

**CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
NOVEMBER 17, 2004**

Mayor Scovill called the meeting to order at 7:07 PM. Council Members attending: Martin Green, Todd Starley, Wesley Morgan, and Dennis Brandon.

Mayor Scovill excused City Recorder Farnsworth out of town at a convention. He also noted that Council Member Roberts would be late.

Others attending: City Manager Stefan Chatwin, City Engineer Shon Fullmer, Bill Ferguson, Jesse Conway, Greg Magleby, Jonathan Ward, Brent Vincent, Blain Oberg, Jim Linford, Cheryl Linford, Judy Vincent, Rochelle Augustine, Walter Callaway, Planning Commission Representative Rex Bean, Chief Howard, and other unidentified individuals.

Council Member Roberts arrived at 7:10 PM.

**PLEDGE OF ALLEGIANCE**

Council Member Green led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Council Member Morgan offered a Word of Prayer.

**CONSENT AGENDA**

***Approval of the minutes***

Approval of the minutes of a Regular Meeting held on November 3, 2004.

***Bills -\$66,183.69***

Council Member Green moved to table the approval of the minutes of a Regular Meeting held on November 3, 2004. He indicated that the minutes would be discussed during an Executive Session. Council Member Roberts seconded the motion. Council Member Morgan stated that he did not understand the rationale behind tabling the approval of the minutes. City Manager Chatwin commented that the approval of the minutes was one part of the Consent Agenda and indicated that it would be more appropriate to table the Consent Agenda. Council Member Roberts stated that tabling this agenda item would allow the Council Members to take care of the other agenda items first. The vote was unanimous.

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

Mr. Linford approached the Council Members and stated that he represented a group of concerned citizens regarding the traffic study and water availability for the Oak View Hills Annexation. He distributed a list of questions to the Council Members. (Attachment #1.)

Mr. Linford stated that his presentation on concerns was two-fold: 1) to let the Council Members know their feelings; and 2) to have these concerns and questions entered into the City Council Meeting minutes.

Mr. Linford indicated that the group he represented felt that if proper the answers to their concerns could not be determined, the proposed annexation should be tabled by the Council Members. Mayor Scovill stated that there were answers to most of the group's concerns, but requested that Mr. Linford afford him time to get back to the concerned citizens to address all their concerns.

Mr. Ferguson approached the Council Members addressing the poor lighting situation in front of the City building. He reported that there are only four (4) street-lights on the south side of the street, which appeared to be an unsafe situation. He asked that the Council Members look into the situation for a solution.

#### **FORMAL PUBLIC HEARINGS**

##### ***Public Hearing with regard to the Proposed Special Improvement District No. 2004-1.***

Council Member Starley moved to enter into the Formal Public Hearing with regard to the Proposed Special Improvement District No. 2004-1. Council Member Brandon seconded the motion with a unanimous vote.

Mr. Callaway approached the Council Members and stated that he fully supported this annexation. He expressed his concern that the monies needed for the placement of the sewer system would not be paid by the City residents. Mayor Scovill responded that the Special Improvement District would provide the necessary funds to cover the sewer system expense. Mr. Callaway wanted to be sure that the amount calculated would be enough to cover any cost increase. Engineer Fullmer responded that LEI Engineering had prepared the calculations and referred the comment to Mr. Conway who reported that an approximate 25% had been calculated to cover the cost increases. Mr. Callaway asked how the funded monies would be paid back. Mayor Scovill indicated that much the same as Summit Ridge, the cost would be passed on the property owners or the developer of the project.

Mr. Callaway asked if the park would be developed before the construction of homes. Mayor Scovill responded in the negative indicated that the park would be developed in conjunction with property development. He added that the property owners would be working the orchards as income property until the properties could be developed. Mr. Callaway commented that he hoped the Council Members would research surrounding cities and pass an Ordinance requiring the development of the park in a subdivision development prior to construction of homes.

