the use and development of land within their jurisdiction.
2. Santaquin City has enacted such laws and desires to enforce the regulations and standards specified therein. This has been conducted by the City's Planning Department in the past.
3. Due to the limited time and personnel within the City's Planning Department, the City Council desires that the Police Department be more involved with enforcement of the Zoning Ordinances of the City.
4. The proposed ordinance clarifies the ability of the Police Department to be utilized for enforcement of the provisions of the Santaquin City Land Use and Development Management Code, Title 10.

CITY COUNCIL MEETING JULY 11 2007
ATTACHMENT "A-4"

- 2- Staff also recommends that the movement of specific Title 10 sections to the appropriate Titles 4, 5, and 6 of the municipal code be approved.
- 3- That staff be authorized to prepare the necessary ordinances to effect the above staff recommendations.



Dennis L. Marker
City Planner



PLANNING COMMISSION MINUTES

Santaquin City Council Chambers, 45 West 100 South
June 14, 2007

Present: City Council Member Filip Askerlund, Planning Commission Members Rex Bean, Carolyn Callahan, John Chatterley, Kurt Stringham, Glenl Wear, City Planner Dennis Marker, Planning Commission Clerk Linda Midgley.

Excused: Mark Westover

Visitors: Monty Griffiths, Keith Broadhead, Dennis

Commissioner Glenl Wear called the meeting to order at 7:02 p.m.

AGENDA – No changes were made to the agenda timetable.

PLEDGE OF ALLEGIANCE

Commissioner Glenl Wear led those present in the Pledge of Allegiance.

PUBLIC FORUM

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

Discussion and Possible Action Items

Stone Hollow @ Summit Ridge, Plat C

Dennis Marker said Plat C is part of the Summit Ridge development on the south side of the city. This is a 79 lot subdivision, the third of five phases, and sits directly west of the Summit Creek irrigation pond. There will be upwards of 2,500 homes at buildout in Summit Ridge. Staff recommends a positive approval on this subdivision.

John Chatterley made a motion to accept staff recommendation to forward Stone Hollow @ Summit Ridge, Plat C, located at approximately 600 South Summit Ridge Parkway, to the City Council with a positive recommendation. Carolyn Callahan seconded the motion. The vote to accept and forward Stone Hollow, Plat C, was unanimous.

Eastside Estates, Plat F

Dennis Marker said the Eastside Estates project was started in 2001, and Plat F was originally part of a larger phase. After final approvals were granted, a large debris flow in the canyon sent mud slides into the area. This phase is in the mud slide path. After the slides occurred, working with the City, State geologists and the Forest Service, a large berm was constructed to divert future slides. There is some concern on whether the berm is adequate to ensure safety for the twenty homes in Plat F, and developer Monty Griffiths was required to submit a geologist's letter stating the berm is adequate. The developer will also be required to address the slide issue before any future phases are approved.

PLANNING COMMISSION MINUTES

June 14, 2007 – Page 2

Eastside Estates, Plat F, continued:

Monty Griffiths said everything the City needed for Eastside Estates, Plat F, should have been turned in, including the geologist's letter from IGES. He said he is working on the next phase, to the east and above, and within the next two months plans to build a retention basin which will be sufficient for the 100 year storm. Rex Bean said he would prefer the dam be in before this phase is approved.

The Commission asked about the letter required from the geologist. Monte Griffiths said the letter had to be shown at the DRC meeting and the City engineer had approved it. Dennis Marker said he had spoken to the City engineer, and the engineer said he had not seen the letter. Rex Bean suggested the Commission hold off on approval until the letter has been produced.

Dennis Marker said the DRC had forwarded the Plat to the Planning Commission subject to the geologist's letter being produced. Monty Griffiths said he had given the letter to the City, and asked the Planning Commission to make a positive recommendation on Eastside Estates Plat F to the City Council on the condition that Mr. Griffith produce the letter for City Council. He said he is losing a lot of money while he waits for approval.

