

MINUTES OF A PUBLIC HEARING  
HELD AT THE CITY CENTER  
MARCH 17, 1993

Present: Mayor D. Lynn Crook and Councilmembers, Keith Broadhead, Max Holman, Hottt Carter, Calvin Wall and David Hathaway.

Representatives present from:

Sunrise Engineering Inc. - Val Kofoed  
Olsen, McIff & Chamberlain Attorneys At Law - Kay McIff  
State of Utah Division of Water Quality - J.D. McDonald  
Farmers Home Administration - Paul Howard

Residents who signed the register (many did not sign): Earl Williams, Jr. & Maurine Ross, Ann Wall, Kim Broadhead, ElRay Davis, Dale Rowley, Ray Rowley, Brenda Leifson, Beckie Shepherd, John Trech, Brent Vincent, Glade & Kellie Robbins, Dennis Carisle, Mike Mendenhall, Paul Bean, Brent Cory, Randy & Marilyn Peterson, Wade Garner, Lee & Janet Kelley, Fred & Collett Openshaw, Doug Holman, Sherman Jones, Dale & Jeri Bascom, Kent Butler, Berk & Clarice Peterson, Kathie Stringham, Lee Leifson, Ron Holt, Brad Greenhalgh, Afton Smith, Wyatt & Brenda Wall, Clara Goudy, Don & Bonnie Kay, Clement Kester, Andrew Goudy, Barbara Craig, Terry Gardner, Robert Hales, Farrel Bott, Reed Jensen, Kurt Stringham, Thays Stanley and Sherron Davis.

The meeting was called to order by Mayor D. Lynn Crook at 7PM. Mayor Crook stated the meeting was called to inform the citizens on the status of the proposed sewer project and get their input.

Mayor Crook's introduction:

Mayor Crook reviewed the history of the sewer project stating the original lagoon site was west of town. This was changed to north of town as it would allow a gravity flow system. On December 17, 1991 a protest on the north site location was recieved from the fruit growers. A third option, join Payson's facility was pursued for about a year before being ruled out. The Court allowed soil tests on the Rowley property, best location, and twenty acres was purchased from Saunders, adjoining property owner. To continue pursuing the north location will involve a costly court situation and delay the project. A compromise site west of town has been negotiated with the Kay family, property owners. This option would increase the cost of the original estimate by one million dollars. Additional funding has been secured including an \$800,000 grant, a ten year extention on the interest free loan and a promised contribution from the fruit growers. This would keep the customer's monthly fee as originally projected. There are advantages and disadvantages to each location. Going north would be the most cost effective if court action was not involved. The City, engineers, attorney, and funding agencies have investigated every concern of the fruit growers. This is a unique situation with possible damages from unknowns. Going west would require a lift station but pumping costs would be offset with a crop irrigated with the discharge water. Going west would also eliminate a threatened complete environmental study which could take eighteen months and cost over \$100,000. A lengthy court battle would divide the citizens, destroy the spirit of cooperation that exists between all

organization and the Council and postpone the sewer project two years. If a compromise can be agreed upon the project could go to bid in three months.

Mayor Crook said Attorney Kay McIff, Val Kofoed, Engineer and Kenyon Farley, fruit grower were present and he encouraged the citizens to ask questions to give the issue a real airing.

Val Kofoed stated as an engineer he was obligated to design the lowest cost sewer alternative. This would be the north location as it would allow a gravity flow system. Val stated all the land owners' concerns were investigated and determined no health hazard would exist. But the fruit buyers preception forced the fruit growers to protest the north site location near their orchards. Mr. Kofoed reviewed the additional funding made available to allow the project to locate west of town at no increase to the user. He reviewed the design of the west site proposal with the aid of an overhead projection.

Question - how many pumps at the pumping station.

V. Kofoed - two pumps, one sized to handle the entire sewage. If one pump should fail it switches to the second pump. Both pumps could operate on demand plus there is a generator in case of power failure.

Question - how large is the collection reservoir.

V. Kofoed - 10'x10' and 20' deep in the ground.

Question - what is the lifetime projection of lagoons.

