

**MINUTES OF A REGULAR COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
FEBRUARY 2, 2005**

Mayor A. LaDue Scovill called the meeting to order at 7:00 P.M.

Council Members attending: Todd Starley, Wes Morgan, Tracy Roberts and Martin Green.

Council Members excused: Dennis Brandon.

Others attending: City Planner Jim Bolser, City Treasurer/Cemetery Sexton Jody Thomas, City Manager Stefan Chatwin, City Engineer Shon Fullmer, Project Manager Mark Stevenson, Planning Commissioner Brent Vincent, Scout Troop #1587 attendees: Jack Johnson, James Putt, Tyler Moos, Tyler Roper, James Gifford, Christian Haroldsen, Scout Troop #911 – Tadd Vest, Caleb Warnock (Daily Herald Representative), Larsen and Peterson representatives Russell Olsen, Clyde Jones, Julianne Roberts and Mary Nielson, Jered Johnson, Ethan Bean, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Scout Johnson led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Mayor Scovill offered a Word of Prayer

**CONSENT AGENDA**

***Approval of the minutes***

Approval of the minutes of a Regular Meeting held on January 19, 2005

***Bills - \$70,256.81***

Council Member Green moved to approve the Consent Agenda. Council Member Starley seconded the motion. Council Members Morgan, Green and Starley made corrections and commented on the minutes. Council Member Starley had a question on the payment to American Fence. City Manager Chatwin indicated that he would research the location of the fence installation. After the discussion, the vote was unanimous.

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

Mr. Bean approached the Council Members and made a public statement regarding an occurrence two weeks ago. He indicated that he would like his written statement (Attachment #1) to be entered into the City records. Mayor Scovill and each Council Member were given a copy of Mr. Bean's statement. Mr. Bean stated the letter was informative and was issued to exercise his rights as a citizen to stand up for what is right and against tyranny. He added that he was acting within the bounds of his rights.

**FORMAL PUBLIC HEARINGS**

Nothing.

**UNFINISHED BUSINESS**

Nothing.

City Manager Chatwin requested a change of order in the agenda, moving item 8.a before the Larsen and Peterson Audit Report, item 8.b. Mayor Scovill and the Council Members were in agreements.

## **NEW BUSINESS**

### **Authorization to purchase GIS Equipment.**

City Engineer Fullmer approached the Council Members to request authorization to purchase GPS equipment to be used in the GIS mapping. He indicated that this equipment would be valuable to the City in the long run for Blue Staking, locating all utilities, etc.

Engineer Fullmer stated that he received a quote of approximately \$23,000 and proposed purchasing the equipment at this time, adding that the funds were available in the Inspection Budget. City Manager Chatwin commented that because of fees collected from the Summit Ridge Development, the funds were available. He also recommended the purchase of the equipment to save the City in the long run, avoiding the expense of hiring others.

Mayor Scovill added his recommendation to purchase the equipment. He stated that the Summit Ridge Group offered to use their GPS (Global Positioning System) for mapping, but would charge the City approximately \$130.00 per hour.

Council Member Green commented that the agenda identifies GIS (Geographic Information System) equipment and Engineer Fullmer refers to GPS equipment. Engineer Fullmer responded that the equipment requested is the GPS (Global Positioning System).

Engineer Fullmer introduced Jered Johnson, who is one of three individuals currently employed by several Utah County cities to do GPS mapping. Engineer Fullmer explained that Santaquin City receives 7% of their time, but through the purchase of the requested equipment, Project Manager Stevenson could do more extensive mapping for the City.

City Manager Chatwin commented that as development continues in the City, there becomes a greater need for accurate mapping for repair work. Council Member Starley indicated that he has seen the value of this equipment in action through a friend who works for the Orem City Water Reclamation.

Without further discussion, Council Member Starley moved to authorize the purchase of the GPS Equipment. Council Member Morgan seconded the motion. The vote was unanimous.