Council Member Green moved to close the Public Hearing with regard to the Proposed Special Improvement District No. 2004-1. Council Member Starley seconded the motion with a unanimous vote.

#### **UNFINISHED BUSINESS**

Nothing

#### **NEW BUSINESS**

Mayor Scovill suggested that the Discussion and Possible Action with Regard to the Willie's Landing Development be addressed first. The Council Members were in agreement.

##### ***Discussion and Possible Action with Regard to the Willie's Landing Commercial Development***

Mr. Oberg approached the Council Members to respond to any questions the Members may have regarding the development. Mayor Scovill reported that a letter recommending approval from the Planning Commission had been received. He indicated that there would be two Commercial

Development applications; one for the site development and the other application regarding each property development specifically. He stated that the Council Members were only to consider a recommendation to approve the commercial development.

Council Member Morgan indicated that he was unsure what was before the City Council for approval; the Preliminary Plan or the Final Plan. City Manager Chatwin apologized for the agenda item not being specific. Planning Commission Representative Bean approached the Council Members and commented that the Planning Commissioners may not have fully considered the access to Highway 198 at the southern most lot of development. He stated that he wanted to make sure that the State had formally approved the accesses to the development. Engineer Fullmer responded that the City has received a final approval letter from the Utah Department of Transportation (UDOT) for the three accesses to the development. He added that the variance had been issued by UDOT. Mr. Oberg commented that the State's variance stated the accesses had been approved "as is". Mr. Oberg added that it was a strong possibility that one access would have to be moved, indicating that he would do what ever the State required. He would like to have the egress lane in place for his own personal protection. Council Member Starley stated that the extra lane was more of a State issue rather than City. Council Member Morgan responded that it was a safety issue. Engineer Fullmer added that the egress lane was a State requirement.

Mr. Oberg stated that the curb, gutter and storm drains would be installed, as well as the 30' wide commercial driveways. City Manager Chatwin indicated that the Council Members would be approving the subdivision as a whole. He stated that Mr. Oberg would have to go through the approval process for each individual lot of the development.

Council Member Morgan asked if the road would be completed before the Certificate of Occupancy (C of O) would be issued for the storage units. Mr. Oberg responded in the negative stating that he understood that as long as he furnished fire protection within a certain time limit the City would issue the C of O. Council Member Morgan stated that there was nothing on the agenda to address any discussion regarding the storage units. Mayor Scovill indicated that the approval of the storage units had been granted at a previous City Council Meeting. Mr. Oberg commented that he would like to complete the storage units and receive the Occupancy Certificate. He stated he had already lost a bowling alley business because of the two years he had spent in the process waiting for City approval.

Council Member Brandon stated that he would liked to have seen the development process flow charts so he would have had an idea of what would be required at what time. Mayor Scovill indicated that the Council Members had received that information in the latest update of the City Code Book. He referenced section 10-6-30 of the City Code.

Council Member Green moved to accept the Willie's Landing Commercial Development. Council Member Starley seconded the motion. Council Member Morgan asked if the motion also included the approval for occupancy of the storage units. Council Member Roberts expressed his appreciation to Mr. Oberg for bring business into the City. He stated that he was aggravated that information regarding the project had been received by Council Members at the last minute. He stated that if the project had not been important, he might have voted against it. Mr. Oberg commented that if the City wants individuals to come and develop here, the City would have to do

something with the development flow process. Council Member Starley stated that he would like to change the process so Santaquin does not appear unfriendly to businesses.

Mr. Oberg stated that he would complete all the site and road work at the development because he knew there were safety issues there.

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

***Discussion and Possible Action with Regard to a Request from Habitat for Humanity of Utah County***

Mayor Scovill reported that a letter outlining the request from the Habitat for Humanity of Utah County had been distributed to the Council Members. He indicated that the request for certain considerations, either on building permits and/or impact fees, had been made for low to moderate income families who would like to build in Santaquin. Council Member Brandon asked if this would be for a specific project. Mayor Scovill responded in the affirmative. City Manager Chatwin added that the Habitat for Humanity had not provided a specific address, but indicated that there were two lots in the northwest area of Santaquin.

