

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, August 03, 2005, in the Council Chambers, 45 West 100 South, at 7:00 P.M.

### 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 meeting held on July 20, 2005
5. **PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS**

**Public Forum will be held to a 30 minute maximum with each speaker given no more than 5 minutes each. If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement**
6. **FORMAL PUBLIC HEARINGS**
7. **UNFINISHED BUSINESS**
  - a. Discussion with regard to the Wathen Rezoning Request
8. **NEW BUSINESS**
  - a. Discussion and possible action with regard to the Appointment of new City Council Member
  - b. Discussion and possible action with regard to the Don Kay Single Lot Split
  - c. Acceptance of the Certification pertaining to the Cherry Acres Annexation
  - d. Discussion and possible action with regard to the City Planner position
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
  - a. Ordinance 07-01-2005 "An Ordinance Amending The Santaquin City Code Providing For Street Lighting And Street Signage Requirements" (Agenda packet information previously distributed)
  - b. Ordinance 07-02-2005 "An Ordinance Amending The Santaquin City Zoning Map."
  - c. Resolution 07-01-2005 "Santaquin City Fee Schedule" (Agenda packet information previously distributed)
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
  - City Manager**
    - a. ULCT conference
    - b. Cricket Abatement Re-imbursement
  - Planning Commission**
    - a. General update
13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
  - Mayor**
    - a. Red-Eye Survey for public swimming pool
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: \_\_\_\_\_  
Darlene Gray, Deputy Recorder

**POSTED:**  
CITY CENTER  
POST OFFICE  
ZIONS BANK

**MINUTES OF A COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
August 3, 2005**

Mayor Brandon called the meeting to order at 7:00 P.M. Council Members attending: Wesley Morgan, Martin Green, Tracy Roberts and Todd Starley.

Staff attending: City Manager Stefan Chatwin, Administrative Assistant Shannon Hoffman, Legal Counsel Brett Rich and Deputy Recorder Darlene Gray.

Others attending: Boyd Wathen, Matt Wathen, Joy Hopper, Keith Broadhead, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Council Member Starley led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Council Member Morgan offered an invocation.

**CONSENT AGENDA**

***Approval of the minutes***

***Approval of minutes of the Special Meeting held on July 6, 2005.***

***Approval of the minutes of a Regular Meeting held on July 7, 2005.***

Council Member Green moved to approve the Consent Agenda. Council Member Morgan seconded the motion.

City Manager Chatwin reported that the accounts payable reported was not available.

Mayor Brandon thanked Council Member Morgan for editing and submitting the corrections and changes for the meeting minutes.

Without further discussion, the vote was unanimous.

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

Ms. Hopper approached the Council Members and explained that she was representing a group in Utah County to request use of the City building Friday mornings from 9:00 AM to 12:00 noon to teach classes to home-school children. She indicated that ideally, a few different class rooms would be preferred.

Mayor Brandon asked if Ms. Hopper had met with City Manager Chatwin regarding her request. Ms. Hopper responded in the negative. Mayor Brandon stated that he was not sure if the space requested was available. Ms. Hopper asked if the gymnasium would be available. City Manager Chatwin indicated that the City's fee schedule dictates a rental of the facility and it would be up to the Council Members if they would waive the rental fee.

Council Member Roberts asked Ms. Hopper if the classes would be open to any member of the public. Ms. Hopper responded that it would but indicated that the group would be open to anyone who would want to join. She stated that the group is a non-profit, educational group where there would be classes taught by mothers; three per ten children per classroom.

Council Member Morgan asked what type of curriculum or objectives would be taught. Ms. Hopper stated that the classes would be fairly typical to elementary school classes; kindergarten

or elementary age. Council Member Morgan asked if there would be older students. Ms. Hopper stated that it would be elementary school aged, home-schooled children. Council Member Roberts asked how many students would be in each class. Ms. Hopper stated that she did not have any other details.

Mayor Brandon asked if Ms. Hopper had a packet or curriculum that the Council Members could review. Ms. Hopper responded in the negative. She added that currently students are being taught in various areas.

Council Member Starley asked if she was requesting the building use for an entire school year. Ms. Hopper stated that the terms would be in six week increments. She stated that if someone wanted to try the program for six weeks, then arrangements could be made.

City Manager Chatwin suggested Ms. Hopper meet with him regarding the specifics, issues regarding insurance, etc. and then he would provide the information in a meeting with the City's Legal Counsel.