The Planning Commission suspended business from 7:58 to 8:05 to see if a copy of the geologist's letter was in the City's Eastside Estates file. The letter was not located. John Chatterley made a motion to continue the consideration of Eastside Estates until the end of the meeting. Rex Bean seconded the motion. The vote to continue the consideration of Eastside Estates was unanimous.

After approximately 20 minutes, Monty Griffiths returned to the meeting with a copy of the geologist's letter. Rex Bean made a motion to suspend the review of item number 7, which was under discussion at that time by the Commission, and return to item number 6, Eastside Estates. John Chatterley seconded the motion. The vote to return to the discussion of Eastside Estates was unanimous.

The geologist's letter states that the berm in place at this time is adequate to ensure the safety of the homes presently in the area, as well as the additional twenty homes in Plat F, providing fire does not again take out all the vegetation. Dennis Marker said he had called the City engineer and read him the IGES letter, and Dave Thurgood's opinion is that the City is covered based on the last paragraph of the letter. Glenl Wear said the letter states the area is under snow and so there is no way to design mitigation, and asked if that been addressed now that the snow is gone. Mr. Griffiths said IGES is aware a basin is being constructed in the next phase, and this is just a band-aid for this phase. Mr. Marker said the last paragraph states that IGES is confident if events similar to the precipitation in 2002 occur the berm will be sufficient.

The question of City liability in the event the catch basin proves inadequate protection was discussed. Dennis Marker said technically the City would not be liable because a geological group had guaranteed the safety of the homes in the event of a slide, but the City could be dragged in because they had approved the project.

Rex Bean asked what provisions had been made to notify property owners. Mr. Griffiths said everyone who purchases property is given the history of the area in the seller's disclosure. Dennis Marker said UDOT has indicated any mountain runoff can be channeled into the freeway storm system, but runoff from the development has not been authorized to be channeled to the freeway system, and must stay in the development.

PLANNING COMMISSION MINUTES

June 14, 2007 – Page 3

Eastside Estates, Plat F, continued:

Rex Bean made a motion to accept and forward a positive recommendation to the City Council for Eastside Estates, Plat F, to the City Council on condition that staff concerns are addressed and the city engineer approve and stamp the geologist's letter. John Chatterley seconded the motion. The vote to accept and forward Eastside Estates, Plat F, was unanimous.

Code Amendment affecting Appeals and Land Use Authorities

Dennis Marker said normally a proposed amendment is provided to the Planning Commission, but the amendment affecting Appeals and Land Use Authorities has such a large scope, and affects so many sections of the code, recommendations from the Commission are being sought before the proposed amendment is prepared. The City can choose to have multiple land use authorities, and can also appoint specific authorities for specific land use applications. Multiple appeal authorities are also possible. Rex Bean said he was concerned about the confusion that might be engendered with several approving authorities. At the present time the City Council is the land use authority, and the Board of Adjustment handles appeals. Mr. Marker said a lot of the current review processes could be simplified, and the Mayor feels a more simple process would be best. For example, the Planning Commission must now approve two driveways, whereas the City engineer could probably ensure the driveways were legal and safe.

John Chatterley suggested the list of responsibilities and review bodies be resorted by authority so the Commission would have a better idea of who is responsible for what. Rex Bean suggested the tables be combined and by sequential reference. The Commission discussed a few conflicting issues in the current ordinance, such as obtaining a Certificate of Occupancy.

Rex Bean made a motion to table the discussion on the Code Amendment affecting Appeals and Land Use Authorities until the tables are combined and resorted. Glenl Wear seconded the motion. The vote to table the discussion on the Code Amendment passed unanimously. Dennis Marker said there are no pending appeals at this time; it is just a question of cleaning up the ordinances. Currently there is only one active member on the Board of Adjustments, and the Mayor and City Council would like to re-activate the Board.

Code Amendment regarding Police Department enforcement of zoning ordinances.

