

MINUTES OF A REGULAR MEETING
OF THE SANTAQUIN CITY COUNCIL
HELD OCTOBER 7, 1986

Councilman Raymond Rowley called the meeting to order at 7:30 o'clock p.m. The following Councilmen were also present: Sherman Jones, Clara Goudy, and LaMar Openshaw. Councilman Rowley excused Councilmen Art Adcock and Mayor Herb Lloyd. Councilman Rowley stated that the meeting was a regularly called meeting and that notice of the time, place and agenda of the meeting had been provided the Payson Chronicle, the Daily Herald and the Deseret News by mailing copies of the Notice and Agenda at least two days before to each of them, and to the governing body by mailing of the agenda and information to their homes. City Recorder/Clerk Sam Sellers recorded the meeting.

Councilman Jones offered the invocation and Councilman Rowley led the pledge of allegiance.

Prior minutes. The Council reviewed the minutes of September 16, 1986. Councilman Goudy moved that the minutes be approved as corrected and Councilman Openshaw seconded. The motion passed unanimously.

Dean Elsberry - Commercial license in a residential zone. Councilman Goudy explained that Mr. Elsberry's owning property does not allow a Home Resident type of license. She said that the ordinance mandates that the owner live on the property, since this is in a residential zone.

Mr. Elsberry said that when he and his mother, joint owners in the property, considered purchasing the property it was for the intent that this type of shop would be available for when his construction job ran out. He stated that he has tried to keep his shop clean, which he said was better than a lot of other places in town.

Mr. Elsberry said that he was assured by the city and Bob Hales, who sold him the property, that there would be no problem with him operating on the property, as long as it was kept clean and the vehicles were kept off the street.

Councilman Goudy asked Mr. Elsberry what authority Mr. Hales would have in telling him that there would be no problem with his running a commercial business in a residential zone. Mr. Elsberry said that the type of license was not discussed, but that the effort to determine his ability to run a business on this property was made. He stated that he does not object to obtaining a commercial license. Councilman Goudy said that the problem is that the city cannot allow Mr. Elsberry to run a commercial business in a residential zone whether a commercial license is paid.

Councilman Goudy said that when this license came before the Council last year she didn't even give any thought to the situation. She asked Mr. Elsberry what his suggestion is. Mr. Elsberry said that he

is leaving this decision up to the Council, but that he has a considerable investment in the property and doesn't know what he is going to do if the Council shuts him down.

Councilman Goudy asked if there is anything which would preclude Mr. Elsberry's moving onto the property. He said that there is because the house is rented out at present and the rent payments make the payment on the house for him. He said that, by moving into the home, this burden would then be placed onto him and would make it more difficult for him.

Councilman Goudy said that the Council has its hands tied unless someone else has another suggestion. Mr. Elsberry said that he could move a cot into the business. He also said that he has a lot of people in town on his side.

Mr. Elsberry said that the only suggestion he would have is to move a bed and hotplate in and call it his residence. He stated that he spends ten (10) to twelve (12) hours per day there now.

Councilman Goudy felt it would be impracticable to re-zone the property.

Jay Peterson asked how long this business has been in operation and Mr. Elsberry said that he operated last year and three to four months of this year. Councilman Goudy said that Blaine Smith built the building and started the shop while he lived on the property and this all occurred after the zoning ordinance. She said that this might not even have been questioned at this point except for the fact that he has been operating ten (10) months into a new calendar year without a license. Mr. Elsberry said that he was in Arizona when the first of the year came around and he had told his wife to renew his license, but for some reason she had failed to do so. He said that he thought this had been done.

Mr. Sellers said that Mr. Elsberry would have to be a resident on the property in order to comply with the zoning ordinance. Councilman Rowley asked what the definition of a resident is. Councilman Goudy said that this would have to be his permanent residence.

Judge Peterson said that he feels the city has set a precedence by allowing this license the year before. Mr. Elsberry said that his attorney has said the same thing. Judge Peterson said that if Mr. Elsberry put a bed into the shop, who is to say whether he is there ten (10) to twelve (12) hours a day or all day. Mr. Sellers said that the city's attorney has stated that if the Council makes a mistake it is their duty to rectify the mistake, which is what they are doing now in trying to have this come into conformity with the ordinances of the city.

Mr. Sellers said that there are three things which can be done to allow this business to continue: (1) have Mr. Elsberry move into the home; (2) rezone the property commercial; or, (3) change the zoning ordinance to allow this type of business.

Councilman Rowley asked what the Council should do while these suggestions are being checked out. Councilman Jones said that this needs to be placed on hold. Mr. Sellers said that the fees which Mr. Elsberry has paid will be sent back to him. He said that Mr. Elsberry cannot apply for a license because there isn't a license for him to apply for in his circumstances.

Gary Tomsec suggested setting a conditional use permit portion of the zoning ordinance up for this type of situation. He said that they could then operate a business under certain circumstances set up by the Board of Adjustments after a hearing with the public.

