

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, April 05, 2006, in the Council Chambers, 45 West 100 South, at 7:00pm.

AGENDA

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **INVOCATION/INSPIRATIONAL THOUGHT**
4. **CONSENT AGENDA**
 - a. Approval of the minutes
 1. Approval of the minutes of a Regular Meeting held on March 15, 2006
 - b. Bills
 1. \$266,714.18
5. **PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

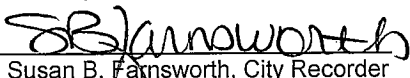
Public Forum will be held to a 30 minute maximum with each speaker given no more than 5 minutes each. If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement
6. **FORMAL PUBLIC HEARINGS**
 - a. Proposed FY2006/2007 Budget
 - b. Santaquin City Code Amendments
 1. Notification to Property Owners
 2. Establishing a Planning Commission affecting terms and appointment process as well as establishing the Planning Commission as the Land Use Authority for the City
7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**
 - a. Discussion and possible action with regard to an proposal pertaining to the surplus Ambulance
 - b. Discussion and possible action with regard to the adoption of Planning Commission Policies and Procedures
 - c. Discussion and possible action with regard to the acceptance of the Water Impact Fee Analysis proposal by J-U-B
 - d. Discussion and possible action with regard to the Remington IV Infill Subdivision
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
 - a. Resolution 04-01-2006 "A Resolution Authorizing The Issuance And Confirming The Sale Of \$6,600,000 Water Revenue Bonds, Series 2006 Of Santaquin City, Utah (The Issuer)", For The Purpose Of Financing The Construction And Installation Of A New Pressurized Secondary Water System And Related Improvements; Prescribing The Form Of Bonds, The Terms And Conditions Of Issuance, And The Security Therefore; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Bond Resolution; And Related Matters"
 - b. Resolution 04-02-2006 "A Resolution Adopting The FY2006/2007 Preliminary Budget"
 - c. Ordinance 04-01-2006 "An Ordinance Mending And Restating The Water Fee And Rate Structure, Enacting Related Provisions And Establishing Enforcement Procedures"
 - d. Resolution 04-03-2006 "A Resolution Establishing the Fee Schedule for Santaquin City"
 - e. Ordinance 04-02-2006 "An Ordinance Amending The Public Noticing Requirements For Land Use Application, Codifications, And Inclusion In The Code"
 - f. Ordinance 04-03-2006 "An Ordinance Amending The Establishment Of A Planning Commission And Further Designating Such Body As The Land Use Authority For The City, Codification, And Inclusion In The Code"
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
 - a. City Manager
 1. General update
 2. Update on Economic Development
 - b. Planning Commission
 1. General update
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:


Susan B. Farnsworth, City Recorder

POSTED: CITY CENTER, POST OFFICE, ZIONS BANK
® Amendment to Agenda

**MINUTES OF A CITY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
APRIL 5, 2006**

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

Others attending: City Manager Stefan Chatwin, City Planner Dennis Marker, Legal Counsel Brett Rich, Police Chief Dennis Howard, EMS Director Paul Terry, EMS Member Ryan Lind, Financial Advisor Jonathon Ward, Planning Commission Members Rex Bean and Caroline Callahan, J-U-B Representative Larry Perkins, Marie Durney, Laura Oberg, Natasha Peterson, Luke Peterson, Erica Ahlin, Lynn Adams, Barbara Rausch, Erma Bowman, Sherry Westover, Valerie Butler, Marissa Bowman, Nancy Barlow, Linda Brinkerhoff, Nora DeGraw, Jerry Bowman, Ethan Judd, Allen Hopper, George Anderson, Juanita Anderson, Hollie Johnson, Mark Hales, Robert Westover, Nelson Spencer, Jake Roberson, Parker Robertson, Taylor Robertson, Nick Lance, Kylie Lance, Morgan Merrill, Justin Craig, Kase Greenhalgh, Spencer Alvey, Austin Nielson, Jay Mattinson, Janice Sorenson, LaDean Westover, Marilee Hiatt, Hailee Leatham, Stacy Provstgaard, Dennis Brandon, Kathy Brandon, Keith Judd, Kae Bean, Scout Troop 898, Keith Judd, Elaine Tasker, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Scout Taylor Robertson led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Scout Jake Robertson offered a Word of Prayer.

CONSENT AGENDA

Approval of the minutes - Regular Meeting held on March 15, 2006

Bills -\$266,714.18

Council Member Starley requested an addition to the minutes of the past meeting. There were a number of questions with regard to payment of the bills.

Council Member Green moved to approve the Consent Agenda. Council Member Starley seconded the motion. The vote was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Mr. Adams addressed those in attendance with regard to the need for the City to have an Ordinance addressing Sexually Oriented Businesses. He informed the City a number of Citizens had gathered from surrounding Municipalities, copies of their adopted "S.O.B." Ordinance. He reported that these same Residents had drafted an Ordinance for the Mayor and Council Members consideration.

Mrs. Peterson addressed those in attendance by indicating she was informed that certain Residents of Santaquin City were not happy with the billboard advertisement associated with a Spanish Fork based business, Dirty Joe Punsters. She indicated her parents were out of town and had sent their remarks to be read in the Public Meeting (see attachment "A").

With no additional persons signed in to speak during Public Forum, Mayor DeGraffenried closed the Public Forum and moved to the next agenda item.

Mr. Hales indicated to Mrs. Peterson that the billboard was offensive to him and his family.

Mayor DeGraffenried indicated he would not allow at this time a debate with regard to this issue to be held. He thanked all present for attending the Council Meeting as well as for the time involved in drafting the Ordinance submitted.

FORMAL PUBLIC HEARINGS

Proposed FY2006/2007 Budget

Council Member Green moved to enter into a Public Hearing pertaining to the Proposed FY 2006/2007 Budget. Council Member Linford seconded the motion. The vote was unanimous.

Council Member Linford reviewed the proposed FY2006/2007 Budget. The total proposed budget is \$4,805,978.00.

Mr. Broadhead indicated he had a number of questions with regard to the budget. He presented City Recorder Farnsworth with a draft of the question. She will be addressing them in a written response (see attachment "B" for Mr. Broadhead's questions).

There were not additional questions or comments by the Public.

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

Notification to Property Owners

Council Member Starley moved to enter into a Public Hearing pertaining to a proposed Code amendment addressing Notification to Property Owners. Council Member Roberts seconded the motion. The vote was unanimous.

City Planner Marker reviewed the proposed changes to the Notification of Property Owners pertaining to land issues.

Council Member Roberts questioned what impact the proposed changes would make on an in-Home Business owner. City Planner Marker indicated there would be a decrease in the fees associated in notification by certified mail. In the instance of a Pre-school Business Application the savings on the mailing requirements could be used to purchase supplies.

Mr. Judd questioned what was included in the notification process. He was told that the applicant would be responsible for submitting to the Planning Commission a notification letter as well as a stamped-addressed envelope, which then would be mailed by the Planning Commission Secretary. This would in turn decrease the expense while guaranteeing the notifications are actually sent.

There were no additional questions or comments by the Public.

Council Member Roberts moved to close the Public Hearing. Council Member Starley seconded the motion. The vote was unanimous.

Establishing a Planning Commission affecting terms and appointment process as well as establishing the Planning Commission as the Land Use Authority for the City

Council Member Starley moved to enter into a Public Hearing pertaining to establishing a Planning Commission, affecting terms and appointment process as well as establishing the Planning Commission as the Land Use Authority for the City. Council Member Adcock seconded the motion. The vote was unanimous.

City Planner Marker reviewed the proposed changes to the Code.

Mr. Bean, speaking as a private Citizen, feels the current State Law muzzles the City Council. He believes the Council should have the authority to have the final say after the Planning Commission reviews an issue.

There were not any additional questions or comments by the Public.

Council Member Linford moved to close the Public Hearing. Council Member Adcock seconded the motion. The vote was unanimous.

UNFINISHED BUSINESS

Nothing

NEW BUSINESS

Discussion and possible action with regard to a proposal pertaining to the surplus Ambulance

Mr. Terry addressed those in attendance with regard to a surplus 1991 ford Ambulance. He indicated he had spoken with Legal Counsel Rich with regard to worth of the ambulance. Indication was made that the vehicle was worth approximately \$500.00 but in order to put the vehicle up for bid, all the emergency equipment would need to be removed. The removal of the equipment would cost approximately \$1000. Mr. Terry indicated he would like to donate the ambulance to a location in Idaho who is currently a number of miles away from a transport medical unit (see attachment "C" for Mr. Terry's request).

Council Member Roberts indicated the City was not a charitable organization but would not be opposed if the vehicle was offered to a needy party for \$1.00.

Legal Counsel Rich indicated that when City property is involved, the fee paid for the merchandise should be in line with the worth of the merchandise. He indicated, with the facts presented by Mr. Terry, the City was within the legal boundaries to either a donation or a sale of the vehicle for \$1.00.

City Manager Chatwin indicated the issue sounds like it fits within the legal boundaries but he hasn't had an opportunity to review the actual numbers associated with the removal of the equipment.

Council Member Starley moved to approve the donation upon the review of the numbers, by City Manager Chatwin. Council Member Adcock seconded the motion. Council Member Roberts once again indicated he was against the donation. He indicated the City is not a charitable organization but is in favor of a \$1.00 sale. He continued by saying the City should never be in the donation business.

Council Member Starley amended the motion to include a sale for \$1.00 Council Member Adcock indicated the City has been the recipient of many donations. The indication was made that City Council Members Adcock and Roberts would actually give the \$1.00 to the purchaser to use towards the purchase. Council Member Adcock seconded the amendment. After the discussion Council Members Adcock, Roberts, and Starley voted in favor of the motion. Council Members Linford and Green voted against the motion. Council Members Linford and Green each donated \$1.00 to Mr. Terry for the price of the vehicle.

MOVE TO ITEM #9 BUSINESS LICENSES
BUSINESS LICENSES

Council Member Starley reviewed the following submitted Business Licenses: Michelle Sorensen D.B.A. Freedom Financial Solutions and LLC and Nicholas P. Miller D.B.A. N E Curb.

Council Member Starley moved to approve the above-mentioned Business License applications. Council Member Green seconded the motion. The vote was unanimous.

MOVE BACK TO ITEM #8B

Discussion and possible action with regard to the adoption of Planning Commission Policies and Procedures

Council Member Starley questioned the definition of "Public Clammier" on page 2 of 12 Letter "L". He was told it is hard to define Public Clammier within a document. Legal Counsel suggested leaving in the wording; as Public Clammier as a "term of art" and a final decision on an issue legally cannot be based on Public Clammier. Council Member Roberts commented that the "lynch mob shall not rule".

A discussion was also held with regard to the service terms of the Commissioners, the ability to contact Legal Counsel and questions with regard to the time frame associated with a public forum. Mayor DeGraffenried indicated the Planning Commission Chairperson should be allowed the discursion as to the time frame. Also discussed were the procedures pertaining to motions, page 11 Roll Call Vote, and the approving body remaining the City Council instead the Planning Commission. Council Member Starley questioned if the dismissal process pertaining to a Commissioner should be included in the policies. He was told it shouldn't be included as it is a different issue.