### ***Larsen and Peterson – FY2003/2004 Year End Audit Review***

Mr. Olsen approached the Council Members and distributed the audit information. He introduced other employees in attendance: Mr. Jones, Ms. Roberts and Ms. Nielson.

Mr. Olsen reviewed the compilation of the financial statements and asked the Council Members to review the information in depth on their own time.

Council Member Morgan asked Mr. Olsen to explain the difference between Governmental Activities and Business-type Activities. Mr. Olsen indicated that the Business-type Activities were utilities, enterprise funds, proprietary funds, etc. and the Governmental Activities were everything else.

Mr. Jones reviewed additional audit information that had been distributed.

Council Member Starley stated that he would like to review why some budget areas are over and try to stop those overages.

Council Member Morgan indicated that he had read in the Utah League of Towns and Cities printed material that Council Members should be bonded and asked for clarification if our Council Members were bonded. Mr. Jones responded that bonding is not required because normally Council Members do not handle City monies. City Manager Chatwin commented that the League may have recommendations, but there was no State requirement regarding Council Members being bonded.

City Manager Chatwin excused at 8:24 PM.

Upon completion of the audit presentation, Mayor Scovill and the Council Members thanked Mr. Olsen and Mr. Jones for their time.

Council Member Starley asked Mayor Scovill if the financials were public record for anyone to review. Mayor Scovill responded in the affirmative.

#### **BUSINESS LICENSES**

Council Member Starley indicated that Jay Richard Payne, D & R Holdings, LLC. and Erik Norman, Gump Lawn Care had submitted Business License Applications. He indicated that the applications were complete; Planning, Building Inspection and Fire Inspections approval signatures provided.

Council Member Green asked City Planner Bolser if paving the parking lot at the Laundry Mat on Main Street would bring the building into compliance. City Planner Bolser indicated that the Business License for the Laundry Mat had lapsed. He reported that a Business License for a different business at that location had been received. He further stated that the Laundry Mat had operated without a Business License for the past year.

City Manager Chatwin returned to the meeting at 8:28 PM.

Council Member Green informed City Planner Bolser that the A-1 Lube has several cars for sale at that location.

Without further discussion, Council Member Green moved to approve the D & R Holdings, LLC. and the Gump Lawn Care Business License Applications. Council Member Starley seconded the motion. The vote was unanimous.

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

##### ***Resolution 02-01-2005 "A Resolution Establishing Reduced Size Burial Locations."***

Cemetery Sexton Thomas approached the Council Members with a presentation regarding the reduced size for infant and cremation burial locations. She indicated that this would be an added service for individuals in need of smaller burial locations.

Upon completion of her presentation, Council Members Starley and Morgan requested typo corrections in the proposed resolution.

Council Member Morgan asked if it was necessary to specify the burial for "humans". Sexton Thomas responded that there were requirements in cemetery regulations that states "human remains". She added that Santaquin does not have a pet cemetery. Council Member Starley asked if there were regulations regarding pet burial in private yards. City Manager Chatwin did not know. Council Member Morgan commented that there is an Ordinance regarding burial of large animals on private property.

Council Member Starley expressed his appreciation to Council Member Morgan and Sexton Thomas. City Manager Chatwin commended Sexton Thomas for her presentation and the record keeping she has done regarding the cemetery. Council Member Morgan indicated that computerized map of the cemetery used in the presentation, Sexton Thomas had generated from scratch, adding that there had never a map of the cemetery done that way before. He added that she had done a wonderful job.

Council Member Green moved to adopt Resolution 02-01-2005 "A Resolution Establishing Reduced Size Burial Locations." Council Member Roberts seconded the motion. The vote was unanimous.

***Resolution 02-02-2005 "A Resolution Establishing a Fee Schedule for Santaquin City."***

Mayor Scovill commented that the colored areas on the fee schedule indicated new additions.

Council Member Roberts commented that there were symbols referring to City building rentals, but there was nothing in the fee schedule to indicate the facility was rentable. Treasurer Thomas apologized for not removing the symbols from the prepared document.

