

Minutes of a regular Santaquin City Council meeting held September 16, 1981. The Council, Mayor and news media were notified in writing prior to the meeting and the public was notified at least 24 hours prior to the meeting by public notice. Mayor Robert E. Steele presided at the meeting and members of the Council present were: Tom McCloud, Floyd Nelson and Walter Callaway. Councilman Sherman Jones entered the meeting at 7:30 P.M. Councilman Fred Thompson was absent. City Recorder Sam Sellers recorded the meeting. Members of the community present were: Bert and Ramona Rosenlund, Bernard N. Philips, Jr., Dennis and Linda Lewis, Lance and Patricia Foster, Frank R. Tuckett, Gerald Fowkes, Jeanne Lemenar and Michael Lloyd.

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

+ The minutes of September ³~~8~~, 1981 were reviewed first. Councilman Callaway moved that the minutes be approved as read and Councilman Nelson seconded. The motion passed unanimously.

+ The minutes of the closed meeting held September ³~~8~~, 1981 were reviewed. Councilman Nelson moved that these minutes be approved as read. Councilman Callaway seconded the motion and it passed unanimously.

The annexation requests were reviewed next.

Hiskeys: Councilman Callaway moved that, since this property was not contiguous and the owners had not met all the requirements, this request be stricken from the list and that the annexation is refused. Councilman Nelson seconded the motion and it passed unanimously.

Snell-Boardman: Councilman Callaway moved that, since the requirements had not all been met, this request be denied and it be stricken from the list. Councilman McCloud seconded the motion and it passed unanimously.

Rex Olson: Mayor Steele asked if there was a representative. Mr. Wilford Hansen, Jr. came forward as their representative. Mayor Steele indicated that all requirements for annexation had been fulfilled except an agreement between the Olsons and the Petersons on the roadway on the Petersons property. Mr. Hansen indicated that he had discussed this problem with Mr. Richard Johnson, City Attorney, and said that there were two possible solutions. (1) Mr. Johnson stated that, because of some illegalities which occurred, the Peterson annexation could be considered void. Then require the problems to be resolved before either could be annexed into the City. Mr. Hansen stated that there is another problem with this that has not been stated yet. Mr. Hansen said that the County Attorney has issued a letter and stated that, if the Peterson property is deannexed and they return to the jurisdiction of the County, they will be prosecuted for removal of the road. (2) Have the Council appoint a committee from the City to sit down with the Olson and the Petersons. He said that apparently an agreement could be reached provided two concessions were granted by the City. (a) The little strip of road involved not have to conform to the 56' limit. (b) The Peterson's could be granted a

variance on their building lot when it is reduced by the roadway. Mr. Hansen indicated that an agreement could be reached between the Olsons and the Petersons if these two conditions could be granted. Mr. Hansen asked the Council to appoint one or more individuals to meet with the Olsons and the Petersons at the Council's convenience to discuss the plan and work out some arrangement and proceed with the annexation. He said that the Peterson's only contention is that by losing the road they would not be able to build. Councilman Callaway asked if the Peterson's had told him this. Mr. Hansen did not answer this question.

Councilman Nelson said that he felt it would be difficult to place a house and a roadway in the triangular piece of property and said that he felt as if the City should deannex the property and allow the County to take care of the problem then have the City start over again and see that the annexations are done properly. He indicated that, in his opinion, this would continue to cause the City problems if it is not done right.

Councilman McCloud said that as long as the house on the triangular piece meets the building code, he would be in favor of their building a home there as long as the variance is granted.

Mr. Sellers pointed out that the Board of Adjustments would have authority over the lot but not over the road as this is in the Master Plan ordinance. He offered another solution that the Olsons could purchase from the Petersons the strip from the Olsons fence line to the South side of the current roadway and then declare it a private lane which would not have to be 56' wide.

Councilman Nelson asked if the proposed house could be built on the road which runs North and South instead of the road running East and West. Mrs. Rex Olson said that they have small children and that there was too much traffic to place their home on that road. Councilman Nelson pointed out that the house down near the City Landfill is currently causing the City some problems.

