

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
JULY 17, 2002**

The meeting was called to order by Mayor LaDue Scovill at 7:05 P.M. Council members attending: Shayne Durrant, Wesley Morgan, Walter Callaway, Frank Staheli and Marilyn Clayson.

Others attending: City Manager Roger Carter, City Engineer Shon Fullmer, Legal Counsel Brett Rich, Planning Commission Representative Doug Rohbock, Amy Jackson, Denise Windley, Donna Bott, Idonna Crook, Keela Goudy, LaRain Goodall, Kyle Spencer, Karl Greenhalgh, Jessie Conway, Greg Magleby, Dale Rowley, Holly Peterson, Keith Broadhead, Bill Brost, Sherri Westover, Keith Swan, Phil Rowley, and Dennis Barnes.

PLEDGE OF ALLEGIANCE

City Manager Carter led the Pledge of Allegiance.

PRAYER

Mr. Greenhalgh offered a word of Prayer.

APPROVAL OF THE MINUTES

Approval of the minutes of a Regular Meeting held on July 03, 2002.

Council Member Durrant moved to approve the minutes of July 3, 2002. Council Member Staheli seconded the motion with a unanimous vote.

BILLS

Council Member Morgan questioned if the amount billed by Greenhalgh Construction, for work at the landfill, was per contract. He was told that the billing was on a per hour basis. He also asked what the charge, expensed to the Police Department, from RDJ was. Council Member Morgan was told that the purchase was to do with uniforms for that department.

Council Member Staheli moved to approve payment of the bills in the amount of \$ \$44,659.23. Council Member Clayson seconded the motion with a unanimous vote.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Ms. Windley requested the Mayor and Council members declare a moratorium or deny all R.V. Parks until the City has researched Ordinances pertaining to the parks. (See attachment "A" for Ms. Windley's remarks)

Ms. Jackson reported she had received 4 nominations to serve as the Grand Marshall for the Celebration Parade. Those nominated are Berk and Clarice Peterson, LaRue Jarvis, the EMT's and Fire Department Members and Jack and Nola Rea Olson. The Council members will let City Manager Carter know their suggestions with in the week. Ms. Jackson will be in contact with City Manager Carter for the suggestions.

Ms. Jackson also indicated that Tischner Ford has volunteered the use of their vehicles for the Mayor and Council to use at the time of the Parade. The Mayor and Council appreciate and will accept the offer to use their vehicles.

Ms. Peterson addressed the Mayor and Council members also with regard to R.V. Parks. She indicated that fore sight and not hind sight should be used when addressing R.V. Park issues.

Ms. Peterson questioned if there is a law pertaining to Citizens approaching Commission Members to discuss Planning Commission Agenda Items. Legal Counsel Rich indicated there is not a particular law prohibiting this action but common practice is not to discuss the issues of a quasi-judicial nature, out of the Public Meeting.

Ms. Goudy addressed the Mayor and Council wanting to go on record, once again, that they are not happy with their situation pertaining to the sewer lagoons. She asked the Council to continue to take under consideration their letter presented to them last meeting. She has attempted to contact Utah Private Property Ombudsman Craig Call to have him come and review the situation, but has not made contact with him yet.

FORMAL PUBLIC HEARINGS

Amendments to the Santaquin City Code Providing for Classification of Home Occupation, the Permitting thereof, Codification, Inclusion in the Code, Correction of Scrivener's Errors, Severability, and Providing an Effective Date.

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

There was not any Public comments or questions.

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

Cemetery Lot Purchase Requirements

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

Ms. Crook addressed the Council with regard to a deed she received for cemetery lots she had purchased a number of years ago. She wanted clarification that her heirs would be entitled to be buried on those lots without her specifying which lots will be used by whom. Ms. Crook was told that under the current Ordinance, her heirs would be entitled to the burial lots. She was instructed to contact Sherron at the City Office for further clarification.

Mr. Goodall reported that he had two possibilities as to where he could be buried. Mr. Goodall was told to see Ms. Davis in the City Office for any specifics as to available burial lots within the Jerman and Goodall plots.

Ms. Crook indicated Ms. Davis helped her transfer family lots to an additional family member.

Council member Morgan reminded those in attendance that this Public Hearing is for addressing the Minimum Purchase of graves lots.

Mr. Greenhalgh indicated, a number of years ago, he tried to have his parents remaining graves transferred to his estate but was denied by the City. Mr. Greenhalgh was told to contact Ms. Davis for instructions as to how to get these deeds transferred.

