

**CITY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
APRIL 16, 2003**

Mayor A. LaDue Scovill called the meeting to order at 7:00 P.M. Council Members attending: Marilyn Clayson, Shayne Durrant, Walter Callaway, and Wesley Morgan. The additional Council Member has not been appointed.

Others attending: City Manager Roger Carter, City Engineer Shon Fullmer, Legal Counsel Brett Rich, Planning Commissioner Allen Reed, and Community Development Secretary Darlene Gray.

Excused: City Planner Bolser.

Public Present: Val Robbins, Judy Robbins, Lynn Thomas, Brent Norton, Russ Woodland, Police Chief Dennis Howard, Thad Rowley, George Ahlin, and other unidentified individuals.

Mayor Scovill welcomed attendees to the meeting.

PLEDGE OF ALLEGIANCE

Council Member Clayson led the attendees in the pledge of allegiance.

PRAYER

Council Member Durrant offered a word of prayer.

CONSENT AGENDA

Approval of the minutes

Approval of the minutes of a Regular Meeting held on April 2, 2003

Bills - \$95,573.38

Without further discussion, Council Member Clayson moved to accept the April 2, 2003 minutes and payables. Council Member Callaway seconded the motion.

Council Member Morgan indicated that according to the Planning Commission minutes of April 9, 2003, the City Council was to have had a Public Hearing tonight regarding Title 11 Subdivision Code. He requested that the Planning Commission minutes be corrected to show that no specific date was discussed for the City Council review of Title 11 of the Subdivision Code.

Council Member Morgan questioned why the City made a payment to Mt. Nebo Refrigeration for the repair to the Senior Citizens Center refrigerator. Mayor Scovill explained that the City was obligated to pay the bill to the vendor and that he would discuss the matter with the Seniors Director.

With the motion to approve and with a second, the Council Members' vote was unanimous.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Nothing

FORMAL PUBLIC HEARINGS

Public Hearing with regard to the Darwin Robbins Annexation.

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

Mr. Robbins approached the Council and indicated that the proposed annexation would give him the opportunity to build a home for his sister, Loraine Brunfelt, and himself. He further indicated that there would be no apartments.

Mayor Scovill indicated that no curb or gutter was required, but the Robbins' would have to make improvements to the road. He further indicated that any property facing the road would have to be improved. .

With no others comments, Council Member Callaway moved to close the Public Hearing with regard to the Darwin Robbins Annexation. Council Member Clayson seconded the motion with a unanimous vote.

UNFINISHED BUSINESS

Nothing.

NEW BUSINESS

Acceptance of the Oldham Addition II Certification

Mayor Scovill commented that he had received a letter of certification from the City Recorder indicating that the Oldham Addition II Annexation had been filed with the County.

Council Member Durrant moved to accept the Oldham Addition II Certification. Council Member Clayson seconded the motion.

Mayor Scovill asked for any discussion. With no further discussion, Council Members Clayson, Durrant, Callaway, and Morgan voted to accept the Oldham Addition II Certification.

Approval of the Annexation and Development Agreement associated with the Darwin Robbins Annexation

Council Members Clayson moved to approve the Annexation and Development Agreement associated with the Darwin Robbins Annexation. Council Member Durrant seconded the motion.

Mayor Scovill asked if there was any discussion.

Council Member Morgan expressed his concern with the wording in the agreement. Specifically item 1.6, page 2 of 9 referring to the definition of a 'townhouse'. Council Member Morgan commented that if the Annexation and Development Agreement were to be approved, it would be contradictory with the townhouse definition contained in an ordinance amendment to be considered later on the agenda.

Mayor Scovill asked Mr. Robbins if he intended on building any multi-family dwellings. Mr. Robbins responded in the negative. Mayor Scovill indicated that item 1.6 would be stricken from the agreement because it was not applicable to this annexation agreement. Mr. Robbins agreed with the deletion.

Council Member Morgan referred the Council to the utility item, 3.4, on page 5 of 9. He asked if the petitioner had to provide the natural gas line. Mayor Scovill responded that the developer of the property was responsible to install the gas line.