Mayor Steele indicated that the City has tried to stay out of the middle of the problems between the Olsons and Petersons and recommended that this continues to be the case. He recommended that the City table this request for thirty days, which will give the parties involved some additional time and also will give the City time to consider if it wants to deannex the Petersons. He indicated that it would be better for the annexations to occur without the cloud of any illegalities. Mayor Steele said that the City Attorney would be consulted and they would go according to his recommendations. He said that he is not in favor of recommending to the Council that they be a party to working out the problems, but that the Olsons and Petersons work them out. He said that the easiest way would be to deannex the Petersons, but knows the City is growing and would like to have the Olsons in the City.

Councilman Callaway moved that this request be tabled for thirty days. He stated that he himself couldn't sit in between the two parties and tell who was going to put what where. Councilman Callaway pointed out that the Olsons have been instructed to work this out with the Petersons before and this has not been done. He said that this is the way the problems are going to have to be solved. Mr. Hansen asked if the motion could be modified to state if the Petersons and the Olsons can present a joint resolution before the variance committee on the

lot size together with a resolution as to the width of the street or having it declared a public lane, then annexation would be granted. Councilman McCloud said that as long as the building meets the building code, he has no objections. Mayor Steele said that, if it were not for the problems between the Olsons and the Petersons, and they met all the criteria, he would recommend to the Council that the property be annexed this evening. Mr. Hansen stated that the problems at the present are that people have a financial investment and they are uncertain that if they make a decision to accomodate one another what the City will do. If the City would indicated that a joint resolution would be favorably looked upon, the parties would be able to resolve their problems. Mayor Steele said that the problems with the two parties are what is holding up the annexations at the present time.

Councilman Callaway restated his motion to table the request for thirty days until the problems are worked out. He said the road will have to comply with the Master Plan. Mayor Steele pointed out that the Council will hold a regular meeting on the 21st of October and asked if the parties could be given till then and the City will have to have the agreement in writing on the 14th of October for the Council to review. Councilman Callaway accepted this. Mrs. Rosenlund said that the Master Plan makes no allowances for a private lane but the Zoning Ordinance does and a building permit can be granted on a private lane. Councilman Jones indicated that at the time the Petersons were annexed it was pointed out to them that there would be a road through the property and they have to acknowledge this fact. He said that this was one of the conditions of annexation. Mayor Steele said that this time period would give the Olsons a lever for working the problem out.

Councilman Jones seconded the motion. Councilman Callaway added that this go before the Board of Adjustments and Councilman Jones accepted this. The motion passed unanimously.

Robert Hales: Mayor Steele indicated that there is a map, but no written request. The Planning an Zoning Committee recommended that this piece of property not be annexed. Mayor Steele asked if there was anyone present representing this piece of property and there was not. Councilman Callaway moved that this request be denied as all the requirements have not been met and it be stricken from the list. Councilman Jones seconded the motion and it passed unanimously.

For the purpose of saving time the following requests were handled next: Ed Degraffenreid, Gordon Heelis, George H. Allen, Robert G. Nielson, Eva Helen Dodds, Albert Oldham, Summitt Creek Irrigation & Canal Company, Claude A. Rowley, Alta Ewell Edwards, and Fred and Howard Holladay. There were no representatives present in the meeting for any of these properties. Mr. Sellers indicated that the requests from George Allen through the Holladays have already been denied by the City Council. Councilman Jones moved that these requests be denied and they be taken off the list. Councilman Nelson seconded the motion and it passed unanimously.

Floyd Martini: No representative was present in the meeting. Councilman Jones moved that, inasmuch as they had requested withdrawal, his request be stricken from the list. Councilman McCloud seconded the motion and it passed unanimously.

