

**MINUTES OF A REGULAR COUNCIL MEETING
HELD IN THE SENIORS CENTER
NOVEMBER 7, 2001**

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

Others attending: City Manager Roger Carter, Legal Counsel Brett Rich, Police Chief Dennis Howard, City Engineer Shon Fullmer, Neal Caines, Naomi Greenhalgh, Karl Greenhalgh, Sara Phillips, Harriet Hallett, Scott Schaerer, Jeff Bradley, Bob Lynds, Troy Kunz, Steve Beavers, Carol Beavers, Wes Morgan, Nell Morgan, Allen Washburn, Wayne Reaves, Kelly Wheeler, Jody Thomas, Jeremy Thomas, Bill West, Thomas Peterson, Sumner Swanner, and Kent Wilkerson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council member Staheli.

PRAYER

Ms. Morgan offered a word of Prayer.

APPROVAL OF THE MINUTES

Approval of the minutes of a Special meeting held on September 27, 2001, a Regular meeting held on October 16, 2001, and a Special meeting held on October 25, 2001.

Council member Durrant moved to approve the minutes of a Special meeting held on September 27, 2001. Council member Clayson seconded the motion with a unanimous vote.

Council member Staheli moved to approve the minutes of a Regular Council meeting held on October 16, 2001 with 2 changes. Council member Clayson seconded the motion with a unanimous vote.

Council member Durrant moved to approve the minutes of a Special meeting held on October 25, 2001. Council member Greenhalgh seconded the motion. Council members Greenhalgh, Durrant, Callaway, and Staheli voted in favor of the motion. Council member Clayson was absent for the meeting so she did not vote.

BILLS

Council member Staheli moved to approve payment of the bills in the amount of \$156,678.18 with the City Engineer reviewing the Sunrise billings. Council member Durrant seconded the motion with a unanimous vote.

FORMAL PUBLIC HEARINGS

None

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Ms. Wheeler questioned when the park would be completed at the Cottonwood Twin Homes. Ms. Wheeler was told the deed was not free and clear of encumbrances therefore that question could not be answered.

Ms. Morgan questioned if the sign on the Sorenson Property is valid. She was told that the property has indeed been sold and Representatives of a grocery store chain has purchased the property.

Opening of the bids associated with the Summit Ridge Special Improvement District
(See attachment "A" for breakdown)

At 8:00 P.M. Council member Callaway moved to take a 10 minute break. Council member Durrant seconded the motion with a unanimous vote.

At 8:10 P.M. Mayor Scovill called the meeting to order.

INTRODUCTIONS AND ADOPTION OF ORDINANCES AND RESOLUTIONS

None

PETITIONS AND COMMUNICATIONS

Acceptance or denial of the Petition for Annexation associated with the Alpine View Annexation
Council member Staheli moved to table the Petition for Annexation associated with the Alpine View Annexation until the maps match the Petitions submitted. Council member Clayson seconded the motion with a unanimous vote.

Presentation on the Nebo Vision Project

Mr. Swanner presented the Mayor and Council members with information associated with the Nebo Vision Project. He left business cards for them to contact him if they have any questions with regard to the maps and information after they reviewed them.

REPORT OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

Police Chief

Chief Howard reviewed with the Mayor and Council members information with regard to the Reserve Officers. (See Attachment "B" for directive information)

Mayor Scovill commended the Chief Howard, the Officers and the Police Department as a whole for the job they are doing.

City Manager

City Manager Carter didn't have anything to report. Council member Durrant thanked City Manager Carter for a job well done.

Planning Commission

The Mayor and Council members received in their packets an update from the Planning Commission. (See attachment "C")

City Attorney

Legal Counsel Rich offered to meet with the Mayor and Council members at anytime to bring them up to speed on any issue or to answer any questions.

City Engineer

Engineer Fullmer reported that Valley Asphalt promised the Egress and Ingress lanes would be started this week.

Sydney Pointe Plat "B" – Review and possible Final approval

Council member Durrant moved to give Final Approval for the Sydney Pointe Plat "B" Subdivision with lot 23 or lot 24 being used as a turn around and not being allowed to be built on. Council member Clayson seconded the motion with a unanimous vote.

