

MINUTES OF A REGULAR COUNCIL MEETING  
HELD JUNE 6, 1989  
AT CITY HALL

The meeting was called to order by Mayor D. Lynn Crook at 7PM. Councilmembers present: Marilyn Clayson, Sherman Jones, LaMar Openshaw, Max Holman and Dennis Lamb. Councilman Jones offered the Invocation and Councilman Openshaw led the Pledge of Allegiance.

Citizens present: Robert Hales, Archie Johnson, Darwin Starks, Bill Burnett, Rick Johnson, Rhea Cruz, Richard Bettis, Jill Bettis, Mark Critzer, Cindy Critzer, ElFawn Wall, and Jesse Smith.

Approval of the Minutes for May 16, 1989: Councilwoman Clayson made the motion that the Minutes for May 16, 1989 be approved, Councilman Openshaw seconded the motion and the voting was unanimous in favor.

Public Hearing for Stark Annexation: Councilman Jones requested a deed for the roadway on the Darwin Starks property. Councilman Jones made a motion to approve "Resolution 89-2", Darwin Starks Annexation, contingent on Utah County approval. Councilwoman Clayson second the motion and the voting was unanimous in favor.

Public Hearing on Ammendment to the Zoning Ordinance: Councilman Jones read the attached recommendation from the Planing & Zoning Committee. Councilman Jones made the motion to approve this recommendation which would change the required frontage in a RA-1 Zone to read 80 feet, the same as in a RA-2 Zone. Councilman Lamb seconded the motion and the voting was unanimous in favor.

Gun Club: Bill Burnett and Rick Johnson reviewed the history of the Gun Club. They said that in their current location they are experiencing problems with their adjoining neighbors. Council agreed to accept the trap shoot area in trade for ground more desirable to the Gun Club for a trap shoot. Mayor Crook stated that the Council would cooperate in helping this organization relocate.

Culinary Water Case with Genola: Mayor Crook suggested that they wait for a Preamble to the contract from Richard Johnson, the City Attorney, before settling with Genola on the water dispute. He also suggested a meeting with Summit Creek to review a plan for 200 North. It was the concensus of the Council to pursue the second alternative of delivering the water to Genola, and that they meet with Summit Creek to see if this was feasible.

Resolution for Tax Break, Utah Heritage Foundation: Mayor Crook read the attached letter asking Cities to approve a Resolution to allow a donation or contribution to a Heritage Foundation be Tax Deductable. Councilman Jones made the motion to approve this Resolution, Resolution 89-3. Councilman Lamb seconded the motion and the voting was unanimous in favor.

Budget for 1989-90: Mayor Crook discussed the Budget as presented at the Public Hearing on May 30, 1989. He suggested that it be approved with the addition of \$2,600 for a crossing guard, \$3,686 for C.E.T.A. workers and \$2,000 for E.M.T. Grant. Councilman Jones asked if cuts had been made on employees' insurance, and said they should be considered for a raise, as they were doing a good job, Councilman Jones ask if employees benefits had been cut, stating that they were doing a good job and should be considered for a raise. Councilwoman

Clayson and Councilman Holman agreed. Councilwoman Clayson suggested across the board raise for employees and a larger raise for the Recorder. Mayor Crook said due to cuts made to the Treasurer's wage a year and a half ago, he would resign if the Recorder recieved a raise. He also stated that the Recorder and Treasurer received a \$2400 raise a year ago. He agreed to a retroactive raise for all other employees if funds were available after the audit was done. It was noted that the City Recorder and the City Treasurer was given additional responsibilities, full time Librarians, as the Librarian had been released. Councilman Jones made the motion to approve the 1989-90 Budget as presented with the addition of \$2,000 for E.M.T.s, \$2,600 for A.C.O., and \$3,686 for C.E.T.A.. Councilman Holman seconded the motion and the voting was unanimous in favor.

