

MINUTES OF A REGULAR COUNCIL MEETING
HELD AT THE CITY CENTER
FEBRUARY 4, 1992

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

Citizens present: Janet Hathaway, Floyd Alder, George Higginson, Essie Higginson, Harriet Hallett, Duke Hudson, Judy Vincent, Sherron Davis, Larry Davis, Marilyn Clayson, Florence Lamb, ElRay Davis, Afton Smith, Josaphine Crook, Merelda Davis, Joe Davis, Michael Olson and Jake Weirman.

People interested in the lagoon site issue; Jeff Vice of Desert News, Josephine Zimmerman of Daily Herald, Dale Saunders, Dick Saunders, Ricki Rowley, Fred Openshaw, Tim Haveron, Kenyon Farley, Reed Rowley, Leah Rowley, Ann Dockstader, Bill Ferguson, Robert Rowley, Don Rowley, Anyanette Kingford, Melvin Meredith, Tom Larson, Val Kofoed of Sunrise Engineering Inc., Attorney Bill Thurman Jr., Attorney Richard Chamberlain, Bruce & Karen Edmonds, Attorney Bill Thurman, Doug & Barbara Greenhalgh, Richard Johnson, and several who did not sign the roll.

Minutes of January 21, 1992: Max moved to approve the Minutes, Hott seconded, passed 5-0.

Wilbur Shaw Annexation: Keith stated the Shaw Annexation was tabled last meeting and the problems have since been resolved. Keith asked if anyone opposed this annexation - no response. Keith moved the Wilbur Shaw Annexation be approved, Max seconded, passed 5-0.

Consideration for and adoption of a Resolution authorizing the issuance and sale of \$2,307,000 Sewer Revenue Bonds and \$509,200 Sewer Revenue Bonds of Santaquin City and any matters requiring resolutions of the governing body related to a proposed sewer and wastewater system; Richard Chamberlain, Attorney, read and explained this resolution. Mr. Chamberlain stated the loan from Water Quality would be interest free for twenty years and the interest on the Farmers Home loan to be determined.

Mayor Crook stated the sewer rates must be approved by the these lending agencies.

Keith moved to adopt this resolution, Resolution No. 1992-BR-1, Max seconded, passed 5-0.

Bill Thurman, Attorney, asked if this resolution included acquisition of a lagoon site. Mr. Chamberlain responded it only addressed the financing of the system. Mayor Crook stated Revenue Bonds were paid out of sewer revenue.

Consideration of matters connected with protests against construction of the system and location of the lagoon site: Mayor Crook stated this issue was discussed at the December 17th meeting. At this time everyone was allowed to speak as often as they wished. The farmers presented a formal letter of protest regarding the proposed location of the sewer lagoon and ask Santaquin to negotiate, again, with Payson for use of their sewer treatment facility. Mayor Crook further stated he, the council, the funding agencies, engineers, attorneys and protesting farmers

met January 23rd and this issue was thoroughly discussed again. Mayor Crook then read a letter from Payson City Mayor, Richard Harmer, stating they did not favor sharing their sewer treatment facility with Santaquin. Mayor Crook discussed an alternate lagoon site and options of each. He asked Val Kofoed, Sunrise Engineer, to check again of gravity flow on site west of town.

Val stated he had already investigated this and the entire town could not gravity feed to any other site they were aware of.

Bill Thurman, Attorney, ask Val to explain the area involved on the blackboard.

Val illustrated on the blackboard the site location, land slope and flow line.

Mr. Thurman ask Val to identify location of treatment center.

Val stated the study was not complete as they have not been allowed on the property to complete tests to know if the site is environmentally compatible with the lagoons but it appears to be an ideal site. Val said they were in the design phase and this was the most cost effective location, that this site serves the best good of the community, that this particular piece of land serves a higher purpose as treatment to sewer lagoons than it does to orchards or a corn field. Val further stated the Health Department advocated this project as septic systems in Santaquin is no longer a means to treat wastewater. Val stated of the fifty acre facility, less than eight acres would be treatment lagoons and the rest would be storage water to be used for irrigation as approved by the Health Department. Val said tests made at the Heber facility, same design as proposed Santaquin facility, had less contaminants than the Provo river that this water is environmentally safe. Val explained the process of the aerated lagoon system.

