

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, March 7, 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. February 21, 2007
  - b. Bills
    1. \$182,538.43
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**
  - a. CDBG Public Hearing
7. **UNFINISHED BUSINESS**
  - a. Discussion and possible action with regard to Utah Lake Water issues
8. **NEW BUSINESS**
  - a. Appointment of a Director of Public Safety
  - b. Discussion and possible action with regard to relocating of the Court Department
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
  - a. Ordinance 03-01-2007 "An Ordinance amending the Santaquin City Code concerning Conditional and Permitted Land uses in certain Commercial, Residential, and Industrial Zones"
  - b. Ordinance 03-02-2007 "An Ordinance amending the Santaquin City Code concerning certain Land use provisions and in particular certain procedures for the consideration of a Land Use Application or the adoption or modification of a Land Use Ordinance"
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
  - a. Planning Commission
    1. General Update
13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
  - a. Mayor DeGraffenried
  - b. City Manager Chatwin
    1. Update on Transit Authority
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: 

Susan B. Farnsworth, City Recorder

### POSTED:

CITY CENTER  
POST OFFICE  
ZIONS BANK

© Amendment to Agenda

**CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
MARCH 7, 2007**

Mayor James E. DeGraffenried called the meeting to order at 7:06 pm. Council Members attending: Filip Askerlund, Tracy Roberts, Arthur Adcock, Martin Green and James Linford.

Others attending: City Manager Stefan Chatwin, City Planner Dennis Marker, Legal Counsel Brett Rich, Administrative Assistant Shannon Hoffman, Police Chief Dennis Howard, Planning Commission Member Rex Bean, Fire Department Representatives Keith Broadhead and Jason Allsop, Cindy Hardman, Falire Coffelt, Taylor Coffelt, James Hardman, Dennis Brandon, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Chief Howard led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

City Manager Chatwin offered an Invocation.

**CONSENT AGENDA**

***Minutes***

**February 21, 2007**

***Bills***

**\$182,538.43**

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

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

Nothing

**FORMAL PUBLIC HEARINGS**

***CDBG Public Hearing***

Council Member Green moved to open the second CDBG Public Hearing. Council Member Linford seconded the motion. The vote was unanimous.

Administrative Assistant Hoffman stated that this hearing was called to allow all citizens to provide input concerning the project that was awarded under the 2007 Community Development Block Grant Program. The City has amended its capital investment plan and decided to apply for funds on behalf of the Fire Department. Administrative Assistant Hoffman explained that the application was successful in the regional rating and ranking process. The City received \$100,000 of the requested \$131,000 to use towards the purchase of a Water tender for the Fire Department.

Mr. Broadhead, spokesperson for the Fire Department, indicated the representatives have met with numerous manufacturers of water tenders. Several vehicle specification options were presented with a new vehicle cost being between \$150,000 and \$160,000. The specification for the tank is between 3,000 and 3,500 gallons. Those in attendance were told the grant money would be available after the 1<sup>st</sup> of July. Council Member Askerlund was told the difference between the granted amount and the final cost could be either borrowed from the bank or self funded. Council member Linford indicated the Bank loan interest rate would be less than the current interest return for cash holdings at the State Treasury.

The Council Members requested the Fire Department spec the new tender as well as solicit bids for the vehicle.

There weren't any Public comments or concerns.

Council Member Green thanked Administrative Assistant Hoffman as well as the Fire Department Members for all of their work to gather the required information to apply for the grant.

Council Member Green moved to close the Public Hearing. Council Member Askerlund seconded the motion. The vote was unanimous.

