

Minutes of a regular Santaquin City Council meeting held on Wednesday, May 18, 1983, at City Hall. Mayor Sandra Peterson presided at the meeting and the following Councilmen were present: Grant Pay, Lamar Openshaw and Dan Olson. Councilman Walter Callaway was excused as he was still in Texas. Councilman Sherman Jones was not in attendance.

Mayor Peterson called the meeting to order at 7:10 P.M. and Councilman Pay offered the invocation and led the pledge of allegiance.

Prior Minutes. The minutes of May 4, 1983, were reviewed by the Council. Councilman Olson moved that the minutes be approved as changed and Councilman Openshaw seconded. The motion passed unanimously.

Councilman Olson. Councilman Olson said that he thought the City ought to build the snack shack without bathrooms as the bathrooms near the Bowery are close enough. He said that this would cut down the size and costs. Mayor Peterson said that she disagrees because the spectators need the restrooms. She said that she has never noticed any bad smell from the restrooms in Payson.

Business License Ordinance Review. Mr. Sellers read through the ordinance verbally for the Council.

Mayor Peterson asked if the orchard people from outside town were considered transient merchants. Mr. Sellers said that they would. Mayor Peterson said that she did not like this provision. She said that she did not want to penalize these people. Councilman Olson said that the State did not charge these people and didn't think the City should. Mr. Sellers said that if this is pulled out, everyone would come into town to sell a variety of things.

Councilman Olson said that they ought to exempt fruit salesmen.

Councilman Olson asked how the ordinance would apply to the bull riding machine brought into Walt's Bar occasionally. Mayor Peterson asked how the annual fee for amusement devices would apply to this type of machine on a one time basis. Mr. Sellers said that it might be prorated. Mayor Peterson said that all the money received from this device went to charity. Councilman Olson suggested having something in the ordinance concerning one night amusement devices and charities.

Concerning the inspection of new businesses prior to the license being issued, Councilman Olson asked if the Council realized that the Inspector is paid for these inspections and asked who would pay for these. Mr. Sellers said that this fee would be paid along with their license fee and the building would be inspected prior to the license being reviewed by the Council. Councilman Openshaw asked if the Inspector would be competent enough to be worth the fee he establishes. Mayor Peterson said that if he isn't, they had better look for a new Inspector. Councilman Openshaw said that the City has had some that weren't and asked if the inspection prior to getting the license is worth the hassle. Mr. Sellers said that it is the City's responsibility to make sure the building is safe before the business opens its

doors.

Mayor Peterson asked how the Council felt concerning the flat fee for businesses. Councilman Olson said that this would be OK, but thought these fees were too small. Mr. Sellers said that he could not think of a residential fee going over \$15.00. He said that some of the commercial businesses are \$15.00, but felt some may not be quite truthful. Mayor Peterson said that the flat fee should take care of this.

Mr. Sellers said that Springville charges \$30 for commercial and \$15 for residential, but for professional people, ie, doctors, dentists, lawyers, etc., an additional fee is established for each professional person in the building.

Councilman Olson felt that the commercial businesses should pay a little more. Mr. Sellers said that the median of the old fee for commercial businesses would \$45. Mayor Peterson said that the City ought to consider \$30 for commercial businesses.

Councilman Pay recommended that trailer courts pay \$25 and then \$2.50 per space.

Mr. Sellers said that the old ordinance had a provision against door-to-door soliciting, but this has been left out of this ordinance.

Mayor Peterson asked how the Council could get around the transient merchant clause and allow the orchard men within the County surrounding Santaquin to sell their fruits in town. She said that, in her opinion, these people are Santaquin residents as well. Councilman Olson suggested adding an exception clause for local agricultural products.

Mr. Sellers said that the Council could except fruit products from the transient merchant clause. Mayor Peterson said that this wouldn't do as they only want to protect the local people and not allow just anyone in. Councilman Olson again mentioned the locally grown fruit clause. Mr. Sellers said that, as far as the Council is concerned legally, local people are those living inside the City limits.