Council Member Green asked if the students were all Santaquin residents. Ms. Hopper indicated that the students were mostly from the South Utah County area. Council Member Starley asked for a rough estimate of students. Ms. Hopper guessed around 24 students. She added that the students are not charged a fee for the classes. Mayor Brandon asked Ms. Hopper to meet with City Manager Chatwin.

#### **FORMAL PUBLIC HEARINGS**

Nothing.

#### **UNFINISHED BUSINESS**

##### ***Discussion with regard to the Wathen Rezoning Request.***

Mayor Brandon asked for approval from the Council Members to move to agenda items 10 a, b, and c forward so Legal Counsel could be excused.

With no objection from the Council Members, agenda item 10.a Ordinance 07-01-2005 "An Ordinance Amending the Santaquin City Code Providing for Street Lighting and Street Signage Requirements" moved forward in the meeting, as did Ordinance 07-02-2005 "An Ordinance Amending The Santaquin City Zoning Map" and Resolution 07-01-2005 "Santaquin City Fee Schedule."

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

##### ***Ordinance 07-01-2005 "An Ordinance Amending The Santaquin City Code Providing for Street Lighting and Street Signage Requirements"***

Council Member Green moved to approve Ordinance 07-01-2005 "An Ordinance Amending The Santaquin City Code Providing For Street Lighting And Street Signage Requirements". Council Member Morgan seconded the motion.

City Manager Chatwin reported that the Council Members had tabled this item in a previous meeting because of confusion with the wording in section 16.28.d. Administrative Assistant Hoffman distributed the corrected documentation regarding street light spacing. City Manager Chatwin reported that Legal Counsel Rich had prepared the re-draft. Legal Counsel Rich

suggested the Council Members review the Code in general. He stated that he is comfortable with the changes made.

After a brief discussion, the vote was as follows:

**ROLL CALL**

Council Member Roberts – Aye.  
Council Member Starley – Aye.  
Council Member Morgan – Aye.  
Council Member Green – Aye.

***Ordinance 07-02-2005 “An Ordinance Amending The Santaquin City Zoning Map”***

Council Member Starley moved to approve Ordinance 07-02-2005 “An Ordinance Amending The Santaquin City Zoning Map.” Mayor Brandon asked if the approval of the amendment to the zoning map would include the Wathen Rezone. City Manager Chatwin responded in the affirmative. Council Member Morgan seconded the motion.

The vote was as follows:

**ROLL CALL**

Council Member Roberts – Aye.  
Council Member Starley – Aye.  
Council Member Morgan – Aye.  
Council Member Green – Nay.

***Resolution 07-01-2005 “Santaquin City Fee Schedule”***

Council Member Morgan moved to approve Resolution 07-01-2005 “Santaquin City Fee Schedule”, with the modified fee schedule provided in the Council Member’s packets. Council Member Roberts seconded the motion.

Council Member Morgan asked for clarification regarding the street sign costs. Ms. Hoffman responded that the signs had been discussed, but not the pricing. Council Member Morgan stated that the four contracts had been discussed in a prior meeting and stated that there was a subtle difference in the lighting contracts. Ms. Hoffman stated that the contracts had separated the cost of the light from the installation. She added that the Ordinance gave the option of having the City install the signs or contracting the work out.

Council Member Morgan asked if the landfill rate for disposal of certain items had changed. Ms. Hoffman indicated that the landfill rate was an increased charge. She stated that the amount currently charged did not cover the cost of the receptacle. Council Member Morgan stated that the term ‘load’ was not defined. Ms. Hoffman indicated that she would review the wording. She added that the City wanted to reduce the dumping of items not allowed in the City landfill. She reported that the City would want to avoid the State closing the landfill because of abuse by residents dumping unauthorized items.

Mayor Brandon asked the Council Members if they would consider approving the amended Fee Schedule and then reviewing those items that they questioned. Legal Counsel Rich suggested

removing the landfill cost and approving the amended schedule. He would review the schedule and then, with corrections made and questions answered, revisit the fee schedule at a later date.

Council Member Morgan asked if the Police Department fees were new. Ms. Hoffman responded in the affirmative. Council Member Starley asked why victims of domestic abuse were not charged a fee to obtain copies of reports. Ms. Hoffman could not respond to the question and stated that Police Chief Howard was not available. Council Member Roberts asked for the rationale for the City to charge for Police reports. Legal Counsel Rich responded that the Police department have received a number of requests for copies. He stated that the reports cost more than the \$.05 per copy.

Council Member Morgan stated that the fee is acceptable, but would like to delete the statement regarding no charge to the victims of domestic abuse. Legal Counsel Rich stated that he would strike the second sentence so the section would read "Governmental agencies shall be assessed no fees."