Sydney Pointe Plat "C" – Review and possible Final approval

Council member Durrant moved to give Final Approval for the Sydney Pointe Plat "C" Subdivision. Council member Clayson seconded the motion with a unanimous vote.

Apple Cove Plat "A" – Review and possible Final approval

Mr. West addressed the Mayor and Council members with regard to allowing them to provide water rights at the time of recording of the Apple Cove Plat "A" Subdivision plat. (See attachment "D") Council members Durrant and Clayson feel the Ordinance needs to be followed. Council member Staheli indicated he would like to have all required water rights presented to the City and then have the annexation recorded. Legal Counsel reminded those in attendance that the Annexation Agreement was reviewed by all parties before it was signed. The decision was made to require all water rights associated with the Annexation. Mr. West will contact Mayor Scovill with a date that the water rights will be delivered to the City. Legal Council Rich suggested recording the Annexation Plat before the City has possession of the water rights. He makes this suggestion because the City has the signed Development Agreement. The approval of the Apple Cove Subdivision will be given upon receiving the water rights.

Council member Clayson moved to table the Final Approval for the Apple Cove Plat "A" Subdivision until the next Council meeting. Council member Staheli seconded the motion. Council members Greenhalgh, Clayson, Durrant, and Staheli voted in favor of the motion with Council member Callaway voting against the Motion.

Apple Cove Plat "B" – Review and possible Final approval

The Planning Commission has not reviewed Apple Cove Plat "B". This issue will be discussed at a later date.

It was reported that the sewer lagoons have capacity for this year's winter storage. Council member Greenhalgh suggested doubling the sewer trunk lines along 400 North. These issues will be discussed in a work session.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Council member Staheli – Discussion and possible decision with regard to an entry in the Light Parade

Council member Staheli indicated that Tischner Ford will lend the Council a vehicle for them to use for the light parade.

Council member Staheli reminded those in attendance of the Preparedness Fair on Saturday.

Council member Staheli reported he has prices associated with renting a cabin for a Mayor and Council retreat. City Manager Carter will get the information from him closer to the time of the retreat.

NEW BUSINESS

Approval of Hallett "B" Subdivision (vacating a single lot split)

Council member Staheli moved to approve vacating a single lot split which will be known as the Hallett "B" Subdivision. Council member Durrant seconded the motion with a unanimous vote.

IMGA Contract for pipeline transportation on 104- Discussion and possible action

Council member Durrant moved to authorize the Mayor to sign the IMGA Contract and deposit up to \$8,057.25 in escrow. Council member Staheli seconded the motion with a unanimous vote.

Discussion and possible action with regard to the Proposed County Subdivision North of Santaquin, which will be Zoned TR-5

Mayor Scovill reported he mailed a letter to the County Planning with regard to Bill Ferguson's request for a TR-5 Zone. The Council were not in favor of the City utilities servicing a County based subdivision. The property of the proposed subdivision is located approximately ½ to ¾ miles from the current City boundary.

Certification of the Ercanbrack Annexation

Council member Staheli moved to accept the Certification of the Ercanbrack Annexation. Council member Durrant seconded the motion.

Discussion and possible action with regard to acceptance of partial water required for the Peterson Addition Annexation

This was discussed earlier in the meeting.

UNFINISHED BUSINESS

None

BUSINESS LICENSES

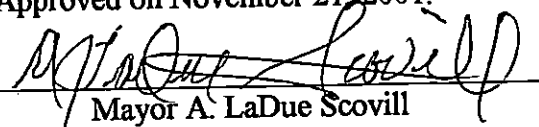
Council member Clayson moved to approve a new Business License for Sandra Orme DBA Orme's Daycare, Amber Bascom D.B.A. Daycare, Shayne Merritt D.B.A. CPR Comm, and Shane Oliver D.B.A. Oliver Heating and Refrigeration. Council member Durrant seconded the motion with a unanimous vote.

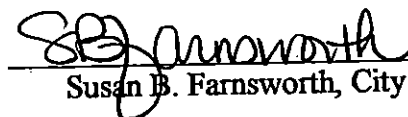
EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of a individual)

ADJOURNMENT

At 10:10 Council member Durrant moved to adjourn with a second from Council member Staheli and a unanimous vote.

