

## NOTICE AND AGENDA Amended

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on July 21, 2004, in 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 July 7, 2004
    2. Approval of the minutes of a Special Council Meeting on July 14, 2004
  - b. Bills -\$178,689.69
5. PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS  
Public Forum will be held to a 30 minute maximum with each speaker given no more than 5 minutes each.  
If more than 6 Speakers, time will be adjusted accordingly to meet the 30 minute requirement
6. FORMAL PUBLIC HEARINGS
7. UNFINISHED BUSINESS
  - a. Discussion and possible action with regard to participating with Nebo School District for the gym expansion
  - b. Dan Olson - discussion and possible action on the proposed Reservoir Park
  - c. Discussion and possible action with regard to an amendment to the Olson Greenhouse Natural Gas Agreement
8. NEW BUSINESS
  - a. Discussion and possible action with regard to 2004-2005 Transportation Enhancement Program
9. BUSINESS LICENSES
10. INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS
  - a. Resolution 07-04-2004 "A RESOLUTION OF THE SANTAQUIN CITY COUNCIL AUTHORIZING THE SALE OF ASSETS RELATED TO THE SANTAQUIN CITY NATURAL GAS DEPARTMENT AND AUTHORIZING THE EXECUTION OF THE ASSET PURCHASE AGREEMENT BY AND BETWEEN SANTAQUIN CITY AND QUESTAR GAS COMPANY"
  - b. Ordinance 07-05-2004 "AN ORDINANCE GRANTING TO QUESTAR GAS COMPANY A FRANCHISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS DISTRIBUTION SYSTEM IN SANTAQUIN CITY, UTAH COUNTY, STATE OF UTAH"
11. PETITIONS AND COMMUNICATIONS
12. REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES
  - a. Planning Commission
  - b. City Manager
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: SB Farnsworth  
Susan B. Farnsworth, City Recorder

POSTED:  
CITY CENTER  
POST OFFICE  
ZIONS BANK

**MINUTES OF A REGULAR COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
JULY 21, 2004**

Mayor A. LaDue Scovill called the meeting to order at 7:00 P.M. Council Members attending: Dennis Brandon, Wesley Morgan, Todd Starley and Tracy Roberts. Martin Green will join the meeting later.

Others attending: City Manager Stefan Chatwin, Legal Counsel Brett Rich, Questar Gas Representatives Stanna Kendrick, Larry Thurston, and Katie Secretan, Legal Counsel for Questar Gas Stewart Fredman, Keith Broadhead, Jesse Smith, Marcus Bean, and Rex Bean.

**PLEDGE OF ALLEGIANCE**

Council Member Roberts led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Council Member Starley offered an invocation.

**CONSENT AGENDA**

***Approval of the minutes***

Approval of the minutes of a Regular Meeting held on July 7, 2004

Approval of the minutes of a Special Council Meeting on July 14, 2004

***Bills - \$178,689.69***

Council Member Roberts moved to approve the Consent Agenda. Council Member Brandon seconded the motion. Council Member Morgan requested a number of changes to the July 14<sup>th</sup> Meeting Minutes and asked a number of questions with regard to payment of the bills. Following the discussion and changes to the Minutes, the vote was unanimous.

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

Nothing

**FORMAL PUBLIC HEARINGS**

Nothing

**UNFINISHED BUSINESS**

***Discussion and possible action with regard to participating with Nebo School District for the gym expansion***

City Council Member Brandon moved to discuss and take possible action with regard to participating with Nebo School District for the gym expansion. Council Member Morgan seconded the motion. Legal Counsel Rich reported that he researched the issue of using Park Impact Fees to fund the participation in the expansion of the gym within the proposed school. It was noted that Nebo School District would require a commitment by July 30<sup>th</sup>. A date of actual funds needing to be paid is uncertain. The expansion of the gym would include a hardwood floor instead of a carpeted floor with the sole cost of this floor being assumed by the City. Council Member Morgan questioned if a better use of the requested money is to upgrade the City Center Gym. City Manager Chatwin indicated there are a number of projects that would need to be reprioritized if the Council chooses to participate with the School District.

Council Member Roberts moved to draft a Letter of Appreciation to Nebo School District for the opportunity to participate in the expansion and let them know the City would not be able to participate at this time. Council Member Morgan seconded. The vote was unanimous. City Manager Chatwin agreed to draft the Letter.

***Dan Olson – discussion and possible action on the proposed Reservoir Park***

Council Member Roberts moved that the Reservoir Park Committee be given the authority to 1) find out how much a Feasibility Study will cost and 2) the authority to seek out and find funding to pay for the Feasibility Study. Council Member Starley seconded the motion. Legal Counsel Rich indicated it might be wise to appoint Committee Members, as they will be representing Santaquin City.