Council Member Adcock moved to adopt the policy and procedures as outlined (see attachment "D" for outline). Council Member Linford seconded the motion. The vote was unanimous.

Discussion and possible action with regard to the acceptance of the Water Impact Fee Analysis proposal by J-U-B

Council Member Adcock questioned if there was a completion time line associated with the Water Impact Fee proposal and was the cost budgeted for in the next year budget. He was told that the fee was not a budgeted item however the fee could be added to the budget before it as adopted in May or June. J-U-B Representative Perkins reported the fee and cap associated with the Pressurized Irrigation Study is sufficient to cover the proposed Water Impact Fee Capital Facilities Plan although this specific job was not included in the original bid. City Manager Chatwin suggesting utilizing \$20,000 of the money paid in lieu of water to finance the study. He indicated this was a water issue and the Council Members had indicated they wanted the money collected to be used for such issues.

Mayor DeGraffenried was told the Facilities Plan is not strictly for Pressurized Irrigation and the analysis being done before any monies will be collected.

Council member Linford was told the analysis didn't include wastewater issues. Aqua Engineering will be discussing wastewater issues at a future Council Meeting.

Council Member Linford questioned if the project should go out for bid. City Manager Chatwin indicated J-U-B has completed a portion of the analysis due to the required information for Pressurized Irrigation Project. With a portion of the data already collected the cost of the analysis would be less for J-U-B Engineering to complete that to bring a new Engineer firm on board. Mr. Perkins indicated the requested sixty-day time line, which was set by the Council, could be met.

Council Member Green questioned how much money is in the money in lieu account? City Manager Chatwin indicated there is approximately 3 to 4 hundred thousand that wasn't earmarked for other issues. The suggestion was made to include in motion where the funds are coming from as well as acceptance of the proposal.

Council Member Linford moved to accept the bid and pay for the analysis out of money in lieu of water. Council Member Adcock seconded the motion. The vote was unanimous.

Discussion and possible action with regard to the Remington IV Infill Subdivision

City Planner Marker reviewed the proposed Remington IV Infill Subdivision. It was reported that the proposed subdivision does fit all requirements of the subdivision ordinance. Staff recommended the approval of the subdivision. Council Member Adcock commented that there are currently for sale signs on the property that he believed were not allowed until final subdivision approval was granted. Council Member Adcock is concerned that the property owner was not following the appropriate rules. City Planner Marker indicated the issue was discussed in Planning Commission Meeting. The Developer told the Commissioners that the signs were placed in order to assess interest in the property.

Council Member Starley moved to approve the Remington IV Infill Subdivision. Council Member Green seconded the motion. Council Members Roberts, Starley, Green and Linford voted in favor of the motion. Council Member Adcock voted against the motion.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Resolution 04-01-2006 "A Resolution Authorizing The Issuance And Confirming The Sale Of \$6,600,000 Water Revenue Bonds, Series 2006 Of Santaquin City, Utah (The Issuer)", For The Purpose Of Financing The Construction And Installation Of A New Pressurized Secondary Water System And Related Improvements; Prescribing The Form Of Bonds, The Terms And Conditions Of Issuance, And The Security Therefore; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Bond Resolution; And Related Matters"

Financial Advisor Mr. Ward indicated this is one of the last steps associated with the issuance of the bonds for the Secondary Water System. This Resolution would authorize the Mayor as well as the City Recorder to sign the closing documents associated with the bonds.

Council Member Starley had questions with regard to the payment requirements. Legal Counsel Rich reported he had requested changes to the documents, which have been made.

Council Member Adcock indicated he was uncomfortable with not having points of diversion for the water. The diversion points are apart of the design with this Resolution addressing funding. Mr. Perkins reported the construction of the project is expected to expand over a three-year period. A storage reservoir location has not been acquired to this point but will be needed before phase two is completed. Mayor DeGraffenried indicated that water is not attached to property therefore points of diversion can be changed.

Council Member Linford indicated that if the project is funded at this time, the interest earned on the bond amount, prior to the first payment, would be great enough to make the first payment on the project, but the Resolution needs to be passed now, or the bond would be in danger of being lost.

Council Member Green moved to approve Resolution 04-01-2006. Council Member Starley seconded the motion. Legal Counsel indicated there are approximately 3 pages added at the end of the documents that he hasn't had time to review.

Council Member Green amended the motion to authorize the Mayor to sign the Resolution upon Legal Counsel Rich's review. Council Member Starley seconded the amended motion. Council Members Linford, Green, Starley, Roberts and Adcock voted in favor of the motion.

At 9:03 pm Council Member Green moved for a short break. Council Member Starley seconded the motion. The vote was unanimous.

At 9:13 pm Mayor DeGraffenried called the meeting to order.

Resolution 04-02-2006 "A Resolution Adopting the FY2006/2007 Preliminary Budget"

Council Member Green moved to approve Resolution 04-02-2006. Council Member Linford seconded the motion. Council Member Starley asked when the Mr. Broadhead's submitted questions would be addressed. City Recorder Farnsworth, with the help of Council Member Linford will address the questions in writing as soon as possible. Council members Linford, Green, Starley, Roberts, and Adcock, voted in favor of the motion.

Ordinance 04-01-2006 "An Ordinance Amending and Restating the Water Fee And Rate Structure, Enacting Related Provisions And Establishing Enforcement Procedures"

A discussion was held with regard to the difference between a hook-up fee and a meter fee. Legal counsel questioned if the meter fee was associated with the impact fee. City Manager Chatwin indicated at the time the impact fee is adopted, an Individual would be charged a meter fee and at the time an Ordinance is adopted an impact fee will be assessed.

Council Members Starley and Roberts indicated they thought 20% interest charged to late paying accounts is too high. They were told that any changes to the proposed Ordinance would require an additional review from the Bond Counsel. Council Member Green reminded the Council that fees assessed should cover the fee associated with a service. Council Member Roberts requested a decrease in the penalty fee. Council Member Roberts requested a notice outlining the penalty as well as reconnection fees be included in Resident's Utility Bills.

Council Member Green moved to approve Ordinance 04-01-2006 as stated on the agenda. Council Member Linford seconded the motion. Council Members Adcock, Roberts, Green and Linford voted in favor of the motion. Council Member Starley voted against the motion.

Resolution 04-03-2006 "A Resolution Establishing the Fee Schedule for Santaquin City"

City Recorder Farnsworth reviewed the proposed changes to the current fee schedule. Council Member Starley asked each of the Council Members if they were in favor of the proposed late fee. Council Members Linford, Green, Roberts and Adcock were in favor of the proposed late fee with Council Member Roberts indicating he understood the need for the late fee but didn't necessarily agree with the percentage. Council Member Starley indicated, for Public Record, he was not in favor of the proposed 20% late fee.

Council Member Adcock moved to approve Resolution 04-03-2006 with the addition of the memo of Jody Thomas, City Treasurer. Council Member Linford seconded the motion. Council Members Linford, Green, and Adcock voted for the motion. Council members Starley and Roberts voted against the motion. Council Member Roberts stated his vote was based on the fact that changes are not in writing and available for review.

Ordinance 04-02-2006 "An Ordinance Amending the Public Noticing Requirements For Land Use Application, Codifications, And Inclusion In The Code"

The Council Members had questions for City Planner Marker with regard to the posting procedures and who would enforce the posting of property. It was reported that a 14-day notice is required for certain developments.

Legal Counsel Rich questioned if it is the intent of the Council to require two types of noticing for Land Use issues. He was told that it was the intent of Council Member Green and Adcock.

Due to many requested changes to the proposed Ordinance, Council Member Green moved to table Ordinance 04-02-2006. Council Member Roberts seconded the motion. After the discussion, the vote was unanimous.

Ordinance 04-03-2006 "An Ordinance Amending The Establishment Of A Planning Commission And Further Designating Such Body As The Land Use Authority For The City, Codification, And Inclusion In The Code"

Council Member Starley believes the Council should be considered the Land Use Authority. Council Member Linford requested amending the term of each Planning Commission Member from 5 years to 3 years and a clause which would allow 2 consecutive terms with those who are currently serving having the option to continue with an additional 3 year term. Council Member Roberts indicated he was in agreement with Council Member Linford. Council Member Roberts requested the appointment date be changed to January 31st instead of December 31st. Changing of the reappointment date would allow a new Council to be established before changes are made to the Planning Commission.

Council Member Starley moved to approve Ordinance 04-03-2006 with the City Council being the Land Use Authority, the terms limit being 2 three-year consecutive terms, the appointment date for new Members being changed from December 31st to January 31st, and Planning Commission Members completing a term of 5 years would be allowed to serve an additional 3 year term. Council Member Linford seconded the motion. Council Members Adcock, Roberts, Starley, Green, and Linford voted in favor of the motion.

Council member Starley moved to continue past 10:30 pm. Council member Adcock seconded the motion. Council Members Adcock, Starley, and Linford voted for the motion. Council Members Roberts and Green voted against the motion.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager

Update on Economic Development

City Manager Chatwin reported he recently met with Brian Sager Representative of Summit Ridge Development. Mr. Sager was told that there would not be any additional plat submittals until all development issues are addressed. City Manager Chatwin indicated Building Permits would be allowed in the approved plats. He will be scheduling an additional meeting with Mr. Sager to continue discussions with regard to issues contained in the Annexation and Development Agreement. Council Member Starley commented he feels left out of Economic Development issues. City Manager Chatwin reminded Council Member Starley of the time line of assessment which was presented in the past Council Meeting. Council Member Green recommended Council Member Starley contact City Manager Chatwin, as he is currently doing, to be kept updated on various issues.

Planning Commission

General update

Planning Commission Member Callahan reported this past week the Planning Commission held a Public Hearing pertaining to the Remington IV Infill Subdivision as well as discussing additional amendments to the City Code. Ms. Callahan was thanked for her attendance at the Council Meeting as well as her willingness to serve on the Planning Commission.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Council Member Adcock thanked Chief Howard for his drafted letter addressing the need for stop signs along Highland Dr.

Council Member Adcock reported he would be working with Barbara Rausch on the City cleanup. He reported that dumpsters will be located at landfill with a dump card being required but will not be punched. There will however be a charge to dump in the dumpsters. Council Member Green requested that all denominational churches be notified of the cleanup efforts and request their help in the project.

Also reported was that the Miss Santaquin pageant is scheduled for Saturday. Each Council Member has been given two tickets to attend and was encouraged to attend. A decision has not been made as to whether a float or convertible will be used as Miss Santaquin's "Chariot" through the parade season.

Council Member Adcock reported that the South County City Council meeting is scheduled for May 11th at 7:00 pm. An update on wastewater issues will be presented during this meeting.

Council Member Roberts reminded the Mayor and Council Members he would be out of town for next 3 weeks.

Council Member Roberts indicated the Caucus Meetings were a success and thanked Karen Mortenson for making and hanging the signs at the City Office.

Council Member Starley reported Idonna Crook and Donna Bott had contacted him with regard to issues pertaining to the Museum alarm. He was told that the Alarm Company had already been contacted and the issue resolved.

Council Member Starley asked if the Planning Commission Chairperson was the individual who set the Planning Commission Agenda. City Planner Marker answered in the affirmative.

