

Minutes of a regular Santaquin City Council meeting held on Wednesday, September 1, 1982, at City Hall. Mayor Sandra Armstrong presided at the meeting and the following Councilmen were present: Lamar Openshaw, Grant Pay, Walter Callaway, Dan Olson and Sherman Jones.

The following members of the public were present during the meeting: Sharlee Holcomb, Mrs. Allan Olson and two sons, Jerry Brower, Gaylen and Marie Peterson, John Backlund, Floyd and Buelah Martin, Laurie Pay, LaDue Scoville, Verl Hovey, Chris Oldham, Clint Cornwell and Merle Jones, *Mike Olson*. Mr. Sellers recorded the minutes.

Mayor Armstrong called the meeting to order at 8:02 P.M. Councilman Jones offered the invocation and led the pledge of allegiance.

Prior minutes. The minutes of August 18, 1982, were reviewed by the Council. Changes were recommended as contained on the original minutes. Councilman Pay moved that the minutes be approved as corrected and Councilman Olson seconded. The motion passed unanimously.

Sharlee Holcomb - Mountain Bell. Ms. Holcomb reviewed with the Council some alternatives to the present fire phone system. One of which was a 931 hotline system where the County Dispatch would call the firemen on their private phones and dispatch for a fire. There would also be a provision for emergency access if the person or persons are on the line.

Councilman Olson expressed concern as many firemen respond to a call from some other place than their homes. He also worried about the men answering the calls in a staggered situation and the message having to be repeated many times. Ms. Holcomb stated that a fireman or his wife could be left on the line to relay the message to these people.

Councilman Olson stated that the City uses the fire phones for incoming calls only. He said that the City is paying more per phone than he pays at home. Two other solutions he has looked at are pagers or an answering machine contacted and set off by the County Dispatcher. Ms. Holcomb said that an answering machine could possibly be set right into the phone line and alleviating the need for a phone in the fire department. Councilman Olson stated that the first man at the fire station could listen to the machine and get the address and write it on the blackboard. Ms. Holcomb said that she would check into this for the City.

Jerry Brower - Architect for LDS Chapel planned for Santaquin. Mr. Brower stated that he wanted to solve all the problems with getting the Chapel in prior to submitting his plans to the LDS Church. He also mentioned that he needs a letter stating that a permit for the planned building will be issued before the bid date as the LDS Church requires this.

* Mr. Brower showed the Council a preliminary site plan of the building and grounds. The Chapel will sit on the SW corner of 100 North and 300 West.

Mr. Brower stated that the Planning and Zoning Committee recommended 100 North be a 90 foot right-of-way, whereas the Master Plan shows 56 feet. He asked the Council how wide they wanted the roadway. Councilman

Openshaw said that he would like the right-of-way on 100 North the same as it is from 300 West to Center, which is 100 feet from fence line to fence line.

Mr. Brower said that the Planning & Zoning Committee recommended a 60 foot right-of-way on 300 West and asked the Council what they wanted. Councilman Openshaw said that he doesn't want to see anything smaller than 65 feet. Mr. Brower said that they would have their engineer work with the City on getting the size of this street straightened out. He said that the base of the curbs will be the property line with the sidewalks being on the LDS Church's property.

Mr. Brower said that they are proposing a 2 foot curb and a 4 foot sidewalk. The Council stated that they felt they should have a six foot sidewalk.

Mr. Brower asked who would design the slope of 100 North from 300 West to the end of this property. The Council said they would have Don Cole determine the control points and send it to Mr. Brower. Councilman Openshaw said they would like the crown to have a tenth fall in every five feet of slope.

Mr. Brower said that they will be improving the South side of 100 North and asked what side the water line goes down. The Council said that they * go down the North side of the Street. Mr. Brower said that this would be on UP&L property. Councilman Jones said that the City would work with UP&L on this and Ladue Scoville said that there should be no problem with this.

* Councilman Jones stated that there will ^{be} some problems with 300 West running North from Main Street as this road is only about 49 1/2 feet wide and there is an irrigation ditch which runs along it. He said that the only water which has run down this ditch is that contained in the ^{ditch is} four shares the Church owns for this property. At the present time ~~these~~ ^{four shares} are being used by two other individuals. Mr. Brower said that this would need to be worked out with the local leaders.

* The Council ^{asked} Mr. Brower ^{to} ~~that~~ ^{to} ~~if~~ ^{he would} they submitted plans to Mr. Hovey, ^{who} ~~Mr. Hovey~~ he would determine the fees and see if there were any problems. The Council said they would also like to see the plans and drawings.

Mr. & Mrs. Gaylen Peterson. Mr. & Mrs. Peterson approached the Council with their attorney John C. Backlund of Young, Backlund, Harris & Carter. Mr. Backlund submitted a letter to the Mayor and Council concerning the legality of the Peterson annexation. In the letter Mr. Backlund quoted section 10-2-423 of the Utah Code which states, "Whenever the residents of any territory annexed to any municipality for one or more years following the annexation and no residents of the territory contest the annexation in a court of proper jurisdiction during the year following the annexation, the territory shall be conclusively presumed to be properly annexed to the annexing municipality." Mr. Backlund stated that this court of proper jurisdiction would be the District Court.

