

**NOTICE AND AGENDA
AMENDED 7-19-05 1010**

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, July 20, 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 Special Meeting held on July 06, 2005
 2. Approval of the minutes of a Regular Meeting held on July 07, 2005
 - b. Bills -\$73,716.22
- 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

 - a. Public Hearing with regard to the Issuance and Sale Of Not More Than \$1,300,000 Aggregate Principal Amount of Sales Tax Revenue and Refunding Bonds, Series 2005 of Santaquin City, Utah (information contained in Resolution 06-03-2005)
- 6. FORMAL PUBLIC HEARINGS**
- 7. UNFINISHED BUSINESS**
 - a. Authorization for the Mayor to sign the Purchase Agreement for a Fire and Rescue Truck owned by Provo City
- 8. NEW BUSINESS**
 - a. Authorization for the Mayor to sign the UDOT Co-op Agreement for the Transportation Enhancement along Main Street
 - b. Authorization for the Mayor to sign the Mountain States Street Lighting Contracts
 - c. Authorization for the Mayor to sign the renewal Government Building Cleaning Contract
 - d. Acceptance or rejection of the submitted sealed bids for surplus items
 - e. Discussion and possible action with regard to the Wathen Rezoning Request
 - f. Recommendation from City Engineer with regard to setting fee associated with money in lieu of water
 - g. Petition to bring money in lieu of water for the development of the Oak View Hills Subdivision (Jarvis/Bastian)
 - h. Approval of bids associated with the demolition of the existing buildings on the new Public Safety Building site
- 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"
- 11. PETITIONS AND COMMUNICATIONS**
- 12. REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
 - a. City Manager
 1. Update on the time line for City Council Member appointment
 2. Employee Summer Party
 - 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

Susan B. Farnsworth, City Recorder

POSTED: CITY CENTER, POST OFFICE, ZIONS BANK

**MINUTES OF A COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
July 20, 2005**

Mayor Brandon called the meeting to order at 7:03 P.M. Council Members attending: Wesley Morgan, Martin Green, and Todd Starley.

Mayor Brandon read a brief statement regarding the projects he would like to complete in his short time to finish his mayoral term. (Attachment #1).

Mayor Brandon asked that the records indicate that Council Member Roberts was excused.

Staff attending: City Manager Stefan Chatwin, Fire Chief Shayne Bott, Fire Fighter Chris Lindquist, Fire Fighter Jesse Smith, Fire Fighter Keith Broadhead, Fire Fighter Dan Olson, Fire Fighter Stephan Olson, City Engineer Shon Fullmer, Administrative Assistant Shannon Hoffman, Legal Counsel Brett Rich and Deputy Recorder Darlene Gray.

Others attending: Boyd Wathen, Matt Wathen, Zion's Bank Representative Johnathan Ward, Planning Commissioner Allen Reed, Jack Jarvis, Cari Breckenridge, Edith Jarvis, Brandon Schank, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Council Member Green led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Fire Chief Bott 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.

Bills - \$73,716.22

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

Mayor Brandon asked Mr. Ward to explain the sales tax revenue / collateral issue the Council Members discussed on July 6, 2005. Mr. Ward explained that under the sales tax revenue bond, Wells Fargo Bank would be able to garnish sales tax revenue if there were insufficient funds to cover the loan payment.

Council Member Starley requested information on the payment to Christensen Oil. Engineer Fullmer explained that the payment was for fuel. Council Member Starley asked if the payment to Utah Power and Light was for one month. City Manager Chatwin responded in the affirmative and explained that the amount was for all power used by City facilities and the street lights.

Without further discussion, the vote was unanimous.

Mayor Brandon asked for the Council Members approval to move agenda item 12.b Planning Commission Update to this point in the meeting so the Council Members would have the Planning Commissioners comments when they refer to any of the balance of the agenda items. The Council Members agreed to the agenda item shift.

**Planning Commission
General Update**

Commissioner Reed reported that the Planning Commissioners approved the Conditional Use Permit Request for JoAnn Candelaria, Dog Daze Groomery. He reported that no one responded to the Public Hearing and the Conditional Use Permit was approved for 1 year. Council Member Morgan asked if the business would include a kennel. Commissioner Reed responded in the negative explaining that the business would be 'drop off and care only'.