Council Member Starley asked if the Police Department's future year budget allowed for a net gain of one Officer. Indication was made that his assumption was correct.

Council Member Starley was told that the realignment of SR198 is UDOT funded and is required to meet their regulations. It was reported that UDOT had met with property owner Mr. Sorensen and a determination has been made as to how the realignment will be established.

Mayor DeGraffenried indicated he had made two changes in the Council Members assignments. Council Member Starley will be the Council contact for the Museum and the Library and Council Member Green will serve as Council contact for the Planning Commission.

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

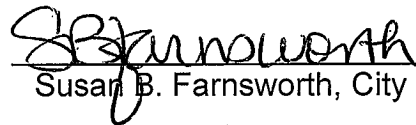
EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
Nothing

ADJOURNMENT

At 10:30 pm Council Member Green moved to adjourn. Council Member Starley seconded the motion. The vote was unanimous.

Approved on April 19, 2006.


James E. DeGraffenried, Mayor


Susan B. Farnsworth, City Recorder



To: The registry of Citizen's In Support of Removal of Dirty Jo Pusters Signage, or, should I say "Citizens to abolish the first amendment". More specifically, Irma Bowman, Lee Whitworth, Valerie Butler, and Shane Robbins.

I have recently been made aware of your efforts and petition to have our advertising removed from the billboard along I-15. It seems you are willing to use whatever means you deem necessary; rather it be political or blatant threats and intimidation. After looking over your petition and having known some of the people on the list all my life. I do not believe they are bothered by the signage. I can only conclude they were coused into signing by whatever means. Furthermore I don't believe that you represent the majority of citizens, property owners, taxpayers or customers found in south Utah County. I think that more accurately, you represent the majority of patrons of the Aspen Academy, and brow beaten neighbors of the staff.

I do not believe that threatening a business owner that I happen to do business with is a particularly Christian thing to do. You probably don't see it as a threat but when you say, "If you don't take that sign down, we won't do business with you." That is a threat.

On to the problem at hand, as I was working in my backyard looking at the sign I thought, "What's the big deal?" The sign is not vulgar or offensive in any way. With so many billboards from gambling to partially nude massage therapy signs our sign is mild, so I concluded it isn't the sign.

Maybe it's the store but the store has been here over fifteen years, we cater to married couples that enjoy being married. We promote education and information to adults in committed relationships. Most of our customers are active LDS. We also have many customers that travel a great distance to shop in our tasteful comfortable store. We do not sell any pornography we do not let children into any part of the store without a parent, so I concluded it isn't the store.

Maybe it's our family, I have lived in this community forty-five years. My wife and family have lived here for seventeen years, and our kids have gone to school here. We have raised four great kids in spite of the intolerance shown from people like you. We have been an active part of the community for a long time. We have children and grandchildren being raised in this community. We care about the community, and would never compromise family values, so I concluded the problem must be you.

Your inability or just plain fear of talking to your kids is the problem. The one thing I have heard more than anything is "how do I explain that sign to my kids". If you can't explain a simple billboard how can you talk about the real issues your kids face? You won't talk to your kids about sex or drugs. You won't let you kids attend public school for fear they may stray from the chosen path. Then you say your not raising youf kids in a bubble, maybe your not, maybe it's you that's in the bubble.

If I were you the next time your kids ask about something, rather it's a billboard or a TV ad or something someone said, if it makes you nervous, think of it as an opportunity to have a conversation with your kids about a subject that is very hard to talk about. There are much more dangerous problems facing our community than a billboard. There is an overwhelming epidemic of drug use, which has touched all of us directly or indirectly. Domestic violence and child abuse are both major problems that plague our community. If you are so apt to form committees and solve problems you could try and put some energy into a more worthwhile cause.

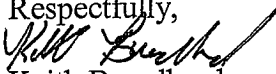
Mayor and City Council
Santaquin City

April 5, 2006

Gentlemen: I have looked through the preliminary budget for 2006/2007 and appreciate all of the hard work and time that the council and staff have spent on it. I have been through the process and understand the task of trying to balance the requests vs. the income of a city with limited revenue sources. I do, however, have a few questions and would respectfully request written answers to the following.

1. Planning and Zoning Fee increase from \$65,209 to \$83,767. Where does the increase come from?
2. Inspection Fees vs. inspection cost. \$392,000 income \$328,000 expenditure. Where does the other \$64,000 go?
3. County Fire Fees. What is the actual contract amount? Budget is \$46,514, last years actual \$59,000.
4. Water Transfer of \$280,000 to the general fund. What is the justification? Is there a depreciation fund for infrastructure replacement?
5. Sewer Transfer of \$104,000 to the general fund. What is the Justification? Is there a depreciation fund for future infrastructure replacement?
6. Streets down from \$354,687 actual to \$317, 993. What projects or services will be cut?
7. Planning and zoning expenses \$50,483 to \$90,092. What is this increase for?
8. What is the projected growth rate for this year? There seems to be a discrepancy of projected growth, based on 9 through 14.
9. Water Sales up from \$604,225 to \$693,790 (13% increase)
10. Water Connections up from \$26,460 to \$38,766 (24% increase)
11. Water Impact Fees up from \$215,825 to \$350,000 (38% increase)
12. Sewer Impact fees up from \$204,989 to \$230,000 (11% increase)
13. Park Impact Fees up from \$161,374 to \$217,500 (25% increase)
14. Sewer user fees \$473,559 to \$490,883 (5% increase)
15. Public Safety Impact fees are \$76,300 expenditures are \$105,000 (\$29,000 deficits). How will this be made up?
16. There is no impact fee reimbursement for Summit Ridge.
17. Are there plans for increases for water, sewer, parks and public safety impact fees? If so what will the new fees be?
18. Are there plans for user fee increases for water, sewer, and solid waste? If so what will the new rate be?
19. Will there be a separate secondary water budget, or is it part of the water fund?
20. How is the \$700,000 over budget for the new Public Safety Building going to be paid for?

Respectfully,


Keith Broadhead

P.O. Box 683
Santaquin, Utah 84655
801-369-9413



PAUL C TERRY
Ambulance Director
45 West 100 South
Santaquin, UT 84655
(801) 376-2857 cell
(801) 754-3736 home
(801) 754-1620 fax

MEMO

TO: Mayor DeGraffenried and Council Members
FROM: Paul
DATE: March 27, 2006
RE: Donation of the surplus 91 Ford Ambulance

Mayor DeGraffenried and Council Members:

As you are aware, Santaquin City recently added to their surplus inventory a 1991 Ford Ambulance. Considering the low monetary value of the ambulance, to Santaquin City, I feel it would be a grand gesture, to donate the ambulance to a worthy cause. It recently came to my attention of a "Low Income" Agency who is in need of an ambulance.

The North Ada County Fire/Rescue, located north of Boise, Idaho, is comprised of volunteers and serves approximately 30 square miles of suburban to rural environment with a population of approximately twelve-thousand. This area is protected by one station and manned with volunteers. Until recently, a modified Chevy Suburban was being used to answer all medical calls. Unfortunately, the vehicle is out of commission which requires a responding unit from Garden City which means the response time is in the fifteen to twenty minute range.

I recommend the ambulance be donated to the North Ada County Fire/Rescue District as minimal response time often means the difference of life and death.



freedom · family · friendship

MEMORANDUM

December 16, 2005

To: Mayor DeGraffenried and City Council via Planning Commission
From: Dennis Marker, City Planner
RE: Planning Commission Policies and Procedures

Background:

State law, §10-9a, Part 3, requires that municipalities have an ordinance establishing a Planning Commission. That ordinance needs to define:

1. the number and terms of the members and, if the municipality chooses, alternate members;
2. the mode of appointment
3. the procedures for filling vacancies and removal from office;
4. the authority of the planning commission; and
5. other details relating to the organization and procedures of the planning commission.

The City's land use ordinance Section 10-3 addresses items 1-4 above and stipulates that item 5 would be handled through goals and policies established by the Planning Commission. It states,

"The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission... The governing body may provide that those policies and procedures be approved by the governing body before taking effect".

The Planning commission has reviewed its policies and desires to make some minor changes relative to the conducting the commission meetings. These changes will provide for better information dissemination to the public and more streamlined meetings. The proposed policies are attached as Exhibit A.

Recommendation:

Staff recommends the City Council review the attached policies and procedures for the Planning Commission and approve such as the Council sees fit based on the following findings.

Findings

1. State law requires cities to have an ordinance establishing a planning commission, the details of which include the policies of the commission and are left to the discretion of the jurisdiction enacting the ordinance.
2. The City's ordinance provides for the establishment of planning commission policies and procedures which are to be approved by the City Council prior to their enactment.
3. The planning commission has reviewed its policies and procedures and desires to provide for better information dissemination to the public and more streamlined meetings through the presented proposed policies.
4. Adoption of the proposed policies will be fulfilling State law requirements as outlined in Seciton 10-9a, Part 3.

Dennis L. Marker
City Planner

Exhibit A

Santaquin City Planning Commission By-laws and Rules of Procedure

A. ORGANIZATION

1. Appointment of the Chair and Deputy Chair.

- a. At the last regularly scheduled meeting in December of each year, the Planning Commission shall have an agenda time to appoint a new Chair and Deputy Chair for the next calendar year. Appointees shall assume their duties as of the first regularly scheduled meeting in January.
- b. Appointment of the Chair and Deputy Chair shall be done separately through open nomination for appointment from any member of the Planning Commission. If only one Commissioner is nominated for appointment for either position, an approval vote of the Commission shall determine the appointment. If more than one Commissioner is nominated for either appointment, a simple majority of the Commissioners present during a silent vote shall determine the appointee. Any Commissioner may serve more than one term and/or in both appointed positions if properly nominated and appointed.

2. Duties of the Chair.

- a. To review and approve agendas prior to Planning Commission meetings;
- b. To call meetings of the Planning Commission to order on the day and time scheduled and proceed with the order of business;
- c. To announce the business before the Commission in the order in which it is to be heard and/or acted upon;
- d. To receive and submit, in the proper manner, all motions, recommendations, and propositions presented by the members of the Commission;
- e. To put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such actions taken;
- f. To inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice;

- g. To authenticate by signature all of the acts, findings, orders, and proceedings of the Commission;
 - h. To maintain order at all meetings of the Commission including the maintenance of a respectful, orderly, appropriate, and professional atmosphere;
 - i. To move the agenda along, reduce redundancy by limiting time allowed for comment, whenever possible, set guidelines for public input, and reference handouts and procedures during meetings;
 - j. Recognize speakers and Commissioners prior to receiving comments and presentations;
 - k. Ensure the legal due process to all items and people involved in each item of each meeting agenda; and
 - l. Facilitate the elimination of any and all public clamor during meetings.
3. Duties of the Deputy Chair. The Deputy Chair shall have and perform all of the duties and functions of the Chair in the absence of the Chair.
4. Temporary Chair.
- a. In the event of the absence or disability of the Chair and Deputy Chair, and with a proper quorum present, a temporary Chair shall be appointed to conduct business prior to any agenda item to serve as the temporary Chair until the return of the either the Chair or Deputy Chair.
 - b. The temporary Chair shall be nominated and appointed in the same manner as the regular nomination and appointment of the Chair.
5. Quorum. The number of members of the Planning Commission necessary to constitute a quorum is four (4) or more. No action of the Planning Commission shall be official or of any effect except when a quorum of the members are present.