## **UNFINISHED BUSINESS**

### ***Discussion and possible action with regard to Utah Lake Water issues***

The Council Members were told the annual contract dues would be approximately \$3,500 per year. Mayor DeGraffenried indicated that although the City does not have any shoreline frontage, they would be allowed to vote on issues. He indicated the City could enter into an agreement with Genola, which may benefit both Cities. Council Member Green was told that the City would be committed to the Utah Lake District by a year-to-year contract. Council Member Adcock was told the City could join the "District" at anytime. City Manager Chatwin said there might be a vote required by other member cities if our City tried to join at a later date. Mayor DeGraffenried reported the South County Mayors were split as to which Cities were joining. Council Member Roberts reported sometimes it is fun to be a part of the "club" and sometime we stretch ourselves too thin. He recommended sending a Representative from the City to attend the meetings to research the direction the "District" was heading. Council Member Adcock recommended joining the "District" for the first year and re-evaluate the need after this time frame. Council Member Askerlund asked where funding would come from within the budget. He was told the General Fund. Mayor DeGraffenried reported this was the first time he has seen the State, County and various Cities working together on any of the lake issues. Council Member Green reported he would like to see Santaquin City be proactive

Council Member Green moved to authorize the Mayor to enter into the Interlocal Cooperation Agreement establishing the Utah Lake Commission. Council Member Linford seconded the motion. Council Member Linford reported the pros outweigh the cons of this issue. Council Members Linford, Green, Askerlund and Adcock voted in favor of the motion. Council Member Roberts voted against the motion.

## **NEW BUSINESS**

### ***Appointment of a Director of Public Safety***

A discussion was held as to the need of appointing a Director of Public Safety. City Manager Chatwin has been serving as the Director but due to additional responsibilities, the City would be best served by appointing a new Director. Mayor DeGraffenried said he would like the Director to be a full time employee. He recommended appointing Police Chief Dennis Howard to the position.

Council Member Adcock moved to appoint Chief Dennis Howard as the Director of Public Safety. Council Member Askerlund seconded the motion. The vote was unanimous.

***Discussion and possible action with regard to relocating of the Court Department***

City Council Member Adcock reported the current Court Jury Box is out of compliance. Council Member Roberts indicated the City has a "pot of money" and was wondering where his pay increase was.

Mayor DeGraffenried indicated the Community Development Department has out grown their area. He recognizes the concerns of Council Member Roberts but understands the City is growing and we need to keep up with it. Council Member Roberts agreed we are growing but cautions the Council to keep the budget in mind. Council member Linford asked if some of the work could be done in house. Administrative Assistant Hoffman reported the City has a wealth of ability within the Employees that could be tapped.

It was reported that on the days Court is being held, the defendants, both those who arrive on their own and those delivered by the Officers from the jail, congregate in the hallway waiting for their case to be heard.

If the Court were to be moved to the Public Safety Building, the Police Officers would be able to deliver the defendants to the court without the general public coming in contact with them.

It was reported the construction at the Public Safety Building would cost approximately \$125,000 and the cost to remodel the current Court Room to accommodate the Community Development Department would be approximately \$15,000.

It was reported that this project would be included in the fiscal year 2007/2008 budget.

Council Member Adcock moved to authorize the Mayor to initiate the plans for relocating the Court to the Public Safety Building. Council Member Linford seconded the motion. Council Member Adcock moved to amend the motion to include sending the project out to bid. Council Member Linford seconded the amendment. The vote was unanimous.

**BUSINESS LICENSES**

Council Member Adcock reviewed a new Business License for Chad Fern D.B.A. Big Fern Construction. He reported the business had received all required inspections and approvals.

Council Member Adcock moved to approve a new Business License for Chad Fern D.B.A. Big Fern Construction. Council Member Askerlund seconded the motion. The vote was unanimous.

**INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

***Ordinance 03-01-2007 "An Ordinance amending the Santaquin City Code concerning Conditional and Permitted Land uses in certain Commercial, Residential, and Industrial Zones"***

City Planner Marker reviewed the proposed Ordinance amendments with those in attendance (see attachment "A" for Staff recommendation). Those in attendance were told that Mr. Darrin Oberg voiced concern to any Ordinance modification, which may not allow him to expand his storage-shed business.

Mr. Brandon asked the Mayor and Council to consider the existing businesses when amending Ordinances. He indicated the City Staff has been great to work with on many aspects of business.

Council Member Askerlund moved to approve Ordinance 03-01-2007 "An Ordinance amending the Santaquin City Code concerning Conditional and Permitted Land uses in certain Commercial, Residential and Industrial Zones". Council Member Green seconded the motion. Council Members Askerlund, Roberts, Adcock, Green and Linford voted in favor of the motion.

