

**MINUTES OF A REGULAR COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
JULY 7, 2004**

Mayor A. LaDue Scovill called the meeting to order at 7:05 p.m. Council Members attending: Dennis Brandon, Wesley Morgan, Todd Starley, and Tracy Roberts. Council Member Martin Green will be arriving later.

Others attending: City Manager Stefan Chatwin, City Engineer Shon Fullmer, City Planner Jim Bolser, Infrastructure Inspector Mark Stevenson, Legal Counsel Brett Rich, Police Chief Dennis Howard, Police Officer Mimi Sandoval, JUB Engineering Representative Larry Perkins, Utah County Substance Abuse Representative Bret Davis, Daily Herald Representative Caleb Warnock, LEI Engineering Representatives Mike Christensen and Gregg Magleby, Bill Ferguson, Walter Callaway, Don Anderson, Dan Olsen, George Smith, Lynn Adams, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Council Member Brandon led the Pledge of Allegiance.

**INVOCATION/INSPIRATIONAL THOUGHT**

Council Member Morgan offered the invocation.

**CONSENT AGENDA**

***Approval of the minutes***

***Approval of the minutes of a Regular Meeting held on June 16, 2004***

***Approval of the minutes of a Special Meeting held on June 30, 2004.***

***Bills -\$0***

Council Member Roberts moved to approve the Consent Agenda. Council Member Starley seconded the motion. Council Member Morgan and Council Member Starley requested changes to the minutes of June 16<sup>th</sup> and June 30<sup>th</sup>. After the discussion, the vote was unanimous.

**Council Member Green arrived at 7:15.**

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

Nothing

**FORMAL PUBLIC HEARINGS**

***Public Hearing addressing a proposed Addition to the Santaquin City Code pertaining to Traffic School***

Council Member Brandon moved to open the Public Hearing. Council Member Starley seconded the motion. The vote was unanimous.

Chief Howard reported that Officer Sandoval initiated the drafting of the proposed Ordinance. The Traffic School would be an asset to the City with the course being financially self-supporting. The Santaquin City Justice Court Judge would have the option of allowing the defendant to attend the Traffic School instead of paying a fine. Mayor Scovill reported at the time he was cited for speeding, the Officer offered him the ticket along with information pertaining to Traffic School. Chief Howard indicated the school is offered in many Cities. There would be a fee of \$80 assessed to the school with the fee being forfeited if the Defendant did not attend. There are a number of criteria, which must be met before a date to attend the school is made. Council Member Starley indicated he wasn't aware of a State surcharge being assessed to attend the school. Chief Howard indicated the assessment is new since the past Legislative Session.

Council Member Brandon moved to close the Public Hearing. Council Member Morgan seconded the motion. The vote was unanimous.

***Public Hearing addressing a Proposed West Frontage Road Rezoning***

Council Member Brandon moved to open the Public Hearing. Council Member Roberts seconded the motion. The vote was unanimous.

There were no Public comments or questions.

Council Member Starley moved to close the Public Hearing. Council Member Morgan seconded the motion. The vote was unanimous.

***Public Hearing pertaining to a Proposed Code Amendment regarding the Payment of Fees Related to Infrastructure Inspection***

Council Member Roberts moved to open the Public Hearing. Council Member Brandon seconded the motion. The vote was unanimous.

Mr. Callaway questioned if the City has actually returned any portion of the required 7% fee. Mayor Scovill indicated on a number of occasions, a portion of the fee is returned. Returning of a portion of the fee actually initiated the consideration to reduce the required percentage.

Council Member Roberts moved to close the Public Hearing. Council Member Starley seconded the motion. The vote was unanimous.

***Public Hearing pertaining to a proposed Santaquin City Beer Handlers Ordinance***

Council Member Brandon moved to open the Public Hearing. Council Member Roberts seconded the motion. The vote was unanimous.

Council Member Morgan reported that if the Ordinance is a City Ordinance, it should be redrafted to better fit the needs of the City instead of the County. Mr. Davis indicated he was in favor of redrafting the Ordinance to fit the needs of Santaquin City. The compliance checks will be in conjunction with the City Police Department. Council Member Roberts indicated he has a problem with the jurisdiction issue. He indicated that any agency that would be coming into "His City" had better contact Chief Howard for permission to enforce any laws. Chief Howard reported that the Police Department currently works in conjunction with Utah County on tobacco compliance. Council Member Starley questioned if it was the Council's role to act as the hearing board if any Business Owner is out of compliance. Legal Counsel Rich indicated the Ordinance could be drafted in a way that it would be to the advantage of the City. Mr. Davis said that each City has made changes to the Ordinance as they have seen fit. The purpose of the Ordinance is to offer, at free of charge, training to any person who would be handling beer sales. Council Member Roberts requested Mr. Davis inform the person(s) responsible for drafting the proposed Ordinance that the enforcement issues should be addressed differently.