B. MEETINGS

1. Meeting Schedule.
- a. At the last regularly scheduled meeting in December of each year, the Planning Commission shall have an agenda item to determine the General Meeting schedule for the following calendar year. Meetings of the Planning Commission are typically held on the 2nd and 4th Thursdays of each month, with the exception of those meetings rescheduled or cancelled

under the provisions of Section A-5-b herein, are to begin promptly at 7:00 p.m., and are to be held in the City Council Chambers of Santaquin City Hall. Alteration to the time of day or place a meeting is to be held may be made through special notice and advertisement of the meeting which states the specific alteration(s)

- b. The determination of the General Meeting Schedule shall take into consideration the dates for which meetings will be scheduled, conflict with City observed holidays, and the possibility of special meetings or the cancellation of meetings to avoid conflicts.
 - c. Following determination of a General Meeting Schedule, the Planning Commission shall approve the schedule through the proper approval process. Following approval, the adopted meeting schedule shall be posted in the Community Development Department, distributed to each Commissioner, and advertised in a newspaper of general circulation throughout the City.
 - d. Open Meetings. Every meeting of the Planning Commission is to be open to the public and conducted in accordance to the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. Seq.).
2. General Order of Business. The business of the Planning Commission at its meetings shall generally be conducted in accordance with the following order, unless otherwise specified

- Roll Call
- Pledge of Allegiance
- Approval of Agenda Time Frame
- Public Forum
- Consent Items
- Agenda Items and Public Hearings
 - General Plan and Amendments
 - Conditional Use Permit Applications
 - Rezoning Applications
 - Annexation Applications
 - Subdivision Applications
 - Site Plan Review
 - Code Amendments
- Planning Commission New Business
- Minutes
- Reports of Officials and Staff
- Discussion Items
- Adjournment

3. Public Forum. This portion of the Planning Commission agenda is designed to allow members of the general public to address the Commission regarding issues which are not listed on the posted agenda and shall adhere to the following parameters:

- a. Time Limit. This portion of the agenda should not last more than approximately 30 minutes combined for all speakers. Speakers should limit their comments, under the jurisdiction of the Chair, to approximately two minutes. Speakers declaring their representation of a group of the general public present may be allotted an extended amount of time to address the Commission, at the discretion of the Chair, so long as the extension does not limit the ability or time for other members of the general public to address the Commission.
- b. Speaker Sign-In. All persons wishing to be heard shall place their name onto the designated sign-in sheet at the entrance to the meeting. The Planning Commission Chair shall review the sign-in sheet and call each individual to the speaker's podium to address the Commission. If no names appear on the sign-in sheet, it shall be to the discretion of the Chair to discontinue the public forum portion of the meeting or allow members of the general public present but no signed-in to address the Commission.
- c. Speakers to be Heard. Speakers wishing to be heard shall make their comments from the speaker's podium within the City Council chambers, or other locations of the meeting, with the exclusion of recognized exceptions due to a disability of the speaker. All comments shall be directed towards the Commission and should be made in a respectful and concise manner.
- d. Written Comments. Members of the general public may, and are encouraged to submit written comments relating to any item of City business to the Community Development Department, prior to the close of business on the day of a Planning Commission meeting, and said comments may be read and distributed to the Commission for their review. The Planning Commission may conduct discussion as deemed appropriate regarding any comments submitted.
- e. Repetitious Comments. Members of the general public addressing the Commission shall not present the same, or substantially same items or arguments to those provided by other members of the general public. Once an item has been heard by the Commission and determined to necessitate an action or necessitate no action the same, or substantially same, item may not be presented by the same member of the general public or any other.

4. Procedure of Consideration of Agenda Items. The following procedure will normally be observed for all agenda items, however, it may be rearranged at the discretion of the Chair for an individual item, for the expeditious conduct of business:

- a. Introduction of the item by the Chair;\
- b. Presentation of the proposal by the applicant(s);
- c. Staff presentation and recommendation;
- d. Public Hearing to be conducting according to paragraph B5 below.
- e. Planning Commission discussion. The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff, the applicant(s), or a member of the general public present who is or may be directly involved or impacted by the issue under consideration; and
- f. Motion and Vote. The Chair shall outline the possible actions of approval, approval with conditions, tabling, or denial prior to entertaining a motion. Voting shall be in accordance with paragraph C below.

5. Public Hearings.

a. Procedure

1. Opening of the public hearing by the Chair.
2. Testimony by citizens present to discuss the item through comment or testimony of facts or arguments;
3. Rebuttal and concluding comments by the applicant; as the burden of proof rests with the applicant and is therefore given an opportunity to provide closing comments and testimony;
4. Closure of the public hearing by the Chair.

- b. Public Comment During Public Hearings. Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a two minute timeframe. A spokesman for a group of citizens wishing to make similar comments regarding the agenda item should be allowed a reasonable amount of additional time. Public comments should be non-repetitious. The Planning Commission Chair shall have the ability to discontinue the receipt of public comment at

his/her discretion if the commentary and testimony becomes repetitious, disrespectful, rude, or otherwise rowdy. All public comment shall be directed toward the Commission and may only be received in writing or from the speaker's podium, with the exclusion of recognized exceptions due to a disability of the speaker, within the location of the meeting. Public comment not originated from the podium shall not be accepted or considered by the Commission.

- c. Planning Commission Action. No Planning Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighted but not responded to by the Planning Commission during the public hearing.
- 6. Continuance of Agenda Items. Review of any agenda item being held or noticed to be held by the Planning Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.
- 7. Adjournment. No Planning Commission meeting shall be permitted to extend past 10:00 p.m. unless a unanimous vote of the Commissioners present determines an extension of the meeting past 10:00 p.m. With such a vote, the motion for extension shall include a specific amount of time for the extension of the meeting and a determination of which remaining agenda items are to be considered in the extension. Remaining agenda items for any meeting not extended past 10:00 p.m. shall have a motion for continuance made upon them, either to the next regularly scheduled meeting or to a specially called meeting, prior to the meeting's adjournment. No item on a noticed agenda shall be left without action being taken regarding that item, through formal action or continuance, prior to the adjournment of any meeting.

C. **RIGHTS AND DUTIES OF THE PLANNING COMMISSION MEMBERS.**

- 1. Meeting Attendance. Every member of the Commission shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any member expecting to be absent from a meeting of the Planning Commission shall notify the Community Development Department and/or the Chair.
- 2. Conflict of Interest.
 - a. If any Planning Member has a conflict of interest with an item on an agenda, the Commissioner shall declare the conflict before any testimony for that item is heard. The Commissioner may then choose to step down from the Commission table and withdraw from discussion and voting on the agenda item. Following action by the Commission on the agenda item, the Commissioner may return to the Commission table and resume his/her duties as a Commissioner. In the event

the commissioner declines his/her option to step down after declaring a conflict of interest, the Chair shall ask if any Commissioner wishes to request a vote on the conflict.

- (1) If a request is made, the Commissioner making the request shall detain his/her request including any request to have the Commissioners step down and/or withdraw from discussion or voting. The remaining Commissioners, other than the Commissioner declaring the conflict of interest, shall vote as to the request. A simple majority of the remaining Commissioners voting in favor of the request shall approve the request. The Commissioner declaring the conflict of interest shall then comply with the approved request. If an approval is not achieved, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.
 - (2) If no such request is made, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.
- b. Any Commissioner who feels he/she, or another Commissioner, may have an actual, apparent, or reasonably foreseeable conflict of interest shall declare such feelings. Such declarations shall be determined and handled as in Section B-2-a herein.
 - c. No Commissioner with an actual, or possible, conflict of interest shall, at any time before, during, or after the meeting, attempt to use his/her influence with another Commissioner with regard to the agenda item in question.
 - d. Conflicts of interest are determined to be any personal, familial, or financial tie between the Commissioner and the applicant or the item of any manner of business.
 - e. A Commissioner may appear before the Planning Commission through his/her employment or as an advocate or agent for a proponent, or as the applicant, only after declaring his/her conflict of interest and stepping down from the Commission table.
 - f. A Commissioner shall not sell or offer to sell services, or solicit prospective clients or employment, by starting an ability to influence Planning Commission decisions or on the basis of being a Planning Commissioner.
 - g. A Planning Commissioner must not use the power of his/her appointed office as a Commissioner to seek or obtain any special advantage.
3. Not to Vote Unless Present. No Planning Commissioner shall be permitted to vote on any question, matter of business, or agenda item unless the Commissioner is present at

the meeting in which the vote is taken and the result is announced regarding the issue. No member shall give his/her proxy to any other person to vote on any issue.

4. Special Meetings. Special meeting may be requested by any Commissioner to hear matters of Commission business. It shall be at the discretion of the Chair to grant or deny such a request and schedule such a meeting, as necessary.
5. Quorum. A simple majority of the total of the Commissioners properly appointed shall constitute a quorum for the transaction of business. Any member choosing to abstain from a vote on an agenda item shall be included when in consideration of a quorum. Any Commissioner disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum. When a conflict of interest results in a lack of Commissioners present to approve a motion, the issue, at the discretion of the Chair, may be heard by the Commission but may not have action taken upon it until an adequate amount of Commissioners can be present to properly vote on the issue.
6. Lack of a Quorum. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Planning Commission, the meeting shall be canceled, only after a reasonable allowance of time for a quorum to arrive through a motion for adjournment. No second shall be required for such motion. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of quorum before any matters of business are heard at the next scheduled Planning Commission meeting.
7. Commissioner Decorum.
 - a. Appearance. Planning Commissioners in attendance at each meeting shall portray an appropriate appearance as a representative of Santaquin City to conduct the meeting in a serious, respectful, and sincere manner.
 - b. Actions. At no time shall any Planning Commissioner make any comments, gestures, or other similar actions which is or can be portrayed to be demeaning, insulting, or disrespectful of the other Commissioners, staff, applicant(s), or any member of the general public.

D. ORDER AND DECORUM.

1. General Decorum. The atmosphere of Planning Commission meeting shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings. Things and actions such as booing, hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated.
2. Public Clamor. Public Clamor shall not be allowed in any meeting of the Planning Commission, nor during any portion of any meeting.