***Ordinance 03-02-2007 "An Ordinance amending the Santaquin City Code concerning certain Land use provisions and in particular certain procedures for the consideration of a Land Use Application or the adoption or modification of a Land Use Ordinance"***

City Planner Marker reviewed the proposed Ordinance amendments with those in attendance (see attachment "B" for the Staff recommendations). He indicated the Planning Commission Members were in favor of the proposed amendments.

Council Member Askerlund moved to approve Ordinance 03-02-2007 "An Ordinance amending the Santaquin City Code concerning certain land use provisions and in particular certain procedures for the consideration of Land Use Application or the adoption or modification of a Land Use Ordinance as well as suggest, based on the flow charts, the staff keep the Council apprised of the development. Council Member Green seconded the motion. Council Member Adcock requested that at the time of the Mayoral review, Council Members be updated on the development. Council Member Linford commented that the Council should be notified for all Site Plan Review regarding Non-residential Use, Mixed Use, Multi-family and Site Development Processes. Council Members Askerlund, Roberts, Adcock, Green, and Linford voted in favor of the motion.

**PETITIONS AND COMMUNICATIONS**

Nothing

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

***Planning Commission***

***General Update***

Commission Member Bean reported the Commission has been reviewing Code amendments as well as reviewing the proposed General Plan. They were reluctant to review the "Plan" in great detail due to there not being all of the Commission Members in attendance. Also it was reported that Commission Members Callahan, Bean and Rohbock were sworn in as Commissioners.

City Planner Marker reported the Utah League of Cities and Towns would be holding an update of Legislation on Tuesday, March 20<sup>th</sup>. The update will be held in the new Public Safety Building Training Center. Notice will be made in case the Council Members would like to attend this session.

**REPORTS BY MAYOR AND COUNCIL MEMBERS**

City Manager Chatwin reported he, City Planner Marker and City Recorder Farnsworth met the UTA Representatives with regard to the procedures the City would be required to follow to be included in the Transportation District. If the voting population votes to have the service within the Community, there would be a ¼ of a percent increase in taxes. The UTA Representatives voiced their pleasure at the City's planning for the future and trying to prepare for the transportation needs at this early date. As information is available it will be shared with the Mayor and Council Members. Council Member Green was told although the Residents have been paying the UTA Tax when they shop out of town, it doesn't automatically mean a bus route will be established

within the City. The first step would be to petition the "District" to be included. The voters would have the opportunity to vote on this issue in November.

City Manager Chatwin reported the Governor would be at the Orchard Hills Elementary School to sign the "Santaquin Farmer's Heritage District" Resolution. He encouraged the City Council to be there early as it is anticipated there will be many in attendance.

Council Member Adcock reported he would be attending the SUVMWA meeting on Thursday evening. He will once again let SUVMWA know the city is not interested in the Central Waste Water Proposal. He will report any pertinent information at the next Council Meeting.

Council Member Linford was told the 400 East 400 South project is weather dependant. If the weather continues to be good the project could be back on track shortly.

Mayor DeGraffenried requested food be provided for the work session next week.

Mayor DeGraffenried was told the Code amendment has not been prepared to address Appeals Authority issues.

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

Nothing

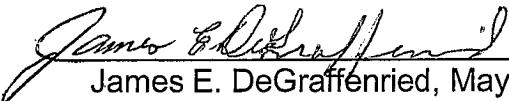
**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

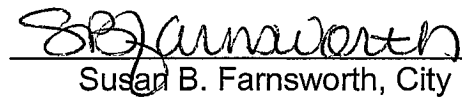
Nothing

#### **ADJOURNMENT**

At 8:45 pm Council Member Green moved to adjourn. Council Member Linford seconded the motion. The vote was unanimous.

Approved on March 21, 2007.

