

NOTICE AND AGENDA
AMENDED 1-18-05 1130

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on Wednesday, January 19, 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 January 5, 2005
 - b. Bills -\$91,486.26
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

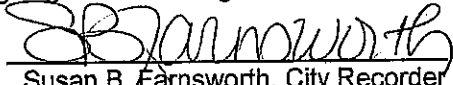
 - a. Dennis Barnes: U.S. Department of Commerce Award for 25 years of Government Service
 - b. Re-appointment of Rex Bean to the Planning Commission
 - c. Re-appointment of Chris Michalek to the Planning Commission
 - d. Stewart White, Owner Oil Spout
6. **FORMAL PUBLIC HEARINGS**
7. **UNFINISHED BUSINESS**
 - a. Discussion approval of the Oak View Hills Annexation
8. **NEW BUSINESS**
 - a. Appointment of a Mayor Pro-Tem
 - b. Suggested schedule and topics for Work Sessions
 - c. Update on budget procedures and the involvement of the Council Members
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
 - a. Resolution 01-01-2005 "A Resolution Adopting the National Incident Management System (NIMS) (information given to the Council by Chief Bott weeks ago.)
 - b. Resolution 01-02-2005 " 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"
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
 - a. Planning Commission
 - b. Council Member Starley- Discussion and possible action with regard to Legislative sponsorship of new City Code.
 - c. Council Member Green- Discussion and possible action of the proposed East Bench Rezoning
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 REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
JANUARY 19, 2005**

Mayor Pro-Tem Martin Green called the meeting to order at 7:00 P.M. Council Members attending: Todd Starley, Wes Morgan and Dennis Brandon. Mayor A. LaDue Scovill was excused.

Others attending: City Planner Jim Bolser, Legal Counsel Brett Rich, Fire Chief Shayne Bott, Police Chief Dennis Howard, Public Works Superintendent Dennis Barnes, Fire Department Representatives Keith Broadhead, Jason Allsop, and Jesse Smith, Planning Commission Representatives Brent Vincent, and Rex Bean, Daily Herald Representative Caleb Warnick, Jack Jarvis, Don McCandless, Delaine Jacques, Jim Linford, William Boardman, Scouts Daniel Boardman, Dakota Hathley, Jacob Hales, Ben Hales, Joe Hales, Curtis Hines, and Kayden Farnsworth, Ken Stoddard, Sean Wolf and other unidentified individuals. City Manager Stefan Chatwin was excused.

PLEDGE OF ALLEGIANCE

Council Member Brandon led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Council Member Starley offered a Word of Prayer

CONSENT AGENDA

Approval of the minutes

Approval of the minutes of a Regular Meeting held on January 5, 2005

Bills - \$91,486.26

Council Member Morgan moved to approve the Consent Agenda. Council Member Brandon seconded the motion. Council Members Starley, Morgan, Brandon had questions on payment of the bills and changes to the minutes. After the discussion, the vote was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Dennis Barnes: U.S. Department of Commerce Award for 25 years of Government Service

Mayor Pro-Tem Green presented Mr. Barnes with a National Weather Service Award. For the past 21 years, Mr. Barnes has been responsible for gathering of weather information at various weather sites within Santaquin area. Congratulations to Mr. Barnes

Mr. Barnes reported that he keeps daily logs of the temperature, rainfall and snowfall for the National Weather Service. He extended an invitation to any of the scouts to make an appointment to visit the weather station.

Re-appointment of Rex Bean to the Planning Commission

Council Member Roberts moved to re-appoint Rex Bean to the Planning Commission. Council Member Starley seconded the motion. The vote was unanimous.

Re-appointment of Chris Michalek to the Planning Commission

Council Member Roberts moved to re-appoint Chris Michalek to the Planning Commission. Council Member Starley seconded the motion. The vote was unanimous.