Council Member Roberts stated that this would be a great philanthropic endeavor. However, if the Council Member granted a waiver of fees or permits, it would put the recipient into a government welfare state. He stated that if impact fees are necessary, everyone who builds here should pay them. He stated that the Council should not be involved in granting any waivers.

City Manager Chatwin stated that there may be legal ramifications with regards to waiving permits and fees. Council Member Morgan asked if the City Council had the authority to deviate from the City Ordinances and asked what the policy would be every time such a request came before the City Council. City Manager Chatwin responded that when fees are waived, those fees become a burden of the other tax payers within the City.

Without further discussion, Council Member Starley moved to deny the request from the Habitat for Humanity of Utah County. Council Member Morgan seconded the motion with a unanimous vote.

**BUSINESS LICENSES**

Nothing

City Manager Chatwin excused himself at 7:56 PM.

**INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

***"A Resolution to Create the Santaquin City, Utah Special Improvement District No. 2004-1 of Santaquin City, Utah County, Utah, Described in the Notice of Intention Concerning the District, and Authorizing the City Officials to Proceed to Make Improvements as set forth in the Notice of Intention to Create the District and Related Matters"***

Council Member Brandon moved to accept A Resolution to Create the Santaquin City, Utah Special Improvement District No. 2004-1 of Santaquin City, Utah County, Utah, Described in the

Notice of Intention Concerning the District, and Authorizing the City Officials to Proceed to Make Improvements as set forth in the Notice of Intention to Create the District and Related Matters. Council Member Green seconded the motion.

Mayor Scovill reported that the original document stated that City Recorder Farnsworth would be present during the review of the document. He indicated that Deputy Recorder Gray was present and would sign the document.

Council Member Morgan asked if all the owners had been notified by mail. Mayor Scovill responded that they had been notified by registered mail and added that the City had not received any protests.

City Manager Chatwin returned at 7:58 PM.

Council Member Roberts indicated that he understood the legal ramifications regarding the State Legislature passing laws allowing for SID's, but he was not sure that it was proper for the government to play a roll in a private matter. He stated that he felt that when left alone, the free market works.

Council Member Brandon asked what participation the City would have. Council Member Roberts responded that the special treatment allowed for one group may not be afforded to all groups. Council Member Brandon stated that everyone would have the ability to make the same request. Council Member Roberts commented that a fine example was the Summit Ridge development. He stated that the market should be allowed to do what it does and if something was viable, he guaranteed that it would work. Council Member Brandon explained how the SID worked. He indicated it was like adding a crutch for the developer and added that the City did not have too much involvement in the process. Mayor Scovill added that this option was available to all and was not something that was exclusive to this group or unique to any geographic area. Council Member Roberts reiterated that he believed it was not necessarily the roll of government to interfere in private development.

Council Member Starley asked if any resident in the annexed property that did not want to be part of the development would be impacted by taxes. Mayor Scovill stated that there were properties in the SID geographic area that had chosen not to be included. He added that they could choose to participate and accept assessment to the property. He stated that if chose not to participate, the L.L.C. would make the payment on the property until such time that the owner of the property developed. Mr. Ferguson stated that he understood that 2 property owners who did not want to participate, but added that they have not as yet confirmed that with him. He reported that he has approached everyone and made a written agreement that would waive the cost that the L.L.C. accept. He also indicated that no one has come forward to protest. City Manager Chatwin added that the City has not received any protest. Council Member Starley stated that he wanted to make sure that no one has an undue burden with regard to the development. Mr. Ferguson confirmed that it would be the last thing he would want.

City Manager Chatwin stated that the 45-day protest period had ended on Tuesday, November 16<sup>th</sup>.

