

MINUTES OF A REGULAR MEETING
HELD FEBRUARY 18, 1992
AT THE SENIOR CENTER

The meeting was called to order by Mayor D. Lynn Crook at 7PM. Councilmembers present: Gerald Fowkes, David Hathaway, Hортt Carter, Max Holman and Keith Broadhead. The Invocation was offered by Lynn and Max led the Pledge of Allegiance.

Present: Attorneys, Ken & Richard Chamberlain and Bill Thurman. Val Kofoed, Sunrise Engineering Inc. & Jeff Vise, Deseret News.

Joseph Evans, John Deuel, Suzanne Carter, George & Essie Higginson, Josephine Crook, Harriet Hallett, Edith Jarvis, Reed & Leah Rowley, Paul Meredith, Ricki Rowley, Gene Greenhalgh, Fred Openshaw, Fred W. Openshaw, Mr. & Mrs Dave Johnson, Duke Hudson, John French, Val Broadhead, Floyd & Annie Alder, Larry & Sherron Davis, Rex Behling, Brad Greenhalgh, Michael Olson, Norris Peery, ElRay & Merelda Davis, Joseph Davis, Claude Rowley, Phil Rowley, Marilyn Clayson, Janet Hathaway, Bobbie Kroeber plus many people who did not sign the register.

Approval of the Minutes of February 4th and February 11th, 1992: Keith moved to approve the Minutes of February 4th as corrected, Max seconded, passed 5-0. Hортt moved to approve the Minutes of February 11th, David seconded, passed 5-0.

Requirements for EMTs: Bill Hansen, City Attorney, reported on requirements of Utah Occupational Safety Department for emergency personnel. This plan needs to be adopted by March 2nd and implmented by May 5th.

Cost for Santaquin to use Payson's Sewer Plant: Mayor Crook explained item #5 on this agenda, adoption of a resolution to acquire a lagoon site, was on February 11th agenda. It was the consensus of the Council to postpone this decision in order to allow Payson time to study the impact if Santaquin was to connect to their facility.

Mayor Crook reviewed the need and process of condemnation, stating it was a common thing.

Mayor Crook reviewed the January 23rd meeting with the State Board of Health, Farm Home Administration, Water Control Board, Protesters and their Attorney, Santaquin City and their Attorney and Sunrise Engineering Inc.. He stated each item of the orchard peoples' protest was discussed in that meeting. He further stated he had a copy of the minutes and felt that state people were in full harmony in supporting this project.

Mayor Crook stated at the February 18th meeting a resolution to acquire a lagoon site was defeated 2-3. Councilmen indicated they did not support the resolution at this time as question were raised due to options - connect with Payson or change the lagoon site, also two Councilmen had not toured the Heber Facility. They wanted to once again look at all the options before making such a serious decision.

Bill Thurman, Attorney, stated he gave the Council the letter of protest December 17th requesting it become part of the Minutes and questioned if this was done.

Mayor Crook stated the original letter of protest had become part of the December 17th Minutes. The Mayor further stated he had been referring to the amended letter of protest presented two

weeks ago.

Mayor Crook then introduced Mayor Harmer of Payson and stated he would give the same report as he had given a week ago to the County Commissioners only with more detail.

Mayor Harmer stated the newspapers had indicated there was a feud between Payson and Santaquin and this was not so. He stated there was a lot of unity between him and Mayor Crook in all their meetings. That through this he sees growth for the South end of the County.

Mayor Harmer stated Payson had never said "No" to Santaquin joining their facility. They did question if it was economically feasible to either city. He said a report had been prepared by Perkins-Thurgood Consulting Engineers, Inc. with cooperation from Sunrise Engineers. Mayor Harmer reviewed the report which indicated it would cost Santaquin an additional \$1,557,741 to connect with Payson's facility.

Bill Thurman, Attorney, ask why Mr. Harmer was giving this study instead of Sunrise's study and challenged the report.

Mayor Harmer replied this study was prepared by Payson's engineers. Sunrise Engineers had prepared almost identically the same plan and they are within a few dollars of each other. He further stated he relied on his engineers as he did not have authority to spend Santaquin's money through Sunrise.

The difference in growth projection was discussed.

Val Kofoed, Sunrise Engineer, stated Sunrise was more conservative on growth projection. He also stated Sunrise's figures were less but they did coincide. He further stated both studies showed it would not be economically sound for either city to combine their sewer plant.