  
James E. DeGraffenried, Mayor

  
Susan B. Farnsworth, City Recorder



## MEMORANDUM

Thursday, March 01, 2007

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To: Mayor DeGraffenried and City Council  
From: Dennis Marker, City Planner  
RE: Code Amendment affecting the permitted and Conditional Use lists of the C-1, C-2, RC and I-1 Zones. CA#07-01

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### Background:

The Community Development Director, in consultation with the Mayor, has requested that a code amendment affecting the location of storage unit facilities be considered for adoption (see attached Ordinance 03-02-2007). Staff has prepared the attached Ordinance in accordance with the requested changes and those recommended by the City's Planning Commission (See attached DRAFT Planning Commission minutes). Changes to the City's land use regulation may be initiated by the Community Development Director, Mayor, Planning Commission, City Council, or resident of Santaquin. After a recommendation from the Planning Commission, the City Council must review and approve or approve with changes any amendments to the City's Land Use Regulations.

### Analysis:

#### State Land Use Laws.

Recent State changes to Land Use and Development Management (LUDMA) laws require that Conditional Uses must be approved by a City so long as reasonable conditions to mitigate a uses impact on the City's public health, safety, and welfare are met. In essence all conditional uses are permitted if they can meet reasonable conditions aimed at limiting their impacts. Currently Storage Unit Facilities and Mass Grading Operations are listed as Conditional Uses in the C-1, C-2, RC and I-1 Zones. Santaquin can not deny a petition for these uses, only place reasonable conditions on them to mitigate impacts to the community caused by them.

#### City Zoning Ordinances

The C-1 and C-2 zones were established for primarily commercial and service uses "characterized by a harmonious grouping of a variety of stores, shops, office buildings, or other permitted uses." Development in these zones should be characterized by well landscaped frontages, safe access and egress, proper parking design, coordinated site planning, and buildings

which follow, whenever possible, the objectives of the city general plan. Emphasis in the approval of plans in the C-1 and C-2 zones shall be to protect the appearance of the entrances to the city (S.C.C. 10-7F-1, Emphasis added). Storage unit facilities and Mass Grading Operations are often isolated from "stores, shops, and office buildings". The functionality of these uses is not harmonious or complimentary to commercial centers or businesses permitted in the City's commercial zones, nor do they typically present a complimentary appearance to the City's Main Street or freeway entrances. The proposed code amendment would eliminate storage units and mass grading operation as permitted or conditional uses in the C-1 and C-2 Zones.

The I-1 industrial zone has been established for the primary purpose of providing a location where manufacturing, processing, warehousing, and fabrication of goods and materials can be carried on most appropriately and with minimum conflict or deleterious effects upon surrounding properties (S.C.C. 10-7G-1). The Planning Commission has recommended Storage Unit Facilities be a permitted use in the I-1 Zone as a warehousing operation. They have also recommended that Mass Grading Operations be a permitted use in this Zone.

The purpose of the RC zone is to provide for and encourage a mix of compatible land uses which offer opportunities to live, work, and shop. It also is to provides the opportunity for compatible commercial development while preserving residential uses. Goals of this zone include the efficient use of land, reduced reliance on the automobile, and creative opportunities for the economical preservation and adaptive reuse of existing structures. A mixture of residential, office, personal service, and retail shopping opportunities are encouraged within this zone. It is intended to provide a transition between residential and commercial areas. Uses should not conflict with the objectives and characteristics of either the R-8 or C-2 zone, or with the general plan. Bulk standards are intended to maintain a residential scale of development. Development within the RC zone should have good access to collector streets (S.C.C. 10-7I-1).

The Planning Commission has recommended that Storage Unit Facilities be a permitted use in the RC Zone. This based on the limited impacts these facilities typically have on surrounding properties and that any future facilities would need to comply with the City's landscaping and screening standards. The RC Zone is also primarily located along collector or arterial roads, providing access to such facilities and limiting the impacts of non-local traffic impacting surrounding residential areas.

#### **Affect and Non-conforming Uses:**

Based on the recommendation of the Planning Commission there is one storage unit facility, Santaquin Self Storage located at 261 East Main Street, which would become a legal non-conforming use. "A nonconforming building, structure, or use of land may be continued to the same extent and character as that which legally existed on the effective date of the applicable regulations. Repairs may also be made to a nonconforming building or to a building housing a nonconforming use" (S.C.C. 109-1). Mr. Darrin Oberg did contact staff about this proposal and his comments are related below.

