

Minutes of a regular Santaquin City Council meeting held on Wednesday, September 15, 1982, at City Hall. Council Chairman Sherman Jones presided at the meeting with the following Councilmen present: Dan Olson, Lamar Openshaw and Grant Pay. Mayor Sandra Armstrong was excused as she was attending the Utah League of Cities and Towns convention and Councilman Walter Callaway was excused for work. Mr. Sellers recorded the meeting.

The following residents attended the meeting: Mike Olson, Chris Oldham, Laurie Pay, Mrs. Allan Olson, Jean Lemnear, Jerry Brower, Joel White, Max Nelson and LaDue Scoville.

Prior minutes. The minutes of September 1, 1982, were reviewed. The corrections are on the original. Councilman Olson moved that the minutes be approved as corrected and Councilman Pay seconded. The motion passed unanimously.

Proposed new Chief of Police. Councilman Jones stated that Mayor Armstrong proposes that the Council hire Mr. E. Don Knox as the new Chief of Police for Santaquin City. Mr. Knox was presented to the Council and public. Councilman Jones stated that Mr. Knox was highly recommended by the Oral Interview Board and felt that the Council should support Mayor Armstrong in this choice. Councilman Pay moved that the Council hire Mr. E. Don Knox and appoint him as the Chief of Police of Santaquin City. Councilman Openshaw seconded the motion and it passed unanimously.

Councilman Jones called a recess while Mr. Sellers swore Chief Knox in.

Council Business - Peterson annexation. Mr. Sellers was asked to explain the City attorney's position on the Peterson annexation. He stated that the attorney's view is that the Council would be voiding an ordinance which was improperly passed and they would not be deannexing or disconnecting the property. He also said that the Peterson's attorney asked to be kept up to date on what is going on. The Councilmen stated that it might possibly be a good idea to discuss this with Mr. Johnson prior to making this move. Councilman Olson moved that the Council have an executive session with Mr. Johnson as an appointment may be set. Councilman Openshaw seconded the motion and it passed unanimously. Mr. Sellers was asked to try and get this set up for next Wednesday (September 22, 1982).

Council Business - Water Ordinance. Councilman Jones stated that there have been some discrepancies with the Water Ordinance and stated that Mr. Sellers would be rewriting it. Councilman Olson asked about the Impact Fees. Mr. Sellers explained that Mr. Johnson had written the City a letter and said that the Impact Fees, per se, were legal, but the use of the funds are what has been called into question. Payson City was putting the receipts from Impact Fees into the General Fund. Santaquin puts these into a Capital Projects Fund which is legal.

Jerry Brower - LDS Church architect. Mr. Brower along with Joel White and LaDue Scoville of the Stake Presidency were present. Councilman Openshaw stated that he has never been able to get with Don Coles, who

is surveying the street. Mr. Brower said that his engineer has been able to get together with Mr. Coles on 100 North and the South fenceline appears to be straight and this is what they were planning on using.

Mr. Brower stated that their plans show the irrigation ditch on the South side of this property as an open concrete ditch. Councilman Jones mentioned that there are going to be small children in this area and they should pipe it if at all possible. He also said that there is going to have to be some consideration for getting this ditch piped to Main Street, as the Church will be the only one using it. Councilman Jones said he felt that it would be to the Church's advantage to abandon the ditch so they won't have to worry about it. Councilman Jones also said that the City has checked with its water attorney and he said that if an easement shows up on a deed, then it is there. If it doesn't show up, it doesn't have to be considered as a right.

\* Councilman Openshaw stated that there are two people on this ditch that have a water right. Councilman Jones said that, yes, they do have a right, but they now need to obtain an easement. The owner of the property can determine the type of easement which they can have to convey their right.