Olson's Greenhouse Gardens: Don and Bart Olson were present for this request. Don Olson produced the mylar map he had made with the line showing the proposed residential and agricultural zones. Their map shows 150' deep as proposed residential and the rest as proposed agricultural. Don Olson said that the proposed residential is just a little over two acres. There is a roadway through the area and if this is dedicated to the City as a 56' foot roadway, the residential will be right at two acres. Mr. Sellers asked if the planned 500 West Street was provided for. The Council and the Olsons thought this street would be outside the West boundary of the Olsons property. Mrs. Rosenlund said that the current plans for 500 West would take 56' of the Olsons property off the West side. The Olsons brought the two additional shares of water which would be required as the other two were given in conjunction with a water hook-up for the County. Don Olson said that they have room for seven greenhouses and there is one at the present. They do plan on adding more greenhouses. Councilman Callaway pointed out that this is like a small industry in this area. Don Olson said that there will be a 56' road going into the greenhouses and 150' of this road (as deep as the residential) would be dedicated to the City. They do not want to make this a public right of way clear to the greenhouses. Don Olson promised that this road would be dedicated to the City.

Councilman Jones moved that this property be annexed with the stipulation that the road be 56' feet wide and dedicated to Santaquin City. Councilman Jones added that the property 150' deep be annexed residential and the rest agricultural.

Mrs. Rosenlund pointed out that 500 West Street is on the Master Plan of the City and that the Master Plan shows it going through the West 56' of this property. Mayor Steele asked if the Master Plan shows this street extending beyond this property. The Master Plan was looked at and it shows 500 West extending to I-15 South Santaquin exit. If this is the case, the Olsons pointed out that their greenhouses were placed in the way of 500 West as well as the Rowleys new packing shed. Mrs. Rosenlund said that the Master Plan has been filed with the County and they should be aware of this when they issue building permits. Mrs. Rosenlund pointed out that there was no Agricultural Zone as yet and asked if the Olsons would be willing to abide by the requirements of this zone when they are set up. She indicated that a piece of property should not be annexed without the proposed zone already in existence. There was some discussion as to the requirements of the Agricultural Zone as opposed to the other zones the City currently has. It was pointed out that the Planning and Zoning Committee has not met to discuss the Agricultural Zone and, as yet, the requirements have not been spelled out. Councilman Jones asked to withdraw his motion for annexation. Don Olson pointed out that at the last City Council meeting they were told the City would have an Agricultural Zone and to submit the whole piece at once so it could be done at one time to avoid confusion. Mayor Steele asked that the minutes show that they have done as they were asked. Mayor Steele pointed out that the residential area could be annexed this evening and the other area for agricultural could be handled after the zone is in the ordinance. Don Olson asked if a new map would be needed if this were done. Councilman Jones said that the map could go for both. Councilman Callaway said that he would like to see the property

brought in as soon as possible so the City could start getting the revenues and taxes off the property rather than the County getting this.

Councilman Nelson moved that the City annex the North 150' for the proposed residential area and, as soon as the ordinance can be changed to show an agricultural zone, that the other 10 acres be annexed as they comply with the requirements of the new zone. Councilman Jones asked that the requirements of the 56' foot road in the original motion be accepted and Councilman Nelson agreed. Councilman Jones seconded the motion. Councilman Callaway asked what would happen if the agricultural zone would require more water shares and Councilman Jones pointed out that was why he had withdrawn his motion, ie., in case some other requirements were stipulated. Mayor Steele indicated that they do meet the requirements on the residential and the other can be looked at in the future. Don Olson said that during the last Council meeting they were told the Agricultural Zone would only require 5 acres for a building lot and askee if this still were the case. The Council indicated that this still has to be drawn up and there was no definite requirement at the present time. The vote was called for and those voting in favor were: Councilmen Jones, McCloud, Callaway and Nelson. There were no votes in opposition.

Gene Jones and Lyle Kay: Inasmuch as the requirements have not been met and they had shown no interest in being annexed, Councilman McCloud moved that they be stricken from the list. Councilman Nelson seconded the motion and it passed unanimously. Councilman Nelson said that Mr. Jones would be interested in having his property annexed agricultural after the zone is put into place.