Commissioner Reed reported that other issues discussed included street lighting and street signs. Commissioner Reed reported that the Commissioners were concerned with Section A.2 regarding a developer who decides to bid out the street lighting installation in a development. The section stated that before the developer could obtain a building permit, all the lighting installation would have to be completed. The Commissioners were concerned with the language regarding the installation being completed within a "reasonable amount of time." Commissioner Reed stated that the Commissioners were concerned with the possibility of the City holding up a building permit if the City were installing the street lights and signs.

Council Member Roberts arrived at 7:16 PM.

Commissioner Reed reported that the Planning Commission reviewed the Code Amendment regarding Subdivision Platting and Utilities. He stated that the Commissioners were not sure how the responsibilities on the checklist of items to be completed was broken down. He stated that the item had been tables because the Commissioners would like to know who is responsible for what.

Commissioner Reed reported that the Wathen Rezoning Request had been discussed by the Commissioners. He stated that most of the property was already zoned Residential – 8 (R-8), but the Wathen's were requesting the rezoning of the property to the southwest that was zoned Residential – 15 (R-15). He reported that the Commissioners liked the concept plan and stated that the lot sizes varied with some lots at 12,000 square feet. He stated that the curb, gutter and sidewalk would be installed on 100 West and along 500 South. He added that some residents voiced their concerns regarding sidewalks and Commissioner Reed stated that the development of this project would take care of those concerns.

Mayor Brandon expressed his appreciation for what the Commissioners do.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Nothing.

FORMAL PUBLIC HEARINGS

***Public Hearing with regard to the Issuance and Sale of not more than \$1,300,000
Aggregate Principal Amount of Sales Tax Revenue and Refunding Bonds, Series 2005
of Santaquin City, Utah (information contained in Resolution 06-03-2005).***

Council Member Starley moved to open the Public Hearing with regard to the Issuance and Sale of not more than \$1,300,000 Aggregated Principal Amount of Sales Tax Revenue and Refunding Bonds, Series 2005 of Santaquin City, Utah. Council Member Roberts seconded the motion. The vote to enter into the Public Hearing was unanimous.

Council Member Morgan stated that he thought the item had been approved in a previous meeting. City Manager Chatwin responded that it had been approved, but added that the public hearing is required. Mr. Ward added that the Council Members had authorized the parameters and stated that the public hearing allowed the public to speak regarding the Resolution. Mayor Brandon asked Mr. Ward at what stage the City was in the approval process. Mr. Ward responded that this was right in the middle, stating that bids would be received for the construction of the building on August 16, 2005 and the Council would discuss final terms of the project of August 17, 2005. He added that the City would then receive the funds by August 26, 2005.

Council Member Morgan stated that Resolution 6-03-2005 had been passed on June 16, 2005. Mr. Ward explained that the June 16, 2005 approval was the parameters resolution. He explained that the City had to first declare its intention, then the public hearing is held and then the adoption of the final resolution. Council Member Morgan cautioned regarding the language used. Legal Counsel Rich indicated that the Bond Council sets the language and sends the items down for the agenda. He stated that the Bond Council does not leave the responsibility to the City regarding the document language.

Council Member Morgan explained that at the last meeting, some residents had raised questions regarding the City using bonds to pay debts. He reported that he explained that the bonds would be the collateral to pay the loan payments for the Public Safety Building and other loans. Legal Counsel Rich indicated that 'collateral' was not the word to use. Mr. Ward stated that the sales tax is the collateral and the bonds are the evidence of the indebtedness. He indicated that bonds are certificates that indicated that Santaquin City will pay the debt. He added that the bonds are the indebtedness and the sales tax is the collateral backing the indebtedness.

Mayor Brandon stated that he thought Wells Fargo Bank was the bond holder. Mr. Ward explained that bids had been received and Wells Fargo Bank was the better of the two bids received. He stated that the August 17, 2005 meeting would be where the terms and conditions of the bonds would be explained and the agreement between Wells Fargo Bank and the City would be executed. Council Member Green asked Mr. Ward if the interest rate had been locked in. Mr. Ward responded in the affirmative.

Mr. Broadhead inquired if the bids for the Public Safety Building came in higher than expected, if the project would have to start all over again. Mr. Ward reported that extra contingency funds had been added to the parameters in the resolution.

