

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
JUNE 19, 2002**

The meeting was called to order by Mayor LaDue Scovill at 7:00 P.M. Council members attending: Wesley Morgan, Walter Callaway, Shayne Durrant, and Marilyn Clayson. Council member Frank Staheli was excused.

Others attending: City Manager Roger Carter, Legal Counsel Brett Rich, City Engineer Shon Fullmer, Fire Chief Shayne Bott, Bruce Ward, Allen Reed, Andy Alexander, Archie Alexander, Joe Fowers, Keela Goudy, Andrew Goudy, Bryon Monson, Janet Wall, Donna Bott, Idonna Crook, Nanette Olson, JoDell Goodall, Shelly Goodall, Zaloma Goodall, Joe Davis, Denise Windley, Kelly Robbins, Craig Faler, Holly Peterson, Dennis Brandon, Gregg Magleby, Jessie Conway, Thad Rowley, Bruce Cottom, Julie Jarvis, Jeff Hansen, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Mayor Scovill led the Pledge of Allegiance.

PRAYER

Council member Morgan offered a word of Prayer.

APPROVAL OF THE MINUTES

Approval of the minutes of a Regular Meeting held on June 5, 2002.

Council member moved to Clayson approve the minutes of a Regular Meeting held on June 5, 2002. Council member Callaway seconded the motion with a unanimous vote.

Approval of the minutes of a Special Meeting held on June 12, 2002.

Council member Clayson moved to approve the minutes of a Special Meeting held on June 12, 2002 with 3 corrections. Council member Durrant seconded the motion with a unanimous vote.

CONVENE AS SANTAQUIN CITY REDEVELOPMENT AGENCY PUBLIC HEARING

Public Hearing with regard to the proposed Plan and Budget associated with the Santaquin City Main Street Redevelopment Project

Council member Durrant moved to enter into a Santaquin City Redevelopment Agency Public Hearing. Council member Clayson seconded the motion. Council members Morgan, Durrant, and Clayson voted in favor of the motion. Council member Callaway did not vote due to having property within the RDA area.

Legal Counsel Rich reviewed the current plans associated with the Redevelopment Agency. Legal Counsel Rich indicated the representatives of a proposed grocery store, as of yet, have not submitted a development plan. He requested the agency advice staff to revise the plan to exclude the proposed grocery store so that others, within the RDA area will be allowed to proceed with their prospective plans. The revised plans will be returned to the Mayor and Council for review.

Close the Redevelopment Meeting

Council member Clayson moved to close the Redevelopment Agency Meeting. Council member Durrant seconded the motion. Council members Morgan, Durrant, and Clayson voted in favor of the motion. Council member Callaway did not vote due to having property within the RDA area.

BILLS

Council member Callaway moved to pay the bills in the amount of \$ 39,485.33. Council member Durrant seconded the motion with a unanimous vote.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Award of the bid associated with the proposed Road Project

Council member Durrant moved to award the bid associated with the proposed roads project to H.E. Davis in the amount of \$483,770. Council member Clayson seconded the motion with a unanimous vote.

Janet Wall – Conditional Use Permit Appeal

Ms. Wall addressed the Mayor and Council with regard to an appeal associated with a Conditional Use Permit. Ms. Wall would like to construct a R.V. Park on the property behind the Wall Flower Business located at approximately 350 East Main. The Planning Commission denied the Conditional Use Permit during their meeting on June 12, 2002. Ms. Wall is proposing 21 fully equipped lots.

Planning Commission Representative Mr. Reed reported there are a number of issues associated with the plans for the proposed for the RV Park that the Planning Commission has concerns with.

Council member Morgan indicated RV Parks are not included in the Land Use Ordinance as a Conditional Use. Also proposed park is not consistent with the General Plan.

Ms. Windley indicated she lived behind the property proposed for the RV Park. She indicated she had a number of questions associated with the plans she would like answered. Ms. Wall indicated she would like to review the issues with Ms. Windley.

Ms. Robbins questioned if RV Parks are included in the Ordinance pertaining to the 1000' Multi Family issue. She was told that particular Ordinance did not apply to the issue at hand.

Council member Durrant moved to deny the Conditional Use Appeal based on information presented this evening. Council member Morgan seconded the motion with a unanimous vote.

ADDITIONAL PUBLIC FORUM

Mr. & Mrs. Goudy indicated they are not in favor of the proposed sewer lagoon expansion. Mr. Goudy indicated they were led to believe the issues associated with the sewer lagoon expansion would be resolved. Mrs. Goudy indicated that because they were led to believe this, they have not contacted the County Health Department to discuss issues Mrs. Goudy believes are relevant to the expansion. Mrs. Goudy indicated she would appreciate the Mayor and Council keeping in mind their situation. The Goudy's were reminded of the impending litigation initiated by their neighbors, which the Goudy's are not a party to.