Mayor Crook then opened the meeting to anyone with new views or information to contribute.

Bill Thurman, read the attached letter and presented the Council with an amended letter of protest. He stated the farmers were not given fair and unprejudicious treatment in the meeting on January 23rd.

Tom Larson voiced concerns regarding smell from the lagoons.

Keith stated he called the manager of the Heber facility requesting names of the people living 1,000 feet down wind of their facility as he wished to question them regarding odor. Keith said they did not know these people as they had never complained.

Marilyn Clayson asked if everyone had toured the Heber facility and suggested they do so.

Mayor Crook explained the aerated lagoon process versus the lagoon system in Salem. He stated there was no odor at the Heber facility and offered to take anyone on a tour to Heber.

Anyanette Kingsford stated she lived by aerated lagoons for eleven years in Green River Wyoming and there was no smell.

Melvin Meredith ask about water running off the lagoon site.

Val Kofoed replied there would be no spill over, they would store and then market the water. At full growth period there would be enough water to irrigate fifty acres. This water could be used on fruit trees (not sprayed on) and could irrigate hay which could be fed to milk cows.

Tom Larsen suggested the Engineers contact the Strawberry Canal Co. before they complete their design as there was an improvement project underway in this area.

Bill Ferguson questioned the letter Mayor Crook read from

Mayor Harmer of Payson stating they did not want Santaquin to buy into their sewer system. Bill said he talked to Councilman York and Hiatt and they were in favor of Santaquin being part of Payson treatment facility. Bill further stated this issue had not been addressed in Payson Council meeting. Bill ask the Council to negotiate with Payson and determine losses over gains if Santaquin were to buy into their sewer system.

Mayor Crook stated he assumed the Payson Council had addressed this issue. Mayor Crook further stated that he, Payson's Mayor and the County Commissioners were meeting to discuss this issue, due to the pressure from fruit farmers. Mayor Crook also stated the Council had not been upset with Payson for their position on this project.

Statement - farmer should not have to give land to a town which they are not even involved with.

Mayor Crook stated he agreed to a point. When they started this project they wished to negotiate rather than condemn. That the State Legislature had authorized condemnation as a means to acquire property for community needs, when negotiations fail, such as roads, school and etc.

Val, Engineer, stated the land serves a greater purpose to the community as wastewater treatment facility than an orchard or corn field.

Don Rowley stated the City had made no attempt to negotiate.

Mayor Crook replied that was right, they had been waiting for the appraisers as they had no basis for negotiations until then. Mayor Cook also stated if Mr. Rowley had a price they would negotiate with him tomorrow.

Mr. Rowley stated he did not want to sell. Mr. Rowley further stated the appraiser was going to appraise the ground as if it were for sale as that was the conditions under "Condemnation".

Bruce Edmonds stated it was a sad day in this country when a man owns property, uses the property to make a living and the law allows condemnation. It should be unconstitutional.

Mayor Crook ask Rikie Rowley and Dale Saunders to explain the project underway, by the Strawberry High Line Canal Co., in the area near the proposed sewer facility.

Mr. Saunders explained the canal would be widened to accommodate a storage reservoir.

The impact of this reservoir compared to sewer lagoons was discussed.

The question of pumping storage water from the sewer lagoons was asked.

Val, Engineer, replied it was cheaper to pump clean water versus sewage. Val also ask if the Strawberry Canal Co. would be interested in the lagoon storage water if the city pumped it.

Answered it might be negotiable.

