

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
APRIL 21, 2004**

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

Others Attending: Legal Counsel Brett Rich, City Planner Bolser, City Engineer Shon Fullmer, Public Works Supervisor Dennis Barnes, Sandra Gurney, Robert Benedict, Sandra Benedict, Keela Goudy, Gregg Magleby, and other identified individuals.

PLEDGE OF ALLEGIANCE

Council Member Brandon led the Pledge of Allegiance.

PRAYER

Ms. Gurney offered a word of Prayer.

CONSENT AGENDA

Approval of the minutes

Approval of the minutes of a Regular Meeting held on April 7, 2004

Bills - \$104,566.61

Council Member Morgan moved to accept the consent agenda. Council Member Starley seconded the motion. Council Member Morgan and Roberts requested corrections to the April 7, 2004 minutes.

Council Member Morgan asked for information regarding the payment to Familian Pipe. Mayor Scovill explained that the City had to go into the market to purchase additional natural gas. Council Member Morgan requested additional information regarding the \$11,800 payment for a grinder. City Engineer Fullmer explained that the grinder currently in one of the lift stations was quite old and the new grinder was a replacement part. After the discussion the vote was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Robert Benedict – Discussion and possible action with regards to the new business Black Dog Custom Paint & Airbrush

Mr. Benedict approached the Council Members regarding the proposed paint shop to be located at 200 West Main Street. He distributed information showing the improvements that would be completed in phases over a three (3) year period. Mr. Benedict indicated that the location would not be used as a body shop or auto collision repair, but strictly as a paint shop. He reported that there would be some work to motorcycles and custom molding.

Mr. Benedict indicated that he has been in contact with the City Building Official and the Mayor to discuss a phase-in process at the location. He stated that if after the first year trial period the business was doing well, he would phase-in landscaping and he would asphalt the parking lot. At the beginning of the 3rd year of business, Mr. Benedict stated he would install the curbing and sidewalks. Mr. Benedict indicated that, upon City approval, he has approval from the property owner to occupy the building for the one-year trial period.

Council Member Green asked how Mr. Benedict intended to draw business to that location. Mr. Benedict responded that he had looked at other locations and found that the recreation traffic through Santaquin would be sufficient to draw business to that location.

Council Member Green asked if the business would fit into the requirements by the Re-Development Agency (RDA). City Planner Bolser responded in the affirmative. Mayor Scovill indicated that there were a number of steps involved. Legal Counsel Rich added that the second phase of development would possible meet the RDA requirements.

Mayor Scovill inquired if the building standards and phasing were to happen later, would there be a problem with Mr. Benedict complying with the current City Code. City Planner Bolser responded that the City Code allows for the phasing and added that the City Council determines what is acceptable in each phase.

Council Member Starley asked how the solvents and paints would be disposed. Mr. Benedict indicated that it usually takes 1+ year to fill a 55 gallon drum with excess material. He stated that the barrel would be picked up and disposed of by someone who is authorized to do it.

Council Member Morgan commented that there is no sidewalk and curb currently on the property. He asked if curb and sidewalk would match up with existing curb and sidewalk during the 3rd year phase. Mr. Benedict stated that if the business improves quicker than projected; he would install the curb and sidewalk in a timelier manner. Council Member Morgan asked if parking lot lights would be required. City Planner Bolser stated that negotiations regarding lighting requirements would be between the City and the applicant. He added that one of the hazards with phasing is that at the time upgrades and improvements are ready to be done, Codes may change and the improvements would have to meet the Code which is current at the time. He indicated that currently there are no specifics regarding parking lot lighting. Mr. Benedict commented that currently there are lights in the parking lot.

Council Member Starley asked if Mr. Benedict planned, at some point, to purchase the building. Mr. Benedict indicated that he currently has a lease with an option to buy. Council Member Starley indicated that typically the owner of the property should pay for improvements. Mr. Benedict responded that any improvement he does to the property is exchanged for lease time.

Council Member Roberts moved to approve the Business License for Black Dog Custom Paint and Airbrush. Council Member Brandon seconded the motion.

Council Member Morgan asked if the motion included approval of the phasing improvement or was the approval for the Business License only. Legal Counsel Rich suggested approving the license for one (1) year with Mr. Benedict returning to the Council to address improvements at that time.

Council Member Roberts amended his motion to approve a 1-year Business License for Black Dog Custom Paint and Airbrush. Mr. Benedict asked if the year would begin at occupancy. Mayor Scovill responded in the affirmative. Mr. Benedict agreed to return before the City Council in one (1) year for approval on the second phase of improvement.