The question was asked why land is being annexed in to the City if there is a sewer issue. Mayor Scovill indicated that in order to attract the commercial businesses the Citizens would like within the City, there is a need for rooftops.

Council member Morgan indicated that there is enough property within the City limits that could be developed that would impact the existing sewer lagoons without allowing additional annexations.

Mayor Scovill thanked the Goudy's for attending the meeting this evening and indicated to them, that they (the Mayor and Council members) are mindful of their situation.

FORMAL PUBLIC HEARINGS

Public Hearing with regard to the proposed 5M Annexation

Council member Durrant moved to enter into a Public Hearing with regard to the proposed 5M Annexation. Council member Callaway seconded the motion with a unanimous vote.

Mr. Magleby reviewed with those in attendance the proposed 5M Annexation. Mr. Magleby indicated that within the proposed annexation a number of land exchange have been agreed to by Nebo School District and the 5M Annexation Representative.

Mr. Brandon indicated he had fruit trees on ten acres adjacent to the proposed annexation and has a concern with spraying around the proposed school for that area.

Mr. Brandon was reminded that the City doesn't control what Nebo School District is planning for the proposed school site.

Mr. Cottom indicated he couldn't see how the well on the Eastside would benefit this proposed development.

He was told that completion of the Eastside Well benefited the whole City not just this proposed annexation.

Ms. Jarvis indicated she thought there is a water issue with allowing this development. She also indicated that with or without the annexation, the School District could, and would, take any of the Citizens property if the School District wanted to build a school in a particular area.

Mr. Rowley question the zoning associated with this property. He was told that a zone has not assigned to this annexation as of yet.

Mr. Hansen recommended increasing the Impact Fees to cover the costs of expanding the City Utilities. Mr. Hansen was informed that the Impact Fees currently being assessed are adequate as per the most recent Sewer Impact Study. He has also told the property Developers bear the cost of the required infrastructure.

Ms. Robbins indicated she believed there is currently a land discrepancy involving her father, Joe Fowers and the property owners associated with the proposed annexation. Ms. Robbins was told to contact a County Representatives for clarification.

Mr. Hawkins reported he had an issue with regard to power. Mr. Hawkins was informed that he needed to contact Utah Power with his concerns.

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

Public Hearing with regard to the Ordinance pertaining to Requirements of Pre-Qualification, Permits, and Bonding prior to Construction

Council member Durrant moved to enter into a Public Hearing with regard to the proposed Ordinance pertaining to requirements of Pre-Qualification, Permits, and Bonding prior to Construction. Council member Clayson seconded the motion with a unanimous vote.

Council member Morgan recommended making a change to Part 6 (Dig Permits) "Period of Use" to read emergency work or as authorized by the Public Works Director.

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

AT 9:10 P.M. COUNCIL MEMBER DURRANT MOVED TO TAKE A 10 MINUTE BREAK. COUNCIL MEMBER CALLAWAY SECONDED THE MOTION WITH A UNANIMOUS VOTE.

AT 9:20 MAYOR SCOVILL CALLED THE MEETING TO ORDER.

Public Hearing with regard to the Finalized 2001/2002 FY Budget

Council member Callaway moved to enter into a Public Hearing with regard to the Finalized 2001/2002 FY Budget. Council member Clayson seconded the motion with a unanimous vote.

Mayor Scovill reviewed with those in attendance the Finalized 2001/2002 FY Budget. There weren't any Public comments or concerns.

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

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Resolution 6-08-2002 "RESOLUTION ADOPTING THE 2002/2003 FY BUDGET"

Council member Durrant moved to adopt Resolution 6-08-2002. Council member Clayson seconded the motion. After a short discussion the vote was unanimous.

Ordinance 6-02-2002 "AN ORDINANCE SPECIFYING REQUIREMENTS FOR THE DEDICATION OF WATER IN CONNECTION WITH ANNEXATIONS"

Council member Callaway moved to adopt Ordinance 6-02-2002. Council member Durrant seconded the motion. Council member Morgan reported he has compared the "old" copy of the proposed ordinance with the most recent one. One paragraph and minor wording was included in the old copy is not included in the most recent version. Legal Counsel Rich indicated it was as an oversight and he will add the needed language. Council member Callaway amended his motion to included adding the recommended wording. Council member Durrant seconded the amendment with a unanimous vote.

