

## NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, May 4, 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 Regular Meeting held on April 20, 2005
  - b. Bills -\$100,629.74
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**

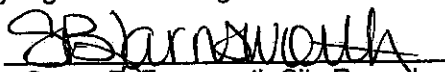
  - a. Introduction of the new Miss Santaquin and her Royalty
  - b. Lana Davis-discussion of her Miss Utah Platform
6. **FORMAL PUBLIC HEARINGS**
  - a. Proposed Ahlin Property Rezone
  - b. Special Service District
7. **UNFINISHED BUSINESS**
8. **NEW BUSINESS**
  - a. Discussion, Staff direction, and possible action with regard to the proposed Ahlin Property rezone
  - b. Discussion and Staff direction with regard to the Special Service District
  - c. Discussion and possible action with regard to the Oak Summit Subdivision
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
  - a. Resolution 05-01-2005 "A Resolution declaring Santaquin City's intent to comply with the term of Utah State Senate Bill 0060"
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
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

**MINUTES OF A SPECIAL COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
MAY 4, 2005**

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

Council Members Excused: Tracy Roberts

Staff attending: City Planner Jim Bolser, Legal Counsel Representative Mark Anderson, and Deputy Recorder Darlene Gray.

Staff Excused: City Manager Stefan Chatwin

Others attending: Idonna Crook, Donna Bott, Miss Santaquin 2004 Lana Davis, Reigning Miss Santaquin Rachel Sonderegger, Miss Santaquin 1<sup>st</sup> Attendant Rachel Winegar, Mike Carter, Caleb Warnock, Ramona Rosenlund, Ruth Francom, Dorine Wall, Delene Jacques, and other unidentified individuals.

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**PLEDGE OF ALLEGIANCE**

Mayor Scovill 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 Regular Meeting held on April 20, 2005.*

***Bills - \$100,629.74***

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

Council Member Starley questioned the payment for the sewer truck tank charge. Deputy Recorder Gray responded that the payment was repairs to the City Vac truck.

Council Member Morgan asked if the several Office Depot listings were associated with separate visits to a local Office Depot or if the orders were called in and then delivered. Deputy Recorder Gray explained that the orders were placed via the Internet, they were discounted and delivered.

Council Member Morgan referenced the payment to W<sup>2</sup> for the SCADA system and asked if it was payment in full. Mayor Scovill responded that the payment was a partial payment. He reported that the SCADA system installation at the City office was complete and stated that other systems were being installed.

With no further discussion, the motion made and seconded, the vote to approve the minutes of the April 20, 2005 meeting and the bills was unanimous.

Mayor Scovill apologized for not introducing Mark Anderson who was representing Legal Counsel Rich. He indicated that Legal Counsel Rich was on vacation.

Mayor Scovill reported that City Manager Chatwin would be late and excused Council Member Roberts who had employment obligations.

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

Mayor Scovill indicated that Ms. Crook had signed in on the Public Forum roster. Ms. Crook responded that she had some concerns regarding the Special Service District. Mayor Scovill indicated that she could address her concerns during the Public Hearing for the Special Service District.

***Introduction of the new Miss Santaquin and her Royalty***

Mayor Scovill indicated that he would like to take the opportunity to welcome the New Miss Santaquin and one of her attendants.

Council Member Roberts was in attendance at 7:18 PM.

Council Member Starley introduced the new Miss Santaquin, Rachel Sonderegger and her first attendant, Rachel Winegar. Miss Sonderegger reported that the second attendant, Loren Sherwood, was not able to attend. She stated that she hoped the new royalty would make the best of their reign.

Miss Sonderegger indicated that she is a junior at Payson High School. Council Member Starley asked Miss Sonderegger what service activities she had been involved with. Miss Sonderegger responded that she would like to do anything that would benefit special interests groups. She indicated that she plans on going onto the Miss Utah Pageant and stated that special interest projects would be part of her platform.

Miss Winegar indicated that she is a senior at Payson High School and currently a member of the high school drill team. She reported that she will graduate this year. She reported that as the First Attendant, she would do everything she could to help Miss Sonderegger.

City Manager Chatwin in attendance at 7:20 PM.

Council Member Brandon expressed his appreciation for the time commitment these individuals have made to the City. He indicated that as the City royalty, they would be involved in the Santaquin Days celebration. Miss Sonderegger commented that she would be excited to work with Council Members. Council Member Starley stated that Council Member Green is responsible for the celebration and if they had any questions they should see Council Member Green.

Mayor Scovill expressed his appreciation to the Santaquin Royalty for their willingness to serve and represent Santaquin City and indicated that the Council Members would help in any way.

