

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
JUNE 16, 2004**

Mayor Pro-Tem Green called the meeting to order at 7:05 P.M. Council Members attending: Denny Brandon, Tracy Roberts, Martin Green, Wesley Morgan and Todd Starley. Mayor LaDue Scovill was excused.

Others attending: City Manager Stefan Chatwin, City Planner Jim Bolser, Legal Counsel Brett Rich, Police Chief Dennis Howard, Deputy Recorder Darlene Gray, Ted Jones, Jim Peterson, Philip Askerlund, Konnie Harter, Doug Harter, Ruel Haymond, Rob Hendricks, Lori Manwill, Steve Thomas and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Council Member Morgan led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Mr. Jones offered an Inspirational Thought.

CONSENT AGENDA

Approval of the minutes

Approval of the minutes of a Regular Meeting held on June 2, 2004 and June 9, 2004.

Bills - \$101,606.08

Council Member Brandon moved to approve the items on the Consent Agenda. Council Member Morgan seconded the motion.

Council Member Roberts indicated that he had a change to page 3 paragraph 5, of the June 2, 2004 meeting. He requested that the statement regarding "ex post facto" and that "the retroactive date was not appropriate" be stricken and "illegal and unconstitutional" be submitted in its place.

Council Member Roberts referenced page 4 regarding the review and setting of a Public Hearing pertaining to the process and appointment of new Planning Commission Members. He questioned why the entire conversation had not been recorded. Council Member Roberts indicated that whether on purpose or inadvertent, his discussion should be noted in its entirety in the minutes. City Manager Chatwin indicated that City Recorder Farnsworth had tried several times to make contact with Council Member Roberts so they could meet to discuss conversation that Council Member Roberts wanted included in the minutes. City Manager Chatwin further indicated that the approval of the June 2, 2004 minutes could be extracted from the motion, and then approved at a later date when all conversation has been corrected and included.

Council Member Starley indicated that Mr. Bean had given the spiritual thought at the last council meeting. He expressed his desire for the statement that is in written form, be included as an attachment to the June 2, 2004 minutes.

Council Member Brandon amended his motion to extract the minutes of June 2, 2004 from the consent agenda until corrections and additions can be made. Council Member Roberts seconded the motion.

Council Member Morgan requested a spelling correction. The vote was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Mr. Askerlund addressed the Council Members and expressed his appreciation for their time and hard work. He indicated that, from the standpoint as a citizen, he had a concern regarding the discussion of the funds requested for the Cricket Abatement program. Mr. Askerlund asked the Council Members if they had been out to the west of Santaquin to see the damage done by the crickets. He was concerned with the statement made by a Council Member regarding the abatement funding as being a poor use of tax payer's monies. Mr. Askerlund stated that he has \$10,000 worth of vegetation in his yard and asked if the Council Members would be willing to replace it if the crickets were not controlled. He commented that he was grateful the proposal had passed. Mr. Askerlund referenced a statement made by a Council Member regarding the use of City funds as a "bad use" and indicated that if the use was for citizen protection how could it be considered a poor or bad use.

Council Member Starley commented that he voted against the appropriation of funds for cricket abatement, but he was not against protecting property, but explained that as a Council Member, he felt he did not have the right to go to a neighbor and take money to fund state programs. Mr. Askerlund reiterated that the Council Members have the responsibility to use funds for the best interest of the majority.

Jim Peterson and Ted Jones – Discussion with regard to the Cemetery expansion

Mr. Peterson and Mr. Jones approached the Council Members and reported that it has been 3 to 4 years since discussion was held regarding the Veteran's Memorial to be erected in the new section of the City cemetery. Mr. Peterson explained that community members have worked hard on fund raisers. He reported that the memorial goal is \$40,000.00. Mr. Peterson stated that currently, \$38,050.00 has been raised and he would like to know when the City will develop the cemetery property that will house the memorial. He indicated that they did not want to start designing and building the monument and not have a proper place to erect it. Mr. Peterson indicated that he felt it inappropriate to raise the funds and not start the project.

Council Member Brandon asked if the Memorial committee had met with the City when the project first started. Mr. Jones responded that the committee coordinated with the City before the first dollar was collected. He added that during that meeting, both the City and the committee agreed to site preparations and he is concerned that now there will be problems with the monument location being ready in time.

City Manager Chatwin reported that it would be up to the City Council to determine if funds could be appropriated to incorporate the memorial. He indicated that the projected need for additional cemetery plots was approximately 2 to 3 years out.

Council Member Morgan congratulated the committee for raising the funds so quickly. He stated that there were no plans at this moment to develop the new area in the cemetery. He added that the budget tentatively approved does not have a line item for the cemetery development. He suggested that the monument could be located on an existing site. Council Member Morgan agreed that the monument site should be partitioned off to avoid vandalism. He commented that he thought the monument was to be located near the west boundary of the existing site. Mr. Jones responded that the City had agreed that the proposed site would be on the center of the hill on the west side of the cemetery. He added that they are ready to excavate the site, but cannot do so without the Council's approval. Council Member Morgan suggested he, City Manager Chatwin, Mr. Jones, Mr. Peterson,

and any other committee members meet to identify what the requirements are and how those requirements can be met, and when.

