

Minutes of a regular Santaquin City Council meeting held Wednesday, January 5, 1983, at City Hall. The meeting was posted as required by law. Mayor Sandra Armstrong presided at the meeting with the following Councilmen present: Walter Callaway, Lamar Openshaw, Grant Pay, Sherman Jones and Dan Olson, who entered the meeting at 7:15 P.M. City Recorder Sam Sellers recorded the meeting.

Mayor Armstrong called the meeting to order at 7:05 P.M. and Councilman Pay offered the invocation and led the pledge of allegiance.

Prior minutes. The Councilman reviewed the regular Council minutes of December 15, 1982. Councilman Callaway moved that the minutes be approved as corrected and Councilman Openshaw seconded. The motion passed unanimously.

The Council next reviewed the Executive Meeting minutes of December 15, 1982. Councilman Callaway moved that these minutes be approved and Councilman Openshaw seconded. The motion passed unanimously.

Mayor Armstrong. Mayor Armstrong told the Council that Joseph and Blanche Waters had deeded some roadway property to the East of their property to the City. She introduced a receipt which she had given them for the property, dated December 29, 1982, as follows:

"This letter is to acknowledge receipt of a quit claim deed from Blanche B. York Waters to the City of Santaquin for the parcel of land fronting on her property and described as follows:

BEGINNING AT A POINT ON THE WEST LINE OF CENTER STREET, SANTAQUIN CITY, UTAH, SAID POINT BEING EAST ALONG THE SECTION LINE 178.0 FEET FROM THE NORTH WEST CORNER OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THENCE SOUTH ALONG SAID WEST STREET LINE 211.64 FEET, THENCE EAST 36.5 FEET, THENCE NORTH 211.64 FEET, THENCE WEST 36.5 FEET TO THE POINT OF BEGINNING. AREA = 7724 SQ. FT. = 0.177 ACRE"

The above letter was signed on the 31st day of December by Mayor Armstrong and Councilmen Jones and Olson.

Councilman Olson moved that the receipt be made a part of the minutes and Councilman Callaway seconded. The motion passed unanimously.

Councilman Jones moved that the City reimburse the Waters' for the \$4.00 filing fee they paid to file the deed with Utah County. Councilman Olson seconded the motion and it passed unanimously.

LDS Chapel. Mr. Ross Schaugaard and Mr. Jerry Brower were present to discuss this with the Council.

Mr. Scaugaard said that the main reason he was present is to find out exactly what the City Council would like from the Church. He said he was confused as to what they expected the Church to do. He said that he would like to come to some agreement as to what they need to do.

Mr. Brower went through the things which the Church has already agreed to do which are in the plans.

Mr. Schaugaard asked how the Council would feel if the Church asked the local people not to irrigate the patch of grass to the West of the site with the irrigation water. Mayor Armstrong said that this is what the City has been trying to get them to do all along. Mr. Schaugaard said that the letter which Mr. Sellers had sent had explained this to him and he couldn't see anything wrong with the offer. He said that they apparently did not want to get rid of the water. Mr. Schaugaard said that he is opposed to spending the money it would cost to pipe the ditch that far for what would be gained. He said that this pipe would cost about \$10,000.00 to \$12,000.00, and asked how many years they could sprinkle for this cost.

Mayor Armstrong said that Summitt Creek would not allow this ditch to be abandoned. Councilman Jones said that Summitt Creek is not connected to this ditch, but that Mr. Holden would have to have a pipe extended about 75 to 100 feet for his water. Mr. Schaugaard said that this is a whole lot less than 1,000 feet. Mayor Armstrong said that the Council is willing to give the Stake the water to sprinkle this piece in exchange for the water shares.

Councilman Jones said that the water is about \$.40 per thousand. If they used 2 inches per year to sprinkle the grass, it would run about \$240.00 per year. He said if they used 3 inches of water, which would drown the grass, it would cost about \$350.00 per year. Mr. Schaugaard said that they would have to water for thirty years to pay for the ditch.

* Mr. Schaugaard said that the Stake could ^{not} use ~~water~~ ^{water} through the chapel's connection, but would have to have another. He said that this might be changed at some point in the future. Mr. Sellers said that it would only cost the Stake a minimum charge for another hook-up if they exchanged the water shares for water coming through the City's system.