With the motion made and seconded, the vote was as follows:

Council Member Green = Aye.  
Council Member Roberts -- Nay.  
Council Member Starley = Aye.  
Council Member Morgan = Aye.  
Council Member Brandon = Aye.

Mr. Ferguson expressed his appreciation for the Council Member's support.

#### **PETITIONS AND COMMUNICATIONS**

Nothing

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

##### ***Planning Commission***

Commissioner Bean approached the Council Members and reported that the Planning Commission only had the Willie's Landing Commercial Development to discuss. He asked if the Council Members had any questions for him.

Council Member Brandon asked Commissioner Bean how intimidated the Planning Commissioners felt by staff. He indicated that he felt that some of the Commissioners were not involved because they were intimidated by staff. Commissioner Bean responded that he thought there had been some feelings of intimidation in the past, but indicated that it was not the case now. He stated that staff suggestions given in the past were presented in such a way to intimate "we know what's best", but stated that this type of personal opinion has been less frequent. He stated that he felt there was a different attitude in Planning Commission meetings because staff seemed more willing to take direction from the Commissioners. He indicated that he had one concern with the recent change to the Ordinance regarding the flow process. He stated that Planning Commission involvement to annexations appeared to be at the end of the flow process. He stated that the Commissioners were not aware of details until after staff's approval. He stated that the Commissioners should have more involvement to review each ordinance individually.

Council Member Brandon expressed his appreciation for the time the Planning Commissioners spend in behalf of Santaquin City. Council Member Green asked Council Member Brandon if he had a concern regarding staff and the Planning Commissioners and why he would ask Commissioner Bean that question. Council Member Brandon responded that as he has attended Planning Commission Meeting for several months and commented that it seemed that staff would present the item with no discussion or input from the Planning Commissioners. He reported that Commissioners were getting frustrated regarding what their positions were. He stated that he felt that the Commissioners were only looking at what staff would present and not be involved in what the Commissioner's responsibility was.

Council Member Morgan commented that he had two concerns regarding the Willie's Landing Development. City Manager Chatwin stated that the Planning Commission minutes was a draft

that was for information only. He indicated that the minutes had not as yet been approved by the Planning Commission members.

Commissioner Bean commented that the Planning Commissioners received the latest copy of City Code and indicated that it would be of benefit for each Commissioner to review. He added that as a Commissioner he would expect staff to research each item presented before the Commissioners, as well as indicating what Code pertained to the item in review.

Ms. Durney stated that she felt it important that recommendations made by any governing body be included in meeting minutes and that the information recorded should be not selective. She stated that this would be crucial if the Council and Commissioners wanted the support of the citizens.

Mr. Vincent stated that he would like to see the specific Ordinance in their Planning Commission meeting packets and would rather not review court case history. Council Member Starley stated that when they follow government procedure case law would be a poor way to do it.

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

##### ***Mayor Scovill***

Mayor Scovill indicated that he had nothing further.

##### ***City Manager Chatwin***

##### ***Discussion with regard to the Employee Christmas Party***

City Manager Chatwin stated that the placement of this item on the agenda had been premature. He indicated that he would like to discuss this item with staff before bringing it before the Council.

Council Member Brandon reported that he had nothing for the Council Members.

Council Member Starley indicated that he had received reports from citizens regarding the damage to grave markers at the cemetery. Police Chief Howard indicated that he did not know of a request to police department to research the problem. City Manager Chatwin indicated that he and Public Works Superintendent Denny Barnes had conducted an investigation. He reported that the information gathered would be presented to the Council Members at the December 1, 2004 meeting.

Council Member Morgan reported that he was pleased to see the groundwork had started on the 200 East project. Council Member Brandon asked if the soft ground issue had been satisfied. City Manager Chatwin responded that he would discuss the matter with City Engineer Fullmer.

