

Minutes of a regular Santaquin City Council meeting held Wednesday, October 7, 1981, at City Hall. The legislative body and press were notified in writing and the public was notified by public notice at least 24 hours prior to the meeting as stipulated by law. Mayor Robert E. Steele presided at the meeting and the following Councilmen were present: Floyd Nelson, Walter Callaway, Sherman Jones and Tom McCloud, who entered the meeting at 7:25 P.M. Recorder Sam Sellers recorded the meeting.

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

Members of the public present were: W. Merril Hymus, Wayne Mulcock, A. Ladue Scovill, Richard Mollinet, Dennis C. Lewis, Grant Pay, Donald Curtis, Dave Duchambre, Bernard M. Philips, Jr., Ramona Rosenlund, Bert Rosenlund, Dee S. Clements, Rose MacKenzie, Gerald Fowkes, Gladys Robbins, Darwin Robbins, Dan Olson, Don Kay, Clint Ercanbrack, Dix Grace, Ralph W. Ursulich and Gary McGiven.

The minutes of September 16, 1981, were reviewed. Councilman Callaway moved that the minutes be accepted as written. Councilman Nelson seconded the motion and it passed unanimously.

Councilman Callaway asked if a letter had ever been sent to Summitt Creek inviting them to a meeting. This had not been done prior to this meeting.

Councilman Callaway announced that the "Meet the Candidates" night will be held Friday, October 23, 1981, at the Senior Citizens' hall. Mr. Sellers was asked to post this and notify each candidate in writing. Mayor Steele indicated that he would be the moderator and outlined the procedures for the meeting.

Councilman Callaway asked if the Senior Citizens could store newspapers at City Hall for a money raising project. Mr. Sellers said they could use the shed in back, but that there was no room in City Hall itself.

Since there was additional time until the next agenda item, Mayor Steele brought up two license applications: Pearson Tire store and the "Bargain Basement" owned by Rose MacKenzie. Mr. Sellers indicated that the Pearson Tire Store is moving into the Walls' clothing store and that the "Bargain Basement" has been approved by the Board of Adjustments, as she will be selling clothes on consignment. Mrs. MacKenzie was present and outlined what she will be doing. Councilman Nelson moved that the licenses be granted and Councilman Callaway seconded. The motion passed unanimously.

The proposed acquisition of the Spainhower property was brought up next. Councilman Callaway outlined the history of this property as an addition to the present cemetery. He said that he has met with the Spainhower family and two independent appraisals had been done. The family is asking \$30,000.00 for the property. Councilman Callaway indicated that the property is 181.5 by 185.5 on a corner lot and he



recommended purchasing the property for this amount. Councilman Callaway said that the City has approximately \$22,000.00 in the perpetual maintenance care fund, which leaves the City \$8,000.00 short. He also said that the City has 1,736 lots available for sale in the existing upper portion of the cemetery. He suggested making the lower portion into a park for now because there have only been 104 burials in the past four years. This breaks down to 25 burials per year or 3 eight grave lots sold per year.

Councilman Callaway said he would like to get an approval for the purchase and/or financing on this at this meeting so he could go ahead on the property. Mayor Steele recommended that the Council approves the purchase of the property, empower Councilman Callaway to negotiate for the payment and use the \$22,000 for either the purchase and/or the financing. Councilman Callaway moved that the City purchase the land, allow him to work on the financing and then come to the Council with the recommendation. Councilman Jones seconded the motion and it passed unanimously. Councilman McCloud had entered the meeting during the discussion and voted in favor.

Mayor Steele brought up the following beer licenses for review and approval: Wayne Smith (Perkin's Palace), Julie Wall (Save A Dollar), Rosie Torres (Rainbow Cafe and Bar) and Mendenhall's Market. Mayor Steele indicated that the Police have not had anything detrimental to say about these agencies and their licenses and recommended they be renewed. Councilman Callaway moved that they be renewed and Councilman Jones seconded. The motion passed unanimously.

Wayne Smith's request for a continuation of a juke box was brought up. This is at Perkin's Palace. Councilman Callaway moved that this be granted and Councilman Nelson seconded. The motion passed unanimously.