Stewart White, Owner Oil Spout

Mr. White did not attend.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Discussion of the Oak View Hills Annexation

Council Member Morgan questioned if Legal Counsel Rich made the requested adjustments to the proposed Annexation Agreement. Legal Counsel Rich reviewed the changes with the Council. Council Member Starley invited Mr. Jarvis and his Legal Counsel Mr. McCandless to make any comments. Mr. McCandless requested an opportunity to review the Annexation Agreement before the Council adopts the Annexation Ordinance. Council Member Brandon questioned who provided Legal Counsel Rich with the information to draft the Annexation Agreement. Council Member Brandon was told the Mayor, the Planning Commission, the City Manager and the Council Members themselves provided the information. Council Member Morgan indicated there hasn't ever been an unanimous decision among the Council Members as to what the zoning should be in areas surrounding the incorporated City. Mayor Pro-tem Green would be comfortable with accepting the Planning Commission's recommendation as to a zoning. Legal Counsel Rich questioned if the Council would like to have the zoning recommendation included in future Planning Commission Recommendation Reports. Council Member Green requested this information be included and be submitted ahead of time.

Mr. Bean reported the reason the annexation was denied at the Planning Commission level was due to what was perceived as water issues. Council Member Starley questioned the direction the Council Members would like the annexation to go. Council Member Morgan believes the annexation should move forward. Mr. Linford indicated the Public was not allowed to comment at the past Work Session and would like an opportunity to do so. He believes there are issues of land values, development access, and trails that need to be resolved. He questioned how they could be resolved if the Residents are not allowed access to the Annexation and Development Documents. Council Member Starley questioned if Mr. Linford felt there hasn't been enough public input with the two or three Work Sessions and the Public Hearing. Council Member Starley requested that the City Recorder review the recording tape of the last meeting to establish whether or not the Mayor agreed to allow further Citizens input, as Mr. Linford contends. Mayor Pro-tem Green indicated he would not be requesting any additional Work Sessions. He felt Mr. Linford could meet with the Mayor to discuss any issues he may have. Council Member Roberts called Point of Order. He indicated that this is becoming a public hearing.

NEW BUSINESS

Appointment of a Mayor Pro-Tem

Council Member Starley moved to appoint Council Member Roberts as Mayor Pro-tem. There wasn't a second to the motion.

Mayor Pro-tem Green moved to appoint Council Member Morgan as Mayor Pro-tem. There wasn't a second to the motion.

Council Member Morgan moved to appoint Council Member Green as Mayor Pro-tem. Council Member Brandon seconded the motion. Mayor Pro-tem Green along with Council Members Morgan and Brandon voted in favor of the motion. Council Members Roberts and Starley abstained from the vote.

Suggested schedule and topics for Work Sessions

The Council Members were requested to review the proposed Work Session topics and contact City Manager Chatwin with any requested changes or additions.

Council Member Starley addressed those in the audience. He reported that the issue of the tire shop would not be discussed. Mr. Stoddard questioned when the Council Members would be discussing the issue. He was told the development plans were before the Development and Review Committee. He was invited to watch for the meeting postings at the City Center, Post Office or Zions Bank.

Mr. Wolf questioned why "the Guy" was being allowed to move dirt if the Council hadn't seen plans for a project. Mayor Pro-tem Green informed that a property owner could move dirt on his property if he so chooses.

Update on budget procedures and the involvement of the Council Members

The Council Members were told that the Budget process has begun. The Department Heads have received the budget Work Sheets, which are due back shortly. Council Member Morgan reported that on review of the past months Financial Statement, there are a number of Departments who have expenditures that exceed the percent of Budget Year. Council Member Morgan was invited to meet with the City Recorder to review any particular concerns.

BUSINESS LICENSES

Council Member Starley reviewed the following Business License Applications: Marguerite Smith D.B.A. Summit Creek Signs, Jim Norton D.B.A. NORTCOR, Robert and Sandra Benedict D.B.A. Black Dog Aerospace Design, Blair M Collins D.B.A. Carousel Service Center, L.L.C., and Shannon Harris D.B.A. Harris Food & Fuel, LLC. Council Member Morgan questioned if there were unresolved issues pertaining to the business owned by Shannon Harris. He questioned if the Council should continue to approve Business Licenses for Mr. Harris if the issues weren't resolved. Legal Council indicated there are items included in a Memorandum of Understanding, which Mr. Harris signed, that have not been completed. He hasn't been assigned to work on this issue for approximately a year and a half.

Council Member Roberts moved to approve the Business Licenses. Council Member Starley seconded the motion. Council Member Roberts amended the motion to issue Mr. Norton's License contingent upon Mr. Norton signing the appropriate papers. Council Member Starley seconded the motion. The vote was unanimous.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Resolution 01-01-2005 "A Resolution Adopting the National Incident Management System (NIMS)"

Council Member Morgan and Starley attempted to make a motion at the same time.