X Councilman Callaway publicly thanked the National Guard for hauling the fill dirt from the catch basin to the rodeo grounds and the two new ball parks and spreading it. He indicated that they would like to come back and do some more sometime as this was good training for their men. He announced that there is also a new water fountain at Squashhead Park and it should be completed by Friday (September 18, 1981).

ah Mayor Steele brought up a problem at Mechem Trailer Court. He said that when the City filled the gully to the West of the court, a ramp was provided for emergency vehicle entry. There used to be a cable across this which has been cut and people have apparently been using this as an entry way. Mayor Steele recommended that this roadway be secured with a lock and the police and fire departments be issued a key for access. Councilman McCloud mentioned a combination lock may be used. Mr. Sellers was asked to write them a letter to this effect.

Mayor Steele asked Mr. Sellers if he would write a letter to the people whose requests for annexation were handled this evening and explain to them the actions which were taken. He indicated that he and Fred Tasker should sign this letter.

Mayor Steele called a "Meet Your Candidate" night on Friday, October 23, 1981, for the citizens to get to know the candidates. He also encouraged those applying for a position to come out to the Council

meetings to become familiar with the issues.

Delinquent water bills were brought up next. Mrs. Rosenlund said that there were \$9,692.42 delinquent as of 4:30 P.M. this evening. Mr. Sellers pointed out that 30 days delinquent means one billing cycle which is really 60 days. Mrs. Rosenlund said that there will be another bill going out on the 1st of October. Councilman Jones said that a notice for discontinuation of water service will be sent to those with a 60 day or older balance and they will be required to pay the total balance owing of 60 days or more in order to have service continued. This notice will give the people 10 working days for this to be taken care of. Councilman Jones made the two previous sentences into a motion and Councilman Callaway seconded. The motion carried unanimously. Dennis Lewis pointed out that the City of Payson requires the full payment of arrears or their utilities will be shut off.

The next item was the delinquent improvement districts. Mrs. Rosenlund said that, as of closing today, there was \$4,247.32 outstanding and this only included the principle. Mrs. Rosenlund pointed out that some of these had never had any money paid on them and the largest is \$635.00. Mr. Sellers brought up a letter which the City had received from one individual who had agreed to pay \$10 every pay day beginning the 25th of September and asked if this was satisfactory. Councilman Nelson indicated that one individual had approached him who is only making \$50 per week. He said that for the widows and people out of work it would be tough for them to come up with \$600. This individual he was talking about is having a real hard time paying her utility bills. Dennis Lewis said that there are government offices that would help pay her utilities for her. This would help green up some money for the assessments.

Mrs. Patricia Foster said that she had received a letter from the City stating that if they did not make payments that the City would sell their property at auction. (Mrs. Rosenlund read the letter to the Council and the letter actually said that the City has this option and may take this as a last resort.) She said that she owes over \$500 and has a large family and can't come up with this amount of money. She said that her husband was laid off work as soon as this district was completed. She further stated that the City is handling this very unfeelingly. Mrs. Foster said that she could not understand why the property owners have to pay for the running foot to have the road paved as everyone in the City uses the road. She said the road did not have to be paved to begin with and there was a protest with 58% of the property owners against it. She says that so far they have paid \$110 on it and have only paid on the interest and the principle has not been effected.

Councilman Nelson said that they were not the only ones in this situation and that is why he is reluctant to come out and say the people have thirty days to pay. He said that he had nothing to do with the passage of this district, yet he is stuck with enforcing the law to see that it is paid. He said that he could not wipe out the bill because it was established by ordinance. He said that his own personal feelings are that if the people will make some recommendation as to how much they can pay, then he will agree to it as long as they

stick to their agreement because this can't be drawn on indefinitely. Mayor Steele asked how much was assessed the Fosters and Mrs. Rosenlund said that it was \$3.50 per foot with the interest at 7% if paid on time and 9% if delinquent. The Mayor said that that was certainly a bargain. He pointed out that the property owner only paid a portion of the costs and that the other portion was paid out of the General Fund of the City.

Mrs. Rosenlund gave the background on the ordinance covering 200 North and then read from the ordinance where it states that when any part of the assessment becomes delinquent that the whole amount becomes due and payable. She pointed out that she could not tell if people are working or not. Her duties as the Treasurer makes her accountable for funds owed the City and, inasmuch as this amount is due, she is notifying them according to law. She said the Foster first payment was made in 1980, two years after the road was put in, and the payments since have been small enough that only \$18.71 has gone to principle. She said that the ordinance has bound her and she is only following the ordinance. She said that if someone would commit to pay a certain amount and then stick to it, she would be agreeable to this.

