

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, November 01, 2006, in the Council Chambers, 45 West 100 South, at 7:00 pm.

### AGENDA

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION/INSPIRATIONAL THOUGHT**
4. **CONSENT AGENDA**
  - a. Minutes
    1. October 18, 2006
  - b. Bills
    1. \$983,791.73
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**
  - a. Discussion and possible action with regard to Ordinance 06-02-2006, "A Temporary Ordinance Establishing Land Use Regulations of Non-Residential Developments in the C-1, C-2, I-1, and RC Zones Pending the Adoption of a Permanent Ordinance".
8. **NEW BUSINESS**
  - a. Discussion and possible action with regard to a replacement Police Vehicle
9. **BUSINESS LICENSES**
  - a. Dick Kay – Business License for David Moore D.B.A. Allstate Insurance Company
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
  - a. City Manager
    1. General update
  - b. Planning Commission
    1. General update
13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
  - a. Mayor DeGraffenried
    1. Update on the Public Safety Building
    2. Update on Sewer System needs
14. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
  - a. Will be called to discuss the professional competence or physical or mental health of an individual
15. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
16. **ADJOURNMENT**

If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City ten or more hours in advance and we will, within reason, provide what assistance may be required.

### CERTIFICATE OF MAILING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was faxed to the Payson Chronicle, Payson, UT, 84651.

BY: Susan B. Farnsworth  
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  
NOVEMBER 01, 2006**

At 7:02 pm Mayor James E. DeGraffenried called the meeting to order. Council Member attending: Filip Askerlund, Tracy Roberts, Arthur Adcock, Martin Green, and James Linford.

Others present: City Manager Stefan Chatwin, City Planner Dennis Marker, Legal Counsel Brett Rich, Planning Commission Members Doug Rohbock and Carolyn Callahan, Keith Broadhead, Dick Kay, Walter Callaway, Jared Bingham, Leslie Broadhead, John Hansen, Scout Troop #117 from Elberta, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Council Member Adcock led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Mr. Hansen offered an invocation.

**CONSENT AGENDA**

*Minutes*

October 18, 2006

*Bills*

**\$983,791.73**

Council Member Linford moved to approve the Consent Agenda. Council Member Adcock seconded the motion. The vote was unanimous.

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

Dr. Jared Bingham addressed the Mayor and Council Members by reading a letter he had addressed (see attachment "A" for a copy of the letter). Council Member Adcock indicated that earlier this evening the Mayor and Council were presented with an idea of a land swap, which may be to the benefit of the Dr.'s Group.

Dr. Bingham reported it is frustrating that they have paid to have the building designed and then they were told the design didn't fit with the proposed building concept along Main Street. He indicated he would not be opposed to a land swap if it would not be costly to them. He indicated they would not be interested in a land swap if they would be required to use a third party. Council Member Linford reported that the Mayor and Council wanted the Dr.'s group to continue to do business within the City. City Manager Chatwin reported he has spoken with one of the property owners and would like to have the Dr.'s Group meet with this property owner. Dr. Bingham reported that the group originally looked to purchase the property on the East of the Public Safety building.

Dr. Bingham was told that the City desires to help with any issues that may develop, but would not interrupt the progress of building of their structure. Council Member Roberts reported that the Dr.'s Group should be allowed to build wherever it would be to the best interest of the Group.

Mayor DeGraffenried thanked Dr. Bingham for attending the Council Meeting and addressing the Council with his concerns.

**FORMAL PUBLIC HEARINGS**

Nothing

## UNFINISHED BUSINESS

### ***Discussion and possible action with regard to Ordinance 06-02-2006, "A Temporary Ordinance Establishing Land Use Regulations of Non-Residential Developments in the C-1, C-2, I-1, and RC Zones Pending the Adoption of a Permanent Ordinance"***

City Planner Marker reported the time frame in which the Mayor and Council attached to Ordinance 06-02-2006 is nearing the end. The Planning Commission Members have discussed the Landscaping and Commercial Code amendments a number of times. The intent is to have the draft ready for the Council review by the first meeting in December. The Planning Commission will be holding a Public Hearing on November 9 with the City Council holding a Public Hearing in December.

Mr. Callaway reported he wasn't happy with the standards that are being proposed for automotive repair. He reported that he required an employee of Tischner Ford to come to the Family Dollar to fix the step on his motor home so he could take his motor home camping. He indicated that the established businesses in town do not have the area to require off street parking. Mayor DeGraffenried invited Mr. Callaway to the Public Hearing of the Planning Commission to voice his comments and concerns. Mr. Callaway indicated he would like the City beautified but not at the cost of the Business owners.

