

MINUTES OF A REGULAR COUNCIL MEETING
HELD AT THE CITY CENTER
45 WEST 100 SOUTH

December 17, 1991

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

Citizens present: Harriet Hallett, Hortt Carter, Floyd Alder, Mike Olson, Chief Allen and David Hathaway.

Present from Premiere Cable, Rick Swanger.

Present from Sunrise Engineering Inc., Val Kofoed & Tony Fuller.

Landowners present to protest sewer lagoon site: Gene Greenhalgh, Tim Haveron, Larry Webster, David C. White, Ricki Rowley, Fred Openshaw, Bill Ferguson, Dick Saunders, Kenyon Farley and their Attorneys, Bill Thurman and Reid Tateoka

Rick Swanger, Premiere Cable, read the letter of intent (attached) from Premiere Cable President. Mr. Swanger stated Premiere's reorganization request under Chapter 11 had been granted. It was agreed the President of Premiere Cable would meet with the Council on February 17, 1991.

Approval of the Minutes of December 3, 1991: Marilyn made the motion to approve the minutes, Max seconded, passed 5-0.

Public Hearing for CDBG Funding: Marilyn reported the Council had agreed to seek funding from CDBG to help Santaquin Citizens pay for their sewer connections. She stated many Santaquin citizens qualified for assistance as they are in the low to moderate income bracket. Marilyn further stated a survey throughout the town was being conducted to verify this. Floyd Alder asked how long we had to repay the grant. Marilyn replied you do not pay grants back. Marilyn stated Santaquin had the lowest income in the State last year. No other comments. Marilyn made the motion to approve a CDBG application for assistance for sewer connection fees, Keith seconded, passed 5-0.

Housing Needs Resolution: Marilyn read the attached Housing Needs List. After discussion, Marilyn made the motion to approve Resolution No. 91-16, Housing Needs, Max seconded, passed 5-0.

Resolution to Borrow Interim Financing: Mayor Crook explained the resolution required to borrow interim financing to cover the project cost until loan closing in June. He stated he had requested loan interest and conditions from three Banks. Marilyn made the motion to approve the Bond Anticipation Note Resolution No. 1991-BAN-1, Keith seconded, passed 5-0.

Proposed Sewer Ordinance: Mayor Crook reported Attorney, Ken

Chamberlain, had prepared a sewer ordinance. Keith reviewed the ordinance and stated it needed to be approved by February 4th. Keith suggested the Council study the ordinance and act on it in January. Mayor Crook suggested some changes. Keith stated Mr. Chamberlain had taken great pains to get approval from the Board of Health for the ordinance and it shouldn't be changed much. Keith agreed to discuss some changes with the attorney. Keith also suggested a workshop for input on the issue. Council agreed sewer connection fees should be increased after construction is completed.

Sewer Lagoon Site Protest: Kenyon Farley, representing the landowners, presented the Council with a formal letter of protest on the sewer lagoon site location. Marilyn read the letter (attached). Mr. Farley voiced some of the farmers concerns, such as restricted spraying of orchards as it may drift over the lagoons and stop the treatment process. They were also concerned the lagoons would encourage wildlife and spraying would be regulated as it may effect the birds. Bill Ferguson was also concerned with the creation of a wetland surrounded by orchards. Mr. Ferguson stated that once a wetland is created it can never dry up, it has to be maintained. Mayor Crook discussed the impact if Utah Lake should become a bird refuge.

Several farmers stated they did not appreciate sewer lagoons by their farms and questioned the impact on property value. Marilyn asked if any of the farmers had toured the lagoons at Heber City. They replied no. Marilyn said they had lawn, trees, flowers, no odor and they looked like a park. Mayor Crook stated they owed it to Santaquin City to tour Heber's lagoon site before making a protest. He further stated this type of lagoon was the first of its kind in the area, the water was always active and there was no odor.

Bill Ferguson suggested they approach Payson regarding sharing their treatment facility. Council explained they had spent six months trying to accomplish this and Payson was very definite when they denied this request. Mr. Ferguson then ask if an economic survey had been done regarding the impact of lagoons on surrounding area. Mayor Crook replied no, he further stated they had a study done on the impact of pesticides on the lagoon treatment process and were trying to address all concerns.

Gene Greenhalgh stated he did not object to the system if the City would guarantee no loss from EPA changes in later years.

Tim Haveron said the beauty of the facility was not a concern.

Ricki Rowley stated Roosevelt residents told him not to believe there would be no odor.

Gene Greenhalgh ask the city's intention for the use of the water from the treatment facility. Mayor Crook stated they had received two inquiries for the use of the water but this could not be

determined untill the project was finalized.