Councilman Nelson moved that the City employees be given the 19th of October off for Columbus Day. Councilman McCloud seconded the motion and it passed unanimously.

Mr. Sellers brought out that the City will need 6 judges, three in each district, for the upcoming municipal election. Councilman McCloud moved that the City use the present registration agents as judges and then the City Council will appoint three more, with two alternates, during the Council meeting of October 21, 1981. Councilman Callaway seconded the motion and it passed unanimously.

Mayor Steele asked Mr. Sellers to put the proposed Police Agreement with Genola on the next agenda and to send to the Council for their review. He would also like to have the Genola representative over the law enforcement in attendance if possible. Mayor Steele said that the officers have responded and handled a stabbing incident in Genola. He said that Genola would like our officers to help with the pheasant hunt. The Councilmen indicated that they would like to see the agreement before they committed themselves. Councilman McCloud said that he felt it would be the Fish and Games Department's responsibility to handle the pheasant hunt as this is a game bird. Mayor Steele said that he would present this in total on the 21st of October. A citizen

said that he felt the police would be used more for trespassing than anything else on the pheasant hunt. Councilman McCloud said that he felt this is still the Fish and Games' problem.

The hearing on the franchise tax increase for Mountain Bell was brought up next. Mr. Merrill Hymus, the district operations manager for Mountain Bell, presented for Mountain Bell. He said that Mountain Bell would like to go on record as being opposed to the change in the percentage of the franchise. Mr. Hymus said that they felt the City could not unilaterally alter a franchise ordinance which is already in effect. He said that this does not mean the City could not impose an additional tax, but this would have to be done through a separate utility tax ordinance. Mr. Hymus outlined some reasons he felt this was an unfair tax as follows: tax is not deductible for tax purposes, whereas a property tax is; this is a hidden tax, people look at it as part of the utility cost; this tax can be raised without a public hearing; Council not as accountable to the public as with a property tax; this is an unfair and discriminatory tax.

Mr. Wayne Mulcock of Utah Power and Light presented for UP&L and said that they were aware that the City needs funding. He said they do not oppose the franchise tax but rather the distribution as to its fairness. He felt that the tax ought to be evenly distributed to all the utilities, including the water. If a person heats with electricity, he would pay more than the person who heats with gas. He said that it would be unfair to charge the people who use electricity to pump the City's water. He also pointed out that the people who use the power will pay the costs and not UP&L. Mayor Steele said that it was more for lighting the streets and that the pump bill is paid by the water department.

Don Kay said that Summitt Creek protests the increase on the grounds that there are water users who are not citizens who pay for the franchise on the wells in town which ran Summitt Creek \$200.00 per month when the wells are on.

Mayor Steele asked for Council comments. Councilman McCloud asked why Mountain Fuel was not being increased. Mr. Sellers pointed out that the reasons the Council wanted the franchise taxes to increase was so that the franchise coming in from the utility company would pay the City's cost of that utility. The franchise which the City receives from Mountain Fuel adequately covers the City's costs to Mountain Fuel. UP&L said that the citizens who pay for electric energy will pay more for the street lights than the citizens who use other utilities and the lights are a mutual benefit to all citizens. Councilman Nelson said that it is hard to place a tax which would be fair to each person. Some properties are valued more than others, so they pay more in property taxes for the same services.

Mr. Dee Clement suggested taxing the water rather than the utility. This would allow the City to use the money as it comes in.

Mayor Steele indicated that this hearing was a reflexion of the budget process in June as the City was coming up short \$12,000+ in the area of street lighting because the rates have jumped tremendously (from about \$1,100 per month when he came into office to about \$2,000 per month at present). He said the thinking was to earmark the franchise tax for the purpose of paying these utility costs and as the utility raised their rates the franchise tax received would increase with

these rate increases.

Councilman Jones said that if there was a franchise tax put on the water, the big water users would be angry about having to subsidize the street lighting.

Mr. Dee Clement suggested charging a fee for the street lights just as the garbage service is charged for. The City would add a line for the street lights and everyone would pay an equal amount.

