

NOTICE AND AGENDA

Notice is hereby given that the City Council of the City of Santaquin will hold a City Council Meeting on **TUESDAY, September 14, 2004**, 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 September 1, 2004
 - b. Bills - \$61,533.19
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. Award of the contract for road repair at 450 South between 400 East and 500 East
6. **FORMAL PUBLIC HEARINGS**
7. **UNFINISHED BUSINESS**
 - a. Mark Stevenson – Update on the Eastside Park
 - b. Mark Stevenson – Proposed City Property sale procedures
 - c. Mayor Scovill – Discussion with regard to the SR198 and SR6 Intersection
8. **NEW BUSINESS**
 - a. Central Telecom Services-update on the Cable System
 - b. Certification of the Oak View Hills Addition Annexation
9. **BUSINESS LICENSES**
10. **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**
 - a. Ordinance 09-02-2004 "An Ordinance Amending The Santaquin City Code Relating To The Adoption Of An Urban-Wild Land Interface Code"
 - b. Resolution 09-01-2004 "A Resolution Initiating Proceedings To Establish A Special Service District Pursuant To The Utah Special Service District Act, To Be Known As The Santaquin Special Service District, Setting A Time And Place For A Public Hearing Thereon; Providing For Publication Of Notice Of Intention To Establish The District; Providing For The Receipt Of Written Protests And Prescribing Other Matters Relating Thereto"
11. **PETITIONS AND COMMUNICATIONS**
12. **REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**
 - a. Planning Commission
 1. Setting Of A Public Hearing For The Proposed Ordinance Amending The Santaquin City Code Providing For Amendment To Subdivision Platting And Utility Requirements
13. **REPORTS BY MAYOR AND COUNCIL MEMBERS**
 - a. Mayor Scovill
 - b. Council Member Roberts
 1. Update of the Payson Equestrian Park
14. **EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of an individual)
15. **EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)
16. **ADJOURNMENT**

If you are planning to attend this Public Meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City ten or more hours in advance and we will, within reason, provide what assistance may be required.

CERTIFICATE OF MAILING

The undersigned duly appointed City Recorder for the municipality of Santaquin City hereby certifies that a copy of the foregoing Notice and Agenda was faxed to the Payson Chronicle, Payson, UT, 84651.

BY: Susan B. Farnsworth
Susan B. Farnsworth, City Recorder

POSTED: CITY CENTER
POST OFFICE
ZIONS BANK

**MINUTES OF A CITY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
SEPTEMBER 14, 2004**

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

Council Members attending: Martin Green, Todd Starley, Wesley Morgan, and Dennis Brandon.

Mayor Scovill excused Council Member Roberts indicating that there had been a death in his wife's family.

Others attending: City Manager Stefan Chatwin, City Planner Jim Bolser, Legal Counsel Brett Rich, City Engineer Shon Fullmer, Project Manager Mark Stevenson, Deputy Recorder Darlene Gray, Jerry Ross, Judy Ross, George Lee, Central Utah Television, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Council Member Morgan led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Ms. Gray offered an invocation.

CONSENT AGENDA

Approval of the minutes

Approval of the minutes of a Regular Meeting held on September 1, 2004

Bills -\$61,533.19

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

After a brief discussion regarding several accounts, the vote was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Award of the contract for road repair at 450 South between 450 East and 500 East.

City Manager Chatwin indicated that the Council Members had approved the road repair during the budget process. He reported that out of 3 bid submittals, Staker Paving was the apparent low bidder at \$13,200.00. He stated that Staker Paving would commence with the work as soon as the bid is awarded. Council Member Morgan asked if City staff was satisfied that all bidding was for the same statement of work. City Manager Chatwin responded in the affirmative.

Without further discussion, Council Member Morgan moved to accept the Staker Paving bid for the road repair at 450 South between 450 East and 500 East at the \$1.10 per cubic foot unit price given. Council Member Green seconded the motion with a unanimous vote.

Council Member Green asked when the project would begin. City Manager Chatwin reported that the road repair should begin next week.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Mark Stevenson – Update on the Eastside Park

Project Manager Stevenson reported that he had placed a letter (Attachment 1) regarding the progress of the Eastside Park in each Council Member's box. Council Member Brandon asked what sort of input he had received from the local residents. Project Manager Stevenson reported that a public informational meeting will be held on Thursday, September 23rd at 7:00 PM. He indicated that he has spoken to several residents and explained that they basically want something started.

