

Minutes of a regular Santaquin City Council meeting held January 21, 1981 at City Hall, 68 East Main, Santaquin, Utah. The meeting was called to order by Mayor Robert E. Steele at 7:00 p.m. Members of the City Council present were: Walter Callaway, Floyd Nelson, Sherman Jones, Fred Thompson. Councilman Tom McCloud entered the meeting at 7:20 p.m. The invocation was offered by Councilman Jones and Councilman Thompson led the pledge of allegiance. City Recorder Sam Sellers recorded the minutes of the meeting.

The read and discussed the minutes of the January 7, 1981 meeting. Councilman Callaway moved that the minutes be approved as read and Councilman Nelson seconded the motion. It carried unanimously.

Mayor Steele discussed his relief of the ending of the Iran hostage situation. He felt this was bringing the people closer together. Mayor Steele mentioned that it would be a good idea for the Council to send a letter of congratulations to Mr. Jimmy Carter on his handling of the crisis. Councilman Callaway moved that a letter be sent to Mr. Carter approving his handling of the hostage crisis and congratulating him for his efforts in helping them come home.

X The next item of business brought to the attention of the Council was the bids on the commercial garbage cans. Councilman Nelson read the bids as follows: Skyline Industries - \$230.00 per can; E & M Welding \$228.00 per can with a 3% discount if paid within 30 days after invoice date. Mr. El Ray Davis was present and indicated that further discounts could be given for certain modifications which would not alter the performance of the cans on the truck. Councilman Nelson moved that the City purchase 25 additional commercial garbage cans from E & M Welding at \$216.00 per can without quick change casters. Councilman Callway seconded and the motion carried with Councilmen Callaway, Nelson, Jones and Thompson voting in the affirmative and Councilman McCloud abstaining as he had just entered the meeting.

The next item was Mr. Leo Ford. Mr. Ford asked the City to reconsider its decision not to allow him water at his new home in the County. He indicated he was unable to purchase any Summitt Creek water shares. The water that goes to his packing shed is only 40 feet from his house and would be simple to connect into the home. Councilman Jones indicated that the City has treated others the same, ie, charged two shares per water hook-up in the County, and should not make an exception in the matter. Mr. Ford said that he felt it was ridiculous to force him to abide by the present policy since he already had a previous agreement with the City. Councilman Jones pointed out that the previous agreement, from what could be determined, dealt only with the packing shed. Mr. Ford said that Mrs. Idonna Crook had told him that it also applied to a home as soon as it was built. Mr. Ford said that everything had not been put into the minutes of the meeting when his agreement was passed. Councilman Jones said that if he did come up with the water shares he would have to have two meters, however, he would not have to have a new line. Both meters could be run into the same line. A friend (never mentioned his name) asked if he could put a couple of questions to the Council. The first question was what the possibility of an annexation. There would still need to be water shares required, but since Mr. Ford is not contiguous to the City it would be impossible. The next question was if Mr. Ford was able to abandon the water to the packing shed, could he use it in the home? Councilman Jones indicated that the City would consider that at the time it happens. The last question was if the Council knew of any water for sale and the Council indicated they were also looking for water shares. Mrs. Ford asked if she could say something before they



left. She said that the whole situation had been a sad mistake because they now had a house which they could not move into because of no water.

Mr. Ted Livingston of the Department of Aging came before the Council next to present the contract with the City for the Senior Citizens. Mountainland needed another entity, such as a municipality, to funnel their funds through to maintain their integrity with an annual audit. Mayor Steele indicated that in reading the contract it appeared the City would have to put another \$917.00 into the Senior Citizens. He indicated that, particularly this year, the City was in no position to do this. Mr. Livingston said that this should not be and that this money included the moneys the City had already allocated to the Senior Citizens and was not an additional amount, but a certification that the City spends at least that amount. Mr. Livingston said that Mrs. Jarvis could continue to handle the money and make out the monthly reports and that the City Recorder would make out the invoices. Councilman Callaway moved that the City accept this contract with Mountainlands for the Senior Citizens and Councilman McCloud seconded. The motion carried unanimously.