Mr. Sellers suggested a clause stating that exceptions to the transient merchant clause may be granted by the City Council. Councilman Olson suggested one fee for transient merchants and one for agricultural merchants. He said that they could then set the local merchants at a small fee and the transient merchants at a higher fee. Mr. Sellers again stated that, to the Council on a legal basis, local means people in the City limits. Mayor Peterson and Councilman Olson disagreed with this.

Mr. Sellers said that a clause could be added to allow the Council to exempt produce merchants from the transient merchant clause, on a case by case basis, as they make application. He said that they should also have a clause stating that the Council may reject any and all such requests. Councilman Olson said that he felt they could set this before hand so everyone would not have to come in. Mayor Peterson said that they shouldn't have to come in each day.

Councilman Olson said that these people will not come in and read this ordinance anyway, so they will just carry on business as usual. Mayor Peterson asked if they could just consider them waived. Councilman Openshaw said that this would have to be enforced.

The Council also suggested some type of waiver for tax exempt or non-profit organizations.

The Council suggested having the amusements devices pro-rated for those not in for a year, with a minimum fee of \$5.00.

Concerning the inspections, Councilman Openshaw asked who would be responsible if the building were inspected and someone was hurt or killed anyway. Mayor Peterson said that the City wouldn't be because the inspection was made. Councilman Openshaw said that he felt the City could be held just as liable. He said that he felt this section would just be more of a hassle. Councilman Olson said that he didn't think it would hurt to have someone in charge of inspections for fire and safety look through the building.

Mr. Sellers said that the definition would include more people than before and does not say anything about having to make a profit to be a business.

Sales Tax Ordinance. Mayor Peterson asked if anyone had any reason for not passing the Sales Tax Ordinance. Councilman Olson mentioned that many cities have already passed this ordinance. Councilman Olson moved that Ordinance No. 83-3 be approved and Councilman Pay seconded. The motion passed unanimously.

COUNCIL BUSINESS:

1. Joe Chappel - Mr. Sellers said that Mr. Chappel had a question as to whether he should pay a license fee as he only has his office in town. He said that Mr. Chappel told him that he does not sell fuel or fuel products in town. Mr. Sellers said that this is probably a mute case at this time because he has applied for a license, but at a minimum fee.

2. George Finch's fence - Councilman Olson said that Mr. Finch has called him and asked if there was any reason he had to build the North fence. Councilman Olson said that he told him he would because the Council made this stipulation. Councilman Olson said that Mr. Finch has gone to three attorneys and showed them the minutes and all three said that he would have to build this fence. He said that the attorneys asked if the City were helping him or imposing a burden on him.

Councilman Olson said that he told Mr. Finch that the fence was imposed because of the zone he was in and to enclose the business. Councilman Olson said that Mr. Finch said that he does not have much income at the present and asked if he could be given more time.

Mayor Peterson asked when the fence was supposed to be done. Councilman Openshaw said the first of 1983, but that this had been extended six months already. He said that this was done at the same time Mecham Trailer Court was extended. Mayor Peterson said that the fence had a two-fold purpose to her; (1) to make the place look better; and (2) to keep the business on his property.

Councilman Olson said that he does not have any feelings to shut Mr. Finch's business down. Councilman Olson admitted that Mr. Finch has been before the Council many times, but that this is the first time a Council has given him a deadline. He said that he has worked on it, but is having a tough time money wise.

Mayor Peterson asked Councilman Olson how much of an extension the Council should give Mr. Finch. Councilman Olson said at least through the end of August. Councilman Pay said that they would have to do the same thing for Mechams, as this was also extended to the end of June.

Councilman Olson said that he has notes from Mechams that date back to 1977, stating that they would do their things, but not with Mr. Finch's fence. He said that Mr. Finch's fence has only been one year. Mayor Peterson said that she could not see the parallel between the two.

Councilman Pay said that Mechams could come in with the same argument, ie, they are working on their problems also, and need an extension to get it done. Mayor Peterson asked who would tell them about this.

