

**MINUTES OF A CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
MARCH 5, 2003**

At 7:05 P.M. Mayor A. LaDue Scovill called the meeting to order. Council Members attending: Marilyn Clayson, Shayne Durrant, Walter Callaway, and Wesley Morgan. Council Member Frank Staheli was excused as his Military Unit has been activated.

Others attending: City Manager Roger Carter, Legal Counsel Brett Rich, Police Chief Dennis Howard, George Allen, Bill Ferguson, Rod Carrington, Greg Magleby, Jesse Conway, and Cathy Bradley.

**PLEDGE OF ALLEGIANCE**

Council Member Clayson led 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 February 19, 2003

Bills - \$203,893.11

Acceptance of the North Santaquin Orchards Certification

Appointment of Blaine Oberg and Troy Kunz to serve on the Economic Development Committee

Discussion and possible action with regard to the Landscaping at the Library (information included in the October 2, 2002 Council Packets)

Council Member Callaway moved to approve the items on the Consent Agenda. Council Member Clayson seconded the motion. Council Member Callaway indicated he would like to have Kentucky Blue Grass planted instead of the recommended grass at the new Library. City Manager Carter recommended removing the Landscaping issue from the Consent Agenda. Council Member Callaway amended his motion to move item "D" to later in the agenda. Council Member Clayson seconded the motion with a unanimous vote.

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

***Introduction Presentation of the Read to Succeed Program***

Ms. Bradley introduced the Read to Succeed Program to the Mayor and Council Members. The program is in need of volunteer tutors who read and speak English fluently. Contact the Payson Library for additional information.

**FORMAL PUBLIC HEARINGS**

***Public Hearing with regard to the Code Amendments regarding Building Identification***

Council Member Durrant moved to open the Public Hearing. Council Member Clayson seconded the motion with a unanimous vote.

Mayor Scovill suggested eliminate the words "or lawn stake" in paragraph "C" in Section I, 10-13-13, K. A discussion was held as to what was meant by lawn stake. A number of Council Members did not have a preference as to whether the wording was removed or not.

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

**UNFINISHED BUSINESS**

Nothing

**NEW BUSINESS**

***Discussion and possible action with regard to 400 West from Main Street to 200 South (Police Chief Howard)***

Chief Howard reported to the Council that he has received a request from Representatives of the Elementary School and the PTA to post 400 West from Main Street to 200 South as a one-way street. These requests are a result of a number of parents, who are picking their students up after school, and are not aware that traffic is to travel south bound only, during the hours 8 am and 4 pm. The suggestion was made to designate this road to be a one-way street at all times during the school session, and not just between the school hours. A recommendation was made that the school's North side fencing be relocated 10 to 20 feet to the south to allow for a pick-up zone on 30 South. Council Member Callaway authorized Chief Howard to go forward with the discussed roadway designation and posting.

***Discussion and possible action with regard to the Justice Courts Prosecution Services***

A discussion was held with regard to the City's Legal Services. It was reported that a request for proposals for full time legal services is ready for advertising. Legal Counsel Rich has requested, on behalf of his law firm, that the flat rate for Criminal Services be lifted until a full time Legal Counsel is hired. Council Member Durrant thanked Legal Counsel Rich for the working relationship the City and Mr. Rich has. Mayor Scovill recommended allowing Nelson and Senior to bill at an hourly rate of \$100, for Criminal services, until the full time Legal Counsel issue is resolved. Council Member Durrant moved to accept Mayor Scovill's recommendation. Council Member Clayson seconded the motion with a unanimous vote.

***Review and possible approval of the Santaquin Meadows Subdivision Plats "A" & "B"***

Mr. Magleby reviewed with the Mayor and Council the construction issues of the proposed Santaquin Meadows Subdivision. Mayor Scovill indicated, at the time the subdivision to the East of the proposed subdivision was constructed, Developer Jack Jarvis was under the impression that a utility reimbursement agreement was in place. A search of the Council minutes did not reveal such an agreement. Mr. Magleby indicated the sewer trunk line would be replaced at a deeper level; therefore the development would not be using the current sewer line. City Manager Carter reported that \$60,060 has been received for the water requirements of these two phases.

Council Member Clayson moved to approve the Santaquin Meadows Subdivision Plats "A" & "B". Council Member Callaway seconded the motion. Council Members Clayson, Durrant, Callaway, and Morgan voted in favor of the motion.