Mr. Backlund also refers to another section of the code in his letter.

This section is 10-2-501 states that those requesting disconnection should live within the annexed property, or have interests therein. He said that the Petersons have never asked to be deannexed.

Councilman Jones stated that the problem does not extend from residents requesting deannexation, but the City has deemed this as an illegal annexation and this letter does not address this question at all. Mr. Backlund said that he thought it does as the statute does not provide a means for the City to contest its own act of annexing. Councilman Jones reiterated that it is the opinion of the City that the annexation was illegally done at the time and the City Attorney has indicated that this should be corrected.

Mr. Backlund asked if there was not a quorum present when the annexation ordinance was passed. Councilman Jones said that Mrs. Peterson's brother made the motion for annexation. Mr. Sellers stated that there had to be four Councilman voting in favor, as annexation requires a 2/3 majority vote, and there were only four Councilmen present, which included Mrs. Peterson's brother. If he would have abstained from the vote, the annexation would not have passed. Councilman Jones stated that direct relatives should not vote, but should abstain as the state statute requires.

Mr. Backlund said that it is his opinion that the annexation could not be set aside. He also said that he cannot think of a statute in the law which allows a City to set aside an annexation.

Councilman Jones asked the Petersons if they were still considering deeding the roadways over to the City. Mr. Peterson said that at this point they were attempting to straighten out the problem of the deannexation. He further said that a determination on the North roadway has not been settled as yet. He said that there were no problems with the other two roadways.

Translator rights to Mrs. Ekins. Mayor Armstrong stated that the City ought to release these rights as the people in the West Mountain area are still interested. This will not cost the City any money, but the people there could still persue the translators. Councilman Callaway moved that *these rights be released to Mr. Verlyn Ekins and Councilman Openshaw seconded. The motion passed unanimously.

COUNCIL BUSINESS.

Mrs. Allen Olsen. Mrs. Olsen asked permission to address the Council. Mrs. Olsen showed the Council pictures of the roadway that the Petersons had torn up when it was torn up. Mrs. Olsen also said that the bridge to the East still has a railroad tie across the ditch, which they contend still gives them the right to cross this ditch. Mrs. Olsen's son said that many members of the community have also crossed this bridge to the East.

Mayor Armstrong stated that the only question the City has is whether the property was annexed illegally. Councilman Jones stated that a building permit could still not be given in the area as they do not abutt onto a

City street.

Mrs. Olsen said that they have tried working with the Petersons, but they could not get anything worked out. She said she thought that \$5,000 was too much for the property. Mr. Sellers asked if Mrs. Olsen's attorney had contacted them about the Petersons coming down to \$2,000 for the whole piece of frontage, as the Petersons ^{indicated they} had contacted ^{the Olsen's} their attorney concerning this. Mrs. Olsen said he had not contacted them, but if she did buy it she would have to deed it to the City. Councilman Olson said that this is not necessarily true as this would place them next to a publically dedicated roadway. Mrs. Olsen then said that this property would be no good to them. Mayor Armstrong pointed out to Mrs. Olson that this would place them next to a dedicated street and would allow them to get a building permit.

Mrs. Olsen's son asked if the City would give them a building permit if they did purchase this piece of property. Mayor Armstrong stated that this property would have to be annexed into the City first and she could not say whether they would be annexed. Mrs. Olsen's son asked when they could get a statement from the City as to when this area would be annexed. Mrs. Olsen said that they have been trying for two and a half years. Mayor Armstrong said that she does not want to see little jogs annexed, but ^{larger} for areas to be annexed so the City would remain square.

Mrs. Olsen asked if the Council planned on annexing in the future. Mayor Armstrong stated she is not in favor of annexing at present. Councilman Callaway stated that he would be in favor only if the City was already providing services. Mrs. Olson then stated that the thing the City should do, then, is deannex the Peterson so she can work with the County Attorney against them.

Mayor Armstrong said that the best thing would be for the Olsens to work with the Petersons and get things worked out. She asked if they were trying to work things out. Mrs. Olsen stated that Rex Olsen and their attorney went to the Petersons about five months ago and offered \$1,500 for the property and the Petersons countered with \$5,000. Mrs. Olsen said that her attorney told her she does not need to buy this property and she could not see paying \$5,000 for property which would not do her any good.

1. Judge Peterson to League Convention. Mr. Sellers informed the Council that the City is required to send the Justice of the Peace to one convention a year in order to keep him certified. He outlined the costs as follows: Registration - Judge only \$114.00; Judge and Spouse \$194.00. Motel expense (Howard Johnson rates) - Judge only \$33.00 per night; Judge and Spouse \$36.00 per night.