Mr. Michael Lloyd said that he was disturbed at government agencies soaking people on interest. Mr. Sellers pointed out that the present administration has no control over the interest as this was set up in the ordinance. He further stated that 7 to 9% is fairly low even at the time the district was established.

Councilman Nelson recommended that a letter be sent stating that there is an ordinance and that this obligation cannot be waived, yet if the people will make a commitment with the City and stick to it, the City will work with them. Also if there is a special hardship case the City will try to work with them. If there are some who will not work with the City and will not pay their assessment, then the City will have to go by the ordinance.

Councilman McCloud moved that the meeting be extended 20 minutes. Councilman Nelson seconded the motion and it passed unanimously.

Mr. Michael Lloyd approached the Council on a special problem he had. He lives on 200 North. Summitt Creek has a ditch to the West of his house which had been leaking water for a long period of time. The road was improved with the ditch still leaking and made a mud puddle from the ditch over to the front of his home. Mr. Lloyd said that before he paid money for a new road, he wanted to be able to enjoy it. Mr. Lloyd said that he called the Mayor down who looked at the road with him. He said that he told the Mayor that when the ditch is fixed he would pay the road assessment in full, but he didn't feel as if he should have to pay any interest because it was not his fault that the water line was like it was. Mr. Lloyd quoted the Mayor as saying, "I don't feel like you should be responsible for the full interest either."

Mr. Lloyd said that about one month ago, three years from the day the Mayor looked at the pipeline, Summitt Creek fixed the water line. He said that before they had the line covered up, he had the principle paid in full. He said that he received a receipt which shows he paid the principle in full. Then one week later he received a notice of

\$79.00 interest. He said, "I don't feel like I owe that interest and I don't plan on paying it."

Councilman Nelson asked who the Mayor was that Mr. Lloyd was referring to and Mr. Lloyd indicated Mayor Steele. Mayor Steele said that he does not remember making the statement referred to by Mr. Lloyd, but he did remember going down and looking at the problem with him. Mayor Steele indicated that the pipe is used by Summitt Creek to pipe their irrigation water. Mayor Steele said that he told Mr. Lloyd that as the Chief Executive officer of Santaquin he would contact Summitt Creek about the problem which he did do. He pointed out that he felt it was Summitt Creek's pipe and was their responsibility to fix it and the City could represent Mr. Lloyd in asking for this to be fixed. He again said that he does not remember an agreement on an interest waiver.

Councilman McCloud indicated that the leak did cause the City problems as it eroded a chuck hole and had to be barricaded. He said that he feels that it is the City's responsibility to maintain the pipe. He also said that he feels if a citizen holds up his part of the bargain, the City Council has no right to renege on their part.

Mrs. Rosenlund said that he came in on the 9th of September. A part-time clerk waited on him who had never handled an assessment prior to this time and she made the receipt showing no balance owing. The clerk asked Mr. Rosenlund, after she came back from lunch, if she had handled the account properly. Mrs. Rosenlund checked the account and immediately wrote Mr. Lloyd a letter which went out the next day indicating the mistake which had been made and that there actually was interest owing. She also wrote that if Mr. Lloyd had any questions to contact her and she had not heard from him until this meeting.

Mayor Steele said that he had been given the impression from Summitt Creek that the pipe had been fixed over a year ago.

Mr. Sellers pointed out that the ordinance says that any delinquent amount will accrue at 9% per year and that the City Council could not break the ordinance. Councilman Nelson said that the City does not have the right to turn Summitt Creek's water off. He also pointed out that the ordinance is in effect and he has no control over the provisions of it.

Mayor Steele indicated that Mr. Lloyd could pay under protest, as some have done. Mr. Lloyd said that he felt as if he has already paid it and has a receipt for it and does not owe any more on it. He said that he has moved out of his place and his wife called and talked with Mrs. Rosenlund to transfer the water. He said that Mrs. Rosenlund told her the City could not transfer the water because they still owe the City a bill. He said that he wanted to publicly tell the City he wants the water transferred because he does not want it in his name and does not need it.