## NEW BUSINESS

### ***Discussion and possible action with regard to a replacement Police Vehicle***

It was reported that the Insurance Company had totaled the police car that was stolen and involved in a high-speed chase. The estimated amount worth of the car is \$9,200. This amount would be used to pay the first year lease on a new Crown-Vic with the balance of the insurance money being used to help make the 2<sup>nd</sup> year's payment.

Council Member Roberts moved to approve the purchase of a 2007 Ford Crown Vic. Council Member Green seconded the motion. The vote was unanimous.

## BUSINESS LICENSES

Council Member Adcock reviewed a new Business License for Lanney Ivers D.B.A. 5 Buck Pizza. The proposed business will be located where the Pizza Gallery was previously located. He indicated that all of the required inspections are complete.

Council Member Adcock moved to approve the Business License for Lanney Ivers D.B.A. 5 Buck Pizza. Council Member Green seconded the motion. The vote was unanimous.

### ***Dick Kay – Business License for David Moore D.B.A. Allstate Insurance Company***

Mr. Kay indicated he was requesting a variance for parking at his building, which is located at the corner of Main Street and 100 West. He indicated he has leased his building to Allstate Insurance and has been told the parking doesn't meet the current parking requirements. He indicated a number of years ago he installed the curb, gutter, and sidewalk along 100 West with the City providing the asphalt. He indicated he owned the property to the South of the "old pharmacy" but does not have the means to black top the entire property to provide the required off street parking. He indicated the proposed business application was presented approximately 30 days too soon and he is required to abide by the Ordinance that is in effect at this time instead of the proposed Ordinance.

Council Member Linford was told that the current Ordinance requires 5 off street parking spaces. One of the issues being faced by Mr. Kay is that his parcel of property doesn't allow for on site parking.

Council Member Askerlund was told that when the asphalt was installed, parking was established to begin 10' from the stop sign with 50' additional feet.

Council Member Roberts said the reality of the situation is that Mr. Kay has a building that has been in existent for 100 years and has limitations that the City can't rectify.

City Manager Chatwin reminded the Mayor and Council Members that the Staff is required to adhere to the current Ordinance.

Council Member Roberts said he is seeing that the proposed code is hindering buildings from changing uses.

City Planner Marker reported that there are certain criteria, which is required to be met before a variance can be granted. He indicated that the Staff's hands are tied and are required to adhere to the Ordinances that are in effect. Also reported is that there may be ADA requirements that will need to be addressed by the building owner. Mr. Kay was told that the City didn't have any provisions that would allow a temporary Business License. Mr. Tischner was told the proposed ordinance would not impact current businesses.

Mayor DeGraffenried indicated he understands the needs of Mr. Kay. He continued by saying the proposed Ordinance issue would be reviewed at the Planning Commission Meeting, which will be held tomorrow evening. The City Council doesn't have the authority to grant a variance however the Appeals Authority does have the authority as mandated through State Law.

## **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

Nothing

## **PETITIONS AND COMMUNICATIONS**

Nothing

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

### ***City Manager***

#### **General update**

Nothing

### ***Planning Commission***

#### **General update**

Ms. Callahan reported the Planning Commission had reviewed the proposed ordinance, which was discussed by Mr. Kay. She reported they would be holding a Work Session tomorrow evening which the Mayor and Council Members are invited to attend. The Work Session has been posted with the possibility of the Mayor and Council attending.

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

### ***Mayor DeGraffenried***

**Update on the Public Safety Building**

Mayor DeGraffenried reported he met today with the Contractor of the Public Safety Building. The Contractor indicated he needed approximately 2 additional weeks before the building would be ready to occupy. There were electrical problems that have been addressed. It was reported that the Vac truck would be housed in the building to keep it from freezing until the old Fire Station is available. The truck will be removed each day so the Contractor will be allowed to work.

**Update on Sewer System needs**

It was reported that J-U-B will be meeting with the Mayor and Council Members on November 8, 2006 to discuss the sewer needs of the proposed growth. Mayor DeGraffenried indicated he wanted the City to be on top of the sewer issues as the City continues to grows.

Mayor DeGraffenried reported that he wanted to keep the businesses here that are currently here. There may be some required changes when the City adopts a new Master Plan.

Council Member Linford was told the power issue pertaining to the 400 East project has been addressed. The power poles are scheduled to be moved within the next two weeks.