Council Member Morgan amended his motion to include the striking of the second sentence and to include modifying the first sentence as stated by Legal Counsel. He amended the motion to include the temporary deletion of the disposal charge for illegal refuse until staff and Legal Counsel can review the document. Council Member Roberts thanked whoever put together the fee schedule indicating that it was easy to recognize the proposed changes. Council Member Roberts accepted the amended motion.

The vote was as follows:

**ROLL CALL**

Council Member Roberts – Aye.  
Council Member Starley – Aye.  
Council Member Morgan – Aye.  
Council Member Green – Aye.

Mayor Brandon excused Legal Counsel Rich at 8:04 PM.

Mayor Brandon indicated that the Council Members would return to agenda item 8, New Business.

**NEW BUSINESS**

***Discussion and possible action with regard to the Appointment of a new City Council Member.***

Council Member Green moved to table the discussion and possible action with regard to the Appointment of a new City Council Member until the regularly scheduled meeting of August 17, 2005. Council Member Roberts seconded the motion.

The vote was unanimous.

***Discussion and possible action with regard to the Don Kay Single Lot Split.***

Mayor Brandon explained that the Planning Commission had recommended approval of the Don Kay Single Lot Split.

Council Member Roberts moved to accept the recommendation to approve the Don Kay Single Lot Split. Council Member Starley seconded the motion.

Planning Commissioner Vincent reported that the lots were in the core part of town and indicated that no infrastructure improvements were required. He stated that his concern in looking at the single lot split on a development review basis would be to make sure there would be appropriate street lighting and fire hydrants. He stated that he felt the Development Review Committee should ensure the property meets safety and utility requirements. Council Member Roberts stated that there were power poles and hydrants shown on the map. Mayor Brandon indicated that all issues had been discussed in the Planning Commission meeting and added that all issues taken been taken care of.

Council Member Morgan questioned the possibility of a property owner splitting ten acres through the Single Lot Split process and then a year or so later splitting the lot again. City Manager Chatwin responded that there is nothing in the Code that would regulate that. He reported that the Single Lot Split process would be looked at. Council Member Green stated that this should be discussed in a work session with the Planning Commissioners.

Without further discussion, the vote was unanimous.

***Acceptance of the Certification pertaining to the Cherry Acres Annexation.***

City Manager Chatwin indicated that this agenda was simply a notification of the Certification pertaining to the Cherry Acres Annexation and was not an action item.

Council Member Morgan stated that the Planning Commission meeting minutes stated that Mayor Brandon reported that water would have to be brought to the City at the time of annexation. City Manager Chatwin stated that the minutes were a draft of the meeting and had not as yet been approved.

Mayor Brandon reported that Mr. Rowley wanted to annex a small area and approached the City to discuss water, frontage, access roads, etc. City Manager Chatwin stated that he would request the Planning Commission minutes be amended. He stated that Mayor Brandon's comment was in regards to water being brought to the City at the time of development.

Mayor Brandon commented that during the Planning Commission meeting Mr. Rowley realized there were several of issues that would be need to be resolved before he could proceed with his petition for annexation. City Manager Chatwin stated that staff would look at the process and flow charts because there was no requirement of a pre-petition meeting.

***Discussion and possible action with regard to the City Planner position.***

Council Member Morgan stated that the City Planner position had been discussed in a previous work session. Mayor Brandon stated that he was looking for the Council Member's direction regarding the possibility of putting out feelers and find out what other cities do. He indicated that the information would be brought back to the Council Members so they might be able to take action on this. Council Member Morgan stated that he felt it would be a good idea to place a classified ad or to survey other cities to see if they have a part-time planner. Council Member Roberts stated that the City was not prepared to place an ad if it did not know what action it was going to take. Council Member Green concurred, stating that there were too many other things to

resolve. Council Member Starley stated that City Manager Chatwin had mentioned the possible shifting of the City Planner responsibilities to himself and other current City employees.

Council Member Roberts moved to have staff research the City Planner position by contacting similar sized cities throughout the County or region to gather information with the possibility of an internship and utilizing the Planning Commission more than they have been used in the past. Council Member Starley seconded the motion.

Council Member Green asked if the motion should include City Manager Chatwin's option regarding the restructuring of the Planner responsibilities. City Manager Chatwin stated that he had not made a recommendation regarding what staff would do, but had only presented different options.

Council Member Roberts amended his motion to include option 3 that was presented to the Council Members by City Manager Chatwin. Option 3 suggests:

the distribution of duties within the existing staff to include the City Manager carrying the planner responsibilities.