Council Member Roberts commented that according to the fee schedule, the Senior Center and the kitchen facilities were no longer rentable. City Manager Chatwin responded that the facility rental had been discussed by this Council and added that it had been the Council Members decision not to rent the Senior Center with kitchen facilities. Council Member Roberts stated that he did not recall the decision and indicated that he would like to see where the Council Members had voted on the matter. Council Member Green stated that he remembered the discussion and decision to not rent the Senior Center, but he does not recall further discussion or decision regarding the rental of the City Center gymnasium. City Manager Chatwin stated that he would research the matter.

Mayor Scovill commented that the original rental procedure was that the Senior Center was not a rentable facility. He indicated that the question raised in a previous Council Meeting was whether or not to discontinue the rental of the gymnasium. City Manager Chatwin stated that the decision by the Council given to staff was to suspend the rental of the gymnasium. Council Member Roberts suggested a decision be made as to whether or not the gymnasium is rentable before approving the amendments to the proposed fee schedule.

Council Member Green moved to table Resolution 02-02-2005 "A Resolution Establishing a Fee Schedule for Santaquin City" for 2 weeks until the rental issue is cleared. Council Member Roberts seconded the motion. The vote was unanimous.

**Resolution 02-03-2005 "A Resolution Adopting the Mountainland Association of Governments Pre-disaster Hazard Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000."**

Council Member Morgan moved to approve Resolution 02-03-2005 "A Resolution Adopting the Mountainland Association of Governments Pre-disaster Hazard Mitigation Plan as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000." Council Member Green seconded the motion.

Council Member Roberts stated that as he read through the document, he was concerned with some of the data. He indicated that he could not trust whoever prepared the document because of the faulty data in it. He added that the document had great information and was a great history lesson. He commented that even with the information, how anyone could stop acts of God that we have no power over. He responded that we could not, thus making the document only a history lesson.

Council Member Morgan stated that there is a difference between 'stop' and 'mitigation'. He stated that the proposed resolution was not trying to stop acts of God, but was a plan to mitigate. Council Member Roberts responded that he did not see how this would impact the City, other than the fact of "If you don't pass, the nebulous of money won't be there and the City will not be able to beg for money from the Federal funds." He stated that Santaquin should take care of its own business.

City Manager Chatwin responded that Santaquin received both State and Federal funds for the mud slides of two years ago that the residents would not have been able to cover. Council Member Roberts disagreed, stating that the residents would have taken care of their own. City Manager Chatwin responded that it was not an issue of getting the citizens to help out and fill sand bags, but when there is a need for utility repair, etc. and how would the City tell the residents that they have to pay for it. He explained that the City would have to be able to rely on emergency funds rather than charging the tax payers. Council Member Roberts responded that the Federal government stole the money and now the citizens have to beg to get it back.

City Planner Bolser stated that the key word in this Resolution was 'pre-disaster'. He explained that if the City could have foreseen the fire and mud slide, we would have seen the need for the installation of diversion channels. The City could have applied under this Pre-disaster program. He addressed Council Member Roberts concern regarding outdated data in the report. He stated that the Act of 2000 specifies the use of 1990 data. Council Member Roberts responded that he was concerned with relying on flawed information presented in a document. He added that the 100 year flood could happen one year and then again the next year. Council Member Starley commented that the '100 year flood' was a technical term.

Council Member Starley indicated that Council Members should have a preliminary review of any documents or plans before they are submitted to FEMA, adding that the process seemed backwards. City Planner Bolser stated that the process is outlined in the document and added that Mountainland Association of Governments (MAG) had an open house to collect public input on the plan. Council Member Starley commented that the City should have had a representative attend.

Council Member Roberts expressed his appreciation for the work and information presented in the document.