V. Kofoed - the system is designed for 100 years with 20 year growth projection. It can be expanded if the need exists.

Question - what was the original cost of the project and the cost now.

V. Kofoed - \$5,000,000 the cost now is \$6,008,400.

Question - what contributes to the additional cost.

V. Kofoed - the pumping station, the forced main, the purchase of additional acreage needed at the site and the lining of the lagoons. (the soil does not have as much clay in it)

Question - was there an environmental assessment done on the west site.

P. Howard - in the original planning of the project there was an assessment made of the whole project. The funding agencies feel they have satisfied the law. If an environmental study is requested it will come from outside the agencies.

Question - has there been complaints from the County on ground water.

Mayor Crook - no, the E.P.A. did put restrictions on landfills. After October 9, 1993 all landfills not in compliance will have to close. The new law requires landfills to do test wells.

Question - will there be problems with the sewer system going west.

Mayor Crook - no, the only orchard involved with the west location is Phil Rowley's and Mr. Rowley cooperative.

Question - what about other landowners.

Mayor Crook - the west site involves Phil Rowley, Don Kay and Summit Creek Irrigation Co. and they expect cooperation.

Question - what if you have same problems on the new site.

Mayor Crook - we have made it clear to everyone involved with the west site location that if we have to go to court over anything we will go to court for the north site as agreed by City Council.

Comment - I do not understand the environmental concerns, other similar plants have had no environmental impact, I only see benefits for the fruit growers.

Mayor Crook - that's what we have tried to prove to the fruit growers.

Comment - isn't the concern of the fruit growers really about future property development and not about growing fruit.

V. Kofoed - fruit growers have been threatened by their buyers. It is what the buyers perceive when lagoons are present. Fruit growers do not want to be at risk. It may be a buyer will not buy fruit grown near a sewer lagoon even if studies prove no hazards. This would result in a law suit against the City. With the additional help from the funding agencies, these problems can be avoided plus the citizens will not be divided with a lengthy court battle.

Question - how large of a reserve account must the City maintain.

P. Howard - most public financing requires a reserve account be accumulated to an amount equal to a one year payment and then maintained. One loan requires this accumulation to peak in six years the other loan in ten years at which time the rates could be re-evaluated.

Question - are you reasonably certain the fruit growers to the north won't protest the west site. He suggested the City buy the cherries for a million dollars and resale them.

V. Kofoed - the City has considered everything and it may cost a million dollars in court.

Comment - Why not spend the extra million required for the west site to buy into the cherry market.

Mayor Crook - the funding agencies have come to our rescue with an \$800,000 grant to avoid delays and problems.

Question - what will you do with the Saunders' property.

Mayor Crook - resale it or Saunders' may take it back.

Question - if in twenty years a regional sewer plant is constructed to the north would Santaquin participate.

Mayor Crook - if Santaquin is involved their system could be hooked up and ran to the regional plant or our own system could be expanded. There are advantages and disadvantages in going west. The citizens will have to decide if it is worth \$293,000 to get along with the fruit growers. Projects always require change orders. Councilman Keith Broadhead was the inspector over Santaquin's water project and he kept the change orders to a minimum saving Santaquin thousands of dollars. We hope for the same arrangement with the sewer project.

Question - if funds are built up over the required reserve how would that impact the project.

Mayor Crook - sewer fees should be adjusted.

Question - cost of hookup fees.

Mayor Crook - connection fees should be \$375. The property owner is responsible for the line on his property. The estimated cost would be \$1,000 to \$1,500. Santaquin has obtained a \$70,000 grant to assist LMI residents with their connection fee. Also available is assistance from Farmers Home to LMI residents over sixty years of age.

Question - if you live in the City do you have to connect to the sewer.

Mayor Crook - If you are within 300' you will be required to pay the monthly fee but will not have to hookup. If you are further than 300' from connection you will not be required to pay the monthly fee.

Attorney Kay McIff reviewed the funding for the west site and the efforts of the Council and the funding agencies. He stated the difference between the two projects was \$955,000. This is not an accurate estimate as the original estimate for the north site did not include law suits plus the judge has authorized everyone within 1320' of the site to join in the litigation and claim damage. In addition law suits to claim rights-of-way was not considered and the threat of action in the Federal Court regarding an environmental assessment is also an unknown. Mr. McIff stated the meetings with the fruit growers discussing the west location have been productive. That all easements have been committed but one.