Council Member Morgan commented that item 3.3.1.4, Buffer Zone, on page 5 of 9, would not apply. He asked if the City intended to have walls separate the R-8 zoning from the R-10 zoning. City Manager Carter responded that these definitions effected density changes only.

With no further discussion, Council Members Clayson, Durrant, Callaway, and Morgan voted in favor of the Annexation and Development Agreement associated with the Darwin Robbins Annexation with the specified deletions and changes.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Ordinance 04-01-2003 "AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE PROVIDING FOR CHANGES TO THE PROVISIONS REGULATING SINGLE AND MULTIPLE FAMILY DWELLING"

Council Member Durrant moved to accept Ordinance 04-01-2003. Council Member Callaway seconded the motion.

Council Member Clayson asked for clarification of the Alpha identification for item 10.7.8.3, regarding Conditional Uses. Mayor Scovill responded that the ordinance amendment only shows items to be revised. Unchanged paragraphs were not shown on the amendment.

With no further discussion, Council Members Durrant, Clayson, Morgan, and Callaway voted in favor of the motion.

Ordinance 04-03-2003 "AN ORDINANCE AMENDING THE SANTAQUIN CITY ZONING MAP TO INCLUDE THE DARWIN ROBBINS ANNEXATION"

Council Member Durrant moved to accept Ordinance 04-03-2003. Council Member Clayson seconded the motion.

Council Member Morgan commented that he did not have a map in his packet. Mayor Scovill responded that the Council Members had discussed bringing copies of maps issued at previous meetings. Council Member Morgan responded that he would like to have copies of maps in the packets.

With no further discussion, Council Members Clayson, Durrant, Callaway, and Morgan voted in favor of the motion.

Ordinance 04-04-2003 "AN ORDINANCE AMENDING THE ZONING MAP OF SANTAQUIN CITY TO INCLUDE THE GREAVES ANNEXATION"

Mayor Scovill indicated that the Greaves Annexation petition had been tabled sometime ago because of water rights coming in at the time of the annexation. The City Ordinance has since changed to having the water rights come in to the City at the time of the development.

Legal Counsel Rich indicated that the re-visiting of this petition is not to revise it, but is simply a clean-up matter. The Council could either approve, disapprove or table again.

Mayor Scovill recommended that the annexation be denied because of lack of interest. Council Member Clayson reported that the landowner, Mrs. Greaves, lives in New York and that her nephew, who lives in

Payson, stated the annexation process would like to proceed. She further indicated that the annexation would help with the economics development in the area. Council Member Clayson reported that the owner would like to sell the property.

Mayor Scovill indicated that staff is studying the possibility of property in the area being annexed as a block. He suggested denying the ordinance and including the Greaves property in the block.

City Engineer Fullmer commented that if the annexation is not approved, the fees paid would have to be returned.

Council Member Clayson moved to approve Ordinance 04-04-2003. Council Callaway seconded the motion.

Council Member Morgan indicated that according to his notes, Kyle Spencer, a representative of Humboldt Engineering, had requested a work session and none had been held.

Council Member Clayson commented that she felt the Council could approve the annexation and let the developer deal with the development issues.

City Engineer Fullmer commented that the City sewer line stops at back of the Mountainland apple house. Council Member Callaway commented that the sewer line would have to be extended if there was commercial development in the area. He further indicated that property would be more valuable zoned as commercial or industrial.

Council Member Morgan commented that his intent is to vote against and annexation because it has been 10 months since the petitioner had appeared before the Council. He added that since there seems to be no urgency in annexing the property, he would suggest it be part of the block annexation.

Legal Counsel Rich commented that this is not legal issue, but a clearing up an unresolved agenda item. He further commented that if all requirements were met, it would be up to the City to decide if the property would be annexed.

Council Member Callaway asked Council Member Clayson if other property owners in the area would benefit by the approval of the Greaves Annexation. Council Member Clayson responded that she did not know.

Council Member Callaway commented that the I-15 south exit is not being utilized. Approval of the annexation might help to clean up the area, as well as bring in more development.