Mayor Crook stated the sewer facility would be fenced for protection and the canal project was along an open road. He asked if Mr. Thurman, Attorney, would protect the farmers against all problems from the canal and storage reservior. Mayor Crook further stated that their storage pond would provide the same problems as the lagoon storage ponds.

Bill Ferguson replied it was a different situation as they were not allowed to vote on the Santaquin project. He also stated the Canal Co. would provide a man to eliminate rodents.

Mayor Crook stated he had offered to keep a dog in the facility control rodents and nesting birds.

Mrs. Kingford stated she appreciated the concerns of the

fruit farmers but there were no rodent problems at the Green River Facility.

Mr. Saunders stated the sewer ponds would be there twelve months a year and the canal storage pond five months a year.

Mayor Crook stated the City has concerns over the project the same as the fruit growers.

Discussion with legal counsel, Olsen, McIff & Chamberlain concerning matters relating to financing, designing, planning, locating and bidding, construction and land acquisition waste water system: Attorney Ken Chamberlain reviewed a resolution which would allow Santaquin to acquire property for a lagoon site and easements. He stated the resolution also required the city to negotiate before condemnation.

Mayor Crook stated the city agreed not to act on this resolution, if passed, before he and the Payson Mayor meet with the County Commissioners.

Attorney Bill Thurman stated this resolution represented a real threat and the document was out of order.

Mayor Crook stated this was the last resort, the feeling, after the meeting in January, was no agreement could be made with the protesters.

Ken Chamberlain explained the resolution needed to be adopted to allow engineers on the property to perform test to determine if the site was suitable.

Val, Engineer, stated they had surveyed the property, as the law allowed, but they had dug no holes for tests.

Mr. Thurman stated if the document contained any mention of condemnation the negotiations would fail.

Mayor Crook explained tests had to be made on the property before they would know if the site was suitable and Rowleys would not allow this.

Rikie Rowley ask that Dale & Dick Saunders names be included, that Rowleys were not in this alone.

Mayor Crook agreed and stated Dale & Dick had expressed a willingness to cooperate.

Tim Haveron asked if the appraiser was being the scapegoat.

Val, Engineer, stated he wished to defend the appraiser, Mr. Harward, as he was the most experienced in this type of appraisal and very busy. He apologized for the delay.

Mayor Crook stated the project was at a standstill, they had looked for a lagoon site for over a year and they still don't know if they can get a ground water discharge permit on this site without making tests. If Rowleys would allow the tests they would restore the ground. He stated the project had to proceed as Grant money might be in jeopardy.

Kent Wilkerson stated they should buy the ground and then make the test. If the property was not suitable then buy more ground.

Mr. Thurman asked what harm to defer action on resolution until after the meeting with County Commissioners.

Mr. Chamberlain advised the resolution be adopted and implemented only if necessary.

Keith ask the engineer the difference in cost to join Payson's facility.

Val replied it would cost Santaquin \$720,000 more to use Payson's facility and it would not gravity feed.

Keith said two good points - will Payson take us and how do we come up with the extra money. Keith moved to adopt this resolution, Resolution No. 1992-1, Hortt seconded the motion,

David voted NO, Max voted NO, Gerald voted No, motion failed 2-3.

Hortt asked if Rowleys and Saunders would allow test on their property to determine if the site was acceptable. Mr. Rowley replied "no comment. Mr. Saunder said they had no problem with that provided the engineers would help irrigate the first time if the project does not go through.

Mayor Crook ask Val if tests on the Saunders property would be adequate. Val replied No.

Mr. Thurman ask for a stipulation - the last resolution voted on not be reconsidered this evening.

Mayor Crook said that would never happen, it would have to be advertised for another meeting before action could be taken.

Consideration for and adoption of amendments to the City's Rate and Regulation Ordinance for the City's water system: Ken Chamberlain, Attorney, reviewed this ordinance and suggested the Council study it and make suggested changes. Before they approve this Ordinance it must first be approved by Nancy Hess and J.D. McDonald, from the Finance Agencies.