Council Member Starley moved to close the Public Hearing. Council Member Brandon seconded the motion. The vote was unanimous.

***Public Hearing addressing Installation requirements for Dry Lines for future Pressurized Irrigation***

Council Member Brandon moved to open the Public Hearing. Council Member Roberts seconded the motion. The vote was unanimous.

Mr. Callaway reported he was in favor of the Ordinance requiring the Developers to install dry lines for the pressurized irrigation. He indicated at the time the sewer system was installed, he met with Mayor Lynn Crook requesting the dry lines be installed. Mr. Callaway indicated the City is in need of the system and requested the Council to put forth every effort to see the need is met. He reported that 2 years ago the Residents were asked to conserve water. At the end of the summer, the Residents saved approximately 25% in over all water usage. Council Member Brandon thanked Mr. Callaway for the efforts of the past Council Members and their foresight of the needs of the City. Council Member Green questioned if there would be a need for irrigation lines if there were enough water in the proposed canyon reservoir. Mr. Callaway indicated the need for irrigation lines is still there and expects a mandate from the State Legislature requiring the use of a secondary system.

Mr. Olsen questioned if developers are required to install irrigation lines. City Engineer Fullmer reported the City Council Members reviewed a proposed Ordinance earlier in the evening that would require line installation. Mr. Olsen was told the Pressurized Irrigation Feasibility Study is currently being reviewed by a number of possible funding sources. Mayor Scovill said there is a Public Information meeting tentatively scheduled for August. Mayor Scovill is hopeful he will have funding information available at the time of the information meeting.

Council Member Roberts moved to close the Public Hearing. Council Member Brandon seconded the motion. The vote was unanimous.

**UNFINISHED BUSINESS**

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

Mayor Scovill reported the Council Members have been reviewing a design for the proposed Elementary School. A decision needs to be made as to whether the city will participate in the expansion of the School gymnasium and purchase of bleachers. If the City participates in the expansion, the City would be allowed the use of the gymnasium for recreational activities. Council Member Morgan reported that the arrangement that has been discussed with the Representative of the School District is that the City would be allowed the use of the school and the School District would be able to use the adjoining City park property. Council Member Roberts reported he has called Mapleton Representatives to discuss the use of Impact Fees for funding. He has not made contact with the Representative. The City would need to be responsible for cleaning of the facilities after each use but would not be responsible to furnish a part-time Janitor. Mr. Callaway indicated the residents of Santaquin actually own the school, as they are the Individuals who paid taxes to build the structure. Council Member Starley questioned if purchasing additional ground for the school could be used in lieu of paying monies for the expansion. Council Member Brandon requested Legal Counsel Rich research this issue and report back to the Council.

Council Member Brandon moved to go forward with the participation with Nebo School District with the concept of using impact fees for the 12 foot gym expansion and explore the option of

using impact Fees. Council member Morgan seconded the motion. Council Member Brandon withdrew his motion.

Council Member Brandon moved to go forward with the participation with Nebo School District for the 12 foot gymnasium expansion. There was some confusion on the intent of the motion. Legal Counsel Rich questioned if the Council was making commitments to Nebo School District without a particular funding source.

Council Member Brandon moved to withdrew his motion.

Council Member Starley moved to table this issue until a funding source is identified. There wasn't a second to the motion.

Council Member Morgan moved to have the Staff explore funding sources for the 12' gymnasium expansion, review the appropriate use of the Park and Recreation Impact Fees and report to the Council by Thursday the 15<sup>th</sup>. Council Member Brandon seconded the motion. The vote was unanimous.