Approved on November 21, 2001.


Mayor A. LaDue Scovill


Susan B. Farnsworth, City Recorder

[illegible]



SANTAQUIN/GENOLA POLICE DEPARTMENT

Chief Dennis Howard
Sergeant Rodney Hurst
Phone : 754-3211

SANTAQUIN CITY POLICE DIRECTIVE 10-01 Reserve Officer

Reserve officers will complete 300 hours of training while accompanied by a full time Santaquin City Police Officer. Reserve officers will have a time period of 18 months to successfully complete the training. If unable to complete the training within the specified time period, the reserve officer will be removed from the Reserve Officer Program.

All training will be completed by the reserve officer on his/her own time *with no compensation*. Initial uniforms will be provided by the reserve officer. Santaquin City Police Department will provide maintenance of the uniform. The reserve officer will provide his/her own .40 caliber semi-automatic handgun for firearms training. The handgun must be approved by Santaquin City Police Administration.

The reserve officer field training will consist of but not be limited to the following:

- Report writing
- Records system
- Radio protocol
- Firearms training

After successful completion of training, the reserve officer may be placed in a part time position, depending on availability and administrative review. Full time positions will be filled after a competitive examination, not limited to part time officers. Preference will be given to part time officers.

PLANNING COMMISSION REPORT

Held in the Council Chambers

October 11, 2001

Commissioners present: Chairperson, Brent Norton, Julie Jones, Doug Rohbock, and Allen Reed

Commissioners absent: Wes Morgan, Mick Peterson, and Rick Steele.

Others present: City Planner Jim Bolser and Planning Commission Clerk Jane Swan.

Citizens present: Kevin Kester, Terry Kester, Walt Orvis, Merelda Davis, Neil Caines, Frank Staheli, and Marilyn Clayson.

Due to a lack of quorum, Commissioner Rohbock moved to postpone the agenda items from this meeting until the next regularly scheduled Planning Commission meeting. Commissioner Jones offered a second with a unanimous approval vote.

DISCUSSION

Marilyn Clayson was present as a representative of the Economic Development Committee. Ms. Clayson explained that the committee is concerned about communicating with the Commission. She proceeded by reading their mission statement and asking the Commission about commercial and economic development within the City and if there is a formalized approval process. City Planner Bolser said the committee is not a formal ordinance currently outlining the process at this time, although the City does follow a certain procedure. He explained that a formal ordinance is in the works and nearly complete. He told Ms. Clayson he would get her a copy of the most updated draft version.

Ms. Clayson said the Economic Development Committee would like to get to know the Planning Commission better and work towards the same goals. Commissioner Jones asked if they would like to work together in a work session. Ms. Clayson replied that would be a good idea.

Kevin Kester asked about a development he submitted plans for at 420 West Main Street and held a zoning change public hearing in May. He wanted to know where his development is at. He was concerned because he had paid the required fees and not been notified of acceptance or denial. Chairman Norton explained that was the intention of the public hearing tonight. There was a previous public hearing concerning changing the zoning to C-2 which would conditionally permit his proposed development. Citizens at the public hearing were overwhelmingly against a zoning change to C-2. For that reason, an RC-1 classification was pursued and that was the intention of this public hearing tonight. Under the newly constructed regulations under the RC-1, however, minisheds were taken out as a conditional use in its current draft form. City Planner Bolser explains he could possibly put minisheds on the property if they are for the use of the trailer park residents only as accessory buildings. He would not be able to rent them out to the general public under that situation though.

11-7-01 City Council Attachment "C-2"

ADJOURNMENT

Commissioner Rohbock motioned for adjournment and Commissioner Jones offered a second.
Unanimous approval vote.

PLANNING COMMISSION REPORT

Held in the Council Chambers

October 25, 2001

The meeting was called to order by Planning Commissioner Brent Norton at approximately 7:00 p.m.

Commissioners present: Chairperson, Brent Norton, Wes Morgan, Doug Rohbock, Rick Steele, and Allen Reed

Commissioners absent: Julie Jones and Mick Peterson.

