

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
JUNE 2, 2004**

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

Others attending: City Manager Stefan Chatwin, City Planner Jim Bolser, City Engineer Shon Fullmer, Police Chief Dennis Howard, Officer Jared Villar, Michelle Villar, Officer Mimi Sandoval, Officer Kris Johnson, Officer Alan Hansen, City Building Inspector Randy Spadafora, Planning Commissioner Rex Bean, Dixie Brunson, Neil Brunson, Shannon Harris, Santaquin Days Rodeo Royalty Jackie Johnson and Casey Bidders, and Little Buck-A-Roo Rodeo Royalty Lacey Godfrey, Alishia Lewis, and Jose Baum, Rick Wall, Karen Wall, Carwin Carter, Cagen Carter, Lauren Bluth, Jamie Blatter, Chris Godfrey, Marni Olsen, James Mathews, Kayce Bethers, Adrian Call, Sara McCarty, Blake Stillman, Derek Westra and other unidentified individuals.

PLEDGE OF ALLEGIANCE

City Council Member Starley led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Mr. Bean offered an Inspirational Thought.

CONSENT AGENDA

Approval of the minutes

Approval of the minutes of a Regular Meeting held on May 21, 2004

Bills - \$77,277.25

Council Member Green moved to approve the items on the Consent Agenda. Council Member Brandon seconded the motion. Council Member Starley requested one change to the minutes. The vote was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Introduction of the Rodeo Royalty

Council Member Starley introduced the newly crowned Santaquin Days and Little Buck-A-Roo Rodeo Royalty. The Royalties will reign at the rodeos held in July and August.

Shannon Harris

Mr. Harris addressed the Mayor and Council Members with regard to issues pertaining to his business located at approximately 400 East Main. Mr. Harris suggested the letter he received addressing the building code violations was, in his opinion, too harsh. He indicated the sump he was required to install doesn't serve the purpose for which it was intended. The storm water is not draining into the sump as intended. He indicated he has not complied with all of the items addressed in the Memo of Understanding but expects the City to complete their requirements. Mr. Harris was advised the City would install the sump at approximately 400 East when the Main Street enhancement sidewalks are installed. The installation would be on a State time frame and not a City time frame.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Nothing

NEW BUSINESS

Discussion and action with regard to Officer Villar's status change

Council Member Green indicated he was appreciative of the Staff rearranging the FY2004/2005 Budget to accommodate the advancement of Officer Villar from a part-time to a full-time status. Officer Villar will be receiving full-time benefits with the adjustment in status. Council Member Brandon moved to approve Office Villar as a full-time Officer beginning July 1, 2004. Council Member Green seconded the motion. The vote was unanimous.

Discussion and possible action with regard to the fee associated with increasing the gymnasium area of the proposed Elementary School to be located by the Santaquin Meadows Subdivision

Mayor Scovill reported the design process of the proposed Elementary School located on the East side of town has begun. The City is proposing participating in the expansion of the Gym area of the new school (see attachment "A" for the estimated costs). Mayor Scovill recommended the Council Members find funding for this project so the City Recreation Department would have the additional location to accommodate Recreation related events. The decision will need to be made by the next Council Meeting in order to meet the architectural design deadline. Mayor Scovill recommended allowing the Staff to review the proposed plans for the additional gym space and identify the funding source.

Council Member Roberts moved to allow the Staff to review the proposed architectural drawings and find funding for the proposed project. Council Member Starley seconded the motion. The recommendation was made to hold a Public Information Meeting. Council Member Roberts indicated he would spearhead the feasibility study for this project. Council Member Roberts moved to accept the Mayor's recommendation. Council Member Starley seconded the motion. The vote was unanimous.

Discussion and possible action with regard to the fence and property at the Brunson Residents

Mr. Brunson reported that the fence issue has been a topic of discussion with the City for 5 or 6 years. He is willing to allow the City to purchase a piece of property 3' x 142' to help realign the road at Center Street and 900 South for safety reasons. Mr. Brunson requested the installation of a 3-way stop, in conjunction with moving the fence to the West approximately 3'. Mr. Brunson is requesting \$5.00 a foot for the land purchase. City Planner Bolser indicated he would like to take hard measurements before he would make comment to the 3' width offered. Mayor Scovill recommended installing a 3 way stop at the intersection of Center and 900 South to help in slowing traffic along Center Street. Mayor Scovill also recommended purchasing 4' of land, installing sidewalk and paying the fair market value for the land. Council Member Roberts indicated that due to the good faith effort of the Brunson's, the City should participate in the relocation of the fence and sprinkler system. Council Member Brandon moved to purchase 4' x approximately 142' at \$5 per square foot. Mr. Brunson indicated he would be willing to buy the fencing material if the City would be willing to pay for the labor costs associated with the fence relocation. Council Member Brandon amended his motion to include payment for the cost involved to move the sprinkler system, as well as payment for the cost associated with adding metal posts and labor to relocate the existing fence. Council Member Green seconded the motion. The vote was unanimous.

Council Member Roberts moved to install a 3-way stop at Center and 900 South. Council Member Starley seconded the motion. Council Member Roberts amended his motion to include moving the street sign to the South side of the road. Council Member Starley seconded the amendment. Council Members Starley, Roberts, and Green voted in favor of the motion. Council Member Brandon voted against the motion.