Dennis Marker said that currently police officers have the authority to enforce zoning ordinances, but Police Chief Howard had requested the code be amended to include the words police department so that if a court case ensued from a police action, the ordinance could be referred to. Mr. Marker said he had met with Chief Howard and they had gone through the Title 10 ordinance and discussed how the police would be involved. The City Council would like the Planning Commission to take action on the code amendment immediately, as they are anticipating hiring a Code Enforcement Officer on July 1. City Legal Counsel Brett Rich, who wrote the amendment, said this amendment is unnecessary legally, but serves the same purpose as the original. The amendment will have a public hearing on the next Planning Commission agenda.

PLANNING COMMISSION MINUTES

June 14, 2007 – Page 4

Code Amendment regarding Police Department enforcement of zoning ordinances, continued:

Rex Bean said the City was standing on a slippery slope if the police are used to enforce civil ordinances. Commissioner Bean said this would divert police officers from their required function of criminal law enforcement. He said he was concerned with zoning issues becoming crimes, and the police looking in people's yards and violating their homes to check the landscaping or height of a fence. This would make property more important than people. It could also lead to zoning ordinances being used as a revenue builder.

Carolyn Callahan said this is a fairness and public safety issue. It costs people more to follow the rules, and not enforcing the rules makes it not fair to those who do. The police already have the authority; this amendment just makes the language more specific. If the police department feels this will better serve them, the Commission should abide by that. Commissioner Callahan said daycare and other issues involve public safety, and the police need to have the power to enforce all ordinances.

John Chatterley asked if all that was wanted was to change the amendment language to specifically mention the police department. Rex Bean said that was just what he did not want.

Dennis Marker said some zoning issues were criminal, not civil. Animal rights are addressed in the zoning ordinance and also in the criminal code. An issue with too many families in one house, unlawful occupancy, is now under the land use ordinance. Visibility on street corners is under the land use ordinance, but violation is a criminal act.

Filip Askerlund said the City Council was concerned with getting help for Mr. Marker, and also with fire hazards, junk cars, drums in back yards, etc., which the city was receiving complaints about. He suggested that the section of the code be amended to provide for the Zoning Administrator, who is given the authority for code enforcement, to be able to ask a police officer to verify a complaint. The Police would only investigate zoning matters under the Zoning Administrator's direction, and in response to a specific complaint. Rex Bean said people would not know who had sent the police officer out, so it didn't matter whose direction it was under.

Carolyn Callahan was excused from the meeting.

Glenl Wear said the County uses constables, non-police officers, for some duties. The Commission discussed hiring a code enforcement officer for the planning department. Mr. Marker said the police department wanted to hire a police officer who would work part time with Animal Control and part time with code enforcement.

Rex Bean made a motion to deny the proposed code amendment. Kurt Stringham seconded the motion. Commissioners Bean, Chatterley, Stringham and Wear voted to deny the proposed code amendment.

John Chatterley made a motion to recommend the City Council approve the hiring of a Civil Code Enforcement Officer, who would work under the direction of the Community Development Director, to carry out the enforcement of zoning regulations. Rex Bean seconded the motion. After some discussion, John Chatterley modified the motion to recommend the City Council approve the hiring of a Civil Code Enforcement Officer, who would work under the direction of the Community Development Director, to carry out the enforcement of zoning regulations as well as other civil ordinances. Rex Bean seconded the motion.

PLANNING COMMISSION MINUTES

June 14, 2007 – Page 5

Code Amendment regarding Police Department enforcement of zoning ordinances, continued:

Commissioners Bean, Chatterley, Stringham and Wear voted to recommend the City Council approve the hiring of a Civil Code Enforcement Officer.

Minutes

John Chatterley made a motion to accept the minutes of May 24, 2007. Glenl Wear seconded the motion. The motion to accept the minutes of May 24, 2007 passed unanimously.

REPORTS OF CITY OFFICIALS

City Council

Filip Askerlund said the City Council has reviewed the Planning Commission recommendations on multi-family housing, specifically in the core part of town, and will act on it next Wednesday. The Council amended the ordinance to include a 250 foot buffer zone for units of three or more, with no buffer zone for two unit buildings. After a lengthy discussion on design standards, the Council agreed on a minimum single car garage per unit. A minimum 900 square foot footprint will be required if the two unit home is a rambler style, and a minimum 750 square foot footprint, with at least 1200 square feet of living space, if a two story building. Landscaping will be required to meet setbacks in the zone, with no additional requirements.

