

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
APRIL 3, 2002**

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

Others attending: City Manager Roger Carter, City Engineer Shon Fullmer, Legal Counsel Bret Rich, Chief Dennis Howard, Quinn Davis, Shane Forester, Neal Caines, Wayne Holland, Mike Larsen, LaRain A Goodall, Shad Goodall, Dalayn Bing, Dude Ray, Kannon Berge, Logan Porter, Trau Auxander, Chris Lindquist, Jake Allsop, Matt Olson, Dallin Elmer, George Smith, Jesse Conway, Greg Magelby, Kirk Greenhalgh, Carmel Hall, Shayne Morris, and other unidentified individuals.

PLEDGE OF ALLEGIANCE

Council member Marilyn Clayson led the Pledge of Allegiance.

PRAYER

Mayor Scovill offered a word of Prayer.

APPROVAL OF THE MINUTES

Approval of the minutes of a Regular Meeting held on March 20, 2002.

Council member Durrant moved to approve the minutes of the RDA, which was held on March 20, 2002. Council member Clayson seconded the motion with a unanimous vote.

Council member Morgan questioned why the 300 South road issue wasn't on the agenda. He was told the issue would be discussed along with the future roads project.

BILLS

There were not any bills ready for approval.

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Mark Ahlin - discussion with regard to flood water liability

Mr. Ahlin indicated the Ahlin Property located in pole canyon is currently being used as a flood plain. He would like someone, other than the Ahlin's, to take responsibility for the liability. Mr. Ahlin will work with Council member Callaway and any other entity Representatives to resolve this issue.

Discussion and possible decision with regard to park lights

Council member Callaway reported the City is working on a plan to install lighting at the ballpark. He reported the lights should be installed this summer. (See attachment "A" for submitted bids)

Council member Callaway moved to award the bid associated with installation of the park lights, in the amount of \$38,000, to MUSCO. Council member Staheli seconded the motion with a unanimous vote.

Council member Callaway requested the Boy Scouts attending introduce themselves. There were a number of Scouts in attendance. They are currently working on a require Merit Badge.

FORMAL PUBLIC HEARINGS

Public Hearing with regard to the Openshaw Annexation

Council member Staheli moved to open the Public Hearing with regard to the Openshaw Annexation. Council member Clayson seconded the motion with a unanimous vote.

Quinn Davis requested a review of the proposed Openshaw Annexation. He question if the wash, to the East of the Canyon Road, would be included in the annexation. Mr. Davis was told the wash was annexed as part of the Silver King Annexation. Mr. Davis requested the same Restrictive Covenants be assigned to the proposed annexation as is assigned to the Silver King Subdivision.

Lori Manwell questioned what would happen to the dry wash behind her home. George Smith, Developer of the proposed Annexation, requested suggestions from the home owners adjacent to the wash. At this time there isn't any concrete plans associated with the wash.

A discussion was held with regard to notification to property owners, within a certain radius, that maybe effected by the proposed annexation. Some of the Council members recommended a notice be sent, as a courtesy, to property owners near the proposed annexation.

George Smith indicated he talked to Joe Fowers with regard to annexing the Fowers property. At the time Mr. Smith talked to him, Mr. Fowers wasn't interested in annexing.

Cory Hoffmeyer questioned what the proposed zone of the annexation would be. Mr. Smith indicated the requested zone is a R10 Zone. Mrs. Hoffmeyer indicated she would like to have quality homes in the proposed subdivision. Mr. Smith added that there maybe a probability of Restrictive Covenants.

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

AT 8:38 P.M. COUNCIL MEMBER DURRANT MOVED TO TAKE A 10 MINUTE BREAK. COUNCIL MEMBER CALLAWAY SECONDED THE MOTION WITH A UNANIMOUS VOTE.

AT 8:45 P.M. MAYOR SCOVILL CALLED THE MEETING TO ORDER.

Public Hearing with regard to the Community Development Block Grant

Council member Durrant moved to open the Public Hearing with regard to the Community Development Block Grant. Council member Clayson seconded the motion with a unanimous vote.