Mayor Pro-tem Green accepted Council Member Morgan's motion to adopt Resolution 01-01-2005. Council Member Brandon seconded the motion.

Council Member Starley indicated he accessed the Federal Emergency Management Agency's Website to review the plan and hasn't had time to read all of the 245 pages of information, which is only part of 100's of other related pages pertaining to the F.E.M.A. plan. Council

Member Starley indicated he would like to table the vote because he feels it isn't right to vote on something he doesn't understand. He indicated he understands the Fire and Police Chiefs' reasoning behind adopting the Resolution but feels it isn't proper to vote on the issue until he is certain what the City is getting involved in.

Council Member Brandon questioned if adoption of the Resolution was time sensitive. Chief Bott and Chief Howard indicated that it was. Council Member Starley questioned why it was time sensitive. Chief Howard responded by saying there are a number of items that need to be performed within the year 2005 by multiple jurisdictions before funding is available in 2006. Funding could be withheld if the compliance is not met.

Council Member Starley questioned if there isn't an additional avenue of funding other than Federal. He questioned if the City could not receive State or County Funding.

Chief Howard referred the Council Members to the Executive Order signed by Governor Walker that brought the State into compliance with NIMS. Chief Howard indicated the City didn't have an additional avenue.

Council Member Roberts indicated his comments were directed to the language of the document. He believes this is, a Homeland Security power grab as far as he can tell by the language he is reading. Council Member Roberts continues to say that if we wanted to sell our birthright for a mess of pottage then sell away. He indicated that our freedoms would also be sold. Council Member Roberts reviewed the third whereas which reads, "Whereas the NIMS provides a consistent nationwide approach for Federal, State, and local Governments to work together to prepare for and respond to, and recover from domestic incidents regardless of the cause, size, and complexity". He reported he wasn't interested in a consistent nationwide approach. He reported if there were an emergency within Santaquin, he would be interested in a Santaquin approach. He reported that when Santaquin had the mudslide, there were 500 people sitting at the City Center waiting for FEMA to give the authorization to go in and do something. Council Member Roberts indicated as the letter addressed to the Governor from Tom Ridge read, the NIMS would help recover from domestic incidents regardless of the cause, size, and complexity. Council Member Roberts indicated this meant that if a speeder was stopped on Main Street, NIMS could come in because we had a "situation". He feels the current language gives NIMS absolute oversight and saying that Homeland Security is the boss. He feels that if the Resolution is adopted, the City is moving in the wrong direction.

Council Member Roberts read a quote from John Fieldfox Curren, "It is the common fate of the indolent to see the rights become a prey to the active. The condition upon which God hath given liberty to man, is eternal vigilance which condition if he breaks, servitude is at once the consequence of his crimes and the punishment of his guilt".

Council Member Roberts feels if authority is yielded to the Federal or State Government, Our freedoms will be lost.

Council Member Roberts continued to say that if Homeland Security really cared about our security, they would shut down our borders. He indicated that they don't care about it so they continue to let people come and go from Mexico as they so choose.

Council Member Starley asked Chief Howard what he understood was meant when the document mentions an oversight at the Federal level of the Homeland Security. Chief Howard indicated that was the mechanism as to where the City, County, State and Federal Government are operating on a uniform plan of action.

Council Member Starley questioned if there is assistance available on the County or State level. Chief Howard indicated that the County and State is adopting or has adopted the NIMS Command System. Chief Howard continued by saying it isn't that the Federal Government would come in and have oversight anymore than FEMA had oversight during the mudslide. Council Member Roberts indicated that the language indicated that they would have oversight and as he understands it, in Government, whoever has oversight is the Boss. Chief Howard indicated that the oversight is strictly for the funding mechanism. Council Member Starley would like to see where the oversight issue is documented.

Council Member Starley questioned why Santaquin would need access to teams who had mass arrest and mass booking capabilities, grenaders, and counter-snipers. Chief Howard indicated that Santaquin may never utilize what is available to us.