Councilman McCloud said that he was opposed to this because he was total electric and when they bought their home they were told they would get a discount because they were total electric.

Councilman Callaway said that his biggest concern was the street lights. When the budget was prepared, this showed to be a big cost and the other departments were being hurt to pay for these costs.

Councilman Nelson said that he could not see a tax which would be equal to everyone.

The point was brought out that the other communities spread their taxes out to be equal to all utilities, including water and sewer.

Councilman McCloud said that he felt the water would be the most equal way for the City to go.

Mayor Steele said he needed to draw some closure to the discussion and asked the Council what they wanted to do. Councilman Callaway moved that the discussion be tabled until the 21st of October when the utilities could all be separated to be made equal. He included Mountain Fuel, Mountain Bell, Utah Power & Light and Santaquin Cable TV. Councilman Nelson seconded the motion. Councilman Jones pointed out that the water department gives water to the City without charge. Those voting in favor were Councilmen Jones, Callaway and Nelson. Councilman McCloud voted against the motion.

Mr. Dave Bechambre from Grant Geophysical came before the Council to ask for permission to take some test holes on the City property up Santaquin Canyon. Councilman Jones moved that the City give him an OK as long as Mr. Clint Cornwell approves the sites and the holes so they will not be in conflict with the City springs. Councilman Callaway seconded the motion and it passed unanimously.

Mrs. Rosenlund gave an update on the Agricultural Zone. The recommendation was that the Industrial Zone be used for this zone. The Planning and Zoning Committee said that if the City just wants an agricultural zone they could go ahead and establish one, but could not see anyone wanting to be annexed just agricultural. Councilman Jones said that he felt some time would be required to come up with a workable agricultural zone. He recommended tabling this until a full Council is seated and assignments are given out. He brought out the problem with the Olson Greenhouse property. Mr. Sellers pointed out that if this takes too much longer, the Olson will have to present a new mylar map for the county which does not have the back ten acres on it. Councilman Jones recommended submitting the map the City has. Councilman Jones moved that the City Council direct the Planning & Zoning Committee to continue work on an agricultural zone and present this to the Council during the first meeting in November, if possible. Councilman McCloud seconded the motion and it passed unanimously.

Mr. Larry Chappel was next and presented an application for business

at Walt's Bar. Mr. Chappel indicated that this would be a bar with pool tables, gaming devices, etc. Mr. Chappel was asked if he understood the laws governing bars. Chief Gary McGiven indicated that he felt very good about Mr. Chappel running the bar as they have a good working relationship. Mr. Sellers pointed out that Mr. Dennis Hunter, who was also present, will be running the bar in partnership with Mr. Chappel. Councilman Callaway moved that the licenses be granted and Councilman McCloud seconded. Councilman McCloud expressed appreciation for Mr. Chappel who has really supported Santaquin, even though he does not live in town. The motion passed unanimously.

Mr. Omar Hansen came before the Council to share with the City the School Board's proposed plans for the new Santaquin School. He brought some plans on how the School Board projected the school to appear at the City Park. These plans showed the ball fields and how they would appear in relation to the school. Mr. Hansen said that the School Board had looked at four or five alternative sites and felt that the Park area North of the existing ball fields was the most suited. Mr. Hansen asked the City Council to set the date for the open public hearing in relation to the use of the Park property. Mr. Hansen suggested that an appraiser, paid by the school district, be employed to appraise the Park and present school properties in order for the value to be set. Mr. Dennis Lewis asked the City Council what they would do with the present school as the district doesn't want to sink the money into fixing it up because it would cost too much. Mr. Hansen indicated that the pony league field, which would be removed for the new school, could be replaced at the present school site.

Mr. Hansen pointed out that the City's master plan shows a 100' road on the West end of the property and said that the school district would be willing to pay for the paving of the roadway on their properties.

Mr. Hansen said that they are looking 8 to 12 years down the road before a Junior-Middle School will be built in Santaquin.

Mr. Hansen said that the parking areas would be made available to the City for the ball fields and rodeo grounds.

Chief Gary McGiven said that the school as planned would be very difficult to cover with a burglary in progress as it would take at least three policemen. Mr. Hansen said that fire protection people like the plans because the kids could be evacuated in 17 seconds. He did not know how the police would cover the building in a vandal situation.