After a brief review of the 3 options, Council Member Morgan asked if staff had a preference. City Manager Chatwin explained that staff is still investigating each of the options presented.

Mark Stevenson – Proposed City Property sale procedures

Project Manager Stevenson reported that he had been asked to research the proposed City Property Sale of a piece of City property approximately 19' x 107' located at 400 North 200 West. He reported that staff met regarding what recommendation might be made with this type of situation. He indicated that staff was not generally in favor of selling easement property. However, in this situation, staff agreed that selling the property to the west and recommended that there be no sale of the property to the south. Council Member Brandon asked what the value of the property would be. Project Manager Stevenson reported that he had called several realtors in surrounding communities and indicated that \$3.00 per square foot appeared to be a fair market value. City Manager Chatwin indicated that he would have the property surveyed and if the Council Members were in favor, he and Mayor Scovill would meet with the prospective buyer regarding the sale. City Manager Chatwin indicated that trading the property for installation of curb and gutter would be of no benefit to the City.

Council Member Morgan commented that the Council Members should establish a policy regarding any sale of City property. He indicated that under certain conditions, the City may consider the sale of such easement property. He commented that until the City Council decides what to do in the core of town, there should be no curb and gutters located randomly throughout the core area. Mayor Scovill commented that the sale price of the property should be the appraisal value at the time of the sale.

City Manager Chatwin indicated that Legal Counsel has brought up an important point. He indicated that the sale of the easement should be put out as a sealed bid item. He stated that if the bid came in too low, the bid could be rejected. He added that the sealed bid gives others in the community a fair opportunity to bid on the property.

Mayor Scovill suggested staff research and propose a policy regarding bidding on City property and return to the City Council. Council Member Brandon indicated that Legal Counsel should review any documentation related to the sale of City property.

City Manager Chatwin suggested that a resolution draft be prepared on this item, as well as a resolution to put this specific piece up for sale.

Mayor Scovill – Discussion with regard to the SR198 and SR6 Intersection

Mayor Scovill indicated that he had met with Laurie Dabling and Dagon Lewis with the Utah Department of Transportation, (UDOT) regarding the SR198 and SR6 intersection. He reported that the proposals from Civil Science had been reviewed. UDOT indicated that monies were available through Federal Highways funding. He commented that from the work session held regarding this issue, it was clear that the extension of Main Street 200' to the east and re-routing SR198 and Highland drive to intersect 200' from its present location was the preferred option. If the City Council agreed, Mayor Scovill indicated that he would write the letter to the State Department of Transportation. Mayor Scovill reported that Council Members Brandon and Roberts were the only Council Members in attendance at the work session where this issue had been discussed. He indicated that both Council Members expressed their support in the extension of Main Street. The other attending Council Members were in agreement.

NEW BUSINESS

Central Telecom Services – update on the Cable System

Mr. Lee approached the Council and indicated that he had been before the Council on January 21, 2004, just before Central Utah Telephone purchased the Mallard Cable System. He proceeded to give a complete update on the research and progress Central Utah Cable has made since the purchase and outlined plans for expanding the available service options.

Mayor Scovill thanked Mr. Lee for the informative update. Mr. Lee indicated that he would provide updates to the Council as they become available.

Certification of the Oak View Hills Addition Annexation

Mayor Scovill reported that he received a letter of notification that the Annexation had been certified.

BUSINESS LICENSES

Council Member Green presented the Business License applications for Jerry Ross, Mountain View Fur Co. II, taxidermy business. Gary Jackson, Super Sheds, pre-fabricated storage sheds, and Charise Kirkham, Cherrie's Creators, buying and selling taxidermy items. Council Member Brandon moved to approve the Business License applications. Council Member Starley seconded the motion. The vote was unanimous.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

ADOPTION OF ORDINANCE 09-02-2004 "AN ORDINANCE AMMENDING The Santaquin City Code Relating to the Adoption of an Urban-Wildland Interface Code

Council Member Green moved to adopt Ordinance 09-02-2004 "AN ORDINANCE AMMENDING The Santaquin City Code Relating to the Adoption of an Urban-Wildland Interface Code. Council Member Morgan seconded the motion.

Council Member Starley requested an explanation regarding section 101.2 and 101.4 which discusses retroactivity. City Planner Bolser explained that 101.4 basically stated that if the use currently exists, it would be pre-existing.