Mr. Benedict asked for information regarding the sewer impact fee. Denny Barnes, Public Works Supervisor, explained that a sewer lateral is on the property and reported that records indicate that the septic tank had been pumped and filled on July 13, 1994. However, he reported that there was no record of an inspection, nor did he know if the sewer connection fee had been paid. He suspected that the sewer is hooked up, but indicated that the water was not. He suggested Mr. Benedict dig behind the building by the bathroom wall to verify the sewer lateral is stubbed into the property. Council Member Morgan indicated that if the sewer is hooked up there would not any problems. However, if it is only stubbed in and not connected, Council Member Morgan

suggested that the hook up fee in effect at the time of original sewer installation, be charged. All Council Members agreed with Council Member Morgan. Mayor Scovill suggested that Mr. Benedict first check to verify a connection.

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

Council Member Starley asked Mr. Benedict for an estimate to have an Indian on a horse painted on the Council Room Wall.

FORMAL PUBLIC HEARINGS

Nothing

UNFINISHED BUSINESS

Action with regards to the Howlett Annexation

Council Member Brandon moved to deny the Howlett Annexation request because the proposed annexation area contained a peninsula. Council Member Green seconded the motion with a unanimous vote. Mayor Scovill indicated that Mr. Howlett received a letter regarding the peninsula.

NEW BUSINESS

Discussion and possible action with regards to the Olsen Greenhouse Natural Gas Billings

Council Member Brandon moved to accept the Olsen Greenhouse Natural Gas billing agreement. The agreement provides a negotiated settlement for a bill which resulted from a City billing error, and it releases the City from a requirement to provide gas at a rate which is less than the rate charged by Questar. Council Member Morgan seconded the motion with a unanimous vote.

Discussion and possible action with regards to the sale of the Natural Gas System

Mayor Scovill explained that he would be meeting on Monday, April 26, 2004 at 8:00 AM with Questar to discuss a potential contractual agreement authorizing Questar's purchase of the Santaquin Gas system. He indicated that a Special Council Meeting notice would be posted.

Discussion and possible action with regards to the proposed Round-About on East Main

Mayor Scovill updated the Council Members Brandon and Roberts regarding a meeting with the State engineers and Council. He reported that some suggestions included a study for speed reduction effective north of Stringham's and lowering the elevation of Highway 198 to improve vision for traffic off Highland Drive making a left turn towards Main Street. UDOT Representative Ms. Dabbling recommend that traffic traveling south would not enter into the round-about before entering the I-15 on ramp. She indicated that funds may be available because of the hazardous intersection aspect. He reported that the Council would have to decide if they wanted to proceed with the round-about concept. Mayor Scovill suggested holding a Public Hearing.

Council Member Brandon asked if there were any other options. Mayor Scovill responded in the negative and reported that 'band-aid' approaches had been mentioned. Council Member Brandon asked what other options the City had looked at. Mayor Scovill commented that other options included extending Main Street to the east, but funds were prohibitive.

Council Member Morgan indicated that when the presentation had been made, he thought it was agreed that there were other potential options that the engineering firm would research and report back to the Council. City Engineer Fullmer reported that he has not received any new information from Civil Science. He commented

that there would be no need to hold a Public Hearing without first knowing the attitude of the Federal Government. He stated that the City would need to make a decision within the next few months. He stated that Federal money is available and that the City could obtain the funding in approximately 3 years, but reiterated that the decision would have to make now.

Council Member Starley commented that he would prefer holding a work session to discuss individual ideas and added that he would not be willing to support a round-about, until alternatives are discussed. Council Member Morgan agreed that more alternatives should be available before the issue goes before the public.

Council Member Brandon moved to postpone discussion and possible action with regards to the proposed round-about on East Main Street. He added having a work session when additional information could be made available by Civil Science Engineering. Council Member Green seconded the motion with a unanimous vote.

Update on the applications for the City Manager Position

Mayor Scovill reported that the City had received 30 applications for the City Manager position. He indicated that the Council had met in a work session and narrowed the applicants to 11. He reported that those who had not been chosen for interview would receive a letter expressing appreciation for their interest.

Appointment of a Planning Commission Member

Council Member Brandon moved to appoint Brent Vincent to the Planning Commission upon Commissioner Goodall's resignation. Council Member Green seconded the motion.

Council Member Starley indicated that he would like the position re-opened and the applicants interviewed by City Council Members. Council Member Morgan stated that he had interviewed applicants for the vacated seat before Council responsibilities had changed. At that time, he verbally committed to Mr. Vincent that he would be appointed to the Commission when Ms. Goodall resigned. He added that he understood that some new council members may not like the decisions made by the previous council members. Council Member Morgan felt a moral obligation to honor the proposed appointment made to Mr. Vincent.

