

**MINUTES OF A REGULAR CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
MAY 21, 2003**

At 7:00 P.M. Mayor A. LaDue Scovill called the meeting to order. Council Members attending: Marilyn Clayson, Shayne Durrant, Walter Callaway, Wesley Morgan, and Allen Reed.

Others attending: City Manager Roger Carter, City Planner Jim Bolser, Jody Thomas, George Allen, Wayne Overson, Norma Overson, Troop 100 Boy Scouts Kody Davis, Jacob Ross, Logan Simkins, Josh Green, Keifer Berge, Leaders Gavin Ross and Shane Jasperson, Gordon Johnson, Miss Santaquin Tawnie Ahlin, 1<sup>st</sup> Attendant Kathy McClaine, 2<sup>nd</sup> Attendant BreAnna Nielson, Josh Nixon, Strawberry Days Royalty Jandee Mortenson, Lacey Griffin, Lizzy Marshbanks, Brittany Maranno, Jackie Murphy, Becca Abbott and Katelyn Hafen, Jody Thomas, and other unidentified Individuals.

**PLEDGE OF ALLEGIANCE**

Council Member Durrant led the Pledge of Allegiance.

**PRAYER**

Council Member Morgan offered a word of Prayer.

**CONSENT AGENDA**

***Approval of the minutes***

Approval of the minutes of a Regular Meeting held on May 7, 2003

***Bills - \$88,025.61***

Council Member Callaway moved to approve the items on the Consent Agenda. Council Member Clayson seconded the motion. After a brief discussion, the vote was unanimous.

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

***Introduction of Miss Pleasant Grove***

Miss Mortenson introduced the Strawberry Days Royalty. The Royalty presented the Mayor and Council with a Strawberry Cheese Cake along with informing those in attendance that the Strawberry Days Celebration will be held the week of June 16<sup>th</sup>.

***Introduction of the newly crowned Miss Santaquin and Attendants***

Tawny Ahlin was recently crowned Miss Santaquin. She introduced Kathy McClaine as 1<sup>st</sup> Attendant and BreAnna Nielson as 2<sup>nd</sup> Attendant. The Royalty will represent Santaquin City throughout the up coming year by attending various functions.

Mr. Allen reported he believed he had a water leak and would like the City Crew to check this out. Dennis Barnes will be notified of the leak.

**FORMAL PUBLIC HEARINGS**

***Public Hearing with regard to the Oldham Addition II Annexation***

Council Member Durrant moved to enter into a Public Hearing with regard to the Oldham Addition II Annexation. Council Member Clayson seconded the motion with a unanimous vote.

There were not any Public comments or questions.

Council Member Clayson moved to close the Public Hearing. Council Member Callaway seconded the motion with a unanimous vote.

***Public Hearing with regard to the Overson Impact Fee Appeal***

Council Member Clayson moved to enter into a Public Hearing with regard to the Overson Impact Fee Appeal. Council Member Durrant seconded the motion with a unanimous vote.

Mr. Overson reported three years ago he built a home at 400 North Center. At the time the original building permit was obtained, he believed he paid for the basement to be finished. Mr. Overson indicated he was informed a building permit was required to finish the basement when he contacted the City Building Inspector for an address for the basement apartment. The Building Inspector informed Mr. Overson of the fees associated with the finishing of the basement apartment which included (1) Building Permit Fee, (2) Plan Check Fee, and (3) a 1% State Fee making the total fee \$1,829.04. These fees do not include Impact Fees, which the Building Inspector said must also be paid. (See attachment "A1" to "A10" for information prepared by Mr. & Mrs. Overson)

City Manager Carter reviewed with the Mayor and Council Members the Memo stating the history associated with the Overson Impact Fee Appeal. (See attachment "B1" to "B14" for Memo) City Manager Carter indicated that traditionally the City Council has recognized an accessory apartment as a change of use of a dwelling.

Mr. Overson believes the Ordinance is vague and doesn't address accessory apartments.

Council Member Clayson moved to close the Public Hearing. Council Member Callaway seconded the motion with a unanimous vote.