***Lana Davis-discussion of her Miss Utah Platform***

Former Miss Santaquin approached the Council Members to inform them of the *Leland Davis Cancer Walk*. She indicated that either she or Council Member Green could answer any questions regarding the event. She indicated that the 'walk' would take place on Saturday, May 28, 2005 at 10:00 AM at the City Center. She stated that her grandfather, Leland Davis, had a brain tumor in 1988 and passed away. In memory of him, she named the cancer walk after him and has included the walk as part of her platform. She indicated that the walk route would begin at the City Center, go to the City cemetery and back to the City Center. She stated that with the event being scheduled for the Memorial Day weekend, it would also give exposure to the new

Veteran's Memorial. Miss Davis indicated that there would be food and door prizes to promote the walk.

Council Member Green asked Miss Davis to indicate where the proceeds from the walk would go. Miss Davis responded that the entry fee of \$5 per person or \$10 per family would be donated to the Huntsman Cancer Institute in her grandfather's name. She reported that any extra funds would be used to help her participate in the Miss Utah Pageant.

Council Member Morgan asked Miss Davis if she had any other advertisements for the Cancer Walk. Miss Davis reported that the Fast Trax, Sinclair station had agreed to advertise the event for her, as well as the City newsletter that is sent with the utility bills. She indicated that the Payson Chronicle and hopefully the Daily Herald would also advertise the event. Miss Davis reported that she has spoken to City Recorder Farnsworth with regard to advertising on the City web page and on the City's TV channel. Council Member Green stated that he would also contact KSL and others.

Mayor Scovill thanked Miss Davis and wished her well.

#### **FORMAL PUBLIC HEARINGS**

##### ***Proposed Ahlin Property Rezone***

Mayor Scovill indicated that the Ahlin Property Rezone application had been withdrawn by the developer. City Manager Chatwin recommended the Council continue with the Public Hearing.

Council Member Starley moved to open the Public Hearing with regard to the Proposed Ahlin Property Rezone. Council Member Brandon seconded the motion.

Council Member Morgan asked if the existing zoning involved the 500' required for the Commercial zoning. City Manager Chatwin responded in the affirmative. Council Member Brandon stated that it had been addressed in the Annexation Agreement.

Without further discussion, Council Member Green moved to close the Public Hearing with regard to the Proposed Ahlin Property Rezone. Council Member Starley seconded the motion. The vote was unanimous.

##### ***Special Service District***

Council Member Brandon moved to open the Public Hearing with regard to the Special Service District. Council Member Morgan seconded the motion.

Ms. Crook approached the Council Members and stated that she was familiar with improvement districts, but asked if the town as a whole would be taxed rather than just the affected area. Mayor Scovill responded that the Special Service District had been designed as a special water district for the town as a whole. He indicated that the City has water shares that cannot be leased, sold or rented. He reported that creating the Special Service district would allow the City to sell or lease any new water coming into the City. He stated that the creation of the Special Service District would ensure the City would not have to surrender water to the State and added that the water could be sold to another community.

Legal Counsel Anderson stated that the City could not impose a property tax for the Special Service district without the public's vote.

Ms. Crook asked if the City had a project in mind. Mayor Scovill responded in the negative. Ms. Crook asked if the Special Service District would include the Pressurized Irrigation System. Mayor Scovill responded in the negative. Legal Counsel Anderson added that the State Constitution has had a provision that prohibits municipalities from selling water rights, supplies, works, etc. and indicated that the Utah Supreme Court ruled that a municipality could not sell water rights, but could lose the water rights through forfeiture if they were not used for 5 years. He stated that the Special Service District would be totally under the control of the City which would give the City more flexibility to safe-guard the citizens. Ms. Jacques reported that the State had more water on paper than water rights. She stated that the State would be looking for excess water.

Mayor Scovill invited Ms. Rosenlund to address the Council Members. Ms. Rosenlund responded that Ms. Crook had addressed all her concerns.

Mayor Scovill expressed his appreciation for the questions and comments and stated that the City's intent was to protect the City and its citizens from any loss of water rights.

Council Member Starley moved to close the Public Hearing with regard to the Special Service District. Council Member Green seconded the motion. The vote was unanimous.

#### **UNFINISHED BUSINESS**

Nothing

#### **NEW BUSINESS**

##### ***Discussion, Staff direction, and possible action with regard to the proposed Ahlin Property rezone***

Mayor Scovill indicated that the Proposed Ahlin Property Rezone had been withdrawn by the developer. City Manager Chatwin recommended the agenda item be tabled because it was unknown if the developer had withdrawn the current proposal or the whole project. Council Member Morgan commented that there was no advantage to tabling the agenda item. Council Member Starley stated that the agenda item withdrawal had not been confirmed. Legal Counsel Anderson indicated that the Council Members could opt to take no action.