PETITIONS AND COMMUNICATIONS

Nothing

REPORT OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager

Public works inspector is under way. City Manager Carter reported that there are approximately 37 individuals who have applied for the job of Public Works Inspector.

Also reported was that the pre cast is poured at the West Park for the park lighting. The lights should be installed within a couple of weeks.

Planning Commission

Mr. Reed reported the Planning Commission reviewed the proposed development associated with the Ercanbrack Annexation.

Also reported was that Andy Alexander was granted a Conditional Use Permit, for the length of 1 year, for a temporary storage for towing vehicles.

Gale Lim was also issued a Conditional Use Permit, for 2 years, to sell road base out of the pit located on the Summit Ridge Property.

City Attorney

Legal Counsel Rich reported he is working on a number of issues. One of the issues will be addressed later on the agenda.

City Engineer

City Engineer Fullmer reported the Cemetery well is currently being overhauled. The well is projected to be out of commission approximately 2 weeks.

The pre-construction meeting with the roads contractor will be held shortly. Engineer Fullmer will contact the Mayor and Council with a date and time for the meeting.

Council member Morgan questioned the time frame associated with the sewer lagoon expansion. He was told the design should be complete shortly. Upon completion the designs will be submitted to the State for approval.

Council member Callaway will contact J&J Landscaping for a time frame associated with completion of the Park in the Cottonwood Estates Subdivision.

Council member Clayson questioned who would be the City's Representative with the Summit Creek Irrigation Company. Council member Callaway will act as the Representative.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Nothing

NEW BUSINESS

Certification of the Openshaw East Annexation (dated May 13, 2002)

Council member Durrant moved to accept the Letter of Certification associated with the Openshaw East Annexation. Council member Clayson seconded the motion with a unanimous vote.

Discussion and possible action with regard to a quotation received by Environmental & Analytical Services associated with the City's Natural Gas Company

Council member Morgan indicated the proposal is not defined to his liking. Council member Callaway moved to approve payment, in the amount of \$890 per month, to Environmental & Analytical Services associated with the required training for the City's Natural Gas Company. Council member Durrant seconded the motion with a unanimous vote.

Certification of the Tax Rate for Utah County

Council member Durrant moved to authorize the Mayor to sign the documents associated with the Utah County Certified Tax Rate. Council member Callaway seconded the motion with a unanimous vote.

ITEM 14 BUSINESS LICENSES

Council member Clayson moved to approve a new Business License for Andy Alexander D.B.A. Alexander Towing. (The Conditional Use Permit was issued for one year) Durrant seconded the motion with a unanimous vote.

Discussion and possible action with regard to the Jeff Nielson Single Lot Split

Council member Morgan moved to approve the Jeff Nielson Single Lot Split. Council member Callaway seconded the motion with a unanimous vote.

Discussion and possible action with regard to the Peach Tree Estates (approximately 200 East 530 North)

Council member Clayson moved to approve the Preliminary plans for Peach Tree Estates. Council member Durrant seconded the motion. After a discussion with regard to the frontage requirements on a Corner lot, Council member Clayson withdrew the motion. Council member Durrant seconded the withdrawal. Council member Morgan moved to approve the Peach Tree Estates Subdivision with the condition lot 5 will adjusted to meet the 95 foot minimum dimension required for a corner not. Council member Callaway seconded the motion with a unanimous vote.

AT 10:35 P.M. COUNCIL MEMBER MORGAN MOVED TO EXTEND THE COUNCIL MEETING FOR 10 MINUTES. COUNCIL MEMBER DURRANT SECONDED THE MOTION. COUNCIL MEMBERS MORGAN, CLAYSON AND DURRANT WERE IN FAVOR OF THE MOTION WITH COUNCIL MEMBER CALLAWAY APOSING THE MOTION.

UNFINISHED BUSINESS

Discussion and possible action associated with Shannon Harris/Harris Food & Fuel zoning issues

Legal Counsel Rich reviewed the proposed plans submitted by Shannon Harris associated with the Harris Food & Fuel Zoning issues. Shannon Harris has agreed to install the sump to the City's specification along with a curb box. Mr. Harris will present Legal Counsel Rich with a letter of acceptability, from a Certified Engineer, as to the load limit associated with the existing retaining wall.

Council member Morgan moved to authorize the Mayor to sign the Memorandum of Understanding associated with the Harris Food & Fuel. Council member Durrant seconded the motion. Council member Callaway indicated he wasn't in favor of doing work for the State by installing sumps on the main Highway. After a brief discussion, the vote was unanimous.

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 10:47 P.M. Council member Callaway moved to adjourn. Council member Durrant seconded the motion with a unanimous vote.

Approved on July 3, 2002.

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