3. Due Process. The Planning Commission Chair shall conduct each meeting in such a manner as to afford due process throughout the proceedings.
4. Chair's Authority. It shall be the authority and discretion of the Planning Commission Chair to order the removal of any individual member of the general public present at a Planning Commission meeting, groups of the general public, or the removal of the general public present in its entirety, for the duration of the discussion and consideration regarding any single agenda item, or for the remainder of the meeting, if said person or groups of people become rude, disrespectful, disruptive, or otherwise rowdy towards the Commission, any single Commissioner, staff, the applicant, or other members of the general public.
5. Chair's Adjournment. In the event of refusal to leave the meeting by any member of the general public under the authority granted under Section C-4 herein, it shall be the authority and discretion of the Planning Commission Chair to promptly adjourn any meeting of the Planning Commission when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

E. MOTIONS.

1. Making a Motion. Any Planning Commissioner, including the Chair, may make or second any motion.
2. Findings. Motions for approval, denial, or approval with conditions should state reasons, issues, and facts leading to the motion within the motion.
3. Motions Repeated. Motions may be repeated for clarification, further understanding, or consideration at the request of any Commissioner, or by staff for the purpose of clarification for the official record.
4. Legal Counsel. Any Planning commissioner may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motion.
5. Second Required. Each motion of the Planning Commission must be seconded with the exception of a motion to adjourn the Planning Commission meeting.
6. Withdrawing a Motion. After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the author of the motion at any time prior to the motion being put to vote. Withdrawal of a second shall become automatic with the withdrawal of the motion.
7. Motion to Table. A motion to table an agenda item shall be accompanied by the reasoning and rationale for the tabling, such as further study or pending further

information or review, and whenever possible, a specific date for which the issue would be reheard.

8. Amending Motions. When a motion is pending before the Commission, any Commissioner may suggest a motion amendment to the author of the motion at any time prior to the motion being put to vote. The amendment must be accepted by the author of the motion and the author of the second in order to amend a motion. Amendments to an amended motion shall be handled in the same manner.
9. Reconsideration of Motions. Any Commissioner who voted in favor of any approved motion may offer a motion to reconsider the motion at any time during the meeting in which the vote took place or during the review of the minutes of the meeting in which the vote took place. A motion to reconsider must pass an approval vote in order to reconsider the action taken. If reconsideration finds that the previously approved motion should stand, no formal vote shall be necessary. If the former motion is to be amended or made void, the reconsideration motion shall be put to a formal vote of the Commission.
10. Motion to Recess. Any Commissioner may offer a motion for recess, and have said motion considered and voted upon, at any point during a Planning Commission meeting. Any such motion shall contain a specific time to reconvene the meeting. No such recess shall be made for a period of time greater than one hour.
11. Dead Motions and New Motions. In the event that a seconded motion does not carry due to the lack of an adequate sustaining vote, the motion is determined to be dead and the discussion and consideration of the agenda item shall continue until another motion and second are offered and approved.
12. Motion to Adjourn. A motion to adjourn shall be required to conclude every Planning Commission meeting, following the addressing of each item on the agenda for that specific meeting. No second shall be required for a motion to adjourn so long as the Chair declares the meeting closed.

F. VOTING.

1. Changing a Vote. No member shall be permitted to change his/her vote once the Chair has declared the result of the decision.
2. Abstention. Any member of the Planning Commission may choose to abstain from voting on any agenda item if the Commissioner perceives a personal legal implication or other conflict. Commissioners wishing to abstain may remain at the Commission table and participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken, but must be disclosed as a part of the Commissioner's vote for abstention in order to ensure that no conflict of interest has occurred.
3. Process of Voting. Any agenda item requiring a vote of the Planning Commission to determine a decision or a recommendation, with the exception of those items requiring a

roll call vote, shall be conducted follow the Chair's recognition of a motion and a second regarding the agenda item and the allowance for Planning Commission discussion, by:

- a. The Chair's request for "All those in favor of the motion regarding...";
 - b. The simultaneous raising of hands by the Commissioners voting in favor of the motion;
 - c. The Chair's request for "All those opposed to the motion regarding...";
 - d. The simultaneous raising of hands by the Commissioners voting in opposition to the motion;
 - e. the Chair's request for "All those wishing to abstain from voting on the motion regarding...";
 - f. The simultaneous raising of hands by the Commissioners wishing to abstain from voting on the motion; and
 - g. The Chair's declaration of the voting results.
4. Unanimous or Total Votes. At any time during the voting procedure, described in Section E-3 herein, that a unanimous vote occurs or all Commissioners declare their vote prior to the completion of the process in its entirety, the Chair may immediately supersede the procedure, declare the result of the vote, and proceed with the remainder of the agenda.
5. Roll Call Vote. A roll call vote shall be held to vote on motions made regarding:
- a. The approval of an agenda item where the Planning Commission is the designated approving body;
 - b. Recommendations to the City Council regarding ordinances, amendments to the City Code, adoption or amendment of the General Plan, or the adoption or amendment of any City master plan; or
 - c. The adoption of any Planning Commission resolution.
6. Conducting a Roll Call Vote. When a roll call vote is necessary, the Planning Commission Chair shall, following a motion, second, and Planning Commission discussion, request a vote individually from each Planning Commissioner present. Each Commissioner shall, when called upon, declare their vote orally by stating "Aye" if voting in favor of the motion being considered. "Nay" if voting in opposition of the motion being considered, or "I abstain from voting due to ..." When a roll call vote is necessary, each Commissioner's vote shall be recorded individually in the official minutes of the meeting.

G. SUSPENSION OF RULES.

1. Non-Exclusive Rules. The rules set forth are not exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Planning Commission meetings as may be considered appropriate from time to time or in particular circumstances for the purposes of orderly and effective conduct of the affairs of the City.
2. Amendment and adoption of Planning Commission by-laws to supersede those contained herein shall follow the same procedure as the adoption of these by-laws. A motion may be made in any Commissioner to review the by-laws for amendment at any time following their inception. A sustaining vote shall be required to open the review of the by-laws for amendment.
3. The adoption of these by-laws, and any successors, shall be done only after the publication of a notice of review and adoption of these by-laws in a newspaper of general circulation within the City at least 14 days prior to the meeting in which the adoption will be considered.
4. The general public shall have the opportunity to review and comment upon these by-laws prior to the adoption by the Planning Commission.

H. RECORDING OF BY-LAWS.

1. These by-laws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Planning Commissioner and the Community Development Department.



SANTAQUIN CITY CORPORATION

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Santaquin, UT 84655
(801) 754-3211
(801) 754-3526 fax
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MEMO

TO: Mayor and City Council

FROM: Stefan Chatwin, City Manager

DATE: 03/31/2006

RE: Proposal from JUB for Water Impact Fee Analysis

Please find attached JUB's proposal for the completion of a new water impact fee analysis. Our current water impact fee analysis is several years old and does not include provisions for a pressurized irrigation system. We have recommended that the city have a new analysis done so that the impact fees charged to developers will more accurately reflect the needs of the city as a result of growth. We will discuss this proposal in greater detail during the work session and council meeting on Wednesday, April 5th. I will be out of town until Wednesday evening with the Utah City Manager's Association conference in St. George. See you Wednesday night.

Stefan Chatwin

PROJECT WORK PLAN

CULINARY WATER AND PRESSURE IRRIGATION MODELS AND WATER CAPITAL FACILITIES PLAN

DATE: 3/31/2006

PROJECT NO:

SANTAQUIN CITY

TASK NO.	DESCRIPTION - SCOPE OF SERVICES	QUALITY MANAGER (hrs)	MODELING ENGINEER (hrs)	ENGINEERING TECHNICIAN (hrs)	GIS TECHNICIAN (hrs)	CLERICAL (hrs)	DIRECT COSTS \$	TOTAL HOURS	TOTAL BUDGET
PHASE 1 - Gather Information									
1	Perform fire flow tests before outdoor use begins			16				16	\$1,345
2	Gather current zoning and general plan land use maps				1			1	\$68
3	Identify existing population and projected future population	1			1			1	\$68
4	Create GIS database of existing and future land use				1			1	\$68
5	Identify recent CW/PI system additions from new developments				2			2	\$136
6	Add new developments to GIS database				2			2	\$136
7	Obtain recent water use data and add to GIS			4				5	\$493
8	Establish Level of Service for culinary water and pressure irrigation	1							
9									
10									
11									
12									
13									
Phase Total Hours		2		20	7			29	
Phase Budget		\$313		\$1,682	\$476				\$2,470
PHASE 2 - Prepare Culinary Water Model									
1	Add existing system features to model		8					8	\$1,183
2	Add existing and future land use features to model		2					2	\$296
3	Create demand regions in model		16					16	\$2,365
4	Add demand to model		2					2	\$296
5	Verification of model, including fire flow correlation		4					4	\$591
6	Analyze existing system to identify existing deficiencies		4					4	\$591
7	Analyze future system to identify projects to meet future needs		4					4	\$591
8	Review future projects with City then finalize project list	4	4					8	\$1,217
9	Prepare Culinary Water Master Plan map				4			4	\$272
10									
11									
12									
13									
Phase Total Hours		4	44		4			52	
Phase Budget		\$626	\$6,505		\$272				\$7,402
PHASE 3 - Update Pressure Irrigation Model									
1	Update existing system features in model								
2	Update existing and future land use features in model								
3	Update existing and future demand in model								
4	QC/QA check of model								
5	Analyze existing needs; contrast to phase 1 improvements								
6	Verify already-planned projects that will meet future needs								
7	QC/QA check of model analysis								
8	Review future projects with City then finalize project list								
9	Prepare Pressure Irrigation Master Plan map								
10									
11									
12									
13									
Phase Total Hours									
Phase Budget									
PHASE 4 - Prepare Water Capital Facilities Plan									
1	Identify oversizing costs of PI phase 1 improvements			4				4	\$336
2	Estimate cost of projects to resolve existing deficiencies			4				4	\$336
3	Estimate cost of projects to meet future needs							2	\$313
4	Identify likely funding source type for each project	2						6	\$649
5	Prioritize and order projects (short, medium, long term)	2		4				6	\$649
6	Prepare draft CFP report	2	4	16	2	12	\$4,000	4036	\$6,987
7	QC/QA check of draft CFP	2						2	\$313
8	Review draft report with City	2	4					6	\$904
9	Finalize CFP	1	2	12	1	6	\$500	522	\$2,330
10	Provide information to and coordinate with impact fee consultant	1		4				5	\$493
11	Present completed master plan maps and CFP to City Council	2	4					6	\$904
12									
13									
Phase Total Hours		14	14	44	3	18		93	
Phase Budget		\$2,189	\$2,070	\$3,700	\$204	\$902	\$4,500		\$13,565
TOTAL HOURS		20	58	64	14	18		174	
TOTAL BUDGET		\$3,128	\$8,575	\$5,381	\$952	\$902	\$4,500		\$23,438



SANTAQUIN/GENOLA POLICE DEPARTMENT

Chief Dennis Howard
Sergeant Rodney Hurst
Phone : 754-1070
Fax : 754- 1697

Mayor Degraffenreid
City Council Members
City Manager Chatwin

April 4, 2006

Sirs:

At your last council meeting you requested that I make recommendation on placing stop signs on Highland Drive to work in conjunction with school crossings.

I have reviewed the city's master road plan as well as state and federal standards regarding placement of stop signs and school crossings with designated safe crossings for school children. With the above items in mind, I make the following recommendations:

(Guidance for stop signs UDOT 2B.05)

1. Stop signs should *not* be used for speed control.
2. Stop signs should be installed in a manner that minimizes the number of vehicles having to stop.
3. State standards recommend stopping the direction that conflicts the most with established pedestrian crossing activity or school walking routes.

With the above guidelines in mind:

Stop signs have been placed on all access roads entering Highland Drive. Thru traffic on Highland Drive should not be impeded for the following reasons:

1. Highland Drive is a collector street designed to handle a large volume of traffic accessing major highways.
2. Highland Drive is an emergency access route allowing emergency vehicles the fastest and least restrictive access to all areas on the East bench.