Kurt Stringham asked about accessory apartments being allowed in the two unit homes. Mr. Askerlund said he will bring up the accessory apartment issue with the City Council.

Mr. Askerlund reported on the progress of the Orchard Days celebration, which will take place the first week in August. Originally one roping club existed in Santaquin, and the members used the Arena without charge. When a second club was formed, it became necessary to schedule the arena, and each group is now charged \$1,000 per year for two nights, and one additional night is given at no charge to the 4H club. \$100 is also charged to the clubs to lease the ground under a stock pen. The new club has agreed to be responsible for running the rodeos, and will be paid \$1,500, with the City keeping the gate receipts.

Linda Broadbent has requested that the city officials set an example by attending the piano recital. The Parade has quite a few applicants, and Sunny Howard is responsible for the parade floats. A craft fair, food concessions, car show, movie night and entertainment in the park, rodeo entertainment and fireworks are in the planning stages. A new announcer has been hired for the Rodeo, and will mention a sponsor's name with each gate announcement. Last year the City raised \$17,000 over expenses, this year that much has been raised in sponsorships. Every sponsor will have the first right of refusal next year.

Mr. Askerlund said at some point in time a new arena will be needed, and he is hopeful that the City will be able to create a great arena that will bring in some good quality events.

PLANNING COMMISSION MINUTES

June 14, 2007 – Page 6

City Planner

Dennis Marker said a couple of weeks ago notifications were sent to Main Street property owners and business owners inviting them to attend a meeting concerning changes to Main Street. The meeting ran for about an hour and a half, and many issues concerning Main Street were discussed, especially standards which should be set for new businesses. Some concerns were expressed about existing homes and buffering standards. Mr. Marker said he is fine-tuning the Main Street overlay based on the comments at the meeting. The new draft will be brought back to the Planning Commission, and a public hearing held after the Planning Commission review.

Mr. Marker said he would like to meet with the Commission members in small groups to go over the Planning Consultants proposals for new city zones. The Planning Consultants will later meet with the Commission as a whole. Those Commission members present set up schedules to meet with Mr. Marker. Mr. Marker said Agricultural zone concerns have been expressed to the City by some farmers, and he is working on addressing those concerns.

Mr. Marker, City Manager Stefan Chatwin and Mayor DeGraffenried met with County Commissioner Anderson concerning the revised General Plan. Mr. Chatwin and Dennis Marker are meeting with the County Commission on June 19th at 6 p.m. at the County courthouse to discuss how the Plan will affect the County. The Commissioners were invited to attend. The County is looking at helping to fund a County Equestrian Center.

The Planning Commission agenda for the June 28, 2007 meeting includes a concept review of the Maverik property, located by Stringham's Hardware store and I-15. Plans include a gas station, a fast food restaurant, two larger restaurants, a hotel and office buildings. Ordinance requirements will call for subdivision of the land parcels.

Assignment of Representative to City Council Meeting:

Glenl Wear volunteered to attend the June 20, 2007 City Council Meeting.

Planning Commissioner Reports

Commissioner Kurt Stringham said he appreciated the way the meeting concerning Main Street was handled. Dennis Marker said most of those attending seemed excited about the future growth on Main street. Commissioner John Chatterley presented no new business to the Commission at this time. Commissioner Glenl Wear presented no new business to the Commission at this time. Commissioner Rex Bean presented no new business to the Commission at this time.

Adjournment:

John made a motion to adjourn the meeting. The meeting adjourned at 9:46.

Glenl Wear, Chair

Linda Midgley, PC Clerk

PLANNING COMMISSION MINUTES

June 28, 2007 – Page 3

DRAFT

Code Amendment – Police Department enforcement of zoning ordinances

Glenl Wear opened the public hearing on the Code Amendment regarding Police Department enforcement of zoning ordinances.