The Kat-Den and future Oberg facility on highway 198 would become permitted uses, rather than conditional uses in their respective zones. Any expansion of those facilities would require compliance with the City's parking landscaping requirements.



There are no Mass Grading Operations currently being conducted in the zones affected by this ordinance.

**Public Notice**

The Planning Commission held a public hearing on this item during their February 22, 2007 meeting. No public comment was given at that hearing.

Staff left messages for the owners of the Kat-Den Storage facility but has received no feedback from them about the amendment.

Mrs. Laura Oberg commented that she has no feelings against the proposal as long as they don't lose the opportunity to have the units on their property along Highway 198.

Darrin Oberg, with Santaquin Self Storage, related to staff that he did intend to build some additional units between the Subway property and the little house on his property. It was explained to Mr. Oberg that he would currently have to obtain a Conditional Use Permit from the Planning Commission for such expansion. As a Legal non-conforming use he would have to seek approval from the City's Appeal Authority for expansion. Either way, special review by a City body would be needed.

**Recommendation:**

The Planning Commission has forwarded this code amendment to the City Council with a positive recommendation for its adoption.

Staff recommends that the City Council adopt Ordinance 03-01-2007 amending the City's Permitted and Conditional Use lists in the C-1, C-2, RC and I-1 Zones, based on the findings outlined in that ordinance.



Dennis L. Marker  
City Planner



## MEMORANDUM

Thursday, March 01, 2007

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To: Mayor DeGraffenried and City Council  
From: Dennis Marker, City Planner  
RE: Proposed Development Review Processes and Standards . CA#06-09

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### Background:

The Santaquin City Council and Planning Commission met on April 26, 2006 to discuss the City's development review processes. Discussions held that evening provided staff with direction to redraft the City's review processes to better facilitate development applications and better utilize City resources and staff time spent reviewing such applications. The Planning Commission has reviewed this amendment and comments from their meetings have been incorporated to the text provided in the provided text.

A City Council and Planning Commission held a joint work session on February 21, 2007 to discuss the amendment. Items from that work session have been incorporated in to the ordinance attached heretofore as Exhibit A.

### Analysis:

**State Land Use Laws.** State law states that municipalities may enact "ordinances, resolutions, and rules pertaining to 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, and height and location of vegetation, trees, and landscaping, unless expressly prohibited by law" (UAC 10-9a-102(2)). It also states that such ordinances shall be for the purpose of "providing for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses. . ." (UAC 10-9a-102(1)).

The City has adopted ordinances relative to the above items, which are located in its Land Use and Development Code, S.C.C. Title 10-10, as well as Subdivision Regulations, S.C.C. Title 10-11. It is the desire of the Planning Commission and City Council to have an effective and economically practical process of reviewing development proposals against such standards. The proposed ordinance provides the City with a greater flexibility in effecting the above purposes

outlined in State law as well as assuring the City's adequate and appropriate review of proposals falling under the scrutiny of the S.C.C and its standards.

**Affect and Non-conforming Uses**

No non-conforming uses will be created by adopting the proposed changes. Any applications currently in the development review process will not need to be resubmitted, however future review of such applications will be guided by the processes as outlined in the attached exhibits. Subdivisions which did not have a concept review by the Planning Commission will be presented to the Planning Commission after final review by the Development Review Committee for recommendation to the City Council.

**Public Notice**

A public hearing was held on February 21, 2007 to receive public comments on the amendment. No public comment was given. Comments received from the development community are very positive toward the processes proposed and they look forward to working with the City in the revised system.

**Recommendation:**

The Planning Commission has forwarded this code amendment to the City Council with a positive recommendation for its adoption.

Staff recommends that the City Council adopt Ordinance 03-02-2007 amending the City's Annexation and Development Review Processes based on the findings outlined in that ordinance.



Dennis L. Marker  
City Planner