Council Member Green requested that Council Member Morgan and City Manager Chatwin meet with those individuals, and then return information to the City Council. Mr. Jones indicated that they would like to dedicate the monument by Memorial Day, 2005.

Council Member Morgan asked what the time-line from architect design to placement of the monument. Mr. Peterson responded that Geneva Rock has donated the cement and other individuals are donating labor and materials. Mr. Jones responded that the monument would take approximately 3 months to construct.

Mr. Peterson displayed a framed picture that had been donated to the American Legion from Thanksgiving Point. He commented that he felt it would be an ideal picture to hang in the City Council Room and he indicated that he would like a \$500.00 donation from the City to purchase the picture from the Legion.

Mr. Haymond expressed his concern regarding item 12 on the agenda. He asked if these items would be discussed at this meeting or at a future Public Hearing. He indicated that he would like to know what these items were about. Council Member Morgan responded that the items would not be discussed at this meeting. The items were listed on the agenda as items for which Public Hearings need to be scheduled.

Council Member Morgan stated that he would like to recognize 4 of the City employees who participated in the recent Cancer Relay for Life. He reported that the team raised approximately \$3,500 for the Cancer Society and indicated that much of the raised funds came from the employee luncheons. Council Member Morgan recognized Susan Farnsworth, Jody Thomas, Darlene Gray and Shannon Hoffman, the City employees who were part of the team. He reported that the campsite was very nicely arranged with street signs indicating "Survivor Way" and "Memory Lane" with pictures of individuals placed in the "street" that signified whether they were a survivor or of those who were not. He commented that the camp was the most interesting camp there. He indicated that the team had at least 2 members walking at all times during the 18 hour walk duration. Council Member Morgan expressed his appreciation to the City employees who were involved in the yearly event.

FORMAL PUBLIC HEARINGS

Public Hearing with regard to a proposed Code amendment pertaining to the Process of Appointment of New Planning Commission Members

Council Member Starley asked if the re-write of the proposed Code Amendment had been submitted. City Planner Bolser indicated that the proposed Code Amendment draft had not been written as yet. He reported that the Public Hearing would have to be set and then he would be able to draft the amendment.

City Manager Chatwin stated a Point of Order. He indicated that the Public Forum had not been closed.

Council Member Brandon motioned to close the Public Forum. Council Member Starley seconded the motion with a unanimous vote.

City Manager Chatwin noted a Point of Order. He indicated that no motion had been made to open the Public Hearing.

Council Member Starley moved to open the Public Hearing with regard to a proposed Code Amendment pertaining to the Process of Appointment of New Planning Commission Members. Council Member Morgan seconded the motion.

Council Member Roberts addressed the audience asking if any one would like to comment on the process of appointment of a new Planning Commission Member. He stated that no one had signed in to speak during this portion of the meeting.

Council Member Starley asked Mr. Bean if he had any comment regarding the new appointment process. Mr. Bean indicated that he thought a proposal had been written, but stated that he has not seen it.

Without further discussion, Council Member Roberts moved to close the Public Hearing. Council Member Starley seconded the motion with a unanimous vote.

UNFINISHED BUSINESS

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

Council Member Green explained that it is being proposed that the City pay for bleachers to be installed in the proposed elementary school gymnasium and the gymnasium enlargement, so the City Recreation Department activities could be held at the school.

Council Member Roberts indicated that he has met with City Manager Chatwin and that they would try to locate the funds to pay for the cost. He indicated that the funds have not as yet been found and stated that this agenda item would have to be carried over to a future meeting.

Council Member Starley commented that the purpose is to move City functions, e.g.; Miss Santaquin Pageant, Little and Junior Miss Santaquin Pageant, etc. to the school to avoid re-doing the gymnasium at City Hall.

Mr. Askerlund asked if City use of the gym would be on a contractual basis. Council Member Roberts responded that it would be understood that it would be perpetual. Mr. Askerlund asked if the City would have full access to the gym. City Manager Chatwin explained that this and other issues would have to part of any agreement made between the City and the School District. Mr. Askerlund asked if the agreement would be in writing or verbal. Council Member Roberts stated "if it's not in writing, it doesn't exist."

Mr. Jones asked if the City would have a key to the gymnasium or would the City have to pay for a district person to open and close the building after each use. Council Member Morgan commented that there would be joint arrangement of use because the City would own the sport fields adjoining the school district property and the school would use the sport fields. Mr. Askerlund suggested the City check liability issues before entering into any agreement.

Council Member Roberts moved to table the Discussion and Possible Action with regard to participating with Nebo School District for the Gym Expansion until a time when more information can

be brought back to the City Council. Council Member Morgan seconded the motion with a unanimous vote.

NEW BUSINESS

Authorization for Mayor Scovill to sign the Mountainland Association of Governments Contract

Council Member Green asked Legal Counsel if this agenda item could still proceed in the absence of the Mayor. Legal Counsel Rich responded in the affirmative.

Council Member Roberts moved to discuss the authorization for Mayor Scovill to sign the Mountainland Association of Governments Contract. Council Member Morgan seconded the motion.

Council Member Roberts explained that a contract he saw dealt with the Mountainland Association of Governments (MAG) agreement to fund the Senior Citizen Center Friday luncheons with the City matching the funded amount. He explained that the Senior Citizens who attend the luncheons also pay into the program and added that the luncheons are well attended. Mr. Jones reported that they generally have 75 people attend the luncheons. Council Member Roberts stated that the contract was just regarding the funding.