\* Mr. Sellers and Councilman Jones stated that the Church could use the City's culinary water on overage for free. Councilman Jones said that the City would enter into an agreement to supply them with all the water they would want at just the minimum amount. President White said they wanted to keep it this way, *or with the ditch.*

President LaDue Scoville entered the meeting at this time. President Scoville said that it was up to the City as to what happens to the ditch from Main Street to their property. Councilman Jones said that the City has no jurisdiction on a private ditch. He reiterated for President Scoville what the attorney stated as to easements and rights. President White said that once water has been run through a ditch that the right is established. Mr. Sellers said this is true, but the easement is not established until it is recorded. This would have to be sued for in court.

President Scoville said that they wanted to keep the water for the property in the case that some Council in the future would want to start charging them for the overage of the City's culinary water. He stated that the Presidency and the Bishops got together concerning these problems and they felt they wanted to retain water to the area West of where the Church will be built.

Councilman Openshaw stated that his budget would not be able to handle the expense of burying this pipe. President Scoville stated that they do not know what the costs of burying the pipe are. Councilman Jones stated that there will be costs in condemning the street as well. He said that the traffic will demand a wider road and possibly a sidewalk.

President Scoville said that some figures will have to be set down concerning the problems discussed and the Stake and City will have to

get together on this.

Mr. Brower stated that the whole 100 North Street, from 300 West to the end of the property on the West, would be deeded to the City for the roadway. He also said that Church headquarters would be very hesitant in developing the ditch from Main Street to the property, but if they were assessed in the form of an Impact Fee, this would probably be OK.

Waste Disposal Rates Resolution - Resolution #1982-10. Councilman Pay explained to the Council that his department is looking at an approximate \$7,000 budget deficit for this year. Two things which contributed to this are Genola's not contracting with the City on waste removal and the deleting of the Motor Pool Fund. One change was recommended and this was to change Packing Sheds to Fruit Packing Sheds. Councilman Jones asked if there were any comments from the public. A citizen asked if this would get the City out of its deficit and Councilman Pay stated it would leave the department about \$1,700 to the good.

Councilman Jones asked if there were any questions or reservations from the Council. Councilman Olson asked if there would be any way of bringing this down again. Councilman Jones stated that if they could ever get the Cat fixed where the crew could push the landfill, they probably could.

Mr. Sellers said this would become effective October 1, 1982, which the figures relate.

A resident asked why the residents could only dump 12 times per year. Councilman Jones said they could get another card if they used their old one up. Mr. Sellers said that the ordinance only allows one card per user per year. The decision was to change this and Mr. Sellers said they would have to change the ordinance. Councilman Olson stated that if people are dumping over 12 times, they don't need the truck. Councilman Pay said he only knows of one instance where someone has used their card up and this was because they weren't using the truck service.

Councilman Pay moved that Resolution #1982-10 be accepted by the Council, with its changes, and Councilman Jones seconded. Councilmen Pay and Jones voted in favor of the Resolution and Councilmen Olson and Openshaw voted against. Since there was a tie vote and no one to break the tie, the motion failed.

Councilman Jones asked if the other Councilmen wanted to discuss how the department would be brought solvent or if they wanted to study this some more. Mr. Sellers said that if this went on beyond the first of October, the rates would have to be raised more than \$4.00 per month.

Councilman Openshaw asked about doing away with the Motor Pool Fund. Mr. Sellers said that this created a problem as the Motor Pool Fund was funding the financing of the truck and the Waste Department was paying for it over its useful life. Now, with the dissolution of the Motor Pool Fund, the Waste Department would have to pay the truck off.

Councilman Pay said that the Motor Pool Fund was not being funded properly by all the departments, so it was dissolved. This then threw the Waste Department into a bind.

Councilman Jones asked if he could have a motion to have this on the next agenda. Councilman Olson moved that this be placed on the next agenda and Councilman Openshaw seconded. The motion passed unanimously.

Councilman Olson said that he did not like seeing the department coming out \$1,700 in the black. Mr. Sellers explained that the department would possibly have to purchase some more dumpsters this year, which would take the \$1,700 or more. Mr. Sellers stated that he and Councilman Pay felt it would be better to raise the cost to \$4.00 rather than to have to raise this every three or four months when problems arise.