Council Member Starley asked Mr. Ward if the bids were higher if the City would have to adhere to the exact parameters, or could it not pay a debt and put the additional funds toward the Public Safety Building. Mr. Ward stated that the project list could be minimized. He stated that the grant money from CDBG and the extra money put into the loan should cover any overages.

Without further discussion, Council Member Green moved to close the public hearing with regard to the Issuance and Sale of not more than \$1,300,000 Aggregated Principal Amount of Sales Tax Revenue and Refunding Bonds, Series 2005 of Santaquin City, Utah. Council Member Morgan seconded the motion. The vote to close the public hearing was unanimous.

UNFINISHED BUSINESS***Authorization for the Mayor to sign the Purchase Agreement for a Fire and Rescue Truck owned by Provo City.***

Council Member Green moved to authorize the Mayor to sign the Purchase Agreement for a Fire and Rescue Truck owned by Provo City. Council Member Starley seconded the motion.

City Manager Chatwin explained that Provo City had agreed to sell one of their fire trucks with an expected delivery in 6 to 7 months. He reported that the money would be exchanged upon delivery. He reported that the truck financing could not be finalized until closer to the actual delivery / purchase date. City Manager Chatwin stated that the agreed purchase price for the fire truck was \$250,000 with several accessory items. Fire Chief Bott stated that there were 2 lists of accessories and one of the lists was included in the price of the truck. He stated that the other list of items was optional. Council Member Roberts asked if the second list of items were 'wants' or 'needs'. He asked if the items were purchases separately, would it be at a higher price. Chief Bott explained that some of the items on the optional list were listed at a good price, but some of the items the fire department would not need or want. He added that some of the items they would like because it was listed at a good price and if they were purchased separately it would be at a higher price.

Council Member Starley asked if the Council Members were only authorizing the Mayor to sign a purchase agreement. City Manager Chatwin responded in the affirmative. Council Member Starley asked if the fire department members had picked out what they would like from the optional list. Fire Fighter Broadhead responded that the equipment would be purchased from a reserve account.

Council Member Green asked Chief Bott why Provo City was waiting 6 months to actually sell the fire truck. Chief Bott explained that Provo City is waiting for their new truck to be assembled. He reported that delivery would be around January 1, 2006.

Council Member Morgan indicated that paragraph designations should be corrected.

Without further discussion, the vote to authorize the Mayor to sign the Purchase Agreement for a Fire and Rescue Truck owned by Provo City was unanimous.

Mayor Brandon asked for the Council Members approval to moving agenda item 10.a; Ordinance 07-01-2005 "An ordinance amending the Santaquin City Code Providing for Street Lighting and Street Signage Requirements" to this point in the meeting because Legal Counsel Rich had a prior engagement. The Council Members agreed to the agenda item shift.

INTRODUCTION 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 adopt 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.

Council Member Starley stated that he would like to discuss the concerns that Commissioner Reed addressed earlier in the meeting. City Manager Chatwin stated that the last sentence in Section 11-6-2-8-c-1 had been added to the Ordinance to satisfy the Planning Commissioners concerns. Council Member Morgan stated that the term reasonable was nebulous. Legal Counsel Rich stated that 'reasonable' was a common term in legal documents. He stated that if the City could narrow the time frame regarding street lighting installation, it would be to its advantage.

Council Member Morgan referenced Section 11-6-27-b-2 regarding mounting of the street signs on the light poles at the intersections. He asked what would happen if there was no street light at the intersection. City Manager Chatwin responded that the sign would be mounted on a pole. He added that there would be a street light at every intersection.

Council Member Morgan referenced Section 11-6-28-d regarding the table showing the right-of-way and spacing and suggested that the table was incorrect. Ms. Hoffman stated that all streets lights in the residential zones would be the same. She added that the light spacing in a commercial zone would be 350 feet and 500 feet in a residential zone. She agreed that the chart would need to be corrected.

Council Member Roberts moved to table the adoption of Ordinance 07-01-2005 "An ordinance amending the Santaquin City Code providing for Street Lighting and Street Signage Requirements." Mayor Brandon asked Legal Counsel Rich if a 'table' overrode a 'motion'. Legal Counsel Rich indicated that it would depend on the City's rules. Council Member Roberts stated that it would. Council member Starley seconded the motion to table the item. The vote to table the adoption of Ordinance 07-01-2005 "An ordinance amending the Santaquin City Code providing for Street Lighting and Street Signage Requirements" was unanimous.