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

Proposed Stratton Annexation

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

Mr. Dale Rowley addressed the Mayor and Council members with regard to the proposed Stratton Annexation. He was representing Chad Rowley, who was out of town. His Comments were a follow-up to a letter written to the City by Chad Rowley in which he expressed concerns about annexation because of potential complaints of residents of the proposed annexation and future development concerning the noise associated with the Controlled Atmosphere Apple Storage Building located within the proposed annexation. Mr. Rowley wanted to make sure the future owners of property close to this unit was aware of the potential noise. A suggestion was made to include this information on the recorded plat map as so anyone interested in the property would be aware of the potential noise.

Council Member Staheli indicated he is not in favor of development moving in on an existing business and forcing the business to relocate due to a newly perceived nuisance.

Another suggestion was made to have the noise metered on a decibel system and have the development begin outside the particular noise range. The City currently has an Ordinance for the guidelines pertaining to this issue. Mayor Scovill recommended all property owners come to some resolution pertaining to the potential noise.

Mr. Dale Rowley indicated the building could be used for any amount of time depending on the fruit crop.

Mr. Greenhalgh reported that some of the music being played by his neighbors is louder than some of the equipment that is currently being run.

Mr. Swan indicated to the Mayor and Council Members that he has talked with Chad Rowley with regard to this issue. Mr. Swan offered a draft of the Restrictive Convents associated with the proposed annexation and development to Chad Rowley for review.

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

Proposed water rates

Council Member Staheli moved to open the Public Hearing. Council Member Callaway seconded the motion with a unanimous vote.

Mr. Goodall indicated he has a corner lot that is required, by Ordinance, to be a larger lot. He would like the Mayor and Council to take into consideration these larger lots when adopting new rates.

Mr. Greenhalgh indicated there is a need to adjust rates but would like to have the people who use a lot of water and is not conservative pay for the usage.

Mr. Broadhead indicated there is State or Federal money is available for secondary systems, he suggested keeping a depreciation account so money is available when repairs are needed, and educate the Citizens on water conservation.

Ms. Westover commented she is not disturbed by the proposed increase but would like to see the funds generated by the rate increase stay within the water department.

Ms. Bott indicated those on a fixed income may be hurt by this proposed increase.

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

UNFINISHED BUSINESS

Discussion and possible action associated with the Greaves Annexation

It was reported by Kyle Spencer, Representative of the Greaves Annexation, they are interested in continuing with the annexation. A Council Work Session will be set to review the Annexation Agreement. Ms. Greaves will be in town sometime in August or September. Mr. Spencer will be responsible for requesting the Work Session with the Mayor and Council Members.

Discussion and possible action with regard to the City Landfill Fees.

City Manager Carter reviewed with the Mayor and Council a proposed Resolution associated with landfill fees. Council Member Clayson indicated the landfill is an asset to the City even if all Residents do not use it.

Council Member Staheli moved to approve Ordinance 7-02-2002 "City Landfill Fees" with adding to "E-3" the wording "or trailer of equal capacity", striking from "F-1" "after 12 uses", add to Section 3 the wording "with Winter Hours being adjusted", and in Section 4 strike out "by the Landfill Attendant" and list all permissible items. Council member Callaway seconded the motion. After a brief discussion the vote was unanimous.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Ordinance 7-02-2002 "AN ORDINANCE PROVIDING FOR CLASSIFICATION OF HOME OCCUPATION, THE PERMITTING THEREOF, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE."

Council Member Morgan indicated he had a number of comments on the proposed Ordinance as did Mayor Scovill. They were asked to contact Jim Bolser, Santaquin City Planner with regard to the comments. The general consensus of the Council was that they would like to have all questions asked before the next meeting so the Ordinance could be adopted that night.

Council Member Callaway moved to table Ordinance 7-02-2002. Council Member Clayson seconded the motion with Council Members Morgan, Callaway, Durrant, and Clayson voted in favor of the motion. Council Member Staheli voted against the motion, as Planning Commission Chair Rohbock was in attendance and may have been able to answer any questions regarding the Ordinance.

Ordinance 7-03-2002 "AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE SECTION 7-3-4 LOT OWNERSHIP"

Council Member Staheli moved to approve Ordinance 7-03-2002. Council Member Clayson seconded the motion with a unanimous vote.

Ordinance 7-04-2002 "AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE PROVIDING FOR ACCESSORY BUILDING SETBACK AND LOCATION REQUIREMENTS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE"

Council Member Morgan moved to approve Ordinance 7-04-2002. Council Member Durrant seconded the motion with a unanimous vote.