Mr. Schaugaard mentioned the sidewalk running from the South part of their property to Main Street and asked how wide the Council wanted. Mayor Armstrong said that this would need to curve because they could not go onto Mr. Holden's property and said it would be nice to have it go to the corner. Mr. Schaugaard asked if the people along there would be willing to pay for this. Mayor Armstrong said they would not.

Mr. Schaugaard asked if there was any way the Church could lien the property or if the City would deed a one foot protective strip to them, so they could recoup their money in the future. Mr. Schaugaard said they are going to have a six foot sidewalk and asked if this is what the City wanted. Councilman Openshaw said that the City would be happy with a four foot sidewalk and a two foot curb.

Mayor Armstrong asked what good a one foot strip would do the Church and Mr. Schaugaard said that this would give the Church a legal right to deny access and/or building on the property until the owner purchases it from the Church, which would cost them the amount they spent.

Councilman Jones said that the City's engineer told them that the

Church owns most of 100 North. Mr. Brower said their property line extends about 10 feet beyond the center of 100 North. Councilman Openshaw said that all this road needs is an additional 10 feet of asphalt to match 100 North on the other side of 300 West.

Mr. Schaugaard said that the City could take some additional property alongside 300 West. Mayor Armstrong said they could but had agreed not to, so they had to make do with what they have. She said that even though this road is the most narrow in town, they would not go after more.

Councilman Openshaw asked Mr. Schaugaard what would happen if the local Stake leaders do not want to do away with the irrigation pipe. Mr. Schaugaard said that he will ask the Stake to pay 100% of the costs of the pipe from Holden's down if they reject his proposal to abandon their part of the ditch. Councilman Openshaw said that this is where the City has been getting the argument on abandoning this part of the ditch. Mr. Schaugaard said that he was aware of this fact. Mr. Schaugaard said that he had asked the Stake President to come to this meeting with him and the Stake President refused.

* Mr. Schaugaard said that it may cost as much as \$20 per person, for those who pay, in the Stake to pay for this pipe. Councilman Jones said that if the Stake took the same amount of money and placed it in a savings account, they could purchase a lot of ~~money~~ ^{water} from the culinary system.

* Councilman Jones said that if they are still insistent^e on irrigating this piece of property, the City wants to know what they intend on doing with the waste water and would want an agreement that the Stake would repair any and all damages from it.

Mr. Schaugaard asked that the City send him a copy of the Impact Fee Ordinance and the minutes showing where this has been approved. Mr. Sellers was asked to send him this.

Councilman Jones said that the Council is still working on an Impact Fee for this building and will charge whatever the City Attorney advises.

Mr. Schaugaard asked what purpose an Impact Fee would serve. Mayor Armstrong said that the Church building will have an impact on this area.

Mr. Schaugaard said that over the last 2 to 3 years, the Church has paid Impact Fees under protest, then sent them to the Church's legal counsel. He said that in almost every case the fee has been returned to the Church. He said that in this case he does not feel this is a legal fee.

* Mr. Schaugaard stated that he does not have anything against the sidewalk ^{and curb} and the 10 feet of paving on 100 North being a condition of a building permit, but does want the City to agree to deed the Church a one foot protective strip on the sides of the roadways when the City

gets deed to the property. The Council felt that there would be no problem with this, *however no formal agreement was given to do so.*

Opershaw * Councilman Jones moved that the Council hold a work meeting within the next week to work on the Impact Fee for the Church. Councilman seconded the motion and it passed unanimously.

Sowby & Berg. Mr. Ron Sowby and Mr. Dale Berg from Sowby and Berg recommended a proposal for a water grant. They stated that they would not charge the City for making the application, but would want to engineer the project. They also stated that they would not charge the City if it was turned down for the grant. Mr. Sellers asked what their fee would be and Mr. Sowby stated that it would be 10%, which was covered in the amount of the grant. Councilman Jones said that he could not see paying this amount of money, which was \$20,000 on a \$200,000 grant, when the City could apply for the grant itself and decide where to put the water lines.

Larry Hall. Mr. Hall asked what the Council's intentions were as to enforcing its ordinances so far as George Finch was concerned. He said that he had talked with his attorney who had sent a letter giving the City 10 days to take care of this. He went back to his attorney and asked him to hold off because Chief Knox said he would ask Mr. Finch to rectify the problem. He said that nothing has been done on the two problems, which are, the cars and trailers on the lot next to his, and the used car lot on City property on 400 North.

Mayor Armstrong said that the used car lot on 400 North is not Mr. Hall's concern. Mr. Hall stated that he felt it was because he lives in that neighborhood. Mayor Armstrong said that he lives in the County and Mr. Hall said that this does not matter and his attorney stated that whether he lives in the County has no bearing in the matter.