Mayor Brandon asked City Manager Chatwin to correct the document.

Mayor Brandon excused Legal Counsel Rich at 8:03 PM

NEW BUSINESS

Authorization for the Mayor to sign the UDOT Co-op Agreement for the Transportation Enhancement along Main Street.

Council Member Green moved to authorize the Mayor to sign the UDOT Co-Op Agreement for the Transportation Enhancement along Main Street. Council Member Starley seconded the motion.

Council Member Starley asked if UDOT had taken into account the possible widening of Main Street. Ms. Hoffman stated that an 8 foot shoulder on each side of Main Street had been anticipated for the potential widening of the street.

Council Member Starley asked if the curb and gutter would be matched up to the existing curb and gutter at 300 and 400 East. City Engineer Fullmer responded that if the street were to be widened at that point, UDOT would have to remove and replace the curb and gutter. He indicated that the State dictated the width of the street and shoulder. He added that UDOT was not foreseeing redoing the bridge in the near future.

Council Member Morgan commented that the Agreement specifies that the City had gone through a selection process to choose Jones and DeMille. He questioned when this process had taken place. He stated that he felt the City was bound to Jones and DeMille because they had started to process. Ms. Hoffman indicated that the City did not have to go through the specified process. She stated that Jones and DeMille started the process and indicated that they would not charge the City. However, they indicated that if the City received the grant, they would continue as the engineering firm. Council Member expressed his concern regarding the language in the agreement referencing the selection process and the fact that the City did not follow it. City Engineer Fullmer stated that the City Council had approved the use of Jones and DeMille.

Council Member Morgan indicated that nowhere in the document does it define the City's responsibility. Ms. Hoffman confirmed that the only place in the document that list the City's responsibility is under the unit pricing section. Council Member Morgan stated that those responsibilities only dealt with the money part of the agreement. He added that a statement or scope of work was lacking in the agreement. City Engineer Fullmer responded that Council Member Morgan was correct and reported that where OSME Federal funds were involved, the City would have follow UDOT's process; I.E. Davis-Bacon wages, and the fact that UDOT and a consultant would administer the project. He stated that the City's only responsibility would be to soft match for the landscaping and irrigation. Council Member Morgan asked where that information could be found in the agreement. Ms. Hoffman responded that it could be found in the financial part of the agreement.

Council Member Morgan indicated that in reviewing the financial section of the agreement, he could not get all the dollars to add up. Ms. Hoffman explained how the amounts were computed. City Engineer Fullmer added that there would be hard and soft costs associated with the project. He stated that part of the confusion also involved the landscaping, which would be a soft match by the City.

Council Member Morgan referenced page 5, Final Inspection acceptance. City Manager Chatwin responded that the Federal Highways Association (FHWA) would do the final inspection. City Engineer Fullmer added that Jones and DeMille would also do a final inspection.

Council Member Morgan asked what local authority would approve any change orders. City Manager Chatwin indicated that Mayor Brandon or anyone delegated by him would approve any change orders.

Council Member Morgan stated that there would be a messy convergence of the roads on the east side of the interstate underpass. He asked if the east end of the Main Street Enhancement project would have to be re-done when the road problem is fixed. City Manager Chatwin responded that there will be a section that would have to be extended. Mayor Brandon added that Ms. Hoffman has applied to extend the sidewalk up Highland Drive.

Council Member Green stated that the Council Members' authorization for the Mayor to sign the agreement allows UDOT to put the project out to bid. He asked if the Council Members would be able to review those bid. Ms. Hoffman responded in the affirmative. She added that the company awarded the bid would have to option to start the project up to April 1, 2006 or sooner.

Without further discussion, the vote to authorize the Mayor to sign the UDOT Co-Op Agreement for the Transportation Enhancement along Main Street was unanimous.

Authorization for the Mayor to sign the Mountain States Street Lighting Contracts.

Council Member Green moved to authorize the Mayor to sign the Mountain States Street Lighting Contracts. Council Member Starley seconded the motion.

Council Member Starley asked if they had the option to change the color of the street light posts. Mayor Brandon responded that the post color had already been decided. He stated that this item was on the agenda only because he wanted the Council Member's approval to sign the agreement. Ms. Hoffman added that the color of the posts and the accessories had been discussed by the Council Members and approved, but there was nothing in the meeting minutes to indicate that the Council Members had approved the Mayor's signing of the contract. Council Member Starley asked if it was too late to change the color of the light post, indicating that he would like to change the color to green instead of black. Mayor Brandon reiterated the purpose of the agenda item.