Council Member Starley indicated he was not in favor of damage to life, limb or property, but he is in complete favor of 1st Amendment rights. Council Member Starley indicated that the Public Safety within Santaquin City is great and he doesn't have anything against them, but as a Council Member he needs to know what he is voting on and needs to make the best decision he can. Council Member Starley indicated that right now he doesn't feel right about supporting this action. He continued to say that if the Council were to vote for the document before they knew what was in it, he would consider it dereliction of duty. Chief Howard indicated his concern and commented that at this time of year, with the fluctuation in the weather, if Santaquin City were to have a mudslide this year, the City may be standing alone if we choose not to operate under NIMS. Mr. Bean indicated that Chief Howard's comment was not true. Chief Howard indicated that was the information he has been given. He also indicated that the proposed Resolution is a tool to be used to help Public Safety do their job. Chief Howard indicated there currently is certification, at no charge, which will not be available, if the Council chooses to not adopt the system. Council Member Starley indicated the Public Safety Department is between a rock and a hard spot but his position is when he gets in a tough situation, he has to fall back on the reason he is a Council Member. That is to uphold and defend the constitution. The Federal Government is very limited in their powers and jurisdiction. As he sees it, the Resolution allows the Federal Government to over step their bounds of power and jurisdiction. Council Member Starley feels the City is in an unfair situation where the Government is dangling the money carrot, per se. We were told that if we don't participate we don't get money, which belongs to the Taxpayers anyway.

Council Member Morgan indicated that in his mind there is a trade off of freedom and security. He indicated he has heard the concerns about Homeland Security a number of times in the media and doesn't intend to read hundred or thousands pages of documents concerning NIMS. He indicated he was going to accept, at face value, the letter to the Governor from Tom Ridge. Council Member Morgan felt there was some merit to having consistent training, consistent policies, and operational procedures, so when we need help we are not asking help of people who are not familiar with how we do things. Council Member Morgan indicated he liked the idea that the system provides a common foundation for training and other

preparedness efforts, the ability to communicate and share information with other responders and with the Public, the ability to order resources to assist with response efforts, integrate new technologies and standards to support incident management, and sets common procedures when working individually and with other entities. Council Member Morgan feels we are better off adopting the Resolution.

Council Member Starley indicated his feelings were that we should never ever give up liberties for any security. Council Member Starley feels this is dangerous ground to walk on. Council Member Starley indicated the letter submitted by Chief Howard and Chief Bott is a symbol of a sticker price tag in the window of a car and the pages within the document symbolized the purchasing agreement. He feels additional review of the documents is needed.

Council Member Brandon asked Council Member Starley how long he thought it would take for him to review all of the internet information. Council Member Starley indicated that each Council Member could take an equal portion of the document and be prepared to discuss it within a couple of weeks. He indicated he didn't think it was a good principle to vote on something they were not totally sure of. Council Member Brandon indicated that in some point of time the Council needs to rely on the recommendations of the Public Safety Representatives. Council Member Starley commented that the People elected the Council to be their voice for the decisions within the town. Council Member Starley indicated he wasn't saying the Public Safety Representatives judgment was wrong or his was right he is saying the issue warrants additional discussion.

Mr. Bean indicated he would like to make a comment and felt he had a right to do so. He read a quote by Benjamin Franklin, which said, "They who give up their self immunity to obtain a temporary safety deserve neither liberty nor safety".

Mr. Broadhead asked if this was a Public Hearing with Mr. Bean responding that he had the floor.

Mr. Bean delivered a quote from Justice Brandes, "Every unjustifiable intrusion by the Government upon the privacy of an individual, whatever the means employed, must be deemed a violation of the 4th Amendment".

Mr. Bean continued by saying that the 4th Amendment guaranties the right to individual privacy, prohibits unreasonable searches or seizures by the government, whether it be invasive drug tests, illegal weapon searches, illegal police road blocks, unauthorized surveillance, or intrusive penal policies. While Congresses Antiterrorism Law, the so called USA Patriot Act may not have been designed to restrict the Civil Liberties of the American Citizens, its unintended consequences threaten the fundamental Constitutional Right of the People that have absolutely nothing to do with terrorism. Mr. Bean stated that the Council Members have taken an oath to defend the Constitution of the United States against all enemies, Foreign or Domestic and if the Council gives up that right, they have violated their Oath of Office.