Council Member Starley explained that he did not like to vote on anything he has not read. Council Member Brandon asked if anyone else had seen the contract.

City Manager Chatwin stated that he thought this item was for a different type of contract than what Council Member Roberts had explained.

Council Member Brandon moved for a friendly amendment to Council Member Roberts' motion and moved to table this item for further discussion. Council Member Morgan seconded the motion with a unanimous vote.

Authorization for Mayor Scovill to sign an agreement with Zions Bank for Financial Advisory Service

Council Member Morgan moved to approve the authorization for Mayor Scovill to sign an agreement with Zions Bank for Financial Advisory Service. With no second, the motion dies.

Council Member Starley moved to authorize the City Council to advertise for bids for Financial Advisory Service. Council Member Brandon seconded the motion.

City Manager Chatwin indicated that this request for authorization is a continuation of an existing agreement with Zion's Bank and added that these are services that Zion's has provided quite handily for several years. He noted that the City has had a blanket agreement with Zion's that applies every time there is a new development. City Manager Chatwin commented that the agreement has not been binding and indicated that the cost varies for the kinds of services performed, so the cost could be little or nothing at all based on the services provided.

Council Member Green asked if putting the agreement out for bid would cost the City. City Manager Chatwin responded that every institution would have to go through the formal bid process. He stated that the problem with moving away from Zion's Bank is that the City uses this institution for

everything. He suggested the Council Member consider all services provided if the intent is to have the services bid for.

Council Member Starley asked when the current agreement ended. City Manager Chatwin responded that he believed the agreement had already ended.

Council Member Brandon asked what obligation the City had regarding the agreement. He stated that he knew that financial institutions were bidding daily on service agreements and asked what obligation Zion's Bank has to the City. Council Member Morgan commented that he understood that the City was not looking to them to be vendors for bonds, but to only offer financial service. He indicated that there were other agencies that deal with bonding issues. He further stated that Zion's Bank was on the City's side to make sure the City was being dealt with fairly. Council Member Morgan stated that Zion's Bank has been the City's advisor for some time and personally he felt quite satisfied with their willingness and support. He reported that Zion's Bank had specific individuals assigned to work with the City. He indicated that those individuals know the City's background and stated that it would take some time for a new provider to have the same rapport.

Council Member Starley indicated that he brought up the subject to see if other institutions can offer a better rate. If not, he stated there would be no need to discuss the item. Council Member Morgan stated that he was sure other institutions would also provide generic funding information. City Manager Chatwin indicated that he agreed with Council Member Morgan and added that the relationship with Zion's Bank has been very positive. He stated that they have been quick to respond and expressed their willingness to go the extra mile, even when they are providing a service that they are not billing the City for. City Manager Chatwin commented that it would take some time to develop a new relationship like the one already in place with Zion's Bank.

Council Member Starley amended the motion and moved to approve the Zion's Bank agreement and, for information and comparison purposes, he moved to request similar fee schedules from 2 other financial institutions. Council Member Roberts seconded the motion.

Council Member Morgan indicated that he had no objection to the motion, but questioned if the motion should be made as 2 separate motions. Mr. Askerlund commented that since the City has 4 new Council Members, he wondered if the new members had met with any of Zion's Bank representatives. He suggested inviting a representative in to describe the services they had to offer so the Council Members could get a feel for what Zion's Bank had to offer. Council Member Green indicated that the new Council Members have already met with a Zion's Bank representative.

City Manager Chatwin noted a Point of Order explaining that a motion would be needed to authorize Mayor Scovill to sign an agreement with Zion's Bank for Financial Advisory Service.

Council Member Starley withdrew his motion.

Council Member Brandon moved to authorize Mayor Scovill to an agreement with Zion's Bank for Financial Advisory Service. Council Member Morgan seconded the motion.

Council Member Morgan indicated a correction would need to be made to paragraph 9, at the end of the second line; *'from our'* should be added after "arising."

Council Member Starley indicated that the matter should be tabled until other financial institution representatives could present additional information to the Council Members. Council Member Green indicated that the Council Members needed to discuss the motion at hand.

With no other discussion, the motion previously made and seconded authorizing Mayor Scovill to sign an agreement with Zion's Bank was voted on. The vote was unanimous.

Council Member Starley moved to request 2 other financial institutions submit fee schedules and pertinent information, as well as having Zion's Bank present a current contract. Council Member Brandon seconded the motion.

Council Member Starley – Aye.
Council Member Brandon – Aye.
Council Member Morgan – Nay.
Council Member Roberts – Nay.

Council Member Roberts noted a Point of Order indicating that Council Member Green could vote on the motion.

Council Member Green – Nay.

BUSINESS LICENSES

Council Member Green reviewed the Business License applications for Troy Peterson, True Life Taxidermy; Jesse Smith, the Family Tree Restaurant; Ron Tanner, Omnistar Inc.; Bill Ferguson, Royal Apples Inc.; and Antonio Guerra, Larry's Produce.

Council Member Brandon stated that Mr. Guerra owns property on Main Street that is in a Commercial zone. He reported that Mr. Guerra now operates his business off a wagon at the corner of 400 East and Main Street where there is a "No Parking" zone in the area. Council Member Brandon commented that Mr. Guerra could operate out of his home because the wagon location violates current ordinances. Council Member Morgan added that Mr. Guerra's customers were parking in the "No Parking" zone. Council Member Brandon expressed his concern because the customers parking in the area create a visibility problem for the intersection.