Councilman Openshaw said that, years ago, the Council told Mr. Finch and Junior Kester (when he had his junk yard in town) to fence them off. He said that Mr. Kester did, but Mr. Finch did not. He said that he would suggest sticking with a deadline, because if they didn't, Mr. Finch and Mechams would stall.

Councilman Olson said that he didn't think an extension could be given without Mr. Finch present, but Mayor Peterson said that it could. Mr. Sellers said that it would probably involve an extension on the fence he was supposed to have done this year.

Councilman Openshaw said that he didn't think it is a lack of money situation. Councilman Olson said that this is what he was told. Councilman Openshaw said that he has just spent two months in Arizona.

Mayor Peterson recommended that the Council allow Mr. Finch an additional 60 days to complete the part which was supposed to have been done by the first of July, which would be the first of September. Councilman Openshaw asked why they would not wait until the first of July and see if he has it completed. He said that he knows what is happening just as Councilman Olson knows what is happening at Mechams.

3. Business License Applications - The following business licenses were reviewed:

Dianne Sorenson (Latest Waves Beauty Shop) \$15.00
Julie Wall (Julie's Western Wear) \$15.00

Guy Wall (Save-A-Dollar) \$75.00

Guy Wall (Save-A-Dollar beer sales Jan. 1, '83 to June 30, '83) \$120.00

Mr. Sellers said that it interesting to note that the Save-A-Dollar has not had a beer license since January 1, 1983, and suggested going back to the beer ordinance and placing some penalties in it.

David M. Smith (Summitt Creek Kennel) \$15.00

Joe Chappel (Chappel Oil) \$15.00

Councilman Olson moved that the licenses be approved and Councilman Openshaw seconded. The motion passed unanimously.

4. Planning & Zoning member - There was no recommendation for a member at this time.

5. Mountain Fuel costs for the school building - Mayor Peterson announced that the fuel costs for the old school from July 1, 1983, to April 30, 1983, was \$9,480.92. She said that they would have to figure a way to get these costs down.

6. Hales subdivision - Mr. Sellers said that there has never been a subdivision map or anything filed with the County on this subdivision, there have been six homes built so far and now Mark Hales is building a home there. Councilman Olson asked when Mark Hale's lot was broken off and Mr. Sellers said that this lot shows being broken off when the subdivision was presented to the City the first time. Mr. Sellers said that Bob Hales, who represented that he had Mark Hale's power of attorney, presented a paper map of the two properties broken into lots. He said the Mr. Hales never presented a mylar map, as required, which would have then been approved by the City Council and sent into the County for filing.

Mayor Peterson said that she thought they had to file after the third lot was broken off and asked how they got six homes without this being done. Mr. Sellers said that he did not know, but that this was done under the old ordinance which had the same requirements. Mayor Peterson asked if something should have been done when the third home was applied for. Mr. Sellers said that when Mr. Hales approached the Council and asked that the subdivision be deemed as such, the City Council should have declared him a subdivider and forced him to conform to the ordinance at that time, but this has never been done.

Councilman Openshaw asked how they got building permits. Mr. Sellers said that he had no knowledge of this, but that they checked this out when Mark Hales applied for a building permit and found the discrepancies.

Councilman Olson asked if Bob Hales has been contacted about this and Mr. Sellers said that he has not directly approached him about these problems. Mayor Peterson asked Councilman Olson to contact Bob Hales about this.

Mr. Sellers said that there are also agreements between Bob Hales and the City Council at the time, which were made outside of the ordinance, which is illegal, concerning this subdivision. He said that these

agreements do not mention anything about being a subdivision, but mentions waterlines and roads. Mr. Sellers said that the requirements for these are spelled out in the ordinance and the agreements should never have been made.

7. Dance permits - Perkin's Palace (May 27, 1983) and Walt's Bar (May 21, 1983) requested dance permits. Councilman Openshaw moved that these permits be approved and Councilman Olson seconded. The motion passed unanimously.

