

**MINUTES OF A CITY COUNCIL MEETING  
HELD IN THE COUNCIL CHAMBERS  
DECEMBER 18, 2002**

Mayor LaDue Scovill called the meeting to order at 7:00 P.M. Council Members attending: Wesley Morgan, Frank Staheli, Walter Callaway, Shayne Durrant, and Marilyn Clayson.

Others attending: City Manager Roger Carter, City Planner Jim Bolser, Legal Counsel Brett Rich, City Engineer Shon Fullmer, Kellie Robbins, Camille Campbell, Jordan Peters (Youth), Jared Clark (Youth), Luke Jones (Youth), Julie Jones, Krystal Guerra, Bruce Ward, Bill Ferguson, Keith Swain, George Allen, and other unidentified individuals.

**PLEDGE OF ALLEGIANCE**

Mayor Scovill led the Pledge of Allegiance.

**PRAYER**

George Allen offered a word of prayer.

**CONSENT AGENDA**

*Approval of the minutes of a Regular Meeting held on December 04, 2002.*

***Bills***

Council Member Clayson moved to approve the items on the Consent Agenda. Council Member Staheli seconded the motion.

Council Member Morgan questioned bills for the following:

\$15,000 Library expenses

Mayor Scovill explained that this was an exchange, money in and money out, for a grant received from Gateway for the purchase of computers.

LN Curtis and Sons

Also grant monies that were part of expenditures for the City Fire Department, specifically protective clothing.

NAC Company.

Council Member Morgan asked if this was for the Alpine View Trail. He understood that this was the developer's responsibility. Council Member Callaway explained that the \$4000 grant paid for the cost and placement of the asphalt. He further explained that the developer paid for the road base and all other expenses.

Turf Equip and Irrigation

Mayor Scovill explained that this was a budgeted item for a new lawn mower. The park and cemetery departments would share the cost of the mower.

Utah State Division of Finance.

City Manager Carter explained that this expense is the for water system bond which is paid annually.

Without further discussion, the City Council unanimously approved the Consent Agenda.

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

*Appointment of 2 Planning Commission Members to serve a 5-year term*

Council Member Morgan read letters of interest from Planning Commissioners Steele and Rohbock, whose terms expire on December 31, 2002.

Mayor Scovill commented that he has spoken with Commissioner Rohbock, who has accepted the appointment as Commission Chair next year pending reappointment. Council Member Morgan commented that Commission Chairperson Rohbock has done a very good job.

Mayor Scovill recommended that the City Council accept Commissioner Rohbock's and Commissioner Steele's as members of the Planning & Zoning Commission. Council Member Callaway moved to approve the appointment of the two Planning Commission Members to serve another 5-year term. Council Member Staheli seconded the motion with a unanimous vote.

Mayor Scovill recognized the youth in attendance and asked if they would introduce themselves and the purpose for their attendance. Luke Jones is attending as part of the requirement for the Scout Citizenship in the Community Merit Badge. Jordan Peters is attending as part of a school assignment and the Scout Citizenship in the Community Merit Badge. Jared Clark is visiting as a friend to Luke and Jordan.

Mayor Scovill explained how pleased the Council was to have the youth there and their desire to be involved in City government. He added that these young men would receive a Certificate of Attendance.

Without further discussion, Mayor Scovill motioned to move on to the Public Hearing portion of the meeting.

#### **FORMAL PUBLIC HEARINGS**

##### ***Public Hearing with regard to the Amendment to the Code addressing Rezoning Regulations***

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

It was noted that Kellie Robbins had signed the Public Forum roster and had been missed.

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

Ms. Robbins addressed the Council regarding the Santaquin Meadows Subdivision. She explained that she wanted the concerns expressed at the Planning Commission meeting of December 12, 2002 to be on record. These concerns were with regard to 400 East not being wide enough to be a collector road. Residents in the area of the proposed subdivision felt that the road should be 50', which is in accordance with other cities.

Ms. Robbins explained that the road currently measures 18' from fence to fence at the crest of the hill. These citizens feel that is too narrow. Ms. Robbins added that a school bus stops at the bottom of the road for a special needs child. Because she sees this as a problem, she felt that the Planning Commission should talk with Nebo School District representatives regarding their scheduled stops.