Sunrise Engineering Inc.: Val Kofoed and Tony Fuller, sewer project engineers, stated they were present to answer landowners questions and concerns. Mr. Kofoed reviewed the sewer project from the beginning. He stated Santaquin ranked top priority from the Health Department for a sewer system. He further stated, due to this ranking, Santaquin received a \$35,000 grant for a sewer feasibility study. Mr. Kofoed stated the lagoon site was determined due to the drainage for a gravity feed system and the clay soil was ideal for lagoons. He said to change the locations would require pumping stations and more expense. Val described the lagoon design and treatment process.

Ricki Rowley asked if the City would be required to put in storm drains. Answer - no.

Bill Ferguson asked about growth. Tony Fuller answered it was designed with a twenty year growth projection.

Mayor Crook reported that an agreement had been made to purchase land from Claude Rowley but after it was surveyed it was determined to be too high. *in elevation*

Val stated engineers had determined the property in question was the ideal location. Tim Haverson asked what if the owners did not want to sell. Val replied he would recommend condemnation.

Bill Ferguson again asked about joining Paysons' treatment facility. The Council and Engineers stated that Payson had given them a firm NO!, too much work had gone into the project to start over and deadlines would not allow this.

David White ask the impact of easements through orchards. Mayor Crook answered no change.

Gene Greenhalgh asked City's responsibilities if problems occur. Val stated it was in the budget for maintenance personnel.

Bill Ferguson and Kenyon Farley stated they were not short term farmers and they still had concerns regarding chemical restrictions levied by government. Tony said he was willing to have any chemical tested.

Val said they would address every problem now but could make no gaurantees on changes in the future. Val also stated a decision needed to be made even if it meant going to court.

Bill said you know our stand and fears and we hope they do not materialize.

Keith made the motion to close the discussion Dennis seconded, Mayor Crook said he wanted to answer their questions.

The landowners attorneys, Bill Thurman and Reid Tateoka, stated they appreciated this meeting. Bill Thurman recommended he meet with the landowners and engineers to determine the landowners recommendation. Mr. Thurman asked that the landowners' letter of protest become a part of the minutes. Council agreed and thanked the landowners for their comments.

Landowners were excused.

Val Kofoed suggested Santaquin City Attorneys sit in on this discussion. Val also suggested they get an attorney's opinion on condemnation and determine action on protest. Council agreed.

Mayor Crook discussed an alternate lagoon site on the North West side of town. Val stated it would require a pump station.

Council agreed to contact Attorneys Ken Chamberlain and Bill Hansen for opinions regarding the lagoons site.

Val stated he would have aerial maps of Santaquin available. Council approved the purchase of three maps.

Alan Gurney discussed the survey for the CDBG funds and stated he felt it was offensive and not clear. Council stated it was prepared by Mountainlands and it was too late to start over.

Adoption of Uniform Fire Code-91: Tabled

Animal Control: Tabled

New Custodian: Keith suggested the new councilman over the City Center Complex be involved with the decision of the new custodian. Council agreed. Keith made the motion to allow Horts, new councilman, to continue as custodian until the first meeting in January, Max seconded, passed 5-0. Council agreed to meet with the new Council Saturday at 9AM to discuss assignments.

Wilbur Shaw Annexation: Keith reported Wilbur Shaw had requested annexing three acres North of 400 North on 300 East. Keith said Planning & Zoning had approved this request. Max suggested no construction be allowed until the new well was productive. Council had no objection to the annexation.

Bills: Marilyn made the motion to approve the bills in the amount of \$28,309.91, Dennis seconded, passed 5-0.

Miscellaneous: Mayor Crook presented plaques, in behalf of Santaquin City, to Marilyn and Dennis, outgoing councilmembers, in appreciation for their years of service to the City. The Council also expressed their appreciation to Marilyn and Dennis and said they will be missed, they had done a marvelous job.

Marilyn stated she would be glad to help out if she was needed.

Keith reported they were preparing an ice skating rink West of the cemetery.

Gerald reported they were repairing the sander.

Mayor Crook reported the Postal Service promised to start working on the delivery service in Santaquin.

Mayor Crook reported he had received calls from both Senators regarding his letter on the water tank site problems.

Adjournment: At 11:10PM Dennis made the motion to adjourn, Max seconded, passed 5-0.

Approved this 7th day of January, 1992.



Mayor D. Lynn Crook

Recorder, Elaine Tasker

NOTICE OF PROTEST

To: The Mayor of Santaquin City, Utah, the City Council and each and every individual member 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 possess lands adjacent 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 other 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, and render working conditions of the Owner's of such land, and their employees unsafe, disagreeable, and intolerable, all to the irreparable damage, loss and injury of 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

C. Ricki Rowley
Gene Greenhalgh
J. Reed Rowley
D. W. Rowley
Kenyon Farley
Mar. H. H. H. H. H.
D. B. A. Exel Fruit
by E. W. H. H.

J. Jerry Lynn
Melvin Meredith
Quinn Dockstad
Lynn M. Harn
Robert M. Mulh
Bill Ferguson