Council Member Brandon added that he doesn't have the power to change the Constitution, but he will make decisions based on the information given and his feeling towards the issue.

Mayor Pro-tem Green indicated there was a currently a motion and a second to approve Resolution 01-01-2005. Council Member Starley indicated he had an additional comment of concern. He indicated he didn't profess to be a scholar of the Constitution but he does understand it well enough to feel right and wrong about something. The concern he would like to make publicly known is that when somebody mentions the Constitution, a lot of people roll their eyes at the comments, and think it an old outdated piece of junk document. Council Member Starley continued to say that this is what this Country is about and what our Government is about and he doesn't understand the apathy toward the Constitution of the United States. He reported that this is a document that is in danger of being destroyed by many different avenues and it is time that more people start looking at it and stand up and defend it. Council Member Starley declared that he, for one, would defend it.

Council Member Roberts indicated he had one more thing to say so that the Council would be able to vote with their eyes open. He reviewed comments contained within the letter sent to the Governor, by Mr. Ridge. Council Member Roberts indicated that if they voted for the Resolution, they would be voting for yielding the choice for the Homeland Security to help to recover from domestic incidents, regardless of cause, size or complexity. He indicated that the Council's ignorant actions would give away our freedom.

Mayor Pro-Tem Green called for a vote. Mayor Pro-tem Green along with Council Members Morgan and Brandon voted in favor of the motion. Council Members Roberts and Starley voted against the motion.

Resolution 01-02-2005 "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 Starley moved to table the Resolution due to not having enough information to review. Council Member Roberts seconded the motion. Mayor Pro-tem Green along with Council Members Roberts, Starley, and Brandon voted in favor the motion. Council Member Morgan voted against the motion.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Planning Commission

Alexander Towing Conditional Use Permit review

Commission Member Vincent reported that the past Planning Commission meeting, the approval was given for Alexander Towing's Conditional Use Permit, for a undetermined time. There were issues discussed with regard to metal along the fence. If the metal is not removed, the issue will be dealt with through the Nuisance Ordinance.

Council Member Green- Discussion and possible action of the proposed East Bench Rezoning

Mayor Pro-tem Green indicated he had spoken with the City Manager with regard to the process of instigating an area rezoning. Council Member Morgan questioned the title of the Agenda item. He wasn't aware there was a proposed rezoning of the East Bench. Council

Member Green asked if the council was in favor of discussing rezoning the certain areas of the East Bench. Council Member Roberts questioned what the rational of rezoning would be, due to there being homes already in that area. Council Member Brandon indicated that between the time of building and now, the Residents were led to believe their property was zoned something it is not. Council Member Starley questioned who was at fault for the misleading zoning information. Council Member Brandon indicated he thought it was a City problem because anyone who has been in prior City Council Meetings knows there had been lot of work that has gone into establishing zones. He indicated that somewhere along the line, this work was never adopted. Council Member Brandon felt that if the Resident's property that qualified for a larger zoning than what is currently zoned, they should be allowed the higher zone.

Council Member Starley questioned if Council Member Brandon was purposing spot zoning. The consensus of the Council was not to spot zone.

Mayor Pro-tem Green reported that while he was on the Planning Commission, the Planning Commission as a whole, worked on a General Plan that specified what zoning would be allowed where.

Council Member Morgan indicated the approved General Plan has a map that shows future designation of density but didn't specify exactly what the zones would be... i.e. R10, R12, R15. Council Member Morgan commented that because a lot qualifies for higher zoning is not adequate reason to rezone.

A decision was not made as to whether the City Staff should initiate a rezoning.

Council Member Starley- Discussion and possible action with regard to Legislative sponsorship of new City Code

Council Member Starley reviewed the proposed Policy mandating Legislative sponsorship of a new City Code. Council Member Starley indicated that all of the phrases beginning with whereas, will be stricken. He is proposing a Policy which would require any Ordinance or Resolution be sponsored by at least 2 Council Members. He believes this will save the Council Members time by at least two of them being in favor of the action.

Council Member Brandon indicated that if at least two Council Members were not on board with a proposed Ordinance or Resolution there isn't any reason to have the staff spend time on the issue. Council Member Roberts indicated he was in agreement.

