

Minutes of a regular Council meeting held February 4, 1981, at City Hall at 7:00 P.M. Members of the governing body present were: Mayor Robert E. Steele and Councilmen Tom McCloud, Floyd Nelson, Fred Thompson, Sherman Jones and Walter Callaway. City Recorder Sam Sellers recorded the minutes. The invocation was led by Councilman Jones and the pledge by Mayor Steele. Members of the community present were: Dennis C. Lewis, Linda D. Lewis, Jay Hill, Helen Dodds, Jake Weierman, S.E. Williams, Neva J. Peterson, Alden J. Peterson, Steve Hardle, Michael Olson, Charles D. Weierman, Gerald Fowkes, Greg Fowkes, and Lynn Crook.

Mayor Steele asked if there were any additions or corrections to the minutes of January 21, 1981. Since the Council had previously reviewed the minutes, they were not read in the meeting. One correction was to add the name which was intelligible from the tape transcript of the meeting. Councilman McCloud moved that the minutes be accepted with the addition and Councilman Thompson seconded this motion. It passed unanimously.

Mayor Steele called for the next item of business which is the Industrial Annexation. He pointed out that the Council was unaware that this annexation was supposed to be passed by a 2/3 majority of the Council present. In this case, it would have been 4 out of the 5 Councilmen present. Since only three voted in favor of the annexation, it was made null. Therefore, it would be discussed further in this meeting. Mayor Steele also pointed out the Council would look at the agreements which Mr. Hales was asked to bring before the Council. Mr. Hales was invited forward to present these agreements. Mr. Hales reviewed the petitions and agreements which were:

Mrs. Dodds: Requesting annexation as residential. Agrees to - turn to the City three shares of Summitt Creek water; cover the Summitt Creek ditch across her property; and deed to City land for an access road.

Grand Lumber: Petition for annexation with residential based on amount of Summitt Creek water available. Agrees to - cover Summitt Creek ditch across their property; turn over one share of Summitt Creek water for each acre annexed residential; and deed to City land for an access road.

George and Margaret Allen: Request for annexation as light industry.

Albert and Nelda Oldham: Request for annexation of 26 acres (13 of which to be industrial and the balance residential). Agrees to - turn over to the City one share of Summitt Creek water per acre of residential land annexed; cover the Summitt Creek ditch across their property; and deed to the City land for an access road.

Howard and Fred Holladay: Request for annexation of property as residential. Agrees to turn over to the City one share of Summitt Creek water for each acre annexed.

Summitt Creek Irrigation and Canal Co.: Request annexation in proposed Industrial Site. Agrees to - cover their portion of the Summitt Creek ditch as its covered by the others; and deeded land to the City for an access road.

Rowley's Cherry Hill Orchard, Inc.: Requesting annexation as Industrial property.

Mr. Hales indicated that he had contacted as many of the property owners as he could since last meeting and these are the results. Mr. Hales also presented a map which showed the amount of property in Grand Lumber and Oldhams' property which would be residential. Mr. Hales presented the Quit Claim deeds on the access roads from the main highway across Lark Lane to the Rowley property. He indicated that if the property is annexed, he was instructed to turn the deeds over to the City. Councilman Jones asked to have deeds on the roads clarified