Council Member Linford was told the Employee Christmas Party was scheduled for Thursday, December 7<sup>th</sup>.

Council Member Linford indicated he attended the Vision Transit 2030 Meeting. He spoke with a UDOT Representative with regard to the project growth of our City.

Council Member Linford said he talked with the Mayor of Payson with regard to the sewer issues of both Cities. Council Member Linford indicated he wasn't in favor of joining Payson City by using their sewer facilities.

Council Member Green reported Officer Bird is leaving to join the Summit County Sheriffs Department. His last day will be next week.

Council Member Green reported the Light Parade is scheduled for December 2<sup>nd</sup> and will be held on Main Street.

Council Member Adcock was told that the railing for the pedestrian walkway should be ready in about 3 weeks.

Those in attendance were told Olson's Greenhouse Employees are installing the landscaping associated with the Main Street Project. The project will continue as long as the weather will allow.

Council Member Adcock was told that Fire Department is gathering information that is required to apply for the Community Development Block Grant.

Council Member Roberts questioned if there was anything the City could do to help prospective businesses know about the current Ordinances before they lease empty buildings. He was told that the Master Plan would address a number of these issues. After the Master Plan is adopted the businesses within the City will have the opportunity to familiarize themselves with it. The

issues proposed should increase property values although some individuals will not be in agreement.

Council Member Askerlund reported that he has received complaints with regard to numerous vehicles being parked in front of resident's homes as well as unusable vehicles being parked in the back- yard.

Council Member Askerlund was told that the Developer of the North Orchards Project would be enforcing landscaping requirements of the project.

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

***Will be called to discuss the professional competence or physical or mental health of an individual***

At 8:46 pm Council Member Green moved to enter into an Executive Session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Linford seconded the motion.

At 9:35 pm the Mayor and Council Members returned to the regular Council Meeting.

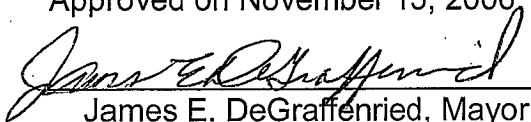
**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

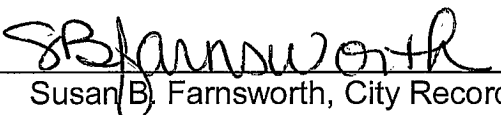
Nothing

**ADJOURNMENT**

At 9:37 pm Council Member Green moved to adjourn. Council Member Roberts seconded the motion. The vote was unanimous.

Approved on November 15, 2006

  
James E. DeGraffenried, Mayor

  
Susan B. Farnsworth, City Recorder

ATTACHMENT "A"  
COUNCIL MEETING 11-1-2006

November 1, 2006

Santaquin City Council:

As many of you are aware, I along with my partners at Canyon View Medical Group own the property on the northeast corner of Main Street and 100 West. We purchased this property several years ago with the intention of building a new medical office building on the site.

Beginning this past spring, we began to move ahead with our plans from this construction. Our architect team met with the Santaquin city manager and city planner prior to doing any design work, to help ensure that our design would meet with the city's specifications. I am concerned about some things that have recently transpired in our efforts to work with the city on this project.

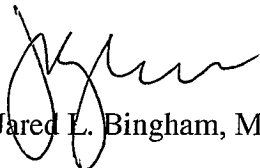
Representatives from my company most recently met with the city manager and city planner approximately three weeks ago. I was not present, but am reporting the conversation between those parties as it was reported to me.

We were told by the city manager and city planner that the central Main Street blocks including our property are being, or have been, rezoned to "retail" as opposed to "commercial," and that a medical clinic did not really fit in with the city's plans for that location. We were encouraged by the city to speak with other Main Street property owners about possibly purchasing a different piece of property upon which to build our clinic.

I was disheartened to hear this, especially since I had been told personally less than a month prior to this by the city manager that the city looked forward to approving our building plan and would do all they could to help expedite the timing of this approval.

I have since spoken with a member of the City Council, who has given me quite different information about the city's plans for commercial development of Main Street. I am here tonight in hopes of finding out what the actual status of the city's master plan is, as it relates to our proposed development.

Sincerely,



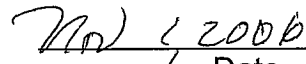
Jared L. Bingham, M.D.



**CLOSED EXECUTIVE SESSION AFFIDAVIT**

I, James DeGraffenried, Mayor of Santaquin City, do hereby certify that the Executives Session held on November 1, 2006 was for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual.

  
James DeGraffenried, Mayor

  
Date