Councilman Jones said that the plans appeared to be crowding out the rodeo grounds as there will not be room for the stock. And there also did not appear to be room enough for the City yard to expand.

Councilman Callaway said that the City is in dire need of having a pony league field as the City sponsors a tournament each year. Mr. Hansen said that the field could be developed at the proposed Junior High property or at the present school site. Mayor Steele said that the school is eight years away and the diamond is needed now.

Mr. Hansen said that the City could stipulate that the school district assist in building the pony league diamond at the proposed Junior High property now for the future use of the Junior High.

Mayor Steele asked that the engineer contact Councilman Callaway for

the City's ideas in placing the ball diamonds, rodeo stock, City yard, etc.

Mr. Hansen asked if an engineer could bore some test holes on the Park so they could go ahead with their plans.

Mayor Steele asked the Council if Wednesday, the 11th of November, 1981, would be agreeable for the public hearing and they agreed. This will be held at the present school auditorium. The meeting will be a special Council meeting for the purpose of the possible placement and selling of City land for the proposed school. The meeting will begin at 7:00 P.M.

Councilman Jones asked if the school district had ever utilized Park areas for schools before and he said no but they have done it with roadways.

Mr. Ron Brown of Mountain Bell was next. He reviewed with the Council their decision to turn down Mountain Bell's proposal to bury the cable. Mayor Steele said that they were mainly concerned with the cable in conjunction with the City's water lines. Councilman Jones also pointed out that the City may be placing in new water lines in the direct future for irrigation as well as culinary water. Mr. Brown said that the Company is trying to get rid of their lines in the air so they can modernize the system in Santaquin. Councilman Jones said that, where there is a conflict, the preference would be to move across the road. They mentioned that they are trying to get as close to the property line as possible. Councilman Jones said that they need to work with the water department as they know where the water lines will be going in, specifically Mr. Clint Cornwell. They mentioned that if they go to the other side of the street, they will be in conflict with Mountain Fuel.

Councilman Nelson asked if the streets could be bored under. They said that they attempt to bore every time. Mr. Sellers pointed out that the City had been told this before by another utility company and this has not always been the case, as he saw this company dig without an attempt to bore. The Council said that they would rather have the utility company bore under any asphalt whenever they cross it.

Councilman Jones moved that Mountain Bell's proposal be accepted as long as the company works the placement out to Mr. Cornwell's approval and that all asphalt crossed be bore. Councilman Nelson seconded the motion and it passed unanimously.

Mr. George Finch approached the Council next. He showed the Council a letter he had received which said that he was invading on the City dump. He said that the ground in question he leased from UP Rail Road and showed a lease agreement. Mr. Finch said that has had verbal agreements with the City to use their ground in the past until the land needed to be used as a dump. This has never been found in the minutes. Councilman Nelson said that these kinds of things should be placed in the minutes and agreements should be written out and signed. Mr. Sellers said that Mr. Cornwell had measured the area to find the City boundary and Mr. Finch does have some personal articles on the City property.

Councilman Nelson said that if the City wants to lease this property to someone, they should do so with some stipulations.

Mr. Finch said that he is not interested in using the City dump at

this time. He was disturbed about the City telling him that he is encroaching on City property and that he has a lock on a City gate. Mr. Sellers said that he was asked to write him a letter to that effect.

Councilman Nelson moved that the City give Mr. Finch the first option to lease the East end of the dump property if he ever sees a need for use of the property in the future. Councilman Jones seconded the motion and it passed unanimously.