City Planner Bolser explained that Mr. Guerra's business is a seasonal business and that Mr. Guerra has the permission of the property owner to operate at that location.

Police Chief Howard commented that the State has designated that area as a no parking zone. Council Member Green asked if Mr. Guerra could be told that parking would only be allowed on Orchard Lane. City Planner Bolser responded in the affirmative and added that it would be up to Mr. Guerra to enforce the parking restrictions.

Council Member Green asked for a vote of those Council Members in favor of accepting Mr. Guerra's application for Larry's Produce Business License. Council Member Brandon indicated that he would accept the application with the restriction that Mr. Guerra's customers would be restricted to parking off Main Street. City Planner Bolser indicated that Main Street was a State road and would be under

the control of the Utah Department of Transportation (UDOT). He further indicated that it would be up to Chief Howard to deal with UDOT to figure precise law enforcement.

Council Member Green stated that the Business License Application listed the business address as 40 North Orchard Lane. City Planner Bolser stated that he would talk with Mr. Guerra regarding the business address and the parking issue.

Without further discussion, the motion to approve was unanimous.

Council Member Green continued reviewing the Business Applications for Lane Manwill, Fire Control; Andrea Burdick-Craig, Sunset Studios, (City Planner Bolser noted that Ms. Craig is employed by the City Recreation Program) Wilbur-Ellis Co., Storage for Agricultural supplies; Ted and Sara Cameron, The Lucky One Dollar Store; and Lynn Clayson; Big Sand ATVs.

Council Member Brandon commented that he was concerned with the continual approval of a Business License for The Lucky One Dollar Store, but not requiring the site improvements to be completed. He indicated that continuing to allow a business to operate at that location and not comply with City Ordinance, takes away the effectiveness to put someone else in compliance.

Council Member Brandon indicated that the Council Members must understand that with actions taken by the Council Members and the philosophy of the City, it would be difficult to enforce the Code with others. Mr. Bean stated that he thought businesses struggle enough to stay alive and if they are forced to comply with City Code, they would be driven out of business and out of town. He stated that the Codes and enforcement of Code are not business friendly.

Council Member Morgan commented that the City did not have bad Ordinances. Council Member Roberts, expressing his disagreement with Council Member Morgan, stated that he felt the City did have bad Ordinances.

Legal Counsel Rich commented that individuals or individual businesses cannot be singled out because the first thing an attorney looks for is discrepancy. Council Member Starley stated that other patrons use the same parking lot and added that the Council should not deny the Lucky One a license in addition to putting undue stress on the business. He indicated that there could be a possible change with the store location in the future.

Mr. Haymond asked why the parking lot would have to be paved. Council Member Green responded that it is a requirement as per City Code. He stated that the Planning Commission developed the Code and the City Council must enforce it. Council Member Starley stated that any Code could be reviewed and changed. City Manager Chatwin added that the unpaved lot could also present a possible health problem. He added that whether the Code is a good one or not, it should be addressed. Mr. Askerlund added that the American Disability Act requirements are also a big issue.

Council Member Morgan suggested the Council Members approve the request for a business license and then send a letter to the property owner regarding weeds, pavement, etc. Council Member Starley seconded the motion.

City Planner Bolser stated that the Council Members have the ability to review any business license at any time. Council Member Brandon asked when a letter of non-compliance had been first sent to the property owner. Legal Counsel Rich indicated that a letter had been sent approximately 2 years

ago. He expressed his concern regarding the amount of time that has lapsed between notification and now.

Council Member Green reported that Jeff McEwan, JBM Hauling and Clean-up was the last business license application for approval. Council Member Brandon moved to accept all Business License applications with terms and stipulations. Council Member Morgan seconded the motion with a unanimous vote.

Ms. Manwill addressed the Council Members explaining that she had a business license for a hair salon in her home that lapsed because she temporarily halted her business when she had a baby. She indicated that nothing has changed with regard to the location or set-up, but added that the City is requiring her to have inspections of the premise. She indicated that another step in the Business License Application process was notification of property owners within 500' of her property boundaries. She commented that the certified mailings would be a big expense and indicated that the statement regarding mailings is not on the application form.

Council Member Brandon indicated that it was obvious that Ms. Manwill did not have a current Business License and asked if she was applying for one. Ms. Manwill responded in the affirmative and indicated that she was not in the right zoning, which would require her obtaining a Conditional Use Permit. City Planner Bolser explained that the City sent 73 letters of non-compliance to businesses that were listed in the Chamber of Commerce registry. He reported that staff reviewed the registry and matched the businesses listed to existing business licenses issued. He indicated that he sent a letter of Code violation informing each individual business of the violation and suggesting resolution of said violation. City Planner Bolser stated that a major class home occupation business requires a Conditional Use Permit. Because Ms. Manwill let her business license lapse, she would have to file for a new Business License under current City Code requirements.

Council Member Morgan asked how long it had been since Ms. Manwill had let the license lapse. City Manager Chatwin responded that the business license had expired at the end of 2002. Council Member Morgan informed Ms. Manwill that the City Code had changed within the last 2 years and unfortunately she is now subject to the latest Code. City Manager Chatwin stated that he understood that Ms. Manwill took some time off and did not operate the salon during that time.