Mayor Scovill gave a brief history regarding the 1983 flood out of Santaquin Canyon. He explained that Utah County has been responsible by contract to take care of the debris basin and the overflow channel. He stated that the County had a concern regarding the dike. He explained that the County had removed the vegetation from the basin and channel, but his concern is that the removal of the vegetation would weaken the dike. Mayor Scovill stated that an engineering firm had been contacted to prepare a proposal for study, but added that the City has received no response. He stated that the City did not have the funds to remove 3 - 4" of silt before the spring run-off. He commented that these sort of things need to be looked at in 'pre-disaster' planning. Council Member Starley stated that if a structure is owned by a government agency, they should be responsible for the clean up.

City Manager Chatwin called a Point of Order. He stated that comments should not drift too far regarding contracts. He indicated that discussion should stay of the issue at hand.

City Planner Bolser responded to some concerns that Council Member Starley addressed. Council Member Starley stated that the City should know what funds were available and what the City planned on doing with the funds if we applied for and received any funds. Until that information were known, he stated that he would not be ready to vote in favor of the Resolution.

City Planner Bolser stated that FEMA allotted \$3 million in Utah this year and has scheduled another \$3 million for next year. Council Member Starley commented that the Council Members had passed the Resolution adopting the NIMS (National Incident Management System) for post-disaster funds. He asked if the pre-disaster funds were a separate issue. City Manager Chatwin responded in the affirmative. City Planner Bolser added that there is no match related to the funds requested. He indicated that the entire amount could be applied for. Council Member Starley asked if there were any projects that currently needed the funding. Mayor Scovill responded that the basin and channel he discussed earlier could use the funding. City Manager Chatwin indicated that there was not a prepared list at this time, but one would be compiled. Council Member Morgan reminded the Council Members that the application deadline was February 28<sup>th</sup>.

Without further discussion, the vote was as follows:

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

The Resolution does not pass.

Cit Planner Bolser stated that denying this Resolution would make the City ineligible for this funding. Any funds needed for cleanup, repair or replacement would have to come out of tax dollars. He added that the Council could entertain the Resolution again, but the City would remain ineligible for funding until the Resolution was passed.

Mayor Scovill stated that he anticipates a serious need for flood mitigation. City Planner Bolser stated that because the next fiscal year begins October 1, if we were to receive pre-disaster funds, the funds would not be available until 2007.

Council Member Starley commented that he would be willing to look at the Resolution again if more specifics were available. He stated that it would like applying for a business loan, but not having a need for the money. Council Member Morgan stated that he did not see approval of the Resolution that way. He stated that approval would be much the same as filling out the credit report.

***Resolution 02-04-2005 "A Resolution Declaring Santaquin City's Intention to Reimburse Expenditures from the Proceeds of Municipal Bonds to be Issued by Santaquin City."***

Mayor Scovill stated that the City was not in the position to act upon this Resolution. He reported that for the last year or so he has been working with JUB Engineering and Zion's bank regarding the Pressurized Irrigation System and added that this Resolution must pass in order to implement the project. He explained that this Resolution would allow the City to pay for the invoices received prior to the 2007 Bond. He indicated that it would be authorization to pay the collected invoices when the bond money was received. Mayor Scovill stated that \$200,000 would be needed for payment by March 5, 2005, adding that the City had already accrued fees for the services provided by JUB Engineering.

Mayor Scovill suggested a 6:00 PM Work Session on February 23, 2005 or possibly a Special Council Meeting to further discuss this issue. Council Member Morgan asked if the contract for actual design and hard engineering to be done had been competitively bid. Mayor Scovill responded that the study be done would be charged on an hourly basis and not a lump sum or percentage of the total cost. Council Member Morgan asked if the City intended to go with single or sole source. Mayor Scovill responded in the affirmative adding that changing engineering firm mid-stream would not make sense. Council Member Morgan asked how the City could justify not evaluating competitive bids. City Manager Chatwin explained that JUB Engineering has a certain amount of background and trust from the City. He indicated that in the City's best interest, he would recommend continuing with JUB.

City Manager Chatwin cautioned that the Mayor and Council Members should be careful to follow regulations, as the discussion was starting to deviate from the agenda item.