Mayor Scovill requested that the agenda item be withdrawn and suggested no consider on the item. Council Member Starley stated that if the item were withdrawn, there would be nothing to table.

##### ***Discussion and Staff direction with regard to the Special Service District***

Council Member Brandon moved to approve the creation of the Special Service District. Legal Counsel Anderson stated that the Resolution could not be adopted for 15-days and stated that a motion was not necessary. Council Member Brandon withdrew his motion.

Council Member Roberts asked if all the items listed under the Special Service District notification would be incorporated in the Resolution. Mayor Scovill responded that it was not the intention to include all the items listed, but indicated that it could be if the Council Members chose to do so.

Legal Counsel Anderson stated that a list could be created, but it would have to coincide with State law requirements.

Council Member Roberts stated that he researched the City Code and found that the creation of the Special Service District could not impose a tax on the citizens. Legal Counsel Anderson stated that Council Member Roberts was correct, indicating that it would be more of a service fee. Council Member Roberts, as a point of clarification, suggested a 'usage fee' rather than a tax.

Mayor Scovill excused Legal Counsel Anderson at 7:54 PM.

***Discussion and possible action with regard to the Oak Summit Subdivision***

Council Member Brandon moved to accept the recommendation of approval from the Planning Commission with regard to the Oak Summit Subdivision. Council Member Green seconded the motion.

City Manager Chatwin apologized for the late delivery of the Oak Summit Subdivision information. He reported that the Planning Commission held a Special Meeting the night before and the letter of recommendation had not been available when the Council Member's packets were compiled.

Council Member Green asked if Commission Vincent had explained his reason for voting against the subdivision. Council Representative to the Planning Commission Brandon stated that he spoke with Commissioner Vincent after the meeting and explained Commissioner Vincent was concerned with the PUD overlay in the R-12 zone and the fact that the lot sizes did not correspond with the R-12 requirements. City Manager Chatwin responded that Mr. Carter had met all the requirements of the PUD.

Council Member Green indicated that he has driven up in the subdivision and asked if the City had any liability regarding children falling into the channel and not being able to get out. Mr. Carter responded in the negative. He explained that the channel had been engineered. The channel is 50' wide and 8-12' deep with rip rap in bottom to stop erosion. He indicated that the channel had been engineered to take care of the worse-case scenario. Council Member Green commented that he was very impressed with how the channel had been set up.

With the motion made and seconded, the vote was unanimous.

**BUSINESS LICENSES**

Council Member Starley indicated that Business License Applications had been received from Lynn Clayson, South Fork ATV Rentals; James DeGraffenried, JE DeGraffenried Construction and Guenn Adare, Mr. Melon, tennis lessons for the City Recreation Department. City Planner Bolser explained that Ms. Adare would provide services for the Recreation Department, in addition to teaching private lessons. Council Member Morgan questioned if there were any rules regarding individuals making money off the City parks. Council Member Brandon asked if Ms. Adare would have to schedule the park through the Recreation Department. City Planner Bolser responded in the affirmative. City Manager Chatwin added that Ms. Adare would also teach private lessons.

City Planner Bolser indicated that Ms. Adare would run her office in her home and would be using the tennis courts at Orchard Cove Park for teaching. Council Member Morgan asked if the City were agreeing that Ms. Adare could use the tennis courts. City Manager Chatwin replied that the

City would give her priority to use the tennis courts as part of the Recreation Program. He indicated that there were no provisions to rent, lease or reserve the tennis courts. Council Member Roberts stated that the tennis courts were public courts and were to be on a first come, first serve basis. City Manager Chatwin stated that he did not know if issuing the Business License to Ms. Adare would be saying that she had priority over anyone else for the tennis court use. He indicated that it was simply to issue her a Business License. Council Member Brandon stated that the problem was not the issuance of the Business License, but rather where the business was to be conducted. Council Member Green stated that if the City had a swimming pool and someone were teaching swimming lessons, that person would be charged for the use of the pool.

After a brief discussion, Council Member Starley indicated that he would pull the Business License request from Ms. Adare for further clarification of park reservation, etc. Council Member Green agreed.

Council Member Roberts moved to approve the Business License Applications for Lynn Clayson and James DeGraffenried. Council Member Starley seconded the motion. The vote was unanimous.

#### **INTRODUCTION AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

##### ***Resolution 05-01-2005 "A Resolution declaring Santaquin City's intent to comply with the term of Utah State Senate Bill 0060"***

Council Member Green moved to approve ***Resolution 05-01-2005 "A Resolution declaring Santaquin City's intent to comply with the term of Utah State Senate Bill 0060"***. Council Member Brandon seconded the motion.