Resolution 7-01-2002 "Water Rates"

Council Member Durrant moved to approve Resolution 7-01-2002 with one typographical change. Council Member Clayson seconded the motion. Council Member Morgan reviewed with the City Manager the current analyses associated with the proposed rates. After the discussion the vote was unanimous.

REPORT OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager

City Manager Carter reported Mark Stevenson has accepted the position as the City Infrastructure Inspector. He will begin working August 1, 2002.

Planning Commission

Nothing

City Attorney

Nothing

City Engineer

City Engineer Fullmer indicated the bowl for the Cemetery pump has not been shipped. The projected ship date is Thursday. The driller has assured Engineer Fullmer they will install the bowl as soon as it arrives with the well beginning production soon after.

Also reported was that the road project is proceeding. A pre-construction meeting was held this week. The project should begin the middle of next week.

The Plans and Specifications, associated with the sewer lagoon winter storage expansion, are ready to submit to the Department of Water Quality. A Plan and Specification review time frame has not been set. Those in attendance were told that the plans will be submitted for review although other options are currently being explored.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Council Member Durrant reviewed fees associated with a proposed City Sign. He will make copies of the bid for the Mayor and Council Members to review.

Council Member Callaway reported the light poles are up at the park and the lights should be ready to use shortly. There are a number of people who would like to use the new field and form a ball league.

Council member Clayson questioned if a stoplight has been requested of UDOT. The light issue has not been addressed recently but Manager Carter will contact them once again.

Council member Morgan questioned if the Agriculture Protection Plan requested by Phil Rowley was approved. He was told it was not approved by the Mayor and Council Members on a City level but has been approved on a County level.

NEW BUSINESS

Discussion and possible action with regard to the Phil Rowley request to purchase, or enter into a long term lease agreement, associated with Santaquin City's Gravel Pit, adjacent to the South Ridge Farm's property.

Council member Durrant questioned if a permit would be required to extract gravel, for City use, out of the gravel pit in question. He was told the Mayor didn't know the answer to that question. At an earlier date,

Mayor Scovill was told by a County Representative, it would be best for the City to annex the property. A discussion was held as to whether an annexation into the City would be in the best interest of the City. Mr. Phil Rowley indicated he didn't have a need for the gravel but would like to control what he sees as a nuisance. At this point, the Council would like to retain the property known as the Gravel Pit for the City's use.

Discussion and possible action with regard to the Painter Single Lot Split.

Council member Staheli moved to refer back to the Planning Commission, upon the request of the City Planner, the Painter Single Lot Split. Council member Callaway seconded the motion with a unanimous vote.

Discussion and possible action with regard to a County water connection for Phil Rowley

Mayor Scovill reported that County Resident, Phil Rowley's well is not producing quality water. Mayor Scovill recommends being a good neighbor and make provisions to connect the Rowley's to the City Water System.

Council member Callaway indicated he didn't want to deny anyone a drink of water but he would like to have the Rowley's property annexed. Mr. Phil Rowley indicated he was not going to win this situation so he will look for another water option.

Mr. Rowley indicated he was not in favor of a temporary situation and he has not explored the option of annexation. He doesn't want to open a Pandora box and has the feeling the Council doesn't want to allow him a water hook up.

Council member Staheli moved to table this issue until next meeting. Council member Clayson seconded the motion. Council member Morgan recommended revisiting the Water Ordinance for changes dealing with connections. Legal Counsel Rich indicated an Emergency connection could be provided without setting precedence.

Council member Staheli withdrew his motion.

Council member Staheli moved to allow Mr. Rowley to access Mountainland Apples water connection and continue further discussion, of this matter, at the next Council Meeting. Council member Clayson seconded the motion with a unanimous vote.

AT 10:47 P.M. COUNCIL MEMBER CLAYSON MOVED TO EXTEND THE MEETING FOR 5 MINUTES. COUNCIL MEMBER STAHILI SECONDED THE MOTION. COUNCIL MEMBERS MORGAN, STAHILI, DURRANT, AND CLAYSON VOTED IN FAVOR OF THE MOTION. COUNCIL MEMBER CALLAWAY VOTED AGAINST THE MOTION.

BUSINESS LICENSES

Council Member Clayson moved to approve a new Business License for Brett Craig and Stan Craig D.B.A. 5-C Drywall and also for Craig Swan. Council Member Staheli seconded the motion with a unanimous vote.

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 10:52 P.M. Council Member Staheli moved to adjourn with a second from Council Member Durrant and a unanimous vote.

Approved on August 7, 2002.

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