Some organization restructuring would be required.

\$40,000 budget would be used as needed for salary adjustments; a part-time Code enforcement officer, additional administrative support, Economic Development Consultant or training and equipment.

Council Member Starley accepted the amendment to the motion. Mayor Brandon stated that he would like a time-frame added to the motion. Council Member Roberts stated that this was a critical issue and needed to be taken care of in the near future. Council Member Roberts indicated that the information would be available by August 17, 2005. City Manager Chatwin reported that he would be prepared to present any information to the Council Members by August 17, 2005.

The vote was unanimous.

## **BUSINESS LICENSES**

Council Member Starley indicated that there were no business license applications to review.

## **PETITIONS AND COMMUNICATIONS**

Nothing.

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

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

#### ***Utah League of Cities and Towns.***

City Manager Chatwin reported that he had included the Utah League of Cities and Towns agenda in the Council Member packets. He asked that they contact him within the next two weeks if they would be attending any of the meetings.

#### ***Cricket Abatement Reimbursement***

City Manager Chatwin reported that he had included in their packets a letter explaining that the reimbursement check had been received. Council Member Roberts expressed his appreciation for the efforts put forth by City Manager Chatwin.

***Planning Commission***

Commissioner Vincent reported that the Planning Commissioners reviewed the Don Kay Single Lot Split and the Tod Rowley Annexation requests.

Council Member Roberts informed Commissioner Vincent that part of a motion made in the meeting was to utilize the Planning Commissioner more and asked how the commissioner would feel. Commissioner Vincent indicated that he has spoken with several of the commissioners and they have expressed a desire to participate more in the City processes. He reported that they would like to be more involved so they could make better decisions for the City. Mayor Brandon stated that Planning Commission Clerk Gray would accept Business Licenses applications for the Planning Commissioners to review and then submit their recommendation to the City Council.

**REPORTS BY MAYOR AND COUNCIL MEMBERS**

***Mayor***

***Red-eye survey for public swimming pool***

Mayor Brandon distributed a document regarding the swimming pool issue. He stated that the *Payson Chronicle* reported information regarding the Payson City swimming pool. He indicated that Payson City had hired a firm to do a survey for a public swimming pool and included all the recreational departments. He reported that the Payson City's annual budget for the swimming pool was \$118,000 and indicated that the City had lost money, but not that much. He stated that it could be an option for Santaquin City to find out what a survey would cost the City. He indicated that the survey had cost Payson City \$2,700.00. Mayor Brandon stated that he would direct staff to look into the cost of such a survey.

Council Member Starley asked if it was too late to include the swimming pool on the ballot. Mayor Brandon responded in the affirmative. Council Member Starley stated that he thought a survey had been done approximately five years ago. City Manager Chatwin indicated that the survey data were inputs to the Master Plan. Council Member Morgan responded that they were. Council Member Starley asked if those results could be used now. Council Member Green stated that the survey had been done over five years ago adding that the City had grown.

Mayor Brandon asked that the Council Members call him with any and all concerns and feelings.

Mayor Brandon reported that he and City Manager Chatwin would be traveling to Salt Lake City to meet with the CIB.

Council Member Roberts reported that the Children's Parade would be help on Thursday with popsicles at 7:00 PM. He asked for help from anyone who would be available.

Council Member Starley asked if there was any time line regarding the Animal Service District agreement. Council Member Roberts explain that the draft distributed to the Council Members in a prior meeting was a draft and nothing was official as yet.

Council Member Starley reported that Santaquin Days was fast approaching and stated that he would need help with scooping ice cream from 11:00 AM to 3:00 PM. He reported that the ice cream eating contest would be at 1:00 PM.



Council Member Starley asked for the status of the North Santaquin Orchard Annexation. City Manager Chatwin reported that he had spoken with the engineer from L E I Engineering and they indicated that the property owners were regrouping to try to determine what other buyers may be interested in the property. Council Member Starley asked if the determination of extending 300 East and 400 East were on hold. Council Member Roberts responded that the Council Members had made the decision to widen 300 East.