City Planner Bolser added that the notification requirement had also changed. Ms. Manwill stated she had a problem with the notification process and wanted to have her neighbors sign a form indicating their approval of her operating her business at her home. City Manager Chatwin responded that the Ordinance requires the letters of notification be sent via US Postal Service registered mail as protection for the property and business owner.

City Planner Bolser addressed Ms. Manwill's statement regarding the notification requirement not being part of the application documentation and noted that the requirement is listed on the Home Occupation Application.

Mr. Bean identified himself as a neighbor to Ms. Manwill and stated that they assumed Ms. Manwill had been operating her salon all this time because her business sign was never removed. He commented that he felt the City Business License Ordinance was burdensome. City Manager Chatwin stated that it was staff's responsibility to insure that the City was following the guidelines set

by the City Council. He further stated that it was the prerogative of the City Council to change those guidelines.

Council Member Green interrupted the discussion, stating that Ms. Manwill's Business License was not part of the agenda and indicated that it should be discussed at another time. He stated that discussion must be kept to agenda items. Mr. Bean stated that if City Manager Chatwin was speaking about *protection*, he "would take freedom over protection any day." City Manager Chatwin responded that he was not taking a stand on either, but reiterated that Ordinances are in place that the City must enforce. Mr. Bean countered with the feeling that "Santaquin puts barriers up to businesses."

Council Member Starley made the motion to move to agenda item 12-A-1-a regarding a Public Hearing for Code Amendment pertaining to Animal Control. Council Member Green stated that it was not the public hearing itself, but rather the setting of the Public Hearing regarding Animal Control. Council Member Starley agreed to return to the order of items on the agenda.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Ordinance 06-01-04 "An Ordinance Establishing a Process of Appointment of New Planning Commission Members"

Council Member Brandon moved to adopt Ordinance 06-01-04, "An Ordinance Establishing a Process of Appointment of New Planning Commission Members." The motion dies due to the lack of a second.

Council Member Starley indicated that he had not seen a re-write of the proposed Ordinance. The re-write was to include comments discussed in the June 2, 2004 Council meeting.

Council Member Brandon moved to table Ordinance 06-01-04 "An Ordinance Establishing a Process of Appointment of New Planning Commission Members." Council Member Starley seconded the motion.

City Planner Bolser reported that there have been no changes to the Ordinance from the draft submitted to the Council Members in a prior meeting. Council Member Morgan indicated that he was not at the last council meeting and therefore, did not have the opportunity to review the document.

Council Member Roberts stated that there had been a lack of information at the last Council meeting. City Manager Chatwin noted a Point of Order, stating that the proposed Ordinance was part of the last Council meeting agenda and had been discussed. City Manager Chatwin stated that no changes could be made at that time, but added that the Ordinance was at a point now where the changes could be made.

Council Member Starley moved to remove Ordinance 6-01-04 from the table. Council Member Brandon seconded the motion with a unanimous vote.

Council Member Starley moved to modify Ordinance 06-01-04 before its approval. Council Member Roberts stated that once the motion is made to remove an item from being tabled, the item can then be discussed.

Council Member Roberts indicated that some of the previous discussion involving this item had been left out of the previous Council Meeting minutes. He stated that item D.6 in the proposed Ordinance appeared to be an attempt to usurp authority and stated that it had not been placed in the document by accident. He indicated that when language is used, such language is used on purpose, and questioned why item D.6 needed to be changed. He further stated that according to State Code, this act would by-pass the City Council, which he felt was very inappropriate.

Council Member Morgan jokingly said that as a past Council Representative to the Planning Commission, he liked interviewing candidates by himself. Council Member Roberts retorted with "It figures," and noted that an advisory committee is exactly as stated, 'advisory.' He indicated the committee could present several names to the Mayor, the Mayor would decide on one of the interviewees, then the Mayor's decision would be brought to the City Council.

Council Member Starley commented that he understood the only item being added was 10-3-4. City Planner Bolser indicated that the items being added were items "B" through "E" and noted that 10-3-4 is unchanged.

Council Member Starley indicated that there was a time conflict between item 'C' and item 'D.1' regarding advertisement of the vacancy, processing of letters of interest, and the fact that applicants would be interviewed within 20 business days. City Planner Bolser referred to item 'C.5', and indicated that the notice date under this section is the closing date of the vacancy. He indicated that the 20 days begin when the noticing period ends.

Council Member Roberts excused himself at 9:02 PM.

City Planner Bolser asked if the Council Member wants a list of applicants. Council Member Starley responded in the affirmative and asked that the request be added to the Ordinance. Council Member Starley stated that the applicants could be reviewed before the interview process begins. Council Member Morgan asked what the rationale was behind Council Member Starley's request. Council Member Brandon indicated that it was not part of the City Council's authority to review or interview all the applicants. He added that any Planning Commission vacancy was filled by appointment of the Mayor. He stated that it appeared that some Council Members were trying to make rules and regulations for the Mayor. Council Member Starley stated that asking for a list of applicants did not affect what the Mayor did.

Council Member Roberts returned to the meeting at 9:03 PM.