**AT 8:15 P.M. COUNCIL MEMBER CALLAWAY MOVED TO TAKE A 15-MINUTE BREAK. COUNCIL MEMBER DURRANT SECONDED THE MOTION WITH A UNANIMOUS VOTE.**

**INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

***Ordinance 03-01-2003 "CODE AMENDMENTS REGARDING BUILDING IDENTIFICATION"***

Council Member Durrant moved to approve Ordinance 03-01-2003 with the previously mentioned lawn stake deletion. Council Member Clayson seconded the motion. Council Members Clayson, Durrant, Callaway, and Morgan voted in favor of the motion.

**PETITIONS AND COMMUNICATIONS**

Nothing

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

### ***City Manager***

City Manager Carter indicated he received information from Bitsy Schultz with regard to the cost, of her recommendations, for the landscaping at the New Library. The Council Members were in favor of planting grass that would not require much watering however they would like the grass to withstand high traffic. The Council Members were in agreement of the installation of the plants that require less water. Council Member Durrant proposed planting various grass samples in planter boxes for educational purposes. Council Member Callaway moved to plant Kentucky Blue Grass and construct planter box to plant, for exhibit, a variety of grasses that will require less water. Council Member Durrant seconded the motion. Council Member Morgan indicated he was not in favor of voting against the recommendation of Council Member Staheli since he accepted the responsibility of researching this issue. Council Members Clayson, Durrant, and Callaway voted in favor of the motion. Council Member Morgan voted against the motion.

City Manager Carter reported approximately 50 applications were received for the full time Maintenance Department position. Interviews should be scheduled for next week.

City Manager Carter also reported that the construction of the new Council Chambers was under way. There is not a time frame associated with the finish date.

### ***Planning Commission***

#### **Introduction and setting of a Public Hearing pertaining to proposed code amendment with regard to Adoption of Construction and Safety Codes**

It was reported the Public Hearing has been set for the next Council Meeting. Mayor Scovill has spoken with the Building Inspector with regard to a question he had pertaining to reference to ditch inspection. Council Member Morgan indicated he liked the idea of the Building Inspector being allowed to address ditching issues which affect health and safety. Council Member Callaway questioned if the City would be accepting any liability associated with ditch issues if the Building Inspector had the option of inspecting. City Manager Carter recommended revising the language associated with this issue and have the language reviewed before the March 19<sup>th</sup> Public Hearing.

### ***City Attorney***

Legal Counsel Rich indicated he received a Chapter 13 Bankruptcy Dismissal associated with Mitch Winegar. The City has an option to re-file the complaint against Mr. Winegar. If the complaint is re-filed, there is not a guarantee that Mr. Winegar will not comply with the order of the Bankruptcy Courts and the Bankruptcy could be reinstated. Council Member Durrant indicated he was in favor of pursuing the complaint. Council Member Morgan was not in favor of expending additional monies on Mr. Winegar's behalf but felt a responsibility to the City Residents. Council Member Clayson indicated she wouldn't be in favor of pursuing the issue. Legal Counsel Rich was told to pursue the issue.

### ***City Engineer***

Mayor Scovill reported that the Sewer Lagoon Expansion Project is progressing on schedule. Also reported was that the electrical issues have been resolved at the Cemetery Well.

## **REPORTS BY MAYOR AND COUNCIL MEMBERS**

Council Member Durrant indicated there would be a Celebration meeting tomorrow night at 9 P.M. Anyone interested is invited.

Council Member Callaway reported he attended the Rural Water Convention this past week. He indicated it was a great learning experience.

Council Member Morgan reported he read in the paper that 30 thousand acre feet of Central Utah Water will be dispersed to the North and 30 thousand acre feet of water will be sent to the South. Council Member Callaway indicated this is correct.

Council Member Morgan also informed Council Member Durrant that he would like the issue of candy being thrown at the parade reviewed. He is worried about safety of those who run towards the entry who is throwing the candy.

Council Member Morgan indicated that at 400 North and 100 East the irrigation pipe is in need of repair. Council Member Callaway reported the Maintenance Crew is addressing the issue.

Mayor Scovill indicated he purchased a thank you gift for the owners of the cabin that was used for the Council Retreat.

Mayor Scovill reported that Mark Stevenson and Darlene Gray have completed their probationary period. He recommends an increase in wage. City Manager Carter will over see the increase.

It was reported that on March 13, Spanish Fork High School would host a Central Utah Water information meeting. This meeting is open to all who would like to attend.

City Manager Carter questioned if April 29<sup>th</sup> at 4:00 P.M. would be a good night for the Council to meet to review the proposed budget. At this time this date will be used.

#### **BUSINESS LICENSES**

Council Member Clayson moved to approve a new Business License for Blaine Oberg. Council Member Durrant seconded the motion with a unanimous vote.

**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 10:10 P.M. Council Member Clayson moved to adjourn. Council Member Callaway seconded the motion with a unanimous vote.

Approved on March 19, 2003.

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