Councilman Openshaw moved that the City send the Judge, but only pay for his way and the Judge can pay for his wife's way. Councilman Pay seconded the motion and it passed unanimously.

2. Water Dept. to League. Mr. Cornwell stated that he has been told that the City ought to have someone at the water hearings at the League Convention as they will be discussing water sources. Councilman Jones

moved that the Water Department send Mr. Cornwell and Councilman Openshaw seconded. The motion passed unanimously.

3. Business Licenses. The following license was reviewed: Pagino's Pizzeria (juke box and gaming devices through December). Councilman Callaway moved that this be approved and Councilman Olson seconded. The motion passed unanimously.

4. Everett Kester. Councilman Olson stated that he had discussed Mr. Kester's problem with Don Cole who stated that this is the Kesters' problem and not the City's. Therefore the Kesters would have to take care of it.

5. Post Office weed patch. Mayor Armstrong stated that there is a real problem with weeds on the City property near the Post Office. Councilman Openshaw said he would sterilize it if he had permission. Councilman Jones moved that Councilman Openshaw be allowed to sterilize the weed patch on the City property near the Post Office and Councilman Callaway seconded. The motion passed unanimously.

6. Waste Department. Councilman Pay brought out the fact that the Waste Department is going to be in serious problem this year if something is not done right away. He stated that the City is looking at a \$7,247 ~~deficit~~ ^{in the Waste Dept.} for this year unless something is done. He also said that there are two possible solutions for the problem. The first one is that the people could haul their own. They would still have to pay \$3.50 per month. Another option would be to raise the monthly fee to \$4.00, which should take care of the problem. Mr. Sellers was instructed to place this on the next agenda for resolution.

7. Crossing guards. Mayor Armstrong stated that the PTA contacted the state and found out that the mothers taking care of the crossing guard duties could get sued unless they had a contract with the City or were paid for being there. Mr. Sellers stated that a simple contract could be drawn up for minimal remuneration, if this is all that is required.

Councilman Jones moved that meeting be extended until 10:45 P.M. and Councilman Callaway seconded. The motion passed unanimously.

8. Councilman Jones. Councilman Jones stated that the City is going to have to post a notification that the City's water was not up to specifications for the second quarter of 1982. He said that there was no problem with the water being undrinkable.

Councilman Jones also brought up the fact that the water for all the homes from Main to 400 North and from Center to 400 East would be shut off on Wednesday, September 8, 1982, in order to tie in another line.

9. Genola Second Ward requesting dump card. Mr. Sellers said that the Genola Second Ward had requested a landfill card for access to the landfill. He also stated that there have been numerous residents of Genola who have requested landfill dumping privileges. Mr. Sellers stated that Councilman Pay had been told that Genola held a public hearing concerning some kind of a waste agreement with Santaquin and the people had turned

this down. He said that Lloyd Nelson, a Genola Councilman, told him that a public hearing has never been held on this subject.

Councilman Pay stated that the Genola residents will have to pay by the load at the dump, as County residents do.

10. Councilman Olson. Councilman Olson stated that the problems with the roadways could be taken care of by Mayor's deeds deeding this property to the residents, while maintaining rights-of-way. The residents would pay for the survey fees. Mr. Sellers pointed out that this would turn more property over to private ownership which would increase the tax base.

Councilman Pay moved that the meeting be extended long enough to pay the bills. Councilman Olson seconded and the motion passed unanimously.

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

Central Bank Leasing.....	\$ 253.48
Don Eyre, Sr.....	1,752.60
Ideal Machine.....	35.00
Mr. Sellers was instructed to hold this bill again.	
Kim-Ko.....	303.88
Mountainlands.....	11,122.01
Tischner Ford.....	527.85
Utah County.....	6.00
Valley Asphalt.....	270.24
Richard Johnson.....	216.70
Burdick Lumber.....	48.72
Imperial Bank.....	893.39
Pearson Tire.....	10.00
PDM.....	75.31
Lomita Tag Co.....	44.50
Internal Revenue Service.....	72.35
Santaquin Medical Center.....	25.00
Mr. Sellers stated that this bill was for a physical for Shane Bott and he could not recall Mr. Bott being approved as a fireman. Councilman Olson moved that Mr. Bott be approved as a Santaquin City Volunteer Fireman and Councilman Callaway seconded. The motion passed unanimously. Mr. Sellers asked if these men are supposed to be approved prior to being firemen. Councilman Olson stated that he thought Mr. Bott had already been approved.	
Newman Signs.....	516.40
Bailey Tire Co.....	85.92
Totals.....	\$16,259.35

Councilman Jones moved that the City pay all the except the Ideal Machine bill. Councilman Pay seconded the motion and it passed unanimously.

Councilman Olson moved that the meeting be adjourned and Councilman Pay seconded. The motion passed unanimously at 11:55 P.M.

Approved this 15 day of September, 1982.

Sherman Jones
Mayor ~~Sandra Armstrong~~ Pro Tem

ATTEST: *Sam Sellers*
Sam Sellers
City Recorder