City Manager Carter stated that this is the second Public Hearing associated with the CDBG. During this Public Hearing all citizens will be allowed to provide input concerning the project that was awarded under the 2002/2003 Community Development Grant Program. The City has amended its Capital Investment Plan and decided to apply for funds on behalf of the Fire Hydrant Installation with in the City Core Area. City Manager Carter explained that the application was successful in the regional rating and ranking process and Santaquin City was awarded \$98,600. Mayor Scovill asked if there were any Public questions or comments. There weren't any Public comments. City Manager Carter indicated copies of the Capital Investment Plan are available if anyone would like a copy.

At 8:53 P.M. Council member Callaway moved to close the Public Hearing. Council member Clayson seconded the motion with a unanimous vote.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

Approval of the Alpine View Annexation and Development Agreement

A discussion was held with regard to the Annexation and Development Agreement. Mayor Scovill recommended tabling the agreement until water issues and street widening issues were resolved. Mayor Scovill

recommended entering into an Improvement Agreement with each property owner who isn't developing at this time. The cost, *for street widening*, for each property owner, for the proposed improvements, would be determined proportionally. Carmel Hall indicated she would be willing to grant an easement for the widening of the road at the time she develops her property.

A discussion was held with regard to widening of Center Street from 400 North to the Northerly City limits. A suggestion was made to have the Developer install the new road with an agreement allowing reimbursement from the property owner to the Developer when their property is developed.

Mayor Scovill indicated he would be uncomfortable authorizing development North of the City limits if all road easements are not in hand.

Council member Morgan proposed not requiring the Developer to acquire all easements associated with widening of the road way within the proposed annexation. He also recommended not including widening of all of Center Street from 400 North to the proposed Northerly City Limits *as part of the Alpine Project*.

Council member Callaway proposed having the property owners, as they develop, pay to the City, their proportionate share cost, assessed by frontage of property. At the time the total funds associated with widening of the road is collected, the City will contract to have the project completed.

Council member Morgan proposed including an 80' right of way. At the time of Development Review the City Engineer will determine the width of the Utility easement and Planning Strip within the 80' right-of-way.

No further action was taken on the Alpine View Annexation and Development Agreement.

Ordinance 4-01-2002 "AN ORDINANCE ACCEPTING THE ALPINE VIEW ANNEXATION AND DEVELOPMENT AGREEMENT" and Signing of the Amended Article of Incorporation.

Council member Staheli moved to table Ordinance 4-01-2002. Council member Durrant seconded the motion with a unanimous vote.

Resolution 4-02-2002 "A RESOLUTION TO INCLUDE ALL SQUARE FOOTAGE AS FINISHED, WHEN OBTAINING THE INITIAL BUILDING PERMIT FOR RESIDENTIAL CONSTRUCTION"

Council member Morgan indicated he was not in favor of this Resolution. He feels the City is collecting monies without providing a service. He questions if the Resolution is legal. Legal Counsel Rich will research the issue if the Council would like him to.

Council member Morgan moved to not accept Resolution 4-02-2002. The motion dies due to the lack of a second.

Council member Durrant moved to approve Resolution 4-02-2002. Council member Callaway seconded the motion. Council member Staheli, Durrant, and Callaway voted in favor of the motion. Council member Morgan voted against the motion. Council member Clayson was out of the room.

Resolution 4-03-2002 "A RESOLUTION SETTING PLAN REVIEW FEES ASSOCIATED WITH BUILDING PERMITS"

Council member Staheli moved to approve Resolution 4-03-2002. Council member Durrant seconded the motion. Council member Staheli recommended reviewing the Resolution in a year for any needed fee

adjustment. Council members Staheli, Durrant, Callaway, and Clayson voted in favor of the motion with Council member Morgan voting against the motion.

PETITIONS AND COMMUNICATIONS

Nothing

REPORT OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager

Nothing

Planning Commission

Introduction and scheduling of a Public Hearing with regard to An Ordinance Amending the Santaquin City Code Providing for Corrections and Clarification, Codification, Inclusion in the Code, Correction of Scrivener's Errors, Severability, and Providing an Effective Date.

The required Public Hearing will be set for the first Council meeting in May.