Mr. Thurman stated he was not challenging the context of the report. What we do question is coming into the meeting and being presented with this report, that Mayor Harmer has presented and discussed, with no advance notice it was being presented.

Mayor Crook replied that two weeks ago he stated - due to the pressure from the protesters to the County Commission, the County Commissioners had requested that he and Mayor Harmer appear before them and give a report of this sewer project. Mayor Crook further stated he promised no action would be taken until after that meeting.

Mr. Thurman said he did not know what meeting Mayor Crook was talking about.

Mayor Crook replied the City Council meeting two weeks ago. When the protesters refused to accept what Sunrise Engineers said regarding the cost of Santaquin connecting to Payson over the cost of the lagoon.

Mr. Thurman replied they re-stated at that meeting as they did in the December meeting that they stood on notice of protest.

Mayor Harmer stated he was requested by Mayor Crook and the County Commission to present this report to the citizens of Santaquin. His report affected the citizens more than the orchard growers. Mayor Harmer then stated he would entertain any other questions.

Larry Davis made comments regarding the difficulty projecting growth as a sewer system would impact this. He ask how long before Payson's system would be at capacity and how long before the Health Department would stop growth in Santaquin.

Mayor Harmer answered that was why they were trying to allow for growth in each city. He predicted growth in the South end of Utah County and stated lack of a sewer system in Santaquin would

eliminate their growth.

Mr. Thurman commended Mayor Harmer for taking a long view of Utah to grow. But not at the expense of fruit growers in prime agriculture property outside of Santaquin. He suggested there was a better way.

Marilyn Clayton discussed growth and stated Santaquin is growing and should have planned growth.

Kurt Stringham asked at what point EPA would force this issue.

Val Kotofed, Sunrize, replied the Health Department has not forced the issue. They did put Santaquin top on their priority list and gave \$35,000 for a feasibility study for a sewer system. The citizens voted in favor of a sewer system.

Kurt asked - if no growth in Santaquin how long before we would be forced to have a sewer.

Val answered he could not comment on that.

Kenyan Farley asked if a trunk line was available to County residents if they could connect.

Mayor Harmer answered that would be up to Santaquin City. That in Payson the county residents pay double sewer rate the same as they do water.

Mr. Farley asked if Payson had plans to annex the property west of the freeway.

Mayor Harmer answered not at the present.

Lift stations and gravity flow from Spring Lake to Payson was discussed.

Mayor Harmer reported Payson has one lift station near Payson Hospital.

Rick Rowley asked where lift stations would be located.

Val replied no one could answer that at present time.

Keith asked Mayor Harmer his feelings towards a sewer district. Would Payson Council approve this now.

Mayor Harmer answered this would have to be approved by vote of the Payson residents and would also require approval of the Bonding Company. He also stated the plant would have to be moved west as it is in the wrong location for Payson and definitely in the wrong location for Santaquin.

Keith stated he would be hesitant to join Payson's Plant and be at the mercy of future Payson Councils

Mayor Harmer stated rates would have to be approved by both cities.

Gene Greenhalgh commended the Council on their efforts for a sewer and their consideration to future growth. He voiced concerns on the psychological effect of fruit grown near lagoons. Would people prefer fruit from other localities. He ask - what cost would farmers suffer if they could not sell their fruit. He stated he did not mind the sewer if he would be guaranteed no loss. If he lost one half million dollars would Santaquin City underwrite this loss. He further stated Ed Muir, cherry marketer, commented they may not accept fruit associated with that area.

Mayor Crook stated manure is commonly used on vegetable gardens.

Gene replied he had concerns with EPA restrictions.

Mr. Meredith stated there was a difference between regulating cow manure and human waste.

Ken Chamberlain, Attorney, explained inverse condemnation, stating the statue never runs out. If the jury finds damage, Santaquin City would pay for it.

Ricki Rowley ask if EPA had certified that human waste could go on ground where fruit and food is produced.

Mayor Crook stated that question was answered at January 23rd meeting.

Norris Peery ask what specific objection the farmers had to the lagoon. That fruit in stores is never identified as grown next to sewer lagoons.