Council Member Starley stated that section 102.3 regarding Code enforcement, says that the City or the Code enforcement agency is not liable. City Planner Bolser stated that however the enforcement is administered, homeowners could not come back and sue the City if there were a

loss of property. He deferred to Legal Counsel Rich. Legal Counsel Rich commented that the City should take full immunity whenever it could. He stated that typically under Utah Law, a building official and a municipality is not liable for a negligent inspection. Legal Counsel Rich recommended expanding the statement adding that he would hate to see the City assume any liability that it currently does not have. Council Member Starley stated that in building issues, building inspector would be responsible. Legal Counsel Rich responded that it has been a long standing in government that a building inspector is not liable. He stated that the City has government immunity under the provisions in Utah Code 63.30 right now, and indicated that the City should not give that up. He suggested making these provisions part of the Ordinance. He further stated that the City reserves all right and immunities in Utah Code Annotated Section 63.30. Council Member Starley stated that if mistakes are made, some one should be accountable. Council Member Brandon stated that the inspector just inspects and added that they do not do the work. Legal Counsel Rich stated that the inspector is not the insurer of the work. Council Member Starley asked who would be responsible. Legal Counsel Rich reported that the builder would be the responsible party.

Council Member Starley requested clarification of the change in section 103.2, Technical Assistance. City Planner Bolser responded that if there were any questions regarding the acceptability of a feature or design, the Code Official could seek professional advice; I.E. UL ratings.

Council Member Starley questioned section 105.9, the retention of permits on he premise. He asked if this would mean that the Permit would have to remain on the premise after approval and the issuance of the Certificate of Occupancy. City Planner Bolser indicated that he would research Council Member Starley's question and report back. City Manager Chatwin responded that section 105.8 discusses expirations.

Mayor Scovill asked if the Urban Wild-land Interface Code applied to both new homes and existing homes. City Planner Bolser explained that the code deals with the east bench development and would remain applicable to outer rows of homes against outer boundary. Mayor Scovill commented that there would need to be semi-annual inspection. City Planner Bolser agreed. Council Member Green asked who would be responsible to do those inspections. City Planner Bolser responded that it would be up to the Council to appoint someone, but indicated that it would probably up to Chief Bott to inspect. Council Member Starley suggested changing the wording to say that a permit is required until the time of completion.

Council Member Morgan commented that in section 103.1, the Code Official should be identified; I.E. Fire Chief, etc.

After the discussion, Council Member Green withdrew his motion. Council Member Morgan seconded the withdrawal of the motion.

Mayor Scovill indicated that he would entertain a motion to table this item and put it back to staff to modify. City Planner Bolser indicated that he would provide new map for the City Council Members.

Council Member Green moved to table **ORDINANCE 09-02-2004 "AN ORDINANCE AMENDING The Santaquin City Code Relating to the Adoption of an Urban-Wildland Interface Code"** until a work session could be held. Council Member Morgan seconded the motion.

ROLL CALL

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

Resolution 09-01-2004 "A Resolution Initiating Proceedings to Establish a Special Service District Pursuant to the Utah Special Service District Act to be Known as the Santaquin Special Service District, Setting a Time and Place for a Public Hearing thereon; Providing for Publication of Notice of Intention to Establish the District; Providing for the Receipt of Written Protests and Prescribing Other Matters Relating Thereto"

Council Member Brandon moved to accept Resolution 09-01-2004 "A Resolution Initiating Proceedings to Establish a Special Service District Pursuant to the Utah Special Service District Act to be Known as the Santaquin Special Service District, Setting a Time and Place for a Public Hearing thereon; Providing for Publication of Notice of Intention to Establish the District; Providing for the Receipt of Written Protests and Prescribing Other Matters Relating Thereto". Council Member Green seconded the motion.

ROLL CALL

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

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Planning Commission

With no Planning Commission Representative in attendance, City Planner Bolser reported that the Planning Commission had approved Mr. Ross' Conditional Use Permit. He reported that the Planning Commission had recommended the City Council Member approve the Subdivision Platting and Utility Requirements.

Mayor Scovill indicated that a joint work session would be held regarding the proposed Ordinance amending the Code providing for Amendment to Subdivision Platting and Utility Requirement. He indicated that the work session had not been as yet scheduled. However, October 6th would be the scheduled quarterly joint work session.