8. Olsons' Greenhouse - Mr. Sellers reported that Mr. Neff had told him that Olsons have said that they owe the City \$400 to \$500 for the use of the City's grader. Councilman Openshaw said that Chick Greenhalgh had asked him if he could borrow the City's grader for a day for Olsons road and he gave him permission. Mayor Peterson said to go ahead and get the plants.

9. Mountain Bell re phone lines over water lines - Mr. Sellers said that the crew dug down to a main line and cut a Mountain Bell phone line which was running parallel down 400 North over the water main on the North side of the road. He said that he called Mountain Bell to ask them about this and they said that they had a permit for this. He asked for them to send him a copy of the permit, as the City apparently does not have a copy of this. He said that he contacted them one week before this meeting and has not yet heard from them about the permit. Mr. Sellers said that Mountain Bell's repair crew could not find the line on their repair maps.

Councilman Openshaw said that he is afraid they might run into a lot of this. Mr. Sellers said that he told them that the water lines run down the North side of the road and all other utilities should run down the South side of the road.

Mr. Sellers said that he will try to contact them, as they apparently will make no attempt to contact him.

Mr. Sellers said that they have requested this before and he has told them to place this on the side opposite of the water line.

Mayor Peterson said that, if they do not have a permit for this, to notify them by mail to move their line to the other side of the road.

Councilman Openshaw. Councilman Openshaw reported that the snack shack could not be moved without destroying it.

Mayor Peterson. Mayor Peterson said that she had attempted to contact Mr. Omar Hansen concerning the Pony League field, but he was out of the State. She said that no else knew anything about it.

Mayor Peterson said that there is another boy wanting an Eagle Scout project and asked for recommendations. Mrs. Laurie Pay mentioned that there are more bleachers which could be painted if more paint could be obtained.

Mayor Peterson said that a Strebel boy has time he needs to work off for a fine. She said that she would like him to work on the float.

Mayor Peterson said that Genola sent her a letter asking for a meeting on June 8. She said that she would not want to handle this until Councilman Jones was present.

Mayor Peterson said that she didn't think Councilman Walter Callaway would return until the last of June, so the Council ought to think about taking care of this. She said that Ed Neff is doing a great job on the Parks and Cemetery. Councilman Pay said that he felt there should be someone over the Parks, especially at this time of year, for Mr. Neff to get Council assistance from.

Councilman Openshaw moved that the meeting be extended 10 minutes and Councilman Pay seconded. The motion passed unanimously.

Current bills. The following bills were reviewed:

Earl Brown.....	5.00
Chris Radio.....	1,827.50
Hach Chemical.....	18.70
Mountain View.....	8.20
Med Assist.....	26.07
Mountain Bell.....	272.96
Mountain Fuel.....	377.83
Pro-Arms.....	332.77
Pili Saluone.....	3,017.50
Utah County Auditor.....	10.90
Utah Office Supply.....	105.51
Utah Power & Light.....	1,157.70
Burdick Lumber.....	10.14
Banker's Leasing.....	419.10
League of Cities & Towns.....	100.00
Pearson Tire.....	10.71
Chiefs of Police Assoc.....	30.00
Compute A Call.....	35.42
Tandy Leather.....	9.48
Christensen Oil.....	14.95
Sargent-Sowell.....	213.30
Susan Butler.....	40.00
Carol Davis.....	300.00
Totals.....	\$8,343.74

Councilman Olson moved that the minutes be approved and Councilman Openshaw seconded. The motion passed unanimously.

Councilman Olson. Councilman Olson said that he had met with Summitt Creek at their request concerning flood control problems. He said that he mentioned his idea concerning a dam up the canyon and they reacted favorably towards this. He also said that the City and Summitt Creek had agreed to split the costs of pushing their wash and then Summitt Creek would post "No Dumping" signs on their property.

Councilman Pay moved that the meeting be adjourned and Councilman Olson seconded. The motion passed unanimously at 9:10 P.M.

Approved this 15th day of June, 1983.

Sandra Peterson
Mayor Sandra Peterson

ATTEST:

Sam Sellers
Sam Sellers
City Recorder/Clerk