Council Member Starley moved to table *Resolution 02-04-2005 "A Resolution Declaring Santaquin City's Intention to Reimburse Expenditures from the Proceeds of Municipal Bonds to be Issued by Santaquin City"* for further review at a Work Session scheduled for February 23, 2005. Council Member Roberts seconded the motion. The vote was unanimous.

**PETITIONS AND COMMUNICATIONS**

Mayor Scovill read a letter from Tom Peterson regarding the lift station at northwest section of town. He indicated that the lease of this property would be coming before the Council Members for review. He reported that Mr. Peterson is selling the property and further stated that the lease goes with the land and not with the owner. Council Member Morgan asked if the

City had an option to purchase the property. Mayor Scovill responded that a lease and the current lift station may not be necessary because of the North Santaquin Orchard Development.

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

Mayor Scovill distributed an annexation request from Psomas Engineering for 80 acres of Ekins property south of Highway 6 and adjacent to Summit Ridge.

Council Member Morgan requested information regarding a past discussion regarding the Miss Santaquin Pageant swimsuit competition. He indicated that this competition may be ruling out some of the contestants running for Miss Santaquin because some individuals may not want to participate in the Miss Utah competition. Council Member Starley responded that the recommendation given to the Miss Santaquin Chairperson, Amanda Jones, was that the fitness portion of the pageant would be done in private.

Council Member Morgan asked Mayor Scovill if the assignment list for the Council Members had been finalized. Mayor Scovill responded in the affirmative. Council Member Starley reported that and Council Member Roberts would exchange some of their responsibilities.

Council Member Morgan reported that the Silva property on Main Street would be auctioned on February 10, 2005.

Council Member Morgan reported that he would like to attend the annual Utah Rural Water meeting in St. George on March 2-3, 2005. Mayor Scovill indicated that it would be fine for Council Member Morgan to attend. Council Member Green was invited to attend with Council Member Morgan.

Council Member Morgan reported that he had spoken with Bruce Ward of Aqua Engineering and indicated that the Regional Sewer Study had been completed. Mr. Ward indicated that he would like to present the results of the study at a City Council Work Session on March 2, 2005. Mayor Scovill responded that the Work Sessions items have already been scheduled through March 2, 2005. He indicated that the March 9, 2005 Work Session schedule was available as yet. Council Member Morgan stated that he would contact Mr. Ward to tell him that he would let him know what date would be available.

Council Member Starley asked if the angle road on the Terry Kester property was being cut for the new realignment for Highland Drive. City Manager Chatwin responded that the road would be a temporary access to Mr. Kester's property. He indicated that once the realignment was completed, Mr. Kester's parking would front the newly aligned road. Council Member Starley asked if information regarding the realignment had been received from the Utah Department of Transportation (UDOT). Mayor Scovill responded that the realignment was on UDOT's schedule for completion within the next two years. Council Member Morgan asked if Mr. Kester is cutting access road from his property onto a City or State road, wouldn't he need a permit. City Manager Chatwin responded that he would research permission needed from the State.



Council Member Starley asked if the headstone damage at the City Cemetery could be repaired as an Eagle Scout project. City Manager Chatwin responded that the headstones are the private property of the individual families and there may be liability issues in letting the scouts try to repair the damage.

Council Member Starley revisited the retention pond ownership issue discussed earlier. Mayor Scovill stated that ownership research would have to go back to 1934 to find out who has liability. He indicated that the Fish and Game Department, the Bureau of Land Management, Utah Power and Light, Genola Town, Santaquin City, etc. were all involved in ownership or responsibility in maintaining the pond at one time or another. He added that it is unknown who owns the property.

Council Member Roberts indicated that he had nothing to report or discuss.

***Planning Commission***

No representative present.

**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)

Nothing

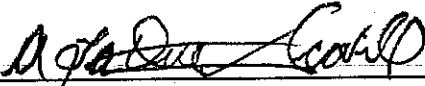
**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

Nothing

**ADJOURNMENT**

At 10:23 PM Council Member Green moved to adjourn. Council Member Starley seconded the motion. The vote was unanimous.