Brennan Bowen addressed the Planning Commission. Mr. Bowen said he found it disturbing to consider that this small town had gone to the point of putting expediency of government over the expediency of public discourse. Mr. Bowen said allowing the police to be an attack dog for agenda and influence seems like a road the City would not want to cross. He said he enjoyed being a resident of a town where people could talk to each other and people's rights were important.

Glenl Wear closed the public hearing.

Rex Bean said this issue had been discussed at the last meeting and the four members present voted unanimously to deny the amendment. Dennis Marker said the City Council had met for a work session on July 27 and discussed the amendment. The Council had expressed the same concerns as the Planning Commission, and agree some separation is needed between criminal and civil matters. Rex Bean said the Council had met in a special session, and the code amendment was not on agenda.

Doug Rohbock asked about hiring a code enforcement officer. Mr. Marker said it was a matter for the budget process.

New Zones

Dennis Marker presented illustrations of the City's current zones and proposed zones. Bill Wright, a planning consultant for the City, discussed the significant effort that had been spent in developing the general plan, and the role that zoning plays in directing future growth. Mr. Wright said proper zoning can help create a financially viable community so residents are not taxed to a level where they cannot support the community, and sends a signal to businesses that the City is serious about community goals.

Rex Bean indicated he preferred fewer zones with less restrictions, and preferred the greatest amount of control possible over his own property. Doug Rohbock said he was in favor of broader zones, and less restrictions. Carolyn Callahan said there is a direct relationship between economic successes, careful planning and proper zoning. Mr. Wright said people make their biggest investments in their homes, and prefer a level of certainty about their investment.

Doug Rohbock said he had some concerns with three zones for agriculture. Doug what happened when we got status as agricultural heritage district. Dennis Marker stated that it gave us more clout when approaching State agencies like the Community Impact Board for grants or other funding options for agricultural commerce and protection purposes, it also enables the City to approach farmers differently.

Doug Rohbock was concernec about having three agricultural zones, ie Agriculture-commercial, Agriculture-residential, and just Agriculture. He suggested just having one that covered all the aspects desired in the agriculture areas.

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CITY COUNCIL MEETING JULY 11 2007
ATTACHMENT "B-1"

Tuesday, July 10, 2007

Woman arrested in lawn incident meets the national press

[Print](#)**JEREMY DUDA - Daily Herald**

Betty Perry's dry, desolate lawn has put her in a spotlight that extends from coast to coast and even across two oceans.

The 70-year-old Orem woman was arrested and injured on Friday after a police officer tried to ticket her for not watering her front lawn. By Monday, the media frenzy had spread as far as Great Britain and New Zealand.

Newspapers from across the United States told Perry's story, and Fox News interviewed her on Monday morning. The London-based British Broadcasting Corporation included the story about the incident on its Web site, as did sites in New Zealand and the Netherlands. Countless blogs also ran the story, along with headlines that criticized the arresting officer and the city.

"After what they did to me I want everybody in the world to know," Perry said on Monday.

The incident began when a police officer assigned to Orem's Neighborhood Preservation Unit knocked on Perry's door Friday morning and said he was giving her a citation for her brown, barren lawn. Perry refused to give the officer her name and insisted on going inside her house first to call her son and ask his advice on the situation.

When Perry refused to give the officer her name, he decided to place her under arrest. Police said Perry pulled away from the officer as he tried to handcuff her and Perry said she "tried to sit down to get away from him." In the ensuing struggle, Perry fell to the ground, bruising her elbows, knees and legs. She also said she was hit in the face with a handcuff, causing a prominent bruise on her nose.

"I want people to know that this is not American to handcuff and put somebody in jail because their lawn is brown. ... They could've given me a ticket or done something else," Perry said.

The officer arrested Perry and she was in jail for about an hour before supervisors became aware of the situation and released her. Police spokesman Lt. Doug Edwards said she was released because the situation could have been resolved by other means. For example, the officer could have gotten her name through property records.