Approval of Culinary Water Project to go to Bid: Keith reported the County Board of Adjustments denied a building permit for the water tank as the city did not own the property. Keith stated the property owners wanted annexation and promises for city water and the City preferred to purchase the property and pay for easements.

Mayor Crook stated if there was anyway to negotiate with the land owners he would prefer that over condemnation.

Keith replied four people owned the property and they cannot agree. He stated Bloomquest protested the building permit as the city did not own the property. Mr. Reed was present and said nothing. He said the other property owners had not been contacted by the County and that contributed to their decision to deny the building permit request.

Mr. Chamberlain explained a resolution which would give the city immediate occupancy of the proposed tank site.

Hortt moved this resolution, Resolution 1992-2 be approved, Max seconded, David voted yes, Keith voted yes, Gerald voted yes, motion passed 5-0.

Keith reported the Council had reviewed the Culinary Water Project and it was ready to go to bid.

Report on Meeting With Forest Rangers on Water Project: Keith reported on a meeting with Mark Sensibough & Tom Tidwell of the Forest Service, Sunrise Engineers, Mayor Crook and himself. They recieved a Special Use Permit as result of the meeting.

Val Kofoed reviewed the Special Use Requirements and stated they were ready to bid now. He said they could bid and award the project but could not close the loan until right-of-ways are in place.

Hortt moved the Culinary Water Project be advertised in the Utah Contractor on the 3rd, 10th and 17th of February, that the Show Me Trip be February 14th and the Bid Opening February 26th, Max seconded, David voted yes, Keith voted yes and Gerald voted yes, motion passed 5-0.

Appointment of Statutory Officers / Recorder, Treasurer, Justice of Peace & Attorney: Mayor Crook recommended reappointment of Elaine Tasker as Recorder, Sherron Davis as Treasurer, Ned Deuel as Justice of the Peace and Bill Hansen be appointed City Attorney, Max seconded, motion passed 5-0.

Extending Contract Time For Drilling Well & Change Order for Well: Keith reported on meeting with Weber Drilling and discussed their problems and change order request. Keith made the motion to extend the completion date to March 15th without penalties, Max seconded, passed 5-0. Keith made the motion to approve the change order of \$2,275 which would bring the total to 478,345, Max seconded, passed 5-0.

Removing Fuel Tanks at City Shop: Gerald reported on the requirements to remove the fuel tanks at a cost of approximately \$1,800. Gerald moved he be authorized to negotiate with Kirk Greenhalgh to remove the fuel tanks, Max seconded, passed 5-0/

Salary Increase For Mike Cruz: Mayor Crook recommended a wage increase for Mike Cruz. Gerald made the motion Mike receive \$100 a month increase, Max seconded, passed 5-0.

Report on Gun Range: Keith reported the Gun Club property was on the Utah/Juab County Line. He stated Utah County denied a building permit due to this. Keith said he applied with Juab County for a building permit, it was granted and issued the same night. Keith further stated he withdrew the application with Utah County.

EMTs Inoculation (State Law) & Billings for Late Payments: David reported paperwork on HIV Inoculation should have been recieved two years ago. That by law these shots should have been given and it involves the Fire Department and Police Department also. It was suggested David receive an Attorney's Opinion from Bill Hansen, David agreed. David stated these shots would cost \$150 per person. The County is out of vaccine which would have cost \$90 per person.

Shane Bott stated if you donate blood they will do the testing for free.

Ann Wall, President of the Firemen Auxilliary, stated they just sponsored a blood drive and would advertize their next one.

David reported the EMTs billing procedure would be to bill three times before sending the collection letter from the Attorney, this would allow ninty days before delinquent. Council approved.

Evaluate Landfill Fees for Trucks: Mayor Crook reported landfill fees were not being charged according to the resolution. After discussion the decision to revise the resolution was tabled to allow Gerald time to make comparisons with other cities and present a recommendation.