Council Member Morgan requested information regarding the four different contracts. Ms. Hoffman indicated that one contract was specific to the Main Street enhancement project for 10 light posts. She stated that once the project is completed the contract would be completed.

Council Member Morgan stated that the contracts did not specify a quantity. Ms. Hoffman stated that specifying a number of light posts would only limit the City. She added that the City would only pay for what was ordered.

Council Member Roberts stated that if the Council Members were voting on all four contracts, it should be stated that way in the Resolution. Council Member Green commented that the agenda item specifies 'contracts', plural, and not singular.

Council Member Green amended his motion to indicate that the Council Members were authorizing the Mayor to sign four Mountain States Street Lighting contracts. Council Member Starley seconded the amended motion.

The vote was unanimous.

Authorization for the Mayor to sign the renewal Government Building Cleaning Contract.

Council Member Roberts moved to authorize the Mayor to sign the renewal Government Building Cleaning contract. Council Member Starley seconded the motion. Council Member Morgan asked if the contract went out to bid. City Manager Chatwin indicated that two bids had been received and the low bidder was the current contracted individual.

Council Member Roberts asked if City Manager Chatwin had heard anything negative regarding the cleaning of the building. City Manager Chatwin stated that he was satisfied with the current services.

Mayor Brandon asked that the motion clarify which contractor was being awarded the contract and for what amount. Council Member Roberts amended his motion to indicate that Deone Wall would be awarded the renewal of the Government Building Cleaning Contract in the amount of \$1,650 per month. Council Member Starley accepted the amendment of the motion.

The vote was unanimous.

Acceptance or rejection of the submitted sealed bids for surplus items.

Mayor Brandon suggested that the Council Members accept staff recommendation regarding the submitted sealed bids for surplus items; the fire truck and the vac truck. Ms. Hoffman reported that two bids had been received for the fire truck and one bid for the vac truck.

Council Member Morgan moved to accept the high bids for surplus items; the fire truck and the vac truck. Council Member Starley seconded the motion.

The vote was unanimous.

Discussion and possible action with regard to the Wathen Rezoning Request.

Mayor Brandon indicated that the Council Members would be authorizing a Public Hearing for the Wathen Rezoning Request. Council Member Morgan inquired why the motion would have to be made to authorize a Public Hearing for the Wathen Rezoning Request. Mayor Brandon responded that it would be so staff could amend the zoning map. City Manager Chatwin indicated that if the discussion regarding the Wathen Rezoning request were favorable, then staff would draft an ordinance to redo the zoning map. Council Member Morgan indicated that a map of the proposed rezoning was not available for the Council Members to review. City Manager Chatwin stated that the Wathen's were present.

Mr. Wathen approached the Council Members with a map for the proposed rezoning. Mayor Brandon stated that a major concern was that the homes in this development would be starter homes. Mr. Wathen stated that they would be started homes, but would be comparable to the type of home already there. He stated that he did not know who the contractor of the development would be.

Council Member Green moved to table discussion and possible action for two weeks with regard to the Wathen Rezoning Request because the City Planner was not present to make a presentation to the Council Members. Council Member Roberts seconded the motion.

The vote was as follows:

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

Recommendation from City Engineer with regard to setting fee associated with money in lieu of water.

City Engineer Fullmer approached the Council Members with regard to setting a fee associated with money in lieu of water. Council Member Roberts stated that a motion would need to be made before any discussion could take place. Council Member Morgan responded that a motion would not be needed. He stated that the City Engineer had been asked to find out what water rights were going for in the County to assess what Santaquin City is charging and whether or not the City would continue to accept payment in lieu of. Engineer Fullmer reported that water cost is market driven and is currently at \$2600 per acre-foot. He reported that Santaquin is currently charging \$2,200 per acre-foot. Mayor Brandon stated that the amount charged covered the transfer cost. He reported that he had spoken with several mayors in the South County and most of the mayors recommended that the Council Members and staff check on water pricing every three months.