Approved on February 16, 2005.

  
A. LaDue Scovill, Mayor

  
Darlene L. Gray, Deputy Recorder

## A Letter of Clarification

The First Amendment of the Constitution of the United States of America reads: "*Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*" The Webster's New World College Dictionary (the official dictionary of the associated press) defines the word ABRIDGING as; to reduce in scope, extent; shorten.

When I was a child, I had a vision that was America. In this America, justice, truth and righteousness prevailed. Even the wars that were fought by America were fought to protect, preserve, and gain liberty and independence for those who cherished liberty and equality. The Revolutionary War, The Civil War, WWI, and WWII are such examples. I held America and her goodness on a pedestal. Throughout grade school I was taught about great and virtuous men full of integrity and truth, like George Washington, John Adams, Benjamin Franklin, and Ronald Reagan. I was taught that in times of need we could call upon and trust government officials, public servants, and those in law enforcement who swear an oath of loyalty to the Constitution. The following example was quoted from the book "The Proper Role Of Law Enforcement" written by Sheriff Richard Mack. "I do solemnly swear that I will faithfully discharge the duties of my office and that I will protect and defend the Constitution of the United States from ALL enemies, both foreign and domestic, so help me God." This oath and others similar to it are sworn to by ALL police officers, Government officials, and public servants.

Our Constitution is a divinely inspired document, and was designed from the moral principles set forth in the Declaration of Independence, in which was enumerated the just reasons for declaring independence from England. It also listed the cardinal truths; "...that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness - That to secure these Rights, Governments are instituted among men, deriving their just Powers from the consent of the Governed." (It would be well to remember that in the Constitution of the United States of America, Government is limited. Not the People.) We are all created equal, therefore no one is superior, or has rights superior to anyone else. "The important thing to keep in mind is that the people who have created their government can give to that government only such powers as they, themselves, have in the first place. Obviously, they cannot give that which they do not possess." -Ezra Taft Benson. Government officials must respect their oaths to uphold the Constitution, and we the people must be vigilant in seeing that they do.

Why is the First Amendment so important? "The Framers intended political disagreement. They built it into our system of government. After throwing off the yoke of the most powerful monarchy in the world, the drafters of the greatest Constitution ever written understood the extreme danger of one voice (or single group of voices) commanding all."-Greg Hawkins. History, and current politics reveal that it is necessary in order to secure liberty, there must be discussion, and even debate over political issues and decisions. In doing so we help to enlighten, and edify each other. We learn. The seminal passage in the preamble to the Constitution of the United States of America; "We the people..." invokes, invites, and even demands active participation by the People. No where in the Constitution does it limit the place, or time to have such discussion.

"When the Government fears the People, there is Liberty. When the People fear the Government, there is tyranny." - Thomas Jefferson. As I grow in years I am coming to realize the

dismal truth: that America is willfully surrendering its Liberties to arbitrary powers and an all powerful Government. We are the fortunate beneficiaries of this great country and ought to remember that Freedom is not self-enacting. We must nurture it, care for it, protect it, and under no circumstance take it for granted; which I have regretfully done too often. I love my country with all my heart. I have a humble respect and reverence for those before me, who in times of need, courageously and gladly gave their lives in the name of Freedom and Liberty. How much time and energy has been selflessly given. How much comfort has been sacrificed. How many wars have been fought. How much blood has been spilt. How many have suffered tremendously as they endured the loss of loved ones in battle. **HOW MUCH HAS BEEN GIVEN BY COUNTLESS NUMBERS OF NOBLE INDIVIDUALS IN THE NAME OF FREEDOM!** I, for one, am eternally grateful to my Heavenly Father that I have not been asked to give so much. (Although if the cause of Liberty and Freedom called for such a sacrifice I would **GLADLY** lay down my life in a heartbeat!) I feel extremely fortunate. We live in trying times where it has been prophesied the Constitution will hang by a thread, and if it be saved at all, it will be by the Elders of the Church. "The only thing for the triumph of evil is for good men to do nothing."—Edmund Burke. (1729-1797) The obligation we carry to preserve our Freedom **MUST NOT** be taken lightly. As Americans, our Freedom is among our most valued possessions. But it is not free. We must remember the blanket of liberty that you and I enjoy from day to day, has been purchased at a great price!