City Planner Bolser approached the Council Members and explained the terms of Utah State Senate Bill 0060. Council Member Morgan asked why a Resolution would be needed. City Planner Bolser explained that the Resolution would make specific requirements to designate a land use authority and an appeal authority. He indicated that the Resolution would have to be adopted because between the time that Senate Bill 0060 was enrolled and the time it took effect, there would not enough time to appropriately enact an Ordinance and secondly, not adopting the Resolution would halt all land use issues.

City Planner Bolser stated that the Council Members would have to designate the 2 authorities as soon as possible. Council Member Green asked why the Board of Adjustments would be done away with. City Planner Bolser responded that the Board of Adjustments was not being done away with. Council Member Green stated that the responsibilities shift would be to the Planning Commission and not the Board of Adjustments. City Planner Bolser explained that the issues regarding zoning ordinances would be under the umbrella of the land use authority and indicated that it was a shift in nomenclature. Council Member Starley commented that it appeared that all land use decisions would be made by the Planning Commission. City Planner Bolser indicated that it was not the case unless the Council Members designated themselves out of the decision making process.

Council Member Brandon commented that the only time the City would have the power or authority to implement any changes would be at the time of Annexation. City Manager Chatwin indicated that once the applicant for a development met the minimum requirements, the City could

not make or request any changes. City Planner Bolser added that when the minimum requirements were met, the City or governing body would be bound by law to approve the project. He added that the Council Members would have to make sure the City Codes were in order before denying a project.

Council Member Starley stated that Senate Bill 0060 would narrow the scope or legal authority of the City Council. City Planner Bolser responded in the negative. He stated that Senate Bill 0060 was designed to enable the City Council to turn all land use issues to the Planning Commission.

Council Member Brandon recommended continuing with the way projects are governed now. He stated that the City was not in a position to delegate authority at this time. City Planner Bolser stated that it was not anyone's intention to take authority away from the City Council.

Mayor Scovill called for the vote. The vote was as follows:

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**ROLL CALL**

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

Council Member Starley stated that he should have voted 'Nay' because he did not fully understand Senate Bill 0060. Mayor Scovill indicated that the vote stands.

**PETITIONS AND COMMUNICATIONS**

Nothing.

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

No reports from officers or committees.

City Manager Chatwin indicated that the new part-time employees were Joyce Lamb, who currently works at Zion's Bank, will be working the afternoon shift and Karen Mortensen, who currently works at the Santaquin Elementary School with the Clear Program, will work the morning shift. He reported that both individuals had wonderful customer service and organizational skills. He indicated that Ms. Mortensen started yesterday and Ms. Lamb would start in 2 weeks.

**REPORTS BY MAYOR AND COUNCIL MEMBERS**

Council Member Green asked if the reservation for the bowery at the City park had been taken care of and asked if lights and rest rooms would be available. City Manager Chatwin responded in the affirmative.

Council Member Roberts indicated that he had nothing to report.

Council Member Starley reported that the Miss Santaquin float was being prepared for re-decoration with a Southern Belle theme. He indicated that the royalty was looking for volunteers to help with the float. He reported that the royalty was working with Tintic High School with the



building of a gazebo for the float. Mayor Scovill asked if the float had been taken to Tischner Ford. Council Member Starley reported that a new starter and fuel filter had been replaced in the float.

Council Member Morgan indicated that he had nothing to report.

Council Member Brandon reported that he had a conversation with City Manager Chatwin regarding money in lieu of water. He indicated that he hoped as the City moved forward there would be a Work Session to discuss this issue. Mayor Scovill stated that certain professionals had been invited to meet with and advise the Council at a Work Session scheduled for Wednesday, May 11, 2005.

Mayor Scovill requested each Council Member meet with him to review the storm drainage out of the canyon debris basin. He indicated that there were some issues that needed to be addressed regarding long-term storm drain problems now facing the City that would become more critical in the future. Council Member Brandon indicated that he had toured the debris basin. Council Members Green and Morgan indicated that they would be available on Friday, May 6 at 3:00 PM. Council Members Roberts and Starley agreed to Saturday morning at 8:00 AM.

**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)

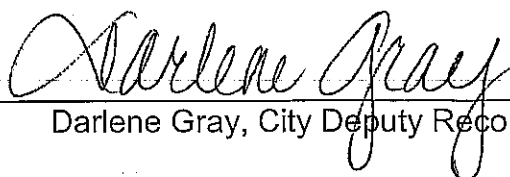
Nothing

#### **ADJOURNMENT**

At 9:11P.M. Council Member Brandon moved to adjourn the meeting. Council Member Starley seconded the motion. The vote was unanimous.

Approved on May 18, 2005.

  
A. LaDue Scovill, Mayor

  
Darlene Gray, City Deputy Recorder