Ms. Robbins indicated that she did not understand why the City is not concerned with the width of the road because of expected traffic to the area. She added that there are no sidewalks and reiterated that the road is not wide enough. She explained that Payson City has a limit of 10 homes to an area with only one access. She commented that the County Fire Marshall refused to enter the area with fire trucks because the road was not 50' wide from 400 East to Canyon Road. She added that the Fire Marshall also stated that they would not take a fire truck into a dead end street. Ms. Robbins feels it is a safety issue.

Ms. Robbins commented that the intersection where 450 South flows into 400 East, the corner has poor visibility. She explained that her father requested an 8' fence where the park would be and was told that the City cannot do that. She commented that there has been an 8' fence down to the LEI property and that same height of fence should be put back up. She also indicated that LEI claims there were no written guidelines from the City.

Mayor Scovill assured Ms. Robbins that all those issues had been discussed prior to this meeting. Council Member Callaway reminded Ms. Robbins that the County Fire Department had taken fire trucks on the road in question, saving her father's home.

#### **UNFINISHED BUSINESS**

None

#### **NEW BUSINESS**

##### ***Discussion and possible action with regard to scheduling of the 2003 Council Meetings***

Mayor Scovill opened the discussion by reviewing the 2003 Council Meeting schedule. He indicated that Council meetings would continue to be held on the first and third Wednesdays of each month.

Council Member Morgan asked if all holidays had been checked against the meeting schedule. City Planner Bolser responded in the affirmative.

Council Member Durrant asked if work sessions would be held when necessary. City Manager Carter responded that all scheduled work sessions were necessary.

Council Member Clayson moved to approve the proposed 2003 Council Meeting schedule. Council Member Durrant seconded the motion with a unanimous vote.

##### ***Discussion and possible action with regard to rescheduling of the 1<sup>st</sup> Council Meeting in January***

City Manager Carter opened the discussion regarding the 1<sup>st</sup> Council Meeting on January 1, 2003. He posed possible dates of January 7<sup>th</sup> or 8<sup>th</sup>. Mayor Scovill suggested January 8<sup>th</sup>. The Council Members favored January 8<sup>th</sup> as the first council meeting with the work session starting at 6:00 P.M., and then moving directly into Council Meeting at 7:00 P.M.

Council Member Clayson moved to have the January 1, 2003 Council Meeting and work session changed to January 8, 2003. Council Member Staheli seconded the motion with a unanimous vote.

##### ***Peterson and Associates-review of the 2001/2002 FY Audit***

Ked Black, representative for Peterson, Black, and Associates distributed audit documentation for review. Mr. Black reviewed the Financial Statement in depth.

8:20 P.M.: Bill Ferguson, Dale Rowley, Chad Rowley, and other unidentified individuals in attendance.

Mr. Black continued his audit report by reviewing the Bond Compliance and the Legal Compliance Management Letter.

City Manager Carter reviewed financial changes to be implemented by next year. Mr. Black gave City Manger Carter a letter regarding these changes.

Mayor Scovill expressed the City's appreciation to Mr. Black and his company.

Mayor Scovill moved to place the Peterson and Associates 2001/2002 FY Audit on the next City Council Meeting Agenda because it was not listed on this agenda. Council Member Callaway seconded the motion with a unanimous vote.

#### **INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS**

##### ***Ordinance 12-04-2002 "AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE PROVIDING FOR THE REZONING REGULATIONS AND REQUIREMENTS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE"***

Mayor Scovill indicated that this item was discussed at the last Council Meeting and that a Public Hearing had not been put on the agenda. He asked the Council Members if there were any concerns other than the alteration to section C4.

Council Member Morgan questioned the terminology used in paragraph 1 "future land use plan." City Planner Bolser indicated that it was the Annexation Policy Plan. Council Member Morgan requested the change be made to "and Annexation Policy Plan"

Council Member Durrant moved to accept Ordinance 12-04-2002 "An Ordinance Amending the Santaquin City Code Providing for the Rezoning Regulations and Requirements, Codification, Inclusion in the Code, Correction of Scrivener's Errors, Severability, and Providing an Effective Date". Council Member Staheli seconded the motion to include the requested change.