Council Member Morgan agreed with Council Member Brandon's assessment. Council Member Roberts stated that the City Council approves or disapproves decisions made by the Mayor. Council Member Morgan commented that that would be stretching 'advise and consent.'

Council Member Roberts stated that in the past, the Council Members had received a list of who had expressed interest in the Planning Commission. Mr. Askerlund asked if the Council Members conducted the interviews or just the mayor. He suggested that the statement in the Ordinance implied that the Council Members were conducting the interviews. City Planner Bolser reported that a Planning Commission Chair, City Planner, and City Council Representative were the individuals assigned to the Planning Commission interview committee. Council Member Green indicated that he would like notice of who has expressed interest in the Planning Commission seat.

Council Member Brandon indicated that he is fine with the addition to the Ordinance to provide the Council Members with the names of those individuals who have expressed an interest in a Planning Commission vacancy.

Without further discussion, Council Member Roberts moved to approve, contingent upon changes discussed, **Ordinance 06-01-04 "An Ordinance Establishing a Process of Appointment of New Planning Commission Members"**. Council Member Starley seconded the motion with a unanimous vote.

Resolution 06-03-2004 "A Resolution Approving The Form Of The Equipment Lease Agreement With Zions First National Bank For The Purchase Of 2004 Ford Taurus"

Council Member Brandon moved to approve **Resolution 06-03-2004 "A Resolution Approving The Form Of The Equipment Lease Agreement With Zion's First National Bank For The Purchase Of 2004 Ford Taurus"**. Council Member Roberts seconded the motion.

Council Member Starley asked why this was a purchase and not a lease. Legal Counsel Rich indicated that he had received a copy of the contract and indicated that it was a standard general lease form with few modifications. He also suggested that corrections of scrivener's errors be made. He indicated that the contract is a lease with option to buy.

Council Member Starley suggested the motion be amended to indicate correction of scrivener's errors. Legal Counsel Rich stated that the agreement had been emailed to him for review. He indicated that Exhibit "A" described the 2004 Taurus and included the Vehicle Identification Number. He stated that the agreement needed to be approved prior to June 23, 2004. Legal Counsel Rich stated that he was satisfied with the terms of the lease agreement.

Without further discussion, Council Member Brandon amended his motion to approve **Resolution 06-03-2004 "A Resolution Approving The Form Of The Equipment Lease Agreement With Zion's First National Bank For The Purchase Of 2004 Ford Taurus"** with scrivener's errors taken into account. Council Member Roberts seconded the motion with a unanimous vote.

Resolution 06-04-2004 "A Resolution Declaring The Intention Of The City Council Of Santaquin City, Utah County, State Of Utah, To Construct Improvements Consisting Of The Construction And Paving Of Roads, The Installation Of Sewer, Water, Pressurized Irrigation, Storm Drainage Improvements, And All Other Miscellaneous Work Necessary To Complete The Improvements In A Proper Workmanlike Manner; To Create The Santaquin City, Utah Special Improvement District No 2004-1; To Defray The Cost And Expenses Of Said Improvements By Special Assessments To Be Levied Against The Property Benefited By Such Improvements; To Fund A Reserve Fund; To Provide Notice Of Intention To Authorize Such Improvements And To Fix A Time And Place For Protests Against Such Improvements Or The Creation Of Said District; To Declare The City's Official Intent To Reimburse Itself For Expenditures Paid By It Prior To The Sale Of Bonds; And Related Matters"

Council Member Starley asked if the agenda item was a Resolution to set intent and not actually adopt. Legal Counsel Rich indicated that he was not prepared to make a recommendation at this time.

Without further discussion, Council Member Brandon moved to table the item until all information could be received. Council Member Starley seconded the motion with a unanimous vote.

Resolution 06-05-2004 "Adoption of the FY2004/2005 Budget"

Council Member Brandon moved to accept ***Resolution 06-05-2004 "Adoption of the FY2004/2005 Budget"***. Council Member Morgan seconded the motion.

Council Member Starley commented that when the Council Members voted on the Cricket Abatement funding, he understood that \$5000 would be for 2004 and \$5000 would be for 2005 and asked where the funding would be coming from. City Manager Chatwin responded that he did not know, but he would talk with City Recorder Farnsworth. Council Member Starley stated that he assumed the funds would be pulled from this budget which closes in 2 weeks. City Manager Chatwin reiterated that he was not prepared to answer, but indicated that he thought the item was going into the 2005-06 and not from this year's budget.

Council Member Morgan commented that in speaking with City Recorder Farnsworth, the budget 2004-2005 was the same as last discussed. Council Member Starley asked if the Council were adopting the Resolution at this meeting, why the Council would be holding another meeting on June, 30, 2004. Council Member Roberts responded that the State requires that so many adoptions take place when working on a budget.

Without further discussion, the vote was unanimous.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Planning Commission

Mr. Bean commented that the way the agenda items are written, implies that the Planning Commission is holding Public Hearings on things they have not seen before. City Planner Bolser responded that items a, b, and e are not items of Planning Commission responsibility.

Council Members Roberts commented that the way the agenda is formatted indicates that the items fall under the Planning Commission. City Planner Bolser indicated that the items typically not handled by the Planning Commission are forwarded to the City Council. Future Council agendas will make this clear.