Business Licenses: Hortt moved business licenses be approved for Ferral's Country Store, Video Hut, Corner Mart, Carter's Cafe, Steven Parsons, Russ Strong, Sicssor Magic, Dee Brereton and Judy Vincent, Max seconded, passed 5-0.

Bills: Mayor Crook reported he had purchased fifteen chairs at

Hill Field for \$7 each. Gerald made the motion to approve the warrants in the amount of \$8,476.10, Max seconded, passed 5-0.

Miscellaneous: Mayor Crook reported the loader they inquired about was not available at State Surplus.

Mayor Crook stated ex-councilwoman Marilyn Clayson was present and she agreed to remain on the Utah Economic Committee and complete the Donor Board at Trumboldt Park.

Councilman Holman left for work.

Mayor Crook discussed the State Centennial license plate. Council agreed the Police Department, Ambulances and the Fire Department rescue truck should obtain this plate.

David reported the EMTs Intermediate Class had been postponed. He stated they were offering a First Responder Class for \$50 and anyone was welcome.

Marilyn Clayson asked the status of the sewer lagoons. She voiced concerns regarding delays and there affect on Grant Money.


Keith suggested a special meeting. It was the consensus of the Council to meet February 11th.

Val Broadhead, Fire Department Chief, suggested the Fire Department apply for a Matching Grant with \$3,000 coming from the Fire Department budget and \$1,500 would be reimbursement from the State. Council approved.

Adjournment: At 9:50PM Keith moved to adjourn, Hortt seconded, passed 4-0.

Approved this 18th day of February, 1992.


Mayor D. Lynn Crook


Elaine Tasker, Recorder

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February 4, 1992

Honorable Mayor Lynn D. Crook
Members of the City Council of Santaquin, Utah
City Hall
68 East Main
Santaquin, UT 84065

Re: Sewage Effluent Ponds

Honorable Mayor Crook and Council Members:

My name is Bill Thurman Sr. I represent the fruit growers who signatures appear at the end of the Notice of Protest, which was filed with the City Council at its meeting held on December 17, 1991.

An Amended Notice of Protest has been prepared showing the same signatures of those growers, together with their typed names and addresses opposite their signatures. At this time, I would like to file with the Council the Amended Notice of Protest and ask that it be made a part of the minutes of this meeting.

The growers desire again to commend the Council on its plan to provide a sanitary sewer system for the City. Since the December 17, 1991 meeting, much progress has been made to identify the respective viewpoints of the City and the growers. However, it is the growers' opinion that several questions yet remain unresolved.

The growers recognize that this matter before the Council is of great concern to the public health, agricultural economy, and vital interests of federal, state and local governments, as well as the growers. Accordingly, the growers suggest that in order to answer the remaining questions, federal, state, Utah County and municipal officials of Santaquin and Payson, as well as the growers, jointly review together, the current proposal and any other viable alternatives, to the end that the interests of all concerned may be reasonably well served, and that any decision by the Council, at this time, be deferred until that joint review has taken place.

The growers appreciate your cooperation

Respectfully submitted,



William T. Thurman, Sr.

AMENDED NOTICE OF PROTEST

To: The Mayor of Santaquin City, Utah, the City Council and each and every individual members of said council.
City Hall
68 East Main
Santaquin, Utah 64655

Attention: Lynn D. Crook, Mayor

Re: Sewage Effluent Ponds

It has come to the attention of the undersigned (herein the "Owners") that the City of Santaquin, Utah proposes or has under consideration a proposal to plan, construct, operate and maintain a lagoon type sewer system which will cover 25 or 30 acres, containing open ponds of sewage effluent gathered or received from pipelines connected to sewer connections in the City of Santaquin, Utah and that such open ponds of sewage effluent will be located approximately northwest of the City of Santaquin, Utah in Sections 26 and 35, Township 9 South, Range 1 East of the Salt Lake Base and Meridian.