With no further discussion, Council Members Clayson, Durrant, and Callaway voted in favor of the motion. Council Member Morgan voted against.

PETITIONS AND COMMUNICATIONS

Mayor Scovill reported that the City had received a letter from Payson City as an official protest of the North Santaquin Orchard annexation. A copy of the letter would be distributed to each Council Member. Mayor Scovill indicated that a letter of response would be sent to Payson City. After he could review the response, he would provide a copy to each Council Member.

Mayor Scovill reported that the City had received a letter of interest Kirk L. Greenhalgh indicating his interest in the vacant City Council seat.

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager

City Manager Carter reminded the Council Members of the budget work session, Tuesday, April 29, 2003 at 5:00 PM.

Planning Commission

Introduction of a proposed Eastside Rezoning (Public Hearing set for May 7)

Mayor Scovill reported that the map provided each Council Member identified the properties going north from Stringham's Hardware to the north boundary. This property is listed as being zoned R-10, but was actually zones as Commercial. The Planning Commission recommended that the R-10 zoning be reverse to C-1.

Council Member Morgan said that since the property was originally commercial, but through an error on the City's part now shows as residential, wasn't there a better way to correct the error. He indicated that the broad description of a scrivener's error could solve this issue. City Manager Carter responded in the negative because the Planning Commission and City Council had approved the re-zoning map with the error. He further indicated that this was the proper way to correct the error.

City Legal Counsel

City Legal Counsel Rich had nothing to report to the City Council.

Council Member Morgan asked for an explanation of the progress made for interviewing prospective attorneys. Mayor Scovill reported the City received 8 applications. He reported that the cost estimates submitted from all applicants was sufficiently high that Mapleton City could not pay for their portion of a full time attorney and that Santaquin City could not pick up the entire cost. With this information, there would no point in changing firms. Santaquin City has been satisfied with the service provided by Nielson & Senior. He indicated that Mapleton City would proceed to contract with one of the firms who applied and that Santaquin would continue to work with Nielson & Senior.

Mayor Scovill reported that the City would be segregating legal responsibilities. Nielson & Senior would be responsible for the City's legal civil needs. The City would acquire another attorney to work on the criminal cases. Until another attorney is found, Nielson & Senior would continue to care for both civil and criminal.

Legal Counsel Rich reported that he had made contact with an individual who will prepare a cost estimate to present to the City.

City Engineer

City Engineer Fullmer reported that the Winter Storage Expansion at the Sewer Lagoon if proceeding well. He reported that the project should be completed within the next 4 to 6 weeks. The placing of riprap and gates would complete the project.

Council Member Morgan indicated that he had been working on plans for landscaping the area where the equipment is parked. City Engineer Fullmer indicated that much of the equipment had been moved.

Council Member Morgan asked if the existing pond will have to be drained. City Engineer Fullmer indicated that the existing pond would be drained into the new pond to complete the irrigation pipe section. Council Member Morgan asked what type of grass could be used to reseed the area. City Engineer Fullmer responded that a crusted wheat mix that requires little water would be used to reseed. Council Member Morgan asked if it would be better to plant the grass in the fall rather than in the spring. City Engineer Fullmer indicated that the contractor has the option to hydro-seed the area.

Mayor Scovill asked if the fencing would come just north of new dike and drop into the bottom of the field. City Engineer Fullmer responded in the affirmative. Council Member Morgan indicated that he spoke to the contractor and was told that the fence would run along the top of the storage pond. City Engineer Fullmer indicated that the fence would run along the north at the top of the lagoon, then another fence along the bottom.

Mayor Scovill asked the appropriate time to order the trees for the perimeter. Council Member Morgan commented that the trees could be ordered, but they could not be irrigated until an irrigation system is installed. Currently any trees in the area are being irrigated with culinary water.