Council Member Starley commented that his request had little to do with the previous Council's decision. Council Member Brandon reiterated that there had been two (2) Planning Commission meetings that could not conduct business because of the lack of a quorum. Council Member Roberts stated that he felt that obligation and statements made by the past Council Members should be honored and concurred with Council Member Morgan.

With the motion made and seconded, the vote was unanimous to appoint Brent Vincent to the Planning Commission.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Ordinance 04-01-2004 "An Ordinance Providing For An Amendment To The Processes By Which Various Types Of Development Projects Are Approved"

Mr. Magleby approached the City Council and distributed a flow chart to stream-line the subdivision approval process. He stated that a complete application should be submitted to staff before any other steps are taken. He indicated that the 'Concept' application is not normally done. He commented that most developers like to see strict compliance to a check list. City Planner Bolser commented that the strict compliance requirements force the developers to submit proper documents initially.

Mr. Magleby indicated that the City Planner is the front-line person who would review initially submitted plans. Legal Council Rich commented that the disadvantage to this process is the up-front cost to developers. Mayor

Scovill asked Mr. Magleby what percentage of developers would like to follow this process. Mr. Magleby estimated between 90 to 95% follow this process now.

City Planner Bolser reported that he had conducted an informal survey of developers and found only one who would not want to follow this process.

City Engineer Fullmer questioned the final approval only being submitted to the Development Review Committee (DRC). Mr. Magleby explained that plans are reviewed by the DRC two and possibly three times. Then they are presented to the Planning Commission and on to the City Council. The final submittal before DRC is for checking the legal clean-up and to be sure all requested changes have been made. This is generally not issues that should involve the City Council. City Planner Bolser commented that the work done by staff allows the City Council to feel comfortable with the final decisions that are made.

Council Member Roberts comments that he approved of the check list approach to establish rules of law. He added that all developers must be treated the same. Mayor Scovill stated that if a developer complains to an individual Council Member, the Council Member must stand up for the City Ordinances and Codes.

Legal Counsel Rich indicated that there would be competing interest and complaints. He indicated that this is a stream-line process and asked the Council Members to consider City Council input on the final plat. If the Council Members decide against a final review, they should make sure the last DRC is a strictly ministerial approval. City Planner Bolser indicated that a City Council review could be inserted after the final DRC review on an "as needed" basis. Legal Counsel Rich recommended not making the final City Council approval optional. The process should be either as presented, but only if DRC approval is ministerial and has no discretion, or have a final approval review by the City Council. Mr. Magleby indicated that some cities have a final approval on the consent agenda.

Council Member Green indicated that he would like the City Council to review the final submittal for approval. He stated that the Council Members are the ones who sign the plat maps. Council Member Starley added that the Council Members have a legal responsibility when they sign the plat maps. Mayor Scovill indicated that if there were no changes to the plans approved by the City Council, then the final DRC review would be listed as a consent agenda item. Legal Council Rich stated that if the item was not wanted on the consent agenda, it could be removed. Council Member Starley commented that if the item was not on the meeting agenda, the Council Members could not vote on it. City Planner Bolser indicated that it could be done with an amendment.

With no further discussion, Council Member Roberts moved to accept the distributed flow chart from Mr. Magleby with the additional of "optional" to be placed under the Concept process and that the City Council consent agenda would be added to the flow process after the final DRC. Council Member Brandon seconded the motion. Mayor Scovill asked if there were problems with the final plans, would the developer go back through the preliminary process. Council Member Morgan indicated that the DRC block would be repeated until the DRC was satisfied.

Council Member Starley questioned the current flow chart, asking if the City would be able to review the plans before vesting takes place. Legal Counsel Rich responded in the affirmative and reported that the City Council's preliminary review is vesting.

With the motion made and seconded, the vote was unanimous to adopt the submitted subdivision process, with final review to be approved by the City Council through the consent agenda.

Council Member Starley indicated that he approved the process in exhibits A and C, but stated that exhibit C-1 had no Council review. Council Member Brandon indicated that he was comfortable with each process because of the speed.

Council Member Starley moved to accept Ordinance 04-01-2004, Exhibits A, C and C-1. He indicated that Exhibit B and B-1 would be excluded and adding the new flow chart as Exhibit B. Council Member Brandon seconded the motion.

ROLL CALL

Council Member Morgan– Aye
Council Member Green– Aye
Council Member Roberts– Aye
Council Member Starley – Aye
Council Member Brandon – Aye

At approximately, 9:15 PM, Council Member Roberts was excused.