Mr. Hall said that the Mayor and Council are breaking the law by not enforcing their ordinances. Mr. Hall asked if he could have a piece of property to run his fencing business off.

Mayor Armstrong said that she agrees with his problem on the lot next to his and that the Council has been trying to get Mr. Finch to do something about that. She said that she could not remember the cars on 400 North being brought up before this. Mr. Hall said that he has been bringing this up every time. He said that Mr. Finch is operating a private business on City property.

Mr. Hall said he wants to know if the City is going to enforce its ordinances or if they are going to have to go to district court on the matter.

Councilman Olson asked Mr. Hall if he had talked with Mr. Finch on this and he said he had several times. Councilman Olson said that he had talked with Mr. Finch who said he would take care of the cars and trailers on the lot next to Mr. Hall.

Councilman Callaway said that Mr. Finch's business has been there since

before the ordinance was passed. Mr. Hall said that when the ordinance was passed, the Council stipulated that he could continue on a non-conforming use permit. But when he changed it in any way, he has to conform. Mr. Hall said that he has enlarged his business by moving cars, trailers and other junk onto the property next to his, which now means he has to conform to the ordinance. Councilman Olson asked Mr. Hall if he has trailers on his lot. Mr. Hall said that he is not a junk dealer and that all the vehicles do not belong to Mr. Finch.

Councilman Olson asked Mr. Hall if he knew they were not registered to Mr. Finch. Mr. Hall said that he ran the license plates through Provo PD and knows they do not belong to Mr. Finch. Councilman Olson said that they are the ones he has to move and that the Council has told him to move them. Mr. Hall said that they have not been moved and that he has moved another car on the lot and another car on 400 North since he last talked with Chief Knox.

Mayor Armstrong said that Mr. Finch has had cars on 400 North for many years.

Councilman Callaway said that the Council has made an agreement with Mr. Finch on the fences surrounding his property and he has completed them. Mr. Hall said that if the City has agreed to let Mr. Finch keep the vehicles on 400 North, they are in disagreement with an ordinance and therefore are breaking the law. He said that the Council and Mayor have taken an oath to uphold the City's ordinances.

Mayor Armstrong said that she can't see that they can do anything about the cars on 400 North, but could do something about the vehicles on the lot. She said that they would have to tell him again to remove these.

* Mr. Hall asked if they were going to allow Mr. Finch to keep the cars on 400 North and Mayor Armstrong said they will. He asked if the City were going to continue to allow him to move cars off and on the lot next to his. Mayor Armstrong said that she doesn't see how they can hire a full-time policeman to be down there all the time. She said that they have sent Chief Knox down and told him to keep the cars off. She also said that they had told him he would not have a business license if he does so, and doesn't know what else they can do.

Mr. Hall asked if a 1983 business license has been issued. The Council said that they had not.

Mr. Hall asked if the City were going to do nothing concerning the matter. Mayor Armstrong said that she didn't know what else could be done. They have sent the police down and Mr. Finch agrees to move the vehicles and does, then the next week has them on the lot again. Councilman Olson said that the Council has gone down and talked with Mr. Finch and Mr. Finch moves the vehicles. Councilman Olson said that if Mr. Hall continues to hassle Mr. Finch that Mr. Finch will find a way legally to make Mr. Hall's life miserable.

Mr. Hall said that he would welcome a suit and that Mr. Finch will be in it. He said that Mr. Finch is devaluating the value of his

property.

Councilman Olson said that when he was down in the area, Mr. Finch had all the rag weeds on his lot cut with a lawnmower, which is more than he could say for Mr. Hall.

Mr. Hall asked what this has to do with vehicles and trailers. Councilman Olson said that when he went the lot, all the vehicles and trailers belonged to Mr. Finch. He said that if a man owns a piece of property he can park what he wants on it. Mr. Hall said that when Mr. Finch moves cars from off his business lot onto his personal lot in order to put more cars on his business lot, this is expanding his business. He said that his non-conforming use permit does not allow him to expand his business.

Mayor Armstrong said that there are things involved which have to do with interpretation. She said that she doesn't know that Mr. Finch is moving these over to his personal lot to make room for more junk, but that this is Mr. Hall's interpretation. Mr. Hall said that this is what he has observed. Mayor Armstrong said that she thought Mr. Finch was doing this to bother Mr. Hall.