Council Member Roberts amended his motion to form an Ad Hac Committee\* to 1) find out how much a Feasibility Study will cost and 2) the authority to seek out and find funding to pay for the Feasibility Study. Council Member Starley seconded the amendment.

Mayor Scovill recommended having \*Council Member Morgan, Dan Olsen, Keith Broadhead Jesse Smith, Norman Jones, Morgan Williams and Lynn Adams serve on the committee with Dan Olsen acting as the Chairperson.

Upon the discussion the vote was unanimous.

**INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

***Resolution 07-04-2004 "A RESOLUTION OF THE SANTAQUIN CITY COUNCIL AUTHORIZING THE SALE OF ASSETS RELATED TO THE SANTAQUIN CITY NATURAL GAS DEPARTMENT AND AUTHORIZING THE EXECUTION OF THE ASSET PURCHASE AGREEMENT BY AND BETWEEN SANTAQUIN CITY AND QUESTAR GAS COMPANY"***

Council Member Brandon moved to approve Resolution 07-04-2004. Council Member Roberts seconded the motion. Mayor Scovill indicated there have been additional revisions to the contract of the sale of the Natural Gas Company. Legal Counsel Rich reported that the concern of replacing the Olsen Greenhouse meter as been addressed. The fee associated with the Olson Greenhouse meter change out is \$6,203. Upon receiving consent from the Council Members through a telephone poll, a letter of acceptance for financial responsibility for the required meter change was sent to Questar. There are also issues as to who has easement rights within the road right-of-ways. The question remains as to whether or not dig permits were obtained by Santaquin City when the gas lines along Highland Drive were installed.

**Council Member Green arrived at 8:00 P.M.**

Legal Counsel Fredman reported that Questar Gas will assume all responsibility for the lines installed along the State owned roads. Legal Counsel Rich indicated that the Council Members could table approving the Resolution or allow the language to be revised and accept the Resolution with the proposed changes. Mayor Scovill questioned why the Franchise would not include the newly acquired gas lines. Ms. Secretan indicated that the issue of new acquirement is not addressed in the Franchise Agreement. Legal Counsel Fredman reported that Questar would need to be allowed access to the roads and right-of-ways in order to maintain the system. Legal Counsel Rich indicated a number of definitions have been added. Legal Council Rich reviewed additional changes to the agreement. Some of the requested changes were drafted with the intent of the sale closing being at an earlier date. Council Member Roberts said his First Amendment rights were being restricted by the wording within Section 9.2(b). Legal Counsel Fredman indicated the purpose of the wording is to discourage negative comments, within a Public setting and from Individuals acting within a Council capacity, with regard to the Questar Company and its service. Mayor Scovill indicated he felt as Agent of the City he didn't have a problem with the

wording within that section. Council Member Green asked Legal Counsel Rich how he would like the language to read. Legal Counsel Rich indicated a Non-Disparagement clause is included in most contracts.

Council Member Roberts indicated God gave him his freedom of speech and Men can by contract yield that freedom, therefore he disagrees with the Section.

Council Member Starley has a concern with being a Representative of the Residents and not having the ability to address their concerns. Legal Counsel Fredman indicated it would be appropriate for Council Member Starley to address the concerns in a non-derogatory way.

Council Member Roberts indicated he would be comfortable with rewording the reference to derogatory remarks.

Council Member Green requested a time frame of 5 years be added to the Section. Council Member Green was told that Questar Gas offers special arrangements for special circumstances same as Santaquin City.

Mayor Scovill polled the Council with regard to the wording within Section 9.2(b). Council Member Green, Morgan, and Brandon were in favor of the section as written with an addition of a five-year time frame. Council Member Roberts and Starley indicated they were against the entire section.

Legal Counsel Rich reported an Ordinance would need to be approved to repeal the old Franchise Agreement and the new Franchise would need to be approved in an Agreement form.

Council Member Brandon amended the motion to include the discussed changes to the City's Legal Counsel's satisfaction. Council Member Roberts seconded the motion. Council Members Green, Starley, Morgan, and Brandon voted in favor of the motion. Council Member Roberts voted against the motion.

***Ordinance 07-05-2004 "AN ORDINANCE GRANTING TO QUESTAR GAS COMPANY A FRANCHISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS DISTRIBUTION SYSTEM IN SANTAQUIN CITY, UTAH COUNTY, STATE OF UTAH"***

Council Member Brandon moved to table Ordinance 07-05-2004. Council Member Green seconded the motion.

