

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
MAY 19, 2004**

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

Others attending: City Manager Stephan Chatwin, City Planner Jim Bolser, Planning Commission Member Allen Reed, City Engineer Shon Fullmer, Legal Counsel Brett Rich, Santaquin City Royalty Lana Davis, Mallory King, and Lisa Haskell, Sandy Gurney, Strawberry Days Royalty Kris Wade, Lizzy Marchhead, Courtney Haynie, and Kalli Aldridge, Terri Lawrence, Utah State Extension Agriculture Agent for Utah County Representative Dean Miner, Regan Outdoor Signs Representative Dewey Reagan, Regan Outdoor Signs Legal Counsel Greg Simonson, Jamie Evans, Ralph Iannuzzi, Neal Caines, Daily Herald Representatives Caleb Warnick and Frank Bott, and other unidentified individuals.

Mayor Scovill welcomed those in attendance.

PLEDGE OF ALLEGIANCE

Council Member Brandon led the Pledge of Allegiance.

INVOCATION/INSPIRATIONAL THOUGHT

Council Member Starley offered an invocation.

CONSENT AGENDA

Approval of the minutes

Approval of the minutes of a Regular Meeting held on May 05, 2004

Bills - \$120,509.13

Council Member Roberts moved to approve the items on the Consent Agenda. Council Member Brandon seconded the motion. The Vote was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Mr. Reed questioned what was happening pertaining to the City Logo decision process. He was told that there have been more important City issues that needed attention. There was no further elaboration on the subject.

Terri Lawrence – Discussion with regard to the Mormon Cricket problem

Ms. Lawrence addressed the Mayor and Council Members with regard to the Mormon Cricket problem. She is requesting a "Letter of Intent" pledging \$5000 each year, for the next two years, to help fund this effort. Mr. Miner indicated an aerial application would be used to apply Dimilin Malathion, an insecticide spray. Reports suggest that the insecticide is harmless to the agriculture industry. The Department of Agriculture should begin the application within the next 3 weeks in order for it to be effective. The Cricket Control program is being administered by the State of Utah with additional funding being received from the effected Municipalities and Utah County. Council Member Green questioned if the Fruit Growers were participating. Ms. Lawrence indicated that Brian Draper is serving as a Representative of the "Growers" but an answer to Council Member Green's question was not given. The Council Members were in agreement with issuing a Letter of Intent provided there are funds available.

Introduction of the new Miss Santaquin Royalty

Council Member Starley introduced the 2004/2005 Miss Santaquin Royalty. Lana Davis will be serving as Queen, with Mallory King serving as 1st Attendant and Lisa Haskell serving as 2nd Attendant. Each of the Royalty thanked the Mayor and Council Members for sponsoring the Miss Santaquin Pageant and allowing them the opportunity to participate in the Miss Utah Pageant. The Royalty indicated they were committed to be available to participate in all of the Community Events. Council Member Starley recognized Lynette and Gary Davis, parents of Lana Davis. He thanked them for their support of the pageant and the Contestants.

Introduction of the Strawberry Days Royalty

Council Member Starley invited the Strawberry Days Royalty to introduce themselves. Miss Kris Wade, Miss Lizzy Marchbank, Miss Courtney Haynie, Miss Kalli Aldridge along with others who were not able to attend will be reigning over the event this year. For the past 83 years, Pleasant Grove City has been enjoying the Strawberry Days Celebration. The Celebration events are scheduled for the week of June 14th.

FORMAL PUBLIC HEARINGS

Public Hearing on the FY2004/2005 Tentative Budget

Council Member Starley moved to enter into a Public Hearing with regard to the FY2004/2005 Tentative Budget. Council Member Roberts seconded the motion. The vote was unanimous.

Mayor Scovill indicated that there is an increase of the FY2004/2005 Budget over the FY2003/2004 Budget of approximately 1.6 percent. Council Member Morgan indicated he had received the fee amount associated with the participation in the South Utah Valley Municipal Water Association. The assessed fee of \$2,057.17 has been included with in the Water Department budget for both the 2003/2004 and 2004/2005 budget years.

Council Member Starley along with Council Member Morgan questioned if the amount that was budgeted for the Celebration fireworks was in excess. Mayor Scovill opened the discussion to the Residents attending the Council Meeting. The Residents indicated they liked the fireworks and were in favor of them being apart of the Celebration at the present volume. Mrs. Gurney indicated the fireworks allowed all Citizens to be apart of the festivities regardless of age or physical ability.

A discussion was held with regard to including the requested \$5000 to help with the cricket mitigation. Mayor Scovill will meet with City Recorder Farnsworth to discuss the options of funding.