Planning Commission Representative Vincent approached the Council Members and reported that all the Planning Commissioners were present at the last meeting. He recapped the recent Planning Commission meeting indicating that the West Frontage Road Rezoning had been discussed. He reported that Mr. Tod Rowley was present at the meeting and expressed his concerns regarding the existing billboard advertising South Ridge Farms and Green Belt issues. Planning Commissioner Vincent indicated that Mr. Rowley was informed that with the re-zoning, the sign would be conforming. He was also told that the Green Belt issue is not affected by the re-zoning. Planning Commissioner Vincent reported that the Commissioners recommended approval of the Proposed Rezoning of the West Frontage Road and has sent the item to the City Council.

Council Member Morgan asked for clarification regarding the sign on the premise. Council Member Brandon indicated that it was an on-premise sign.

Planning Commissioner Vincent explained that the Commissioners reviewed the Countryside Estates Subdivision and sent the item to the City Council for approval.

Planning Commissioner Vincent reported that he had not received his Planning Commission documentation as yet. Council Member Brandon indicated that Planning Commission Clerk Gray was working on getting the books from the past Commissioners.

- 1. Setting of a Public Hearing for the Following:**
 - a. Code amendment pertaining to Animal Control**
 - b. Addition to the Santaquin City Code pertaining to Traffic School**
 - c. Proposed West Frontage Road Rezoning**
 - d. Code amendment regarding the Payment of Fees Related to Infrastructure Inspection**
 - e. Santaquin City Beer Handlers Ordinance**
 - f. Installation requirements for Dry Lines for future Pressurized Irrigation**

Council Member Green reported that June 30, 2004 has been set for the City Council meet regarding the above agenda items and to also adopt the 2003-2004 Budget. He indicated that the regular City Council Meeting would be scheduled for July 7, 2004, but indicated that the June 30, 2004 meeting would be a special City Council Meeting for the Public Hearings.

Council Member Brandon moved to hold a Special City Council Meeting on June 30, 2004 to hold Public Hearings for items 1-a through 1-f, along with the budget approval. Council Member Starley seconded the motion.

Council Member Starley asked at what point the Council Members would entertain a work session on these items. He indicated that he has reviewed the proposed Code Amendment pertaining to Animal Control and would like a work session held regarding the Code. He added that he would like to clean it up before have a public hearing. Legal Counsel Rich indicated that the Public Hearing notification has already been posted. He indicated that the Public Hearing had been set for July 7, 2004 to meet the 14-day legal requirement. Council Member Brandon commented that a work session could be held before the Public Hearing. Council Member Starley indicated that although posted, the Public Hearing could be canceled or postponed, a work session held and then the Public Hearing notification re-posted.

City Planner Bolser left the chambers to verify the Public Hearing notification date.

Gale Lim approached the Council Member to invite them to visit the Summit Ridge project site. City Manager Chatwin indicated that he would be available to accompany the Council Members to the project. He reported that a meeting is held every Wednesday morning at 7:00 AM regarding the Summit Ridge Project.

City Planner Bolser returned to report that the Public Hearings have been posted for July 7, 2004, with the exception of item 1-b., **Addition to the Santaquin City Code pertaining to Traffic School**. Legal Council Rich stated that the Council would have to have the work session by June 23, 2004 if they wanted to change the proposed Code and re-post for the Public Hearing.

Without further discussion, Council Member Brandon withdrew his motion to accept.

Council Member Starley moved to accept the Public Hearing for items 12. 1. b through e as follows:

- b. Addition to the Santaquin City Code pertaining to Traffic School**
- c. Proposed West Frontage Road Rezoning**
- d. Code amendment regarding the Payment of Fees Related to Infrastructure Inspection**
- e. Santaquin City Beer Handlers Ordinance**
- f. Installation requirements for Dry Lines for future Pressurized Irrigation**

Council Member Morgan seconded the motion with a unanimous vote.

Council Member Starley moved to cancel item 12.1.a **Code Amendment pertaining to Animal Control** from the Public Hearing until a work session can be held. Council Member Roberts seconded the motion with a unanimous vote.

City Manager

1. Setting of a Public Hearing to establish a tax on the gross receipts of Telecommunications Service providers; setting the rate for such tax; and establishing the effective date

City Manager Chatwin reported that the telecommunications tax must be set by July 1, 2004 or the City would lose the tax. He indicated that the Council could chose to adopt the proposed tax or let it expire and not collect the revenue. He reported that the City could lose the revenue, which amounted to \$19,344 in 2003 and currently at \$25,996 if the tax is not adopted by July 1, 2004.

Council Member Starley asked if the land-line tax could be adopted alone. City Manager Chatwin indicated that he understood both land and cell lines would have to be adopted together. He explained that he understood that the tax is set up to be 4% across the board. He indicated that the previous tax on land-lines was 6%, which is now at 4%. Legal Counsel Rich commented that it was 4% for land-lines and 1.5% for cell phones.

Council Member Roberts noted a Point of Order, indicated that discussion should center around the setting of a Public Hearing only.

Without further discussion, Council Member Roberts moved to accept the June 30, 2004 date for adoption of the budget and the Setting of a Public Hearing to establish a tax on the gross receipts of Telecommunications Service providers; setting the rate for such tax; and establishing the effective date. Council Member Brandon seconded the motion with a unanimous vote.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Council Member Starley asked if Mr. Askerlund, Mr. Olsen, or Police Chief Howard if they had anything to say.