I do not recommend that we place stop signs on Highland Drive.

While considering the requests for stop signs on Highland Drive I have discovered several concerns that should be brought to your attention as a governing body of the city and also Nebo School District.

The school district has requested that a crossing guard be placed at Center and Main to safely assist children crossing Main Street. The district then has designated Center Street to be the Safe School Walking route to Highland Drive and from there to Orchard Hills Elementary. The problem with this request is as follows:

1. A crossing guard and a school zone should not be in place unless the encouraged course meets state standards. Those standards require a 3' wide asphalt or cement walkway from Main Street to Orchard Hills Elementary.
2. All waterways along the Safe School Walkway must have an approved pedestrian bridge.
3. Crossing guards are required on each intersection from Main Street to Orchard Hills Elementary..

In my opinion, there is no safe way to access Orchard Hill Elementary School by a Safe School Walkway for anyone living on the west side of I-15 unless Santaquin City is prepared to establish approved sidewalks, bridges and crossing guards as recommended by state standards.

Sincerely,

Chief Dennis Howard



freedom · family · friendship

MEMORANDUM

Friday, March 03, 2006

To: Planning Commission
From: Dennis Marker, City Planner
RE: Code Amendment to §10-6-35: Notification to Adjacent Property Owners CA#006-02

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

Background:

During the November 10, 2005 Planning Commission meeting, the Planning Commission discussed amending the noticing requirements for land use applications needing a Conditional Use permit. The City Council considered the request on November 16, 2005 and was in favor of the Planning Commission reviewing the issue further. The Planning Commission held a work session on February 23, 2006 to discuss the issue and formulate appropriate language. A public hearing was held on March 9, 2006 where the Planning Commission forwarded a positive recommendation to the City Council for the language attached in Exhibit A of this report (see attached minutes from the above meetings).

The specific purpose of the requested ordinance amendment (See Exhibit A and B) is to reduce the required noticing area for land use applications needing to be approved by the Planning Commission. City ordinance, §10-6-35, currently requires that all applications needing Planning Commission approval must include proof that a certified mailing had been sent to all property owners within 500 feet of the subject property. City staff has received many complaints from residents and developers about the costliness and timeliness of sending certified mailings to adjacent property owners (See Table 1 below).

Table 1: Cost estimates for certified mailings.

Area	Properties within 500 feet (Approximate)	Cost of Certified Mailings	Cost to Notice
Core Area	75	\$4.64/letter	\$348
New Residential out of Core Area	90		\$417.6
New Development	30		\$139.2

The application for a new development (e.g. Subdivision, Conditional Use Permit) or land use regulation amendments requires that notices of a public hearing be sent out prior to submitting the application. This causes a problem with scheduling items for public meetings, since agenda deadlines are after the date when notices must be sent out. Some notices are therefore sent out prior to an agenda being finalized or staff has had opportunity to review the application for completeness. When the noticed agenda date is not the date on which an item will be heard, applicants have had to re-notice the item. This has resulted in costs of over \$700 for some individuals.

Analysis

General Plan Compliance: The City's 2000-2005 General Plan, adopted November 15, 2000 states that one of the City's main goals is "To provide a strong business tax base" by encouraging business expansion and retention as well as creating an economically viable setting for businesses. Many starter businesses being required to pay for the certified mailing costs decide to forgo the expense and hence not receive a Conditional Use Permit. This effect of the city's noticing requirement causes an action which is contrary to the stated goals and policies of the General Plan.

This hidden cost has also affected local daycares or preschools from being organized or started. These activities which generally provide parental support and education to youth are generally limited in resources. The approximate \$400 cost of noticing neighbors could provide school supplies to preschoolers for a year or two. By the City not providing a more encouraging atmosphere for these family oriented activities it hinders Goal 4 of the General Plan. That goal states that Santaquin City desires "to create a family oriented, clean, fun and friendly community that is both a great place to live and a crossroads for south Utah County."

State Law Compliance: State law section 10-9a Part 2, requires municipalities to provide adequate public notice with regard to specific land use applications (e.g. re-zonings, code amendments, subdivisions, etc.). Methods of notice that are required and suggested in part include posting of notice on subject properties, using mailings and the internet, as well as posting items in local newspapers and public areas. State law does allow municipalities to establish their own noticing procedures with regards to some land use applications, conditional use permits is one of them.

Affect and Non-conforming Uses:

The proposed code amendment will have no affect on previous applications or decisions made by the Planning Commission or City Council. All new land use applications will be required to follow the standards outlined in the new ordinance if adopted. This will result in reduced costs to applicants seeking approval for non-developmental applications. It will further allow better control of noticing and agenda time frames resulting, thus reducing costs to applicants and the City.

This ordinance does not create any non-conforming uses.

Recommendation

Staff recommends that the City Council adopt of the language provided in Exhibit A, based on the following findings.

Findings.

1. State law requires cities to provide public notice when specific land use applications are proposed.
2. The proposed amendment establishes the City's method of providing such public notice in a consistent and recognizable manner.
3. The City's General Plan seeks to encourage business expansion and retention as well as creating an economically viable setting for businesses as well as providing for the health, safety, and welfare of the City's residents.
4. The proposed ordinance will more fully implement the goals and policies of the City's General Plan to provide for a more economically viable setting and provide for the welfare of its residents.
5. The proposed ordinance will not create any non-conforming uses or require existing businesses or approved land use applications.

Dennis L. Marker
City Planner

Exhibit A: Clean copy of proposed ordinance**10-6-35: PUBLIC NOTIFICATION OF LAND USE APPLICATIONS:****A. State Requirements.**

1. All public notices shall be in accordance to the Utah state code.
2. Where State law requires municipalities to provide specific public noticing based on the type of land use application to be reviewed, applicant's shall compensate the City for any costs incurred due to the specific noticing of such applicant's request. Compensation shall be established by the City through appropriate application fee adjustments or actual cost of noticing, whichever is less.

B. Additional Requirements. The following shall apply to any land use application, which must be noticed to adjacent property owners, as defined within this or State code.

1. Postings on Property. Notice to the public shall be posted on the subject property for all land use applications, under the following guidelines.
 - a. Length. Notice shall be provided not less than fourteen [14] calendar days prior to any public hearing on the application.
 - b. Location. Postings on the subject property shall be provided for every 100 feet of frontage (e.g. property with 150 feet of frontage must have two notices along that frontage), and within two [2] feet of the existing or proposed public right-of-way, whichever is more visible to the public.
 - c. Responsibility. Applicant's are responsible for the maintenance and visibility of all property postings through the required length of time for notice. If a posting is removed from the property or damaged to the extent that the public is not able to obtain the required information from the notice, during the noticing period, applicant's shall notify the City of the damage or removal prior to any public hearing on the application.
2. Mailings to Adjacent Property Owners. All land use applications which entail the development of property shall provide the City with a notification packet containing the following materials and information:
 - a. Stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within three hundred (300) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate;

- b. A mailing list for those adjacent owners as provided by the Utah County Recorder's office;
- c. A notification letter to be sent to adjacent property owners, which includes the information specified in paragraph C below, with any and all maps and attachments;

C. **Notice Contents:** All notices shall advise the public of not less than the following:

1. The date of the notice;
2. The exact time, location and place of the review of the proposal, as determined and scheduled by the community development department;
3. That the public has the right to be present at the meeting and to express any comments or concerns they may have regarding the proposal;
4. The exact address of the property on which the proposal would occur;
5. A detailed description of the proposal including copies of maps, plans or graphics;
6. A description of the requirement for notification;
7. The zoning of the property on which the proposal would occur;
8. A statement declaring one of the following:
 - a. The hearing outlined in the notice is to be the only review of the proposal; or
 - b. The hearing outlined in the notice is the first in a series of reviews of the proposal and:
 - (1) No further direct notification will be directly mailed to the recipient;
 - (2) Later reviews of the proposal will be noticed only through general advertisement of agendas by the city;
 - (3) City meeting agendas are advertised in the Payson Chronicle newspaper, and copies are posted at city hall, the Santaquin branch of the United States post office and at Zion's Bank; and
 - (4) It is the responsibility of the public to make themselves aware of future agendas and reviews of the proposal.

9. Contact information for the applicant and the community development department.

D. **Notice Protests:** If notice given under this chapter is not challenged in written form to the City's Appeal Authority within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper. Furthermore, if no challenge or protest is filed within 30 days after the meeting or action for which notice was given, any defect in the notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council.

Exhibit B: Redline and Strikeouts**10-6-35: PUBLIC NOTIFICATION TO ADJACENT PROPERTY OWNERS OF LAND USE APPLICATIONS:**

~~Prior to the initial planning commission review of any issue requiring notification of adjacent property owners, as defined within this code, the applicant shall mail said notice of the pending review to all such property owners, as they appear on the official and current rolls of the county assessor, as specified within this section. Notice shall be postmarked no less than fourteen (14) days prior to the meeting and sent to all property owners whose property lies in whole or in part within five hundred feet (500') of the outermost boundary of the property on which proposal would occur.~~

A. State Requirements.

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- b. A mailing list for those adjacent owners as provided by the Utah County Recorder's office;
- c. A notification letter to be sent to adjacent property owners, which includes the information specified in paragraph C below, with any and all maps and attachments;

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1. The date of the notice;
2. The exact time, location and place of the review of the proposal, as determined and scheduled by the community development department;
3. That the public has the right to be present at the meeting and to express any comments or concerns they may have regarding the proposal;
4. The exact address of the property on which the proposal would occur;
5. A detailed description of the proposal including copies of maps, plans or graphics;
6. A description of the requirement for notification;
7. The zoning of the property on which the proposal would occur;
8. A statement declaring one of the following:
 - a. The hearing outlined in the notice is to be the only review of the proposal; or
 - b. The hearing outlined in the notice is the first in a series of reviews of the proposal and:

- (1) No further direct notification will be directly mailed to the recipient;
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 - (3) City meeting agendas are advertised in the Payson Chronicle newspaper, and copies are posted at city hall, the Santaquin branch of the United States post office and at Zion's Bank; and
 - (4) It is the responsibility of the public to make themselves aware of future agendas and reviews of the proposal.
9. Contact information for the applicant and the community development department.

B. Notification Packets: ~~The applicant shall provide the city with a notification packet prior to the application deadline as a part of the required application materials for the proposal. The notification packet shall include at least the following:~~

1. ~~A copy of the signed notification letter sent to the adjacent property owners with any and all maps and attachments;~~
2. ~~A complete list of the names and addresses of all adjacent property owners within five hundred feet (500'), as obtained from the county assessor's office; and~~
3. ~~Photocopy(ies) of all receipts from an office of the United States post office which clearly displays at least the following:~~
 - a. ~~The stamped date of mailing through U.S. certified mail; and~~
 - b. ~~The names and addresses of each intended recipient, as displayed on the list obtained from the county assessor's office.~~

D. Notice Protests: If notice given under this chapter is not challenged in written form to the City's Appeal Authority within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper. Furthermore, if no challenge or protest is filed within 30 days after the meeting or action for which notice was given, any defect in the notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council.