City Engineer Fullmer reported that two months ago water cost was \$2,200 per acre-foot, but now the cost is \$2,600 per acre-foot. Council Member Morgan asked if there was any type of pricing book. City Engineer Fullmer stated that he thought that water brokers got together and set the rate. He reported that Tony Fuller, formerly with Sunrise Engineering, has become a water broker and if the City wanted to purchase water in the future, the City should budget \$3,000 per acre foot. He reported that as the City increases its cost for money in lieu of, Summit Creek Irrigation shares increase. Engineer Fullmer recommended the City increase its rate to \$2,600.

Council Member Green stated that he would prefer that developers petition the City Council regarding payment in lieu of water. Mayor Brandon recommended the Council Members accept Engineer Fullmer's recommendation with regard to payment in lieu of water. Council Member Green stated that he was in favor of the recommended \$2,600 per acre-foot, but indicated that when future petitions come before the Council Member, they would be reviewed on a case-by-case basis.

Engineer Fullmer stated that he would like to know what direction the Council Members would like him to actively pursue. Mayor Brandon responded that Engineer Fullmer had his approval for the recommendation of \$2,600 per acre-foot. City Manager Chatwin stated that the agenda item was not an action item.

Petition to bring money in lieu of water for the development of the Oak View Hills Subdivision (Jarvis/Bastian).

City Manager Chatwin reported that the Jarvis/Bastian development was before the Council Members to petition for payment in lieu of water. Mr. Jarvis approached the Council Members and stated that he understood that water shares were to be brought in with a development if there were irrigation water shares with the property. He indicated that the property in this development did not have irrigation water attached to it. Council Member Morgan stated that the Council Members were deciding whether to accept payment in lieu of and not the amount of the payment. City Manager Chatwin responded in the affirmative. Council Member Roberts responded to Mr. Jarvis' statement indicating that it did not matter whether or not there was any water attached to the property, but whether or not enough water should be brought into the City that would support the development. Commissioner Reed stated that he thought water should be accepted and not payment in lieu of indicated that the development brought the area where it is located to maximum

capacity. City Manager Chatwin stated that whether the City accepts payment in lieu of or the water, there would still be sufficient in that area to meet the resident's needs.

Council Member Roberts stated that because it had been the policy in the past to allow people to bring money in lieu of, the City should honor that policy at this time because the project is already in place. He stated that if a developer has proceeded with the idea that payment in lieu of would be accepted, then people of honor should keep their word, whether right or wrong, and follow policy set. Mayor Brandon recommended that the Council Members approve the acceptance of payment in lieu of water. Mr. Schank asked if this would be for phase 1 of the development or the entire project.

Council Member Roberts moved to accept payment in lieu of water for phase 1 in the Oak View Hills Subdivision. Mr. Schank indicated that the petition was for the entire project. Engineer Fullmer stated that the subdivision as a whole had been approved and suggested that the payment in lieu of would be for the whole subdivision payable all at once. He added that City Code stated that the payment in lieu of was due at the time of preliminary approval.

Council Member Starley asked if the Council Members were accepting \$2,600 per acre-foot for the whole subdivision. Council Member Morgan stated that the motion was to accept payment in lieu of for phase 1 only.

Council Member Roberts amended his motion to accept payment in lieu of water for the Oak View Hills Subdivision (Jarvis/Bastian). Council Member Morgan seconded the motion.

The vote was as follows:

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

Approval of bids associated with the demolition of the existing buildings on the new Public Safety Building site.

Council Member Morgan asked if this item was for the approval of the selected bid. City Manager Chatwin responded in the affirmative indicating that the City Project Manager did not give a recommendation regarding the awarding of the bids submitted. City Engineer Fullmer was asked if he had a recommendation. He responded that he would recommend not awarding the bid to the low bidder. Council Member Green asked how the agenda item could be discussed without a motion being made.

Council Member Green moved to approve one of the submitted bids associated with the demolition of the existing buildings on the new Public Safety Building site. Council Member Roberts seconded the motion.

Council Member Green asked where the funds for the project would come from. Ms. Hoffman responded that the demolition would come from grant monies. Council Member Starley asked is a certified asbestos test was required. He also expressed his concern regarding dust control,

pigeon droppings, etc. City Manager Chatwin responded that the asbestos was not a problem, but was unsure about the pigeon droppings. Council Member Starley suggested dust control during the entire project.

Without further discussion, Council Member Green indicated that he would amend his motion to accept the bid to demolish the existing buildings on the new Public Safety Building site from Thomas J. Peck in the amount of \$16,995.00. Council Member Roberts accepted the amended motion.