Question - estimate the cost of the north site litigation.

K. McIff - there would be court costs, attorneys fee, appraisers fees and expert witness costs plus you don't know where you would end up with land purchase and damages. The expert witnesses would be called from cities all over the nation as this is an unusual problem never being faced before. Could cost \$1,000,000.

Question - how many fruit growers are threatening litigation and couldn't the City do the same to them with a study on aerosol

sprays.

Mayor Crook - the head E.P.A. man from Denver was here earlier in the year and reviewed the situation. He assured the City that if a full environmental study was done it would include aerosol sprays used by the fruit growers.

K McIff - if this happens it would be a heck of a fight. Need to determine if such a fight would work to your long range best interest.

Question - if the sewer line breaks, would we be guaranteed no law suits.

K. McIff - no, we would deal with it at the time.

Question - have you talked to anyone around the country with a lagoon near a fruit farm.

K. McIff - in Washington there is a small orchard but nothing like this situation.

Question - has the E.P.A. done any study at all.

P. Howard - the Health Department has sanctioned this project, it is safe. It is the perception of the effect of the project on the fruit market.

K. McIff - it comes down to what kind of chance you want to take.

Question - when will you make the decision on the project.

Mayor Crook - in a meeting to be held Friday night. That is why we are asking for citizens' input. If the decision is in favor of the west location the project can go to bid in three to four months. An environmental study held up the C.U.P. project for five or six years with litigation. The cost and delay involved with litigation with the fruit farmers is an unknown.

Question - if the decision made Friday is the west location, will an agreement be made in writing.

K McIff - there has been a verbal agreement face to face. The Council will not go forward without everything tied down in commitments.

Question - project completion date.

V. Kofoed - start August of 1993 and complete in August of 1994.

Question - regarding road repair.

V. Kofoed - there are sufficient funds to repair the roads.

Question - regarding septic tanks.

V. Kofoed - septic tanks are the responsibility of the property owner governed by the Health Department requirements.

Mayor Crook - it is recommended if you do not dig up your septic

tank that you fill it with sand.

Question - what contribution is expected from the fruit growers.

K. McIff - they are in the process of working on this, they intend to make a meaningful contribution.

Question - could the one easement not committed tie up the project.

K. McIff - no, it is a minor thing, will not impact the project.

Question - can the City be sued for accidents involving septic tanks or cess pools.

K. McIff - no, that would be the responsibility of the property owner.

Question - did you offer the fruit growers a good price.

K. McIff - we felt the appraisers were fair at the time, damages were not considered for surrounding orchards but the court allowed this.

Question - isn't Phil Rowley concerned with finding a market for his cherries.

K. McIff - the placement of the lagoon is 1800' feet from Mr. Rowley's orchard. This is the one location which you can be a substantial distance from any fruit growers.

Question - what is the cost per year to operate the system.

K. McIff - cost per each system is identical, \$224,000 per year. The average monthly user fee will be the same. The only difference in the two projects is at the end of twenty years an additional \$300,000 will interest free money will be obligated.

Question - what is the future for west of town, could it gravity flow for new homes and growth.

V. Kofoed - yes but there are no plans for lines at the present.

Question - will pumps raise the cost of monthly dues.

Mayor Crook - it shouldn't, the projected growth of Santaquin will provide a lot of people helping pay the sewer bill.

Question - regarding roads.

Mayor Crook - he instructed the engineers to leave money in the project to repair roads.

Question - regarding flood plane.

Mayor Crook - the lagoon is located east of the flood plane. The Council met with Clyde Naylor and the County representative and they agreed to get a flood channel in the area.

Mayor Crook invited Kenyon Farley to address the citizens. Mr.

Farley declined.

Meeting adjourned at 8:30PM.

Approved this 6th day of April, 1993

D. Lynn Crook  
D. Lynn Crook, Mayor

Elaine Tasker  
Elaine Tasker, Recorder