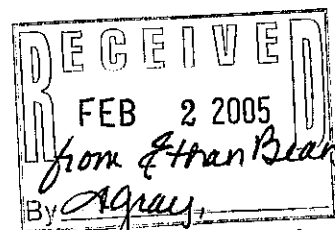
For the first time in my life I am afraid of the Government. On the 19<sup>th</sup> of January 2005 in a city building, after a city council meeting in Utah County, I was restrained and almost put under arrest (were it not for my father, who civilly intervened) for "not obeying the requests of an officer of the law". Somehow I missed where it states that anything an officer of the law requests must be adhered to. Well. That's because it can't be found. That law does not exist! On the contrary; when any crime is prosecuted, criminal intent must be established in order to convict the defendant. Therefore, in order to make a lawful arrest a crime must be committed; if no crime is committed, then the arrest is false!

I was involved in a political debate regarding National and State Governments with an individual. We obviously differed in opinion, (as debates are so structured) and in mid debate the police chief turned to me, stated that he had business to discuss with this gentleman with whom I was in conversation with, and demanded that I leave. We were not the only ones in the room and my parties were still there, so I refused his unlawful request. Calmly I asked him if it was a public office that he held. He said, "Yes." Then I asked him if we were in a public building. He answered, "Yes." I then stated that I had a right to stay, I was breaking no law. He told me that if he has to ask me one more time to leave he would place me under arrest. I asked, "Under what charge?" To which he replied, "For not obeying the requests of an officer of the law!" I reminded him again that I was breaking no law and I stayed. He then placed his hand on my shoulder and told me to "stay, I'm taking you in." Fortunately, my father who was there, saw what was taking place and convinced the chief of police to let me go. Thankfully, there were witnesses present, including a lawyer, and I wasn't arrested. After his unlawful attempt to arrest me I informed the chief that he was a disgrace to the Constitution. The chief then told me that I was a disgrace to the human race! Nothing more was said.

It is sad that in one of the most conservative cities, in the most conservative county, in the most conservative state in the Nation, such abuse of the powers given to the **POLICE CHIEF** and neglect to his oath to uphold and protect civil rights of the People protected by the Constitution of the United States of America is ignored and allowed to take place! (The chief had no more right to

order that I leave, any more than I had right to order HIM to leave.) I was further alarmed and troubled by a statement that a city staff member made the following day, who was not part of the conversation. This person told a city council member, that I was out of line and the police chief was justified in his actions, because I was "inciting to riot." Since when did discussion, or political debate, or refusing to adhere to an unlawful request of an officer become inciting to riot?! This is ludicrous. According to the Webster's Dictionary the definition for riot is 1: wild or violent disorder, confusion, or disturbance; tumult; uproar. 2: a violent public disturbance of the peace by a number of persons (specified, in law, usually as three or more) assembled together. Even the chief of police who wanted to arrest me couldn't come up with that one as coming close to a lawful cause for arrest. I was neither wild nor violent in my actions or language. My conversation included only one person, and I threatened no one in any way. I am not a criminal. I am not a terrorist. I'm not a felon. I am a peaceful, law abiding, contributing member of society with an interest and a passion for my country and the republic for which it stands.

Let us see that our Government officials, Public servants, and Police officers honor the oaths they take in defending OUR Constitution. "This oath carries with it a tremendous responsibility: to safeguard the principles of Liberty for which hundreds of thousands of Americans have given their lives."—Sheriff Richard Mack.



*Deputy Recorder*