Council Member Morgan asked for clarification regarding the regrouping. City Manager Chatwin reported that the property owners were looking for new potential buyers because Fieldstone Homes had completely back out of the development. Council Member Morgan stated that he had heard second-hand reports that the mayor and the city manager had been crude and insulting to Fieldstone Homes. Mayor Brandon responded that he had been involved in the last meeting, did not think anyone from the City had behaved that way. He stated that the conversation involved the fact that Fieldstone had interpreted something into the Annexation Agreement that the City felt was unacceptable. The City then asked Fieldstone to come back to the City with hard numbers and reported that Fieldstone never returned. City Manager Chatwin stated that in defense of himself, when the discussion happened, Fieldstone made it clear that Santaquin City needed to sit back and let them do what they wanted to do. He stated that he and the Mayor listened to their proposal and the statement from Fieldstone representatives indicating that the Annexation Agreement was garbage. He reported that there had been no arguing, but stated that the City did not give in to Fieldstone. Council Member Morgan reported that one comment made was that both the City Manager and the Mayor had made comments regarding the poor quality of Fieldstone housing.

Council Member Morgan reported that there is a house for sale on the southeast corner of 100 East and 200 North. He indicated that there are juniper bushes in the City right-of-way that obstruct the view of drivers. City Manager Chatwin indicated that he would have the City public work crew look into removing the bushes.

Council Member Morgan asked what direction the traffic entering the Pizza Gallery drive-up window would come from. City Manager Chatwin responded that the Utah Department of Transportation (UDOT) had been involved in the access to the drive-up and had given their approval regarding the flow of traffic.

Council Member Morgan stated that he was expecting information regarding an ordinance regulating sexually oriented business. City Manager Chatwin stated that the assignment to gather information would have been delegated to the City Planner. Council Member Morgan stated that the issue had come before the Council Members more than once and indicated that Legal Counsel was supposed to come back to the Council Members with information. Mayor Brandon indicated that this would be an item for discussion on the next Council agenda.

Council Member Morgan expressed his concern regarding the memo the Council Members received from City Recorder Farnsworth regarding no election activities in the City building at any time. He asked how this could apply to any other time other than Election Day. He stated that the Senior Center would be the ideal place for candidates to hold their meetings. He asked if the City could possibly be over reacting or did the State Code really state that. City Manager Chatwin responded that the State Code was very strict regarding campaigning, but added that he would clarify it with Legal Counsel Rich.

Council Member Morgan asked Mayor Brandon for an update from the mayors meeting regarding the South Utah Valley Municipal Water Association Interlocal Agreement. Mayor Brandon reported that there was nothing to report other than the City's comments had been turned in.

Council Member Morgan asked what the duties of the Council Members would be regarding the Santaquin Days parade. Council Member Green responded that any Council Member who would be available should meet at 8:45 AM at the cross roads where the parade would start on Saturday morning to judge the floats. He reported that the floats would be there by 9:00 AM and the parade would start at 10:00 AM. Council Member Morgan reported that there was a nice list of the float entries in the *Payson Chronicle* and indicated that it would be handy for the judges to have a copy of the list. Council Member Green stated that he would have a list for each of the Council Members. Council Member Green reported that Dick Norris from Channel 5 News would be here.

Council Member Green asked Council Member Roberts for information regarding the rodeo. Council Member Roberts indicated that he had heard nothing about the rodeo.

Council Member Green reported that he had spoken with Kirk Rogers, Utah Community Credit Union (UCCU) representative regarding their plans to start their building here. He reported that UCCU is still very interested in coming to Santaquin, but indicated that they were in the process of finishing new buildings in Highland and Heber. Mr. Rogers stated that it would be helpful for the City to express its interest in UCCU building in Santaquin at the credit union's next Board of Directors meeting.

Council Member Green requested an update regarding the Pressurized Irrigation system. He asked is the City was still looking at a connection or monthly charge, senior citizen help, etc. Mayor Brandon stated that the figures that the Council Members had seen were constant figures and reported that the only way figures would change would be if the project came in under budget. City Manager Chatwin reported that JUB Engineering had been mapping out the town for the PI lines. Council Member Morgan asked who was supervising JUB. City Manager Chatwin reported that City Engineer Fullmer has been supervising the work. Council Member Morgan asked if the City has been receiving written reports from JUB. He stated that a project of this magnitude should have records kept.

Council Member Starley requested a cost estimate to complete the curb and gutter at 400 South and 500 East. He asked that City Manager Chatwin research the possibility of curb, gutter and sidewalk at that location.

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

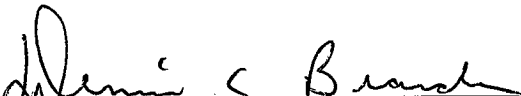
**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)  
Nothing

**ADJOURNMENT**

At 9:00 P.M. Council Member Green moved to adjourn the meeting. Council Member Starley seconded the motion.

The vote was unanimous.

Approved on August 17, 2005.

  
Dennis Brandon, Mayor

  
Darlene Gray, Deputy Recorder