Ms. Kamau asked when the plans would be reviewed by the Building Inspector. City Manager Chatwin indicated that the recommendation from the Planning Commission would be on the City Council agenda for approval on Wednesday, November 16, 2005. The Building Inspector would review the plans shortly thereafter.

DISCUSSION ITEMS

Discussion and Possible Action Regarding the Conditional Use Permits Process.

Commissioner Reed reported that he felt that the fees for a Conditional Use Permit required to obtain a Major Class Home Occupations Business License are excessive and the notification requirements were too strict. City Manager Chatwin indicated that sending notices to the adjacent property owners is not required by law. He explained that sending the notices for Conditional Use Permits has been modeled after other process that require sending notifications to adjacent property owners. Commissioner Reed suggested requiring that a Public Notice be posted in the local paper and postings at the Post Office, City Office and the Bank.

City Manager Chatwin indicated that the original requirement was to notify all property owners within 300' of the proposed business. He explained that the current requirement is notification of all property owners within 500' of a Major Class Home Occupation Business.

Commissioner Vincent asked for the definition of a Major and a Minor Class Home Occupation Business. Clerk Hoffman explained that a Major Class business referred to Home Occupation Business in which patrons come to the residence for service, e.g., Hair or Nail Salon, Day Care, etc., therefore creating a parking or traffic impact on the adjacent property owners. She also explained that businesses storing any kind of hazard materials or chemicals would create an impact and would be considered a Major Class Home Occupation Business.

Commissioner Goudy reported that she felt that there was still a need for the City to require the applicant to notify the adjacent property owners of the proposed business and the impacts it may create. City Manager Chatwin agreed and stated that the City needs to be business friendly, but at the same time the City has an obligation to protect the citizens of the community. He indicated that a public input period would still be required. He explained that this would give the Commission Members and adjacent property owners an opportunity to ask questions regarding the business, number of patrons serviced in a specific time period, traffic impacts, future plan, etc.

Commissioner Vincent reported that the complaints that he has received are not regarding the requirement for public input, but about the distance requirement for notification of adjacent property owners and the excessive application fee.

City Manager Chatwin reported that he has received complaints from adjacent property owners regarding the actually business type. The business owners have applied for and received a Minor Class Business License when in reality, due to the type of activities taking place, should have been required to obtain a Conditional Use Permit for a Major Class Business License. He explained that the required public input period would allow the Commissioners to ask specific questions regarding the business.

Commissioner Goudy suggested lowering the fee for a Conditional Use Permit to \$20 and amending the notification requirements to properties within 200' of the proposed business. City Manager Chatwin reminded the Commissioners that the fees are based on how much it costs to process the application. He explained that the fees need to pay for the staff's time and materials necessary to process the application. City Manager Chatwin indicated that he felt that there are certain application fees that are to

high and some that are to low. City Manager Chatwin reported that staff has made a recommendation to the City Council that all application fees be readdressed.

With no further discussion, Commissioner Goudy moved to recommend to the City Council that the Application Fee for a Conditional Use Permit required to obtain a Major Class Home Occupation Business License be lowered to \$50 and the Conditional Use Permit notification requirements be amended to the notification of all property owners within 200' of the proposed business. Commissioner Reed seconded the motion.

The vote to recommend changes to the Conditional Use Permit Process and Applicant Fee to the City Council was unanimous.

MINUTES

October 27, 2005

Commissioner Rohbock moved to approve the minutes of the October 27, 2005 meeting as corrected. Commissioner Reed seconded the motion. The vote to approve the minutes of the October 27, 2005 meeting was unanimous.

REPORTS OF OFFICIALS AND STAFF

City Council Report

Todd Starley

Council Representative Starley was not present at the meeting.

City Manager's Report

Stefan Chatwin

City Manager Chatwin reported that the City Council had accepted the recommendation from the Planning Commission with regards to the Wathen Rezone Request. He indicated that the City Council approved the rezone at an R-10 with a PUD overlay and directed staff to move forward with the amendment to the zoning map. City Manager Chatwin reported that the developers were disappointed that their request for an R-8 zone was denied, but they felt they could still make the project work in an R-10 zone.

Commissioner Goudy reported that she had read an article in the newspaper regarding age restricted housing and the problems with families moving into the housing. City Manager Chatwin recommended that the City Council together with the Developer address the requirements and restrictions to insure that the development remains an age restricted development.

City Manager Chatwin reported that he had met with Stuart Reed, an Economic Development Consultant. He indicated that Mr. Reed had some wonderful ideas. He explained that the most important things that they discussed were how to make Santaquin unique, how to be different from other cities, and how to maintain a small town feel. He indicated that they also discussed how important design guidelines were when developing commercial property.

City Manager Chatwin reported that Mr. Reed felt that Santaquin was not a golf community. He explained that Mr. Reed envisioned Santaquin as an equestrian community with numerous pedestrian, bicycle, and equestrian trails throughout the city.

Discussion and possible Staff direction with regard to a proposed Vehicle Policy

Mayor Brandon indicated the proposed Vehicle Policy was reviewed during the Work Session. The Council Members were asked to submit their comments or concerns to the Staff. Council Member Roberts indicated the employee should be given tools to do their required job without additional compensation. He disagrees with providing vehicle allowances. He continued to say that if an employee is required to drive around the City, the City should provide a way for the Employee to do this. His past experience indicates an allowance isn't always used for the purpose for which it was intended. He questioned if the Council was deemed as Employees and was eligible for mileage reimbursement. He indicated that under Section 8 He could be reimbursed for his mileage.

Council Member Askerlund is in agreement to draft his concerns and submit them to Legal Counsel Rich for review. He indicated there are employees who need vehicles more than others and each need should be reviewed as the need arises.

Mayor Brandon requested having the written comments submitted to Staff by Wednesday, November 23rd.

Discussion and possible action with regard to Final approval of the Family Dollar Commercial Development Application

City Manager Chatwin reported the Planning Commission voted unanimously to recommend Final Approval of the Family Dollar Commercial Development Application. The project is located on Main Street between 200 and 300 West. Prior to planting of trees within the planter strip, the Developer will confer with the City Staff.

Council Member Morgan questioned if the development included two businesses. He was told the second building is scheduled for a movie distributor, which would not require a delivery dock. It was reported that a block wall would surround the development with a new sidewalk being installed along Main Street. Council Member Askerlund questioned if the number of handicap parking stalls were sufficient. He was told that the plans were reviewed by the Development Review Committee and found to meet all requirements of the City. The Mayor and Council were told that the lighting for the parking lot would be attached to the Commercial building and was determined by the DRC to be adequate.

Council Member Green moved to approve the Family Dollar Commercial Development Application. Council Member Askerlund seconded the motion. Council Member Starley questioned if the motion should be contingent upon the Development Review Committee reviewing the lighting issue. City Manager Chatwin indicated the Council has the prerogative to have DRC once again review the plans. After the discussion the vote was unanimous.

Discussion and Staff direction with regard to Planning Commission's recommendations concerning Conditional Use Permits

Legal Counsel Rich reported that Legislation has recently made changes to the law pertaining to Conditional Use Permits. He cautioned the Council to be very specific as to what conditions are required in order to get the permit and include the conditions within the Ordinance. Mayor Brandon suggested directing the Staff to draft an Ordinance change pertaining to the Conditional Use Permits. Council Members Morgan and Green voiced concerns with regard to the decreasing the fee of the Conditional Use Permit pertaining to a Home Occupation. Council Member Starley

indicated he would like to have the notification radius be 200' from a certain point and not from the property line. Council Member Roberts would like to have a delineation of each zone as to what business would be allowed. Council Member Roberts said that Ronald Regan once said that the Government isn't the answer to the problem, Government is the problem. Council Member Roberts said anything that would limit bureaucracy is a step in the right direction. The Mayor and Council Members were in favor of returning this issue to the Planning Commission for further review.

Discussion and Staff Direction with regard to Transportation Enhancement Grant

Ms. Hoffman, Director of Community Development, reported there is a grant available which could be used to construct a pedestrian structure under the Center Street Bridge, construction of a 10' asphalt trail from the intersection of SR-198 to the intersection of Highland Dr. and Canyon Road, south up Canyon Road to the existing trail. The project also includes lighting and landscaping along Highland Drive and could be an extension of the Transportation Enhancement Project already in progress. She is requesting authorization to apply for the grant in the amount of \$500,000 with the City match being approximately \$125,000. She is recommending the City pay the match amount through the Park Impact Fees as well as an in-kind match. Monies will be budgeted annually from the Parks Department for maintenance of the trail and landscaping.

Council Member Green indicated he was in favor of applying for the grant. Council Member Morgan questioned if the application would be the same as they submitted this past year. Ms. Hoffman indicated the application has changed as well as the scope of the proposed project. The proposed project would be beneficial for the school aged Residents who will be attending the new Elementary School. Chief Howard reported that the proposed school boundaries were I-15 and Center Street to 400 North to the freeway. The East of town would attend the new school with the West side attending the old school. Council Member Starley questioned if putting the project on the West side of Highland Dr. was a better decision. He was told that the issue of land purchase would need to be considered if the project was moved to the opposite side of Highland Dr. The path would be required to be 10' wide which would allow plenty of area for walking. The mayor and Council Members authorized Ms. Hoffman to apply for the grant.

Discussion and possible action with regard to the SUVMWA Inter local Agreement - Council Member Morgan

Council Member Roberts moved to authorize the Mayor to sign the Inter Local Agreement. Council Member Green seconded the motion. The vote was unanimous.

Discussion of proposed agreement between SUVMWA and the Central Utah Water Conservancy District with regard to Members City's use of Strawberry Water - Council Member Morgan

The Mayor and Council were told the agreement would allow the City to have input with regard to issues pertaining to the use of Strawberry Water for secondary irrigation. Council Member Morgan suggested accepting Payson City Legal Counsel Dave Tuckett's recommendations pertaining to the agreement as he was the Legal contact with regard to drafting the agreement. Legal Counsel Rich will in be contact with Mr. Tuckett to discuss his concern with the agreement.

Discussion and possible action with regard to a City Logo

Mayor Brandon reported that a light base which will be a part of the Main Street Enhancement project was delivered to the City so the Council could examine it. The base included the painted

could be done with the new credit union. City Manager Chatwin stated that right now it has to have a wall.

Commissioner Rohbock noted that barbed wire could be used around utility stations and where farm animals are located.

Commissioner Hales asked if the language had to be repeated in each zone. City Planner Marker stated that he could look at creating a screening section applicable across zones and not repeat it. Commissioner Rohbock felt it was better to consolidate text where possible. A footnote could be placed in each zone referring to screening section. The code should be kept unified and simple.

Commissioner Bean called for break. Commissioner Rohbock motioned. Commissioner Hales seconded.

8:08 PM adjourn.

8:12 PM reconvene. Chairperson Bean called the meeting to order.

Commissioner Rohbock stated that it is a good idea to readdress screening.

Discussion regarding Notification to Adjacent Property Owners.

City Planner Marker related that it was the Commissions intent to change the required notice area from 500 feet to 200 feet from property lines for home occupations needing a Conditional Use Permit.