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

Public Hearing on the Proposed Santaquin City Code Amendment with regard to Signs

Council Member Roberts moved to enter into a Public Hearing with regard to Proposed Santaquin City Code Amendment with regard to Signs. Council Member Brandon seconded the motion. The vote was unanimous.

Mr. Simonson addressed the Mayor and Council with regard to incidents pertaining to the 5 new billboard sign that were erected along the I-15 corridor. He indicated a number of years ago, a Request of Notification was sent to the City requesting Regan Outdoors Signs be notified of any Ordinance change. Indications were made that the Notification was not sent to Regan. Santaquin

City doesn't have proof that notification was actually sent. Of the 5 signs installed by Regan, 2 possibly 3 do not meet all aspects of the current City Code. Council Member Morgan asked even if notification was not sent, doesn't the Representatives of Regan Outdoors Signs check the City Ordinances before embarking on an expensive billboard project. Mr. Simonson said they did not and that was their error.

Council Member Green indicated he was under the assumption that at the time the new Ordinance was being adopted Regan had an Employee serving as a Council Member. Mr. Reagan indicated that Council Member Green's assumption was correct; however this individual doesn't work in the department responsible for installing signs but in the department of advertising.

Council Member Roberts commented that he felt an exception to the rules would mean there are no rules. The rules and regulations are adopted to level the playing field for all.

Mr. Evans indicated he also has a billboard sign that isn't in compliance of the City Code. He indicated the City Inspector told him that the City regulations were the same as the regulations of the State. Mayor Scovill indicated that the supposed conversation between Mr. Evans and the Building Inspector would not be discussed due to the Building Inspector not being present.

Council Member Starley indicated he felt a height restriction is needed for safety reasons. The higher the sign, the longer the driver is distracted while their eyes leave the roadway.

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

UNFINISHED BUSINESS

Nothing

NEW BUSINESS

Discussion and possible action with regard to appointment of a Planning Commission Member

Council Member Brandon reported there were 2 letters of interest submitted for the Planning Commission vacancy. The interviewing process will begin shortly.

Mayor Scovill introduced Stefan Chatwin as the new City Manager. Mayor Scovill indicated he was pleased Mr. Chatwin agreed to join the Staff and serve the community in this position.

Authorization for Mayor Scovill to sign the Lantis Firework Contract

Council Member Brandon moved to authorize Mayor Scovill to sign the Lantis Firework Contract. Council Member Roberts seconded the motion. The vote was unanimous.

Discussion and possible action with regard to the rezoning of the Mountainland Apples property

City Planner Bolser indicated Mountainland Apples is allowed to remain a non-conforming business in a Residential area. He indicated that either the Council or the Property Owners could initiate the rezoning process. Council Member Brandon reported he has spoken with the Property owners and they were under the understanding that the properties were annexed with Commercial Zoning. Mayor

Scovill recommended having the staff initiate the rezoning. The Council Members were in agreement with this recommendation.

Council Member Brandon moved to have Staff initiate the rezoning process at no cost to the Property Owners. Council Member Green seconded the motion. The vote was unanimous.

Discussion and possible action with regard to installation of dry pressurized irrigation lines in the approved Carson Meadows and Oak Summit Subdivisions

City Engineer Fullmer indicated there are 3 different subdivisions currently under construction. Developer Neal Caines have agreed to pay \$350 per lot towards the installation of dry-lines which will eventually be used for pressurized irrigation. Mr. Caines indicated he has a number of the lots within the subdivision that have sold and the buyers are anxious to begin construction. Mr. Caines indicated he is under a strict time restrain and would need a decision of the Council before too long. City Engineer Fullmer stated that he believes this would be an opportune time to have the lines installed at a lesser expense to the City. The Mayor and Council were told that the subdivisions currently under construction by Mike Carter are not at a critical stage. The City will begin the process of drafting an Ordinance providing for the dry-line installation.

Council Member Morgan moved to approve the concept of installation of lines within the Carson Meadows Subdivision, subject to the funding being available. Council Member Green seconded the motion. Ms. Gurney indicated she was uncomfortable with the expense associated with the City's participation, without Public input. Council Member Roberts indicated he appreciated the analogy that a dollar invested today will save a dollar in the future. He would support an Ordinance addressing installation of the lines. After the discussion Council Members Morgan, Green, Brandon and Starley voted in favor of the motion. Council Member Roberts abstained from voting.

BUSINESS LICENSES

Council Member Green- Report of issued Business Licenses

Council Member moved to approve a new Business License for Chad Rowley DBA Mountainland Apples, Osman Danilo Fajardo DBA HI-Standard, Floyd Clayson DBA Pointe's Game Farm, and Wyatt Wilcox DBA Wilcox Upholstery. Council Member seconded the motion. The vote was unanimous.

EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

At 9:00 P.M. Council Member Brandon moved to enter into an Executive Session with regard to reasonably imminent litigation. Council Member Green seconded the motion. The vote was unanimous.

At 9:40 P.M. the Mayor and Council Members returned to the Regular Council Meeting.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Ordinance 05-01-2004 "An Ordinance amending the Santaquin City Code providing for amendments to the City Sign Ordinance"

Council Member Roberts moved to approve Ordinance 05-01-2004. Council Member Green seconded the motion. Council Member Morgan suggested the following changes:

- Section 10-13-8 "F" – reinsert "c" and change the 500' to 750' and add the language of "a straight line"
- Section 10-13-8 "F" 1A – change the maximum number of billboards in Zone C-1 to 12
- Section 10-13-8 "F" 1A – change the maximum number of billboards in C-2 to zero
- Section 10-13-8 "F" 1A – change the maximum number of billboards in I-1 to zero
- Section 10-13-8 "F" 3B – to read as follows: All billboard signs which are located more than 100' from the I-15 right-of-way shall be a maximum of 12' x 24'.
- Section 10-13-8 "F" 3C – insert the word "same" before side on the 3rd line of the paragraph
- Section 10-13-8 "F" 6 – delete the number "1" from line 6

Council Member Roberts amended the motion to include the Council Member Morgan recommendations except for "F" 1A, 1B and 1C. Council Member Green would not accept the amendment. The motion reverts back to the original motion of approving the Ordinance as written. Council Member Roberts voted in favor of the motion. Council Members Starley, Green and Morgan voted against the motion. Council Member Brandon abstained from voting due to a conflict of interest.

Council Member Morgan moved to approve the Ordinance 05-01-2004 including his proposed changes, except to increase 10-13-8 "F" 1A from 12 to 13. Council Member Green seconded the motion. Mr. Regan indicated that the proposed Ordinance language would limit not solve the problems of the compliance signs. Council Member Starley wanted to amend the motion to increase the number of signs in the C-2 and I-1 zones by 2.

Council Member Morgan did not accept the recommendation of Council Member Starley.

Council Member Morgan amended his motion to modify the spacing from 750' to 500' in Section "F" 1C. Council Member Green seconded the amended.

Council Member Roberts indicated he would support the motion if the number in Section "F" 1A increased to 15 not 13.

Council Members Green and Morgan voted in favor of the motion. Council Member Roberts and Starley voted against the motion. Council Member Brandon did not vote due to a conflict of interest. Mayor Scovill broke the 2-2 tie by voting in favor of the motion. Council Member Roberts then asserted that an abstained vote counted as a "no" vote, therefore the vote was a defeat, not a tie. He said that was in the State Code, which supersedes the City Council Policy document.

Council Member Starley made a new motion increasing Section "F" 1a signs to 14 but otherwise keeping the same language as Council Member Morgan's previous motion. Council Member Roberts seconded the motion. Council Members Roberts, Starley, Green, and Morgan voted in favor of the motion. Council Member Brandon abstained from voting. The final result regarding the number of allowed billboards is as follows: Zone C-1:14, Zone C-2: zero and Zone I-1: zero.

Council Member Brandon moved to extend the Council Meeting until the agenda is complete. Council Member Starley seconded the motion. The vote was unanimous.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Planning Commission

Council Member Brandon will be giving a report later in the meeting.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Scovill handed the Council Members a draft of a Resolution pertaining to the City Managers Position. The proposed Resolution is scheduled for adoption June 1st and will be retroactive to the hire date of May 12, 2004.

Council Member Morgan reported he recently attended a meeting of the South Utah Valley Municipal Water Association. He summarized the content of the upcoming Utah Lake Study concerning total maximum daily load and a Study of Lake Pollution. He also reported on the status of the South Utah Animal Service District.

Planning Commission reported that Amy Ashton was granted a Conditional Use Permit for a Home Occupation. She will be building a hair salon in her home. All required conditions have been met.

Council Member Starley requested an additional \$400 for the Celebration. He would like to employ the band "Fire on the Mountain" to entertain before the Rodeo on Saturday Night. City Recorder Farnsworth indicated the requested money would be found if the Council Members were in agreement.

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

Nothing

ADJOURNMENT

At 10:30 P.M. Council Member Brandon moved to adjourn. Council Member Green seconded the motion. The vote was unanimous.

Approved on June 2, 2004.

A. LaDue Scovill, Mayor

Susan B. Farnsworth, City Recorder