Council Member Morgan commented that he did not see the reason for the change to the Ordinance. City Planner Bolser commented that the rezoning of the East Side was not practical to not allow non-conforming issues, i.e. the Brandon storage units. City Planner Bolser added that it would be impossible to eliminate all non-conforming issues.

Without further discussion, the motion to accept Ordinance 12-04-2002 was voted on unanimously.

##### ***12-03 or 04-2002 "AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE PROVIDING FOR THE WEST SANTAQUIN ANNEXATION"***

City Planner Bolser indicated that this agenda item should be removed from this meeting's agenda. It was resolved December 17, 2002.

#### **PETITIONS AND COMMUNICATIONS**

##### ***Acceptance or denial of the North Santaquin Orchards Annexation***

Mayor Scovill directed the Council's attention to the property description map included in each Council Member's meeting packet. He commented that the Rowley orchards and some properties from the 400 East point north of the intersection were not included in the annexation. Mr. Dale Rowley indicated that they were non-participants and added that their property is in an Agriculture Protection Area.

Legal Counsel Rich commented that if the property in the proposed annexation is in an Agriculture Protection zone, all property owners in that area must be petitioner. Mr. Rowley indicated that they did not want to petition. Legal Counsel Rich indicated that the property would remain a peninsula, which would not be acceptable by County standards. Legal Counsel Rich recommended against the creation of a peninsula because it would be against the State law.

Council Member Morgan asked if the property owners in the peninsula could protest. Legal Council Rich indicated that the property owners had no protest rights. Mayor Scovill invited any of the participating petitioners to approach the pulpit to address the Council.

Mr. Ferguson indicated that he understood the problem with creating a peninsula; nevertheless, it was the group's desire to be annexed into the City. Mr. Ferguson indicated that neither he nor any of the other petitioners had approached or tried to coerce the other property owners regarding a pro-active approach to annexation. He further indicated that Mr. Shane Allen was waiting to hear the City Council's response.

Mayor Scovill commented that not all the properties owners were listed are petitioners. Mr. Ferguson directed his attention to the list on the map of those not petitioning. He added that these individuals had not been contacted. Those willing to participate in the annexation would also be willing to participate in the cost of infrastructure.

Mr. Ferguson commented that he could appreciate Rowley's desire to maintain farming rights and added that at present, no developer is involved in their annexation plans. He also commented that the proposed annexation would give the City the opportunity to plan what would be developed at the north end of town, i.e. parks, an additional school site, main roads, etc. The City could design all arterial streets now before developers come in and dictate to the City.

Council Member Callaway commented that he agrees with pre-planning for roads, parks, etc. Council Member Durrant indicated that he likes the infrastructure to be in place.

City Manager Carter asked Mr. Rowley if he would consider being a petitioner if the City provided Agriculture Protection. Mr. Rowley responded in the affirmative. Council Member Staheli asked what the risk would be. City Manager Carter responded that with question was posed for discussion only.

Mayor Scovill indicated that the City has been a proponent to try and maintain an agricultural image, but added that the City Council chose not to adopt the Agriculture Protection Zone. Mr. Ferguson indicated that currently, the proposed annexation ground is in the Agriculture Protection Zone. City Manager Carter reiterated that because of that, all property owners would have to petition for annexation. Mr. Chad Rowley commented that if the City recognized and studied the Agriculture Protection Zone, this could be part of the City plan. Mayor Scovill indicated that those in Ag Protection Zone who are not signers would have to be identified. Then all property owners must either withdraw from the Ag Protection Zoning or sign the petition to annex.

Mr. Ferguson asked the Council if annexation application would be accepted contingent on resolution of previously discussed problems. Legal Counsel Rich suggested the Council deny the petition, the petitioning group resolve the issues, then bring the petition back to the City Council. Mayor Scovill commented that the Council is not rejecting the petition, but is hoping for a positive resolution.