The Owners own and posses lands adjacent to or in close proximity to the location of said proposed open ponds of sewage effluent and as such hereby give notice to the Mayor of Santaquin City, the City Council and each of its individual members that the Owners hereby oppose said proposal for the following reasons:

1. Chlorine and highly toxic, harmful, obnoxious and dangerous chemicals and substances will be used to treat such open ponds of sewage effluent and will escape and permanently and irreparably damage, contaminate and injure the Owners' surrounding soil, atmosphere and surface and sub-surface waters, all to the irreparable damage, loss and injury to the Owners.

2. Sub-surface seepage from such open ponds of sewage effluent will leak out and have a harmful, injurious and damaging effect on the adjacent soil, trees and vegetation of the Owners, all to the irreparable damage, loss and injury of the Owners.

3. There will be no suitable outlet for any overflow and run-off from such open ponds of sewage effluent except over and upon the land of Owners, all to the irreparable damage, loss and injury of the Owners.

4. Waterfowl and other bird life will have access to such open ponds of sewage effluent and will thereby be the means of carrying to the Owners' nearby lands contaminants and disease all to the irreparable damage, loss and injury of the Owners.

5. Land values of the Owners' surrounding property will substantially decrease or remain static because of the presence of such open ponds of sewage effluent all to the irreparable damage, loss and injury of the Owners.

6. Offensive, obnoxious and undesirable odors and smells will emanate from such open ponds of sewage effluent thereby rendering the nearby property of the Owners unsuitable and unfit for human occupancy or development all to the irreparable damage, loss and injury of the Owners.

7. The presence of such open ponds of sewage effluent and the operations incident thereto will give rise upon Owner's lands to rodents such as rats, mice and other disease-carrying rodents, flies and insects, all to the irreparable damage, loss and injury of the Owners, their agents, employees and tenants.

8. The establishment, maintenance and operation of the open ponds of sewage effluent amount to a reverse condemnation and the taking of the Owner's properties contrary to the Owner's consent and the due process provisions of the

Constitutions of the United States and the State of Utah, all to the irreparable damage, loss and injury of the Owners.

9. Protected water fowl and various species of bird life will be attracted to such open ponds of sewage effluent and during the course of their flight to and from such ponds will alight on the Owners' nearby fields which the Owners periodically spray with insecticides which would be injurious to such water fowl and bird life and the Owners would thereby face prosecution for endangering such fowl and wild life.

The Owners reserve the right to supplement and modify the above reasons why the establishment and operation of the open ponds of sewage effluent at the above-location is improper, unwise and contrary to law and against the peace, safety, health, convenience and enjoyment by the Owners of their respective properties.

The Owners hereby give further notice to the Mayor of Santaquin City, the City Council and each of its individual members that in the event ponds of sewage effluent are constructed, maintained, and operated as aforesaid, and the Owners sustain loss, damage or injury by virtue of such establishment, maintenance and operations, the Owners will institute appropriate court action against the Mayor of Santaquin, the City Council and each of its individual members for injunctive relief and to recover money damages, including punitive damages, for any loss, damage or injury sustained by the Owners by virtue thereof.

The Owners appreciate the desire of the city to proceed with the sewage disposal system and will cooperate with the city in that regard, including the selection of an alternate site for the sewage ponds. At the same time, the Owners trust that the city can recognize the serious concerns the Owners have regarding the proposed site adjacent to and near their lands.

The Owners hereby request that a time and place certain be set, and notification thereof be given to the Owners, whereby they can appear before the Mayor and the City Council of Santaquin City, Utah, at which time a full discussion can be had for the purpose of reviewing the foregoing. Your response to this notice as soon as possible will be greatly appreciated.

DATED this 17th day of December, 1991.

Respectfully submitted,

OWNERS

Gene Greenhalgh
291 West 800 North
Provo, UT 84601

C. Ricki Rowley
12525 South Orchard View Drive
Payson, UT 84651

Don E. Rowley
11480 South Fruitridge Lane
Payson, UT 84651

J. Reed Rowley
12575 South Orchard View Drive
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