City Attorney

Nothing

City Engineer

Discussion and possible action with regard to lining the existing irrigation pond.
Moved to later in the agenda

Update on the Long Term Sewer RFP

Issue will be discussed in a Work Session

Update on the Collection System model

Issue will be discussed at a work session which will be held on April 10th, and begin at 6:00 P.M.

Police Chief

Petition for Stop Sign along 690 East

Chief Howard addressed the Mayor and Council with regard to posting stop signs along 690 East. Residents requested installing a stop sign at 690 East 300 South, painting cross walks, and adding a child X-ing sign along 690 East. The Maintenance Department will be notified of installing the Stop Sign and the Child X-ing Sign. A contractor will be contacted with regard to striping of the proposed cross walks.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Nothing

NEW BUSINESS

Discussion and possible decision with 5M with regard to a proposed annexation

Mayor Scovill will contact Mr. Fowers with regard to allowing his property to be included in the 5M proposed Annexation. Further discussion will be held at a later date.

Review and possible approval of the Goodall Single Lot Split

Council member Staheli moved to approve the Goodall Single Lot Split. Council member Callaway seconded the motion with a unanimous vote.

Discussion and possible action with regard to extension of sewer lines to the Dan Whiting and Kenneth Rowley property on 100 West

Council member Staheli moved to have the City run the sewer laterals to the property lines and assess the property owner's \$250 connection fee. Council member Clayson seconded the motion with a unanimous vote.

AT 10:30 COUNCIL MEMBER CLAYSON MOVED TO EXTEND THE COUNCIL MEETING FOR 20 MINUTES. COUNCIL MEMBER STAHELI SECONDED THE MOTION WITH COUNCIL MEMBERS STAHELI, MORGAN, AND CLAYSON VOTING IN FAVOR OF THE MOTION. COUNCIL MEMBERS CALLAWAY AND DURRANT VOTED AGAINST THE MOTION.

BUSINESS LICENSES

Council member Clayson moved to approve a new Business License for DeLyle Kay D.B.A. Outdoor Service, David C. Scartino D.B.A. B & D Auto, Mark F. O'Donnell D.B.A. Rocky Mountain Imaging, and Jody Briggs D.B.A. Forever Yours Photo. Council member Staheli seconded the motion with a unanimous vote. Business licenses for Jay Jensen D.B.A. Jensen Pest Solutions and Sean Nielsen D.B.A. Triple T Marketing, were not granted until further information may be obtained.

Discussion and possible approval of the Eastside Subdivision "Plat E"

A discussion was held with regard to a number of issues pertaining to the Eastside Subdivision as a whole. Legal Counsel Rich questioned if Mr. Morris has evidence the 8 foot overlap, associated with Plat "E", has been deeded to the new owner. Mr. Morris indicated the 8 feet overlap is actually a fence line. He is not disputing ownership of the 8 feet any longer.

Council member Clayson to table the approval of the Eastside Subdivision Plat "E" amended map. Council member Callaway seconded the motion. Council member Morgan indicated he was not in favor of holding Mr. Morris hostage with regard to issues not pertaining to Plat "E". Council members Clayson and Callaway voted in favor of the motion. Council members Staheli, Morgan, and Durrant voted against the motion.

Council member Staheli moved to approve Plat "E". Council member Durrant seconded the motion. Council member Callaway indicated he would like the motion to include the City receiving the deed for the park, payment of the water tank, and receiving the water shed protection easement. Council member Staheli moved to include the recommendations in the motion. Council member Durrant seconded the amendments with a unanimous vote.

PERSONNEL ISSUES

City Manager Carter reviewed a recommended personal change. He recommended appointing Jody Thomas as the City Treasure. Appointment will take place in the next Council meeting.

UNFINISHED BUSINESS

Nothing

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 11:15 P.M. Council member Clayson moved to adjourn. Council member Callaway seconded the motion. Council member Clayson withdrew the motion before a vote was taken.

Discussion and possible action with regard to lining the existing irrigation pond.

Council member Durrant moved to approve relining of the irrigation pond, not to exceed \$15,000. Council member Callaway seconded the motion with a unanimous vote.

ADJOURNMENT

At 11:18 P.M. Council member Clayson moved to adjourn with a second from Council member Durrant and a unanimous vote.

Approved on April 17, 2002 with changes.

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