Commissioner Bean expressed they wanted a way to make the application process equitable and make applicants happy. City Planner Marker stated that a quick fix would be to put a sentence in the ordinance that allows the Community Development Director to shrink the required area based on impacts. Commissioner Bean questioned how that would keep things equitable. Commissioner Rohbock noted that the burden would then be placed on the city manager. City Planner Marker stated that the city manager could delegate.

Commissioner Hales stated that the City could put up a sign on property regarding any proposal. That would notify most of the people who live in community or that would be impacted.

Commissioner Goudy expressed that right now public notices go to three places that most people don't frequent. The City's website is not always user friendly and the commission agenda is not usually on the website or channel 10. How can residents get information if it's not updated? She felt a sign on the property was a good idea. Commissioner Rohbock said that as long as the appropriate date, time and contact information was available and the property owner was responsible to put up sign, he liked the idea. Commissioner Hales stated that the posting should be on any road that fronts the property. City Manager Chatwin stated that the City's sign ordinance would not permit notices to be posted on utility poles or as snipe signs. It may need to be revised to allow for the public notices. Commissioner Hales stated that the city should be putting up the signs. City Manager Chatwin stated that it would be too costly for city. Commissioner Hales suggested the city puts up signs but charged the developers or petitioner for the use. Signs could be standard and the City provides the necessary information. Commissioner Bean suggested making a vinyl sign with certain text that could be reused.

City Planner Marker stated that posting on the property is one way the State says a city can notice the public. For other applications, cities must do certain things IE: postings, mailings, papers, etc. The State does not say how to notice Conditional Use Permits (CUP) hearings. The City can, instead of certified mailings, post on property for a certain number of days. Some commercial uses require a CUP.

Commissioner Bean stated that not all major home occupations should be CUP. City Planner Marker stated that the commission could just address home occupations tonight and leave all other noticing requirements for the future.

Commissioner Bean expressed a concern that if the applicants posted the notices on the properties, the notices would not be consistent and possibly be made out of cardboard and marker. Commissioner Goudy suggested specifying what types of notice materials could be used. Commissioner Rohbock noted that this whole noticing process is for the public and not to deduce costs for the applicant.

City Manager Chatwin related that the City doesn't want to discourage someone wanting to have a nail salon in their home because of the cost prohibitive requirement of certified mailings. The City wants to encourage business owners to get a license. Commissioner Rohbock reiterated that the commission was just looking at home occupations needing a conditional use. City Planner Marker stated that the same requirements could pertain to all applications needing to be noticed. Commissioner Bean suggested posting of property for all applications. Public would be better served if there were a sign on the property.

City Planner Marker would work on language that home occupations must post the property and not have to provide certified mailings.

Discussion regarding Code Amendment for Planning Commission Terms and Appointments.

Commissioner Bean asked that the commission move onto the next code amendment.

Commissioner Rohbock felt that it didn't matter if the terms of appointment were changed from 5 to 3 years, as long as the seats were filled. Commissioner Bean asked what the term lengths were in surrounding communities. City Planner Marker related that the average between Payson, Springville, Spanish Fork, Mapleton, Provo and Genola was 4 years. Commissioner Goudy stated that it takes 1 year to get your feet wet. Three years is too short. Four years just allows a commissioner to find out what they're doing. City Manager commented that with 3 year terms and the possibility of an additional 3 years, that allows for a 6 year term. Does two 5 year terms discourage individuals because it would be too long? Councilmember Starley stated that with the 5 year term, he knows of several people who have never filled their full terms. Is 5 years too long for some? Yes.

Commissioner Rohbock questioned why there were proposed changes to the appointment process. Commissioner Bean expressed his concern that right now the vacancies are noticed to the public, those applicants is presented to the Mayor to accept or reject after a committee vote. The Mayor has full power to choose the commissioners. If the selection committee process is deleted, then where would the Mayor get commission applicants? City Planner Marker noted that the proposed language would not negate the possibility of advertising the positions. Commissioner Bean questioned what was wrong with the procedure now. It does not take power away from mayor. City Manager Chatwin stated that because of his involvement in the process, he was not appointed nor staff hired to make those recommendations. It also influence that staff should not have. The ordinance does not have mayor as part of interview and if he/she making appointment, he/she should be part of process. Commissioner Bean does not think the current system is broken.

Commissioner Reed stated that the commission should just change the time period.

Commissioner Rohbock questioned what happen to the possibility of having alternate commissioners. Commissioner Reed noted that it is difficult to keep alternate commissioners up to speed.

Public Hearing regarding Notification to Adjacent Property Owners.

Commissioner Bean moved to open the Public Hearing regarding Notification to Adjacent Property Owners. Commissioner Goudy seconded the motion.

With no individuals in attendance, Commissioner Hales moved to close the Public Hearing regarding Notification to Adjacent Property Owners. Commissioner Goudy seconded the motion.

The vote to close the Public Hearing regarding Notification to Adjacent Property Owners was unanimous.

Discussion and possible action regarding the proposed Code Amendment to Conditional Uses; §10-6-35 Notification to Adjacent Property Owners.

Commissioner Goudy indicated that the word "applicant's" on the second line of the State requirement should be changed to "applicant". She indicated that the applicant should be responsible to make sure property remains posted for the required notification time. She stated that the City should post the signs to maintain uniformity and then include the posting expense in the cost of the permit.

City Planner Marker expressed his concern that the liability would lie with the City. He stated that the Planning Commission would be setting the standards for providing uniform materials only and the property owners would be responsible for the postings and they would insure that the postings remain on the property for the required time.

Commissioner Bean suggested that the notification distance be changed from the current 500' to 300'. City Planner Marker showed examples of the noticing distances required by current ordinance and properties to be noticed with smaller radius distances.

Commissioner Bean suggested that Section B-1-b, posting position, be changed from the center of the frontage to every 100'. He indicated that he would like the height of the sign to be higher.

With no further discussion, Commissioner Hale moved to recommend approval to the City Council of the Code Amendment to Conditional Uses §10-6-35, Notification to Adjacent Property Owners based on staff making the appropriate changes discussed during the meeting. Commissioner Goudy seconded the motion. The vote was as follows:

Commissioner Goudy – Aye
Commissioner Callahan – Nay
Commissioner Hales – Aye
Commissioner Bean – Aye

The vote to recommend approval to the City Council to Amend Code 10-6-35, Conditional Use Notification to Adjacent Property Owners passed with a majority vote.

Commissioner Callahan voted against the motion because she felt the 500' noticing distance would better serve the public. She stated that this was for the subdivision only and indicated that the 300' notification for the smaller subdivision was adequate.

Public Hearing regarding Code Amendment for Planning Commission Terms and Appointments.

Commissioner Bean moved to open the Public Hearing regarding the Code Amendment for Planning Commission Terms and Appointments. Commissioner Hales seconded the motion.

Exhibit B: Redline and Strikeouts

10-6-35: PUBLIC NOTIFICATION TO ADJACENT PROPERTY OWNERS OF LAND USE APPLICATIONS:

Prior to the initial planning commission review of any issue requiring notification of adjacent property owners, as defined within this code, the applicant shall mail said notice of the pending review to all such property owners, as they appear on the official and current rolls of the county assessor, as specified within this section. Notice shall be postmarked no less than fourteen (14) days prior to the meeting and sent to all property owners whose property lies in whole or in part within five hundred feet (500') of the outermost boundary of the property on which proposal would occur.

A. State Requirements.

1. All public notices shall be in accordance to the Utah state code.
2. Where State law requires municipalities to provide specific public noticing based on the type of land use application to be reviewed, each applicant shall compensate the City for all costs associated with noticing the applicant's request. The rate of compensation shall be determined in accordance with the City's fee schedule or by calculating the actual cost associated with the notice.

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Deleted: any costs incurred due to the specific noticing of such applicant's request

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Deleted: through appropriate application fee adjustments or actual cost of noticing, whichever is less.

B. Additional Requirements. The following shall apply to any land use application, which must be noticed to adjacent property owners, as defined within this or State code.

1. Postings on Property. Notice to the public shall be posted on the subject property for all land use applications, under the following guidelines.
 - a. Length. Notice shall be provided not less than fourteen [14] calendar days prior to any public hearing on the application.
 - b. Location. Postings on the subject property shall be provided for every 100 feet of frontage (e.g. property with 150 feet of frontage must have two notices along that frontage), and within two [2] feet of the existing or proposed public right-of-way, whichever is more visible to the public.
 - c. Responsibility. Applicant's are responsible for the maintenance and visibility of all property postings through the required length of time for notice. If a posting is removed from the property or damaged to the extent that the public is not able to obtain the required information from the notice, during the noticing period, applicant's shall notify the City of the damage or removal prior to any public hearing on the application.

Comment [bbr1]: Are you sure you want to exclude the possibility of mailing as provided in § 10-9a-206? This requirement may also conflict with the provisions of § 10-9a-205.

Comment [bbr2]: This requirement is more restrictive than is the Utah Code.

Comment [bbr3]: How does the City assure that this has happened and what if the sign is prematurely removed?

2. Mailings to Adjacent Property Owners. All land use applications which entail the development of property shall include a notification packet containing the following materials and information:

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- a. Stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within three hundred (300) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate;
- b. A mailing list for those adjacent owners as provided by the Utah County Recorder's office;
- c. A notification letter to be sent to adjacent property owners, which includes the information specified in paragraph C below, with any and all maps and attachments;

- C. Notice Contents: ~~The All notices shall advise each property owner the public of not less than the following:~~

1. The date of the notice;
2. The exact time, location and place of the review of the proposal, as determined and scheduled by the community development department;
3. That the public has the right to be present at the meeting and to express any comments or concerns regarding the proposal;
4. The exact address of the property on which the proposal would occur;
5. A detailed description of the proposal including copies of maps, plans or graphics;
6. A description of the requirement for notification;
7. The zoning of the property on which the proposal would occur;
8. A statement declaring one of the following as applicable:
 - a. The hearing outlined in the notice is to be the only review of the proposal; or
 - b. The hearing outlined in the notice is the first in a series of reviews of the proposal and:
 - (1) No further direct notification will be directly mailed to the recipient;

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(2) Later reviews of the proposal will be noticed only through general advertisement of agendas by the city;

(3) City meeting agendas are advertised in the Payson Chronicle newspaper, and copies are posted at city hall, the Santaquin branch of the United States post office and at Zion's Bank; and

(4) It is the responsibility of the public to make themselves aware of future agendas and reviews of the proposal.

9. Contact information for the applicant and the community development department.

B. Notification Packets: The applicant shall provide the city with a notification packet prior to the application deadline as a part of the required application materials for the proposal. The notification packet shall include at least the following:

1. A copy of the signed notification letter sent to the adjacent property owners with any and all maps and attachments;

2. A complete list of the names and addresses of all adjacent property owners within five hundred feet (500'), as obtained from the county assessor's office; and

3. Photocopy(ies) of all receipts from an office of the United States post office which clearly displays at least the following:

a. The stamped date of mailing through U.S. certified mail; and

b. The names and addresses of each intended recipient, as displayed on the list obtained from the county assessor's office.

D. Notice Protests: If notice given under this chapter is not challenged in written form to the City's Appeal Authority within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper. Furthermore, if no challenge or protest is filed within 30 days after the meeting or action for which notice was given, any defect in the notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council.