Others present: City Planner Jim Bolser and Planning Commission Clerk Sherron Davis.

Citizens present: Walt Orvis, Merelda Davis, Larry Davis, Joe Davis, and Valerie Butler.

SUSTAINING VOTE

Due to a lack of quorum needed to hold business during the meeting of October 11, 2001, Commissioner Rohbock motioned to sustain the motion for adjournment of the meeting of October 11, 2001 due to lack of quorum. Commissioner Reed seconded the motion with a unanimous vote.

APPROVAL OF MINUTES

Following review, Commissioner Rohbock motioned to approve the minutes of September 27, 2001. Commissioner Reed seconded the motion with a unanimous vote.

Following review, Commissioner Morgan motioned to approve the minutes of October 11, 2001 as corrected. Commissioner Rohbock offered a second to the motion with a unanimous vote.

PUBLIC HEARING

Commissioner Rohbock motioned to open the public hearing for the creation and possible application of the RC-1 zoning classification. Commissioner Reed offered a second to the motion with a unanimous vote. Commissioner Morgan began the discussion with a brief statement regarding the history of the creation of this zoning classification. Mr. Joe Davis and Ms. Merelda Davis offered comments regarding a proposal they had turned in a few months earlier for storage sheds along Main Street and was curious as to the status of their proposal. Commissioner Morgan explained that the meetings regarding their proposal, and the rezoning that would have been necessary, spawned the discussion of the creation of the RC-1 zone. Furthermore, due to public opinion, the Planning Commission felt it to be appropriate to create this new classification rather than change the zoning to C-2. Further discussion was held with regards to the provisions within the proposed zoning and the approval process still to come.

Commissioner Rohbock motioned to close the public hearing as no further comments were offered from the public. Commissioner Reed seconded the motion with a unanimous vote.

Following Commission discussion, Commissioner Rohbock motioned to approve the creation of the RC-1 zoning classification with the recommendation to the City Council for application of the zoning along Main Street from the current westerly boundary of the C-2 zone to the current easterly boundary of the C-1 zone, being applied as an extension of the current C-2 zone (350 feet either side of the Main Street right-of-way center line. Commissioner Steele offered a second with a unanimous vote.

PRESENTATION

A representative of Swaner Design was present to discuss the results of the Nebo Community Vision project and the subsequent project chosen by the Planning Commission. The Planning Commission chose to have a review of the City's Transportation Plan done for Santaquin's project. Swaner Design provided the review and presented their findings.

ACTION ITEMS

Sydney Pointe, Plat "B" & "C". Following a short overview of the plans, Commissioner Rohbock motioned to give final approval to the subdivision. Commissioner Reed seconded the motion with a unanimous vote.

Aspen Academy of Learning. Ms. Butler presented a concept plan for a private grade school she is proposing as a conditional use. Discussion continued concerning the nature and design of the building, grade levels to be taught, the number of anticipated students, parking fencing and teacher certification. Following discussion, Commissioner Rohbock motioned to approve the conditional use concept plan for the Aspen Academy of Learning. Commissioner Steele seconded the motion with a unanimous vote.

Corner Lot Ordinance. City Planner Bolser gave a brief explanation of the nature of the ordinance and the reasons for its amendment. Following discussion Commissioner Morgan motioned to accept the Corner Lot Ordinance and schedule a public hearing to be held during the regularly scheduled meeting of November 9, 2001.

Full Zoning Ordinance. Following brief discussion, Commissioner Reed motioned to accept the full zoning ordinance with amendments for grammatical and other minor errors and scheduling of the public hearing for the regular meeting of November 9, 2001. Commissioner Rohbock seconded the motion with a unanimous vote.

Sexually Oriented Businesses Ordinance. City Planner Bolser gave a brief explanation as to the nature and reasons for such an ordinance. Discussion and review continued and City Planner Bolser offered to edit the ordinance as recommended by the Commission and return it to the Commission for approval.

ADJOURNMENT

11-7-01

City Council

attachment "C-5"

Commissioner Rohbock motioned for adjournment and Commissioner Reed offered a second with a unanimous approval vote. Time of adjournment was approximately 10:25 p.m.