and they were. Mr. Sellers asked if the deeds were to be turned over to the City before or after the roads were in and Mr. Hales indicated they would be turned over during this meeting if the proposed annexation passes. Mr. Sellers then asked whose responsibility it would be to put the roads in. Mr. Hales indicated that it could be done as the City wanted, ie, a special improvement district. Mr. Hales suggested that the impact fees from the developed area be used to pay for the roads. Councilman Jones indicated that the impact fees could not be used for this purpose. Councilman Thompson indicated that as the property was sold, the developer would take care of putting the roads into the Rowley's area. Councilman Callaway asked how the Council can allow six homes for Mr. Oldham and not allow anyone else if they can also qualify. Mr. Hales said that that would be alright as far as he was concerned and Councilman Callaway said that the impact would be so great that the City would have to have a new head house and therefore would impact the other citizens of Santaquin. Mr. Hales indicated that he had no personal interest in the annexation whatsoever. He also indicated that it was up to the Planning Commission and that they had already agreed on what would be residential and industrial. Mr. Hales indicated that this is Planning Commission business and not City Council business. Mr. Hales asked if another five acres of ground would make that much difference and Councilman Callaway indicated the other people who wanted to come into the City as residential. Councilman Jones said that the minutes of the Planning and Zoning Committee did not show the differential the Mr. Hales had suggested as to residential and industrial. Mr. Hales said that he had attended the meeting and felt they did make the distinction. Councilman Jones said that the Council had to go by the minutes of the meeting. Councilman Thompson indicated that the Council had agreed with the Oldhams after a Council meeting to allow the residential. Councilman Jones indicated that the Council could not agree on anything unless it was in a Council meeting and all the agreements made on the side were no good and illegal. Mr. Hales asked about the agreement with Mr. Grant Nielson. Councilman Jones indicated that at the last meeting he said this should go back to the Planning Commission because Mr. Nielson had changed his request because of a lack of sufficient water. Mr. Hales intimated that it was the Council that had changed this and it was pointed out to him that Mr. Nielson had voluntarily made the change. Mr. Hales said he had no interest in the property and that he was instructed to destroy the deeds and that the City would never get a road across the Oldham property if this annexation was not accepted.

Mayor Steele suggested several options: refer to Planning and Zoning Commission; take a vote at this meeting; further discussion; or study further problems. Mayor Steele reviewed the decisions made at the last meeting. Councilman Jones indicated that he would like to see things done legally. He said that the present annexation ordinance requires two shares of water per acre annexed and could not see how the City could be justified in just requiring one share per acre. Councilman Jones indicated that he had heard that this was the way the old ordinance was but that the City had never had another annexation ordinance. According to Council minutes, this is the first annexation ordinance which has been adopted by the City Council and it was passed in August. Councilman Jones pointed out that the requests for residential annexation came in after this time. Councilman McCloud indicated the Council should stick with a one share per acre requirement. Councilman Jones said that it would be against the law for the City Council to go against their own ordinance and this also is the opinion of the U. S. Supreme Court. Councilman Thompson indicated that the ordinance allowed special consideration for an Industrial Site.

Industrial, from coming in and requesting residential status because they are unable to sell their land industrial. He indicated that he would vote for the change if they allow the six homes. Mr. Hales pointed out that the City Council has the last say. Councilman Jones indicated that the agreements from Mr. Nielson and Mr. Overman for the water line to the area are not in. ~~X~~ Councilman Thompson indicated that he was waiting for Councilman Jones to draw up those agreements so they could be signed, but he had verbal agreements from them to do the lines. Councilman Jones indicated that the posting for the meeting indicated the discussion was to be centered around a review of the agreements and requests. There was nothing to indicate a decision was to be made. Also, Mr. Sellers had not been asked to notify all the people involved in the annexation which is required by law. Mayor Steele indicated that it was the Council's decision as to what should be done. Councilman Jones moved that the Council abide by the annexation ordinance and require two shares of water per acre for the residential and if there is any well rights in the area that this be given to the City whether residential or industrial. Councilman Callaway seconded the motion and Councilmen McCloud, Callaway and Jones voted in favor. Councilmen Thompson voted against the motion, but changed his vote to abstention as Councilman Nelson voted to abstain.

Upon completion of the vote, Mr. Hales tore up the deeds and threw them on the table. He indicated he felt as if Councilman Jones was always looking for some reason to stop the annexation and that he had never brought up the problem of the water before now. Councilman Jones said that he had always brought the question of two shares of water and asked if Mr. Hales was asking the City Council to go against their ordinance. Mr. Hales said that the ordinance allows for waiver and Councilman Jones again pointed out that they could not waiver it for residential. Mr. Hales indicated that he was through working with the City on the annexation site and walked out of the meeting.