Appointment of a Planning Commission Member

Council Member Brandon introduced Chris Michalek as the new Planning Commission Member. Council Member Roberts moved to approve the Mayors recommendation to appoint Mr. Michalek to the Planning Commission. Council Member Brandon seconded the motion. The vote was unanimous. Council Member Starley indicated Steve Thomas was also interviewed. Council Member Starley felt he also would do a great job serving on the Commission.

BUSINESS LICENSES

Council Member Brandon moved to approve the Business License for Shirley Kester DBA A-1 Lube, F. Abe Taylor DBA Excel Plumbing L.L.C., and Heidi Ann Davenport DBA BilliardUniverse.com. Council Member Roberts seconded the motion. The vote was unanimous.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Resolution 06-01-2004 "A Resolution authorizing the appointment of a City Manager and describing the terms and conditions of the position"

City Manager Chatwin introduced his wife Molly to the Mayor and City Council Members. Mayor Scovill welcomed Mr. and Mrs. Chatwin.

Council Member Brandon moved to adopt Resolution 06-01-2004. Council Member Green seconded the motion. Council Member Roberts indicated that Article 1, Sections 9 and 10 of the Constitution address "ex post facto", indicating that the retroactive date was illegal and unconstitutional. Council Member Brandon amended the motion to change effective date of appointment to June 2, 2004. Council Member Green seconded the motion. The vote was unanimous.

Council Member Roberts moved that, due to fact that City Manager Chatwin started employment on May 12, He be compensated according to the presented package. Council Member Starley seconded the motion. The vote was unanimous.

Resolution 06-02-2004 "A Resolution allowing for Santaquin City to contribute monies for Cricket Abatement"

Council Member Green moved to approve Resolution 06-02-2004. Council Member Brandon seconded the motion. Council Member Roberts voiced his opposition against spending taxpayer's money in this manner. He is against spending \$10,000 to deal with this theoretical issue. Council Member Roberts believes this issue is a State issue, not a City issue. He indicated that the Cricket Abatement will take place whether the City offers funds or not. Mayor Scovill recommends passing the proposed Resolution to help the neighboring City and Towns. Upon conclusion of the discussion, Council Members Green and Brandon voted in favor of the motion. Council Members Starley and Roberts voted against the motion. Due to a tie vote, Mayor Scovill voted in favor of the motion.

Council Member Starley indicated he is not against protecting people's property and crops but he doesn't feel this is proper use of taxpayer's dollars.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Review and setting of a Public Hearing with regard to a proposed Code amendment pertaining to the Process of Appointment of New Planning Commission Members (Public Hearing has been set for June 16).

Those in attendance were told that the Public Hearing has been scheduled for June 16, 2004. Before the planned Public Hearing, City Planner Bolser will be available to answer questions or address comments of the Council Members.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Scovill reported that the Developers of the Summit Ridge Project have begun the grubbing of the land. All of the Council Members were invited to visit the site.

Mayor Scovill requested the Council Members review the proposed North Santaquin Orchards Annexation Agreement. The proposed Agreement will be discussed during the next Council Meeting.

Mayor Scovill reported he met with the Nebo School District Representatives today. It was reported that the small piece of property associated with the property exchange did not get included in the Warranty Deed. This will be rectified by signing a new deed.

Council Member Brandon reported he had a concern with the fact that an abstaining vote constitutes a no vote. Mayor Scovill indicated that Legal Counsel Rich is researching this issue and he will report on the findings at a later Council Meeting.

Planning Commission Member Bean reported that a Representative of the Wilber-Ellis Company submitted an application for a Conditional Use Permit. The Planning Commission approved the application and informed Mr. McBride that the MSD Sheets for the entire chemical inventory would be required on the premise at all times.

Mr. Bean indicated that the Planning Commission reviewed and approved the proposed Blackhawk Ridge Subdivision. The Council Members will be reviewing the proposed subdivision during the next Council Meeting.

Mayor Scovill reported that he discussed the Wilber-Ellis Conditional Use Permit with the Representative of the School District. There are no concerns with the on-site storage of the chemicals.

Council Member Roberts questioned if the Janitorial Contract was signed. The contract is due to be signed by Friday of this week. Ms. Wall has a copy for her review.

Council Member Starley reported that the Little Miss/Jr. Miss will be held on June 12 @ 1:00 P.M.

Council Member Starley requested information on the status of the Eastside Park Development. City Manager Chatwin is working with the Community Development Department with regard to the Park.

Council Member Starley reported that the Ice Cream Company has committed all the Ice Cream needed for the planned Ice Cream Fest which will be held during the City Celebration.

Mayor Scovill reporting he would be meeting with the representatives of the North Santaquin Orchards Annexation on Monday. He would like to have all of the comments back by Saturday so he can review them before the meeting.

EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)
Nothing

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

ADJOURNMENT

At 9:40 P.M. Council Member Brandon moved to adjourn. Council Member Roberts seconded the motion. The vote was unanimous.

Approved on June 16, 2004.

A. Ladue Scovill, Mayor

Susan B. Farnsworth, City Recorder