Mrs. Rosenlund pointed out that she could not transfer the water until the new people responsible had filled out a form accepting responsibility and all debts against the property have been satisfied. She also pointed out that if a title search had been done, as is customary when selling a house, this amount would have been picked up by the new owners as a debt needing to be satisfied. Mrs. Rosenlund stated that Mrs. Lloyd had told her that the house was being sold and when she mentioned the interest, Mrs. Lloyd said that it was being taken care of and hung up on her.

Councilman McCloud said that he had recommended to Mr. Lloyd to come before the Council with this problem as Mr. Lloyd did not feel he owed the bill because of what he had been told at the time. He did tell Mr. Lloyd that he did have an ordinance he had to abide by. Councilman McCloud said that the leak should have been part of the road in the area.

Councilman Callaway indicated that the City has had other problems with Summitt Creek in the same area.

Mr. Sellers pointed out that even if there had been signed agreements between Mr. Lloyd and the City on this payment, it would still be in violation of the ordinance and nullified.

Councilman Jones said that he had talked with Don Kay and when the pipe was put in Summitt Creek had placed two feet of fill over it and when the property owners came in they skimmed this off. He said he could not see where the City has done anything wrong and the problem is with Summitt Creek not the City. Councilman Nelson agreed. Mr. Lloyd disagreed because this is on City property. Mayor Steele pointed out to Mr. Lloyd that he had put himself in the middle by saying he was going to protest and he would protest like this.... Mayor Steele said that if someone protests then he is stuck with the consequences.

Mayor Steele further pointed out that he as an individual nor the full Council could vote to waive an ordinance. If they did then they would be held liable for the debt. Mr. Lloyd said that he understands this point.

Councilman Nelson said that he could not break the law and Mr. Lloyd will have to pay the interest. Mayor Steele said that it would be nice if the City could get Summitt Creek to pay the interest because of their being at fault.

Councilman McCloud said that the City should have been after Summitt Creek to see that it was done or they should have been fined.

Councilman Jones said that the Council has been after Summitt Creek since he was on the Council and asked if the City is responsible merely because Summitt Creek did not fix it.

Councilman Callaway said that the City is bound by ordinance and Mr. Lloyd will have to pay the interest, but he would like the Council to explain to Summitt Creek the facts and why Mr. Lloyd is having to pay this interest. They should be asked why shouldn't have to pay this interest for Mr. Lloyd. He said that Summitt Creek should be told they were derelict in their duties. Councilman Jones suggested having this brought up when Summitt Creek is in to their next Council meeting.

Councilman McCloud indicated that Mr. Lloyd has a receipt marked paid in full written by a City employee and by law this means the debt is paid in full. Mayor Steele said that this does not alleviate a debt. Councilman Callaway moved that Summitt Creek be called into a future Council meeting to be apprised of the situation and that the City feels they were derelict in their duty and a citizen suffered by having to pay interest at or near \$80.00 and asked why they should not have to pay this interest for him. Councilman Nelson seconded the motion. Mr. Lloyd indicated that it does not matter what the amount is but feels he is standing on principle. He said that he guarantees the City that until he absolutely has to pay this money, he will not pay it. Mayor Steele pointed out that the City is bound by the


ordinance and they cannot waiver from it. Mr. Lloyd said that the City should have thought of this three years ago. Mayor Steele said that Mr. Lloyd should have thought of this and Mr. Lloyd said, "No, I shouldn't have, I did. I told you!" Mr. Sellers pointed out that every day this goes on the interest increases. Mr. Lloyd asked what would happen if he pays this and Summitt Creek also pays it. Mayor Steele said that he would be reimbursed. The motion passed unanimously.

Councilman McCloud moved that meeting be adjourned and Councilman Jones seconded. The motion passed unanimously at 9:20 P.M.

Approved this 7 day of October, 1981.



Mayor Robert E. Steele

ATTEST: 
Sam Sellers
City Recorder