Appointment and swearing in of new police officer. Councilman Jones moved that this be put off two weeks until the Mayor gets back into town. He said that there are some things which he feels need to be discussed about this. Councilman Openshaw seconded the motion and it passed unanimously.

Councilman Jones moved that the Council hold a work session next Tuesday (October 14, 1986) at 6:00 a.m., if this is convenient with the Mayor. Councilman Goudy seconded the motion and it passed unanimously.

Mr. Sellers asked if there was going to be a motion to extend Mr. Barker's temporary status. Councilman Jones moved that Dallan Barker's temporary status be extended for two weeks and Councilman Openshaw seconded. The motion passed unanimously.

Gary Tomsec (Kirchner & Moore) - Discussion of Industrial Development Bonds. From the discussion of the project which the city has been considering with Jim DeGraffenreid and the downtown redevelopment district, it appeared that the institution of a Redevelopment District and the moving of the project away from the downtown area were apparent.

Mr. Sellers said that he would contact the Mountainlands Association of Governments concerning redevelopment planning and assistance in setting up a Redevelopment District.

Annexation Ordinance. Since there was no public present to give public input, Councilman Jones moved that the ordinance be approved and Councilman Goudy seconded. The motion passed unanimously.

Current bills. The following bills were reviewed by the Council:

AT&T Information Systems.....	\$ 20.70
Chris Radio & Communications.....	80.00
Doug's Auto Supply.....	24.72
Kim - Ko.....	256.32
Mountainlands.....	317.34
Tischner Ford.....	583.19
Macey's Sack and Save.....	88.14

Utah Office Supply.....	99.40
Utah Power & Light.....	185.36
Valley Asphalt, Inc.....	2,233.92
Andrews & Co.....	3,002.00
Ray Sumter.....	30.00
Leasing Services of Tennessee.....	123.16
Dean Elsberry.....	25.00
Santaquin Senior Citizens.....	30.00
BYU Bookstore.....	65.71
XYZ Books.....	22.95
Ideal Machine & Mfg.....	51.65
Money's Pro Mart.....	13.76
Cooper's Office Equipment.....	23.75
DYNA Systems.....	230.60
City/Soft Co.....	816.50
Dallon Barker.....	21.11
Save A Dollar.....	20.80
Kaman Bearing & Supply.....	49.67
Jones Office & Book.....	15.89
Coast to Coast.....	26.30
Smith's.....	242.32
Stan Bonham Co.....	6.43
Stringham's Hardware.....	147.53
Pexton Wholesale.....	252.49
The Library Store.....	155.01
Motorola Computer Systems.....	1,063.29
L&J Waste.....	3,241.75
Tel America, Inc.....	33.89
Doug Schmidt.....	25.00
Johnson Tire Service.....	84.78
Save-A-Dollar Auto.....	45.30
Water & Wastewater.....	197.11
Johnson & Jackman.....	192.00
Smith Uniform.....	37.90
Totals.....	\$14,182.74

Councilman Openshaw moved that the bills be approved for payment and Councilman Goudy seconded. The motion passed unanimously.

Councilman Goudy. Councilman Goudy explained that there is a hole in the roof of the Hall Home which needs to be repaired. She was told to have the crew purchase the materials and repair this.

Councilman Jones. Councilman Jones said that he has surveyed the kitchen area of the old school and feels that the west wall could be left up without any problems.

Councilman Jones said that he has also discussed the Pole Canyon project with Alden Robinson, the engineer doing the hydro feasibility. He said that Mr. Robinson stated that the city should purchase the water at the source rather than at the bottom of the canyon; the price for the water may be on line; he does not like the hydro plan; and, the lines and collections should be built according to the city's

specifications.

Councilman Jones said that he has discussed the ramp to the Library with Dan Olson.

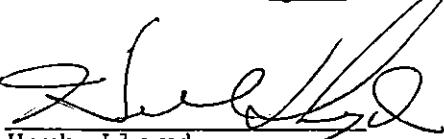
Mr. Sellers. Mr. Sellers said that a representative has approached the city about advertising in the Nebo Tournament of Bands booklet. The Council indicated that they would be willing to start supporting the band when the band decides to support the city by marching in its parade.

Mr. Sellers said that David Ashby from Pro-Benefit called him and explained that their claims ratio has declined which should reduce their premiums between 40% and 60%. Mr. Sellers said that a 40% reduction would save the city approximately an additional \$10,000.00 per year.

Mr. Sellers asked the Council how he should handle the County's letter on the annexations which would leave an island. The Council felt that Mr. Clyde Naylor was acting on his own concerning this issue. They instructed Mr. Sellers to ask the County to file the maps unless they hear from the entire Boundary Commission otherwise.

Councilman Jones moved that the meeting stand adjourned and Councilman Openshaw seconded. The motion passed unanimously at 9:45 p.m.

Approved this 21st day of October, 19 86.


Herb Lloyd
Mayor

ATTEST:


Sam Sellers
City Recorder/Clerk