**UNFINISHED BUSINESS**

Nothing

**NEW BUSINESS**

***Discussion and possible action with regard to the Overson Impact Appeal***

Mayor Scovill indicated the Ordinance addresses Impact Fees. Mayor Scovill reported the reason the impact fees were assessed if there is an increased demand on the existing facilities.

Council Member Morgan indicated he has states previously he believes there shouldn't be any impact fees assessed for infill lots. Council Member Morgan indicated there isn't any mention within the codes of accessory apartments with relationship to Impact Fees. At the time the basement was completed the intended use was not an accessory apartment.

Mr. Overson reported the Building Inspector redlined the original plans which led them to believe the plans were approved for construction, including the basement. The Mayor and Council were informed the basement plans were redlined for electrical purposes only.

Council Member Morgan contacted a number of Cities with regard to charging of Impact Fees. His findings are: Payson charges no Impact Fees for Mother-In-Law Apartments but does charge Impact Fees for duplexes, Provo charges no Impact Fees, Springville charges Impact Fees, and Orem does not allow Accessory Apartments at all.

Council Member Clayson reminded those in attendance the basement was not built for rental purposes. If the Overson's allow renters for a period of time then decide not to rent will the Impact Fees be returned?

Mr. Johnson commented that the Original Building Permit was approved for so many square feet and so many bedrooms. They should not have to pay Impact Fees.

Council Member Durrant indicated he appreciated the Overson's being honest by choosing to follow the City Laws and Ordinances.

Council Member Morgan moved to accept the Overson's appeal and not levy Impact Fees for Accessory Apartments and make this the standard that no Impact Fees be assessed on Accessory Apartments in existing homes. Council Member Clayson seconded the motion. Council Members Clayson and Morgan voted in favor of the motion with Council Member Durrant, Callaway and Reed voting against the motion.

The motion was denied by vote.

Council Member Callaway moved to deny the Overson's appeal. The motion died due to a lack of a second.

Council Member Clayson moved to table this issue until May 29<sup>th</sup> to make a decision on the Overson's Appeal along with holding a discussion on the wording of the Current Ordinance. Council Member Reed seconded the motion.

Council Member Morgan suggested adding to the motion a specific time for a Special Meeting. The meeting will be at 6:00 P.M.

Council Member Clayson amended the motion to include Council Member Morgan's suggestion. Council Member Reed seconded the amended motion. Council Members Clayson, Durrant, Callaway, Morgan and Reed voted in favor of the motion.

**AT 9:05 COUNCIL MEMBER CALLAWAY MOVED TO TAKE A 5 MINUTE BREAK. COUNCIL MEMBER DURRANT SECONDED THE MOTION WITH A UNANIMOUS VOTE.**

**AT 9:12 MAYOR SCOVILL CALLED THE MEETING TO ORDER.**

***Acceptance of the Northeast Island Annexation Certification***

Council Member Durrant moved to accept the Northeast Island Annexation Certification. Council Member Clayson seconded the motion with a unanimous vote.

***Appointment of Valerie Butler to the Economic Development Committee***

Mayor Scovill indicated Valerie Butler has been asked to serve on the Economic Development Committee. Mayor Scovill recommended appointing Mrs. Butler to this position.

Council Member Clayson moved to accept Mayor Scovill recommendation to appoint Valerie Butler to the Economic Development Committee. Council member Callaway seconded the motion with a unanimous vote.

**INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

***Resolution 05-02-2003 "A RESOLUTION ESTABLISHING THE BOARD OF ADJUSTMENTS AND THE APPEALS BOARD FOR BUILDING PERMIT ISSUES"***

City Manager Carter indicated additional language should be added to the proposed Resolution. Council Member Clayson moved to adopt Resolution 05-02-2003 with the proposed change. Council Member Durrant

seconded the motion. After a brief discussion, Council Member Clayson, Durrant, Callaway, Reed, and Morgan voted in favor of the motion.