Mr. Hall said that this is probably true, but he is at this meeting to find out if the Council is going to enforce its ordinances. If they are not, he said that he was going to go ahead with the suit.

Mr. Hall said that other people in the area are also upset with some of the things Mr. Finch does and mentioned the burning which has gone on. The Council said that Mr. Finch has not burned for about six months.

Councilman Openshaw, who also lives in the area, said that his biggest concern was his protruding North of his fence line. Mr. Hall said that he is on the street now and Councilman Openshaw said that he has moved his junk business back of the fence line. Councilman Openshaw said that he does not like the four opening gates on 400 North and said that the State Code states that there should only be two to a street. He said that he has talked with the other Councilmen about this and they said to let him have them. Mayor Armstrong said that she can't remember agreeing to four openings and thought there would be one at each end. Councilman Olson said that they told him he could have a moveable fence if he wanted, as long as the junk was behind it. Councilman Openshaw said that he does feel better with it now than he did before.

Mr. Hall said that he feels better about it as well, except he has moved cars over on the other lot. Mayor Armstrong asked if the Council was going to do anything about the lot next to Mr. Hall. Councilman Openshaw said that if the vehicles are registered to Mr. Finch, they probably can't do anything, but if they are junk they could.

Mr. Hall said that he watched Mr. Finch sell a yellow car off the lot next to him and as far as he is concerned this is operating a business off this lot. Councilman Callaway asked if this was his own private car.

Councilman Openshaw said that he fought the administration which let this come into the area.

Mayor Armstrong asked if the Council is going to hold up his business license until Mr. Finch moves the cars off this lot. Councilman Olson said that they had to do this. Councilman Callaway said that they did unless he could prove they were registered to him. Mayor Armstrong asked what they would do if he moves them off, gets the license, then moves them back on again. Mr. Sellers said that the Council can revoke his business license or make him conform to the zoning requirements as he is breaking his non-conforming use permit. Mr. Sellers said that this would mean he would have to get rid of the junk yard as there is no junk yard allowed in a RA-2 Zone.

Mayor Armstrong said that they would have to tell him this. Councilman Olson said that he doesn't want to close him down. Mayor Armstrong said that she doesn't want to close him down, but that he hasn't kept his agreements yet concerning this lot.

Mr. Hall said that he would back off the cars on 400 North if the Council will work on the lot. Mayor Armstrong said that they would work on the lot, then. Mr. Hall said that if they would work on getting the vehicles which are not registered to him off the lot next to his, he would forget about the cars on 400 North.

COUNCIL BUSINESS:

1. Spainhower - Mr. Sellers brought up the \$6,125.00 which needs to be paid on the Spainhower property. Councilman Callaway moved that this be approved and Councilman Pay seconded. The motion passed unanimously.

2. Norton Fruit and Super Quik - Councilman Callaway moved that the City approve \$104.50 be paid to Norton Fruit for the peanuts and oranges for the Christmas sacks and \$126.23 be paid to Super Quik for the turkeys for the employees. Councilman Olson seconded the motion and it passed unanimously.

3. Waste Fund - Mr. Sellers pointed out that the City Auditor suggested closing the Waste Fund into the General Fund for simplification of the bookkeeping. Councilman Jones asked Councilman Pay if there would be some expense in the waste functions. Councilman Pay said that there would. Mr. Sellers said that there are accounts already set up in the General Fund for waste expenditures. He said that the main purpose for setting up an additional fund is for the City operating a utility which it will no longer be doing. Councilman Callaway asked what the City would do if, after five years, they decide to go back into the waste business. Councilman Jones asked about the bookkeeping costs. Mr. Sellers said that the Waste Department is now paying the General Fund a bookkeeping expense now and that this would do away with this. He also said that if the City decides to go back into business, they just organize the Waste Fund again. He said that there is nothing going into the Waste Fund now for another truck. The Council decided to research this by the next meeting and decide what to

do then.

4. Punchboards - The Council read a letter from Mr. Johnson about a letter which he had received from Larry Chappel's attorney concerning punchboards in the City. Councilman Jones recommended holding off on this until they could get an opinion from the Chief of Police.

5. Cemetery map - Mr. Sellers said that the Cemetery map is falling apart and something needs to be done. Councilman Olson agreed to redraw this map and explained to Mr. Sellers what he needed. Councilman Callaway said that they should go ahead and do this.