***Discussion and possible action with regard to an amendment to the Olson Greenhouse Natural Gas Agreement***

Council Member Starley moved to approve the Agreement amendments to the Olson Greenhouse Natural Gas Agreement. Council Member Green seconded the motion. Council Member Brandon questioned what the amendments were. The changes include the termination of the tenure of the agreement. The vote was unanimous.

At 9:35 Council Member Starley moved to take a 5-minute break. Council Member Green seconded the motion. The motion was unanimous.

At 9:45 P.M. The meeting was called to order.

As a point of clarification, Legal Counsel Rich reported the Resolution to sign the Sales Agreement included the authorization for a new Franchise Agreement.

## **NEW BUSINESS**

### ***Discussion and possible action with regard to 2004-2005 Transportation Enhancement Program***

Council Member Green moved to discuss the 2004-2005 Transportation Enhancement Program. Council Member Brandon seconded the motion. The vote was unanimous.

Mayor Scovill reported UDOT has requested verification that Santaquin City is intending to complete the Main Street Enhancement Project. At no expense to the City, Jones and Demille Engineering drafted the plans for the project. The State of Utah (UDOT) is in agreement with Jones and Demille acting as the Engineers for the Project with UDOT acting as the Project Managers. Council Member Morgan had a concern with UDOT acting as the Project Managers and Santaquin City assuming all the responsibility of the project. It was recommended tabling the discussion until the Mayor and Council Members could meet with Staff to have their questions answered.

Council Member Green moved to table further discussion until the notes and minutes could be reviewed along with Administrative Assistant Shannon Hoffman being available to meet with the Council Members to address any questions. Council Member Starley seconded the motion. The vote was unanimous.

## **BUSINESS LICENSES**

Council Member Green moved to approve a new Business License for Robert and Vikki Hancock D.B.A. Paragon Systems. Council Member Starley seconded the motion. The vote was unanimous.

## **PETITIONS AND COMMUNICATIONS**

Nothing

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

### ***Planning Commission***

Nothing

### ***City Manager***

Nothing

## **REPORTS BY MAYOR AND COUNCIL MEMBERS**

Mayor Scovill reported that the photo session scheduled for July 29<sup>th</sup> has been cancelled. Council Member Starley recommended scheduling a time before Council Meeting to have the picture taken. City Manager Chatwin will contact the photographer to see if he is available for August 4<sup>th</sup>. Also Thursday, August 5<sup>th</sup> at 5:30 P.M. was set as an alternative date.

Council Member Starley questioned if the Council Members shirts had been ordered. The response was in the affirmative and was told that the order should be here any day. Council Member Starley indicated he would arrange for transportation for the Council Members to use during the City Celebration Parade.

Council Member Starley reported the Grand Marshall recommendations have been narrowed down to Kay and Louise Tischner. The question was asked if Mr. Tischner was invited to act as the Grand Marshall would he be receiving campaigning time as Mr. Tischner is running for a Nebo School District position. The Mayor and Council felt that through the actions and deeds of Mr. and Mrs. Tischner, they should be asked to represent the City as the Parade Grand Marshalls.

Council Member Roberts reported the American Legion questioned if the Council is interested in purchasing the Flag picture. The Council consensus was to pass on the purchase. Council Member Roberts agreed to inform the American Legion of the Council's decision and have the picture picked up.

Council Member Morgan, along with City Employees, met with the Representatives of the American Legion to review options as to where the proposed 50 x 70 foot area for the Veteran's Monument could be constructed. Additional monument design information will be available at a later date. Council Member Morgan will be assigned to be the liaison between the City and Veterans. All the Council Members were in agreement.

Council Member Morgan reported the South Valley Municipal Water Association in conjunction with the State of Utah, is conducting a test of the phosphorus level within Utah Lake. At the next meeting, Aqua Engineering will review the completed regional Sewer Treatment Study.

State of Utah Waste Water project priority list will be presented to the SUVMWA for review.

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

Nothing

At 10:30 P.M. Council Member Brandon moved to extend the Council Meeting. Council Member Starley seconded the motion. The vote was unanimous.

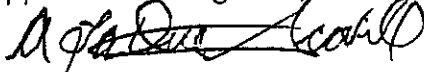
**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

Council Member Brandon moved to enter into an Executive Session to discuss pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property. Council Member Starley seconded the motion. The vote was unanimous.

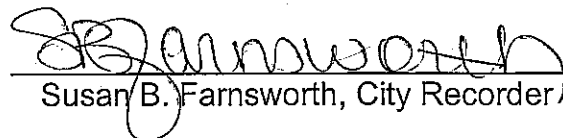
#### ADJOURNMENT

At 10:40 P.M. Council Member Green moved to adjourn with a second from Council Member Brandon. The vote was unanimous.

Approved on August 4, 2004.



A. LaDue Scovill, Mayor



Susan B. Farnsworth, City Recorder