The vote was unanimous.

Ms. Hoffman stated that there were several vehicles in the existing buildings that would have to be stored elsewhere. Deputy Recorder Gray responded that she had contacted several businesses and reported that Payson Fruit Growers agreed to store the vac truck and the royalty float. However, the City would have to wait at least five weeks for the cherry season to be completed.

BUSINESS LICENSES

Council Member Starley indicated that a business license application had been received from Kristin Shaw, the Pizza Gallery at 340 East Main Street, unit #1. He reported that all required City authorization had been obtained.

Council Member Starley indicated that a business license application had been received from Christoffel Viljoen, Skaapland Meat, USA at 340 East Main Street, unit #5. He reported that all City authorization had been obtained. Council Member Morgan asked if they would be processing meat. City Manager Chatwin responded in the affirmative. Council Member Starley reported that the City had a copy of the State Agriculture Department approval.

Without further discussion, Council Member Green moved to approve the Business License applications for Kristin Shaw and Christoffel Viljoen. Council Member Starley seconded the motion.

The vote was unanimous.

PETITIONS AND COMMUNICATIONS

Nothing.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager Chatwin

Update on the time line for City Council Member appointment.

City Manager Chatwin reported that the Council Member position had been posted with a deadline of Wednesday, July 27, 2005. He reported that the City had received only one letter of interest and one letter of intent. Mayor Brandon asked if the Council Members would need a work session. City Manager Chatwin replied that it would be up to the Mayor and Council Members. Mayor Brandon suggested holding a work session on Tuesday, August 2, 2005 at 7:00 PM.

Employee Summer Party

City Manager Chatwin reported that Administrative Assistant Hoffman would be in charge of the Employee Summer Party. Council Member Green asked for the date. City Manager Chatwin responded that no date had been set as yet. Council Member Starley recommended not having the party until after the Santaquin Days Celebration.

Council Member Green reported that all the information regarding the City celebration would be posted in The Daily Herald. He indicated that The Daily Herald had contacted him requesting information regarding Gary Coleman's move to Santaquin. City Manager Chatwin reported that the City office has received many calls requesting information about Mr. Coleman. He informed the Council Members that City staff has not and would not release any information regarding any resident.

Council Member Green reported that Amy Jackson had called him regarding the Grand Marshall for the parade. She reported that Myron and Ethel Olson had been submitted. Council Member Green stated that this is the only nomination received and indicated that he would be open to any suggestions. Council Member Morgan stated that he had not heard anything regarding nominations for Grand Marshall. Council Member Green stated that he would check with staff member, Jody Thomas, regarding advertising.

Council Member Starley indicated that he would like to see the Council Members families in the parade. He stated that 'Family' is part of the City motto and suggested that the Council Members have their family members in the parade.

Council Member Morgan indicated that he would like to resurrect discussion regarding sexually oriented businesses. He expressed his concern regarding a sign currently on one of the billboard along I-15. He stated that the City had no rules right now, but added that there have been drafts regarding regulations and stated that the City's Legal Counsel was to research the issue. City Manager Chatwin stated that the issue would be resurrected at the Council Members direction.

Council Member Morgan informed the Council Members that the South Utah Valley Municipal Water Associations (SUVMWA) inter-local agreement had been revamped. He reported that Legal Counsel Rich would relay the City's concerns to the lead attorney. He reported that the inter-local agreement would authorize SUVMWA to deal in sewer matters as well as water matters. Council Member Morgan reported that SUVMWA would be hiring an engineer and pay 40% of the salary and Salem City would pay 60% of the salary and 100% of the benefits. Council Member Morgan reported that SUVMWA selected Aqua Engineering to represent them on work involving the Utah Lake total maximum daily load analysis.

Council Member Morgan asked Mayor Brandon if he would be making any changes in assignments for the Council Members. Mayor Brandon replied that the assignments given each Council Member would not change.

Council Member Morgan stated that he spent hours reviewing the Council agenda only to find that an amended copy had been placed in his City box. He stated that with the amended agenda, he was not sure if the attachments in the original agenda were the same. He stated that he would like to be able to distinguish between the original and amended agendas. He would like the amended agenda to indicate that it is an amended agenda with some designator of each subject

of the amendment. He added that rather than reprint all the attachments, an "R", indicating revision, could be placed on the amended agenda that would correspond with the new attachments.