Gene Jones. Mr. Jones asked the Council if the bids were due for the City's Cat. The Council said that, as far as they knew, there were no bids received. Mr. Cornwell said that he has had a verbal bid of \$1,000.00. Councilman Pay opened Mr. Jones' bid which was \$1,075.50. Councilman Pay moved that the Council accept Mr. Jones' bid and Councilman Olson seconded. The motion passed unanimously.

Titles to Waste Truck and old police car. Mr. Sellers said that he felt they needed a motion to allow the Mayor to sign the titles to these two vehicles over to the owners. Councilman Jones moved that she be allowed to sign these and Councilman Pay seconded. The motion passed unanimously.

Mayor Armstrong. Mayor Armstrong said that, with the dissolution of the Motor Pool Fund, there is \$11,000.00 cash going into the General Fund. She said that the City Auditor recommended using this money to purchase two new police cars for which it was intended. Councilmen Jones and Openshaw stated that they felt there was other equipment which should be replaced first. Mayor Armstrong said she would have Chief Knox check on the cost of police vehicles and then report back.

Councilman Callaway. Councilman Callaway said that he had talked with Doyle Crook about any agreements on the fenceline between Robbins and the City. He said that Mr. Crook said that there had been no agreement made while he was Mayor.

Councilman Callaway said that Mr. Paul Sames approached him concerning a company Mr. Sames has formed to build hand held computers. He said that Mr. Sames is trying to find a building to start the business in and would like this to be in Santaquin. This would eventually employ 400 to 500 people. Mayor Armstrong said that he asked her about the City's industrial park before and she had to inform him that the City doesn't have one as yet. Mr. Sellers said that he is attempting to contact an individual who has a three million dollar contract with the Army to construct machine guns for them. He said that this individual would like to lease part of the school building, possibly the old part. Mr. Sellers was asked to follow up on this.

Councilman Callaway said that there is still no heat in the Library. Mr. Sellers was asked to call the Garners about their bid on this.

Councilman Callaway said that Omar Hansen ought to be contacted

concerning what the school district will take and leave at the old school. Mr. Sellers was instructed to call him and ask for a time. Councilman Jones said that he felt everything attached should stay.

Councilman Jones. Councilman Jones indicated that the indications point to the home up Pole Canyon may be illegally there. Mayor Armstrong read a letter from the City-County Board of Health which stated that if the City could prove this home would interfere with its water sources, they would do something about it.

Councilman Jones moved that he be given authorization to apply for the water grant from HUD and that a public hearing be posted for the 19th of January, 1983, at 7:15 P.M. Councilman Callaway seconded the motion and it passed unanimously.

Greyhound Bus Depot. Mayor Armstrong said that the Greyhound Bus lines were trying to close the depot down that is now at Spring Lake. Mr. Sellers was asked to have Mrs. Rosenlund compose a letter over Mayor Armstrong's signature asking that this depot be left.

Business license. The only license to bring before the Council was New Dawn Video owned by Paul Jarvis, who had paid \$15.00. Councilman Callaway moved that this license be renewed and Councilman Openshaw seconded. The motion passed unanimously.

Current bills. The following bills were reviewed:

Don Coles.....	\$ 470.75
Daily Herald.....	8.50
Central Bank Leasing.....	253.48
Doug's Auto Supply.....	169.69
Moore Business Machines.....	24.40
Ideal Machine.....	35.00
Kim-Ko.....	54.90
Mountain View Hospital.....	11.00
M&R Equipment.....	184.45
Mountainland.....	244.18
Pili Saluone.....	4,804.85
Tischner Ford.....	430.61
Utah Office Supply.....	22.87
Utah Power & Light.....	199.04
Walker Welding & Construction.....	130.00
Payson Chronicle.....	3.70
Andersen's.....	28.50
Burdick Lumber.....	36.00
Strauss Uniforms.....	389.25
Lomita Tag.....	2.43
Trigon Corp.....	522.66
Moore Sheet Metal.....	35.00
Totals.....	\$8,061.26

Councilman Jones moved that the City pay all the bills except the Ideal Machine, Burdick Lumber and \$8.75 to Don Cole (which was for work performed for Mountain Fuel). Councilman Pay seconded and the motion passed unanimously.

Councilman Callaway moved that the meeting be adjourned and Councilman Pay seconded. The motion passed unanimously at 10:00 P.M.

Approved this 19 day of January, 1982.

Sandra Armstrong
Mayor Sandra Armstrong

ATTEST: Sam Sellers
Sam Sellers
City Recorder