Council Member Morgan reported that a Rural Development Agency (RDA) had been established sometime ago and stated that there had not been a meeting since the new Council Members were elected. He asked if there was a time limit associated with the RDA. Mayor Scovill responded that the time limit was approaching its end and stated that there were some interested property owners.

Council Member Morgan reported that he had a meeting regarding the County animal shelter. He stated that the County agreed to keep responsibility of the South County shelter until 2005. He

stated that he would discuss this item at a later date with Mayor Scovill and the Council Members.

***Council Member Starley***

***Discussion and possible action with regard to increase on Library Card Fees***

Council Member Starley indicated the Librarian Oryall was present to discuss the proposed library card fee increase. Ms. Oryall stated that the proposed increase would be raised from \$16.00 to \$30.00 for non-residents. She reported that at present each Santaquin household is assessed about \$38.00 that goes into library services. City Manager Chatwin clarified Ms. Oryall's statement by adding that the \$38.00 is taken from the general City fund that is budgeted for the Library.

Council Member Morgan reported that he had contacted some surrounding cities regarding library card fees and indicated that Springville charges \$50.00 and Spanish Fork, \$25.00. He asked for the reason why the fee proposal was before the Council. Ms. Oryall stated that anyone using the library should take responsibility for books checked out. She reported that there are many instances where books are checked out and never returned. She added that this was not specific to non-residents.

City Manager Chatwin commented that if the Council Members were in agreement to the increase, the Council would need to amend the resolution to the current fee schedule.

Commissioner Bean stated that if the library card fees were raised, he would like to see the funds credited directly to the library and not into the general fund. City Manager Chatwin stated that the disbursement of the funds was not the issue to be discussed.

Mayor Scovill indicated that he would entertain a motion to have staff and Council Member Starley review the library charges and then bring a recommendation regarding fees and an amendment of fees Resolution back to the Council. Council Member Brandon so moved with Council Member Starley seconding the motion with a unanimous vote.

Council Member Starley reported that he would not be in town for the Light Parade and asked if one of the other Council Members would pick up the vehicle from Tischner's Ford. Council Member Green indicated that he would pick up the vehicle. Police Chief Howard indicated that he had spoken to Amy Jackson, parade coordinator, and reported that no one had as yet volunteered to help with street closures. He also reported that he has not seen an approval for the street closure from the State Department of Transportation. Council Member Starley responded that Ms. Jackson had been given the responsibility to contact the State. Chief Howard stated that he would need eight volunteers to help with street closures.

Council Member Starley distributed copies of a proposed ordinance amendment suggestion for the Council Members to consider. (Attachment #2). He indicated that proposed ordinances would require two Council Member's sponsorship and would also indicate the author of the proposal. City Manager Chatwin commented that the concept was a good idea.

Council Member Roberts asked Chief Howard for information regarding an incident in his neighborhood involving youth setting tennis balls on fire and throwing them. Chief Howard



reported that this was a single incident. Council Member Roberts stated that individuals who go to the City parks after 10 PM could not be there for positive purposes. Chief Howard responded that he was not sure what time the incident in question occurred. He reported that the young man involved was still at the University of Utah Burn Center.

Council Member Green reported that he and City Manager Chatwin had met regarding the Economic Development Committee. He stated that a work session would be scheduled next month to renew the committee by the first part of 2005.

Council Member Green requested information regarding the status of Jamie Evan's billboards. City Manager Chatwin indicated that any discussion regarding this issue should take place during an Executive Session.

Mayor Scovill asked the Council Member Green if he would consider approving the bills before going into the Executive Session. Council Member Green responded in the affirmative. Council Member Green moved to approve payment of the bills. Council Member Starley seconded the motion.

Council Member Morgan asked if the Caselle payment was a monthly charge. Mayor Scovill responded in the affirmative adding that it included problems backup and resolution.