***Resolution 05-03-2003 "A RESOLUTION ESTABLISHING CONNECTION FEES ASSOCIATED WITH THE NATURAL GAS UTILITY"***

Council Member Durrant moved to adopt Resolution 05-03-2003. Council Member Reed seconded the motion. After a brief discussion, Council Member Clayson, Durrant, Callaway, Reed, and Morgan voted in favor of the motion.

***Resolution 05-04-2003 "A RESOLUTION ACCEPTING THE FEE INCREASE FOR BUILDING INSPECTIONS, FEE INCREASE FOR LAW ENFORCEMENT SERVICES, UNCHANGED FEE FOR JUSTICE COURT JUDGE AND UNCHANGED FEE FOR COURT CLERK SERVICES, PERTAINING TO VARIOUS INTERLOCAL AGREEMENTS BETWEEN SANTAQUIN CITY AND GENOLA TOWN."***

Council Member Clayson moved to adopt Resolution 05-04-2003. Council Member Durrant seconded the motion. After a brief discussion, Council Member Clayson, Durrant, Callaway, Reed, and Morgan voted in favor of the motion.

***Resolution 05-05-2003 "A RESOLUTION ACCEPTING THE FEE INCREASE FOR JUSTICE COURT JUDGE SERVICE PERTAINING TO AN INTERLOCAL AGREEMENT BETWEEN SANTAQUIN CITY AND MAPLETON CITY"***

Council Member Callaway moved to adopt Resolution 05-05-2003 with one change. Council Member Reed seconded the motion. Council Member Clayson, Durrant, Callaway, Reed, and Morgan voted in favor of the motion.

**PETITIONS AND COMMUNICATIONS**

Nothing

**REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES**

***City Manager***

Nothing

***Planning Commission***

**Discussion and possible action with regard to the Cottonwood Subdivision, Plat "A"**

Council Member Durrant moved to approve the vacation of the Preliminary Plat and amendment of the Cottonwood Subdivision, Plat "A". Council Member Callaway seconded the motion. Council Members Clayson, Durrant, Callaway, Morgan, and Reed voted in favor of the motion.

**Discussion and possible action with regard to the Family Tree Commercial Site Plan**

Council Member Clayson moved to approve the Family Tree Commercial Site Plan. Council Member Callaway seconded the motion. Council Members Clayson, Durrant, Callaway, Morgan, and Reed voted in favor of the motion.

**Discussion and possible action with regard to the Crazy Daisy Plaza Commercial Site Plan**

Council Member Clayson moved to approve the Crazy Daisy Plaza Commercial Site Plan. Council Member Reed seconded the motion. Council Members Clayson, Durrant, Callaway, Morgan, and Reed voted in favor of the motion.

**REPORTS BY MAYOR AND COUNCIL MEMBERS**

Mayor Scovill reported that upon review of the revenue and expenditures pertaining to the Ambulance Association it was found that the expenditures exceed the revenues. The Towns of Goshen and Genola have agreed to reimburse the City for the fees associated with the deficit.

Council Member Durrant indicated he has received a request for orange safety flags to be used by pedestrians along Main Street. A discussion will be held with the UDOT Representatives.

Council Member Morgan questioned if Staff has received any comments with regard to the dog issue that was discussed the last Council Meeting. The Staff hasn't received any comments, however the Mayor has. This issue will be discussed further during the June 4<sup>th</sup>.

He also reported that Utah County personnel will repair the pavement on lark Street west of the City limits. The repairs should be completed the later part of this year.

Council Member Reed reported he is currently working with Librarian Lyn Oryall to draft a nomination for a Humanitarian award. Tom Hinckley is their choice for the nominee.

**BUSINESS LICENSES**

Nothing

**EXECUTIVE SESSION** (May be called to discuss the character, professional competence, or physical or mental health of a 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 10:30 P.M. Council Member Callaway moved to adjourn with a second from Council Member Reed and a unanimous vote.

Approved on June 4, 2003.

Original minutes signed by Mayor A. LaDue Scovill and attested to by City Recorder Susan B. Farnsworth.