Some questions arose from the citizens present. They were:

Why was a residential annexation even being considered before the lots in town were filled up? Mayor Steele explained the history of trying to obtain an Industrial Site and others in the same area wanting to have residential areas on their property.

Mr. Jim Peterson felt as if the Council was discriminating against Mr. Grant Nielson as he had wanted to have residential on his property before. Mayor Steele indicated that this was Mr. Nielson decision because he had not enough water shares to bring the property into the City as anything other than industrial. Mr. Peterson indicated he felt that Mr. Hales was getting awful angry for not having any interest in the property and he understood he would be involved in the sale of the Oldham property.

Mr. Gerald Fowkes asked why the City had not looked into the legal aspects of the annexation before the annexation decision was made. Mayor Steele indicated that this was an oversight on the City's part and that the Zoning and Planning Committee had not passed this on to the City Council.

Mr. Jake Weierman stated that the Council should have things in black and white and not take anybody's word on anything.

Mr. Williams asked if the City had an Industrial Plan drawn up for control of the area. Councilman Thompson indicated that it would

would come in. He also stated that the area would be light industrial. Councilman Jones said that he agrees with Mr. Williams and that some type of a plan should be drawn up and recommended that the Planning and Zoning Committee look at this and draw up a plan using the pamphlet entitled "The Annexation Process of Your Local Government".

Councilman McCloud recommended that the Zoning Committee ask for citizen input as well. Councilman Jones moved that the Council direct the Planning and Zoning Committee review the present annexation policy and revise them as set forth in the afore mentioned book and also take input from citizens as to the type of industrial park wanted here in Santaquin. Councilman Thompson asked if he could be removed of the responsibilities of the Planning and Zoning Committee and that these duties be assigned to Councilman Jones. Councilman McCloud seconded the motion. Those voting in favor of the motion were Councilmen McCloud, Callaway, Jones, and Nelson. Councilman Thompson abstained.

→ The next item of Mr. Mecham's Trailer Court was brought up next. Councilman McCloud indicated that the City had made past agreements with Mr. Mecham and that Mr. Mecham had fallen short on his parts of those agreements. Councilman McCloud asked Mr. Mecham why the past agreements had not been carried out on Mr. Mecham's part. Mr. Mecham indicated that they had spent their money as fast as they could on improving the concrete on the lots. He said that in the last nine months he had spent \$15,000 on the septic system and the concrete. This is all the money they can get ahold of. He also indicated that he had five more lots he wanted to improve. Councilman McCloud asked if the four pads just completed had trailers moved onto them and Mr. Mecham indicated they had. Councilman McCloud then asked if Mr. Mecham had been told that no more trailers were to be moved in and Mr. Mecham said that he had not been told this. Councilman McCloud said that he personally had told Mr. Mecham not to bring any more trailers into the park until it was brought up to the safety specifications. Councilman McCloud made a recommendation that due to all agreements that Mr. Mecham had made have not been carried out that Mecham Trailer Court fall under the Trailer Ordinance and be given until July to have the Court up to the City's ordinance and if it fails to be done that it cease to be a trailer court. Mr. Mecham asked the Council how they could do this as the court has been in existence long before the ordinance had come into effect. Councilman McCloud indicated that the City had made numerous agreements and spent personal time with Mr. Mecham showing him what needs to be done and they had not been completed. Mr. Mecham's son-in-law asked what specifically had been asked that had not been done. Councilman McCloud indicated that the paving, skirting of the trailers, separation for fire protection, and wiring still not adequate. He indicated that the danger to the people living there was extremely great because the trailers were too close together for adequate fire protection. Mr. Mecham's son-in-law indicated that those trailers which have subsequently moved in have put in skirting. He also said that if they have to be evicted because of not having everything done it costs \$1,000.00 to \$1,500.00 to have them evicted. Mayor Steele indicated that the skirting was not specifically for looks but also because there was raw sewage under some trailers and bare wires under others. The idea was to stop the children from going under the trailers and getting sick or injured. Mr. Sellers indicated that the City had 8 1/2 shares of Summitt Creek stock had been turned over to the City and asked the reason for it. The Council indicated that it was for a bond. Mr. Sellers said that they were no good to the City as they had not been signed over. Councilman Jones recommended that they be given back to Mr. Mecham and this was done. Councilman McCloud again stated that the City has tried to work Mr. Mecham and have made numerous agreements with him and he has not lived up to one of them. He therefore indicated that he would like to see the City give Mr. Mecham until the end of July to bring it up to the ordinance and if it is not, then it ceases to be a trailer court. Mr. Mecham indicated that he pays \$500.00 into the City each month. Councilman Callaway indicated that the City spends over \$500.00 per month in police protection in the court. Mr. Mecham