Mayor Crook stated he could not answer the question. He further stated he spoke with the President of the State Farm Bureau. He ask him if a study would be made in Florida on the effects of sewer lagoons on the citrus fruit as well as the study in Washington. He answered no and admitted sewer lagoons are located through out the citrus belt in Florida.

Mr. Greenhalgh stated the problem is what would people perceive.

Mayor Harmer stated the problem was psychological. One of his best friends has a vegetable farm with a lagoon system right in the middle. His lettuce has been sold in Utah for fifteen years.

Mayor Crook showed the proposed lagoon site on a map. He stated it was rumored the city was not taking Ed Westovers property as he is the Mayor's nephew. He showed the gravity flow line which showed Mr. Westover's property was not suitable. He stated all the property owners had not protested.

Mr. Openshaw stated his name was left of the list but he was a paid protester.

Mayor Crook reviewed the project and the delays. He stated it would take three months to get a discharge permit if tests proved the property was suitable. He also said there was the possibility they drop the whole thing and go west of town. He reported a state inspector of lagoons had stated several small cities with mechanical treatment plants had converted to aerated lagoons as they did a better job and were cheaper.

Mayor Crook reported they had moved the tank site location for the water project four times. They had tried to negotiate with all the property owners. That they were opening the bids February 26th and still did not have a tank site after working on the project for over a year. The Mayor said they have time frame problem with both projects and decisions had to be made. There were two choices with the lagoon site - go north of town and condemn or go west of town with a lift station. This decision would be made tonight, hopefully.

Ray Rowley ask the monthly sewer fee if the lagoon was placed west of town.

Mayor Crook answered a similar fee as the fee north of town, but there would be a lift station to maintain.

Bill Ferguson described the fruit belt throughout Utah County. He stated the fruit industry was not opposed to Santaquin putting in a lagoon type system, but they were opposed to locating it in the middle of the fruit belt. He stated they understand the flow line brings it to that location. He then suggested an alternate site west to white lake and stated it would eliminate holding ponds. He stated he still had concerns of the effect of the lagoons on the fruit industry. He reported the Department of Ecology confirmed there were problems in Washington state with lagoons. He discussed the aerosol problem and other associated problems. Mr. Ferguson stated that he and several farmers visited the Heber Facility and it was very nice.

The use of lagoon water was discussed.

Mr. Ferguson stated the proposed location was surrounded by

protesters. He also stated he questioned if he could store this fruit in his facility.

Max asked why the fruit growers did not protest when the lagoon was proposed for Claude Rowley's property.

Mr. Ferguson stated he did not know the proposed location. He further stated if any criticism went to the fruit growers, it is the fact they did not wake up. They knew it would go someplace. As fruit surrounds the majority of the town they should have taken an interest earlier. He stated they had a petition 250 people signed protesting this location.

Janet Hathaway asked the additional cost to go to white lake. Mr. Ferguson replied \$400,000. But the citizens of Santaquin would be removed from any liability such as a seagull problem.

Discussion - Would there be more problems from a lagoon pond versus an irrigation storage pond.

Mayor Crook stated the alternate plan to move the white lake was new and there was a time factor.

Val Kofoed, Engineer, stated they had addressed all the farmers concerns such as aerosols, sprays and etc. through the Health Department and studies obtained from other states. He stated the site would be hidden by trees serving as a buffer and made as beautiful as possible. He further stated Sunrise Engineers did not tell the city where to locate the lagoons. They give them the alternatives and this site is the most cost effective.

Mr. Rowley voiced concerns regarding the 1,000' zone around the lagoons.

Val stated lagoons can not be placed within 1500' of a home, but after a lagoon is built homes can be built closer if they choose.

Mr. Rowley ask why the city did not buy this property.

Hortt ask if he wanted to sell - no response.

Mayor Crook explained the state would not allow lagoons within 1250 of residents to protect the residents. But there is no law to prevent building after the lagoon is established.

Ricki Rowley stated the city had the right to condemn. He had the right as a citizen to have his views expressed in Court. He was not against the lagoon system but the location. He also stated they were tired of being pushed, they could not go anywhere.

David moved they go into executive session, Hortt seconded, Josephine Zimmerman questioned the need to move into an executive session.

Mr. Meredith ask to ask question.

Mayor Crook responded ok.

Keith stated there was a motion on the table.

Mayor Crook responded he need to address all questions.

Mr. Meredith stated the difference in the two alternatives was the pumping station. He asked if this was worth all the human feelings.