Mr. Finch also brought up the cars which are parked on City property ~~For~~ his business which are usable. Councilman Nelson pointed out that the City has another businessman in town who also uses the street to park cars. Mr. Sellers pointed out that past Councils have asked Mr. Finch to put up a ten foot fence around his property and to move the cars off the City property. Mr. Finch asked if he could park his own licensed vehicles across the street from his present lot. When asked if they were for sale, he said no they would not be sold. Mr. Finch also said that the County Attorney told him that he could place private vehicles on his own lot. Mr. Sellers said that he could not use this lot as an expansion of his own business. Mr. Finch said that he has 20 cars and trucks for his own private use which are not for sale. The question of Tischners' parking their vehicles on the street was brought up again. Mr. Sellers pointed out that Tischners' is in the Commercial Zone, whereas Finch's is in a residential zone. He said that the residential zone prohibits use of City property for business, where the commercial zone does not. Councilman Callaway asked Mr. Sellers that if he had some cars, if he could place them on his property. Mr. Sellers said yes, if they were not for sale. If they were for sale, he could not park them there until they are sold.

Councilman Callaway moved that the meeting be extended 15 minutes. Councilman Nelson seconded the motion and it passed unanimously.

The City's bills were reviewed next. Councilman McCloud moved that the bills be paid except for the following:

Larry King's bills for the Fire and the Garbage Departments.

Boyd Martin's bill for proposal on fixing the lawn mower.

Councilman Nelson seconded the motion and it passed unanimously.

Councilman Jones moved that the meeting be extended 10 minutes. Councilman Callaway seconded and it passed unanimously.

Mr. Don Kay and Mr. Clint Ercanbrack of Summitt Creek were present. Mayor Steele reviewed the problem with Michael Lloyd with them and said that Mr. Lloyd felt they should reimburse him for the interest as an inconvenience to him.

Mr. Kay asked why Summitt Creek would want to pay the interest for him and why the City felt they should pay it. Mayor Steele said that Mr. Lloyd sees the problem as having been caused by Summitt Creek. Mr. Kay indicated that when Mr. Doyle Crook purchased the property there was two feet of soil over the pipe and this was pushed off the pipe which resulted in the pipe being broken. Mr. Kay asked the Council who will pay for the pipes broken by the contractors building homes in Santaquin.

Mr. Don Kay said that Summitt Creek refuses to pay the interest.

Councilman Jones brought out the replacement of the ditch on the Alexander subdivision. He said that the proposal will be for the City to remove the present ditch and Summitt Creek will replace the ditch with a cement ditch. The work will be done from the Hovey's home to the West end of the subdivision. Mr. Kay indicated that the engineering has been done. Councilman Nelson moved that the City remove the present ditch from Verl Hovey's home to the West end of the subdivision (600') as specified in the plans submitted by Summitt Creek and Summitt Creek be responsible to replace this with a concrete ditch. Councilman McCloud seconded the motion and it passed with Councilmen McCloud, Nelson and Callaway voting in favor. Councilman Jones abstained from voting inasmuch as he has been hired to replace the ditch by Summitt Creek.

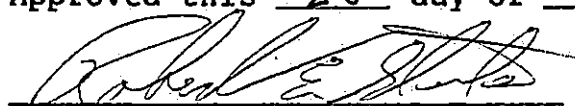
Councilman Nelson asked Mr. Kay if he has checked with their attorney about the implications of enlarging the ditch. Mr. Kay said their attorney said that this is a flood ditch and they should go as big as they need to handle the capacity of the water. Cases had been given where a ditch had not been built to carry the water and the companies were sued for this.

Mayor Steele recommended estimating the costs of the ditch and sending a bill for a third of this to the County as they had promised the people they would participate in this project. Councilman Callaway moved that the City send a bill to the County for one third of the estimated costs. Councilman McCloud seconded the motion and it passed with Councilmen McCloud, Nelson and Callaway voting in favor. Councilman Jones abstained.

Councilman Callaway moved that the City pay the Red Rooster for the food they fed the National Guard. Councilman Nelson seconded the motion and it passed unanimously.

Councilman Nelson moved that the meeting stand adjourned. Councilman McCloud seconded the motion and it passed unanimously at 10:15 P.M.

Approved this 28 day of October, 1981.



Mayor Robert E. Steele

ATTEST: Sam Sellers  
Sam Sellers  
City Recorder.




The regularly scheduled City Council meeting which was to be held on Wednesday, October 21, 1981, was cancelled because of a lack of a quorum present.

Approved this 28 day of October, 1981.



Mayor Robert E. Steele

ATTEST:   
Sam Sellers  
City Recorder