said that he could police the court himself. Councilman McCloud indicated that the City is responsible as they are citizens of Santaquin. Mr. Mecham charged that the police spend a lot of time in the court just playing around. Councilman McCloud moved that Mecham Trailer Court fall under the trailer ordinance of Santaquin City by the end of July, 1981. It will be brought up to the ordinance by such time and if not so it will no longer exist as a trailer court. Mr. Mecham asked where they will get the money to move that fast. Councilman Callaway seconded the motion. Councilman Nelson indicated that he had some reservations as to whether the City could kick him out and maybe they could put a moratorium on any more trailers coming in. Councilman Jones indicated that Mr. Mecham had another part he wanted to expand and the City allowed this with the agreement that the park be brought up to specifications of the trailer ordinance with a certain amount being done each year and this agreement had not been signed as Mr. Mecham had indicated he would do in the minutes. Mr. Mecham had refused to sign this agreement. Mr. Mecham said that there were some parts that did not make sense and Councilman Jones said that it followed the trailer ordinance and the City had made a mistake in allowing Mr. Mecham the extra spaces. Mr. Mecham indicated that forcing him to comply would start a big legal battle he would like to avoid. Mr. Mecham indicated he could not do all asked of him in six months. Councilman Nelson asked Mr. Mecham what he could do in six months and he indicated he could:

Finish the lots off.

Fence off areas agreed to.

Put more playground equipment in.

Make preparations to put in blacktop.

Councilman McCloud indicated that the playgrounds should be at the bottom of the list. There is electrical wire within reach of children and trailers are too close together for fire protection.

Mayor Steele indicated the motion on the floor and Councilman McCloud called for the question. Those voting in favor were Councilmen Jones, Callaway, McCloud and Nelson. Councilman Thompson abstained.

The next item of business was the City's insurance bids. Mr. Jay Hill and Mr. Lynn Crook, two of the agents who placed bids, were present. Mr. Jay Hill approached the Council and expressed some statistics on Errors and Omission Insurance and Umbrella Insurance. Mr. Crook accused Mr. Hill of attempting to use scare tactics to drive the premium up and asked Mr. Hill if a City Council had ever been sued and lost under an Errors and Omissions case. Mr. Hill said yes, but could not think of one off-hand. Mr. Sellers asked if he would send the City a list of such cases so they could be checked out with the City Attorney. Councilman Thompson moved that the City take the bids under advisement. Mr. Sellers pointed out that the City's insurance would expire prior to the next regular meeting. Councilman Thompson's motion died for lack of a second. Councilman Nelson moved that the acceptance be tabled until a special meeting could be held on February 11, 1981, for discussion and have Mr. Sellers check with the City Attorney for advise. Councilman Jones seconded the motion and it passed unanimously.

Mr. Ford's water agreement was the next item on the agenda. He had a question on numbers 4 and 6. On number 4 he asked if this was the normal charges and was assured it was. On number 6 he questioned if the employees should be allowed on his property at any time. This was ammended to read at any reasonable time. Councilman Jones moved that the agreement be accepted with the one change. Councilman Callaway seconded the motion and it passed unanimously.