Mayor Crook respond there are orchards on the north side of the alternate site, it would be the same sititutation.

Mr. Peery stated the fruit farmers were concerned about liabilities and guarantees. He asked if they would guarantee the clean up if a pumping station failed.

Mayor Crook stated that would be the worst part of a pumping station as the city would be liable. He then said there was a motion on the floor.

Mr. Thurman ask the petition just turned in become a part of

the minutes.

Ken Chamberlain advised the Mayor the Council could make that decision.

Mayor Crook answered they would discuss it in executive session. Mayor Crook stated there was a motion to cease debate by David, seconded by Hortt and passed 5-0.

Mayor Harmer thanked the Council and wished them luck.

Mayor Crook stated the chair would entertain a motion to go into an executive session to discuss the acquisition of real property. Hortt moved council enter into an executive session to discuss the acquisition of property for a lagoon site, David seconded, Keith voted Aye, David voted Aye, Hortt voted Aye, Max voted Aye and Gerald voted Aye, passed 5-0. The City Council, Attorneys and Recorder adjourned to an executive session.

City Council, Attorneys and Recorder returned to meeting.

Mayor Crook requested a motion to make the petition, presented by protesters, a part of the minutes. No response, failed for lack of a motion - Mayor Crook then stated the petition would not be part of the minutes but would be filed and considered by the Council.

Mayor Crook then read #5, Consideration for and adoption of a general Resolution for acquisition by purchase or condemnation of lagoon site for the sewer and wastewater system of the City. He ask Mr. Chamberlain to explain it.

Ken Chamberlain explained resolution, C-1992-2. He stated it has two exhibits, one is two acquire land owned by Dale and Dick Saunders and one to obtain property owned by Barbara and Ricki Rowley. After reviewing the resolution, Mr. Chamberlain presented it to Mayor Crook.

Mr. Thurman requested a copy of the resolution, Mr. Chamberlain gave him a copy but did not have a map.

Mayor Crook stated the chair would entertain a motion to approved resolution C-1992-2. Hortt moved to adopt resolution C-1992-2, David seconded, Max voted Aye, Gerald voted Aye, Hortt voted Aye, David voted Aye, Keith voted Aye, motion passed 5-0.

Mayor Crook stated they would now continue with the agenda.

Changes in Well and Partial Payment: Val reported a 16" well casing was down 387 feet and into water. He recommended reducing the casing size and going deeper before testing the well. He stated it would be the same price.

Mayor Crook stated the chair would entertain a motion to approve this recommendation. Keith moved they allow Weber Drilling to reduce the size of the casing and drill deeper before testing the well, Gerald seconded, passed 5-0.

Mayor Crook stated he would sign the pay request tomorrow.

Bids for Carpet in Police Office: Hortt reported he had three bids to carpet the police office with 26 ounce carpet. Carpet America \$973.55, Shepherds \$916.87 and Canyon Painting \$938.00. Max moved to accept Shepherds bid for grey #800 at \$916.87, Gerald seconded, passed 5-0. Hortt reported on bids to carpet the council room. - Canyon Paint \$774, Shepherds \$827, and Carpets America 847.

Business Licenses: Hortt moved business licenses be approved

for Dr. John Day, and Jalyynn Steele, Max seconded, passed 5-0. Business license for Dale Bascom was held as it did not state his state tax number.

Bills: Keith moved to approve the bills with the addition of \$7,273.70 to American Monument bringing the total to \$18,731.47, Max seconded, passed 5-0.

Miscellaneous: Mayor Crook reported Mike Cruz's raise would come from the landfill budget.

David moved \$656 dollars be approved for the EMS training seminar in St. George, Max seconded, passed 5-0.

Keith moved Jose Lopez be rehired as soon as work was available, Max seconded, passed 5-0.

Keith reported the water truck was dead and needed repaired. Keith moved he be authorized to purchase a long block to repair the truck, Gerald seconded, passed 5-0. Hortt ask if the truck was worth it. Council agreed it was.

Mayor Crook reported Mountainlands sent notice to increase Senior Citizens allotment.

Adjournment: At 10:40PM Keith moved to adjourn, Hortt seconded, passed. 5-0.

Approved this 3rd day of March, 1992.


Mayor D. Lynn Crook


Elaine Tasker, Recorder