PETITIONS AND COMMUNICATIONS

Nothing

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Planning Commission

Council Member Brandon reported that the Planning Commission did not meet because of the lack of a quorum. Mayor Scovill commented that this is very concerning because it hinders the progress of the development of the City. Mayor Scovill stated that he expects Council Member Brandon to resolve the situation and report back to the Council with a solution.

Legal Council Rich stated that a Board, Commission, or Council Member could be removed if they missed two (2) meetings in a row. Mayor Scovill stated that Council Member and Planning Commission Chair Rohbock should discuss alternate commissioners. City Planner Bolser indicated that the Planning Commission By-laws address attendance and added that it would be on the agenda for the upcoming Planning Commission meeting. He added that the State does not cover alternates and if necessary, a simple Code amendment change could remedy the problem.

Council Member Brandon commented that he would wait for Planning Commission input before proceeding.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Scovill

Discussion of the invitation to the Mayor's Prayer Breakfast

Mayor Scovill indicated that he had received an invitation from Mayors Billings and Washburn regarding a Mayor's Prayer Breakfast on May 7, 2004 at the Provo Marriott Hotel at 7:30 AM.

Council Member Brandon indicated that the Daily Herald had contacted him requesting additional information regarding the name change the Santaquin City Fire Department had requested. Council Member Brandon asked

if Fire Chief Bott would have to present before the Council the request for the name change. Mayor Scovill responded that there has been no official request for a name change.

Council Member Green reported that at the Miss Santaquin Pageant on Saturday, there would be a presentation of a check for approximately \$1,317.00 for monies for the Miss Utah Pageant. Mayor Scovill had been invited to greet the past royalty. With the Mayor and several Council Members in attendance at the pageant, Council Member Green asked if there should be a posting for an official meeting. Legal Counsel Rich indicated that if the Council Members did not sit together or discuss City business, no posting would be necessary.

Council Member Starley reported that there would be a potluck dinner Friday evening in the Senior's Citizen Center for all who wanted to attend. He indicated that the Mayor and Mrs. Scovill had been invited to a dinner before the pageant on Saturday at 5:00 PM at Payson High School.

Council Member Starley gave an update on the Santaquin Days celebration. He reported that he has been contacted by Blue Bunny regarding the Ice Cream Feast, which will replace the City Dinner. Blue Bunny indicated that they would obtain the commitments from other ice cream vendors and would bring a freezer trailer for the Ice Cream Feast. Council Member Starley indicated that the monies would go towards the Friend's of the Library, the City Celebration, etc.

Mayor Scovill expressed his appreciation and stated that he has been impressed with what has been accomplished by the first-year councilman.

Council Member Morgan reported that the north part of the county has its own animal shelter that is inadequate and will be building a new shelter. He indicated that a new district would be created for the northern half of the county. He added that fees that the City pays for animals taken to the shelter may increase.

Council Member Morgan reported that a sign should be erected at the cemetery entrance stating that all flowers placed on graves for Memorial Day would be disposed of after one week. He indicated that the current ordinance states the time period. Mayor Scovill added that the time restriction and removed also applies to props or other items used for decoration. Ms. Gurney suggested putting the information on Channel 10 and sending reminders with the utility bills.

Council Member Morgan commented that the City has no Ordinance regarding sexually-oriented businesses. He indicated that other cities have an ordinance in place, but Santaquin does not as yet. Legal Counsel Rich stated that he has examples of those ordinances. Council Member Green asked if the Ordinance would stop advertisement on billboards. Legal Counsel Rich indicated that the issue would be covered by the City's sign ordinance. Mayor Scovill asked City Planner Bolser for additional information and indicated that the item would be revisited at a later date.

Council Member Morgan requested information regarding the City's policy on installation of gas lines. Mayor Scovill reported that the City Council had passed a Resolution on May 23, 2003 that stated that the developers were required to pay the line extension, lateral and meter charges. He added that a particular developer has been arguing the fact that a former Santaquin City Mayor made a commitment that the developer would not be charged these fees.

Council Member Starley reported that he had spoken to Byron Bastian regarding a road issue on the Bastian property. This was referred to Mayor Scovill.

BUSINESS LICENSES

Council Member Green- Report of issued Business Licenses

Holladay-Brown Funeral Home

Council Member Green moved to accept the business license application from Holladay-Brown Funeral Home. Council Member Brandon seconded the motion with a unanimous vote.

Council Member Green indicated that he had received several calls regarding the use of the A-1 Lube on Main Street being used as a car lot. City Planner Bolser indicated he would investigate.

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

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

ADJOURNMENT

At 9:47 P.M. Council Member Starley moved to adjourn. Council Member Brandon seconded the motion. The vote was unanimous.

Approved on May 5, 2004.

A. LaDue Scovill, Mayor

Darlene Gray, Deputy Recorder