Mayor Scovill posed a question regarding the acceptance or denial of the Stratton Annexation petition. He commented that Mr. Stratton wants his petition to proceed. City Manager Carter indicated that the timing is the problem with the Stratton Annexation petition. Mr. Ferguson asked if there was a time limit on the petition process. Legal Counsel Rich responded in the negative.

Mr. Swan asked the Council who would be responsible to prepare a new concept. Mayor Scovill responded that the petitioners would be the responsible party because the Council was not familiar with the proper steps and procedures. City Manager Carter responded that he could assign staff to gather information for the Council.

Council Member Callaway expressed his appreciation to Mr. Ferguson for his desire to include the City in planning, i.e., master roads, sewer lines, etc. He added that servicing the north end of the City boundaries would be easier than other areas of the City.

Mayor Scovill indicated that he had met with City Engineer Fullmer and City Planner Bolser to discuss what the City would like to see incorporated in the development. Mr. Ferguson commented that it would be easier for a developer to adapt to the City plan rather than visa versa.

Mr. Dale Rowley posed the question of Mr. Allen deciding to petition for annexation, the proposed annexation would become an island. Mayor Scovill responded that he believed the development would go through, but it could not create an island. He added that the City would not force anyone to annex.

Mr. Ferguson asked if there was a formula for absorption. City Planner Bolser responded in the affirmative. He further explained that if more than 50% of the property owners, to include one-third of the property values, petitioned for annexation, the island would be absorbed.

Without further discussion, Council Member Durrant moved to deny the North Santaquin Orchard Annexation. Council Member Staheli seconded the motion with a unanimous vote.

Mayor Scovill invited Mr. Ferguson to meet with him at any time for further clarification.

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

### ***City Manager***

Nothing to report and asked if the Council Members had any questions.

### ***Planning Commission***

Review and possible action with regard to the Santaquin Meadows Subdivision Preliminary Plans Review

Mayor Scovill announced that the review and possible action with regard to the Santaquin Meadows Subdivision Preliminary Plans Review was open for motion. Council Member Staheli moved to accept the Santaquin Meadows Subdivision Preliminary Plans Review. Council Member Callaway seconded the motion.

Council Member Morgan indicated his concern regarding road issues. Mayor Scovill indicated that he does not want to incorporate road issues into the preliminary plans making it a binding part of the plan. He also commented that the Subdivision developers indicated that they would look into widening the road.

Mayor Scovill called for a Council vote. All Council Members voted unanimous to accept the Santaquin Meadows Subdivision Preliminary Plan. This will now go to the Development Review Committee.

Mr. Magelby asked if he could comment on the North Annexation presented before the Council earlier in the meeting. He commented that similar plans have been very beneficial to the city and its developers. Mr. Conway added that approximately 4,000 acres have been planned in Payson. City Planner Bolser added that the minimum acres allowed is 800 acres.

Review of a proposed Ordinance amending the Santaquin City Code providing for Provisions to amend title 10 of the Code through Citizen Petitions

Review of a proposed Ordinance amending the Santaquin City Code providing for the Addition and Amendment of Definitions Pertaining to the Code

Review of a proposed Ordinance amending the Santaquin City Code providing for Temporary Certificates of Occupancy Permits

Review of a proposed Ordinance amending the Santaquin City Code providing for the Location of Storage Unit Facilities within the City

No representative from Planning Commission in attendance.

Council Member Morgan presented letters of interest from the Planning Commission. City Planner Bolser asked the Council Members to read the letters to be prepared to discuss at the next meeting.

***City Attorney***

Nothing to report and asked if the Council Members had any questions.

***City Engineer***

Discussion and possible action with regard to the Sewer Lagoon Expansion Project

City Engineer Fullmer reported that possibilities to expedite and alleviate frost issues have been researched. Some solutions may include working longer hours or double shifts. He explained that he met with the contractor and upon his request the contractor had prepared the additional cost. Double shifts for seven days = \$172,000 above approved bid. The double shifts would reduce the completion days by 57 days. Mr. Fullmer reminded the Council Members about the winter shutdown restrictions in the contract. Double shifts could minimize frost constraints. The project contract of 120 days would be reduced to 63 calendar days. The second proposal would be to work the double shifts for one month. The additional cost would be \$78,800 with a time reduction of 20 days. Mr. Fullmer commented that the cost does not merit the 20-day reduction, but it could still be a necessity. The lead-time would be two weeks. He added that the Notice to Proceed is ready for signing.