Council Member Morgan questioned the Nielsen and Senior charge, indicating the Legal Counsel is not needed at every City Council Meeting unless a specific item on the agenda required legal counsel. Mayor Scovill commented that Legal Counsel Rich only attends Council meeting when needed. Council Member Brandon asked who determined when Legal Counsel Rich's attendance was required. Mayor Scovill responded that he makes that determination. Council Member Brandon stated that in doing so, Mayor Scovill was arbitrarily spending the taxpayer's money. City Manager Chatwin stated that there were times when Legal Counsel's presence was necessary to refer to on specific issues. Council Member Morgan stated that he had contacted other cities and indicated that most did not have legal counsel at their Council meetings. Council Member Starley suggested reviewing the meeting agenda and if legal counsel's attendance is necessary, the agenda should be arranged so the items requiring legal counsel would be at the beginning of the meeting and then Legal Counsel could be excused. City Manager Chatwin responded that he would take whatever direction the Council Members requested.

Council Member Morgan asked why there were two entries on cell phone charges for each employee. He also requested information regarding the Thomas, Gray and Lopez cell phone charges and why Administrative Assistant Hoffman and Recorder Farnsworth did not have cell phones. City Manager Chatwin responded that the Hoffman and Farnsworth charges were listed under the 'Administrative' charges. Council Member Morgan commented that there were personal phone plans less than what the City was being charged. City Manager Chatwin responded that he would look for competitive pricing. Council Member Roberts asked why the City would pay for cell phones what were not needed. City Manager Chatwin responded that the phones had been budgeted for and approved. Council Member Green commented that the dollar amount for cell phones was approved, not the individuals. Council Member Roberts stated that upon election he purchases his own cell phone, indicating that his name should not be included in the budgeted

phone cost to burden the people. City Manager Chatwin responded that it would be up to the Council Members to determine cell phone use. Council Member Starley commented that if the Council Members reviewed and approved the budget, it was then at the discretion of the City Manager to administer it correctly.

With the motion made and seconded, the vote to approve the bills was unanimous.

Council Member Green moved to enter into an Executive Session. Council Member Roberts seconded the motion.

At 9:01 PM, Deputy Recorder Gray was excused from the meetings and the Council Members entered into an Executive Session.

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

**EXECUTIVE SESSION** (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)  
Nothing

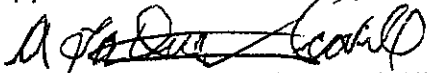
Mayor Scovill reconvened the Council Meeting at 10:14 PM.

Council Member Green moved to table the approval of the November 3, 2004 Meeting minutes to work out the details and present at the next City Council Meeting for approval. Council Member Brandon seconded the motion. The vote was unanimous. City Manager Chatwin asked the Council Members to give their meeting minute corrections to him. The Council Members agreed to do so.

#### ADJOURNMENT

At 10:14 P.M. Council Member Brandon moved to adjourn. Council Member Morgan seconded the motion. The vote was unanimous.

Approved on December 1, 2004.



A. LaDue Scovill, Mayor



Darlene Gray, Deputy Recorder

## Water issue questions:

- ☐ How is the city coming up with the # of acft per household? What averages are they using? City? County? State?
2. What is the avg. lot size for the City of Santaquin?
  3. Is the entire city current certificate "water rights" being used? If not how much isn't being used and why? In order to be used fully will the city need to apply for a nature of use or change of diversion?
  4. What is the predicted cost of replacing deteriorated wells and creating new storage facilities to hold our water?
  5. As taxpayers, why is the Carter Development responsible for fixing our low water pressure problems? It should have already been fixed by the city?
  6. How much of our current "water rights" being set aside for future commercial growth?
  7. \_\_\_\_\_
  8. \_\_\_\_\_
  9. \_\_\_\_\_
  10. \_\_\_\_\_

## ☐ Traffic Study

The traffic study was unscientific and therefore it should not have any bearing what-so-ever on the final determination of the new development?

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## Appraisal Value?

Who is responsible if depreciation occurs in our neighborhood, is it the developers or city that is liable?

\_\_\_\_\_