Business Licenses: Councilwoman Clayson made the motion that Jesse Smith, Jill Bettis and Cindy Shepherd be approved for a Commerical Business License. Mark Critzer, exhusband of Cindy Shepherd, asked the Council why the delay for the License Renewal for Shepherd's Mobil Home Park. Mayor Crook reviewed their history of sewer problems and also stated that they were waiting on an opinion from Richard Johnson, City Attorney, regarding the word "use" in a non-conforming trailer park. Marc Critzer approached the Council requesting that his words be reported accurately if not verbatim - I put before the Council a copy of the minutes of the date that Scott Hudson was present stating that was misrepresented, perhaps and very possibly with the intent of prejudice, a case infront of the City Council, and you were all here I suppose, and I would like to know if that is what he said because he is prepared now to stand in front of a Judge and say that he didn't say it, and if he didn't say that I would like to have it admitted from the records and I would like to petition this Council to remove that from the City records as per law, Utah Code Annotated. Mayor Crook read the Minutes containing Scott Hudson's statement regarding a fence being placed between his property and Shepherd's Trailer Park. Mr. Critzer respectfully requested that this tape be reviewed. The Recorder stated that if the tape was still availabe this would be done, but the tapes were not labled and stored but reused, and it was possible this was done to this particular tape. Councilwoman Clayson suggested that Mr. Hudson come in and discuss this issue. Cindy Shepherd stated that this was a big deal to her because it was on the public record quoting her saying something that isn't true. Mayor Crook said they would review the tape if it had not been destroyed. If it had, Mr. Hudson and Mr. Critzer should come to the next meeting and they could change the Minutes to satisfy both parties. Mr. Critzer said don't get me wrong, I appreciate you allowing us to get a city license, but what I am preferring to here is the manner in which some of this has been handled since the first of the year. Ive been researching this for two months now through the State laws and have called virtually every agency that is in regards to State and Federal laws. We have some problems here gentlemen. Cindy has been lied to, there has teen misrepresentation of law, she has been totally misinformed for moving that other trailer into that park is concernd, or two other trailers. This constitutes miscarriage of justice. I have researched this in the State Attorneys' Office, the County Attorneys' Office, through the State Attorney Generals' Office and virtually every State agency. Given the information I have had available to me and the statuates available, it is not a civil case, it is a criminal case to be brought before the Criminal Court as per 10-3826, Utah Code Unannotdated, Intitled Offical Neglect and Misconduct, class A misdeammer, typifies removal of Office. Read: "Incasse any Muncipal Officers shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, malconduct, misfeasance, or malfeasance in office, the person is guilty of a class A misdemeanor, shall be removed from

office, and not eligible for any municipal office thereafter." I don't have any doubt at all that there has been malicious intent in the past regarding this. We've been lied to unquestionably. Mayor Crook asked Mr. Critizer to explain being lied to. Mr. Critizer said that the Recorder, Elaine Tasker, told him that there was only one place in the records that referred to this, and he found four or five places. In the process Cindy was also told that she could not move trailers in there without absolutely no provocation, no legal foundation to say that. She was told on two different occasions to come up and get her permit, it had been approved, by Councilman Sherman Jones. Councilman Jones said they were really confused. Cindy Shepherd said Councilman Max Holman told her this. Councilman Holman said he did not tell Cindy that, he said if she would comply with City requirements they may consider giving her a license. The history of this park was reviewed by many concerned and Mr. Critzer agreed that it could not be recordered in its entirety. Councilman Jones requested that the record show that he, along with Cindy Shepherd, viewed sewer problems this spring. Councilman Jones made the motion to Grant two months from today for Cindy to rent the fourth trailer space in Shepherd's Mobile Home Park, Councilman Holman seconded the motion and the voting was unanimous in favor. Cindy Shepherd ask if she should sell this park if it would be granted a business license. Mayor Crook said they would have to obtain a legal opinion rgarding this. Councilman Jones made the motion that the letter form Richard Johnson, the City Attorney, be part of the minutes, Councilwoman Clayson seconded the motion and the voting was unanimous in favor. Councilwoman Clayson made the motion that the Business Licenses for Cindy Shepherd, Jesse Smith, and Jill Bettis be approved, Councilman Holman seconded the motion and the voting was unanimous in favor. Mayor Crook appolized for the delay obtaining an opinion form the Attorney regarding the Shepherd's Mobile Home Park.

Approval of CDBG Contract: Councilwoman Clayson made the motion that the City of Santaquin approve a CDBG Contract in the amount of \$119,000 for the 1989-90 year, and that Elaine Tasker be approved as the Environmental Certifying Officer. Councilman Lamb seconded the motion and the voting was unanimous in favor.

Bills: Councilman Jones made the motion to approve mileage for the Mayor and Council while on City business. Councilman Lamb seconded the motion and the voting was unanimous in favor. Councilman Jones reviewed the well repair bill with the Council. This was the first repair since the well was installed in 1956. The following bills were reviewed by the Council:

Johnson Tire.....	118.60	Nemco, Inc.....	30.00
World Book Ency.....	24.90	Harvey Sales.....	6514.00
Int Inst Munic Clerk.....	55.00	Johnson & Jackman.....	162.00
Stringham Hardware.....	180.85	Indus Int.....	37.27
TelAmerica.....	30.11	Leasing Corp.....	88.00
Mountainland Supply.....	812.36	Storehouse Market.....	232.86
Cotter Charge Card.....	6.74	Stephanie Morgan.....	34.12
Berk Peterson.....	15.90	AT&T.....	16.90
Hales & Warner.....	1197.91	Valley Asphalt.....	1210.72
Mountain Fuel.....	59.94	Utah Power & Light.....	1051.64
Pexton Wholesale.....	175.35	Summit Crk Sentinel.....	1.50
Anderson's.....	114.04	Doug's Auto Supply.....	138.83
Guy Wall.....	480.00	Gregg;s Decorating.....	84.00
Max Holman.....	35.86	Marilyn Clayson.....	30.80
Total.....			12943.83

Councilman Lamb made the motion that these bills be approved, Councilman Holman seconded the motion and the voting was unanimous in favor.