***Dan Olson – update on the proposed Reservoir Park***

Mr. Olsen reported he met with the Central Utah Water Conservancy District. Mr. Olsen has met with LEI Engineering with regard to the proposed project. LEI Engineering Representative Mike Christensen is working with the Committee. Council Member Green asked if in his professional opinion, does Mr. Christensen think this project is feasible. Mr. Christensen indicated that he was in favor of the project. A complete feasibility study would cost \$30,000 to \$65,000. Mr. Olsen indicated the use of the Committee Members working on the project would eliminate some of the cost. Mr. Olsen said Summit Creek Irrigation Company would need to work hand in hand with the City to make the proposed project a reality. Mayor Scovill requested prioritizing the needs of the project. Mr. Olsen questioned if the Council wanted to continue with the project and does the Council want the Committee to represent the City in finding funding sources. Council Member Brandon questioned how the Council could be of assistance to the committee. Mr. Olsen reported the Central Utah Water Conservancy District was interested in the project if there is an equal participation of the City and Summit Creek Irrigation. Mayor Scovill questioned how much money is needed and when it would be needed. Mr. Olsen did not have an exact fee amount but indicated the City could at anytime indicate the project is not what the city would like. Mr. Christensen proposed drafting a request for proposal and reviewing the responses. Council Member Roberts summarized the request of the Committee as a authorization from the Council to move forward with finding a funding source with the use of minimal Staff time. Mr. Olsen indicated Council Member Roberts is correct. Mayor Scovill reported the Staff is inundated with responsibilities. The staff is stretched and in order to free up staff time, the City would have to out source some of their work. City Manager Chatwin indicated the use of Staff would require reprioritizing their current projects. Council Member Brandon reported if the City could find funding for the feasibility study he is in favor of the project. Council Member Starley questioned if the Committee knew how the water would be diverted, how to get the water to the elevation of the reservoir and if the soil is conducive to the project. Mr. Olsen indicated these questions would be answered by the State Engineers Office, but he they will not address his questions until He is acting in behalf of the City. Council Member Morgan indicated he is interested in the project and the Committee should not interpret the comments about the Staff's heavy work load as a lack of interest in the proposed project. Council Member Morgan felt the Committee should be allowed to

act on behalf of the City. Authorization should be given in order for the Committee to identify the "show stoppers" and prioritize the remainder of the project. Council Member Roberts indicated he would be making a motion at the next Council Meeting that would give the Committee permission to find funding and to move forward with the project. Mr. Olsen and his Committee was thanked for their commitment to the Reservoir Park Project.

## **NEW BUSINESS**

### ***Discussion and possible action with regard to installation of Pressurized Irrigation lines within the Black Hawk Ridge and Oak Summit Subdivisions***

Council Member Brandon moved to require the Developer to install pressurized irrigation lines in the Black Hawk Ridge and Oak Summit Subdivisions. Council Member Green seconded the motion. The vote was unanimous.

### ***Review and possible action with regard to the Final Approval of the Countryside Estates Subdivision, Plat "A"***

Council Member Brandon moved to give final approval for the Countryside Estates Subdivision, Plat "A". Council Member Roberts seconded the motion. Council Member Starley questioned if a traffic impact study was performed. He was told that it wasn't required with this particular project. Mayor Scovill questioned if the irrigation ditch would be piped. Mr. Magleby reported that Representatives of Summit Creek Irrigation has approved the design of the piping and the debris catch system. Mr. Magleby indicated the Developer would fence the flood channel. Council Member Starley was told that the larger lots consist of unbuildable areas. Plat "A" includes lots 61, 62, 63, 5, 58, 59 and 60. After the discussion the vote was unanimous.

**At 9:30 P.M. Council Member Green requested a Five Minute recess. Mayor Scovill agreed.**

## **BUSINESS LICENSES**

Council Member Green moved to approve a new business license for Steven Parsons, Deone Wall, Jerry and Irma Bowman, Darren Nelson Moody, and James Stanley. Council Member Starley seconded the motion. The Vote was unanimous.

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

### ***Resolution 07-01-2004 "A Resolution Of The Santaquin City Council Establishing Guidelines And Parameters For The Utilization Of The Santaquin City Newsletter, Web Site And Cable Channel 10 For The Dissemination Of Information And Providing An Effective Date"***

Council Member Brandon moved to table Resolution 07-01-2004. Council Member Roberts seconded the motion. Council Member Morgan requested discussing the Resolution. Council Member Roberts reported the motion was tabled therefore a discussion cannot be held. Mayor Scovill said he would rewrite the proposed Resolution. Council Member Morgan questioned when his comments would be considered. Mayor Scovill indicated he would contact Council Member Morgan for his comments. After the discussion, Council Members Green, Roberts, Starley, and Brandon voted in favor of the motion. Council Member Morgan voted against the motion.

### ***Resolution 07-02-2004 "A Resolution setting a Fee Schedule for Santaquin City"***

City Planner Bolser reviewed the Fee Schedule with those in attendance. Mayor Scovill questioned if it was a good idea to offer the Senior Center for rental. Council Member Morgan reported that the Center was available for rent at different times. Mayor Scovill recommended

tabling the Resolution and holding a Work Session to discuss the option of renting of the Seniors Center. Council Member Brandon moved to table Resolution 07-02-2004. Council Member Green seconded the motion. The vote was unanimous.