"That's where I think that we made a tactical error in that there were other options available as opposed to taking physical custody," Edwards said.

Edwards said while the situation could have been handled differently, the officer's actions were well within the law, which requires people to identify themselves to an officer who is issuing a citation. She was arrested, he said, because she refused to identify herself.

"What happened was not the way that we prefer to do business," Edwards said. "But clearly she did some things that were wrong too in not just saying her name."

ATTACHMENT "B-2"

The citation was never issued because Perry refused to give the officer her name, but Edwards said the investigation is open and charges such as resisting arrest and failure to identify are a possibility. After Perry fell to the ground, police said she rolled onto her stomach and put her hands underneath her body to prevent the officer from handcuffing her.

The department is also conducting an internal investigation into the incident. The officer, who was not identified because of the open investigation, was placed on administrative leave. There are four officers assigned to the Neighborhood Preservation Unit.

Perry said she has not yet decided whether to take legal action against the city. She said she wanted to wait until after seeing doctors about her injuries. She went to the hospital for X-rays on Friday and again on Saturday.

While Perry has not made a decision on whether to go to court, she said the incident did help her decide to move from Orem. She had been considering selling her house before the arrest, and said Friday's incident clinched it for her.

"Since this has happened I don't want to live in Orem anymore because of it," she said. "I know now that I'll never see another winter (here)."

Perry said she has received a great deal of support from family, friends and members of her LDS ward. The city and police department, however, saw a deluge of calls and e-mails from people who were concerned about the arrest.

Mayor Jerry Washburn said it is frustrating to see the city is getting so much bad press, but said he understands the concerns that people have over the incident. He also said he spoke with Perry on Monday.

"We are very concerned and really sorry for what happened in terms of the arrest," Washburn said. "If there was a complaint it should've followed a different course of action, and so we are very sorry that that happened. I have expressed as much to Mrs. Perry as well."

Washburn also said the incident is completely uncharacteristic of the Neighborhood Preservation Unit, which deals with code enforcement but spends much of its time dealing with drug houses and other illegal activity in neighborhoods.

"It's not reflective of our department or our excellent, excellent staff of officers," he said.

While the incident raises a lot of questions about city policies toward the appearance of people's yards, especially in dry conditions that have helped spark numerous wildfires in this and other counties, Washburn said it is not city policy to force people to water their lawns. City ordinances require residents to maintain their yards and keep them free of junk, though Washburn said few citations have been issued for brown lawns.

"If you drive through Orem there are lawns everywhere that are brown and dried and whatever else," he said. "That is not our policy to go around and enforce green lawns."

my Duda can be reached at 344-2561 or jduda@heraldextra.com.

This story appeared in The Daily Herald on page A1.

Proposal to Santaquin
City for, and on
behalf of
Justin Gurr

Regarding the real property
located at the northeast
corner of the intersection of
400 North and 200 West

July 2007

Our proposal is that Justin Gurr purchase from Santaquin City the surplus right of way easement property located directly west of his property at 170 West 400 North. By purchasing this surplus property, Justin will have enough property to subdivide his lot and create a new building lot.

Currently, the surplus right of way easement is not large enough to meet zoning requirements and can not be improved on its own.

A survey has been completed and staked on the property to show the existing property lines along with the proposed addition to Justin Gurr's property along with the proposed subdivision.

The square footage of the property to be purchased from Santaquin City is approximately 2,136 square feet. (20' x 106.8')

An appraisal has also been completed to determine fair market value of the surplus property. As consideration for this surplus property, Justin Gurr will pay the market value determined by the appraiser of \$2,100.

VEHICLES

→ Stefan

- 2007, Ford 500 , Champagne in color, 26,000 miles, \$17,900
(better gas mileage than Taurus 22-24 in town)
- 2007, Ford Taurus, White in color, 21,000 miles, \$12,900

→ Recreation Director

- 2007, F1500 Regular cab, White in color, new, 6cyl, automatic,
\$16,315 (gets better gas mileage than the Ranger)
- 2007, Ranger Super Cab, White in color, \$19,085