Update with regard to the Cemetery Well Project.

Mayor Scovill reported that National Pump has been contacted. The pump has been repaired and is being shipped to Dewey Peterson. Upon receipt, Mr. Peterson will install the pump. The City has had no response to attempted contact with Mitch Winegar. The total cost of the material is \$13,779.61 without the freight charge. National Pump has requested payment before the material, pump, etc. will be shipped by Evans trucking Friday. Delivery will be either Saturday or Sunday. Mr. Winegar was responsible for the ordering and payment of the pump and material, but this was never done. Mayor Scovill feels an executive session is needed to discuss pending litigation.

Council Member Morgan commented that a long-term sewer study had been postponed. He added that Joe Santos did not have a rough draft. Mr. Fullmer commented that he had been in contact with Mr. Santos, and confirmed that there was no written draft.

Council Member Morgan indicated that the radius on the new streets paved is not wide enough. Mr. Fullmer responded that most of the newly paved streets were 15 to 20 feet, depending on culverts, but most of the time, the width was increased above specifications.

Council Member Morgan indicated to Mayor Scovill that he had reviewed the letter from Summit Creek Company regarding a City representative being on their board. He asked who the representative would be. Mayor Scovill indicated that Council Member Callaway would be the City's representative. However, he also indicated that Council Member Callaway's term would expire soon. Council Member Morgan questioned if the representative had to be a City Council Member. Mayor Scovill responded in the negative. He added that Council Member Callaway will serve for 12 months.

Mayor Scovill assigned Staff to officially notify Summit Creek Company requesting Council Member Callaway be placed on their board. All Council Members agreed unanimously.

Council Member Morgan asked about the street striping on 300 West. Mr. Fullmer reported that the striping had not been completed because of the weather. City Manager Carter responded that 300 West would be the next street to be stripped.

Council Member Morgan asked if the hydrant project had been completed. Mr. Fullmer reported that 90%+ of the project was completed. Council Member Morgan asked if a current map of the valves was available. Mr. Fullmer responded that GPS will map the valves.

Council Member Morgan asked for a report on the debris basin. Mr. Fullmer responded that the cleaning had not been started, but will be completed by spring.

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

Council Member Staheli requested permission to discuss the library use on the next meeting agenda.

Council Member Clayson asked about the sunken holes in the roads on the east side. City Manager Carter reported that it was because of the manhole-collaring project. The manholes have been covered and filled and the barricades will be removed.

Council Member Morgan asked about the status of the City office handrails. City Engineer Fullmer reported that the City has a core drill on order to use in properly placing and securing the new handrails.

#### **BUSINESS LICENSES**

Council Member Clayson reviewed all business license applications.

City Manager Carter posed a question regarding the application submitted by David Smith for a Cabinet Making Shop of Main Street. There was some question that he would like to clear up with City Building Inspector Spadafora.

Without further discussion, Council Member Clayson moved to approve all applications, with the exception of David Smith's. Council Member Durrant seconded the motion with a unanimous vote. After further discussion regarding Mr. Smith's application, Council Member Clayson moved to approve his application. Council Member Callaway seconded the motion with a unanimous vote.

Council Member Callaway moved for a recess.

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

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

At approximately 10:20 P.M., Council Member Clayson moved to adjourn Council Meeting. Council Member Durrant seconded the motion with a unanimous vote. The Council entered into an Executive Session.

Council Member Callaway moved to authorize Legal Counsel Rich to begin the necessary legal action against Utah Pump and Mitch Winegar. Council Member Clayson seconded the motion.

**ADJOURNMENT**

Council Member Clayson moved to adjourn with a second from Council Member Durrant and a unanimous vote.

Approved January 8, 2003.

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A. LaDue Scovill, Mayor

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Susan B. Farnsworth, City Recorder