Max Nelson - Genola. Mr. Nelson explained that Genola is attempting to get connected with Central Dispatch. This has to be worked through the law enforcement. Since Santaquin provides their law enforcement, he is presenting a letter for the Chief of Police to sign asking for a connection to Central Dispatch. Councilman Olson moved that this request be accepted by the City and that the Chief sign this for them. Councilman Openshaw seconded the motion and it passed unanimously.

Mr. Sellers asked Mr. Nelson if they had had a public hearing concerning a contract with Santaquin concerning on the waste removal. Mr. Nelson said that a public hearing had been held in the Spring on this.

Councilman Olson asked if they had reviewed the fire agreement as yet. Mr. Nelson didn't know that one had been sent. Mr. Sellers said he was pretty sure one had been sent. Mr. Nelson said he would check on this.

Councilman Jones asked if they Genola Council had considered paying the water bill from the prior year. Mr. Nelson said that they still had problems concerning this. Councilman Jones asked if they could pay as much as they can on it.

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

Chris Radio.....	\$ 300.50
Doug's Auto.....	167.30
Flasher Barricades.....	145.50
Ideal Machine.....	35.00
The Council instructed Mr. Sellers to hold off paying this bill.	
I.F.A.....	18.49
M & R Equipment.....	87.45
Monson & Co.....	199.00
Mountain Fuel.....	41.49
Mountainland.....	1,295.07
Payson Tire.....	3.00
Utah Power & Light.....	91.20
Valley Asphalt.....	3,833.03

Earl Andrews.....	2,817.00
Water & Wastewater.....	881.10
Pearson Tire.....	50.31
P.D.M.....	60.98
Thatcher Chemical.....	890.00
Utah Municipal Treasurers.....	15.00
Ramona Rosenlund.....	12.66
Totals.....	\$10,944.08

Councilman Olson moved that all the bills except Ideal Machine be paid and Councilman Pay seconded. The motion passed unanimously.

Appeals from the Board of Adjustments. Mr. Sellers, in the way of information, explained that all appeals from decisions of the Board of Adjustments had to be made through the Circuit Court. This was as per Mr. Johnson.

Robbins' property. Mr. Sellers said that Mr. Johnson had given the City the go ahead on the Darwin Robbins property. He said that Judge David Sam had signed the order to go onto the property and start improvements. He said that Mr. Johnson would like to know when the City plans to go onto this property.

Small claims fees. Mr. Sellers stated that there may be some confusion as to Judge Peterson's charges for small claims actions. He said that State law allows the Judge the option of charging. The Judge is charging fees which are in harmony with other Justice of the Peace Courts.

Insurance rates. Mr. Sellers stated that Mr. Lynn Crook had told him that the present rates which the City is paying for its insurance coverage could be frozen for 2 to 3 years. Mr. Sellers was asked to report on this during an upcoming Council meeting.

Business licenses. The following licenses were discussed:

Mike Curtis (Old Sinclair Station).....	15.00
Councilman Jones stated that this should not be approved until the bill is paid. Councilman Olson moved that this license be approved upon payment of the old water bill and Councilman Pay seconded. The motion passed unanimously.	
Don Crenshaw (Donald R. Crenshaw Distributing).....	15.00
Laurie Roth (ABC Pre-school and Daycare).....	15.00
Councilman Pay moved that these two licenses be approved and Councilman Openshaw seconded. The motion passed unanimously.	

Councilman Olson. Councilman Olson stated that he is still looking for a truck which can be converted into a brush truck for the fire department.

Councilman Openshaw. Councilman Openshaw complained of the U turn signs on Main Street, as he felt they are unnecessary. After some discussion, in which it was stated that some were posted illegally, Councilman Openshaw moved that these signs be taken down. Councilman

Olson seconded and the motion passed unanimously.

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

Approved this 20 day of October, 1982.

Sandra Armstrong  
Mayor Sandra Armstrong

ATTEST:

Sam Sellers  
Sam Sellers  
City Recorder