The Current Bills were looked at next. Councilman Nelson moved that

carried unanimously.

The Council Business was looked at next.

1. Special Assessments not being paid. Councilman Nelson moved that those within the Small Claims Court amount be taken there. Those which are too large should be sent to the City Attorney for collection. Councilman Jones seconded the motion and it carried unanimously with Councilman Thompson not present.

2. Water Bill in February. Mr. Sellers indicated the problems of trying to figure out the accounts receivable at year end when it falls in the middle of a billing period. Some of the Councilmen present were reluctant to have a billing period fall with July and August on the same bill.

3. Employee Insurance. Mr. Sellers indicated that the company chosen would not cover Gary McGiven or Ed Neff. Mr. Sellers was asked to review other companies for employee coverage.

4. The Rabies Clinic was announced again.

5. The following business licenses were reviewed:

Holladay Hills Funeral Home
Pat Openshaw's Shop
Darrell's Fun Center and Bookstore
Dot and Bill's Antiques
Lin D's Ceramics
Davis Home and Builders' Center
Mecham Mobile Home Park
Martin Trailer Park
Blaine's Body Shop
Sheer Excellence
Santaqueen Drive Inn
Mendenhall Market
Dorinne's Beauty Shop
The Cabinet Shop

Councilman McCloud moved that these business licenses be approved. Councilman Nelson seconded and the motion carried unanimously.

The following beer licenses were reviewed:

Carolyn's Country Corner-Councilman Callaway motion approval and Councilman Nelson seconded. Councilman McCloud abstained and other Councilmen voted in favor.

Waynes Place- discussion on name change. Councilman McCloud moved to accept with the stipulation that Mr. Sellers straighten out name on license. Councilman Callaway seconded and the motion carried with all Councilmen except Councilman Thompson voted in favor. Councilman Thompson abstained.

Mendenhall's Market-Councilman Callaway moved to approve license and Councilman Jones seconded. The motion carried with all Councilmen except Councilman McCloud voting in favor. Councilman McCloud abstained.

6. Authorization was asked for Mr. Sellers and Mrs. Ramona Rosenlund to go to Orangeville to further train ~~them~~ on the use of the Burroughs machine. Councilman McCloud moved to authorize and Councilman Thompson seconded. The motion carried unanimously.

7. Authorization was asked for Mrs. Ramona Rosenlund to attend a Treasurer's Conference in Springville on the 23rd and 24th of April, 1981. The cost would be \$30.00. Councilman Jones moved that Mrs. Rosenlund be allowed to attend and Councilman Nelson seconded. The motion carried unanimously.

8. Cemetery lot for Clint Cornwell's overtime. Councilman Callaway moved that the City allow Mr. Cornwell to use his overtime to purchase a cemetery lot with 1/2 to come out of the water dept. and 1/2 to come out of the street dept. Councilman Thompson seconded the

motion and it carried unanimously.

Councilman McCloud asked if Blair Hamilton had paid for the sand bags and it was indicated he had not. A letter was drafted in the effect that this would go through small claims court if it was not taken care of. He also asked Mr. Sellers to bill the Post Office contractor for the controlled fire and this be used to purchase insulation for the fire dept.


Councilman Thompson moved to extend the meeting for five minutes. Councilman McCloud seconded the motion and it carried unanimously.

Councilman Jones asked permission to hire another employee to assist in laying the water line. His name is David Pearson. Councilman Jones moved to hire this individual and Councilman Thompson seconded. The motion carried unanimously.

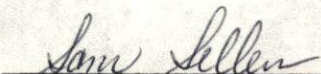
Mr. Weireman brought up the fact that the water meters on 400 North are too low. Mayor Steele and Councilman Jones indicated that the City were aware of the problem and they were under consideration.

Councilman Jones moved that the meeting be adjourned and Councilman McCloud seconded. The motion carried unanimously at 9:20 p.m.

Approved this 18 day of February, 19 81.



Mayor Robert E. Steele



Sam Sellers-City Recorder