Council Member Morgan stated that he appreciate the fact that upon rendering a recommendation, the Planning Commission writes a letter to the City Council. He stated that the letters are boiler-plate letters and asked that City Planner Bolser consider including the reason for something being approved or disapproved and what the benefits were in approving the item. He

indicated that it would be helpful for him to know the basis behind the recommendation of approval.

Setting of a Public Hearing for the Proposed Ordinance Amending the Santaquin City Code Providing for Amendment to Subdivision Platting and Utility Requirements

Mayor Scovill indicated that a Public Hearing date needs to be set regarding this issue. City Manager Chatwin reported that October 6, 2004 has been posted for the Public Hearing.

City Planner Bolser reported that the proposed amendment originated from a change in the State Code regarding plat vacation requirements. He reported that the City Code is no longer in accordance with the State Code. Council Member Morgan indicated that the City Council could not act without the Planning Commission acting. City Planner Bolser reported that this changed in the State Law. He added that Section 11.6.16 could be re-worded. Mayor Scovill commented that it would be a division between the authority of Planning Commission and the City Council with the State giving more authority to the Planning Commission. Legal Counsel Rich commented it the State Law changes were only saying that the Planning Commission renders a recommendation, but the Council Members do not have to follow the recommendation.

City Manager Chatwin interrupted for a Point of Order. He stated that the Council Members were getting into a lot of detail and indicated that the Public had not been notified that discussion would take place at this meeting. He recommended continuing the discussion when it was part of an agenda. He indicated that the Public Hearing notice could be posted for October 6, 2004 and that the work session could be set for the same day or the item could be discussed during a City Council meeting. The topic was on the agenda only for the purpose of setting a date for a Public Hearing. Mayor Scovill indicated that he would accept a motion to set a Public Hearing for October 6, 2004 to consider the proposed ordinance. Council Member Green moved to set a ***Public Hearing for the Proposed Ordinance Amending the Santaquin City Code Providing for Amendment to Subdivision Platting and Utility Requirements***. Council Member Starley seconded the motion with a unanimous vote.

City Manager

City Manager Chatwin reminded the Council Members that anytime there are 3 or more Council Members in one place meeting, a notice must be posted referencing a Council Meeting. He reported that at the last Planning Commission meeting, 3 Council Members attended. He further reported that Council Roberts left the meeting early. He stated that if more than 2 Council Members show up, one must leave. Council Member Starley stated that he remembered a discussion regarding a joint work session and understood it was to be posted as such. City Manager Chatwin indicated that there had been no such posting. Mayor Scovill indicated that he felt that the City Council was adequately represented at Planning Commission Meetings.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Scovill

Nothing.

Council Member Roberts

Update on the Payson Equestrian Park

Council Member Roberts was not in attendance.

Council Member Green had nothing to report.

Council Member Starley asked if the CERT classes were ongoing and if there were enough people interested. City Manager Chatwin indicated that he would check into the classes. City Planner Bolser commented that he recalled Administrative Assistant Shannon Hoffman stating that there was not enough interest to continue the classes.

Council Member Starley reported that the arena groomer for the rodeo grounds and ball fields should be placed on the agenda as a possible action item. Mayor Scovill stated that if the funds were available through rodeo and recreation proceeds, and if the Council Members had any reservations, he could authorize the expenditure. Mayor Scovill reported that he would review the City Celebration revenue with Council Member Starley and if necessary, make-up the difference to purchase the equipment.

Council Member Starley indicated that he had a possible item for an executive session, but indicated that he would speak with Mayor Scovill one-on-one.

Council Member Morgan reported that there are several roads in older part of town with no curb and gutter. He stated that the asphalt is in good shape, but it drops down about 2" at the edges and shoulders of the road have little gravel. He commented that re-graveling the shoulders could save the roads. City Manager Chatwin indicated that he would talk with Public Works Superintendent Dennis Barnes about the roads.

Council Member Morgan reported that there are many intersections in the old part of town with yield or stop signs and other section of town with no signs. He indicated that he thought there was an effort to look at consistent sign placement in town. City Manager Chatwin reported that City Planner Bolser and Police Chief Howard were researching the sign placement situation.

Council Member Brandon reported that he had nothing.

Legal Counsel Rich reported that he had nothing.

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 9:43 P.M. Council Member Green moved to adjourn. Council Member Brandon seconded the motion. The vote was unanimous.

Approved on October 6, 2004.


A. LaDue Scovill, Mayor


Darlene Gray, Deputy Recorder