***Resolution 07-03-2004 "A Resolution Declaring the Surplus Property of Santaquin City"***

Council Member Green moved to approve Resolution 07-03-2004. Council Member Starley seconded the motion. Council Member Morgan question when the sale would take place. He was told the decision has not been made. The vote was unanimous.

***Ordinance 07-01-2004 "A Ordinance regarding an Addition to the Santaquin City Code pertaining to Traffic School"***

Council Member Green moved to approve Ordinance 07-01-2004. Council Member Roberts seconded the motion. Council Member Starley asked Chief Howard if he would like any changes made to the Ordinance. Chief Howard indicated he was in favor of Council Member Starley's recommended time change (one year to 12 months within section 6-3-4-C-2). Council Members Green, Roberts, Starley, Morgan, and Brandon voted in favor of the motion.

***Ordinance 07-02-2004 "An Ordinance allowing for the West Frontage Road Rezoning"***

Council Member Brandon moved to approve Ordinance 07-02-2004. Council Member Roberts seconded the motion. Council Members Green, Roberts, Starley, Morgan, and Brandon voted in favor of the motion.

***Ordinance 07-03-2004 "An Ordinance Amending the Santaquin City Code regarding the Payment of Fees Related to Infrastructure Inspection"***

Council Member Roberts moved to approve Ordinance 07-03-2004. Council Member Starley seconded the motion. Council Members Green, Roberts, Starley, Morgan, and Brandon voted in favor of the motion.

***Ordinance 07-04-2004 "An Ordinance amending the Santaquin City Code providing for the Establishment of a Beer Handlers Ordinance"***

Council Member Brandon moved to table Ordinance 07-04-2004. Council Member Roberts seconded the motion. Council Members Green, Roberts, Starley, Morgan, and Brandon voted in favor of the motion.

***Ordinance 07-04-2004 "An Ordinance establishing Installation requirements for Dry Lines for future Pressurized Irrigation"***

Council Member Brandon moved to approve Ordinance 07-04-2004. Council Member Roberts seconded the motion. Council Member Starley questioned if approving this Ordinance also is the approval of the Pressurized Irrigation Master Plan. It is not. City Engineer Fullmer reported the City would pay the upsize (from 8" to 12") of the lines. After the discussion, Council Members Green, Roberts, Starley, Morgan, and Brandon voted in favor of the motion.

***Ordinance 07-04-2004 "An Ordinance Amending the Zoning map of Santaquin City to include the North Santaquin Orchards Annexation area located adjacent to the Current Corporate Boundaries of Santaquin City, Utah"***

Council Member Roberts moved to approve Ordinance 07-02-04. Council Member Starley seconded the motion. A discussion was held with regard to requiring the Developer to install fiber optic lines. Council Member Morgan indicated installation of the optic lines a relatively simple

process and could be done at a later date. City Engineer Fullmer reminded the Council that installing the lines, after the fact, may interfere with the other utilities already installed. Mr. Magleby indicated the Developer should not be required to install the fiber optic lines if the City doesn't have specifications requiring him to do so or if the City has no plans for City-wide fiber optic in the near future. Legal Counsel Rich reported the language was included so that the new roads would not be damaged by installing the lines at a later date. Council Member Green was told that the installation requirement could be added at the time of Preliminary approval of the project. The installation would be at the discretion of the Council. Council Member Morgan also asked a number of clarification questions. Legal Counsel Rich reviewed the proposed changes with the Mayor and Council Members. Mr. Ferguson reported he had received the proposed contract pertaining to the required traffic study. The study would indicate site visits and data collection of traffic between the annexation and Main Street along with Center, 200 East and 400 East. Mr. Magleby indicated he projected a 15-year build out of the project and the North Orchard Development should be responsible for traffic for their build out only. The traffic study should include the background traffic as it is today and proposed traffic generated by the build out of the project. Council Member Roberts amended the motion to include the discussed changes to the Development Agreement. Council Member Starley seconded the amendment. Council Members Green, Roberts, Starley, Morgan, and Brandon voted in favor of the motion.

Council Member Roberts moved to have the effective date of the Ordinance contingent on execution of the Annexation and Development Agreement. Council Member Green seconded the motion. Council Members Green, Roberts, Starley, Morgan and Brandon voted in favor of the motion.

#### **PETITIONS AND COMMUNICATIONS**

Nothing

#### **ADJOURNMENT**

At 11:30 P.M. Council Member Roberts moved to adjourn. Council Member Brandon seconded the motion. The vote was unanimous.

Approved on July 21, 2004.

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A. LaDue Scovill, Mayor

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Susan B. Farnsworth, City Recorder