Council Member Starley asked if there was any more information regarding the previous council members and mayor plaques. City Manager Chatwin responded that he would need additional information from the Council Members regarding how much they would authorize spending on each plaque and what the plaque should say and then he would be able to order the plaques. Council Member Morgan suggested the name, dates of service, Santaquin City's name and a brief statement; I.E. In appreciation from the Citizens and Council.

Council Member Starley asked if there had been any more thought by the mayor regarding the first and third Wednesday meetings. Mayor Brandon indicated that he would like to have a recess for the next few weeks so he could review items that would have to be addressed. He stated that he would continue to have work sessions before each Council meeting. Council Member Starley indicated that he would be happier with longer meetings rather than frequent meetings.

Council Member Starley asked City Manager Chatwin about the Veteran's Memorial lighting. City Manager Chatwin reported that he had been looking into a lower watt bulb and that he had been working with the Veteran's about the problem. .

Council Member Morgan asked about the help with utility payments for service personnel called to active duty. Council Member Roberts stated that the last Council approval had been for a six month period. Council Member Morgan stated that he knew a family that were not being helped at this time. Council Member Starley stated that the Council Members would have to renew the time allowed for utility help. City Manager Chatwin indicated that he would have this item on the next Council Meeting agenda.

Council Member Starley stated that he had residents voice their concerns regarding Code enforcement and indicated he was concerned also. He referred to a cedar fence that is being constructed. He stated that small posts are being used and was concerned that they would not be able to hold up the fence under a high wind load. He stated that he is also concerned with businesses operating in the City without a Business License. Council Member Starley expressed his concern regarding safety issues for storage units operating in the City without a business license or fire protection. City Manager Chatwin asked Council Member Starley to meet with him privately.

Council Member Roberts stated that the nomination for Grand Marshall was a grand selection. He reported that Myron Olson has served the community well. He stated that Mr. Olson was one of men who secured the beach for MacArthur's return. Council Member Roberts referred to Mr. Olson as a "Great veteran."

Council Member Roberts reported that he attended the South County Valley District meeting and reported that he had obtained a preliminary draft of the inter-local agreement. Mayor Brandon stated that he would like Legal Counsel Rich to review the document.

Mayor Brandon reported that Chris Lindquist had approached the Chamber of Commerce to sponsor a movie night in the park. Mr. Lindquist had requested a screen be set up for outdoor the

summer activity. Mayor Brandon reported that the Chamber of Commerce does not have the necessary equipment. Mayor Brandon has brought this request to the Council Members because the City may have the necessary equipment; sound system, DVD player, projector, etc. City Manager Chatwin stated that he did not think the City had that equipment. He added that he believed there would be copyright issues that would have to be looked into. Mayor Brandon and City Manager Chatwin indicated that they would follow up and report back to the Council Members. Council Member Starley indicated that copyrights expire after so many years and asked if there would be a fee charged to view the movie. Mayor Brandon responded in the negative.

Mayor Brandon indicated that he would like to have the Council agenda out by the Thursday or Friday prior to the scheduled Council meeting. He suggested that Council Member Morgan critic the meeting minutes and asked the Council Members to relay any corrections to Council Member Morgan. He asked Council Member Morgan to meet with the Recorder to correct the minutes prior to the Council Meeting.

Mayor Brandon thanked the Council Members for what they do for the community. He expressed his appreciation to Council Member Morgan for the work he has done regarding the SUVMWA contract.

Council Member Green moved to enter into an Executive Session to discuss the character, professional competence, or physical or mental health of an individual. Council Member Starley seconded the motion. The vote to enter into an Executive Session was unanimous.

Deputy Recorder Gray was excused at 10:18 PM

REPORTS BY MAYOR AND COUNCIL MEMBERS

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

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 10:48 P.M. Council Member Green moved to adjourn the meeting. Council Member Roberts seconded the motion.

The vote was unanimous.

Approved on August 3, 2005.

Dennis Brandon, Mayor

Darlene Gray, Deputy Recorder



CLOSED EXECUTIVE SESSION AFFIDAVIT

I, Dennis Brandon, Mayor of Santaquin City, do hereby certify that the Executives Session held on July 20, 2005 was for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual and that nothing else was discussed.

Dennis C Brandon
Dennis Brandon, Mayor

7-26-05
Date

2