Miscellaneous: Mayor Crook suggested that two Employees, Councilwoman Clayson and himself meet to choose a Medical Insurance for Employees. Council agreed.

Mayor Crook reported that Jake Kester would like on the Agenda to draw up a contract regarding a future meeting place for the American Legion. Jake Kester and Mayor Crook agreed the old Senior Center should be appraised.

Mayor Crook reported that there were several complaints of chipped head stones in the cemetery. He suggested that JoeDell Goodall, the grounds keeper at the cemetery, be present at the next meeting along with the complaintants to discuss this problem. Council agreed.

Councilman Holman reported that a big maple tree at the park had been barked and had to be removed.

Mayor Crook reported that he had recieved a letter from Joe Cannon, of Geneva, stating that they had a use for the cat at the Quarry and it would not be available to the City.

Mayor Crook reported that the Policeman requested approval of a \$50,000 Insurance Policy at a cost of \$29 a year. Councilwoman Clayson said they should check it out, she felt like they could get a better deal.

Councilman Jones discussed the Main Street water project. Councilman Openshaw stated time was short.

Councilman Jones said he needed names for a Planing & Zoning Secertary. He suggested that the Planning & Zoning Minutes be typed in the office.

Councilwoman Clayson said she was obtaining bids on a zerox machine.

Councilwoman Clayson stated that she attended a Library meeting in Salt Lake, and was disappointed that there were no library board members present. She learned that Grant Money might be available for a zerox machine, also matching funds may be available for windows, furniture and etc. for a new library.

Councilman Holman said he had noticed water flooding in the streets. He suggested taking action to curb this.

Councilman Holman suggested placing lights in the area of the snack shack.

Councilman Holman suggested testing the new lighting, at the rodeo grounds, with Utah Power & Light present.

Jones reviewed the Court Minutes on the Genola Water problem with the Council & gave each a copy.

Kent Wilkerson question the watering of the ballparks as he had heard comments about them being dry. Councilman Holman said they were watered every other day, there may be a bill bug problem.

ElFawn Wall ask the Council if they would pay half of the cost of a fence between him and the west park. Council agreed. Councilman Holman said he would work this out.

Adjournment: At 10:30 PM Councilman Lamb made the motion to adjourn, Councilman Holman seconded the motion and the voting was unanimous in favor.

Approved this 10<sup>th</sup> day of July, 1989.

D Lynn Crook  
D. Lynn Crook, Mayor

Elaine Tasker  
Elaine Tasker, Recorder/Clerk

RICHARD B. JOHNSON, P.C.  
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May 31, 1989

Mayor Crook  
Santaquin City  
68 East Main  
P.O. Box 277  
Santaquin, Utah 84655

Re: Non-conforming Uses of a Trailer Court

Dear Mayor:

I am writing pursuant to your communication with this office seeking a written opinion as to the non-conforming uses of a trailer court.

I am basing my opinion on the following facts. Evidentially, you have a piece of property which has been historically used as a mobile trailer park. Within the trailer park itself, the piece of property is divided into four separate parcels or pads and on each of the four pads is located a mobile home. The utilities including electricity, fuel and sewer have individual hookups for each of the four separate pads.

Only one of the four pads is at issue in that a trailer historically was located on the pad but the trailer was removed for a period of six weeks short of one year. As I understand it, the utilities were disconnected from the trailer for more than the six week period prior to the moving of the mobile home, meaning that utilities have been disconnected from the trailer for more than one year.

Also, the trailer that was moved onto the pad has still not been moved into but remodeling has been in process to make the trailer habitable.

The city ordinance which is pertinent to the non-conforming uses is \_\_\_\_\_ which reads as follows:

In light of the city ordinances cited above, it is my opinion that so long as a mobile home is physically located on

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the property regardless of whether it has utilities hooked to it or regardless of whether it is actually habitated will not require the property owner to conform to the ordinance. In short, so long as a mobile home is located on the property within the one year period of time, the owners will not be required to conform to the provisions of the ordinance.

An additional question which you have presented is to assume that only one of the four mobile homes is moved from the property for a period in excess of one year. It is my opinion, if in fact there are four separate pieces of property for the mobile homes to be located on which have separate utilities that once one of the four mobile homes is moved from the property for the one year period of time that in order to move a new mobile home onto that particular pad, the owner must conform to the provisions of the city ordinance.