Council Member Callaway commented that the sprinkler system on the hay field had been badly damaged prior to the starting of the winter storage pond project. He indicated that the City would need a new set of sprinklers for as much hay as there is. City Engineer Fullmer indicated that the City would be sending questionnaires to the property owners to purchase water for irrigation. Council Member Callaway reported that someone had approached him wanting to purchase the damaged sprinkler system. City Engineer Fullmer indicated that present; there is no interest to sell the sprinklers. Council Member Callaway commented that the sprinklers could be put to bid to help defray the cost of the trees. City Engineer Fullmer indicated that he would look in to the possibility.

City Engineer Fullmer reported that Epic Engineering would like to make a presentation to the City Council. Mayor Scovill indicated that this would be an agenda item for the May 19, 2003 meeting.

City Engineer Fullmer reported that the CDBG Hydrant Project was completed last winter. Although the full Grant funds had been exhausted, there are 40 to 60 valve collars that need to be replaced. He indicated that he had asked Kirk Greenhalgh, the contractor awarded the bid, to prepare an estimate to complete the much needed work. Mr. Greenhalgh submitted an estimate of \$100.00 per collar if located in the dirt, and \$125 per collar if located in the asphalt. City Engineer Fullmer would like the Council's permission to proceed with the project.

City Manager Carter commented that he would like to review the issue. Mayor Scovill commented that the project would have to be put out for bid. Council Member Callaway added that it would also have to be an agenda item.

Council Member Morgan commented that there is a manhole on 300 North that sits 6" below the asphalt. City Engineer Fullmer explained that Twin-D had been at the site to clean the sewer line. He further indicated that many of the manholes are under dirt and need to be raised. Mayor Scovill asked City Engineer Fullmer to identify the water and sewer collars that need attention, and to prepare an estimate of the total cost.

Council Member Morgan commented that he had provided City Engineer Fullmer and City Manager Carter a study prepared at Brigham Young University showing the ground water flow rate through proposed Highway 198 culverts.

Mayor Scovill expressed his appreciation to City Engineer Fullmer and the workers at the sewer lagoon project for a job well done.

City Engineer Fullmer reported that the CUP had changed the route of the pipeline from along the frontage of SR 98, through Santaquin along the railroad. If this change were made, it would bring the pipeline near the new winter storage pond. If the City installed a treatment plant, then the water could be classified as Type 1 re-use and the pond water could serve as a secondary irrigation source.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Council Member Callaway distributed a document from the Water Conservation regarding Bill #153. The document must be completed by July 2003.

Council Member Morgan commented that the advertisement for the vacant City Council seat indicated a closing date of April 18, 2003, but appeared in the April 16, 2003 Payson Chronicle. City Manager Carter indicated that City Recorder Farnsworth was handling the position announcement.

Council Member Morgan commented that the 3-month period had expired for the Summit Ridge Bonds. Mayor Scovill indicated that the City still planned to withdraw the bonds. He further indicated that there would be a meeting with Summit Ridge representatives Thursday, April 17, 2003. However, he would not be able to attend. City Manager Carter indicated that the meeting had been set by Summit Ridge representatives. He further indicated that Summit Ridge had no financial obligation owed to the City, nor were there financial obligations owed by the City.

Mayor Scovill reported that there would be a meeting for the South Utah County mayors at 6:30 PM, Thursday, April 17, 2003, in Springville. Mayor Pro-Tem Callaway will attend.

BUSINESS LICENSES

Council Member Clayson reported that Steven Shepherd, Shep's Safe and Lock, had applied for a Business License. Council Member Clayson moved to recommend approval of the safe and lock mobile service. Council Member Durrant seconded the motion with a unanimous vote.

Council Member Morgan asked about the vendors for phones and sunglasses who have been selling from their vehicles on Main Street. Police Chief Howard reported that the vendor with the sunglasses had moved to the parking lot at A-1 Lube. He also indicated that a Business License would be required.

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

Council Member Callaway moved to adjourn. Council Member Durrant seconded the motion. Mayor Scovill adjourned the meeting at approximately 8:35 PM.

Approved on May 7, 2003.

Original minutes signed by A. LaDue Scovill, Mayor and attested to by Darlene Gray, Community Development Secretary.