Copy

Attachment "D-1"
11-7-01 Council
meeting

**Timp Ridge Development
65 North 100 East
Pleasant Grove, Utah 84062
801-785-8025
801-785-4168 FAX**

MEMORANDUM

TO: Mayor Scoville and City Council
FROM: Bill West and Tom Peterson
DATE: October 26, 2001
SUBJECT: Water Rights for Apple Cove Subdivision

We would like to propose an amendment to the Annexation and Development Agreement-Peterson Annexation. Every other city we have developed in does not require water rights to be turned into the city until the plat is ready to record. In Utah, a city is not obligated to provide city services until a plat is recorded. It appears that the city has adequate water rights since we are being allowed to pay money to the city in lieu of giving water rights. It causes an unnecessary financial burden on us to pay for the water now rather than when it is really needed. Since we are developing property in phases, we propose to give the water rights or money for phase 1, and defer on phases 2 and 3 until we move ahead with them. The city water ordinance No. 5-01-2001, Section D.-Exceptions should justify this approach. Also, it will then not require that we give water for the Goodall Property that is not being developed. This is in line with what we were told when the additional property was added to make the annexation work.

We appreciate your consideration of this proposal.

Bill West

Copy

Apple Cove Annexation
Water Calculations

	<u>Acreage</u>
Peterson Parcel	12.72
Robbins Parcel	4.92
Goodall Parcel	4.52
Degraffenreid Parcel	<u>4.72</u>
Total	26.88
Goodall additional (No Water)	<u>1.70</u>
Grand Total	28.58
Less Goodall (No Water)	-1.70
Less Degraffenreid	-4.72
Less Sewer Pump House	<u>- .22</u>
	21.94 x 2.5 = 54.85

We need to give 54.75 Ac. Ft.

Peterson has 7 shares x 1.8 Ac. Ft./ Share, which is 12.6 Ac. Ft. We are short 42.25 Ac. Ft. x \$1800 = \$76,050.

Phase 1- 6.54 Ac. x 2.5 = 16.35 Ac. Ft.

Less 12.6 in shares

Leaves 3.75 Ac. Ft. x \$1800 = \$6,750

To: Mayor and City Council Members
From: Roger
Date: 11-2-01
Subject: Peterson Annexation Water Issues

Recently the Individuals associated with the Peterson Annexation have raised two issues with regard to the status of water conveyance pertaining to the annexation.

Issue #1: The request has been made that instead of conveying the required water at the time of annexation the water be conveyed at the time of development. The water rights will be conveyed sufficient enough to supply the proposed plat development. The existing wording of Section 8, of the current codified code, does not allow for this to happen. The intent of this Section is that all land annexed into the City be accompanied by the water right sufficient to accommodate the needs of the existing and potential occupants of said land (section 8-1-10)

According to Ordinance 8-01-2001, which is the Annexation Agreement associated with the Peterson Annexation, it is stated very clearly in Section 3.1.1.2 that water rights at the level of 2.5 acre feet per acre needs to be dedicated to the City.

With regards to the request of conveying water in development phases, currently our Code does not allow for this nor does the Annexation Agreement, which has been executed by all Annexation Petitioners. The issue of conveying the required water rights has never been discussed with the Council during any of the past discussions. It has been mentioned, by the Annexation Representatives, that current case law indicates what should or should not happen with the conveyance. Santaquin City's current Ordinance has been reviewed and is found to be in compliance of State Law.

Issue #2: The indication has been made that Mr. Goodall does not intend to develop his land which was included in the Peterson Annexation. Mr. and Mrs. Goodall signed the Annexation Agreement which stipulates that water would be provided at the completion of the annexation.

The Goodalls do have a responsibility for water conveyance, if you look at it strictly from a contractual stand point. However, under Section 8-1-10 of the Santaquin Code item "D", there is a provision allowing for those property owners who do not intent to develop there property. It is stated that the conveyance of water rights maybe deferred.

The decision needs to be made that if the Goodalls don't convey their water rights, do we hold up the development process or does the Goodall portion get deferred until they develop.

Deferring of water right is not the case however with the developers of the Peterson land or the DeGraffenried land.