Mr. Askerlund explained that there were no collars on manholes located at 690 East 120 South to 450 South. He explained that he understood that the Subdivision Ordinance stated that there were to be concrete collars around the water valves and manhole covers. Council Member Green asked City Planner Bolser to check into the situation. City Manager Chatwin indicated that he would refer the concern to the Street Department.

Council Member Roberts indicated that he had nothing to report.

Council Member Starley asked Legal Counsel Rich if the City could use collected Park Impact Fees to improve existing park facilities. Legal Counsel Rich reported that it would depend on the type of improvement. He stated that they should look at the impact fee study and review what is in it. City Manager Chatwin indicated that he would research the issue and report at a later date.

Council Member Morgan indicated that he had nothing to report.

Council Member Brandon commented that the Council needed to address Mr. Dan Olson's proposal for a Pole Canyon dam and recreation area. He stated that a Public Hearing should be held and that the Council needed to make a decision regarding Mr. Olson's presentation. He reported that the item should be put on the agenda for Public Forum.

Council Member Starley asked if a work session would be needed. Council Member Green responded in the negative. Council Member Morgan agreed that the item should be a Public Forum agenda item and indicated that the Council needed to decide whether a study should be sponsored concerning Mr. Olson's proposal.

Council Member Roberts indicated his agreement with the item being a Public Forum agenda item.

City Manager Chatwin indicated that the City should move forward with initiating a feasibility study, however, it would cost money.

Council Member Green indicated that it should be put on the July 7, 2004 agenda. Council Member Brandon indicated that this item should have formal discussion and should be listed as "Discussion and Possible Action regarding a Feasibility Study on a Proposed Pole Canyon Dam and Recreation Area."

Council Member Green indicated that he would like Mr. Olson and the committee to be invited to attend the July 7, 2004 meeting.

Council Member Green reported that he had spoken with Mayor Scovill regarding an agenda item to discuss a Public Safety Impact Fee. He reported that Chief Howard is currently collecting information regarding said fee and would have it available by July 7, 2004. He indicated that this would be an agenda item for the July 7, 2004 meeting.

Council Member Green indicated that Mayor Scovill had asked that the following be discussed: 2 part-time employees to answer phones and attend the utility payment window. He indicated that Mayor Scovill had concerns regarding new annexations into the City with additional work loads and indicated that some one would be needed to physically answer the phones. He stated that the cost would be approximately \$10-12,000 per year for the 2 part-time employees. City Manager Chatwin indicated that he was not yet prepared to make a formal presentation. He further indicated that the goal would be to provide better customer service. He felt that the current phone system set up provides names and extensions, but felt there were a lot of holes in said system. He indicated that Darlene Gray, Community Development Secretary, Susan Farnsworth, Recorder, Jody Thomas, Treasurer, were too involved with other duties to always be available to answer phones. He indicated

that the part-time employees would not be entitled to benefits and would take the additional strain off current employees.

Council Member Morgan reported that he has had discussion with Mayor Scovill regarding the difficulty of getting through the current phone system to certain City individuals. The Mayor suggested that the proposed phone answerers would always know when staff members would be gone from the building and they could advise a caller when the staff member would return.

Council Member Brandon added that part of the issue is being friendly which he feels should be addressed. He stated that this item should be added to the July 7, 2004 agenda. He added that all agenda items should be turned over to City Recorder Farnsworth by Thursday morning so she can deliver agenda documentation by Friday, giving the Council Members review time over the weekend.

City Planner Bolser indicated that the City Code specifies that the deadline for agenda items is Friday at noon. He reported that the time frame allows items for the previous Planning Commission meeting to be on the City Council Agenda.

Council Member Green asked Legal Counsel Rich to discuss whether the Mayor could or could not vote in the occasion of a 2-2 Council vote tie, caused by the voting abstention of one Council Member. Legal Counsel Rich indicated that the discussion revolved around what is an 'abstention'. Council Member Roberts indicated that he read an abstention is equivalent of a "no vote." Legal Counsel Rich responded that he researched the League of Towns and Cities manual and it did state that an abstention was the equivalent of a no vote, but added that the manual did not include all circumstances. He indicated that he has spoken with Tom Roberts who indicated that generally an abstention is a 'no vote' and the abstention would be thrown out. He further indicated that there must be 3 positive votes to pass a motion. Legal Counsel Rich indicated that this doesn't fit the circumstance where there are 6 members and the Mayor can vote in the event of a tie. He indicated that if a Council Member left the room, it would be the same as that member abstaining, but would definitely not be a "no" vote. He reported that this is not addressed in the League manuals.

City Manager Chatwin added that the League manual doesn't have enough information. Council Member Roberts disagreed with Legal Counsel Rich indicating that he did not think the Mayor would have a vote.

Council Member Starley commented that therefore, the first vote taken on the number of signs allowed should have passed.

Police Chief Howard asked when the Animal Control Ordinance would be reviewed. Legal Counsel Rich responded that the item has been tabled and would be discussed in an up-coming Work Session.

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 10:02 P.M. Council Member Brandon moved to adjourn. Council Member Starley seconded the motion. The vote was unanimous.

Approved on July 7, 2004.

A. Ladue Scovill, Mayor

Darlene Gray, Deputy Recorder