The fact, however, that one of the four pads, after the lapse of one year, would require the owner to conform to the ordinance, it does not require conformity to the ordinance as it relates to the other three pads. In short, each pad should be considered as a separate piece of property in evaluating the conformity or non-conforming uses of that particular piece of property.

If you have questions or concerns with regard to this letter, please feel free to call.

Respectfully,

RICHARD B. JOHNSON  
Attorney at Law

RBJ:cr

Minutes for a Planning Commission meeting held at City Hall, May 9, 1989 at 8:00 P. M. Present were Commission Chairman Grant Pay, members Ione Anderson, Ken Kelley, Glare Robbins and Lynn Smith. Also present were Mr. and Mrs. Ken Kirkham, present to apply for a Home Occupation Business License.

The meeting was called to order at 8:07 and the invocation was offered by Ken Kelley. Mr. Pay then turned the time over to Mr. Kirkham to explain his application. Mr. Kirkham explained that the business is actually his wife's and that she will be selling water purifiers. There will be no additional employees and no auxiliary buildings. Business will be conducted over the phone and there will be some storage of equipment in the basement. Mr. Pay read the law regarding parking requirements, etc. as stated in the Home Occupation section in the city ordinance. There were no conflicts and Mrs. Smith made a motion to grant the license and was seconded by Mrs. Anderson. The vote was unanimous and after some discussion about the condition of Santaquin's water the Kirkhams left.

Rezoning of Zone RA-1. The City Council had requested that the Zoning Commission examine the existing RA-1 Residential Zone to determine if it is feasible to rezone this area. Mrs. Smith said that there was little difference between RA-2 and RA-1 except the frontage yard measurement which is what has initiated discussion for this change. Mr. Robbins stated that if this were the case he could see no reason not to eliminate RA-1 and make all the city residential area RA-2. Mr. Kelley checked the ordinance and found that multiple dwellings are not allowed in the RA-1 zone. He felt that the transient nature of apartment and duplexes may be one reason they have been restricted from the RA-1 zone.

Mr. Pay read parts of Section 26 of the Zoning Ordinance which mentioned the desirability of keeping multiple dwellings within the same area. He pointed out that the city has more control over how the RA-1 section of town will develop than it does over the older part of town which has already made some planning mistakes. He also pointed out the RA-1 section of town could be considered somewhat exclusive because of the size of homes being built there. Mr. Kelley was concerned that people who have already built in this area should have some say about reducing the yard requirements since they have already built their homes to meet a certain standard.

Mr. Pay felt strongly that the multiple dwelling restriction should remain in force. Mr. Robbins asked if an amendment on the frontage requirement would be the answer. Mrs. Smith said that she could see no reason for the yard requirements for RA-1 and RA-2 would differ.

Mrs. Anderson said we should make a motion to change the frontage yard requirement and leave the rest of the zone requirements alone. Mr. Kelley made the motion that Section 19 Zone RA-1 sub-section #2 Frontage requirements be changed to read "minimum frontage no less than 80 feet" and that the Area requirements changed to read "not less than 9600 Square Feet" with all other requirements to remain the same. Mrs. Anderson seconded the motion and the vote was unanimous.

Mr. Robbins made a motion to adjourn at 9:25. Mrs. Smith seconded the motion.



May 16, 1989

Dear Mayor Crook:

I am writing to seek your support for the Community Revitalization Tax Act of 1989 (CRTA), referred to as H.R.796 in the U.S. House of Representatives and S.342 in the U.S. Senate. As a local civic leader and as someone who has first-hand experience in the struggle to help revitalize your community, you understand the profound impact that CRTA could have on housing and historic rehabilitation in your community.

After tax reform legislation in 1986, investment in rehab work and applications for rehab credits dropped significantly. Investment in rehab projects dropped 64 percent between 1985 and 1988, with the number of approved projects dropping from a high of 3,214 in 1984 to 1,092 during fiscal year 1988. Recent history has shown that without incentives, rehab work will not get done. CRTA would reverse this downward trend by changing the rehab credits to business credits, and by increasing the amount of applicable tax liability.

Attached is a one-page resolution outlining the devastating effects of the 1986 tax reform on rehab work in Utah. This draft resolution calls for Congressional passage of the CRTA in 1989. We can no longer sit idly by as millions of dollars in potential revenue disappear.

I ask that you and your city council sign this resolution and join with city leaders across the country in support of CRTA. Thank you for your consideration and support.

Sincerely yours,

UTAH HERITAGE FOUNDATION

James W. McPherson III, Chair  
Public Policies Committee

RECEIVED MAY 31 1989

Attachments

P.S. I would appreciate your city clerk sending me a copy of your final resolution to the address listed below.