Council Member Morgan questioned if the Mayor could be one of the sponsors of a Resolution or an Ordinance. Council Member Starley indicated he would not because he is not a voting member of the Council. Council Member Starley also indicated that the Mayor is the person who sets the agenda and because there is an item that is sponsored, doesn't mean the Mayor has to include it in the agenda.

Council Member Roberts moved to accept action as a policy.

Legal Counsel Rich indicated he had a perception concern with the proposed policy. He cautioned the Council Members to be careful to not give the impression they were conducting

business prior to attending a Public Meeting. He questioned that if by sponsoring something, were the Council Members giving the impression or implying that they were bound to support the Ordinance or Resolution before a discussion is held in a Public Meeting. Council Member Starley indicated that the sponsors would not be obligated to support the Ordinance or Resolution but in sponsorship the proposed document could be reviewed by the Council Members.

Mr. Bean indicated he was in agreement with the Legal Counsel Rich.

Council Member Morgan indicated he was in agreement with Legal Council Rich's comments. Council Member Morgan commented he wasn't in favor of the wording Sponsorship but would support the idea of discussion of this item.

Council Member Brandon was also in favor of a system being in place to help inform the Council before the item becomes an Ordinance or Resolution.

Council Member Roberts indicated that after the discussion he feels the item should be reviewed further. He indicated he liked Council Member Morgan's idea for the language change. Council Member Roberts withdrew his original motion and moved to table for further discussion. Council Member Starley seconded the motion. The vote was unanimous.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Pro-tem Green indicated he had received a phone call from someone interested in renting the City Center. The understanding of the Staff Members was that the Park was to be rented for overnight camping but the City Center was not to be rented until the Council made a final decision. Council Member Starley indicated the Council had never voted one way or the other. Council Member Brandon questioned if the Council Member Roberts, Council Member over buildings, has taken a look at the situation of the gym stage. Council Member Robert indicated he walked through the gym with the City Manager, who had serious concerns with regard to renting the building because of safety concerns. He indicated that if the City Center was to be rented the renters should be required to hire security at the renter's expense.

Council Member Brandon commented that he didn't have any objections to renting the facility but thought the safety issues should be addressed.

Council Member Morgan indicated he also toured the gym with the City Manager. He also doesn't believe a final decision was made by the Council as to renting the facility.

Chief Howard indicated the building not adequate for some rental uses. The Building is not adequate for large private groups to rent.

Mayor Pro-tem Green requested this item be put on agenda for discussion next Council Meeting. Council Member Starley would like to know if the escape routes are appropriate for rentals, if the floor is structurally sound, as well as the stage. Council Member Green is concerned with safety issues. City Manager Chatwin will be asked to provide information to the Council Members for their review.

Council Member Starley questioned if the County had been contacted with regard to refunding the excess Cricket Abatement Money. The Council Members were told that City Manager Chatwin is working on the reimbursement.

Council Member Starley read a portion of the Miss America Summer 2002 Newsletter. The article was entitled "Lifestyle and Fitness & Presence and Poise". The article pertains to the swimsuit portion of the pageant. The article says, "Much of the value is to the contestant herself. As each young woman prepares for the lifestyle and fitness portion of the pageant, she is given the opportunity to gain a healthy perspective on exercise and proper nutrition as it relates to her quality of life and productivity".

This portion of the 2004 Miss Santaquin was held behind closed doors instead of as a Public event. The comment was made that the Director would not allow the swimsuit portion of the pageant to be offensive to the participants or those in attendance. Mayor Pro-tem Green asked if a participant would be allowed to choose if she participated on public or private. Council member Starley indicated that if the swimsuit portion of the pageant was not to be held publicly, a letter from the Mayor would need to be sent to the Miss America Committee.

Council Member Brandon reported that the Chamber of Commerce Banquet would be held on February 10th, beginning at 7:00. The banquet will be held at the Red Barn. Tickets are \$15 and will be available at the City Office and from any Chamber Member. The guest speaker will be Olene Walker.

Council Member Starley asked City Planner Bolser when the proposed changes to the fencing Ordinance would be available for Council review. City Planner Bolser indicated the Planning Commission should be reviewing the proposed changes in February.

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 9:10 Council Member Brandon moved to adjourn. Council Member Starley seconded the motion. The vote was unanimous.

Approved on February 2, 2005.



Martin Green Mayor Pro-tem

Susan B. Farnsworth, City Recorder