The next item before the Council was the proposed Industrial Site Annexation. Mr. Robert Hales, representing the so called Rowley-Oldham addition to Santaquin City, presented the annexation request to the City Council. Mr. Hales indicated that he completed everything asked at the last meeting (December 17, 1980) and has come requesting the City to fulfill its part of the agreement and annex the land. He showed some agreements of roads which were to be deeded to the City. Mr. Hales also said he had Mr. Oldham's agreement to give the water to the City. Mr. Hales also said he had an agreement, as far as he could tell, to have the ditch covered all the way. Mr. Hales said that he had changed the mylar map to show the roads and the gas and water lines. (Not shown on mylar map.) Mr. Hales indicated that he had met all State, County and City requirements asked of him. He said that he felt ready to make the request for annexation as previously agreed upon. Councilman Jones asked if Mr. Hales was aware the Mr. Grant Nielson had asked to have his property annexed Industrial as he had been unable to find sufficient water. Councilman Callaway asked if he could look at the Albert Oldham agreement on water lines, streets, etc. and the request for annexation. Mr. Hales showed the request the Mr. Oldham had turned in last August. Councilman Callaway asked if Mr. Hales had the agreement for waterlines streets and etc. with Mrs. Dodds and Councilman Thompson said the City had an agreement with Mrs. Dodds, but that it was not in writing. Councilman Callaway asked about the Halladay property and Councilman Thompson said that they did not have a written agreement with them but that they were in agreement with the annexation. Councilman Nelson asked if there was a request from the Rowleys and Mr. Hales indicated that they had come in and made personal application. Councilman Callaway asked to see their agreement and Mr. Hales said that these were contained in the minutes of a Council meeting. The agreements were not written down. Mr. Sellers indicated that in the meeting of December 17, 1980, the Council asked for all agreements on water lines, pipelines, roads, etc. be submitted to the City office prior to this night's meeting and that these had not been turned in. Mr. Hales said that he was not of the opinion that they had to be turned into the office. Mr. Hales said that he did not have the water shares or descriptions of the property to be deeded to the City at the present time. Mr. Hales indicated that the Council should approve the annexation subject to all agreements being made for above. Mr. Hales said that when he had done what he thought was necessary that something else was required of



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him. He further indicated that he felt that an individual should have the right to use his property as he desires it to be used. Mr. Oldham, he explained has a very definite need for the residential homes as he has gone heavily in debt with the expectation that the annexation would pass. Mayor Steele indicated that the Zoning and Planning Committee had made a motion for annexation. Mr. Hales pointed out that this was on the Nielson property and that the Rowley-Oldham property had already been approved by the Zoning and Planning Committee. Councilman Jones indicated that Mr. Jake Kester had contacted him and pointed out that the City does not have an Ordinance covering Industrial areas and if the City annexed the property without one, someone could apply for a building permit to build in the proposed Industrial area. Councilman Jones indicated he felt the City should table the annexation until an ordinance could be worked up for control of the Industrial Site. Mayor Steele said that the City could ban any building in the area and Councilman Jones asked on what grounds. The situation on the water was brought up and Councilman Jones said yes but they could apply for a permit and just let it set until there was water in the area then come forth with the building permit. Mr. Sellers indicated that Mr. Ross Syphus had also said that this was true. Mayor Steele said that the City could pass a moratorium for building in the area until the Industrial Ordinance was passed. Councilman Jones said he felt as if the Council should wait and do the annexation correctly because the City had gotten into trouble previously as a result of hasty decisions. He said the annexation was one of these as they claimed the request was made before the new annexation ordinance was in so it did not apply to them. Mr. Hales indicated that he had shown the site to various industries but, because of the difficulty in getting it passed, they had gone elsewhere. Councilman Jones said he felt this had all been settled in a work meeting the previous evening. Mayor Steele said that there was a request for annexation before the Council and it was his understanding that the land would come into the City as residential land and then would have to be rezoned as the City desires. Mayor Steele felt the problems remaining could be worked out after the land was annexed into the City. The only stipulation from the Zoning and Planning Committee was that the City receive the water shares for those areas going residential. Councilman Jones indicated that in the previous meeting on the subject the Council had asked that everyone request annexation and have it in writing. Mr. Hales indicated that he could have the written requests in tomorrow. Mr. Hales read part of the minutes of December 17, 1980, where Councilman Jones said that he would be agreeable for annexation if the terms were met. Mr. Hales said that they could do that if the annexation was made a reality. Mr. Sellers read on down in the same minutes which said that Council would look at the annexation if all the agreements were in the office prior to this meeting and that nothing had been received in the office. Councilman Jones indicated that he had talked with the City Attorney and the attorney had told him that the City should have everything on the table before the Council before the annexation takes place. Mr. Hales said that when he was on the Planning and Zoning Committee they tried to take care of the problems of people moving into the Industrial Site and felt it was taken care of in the present ordinance. Mayor Steele asked to hear from the members of the Council. Councilman Nelson: "Well I think we've worked on it long enough and I think if we are going to get us an Industrial Park, we had better get it. I think there always will be problems, but I think we can work them out. There are some things in there...there are a few things I've agreed to that I'm not too happy with. But I think we had better go ahead and get that Industrial Park and get it set up and live up to agreements --- and I think if we set certain



things up of what ought to be done and then we ought to live up to it after it's done. There's a few things that ought to be done and then we should go ahead with it." Councilman McCloud: "Well, I feel pretty much like Fred (Thompson) does. I think its been drawn out quite long. Its been quite an expense to Mr. Hales and whoever, but...as I looked at it last night...I really don't know, but I do think that we ought to go ahead with the annexation and face each problem as it comes so we can get it worked out for the benefit of each individual that is involved." Councilman Callaway: "When this map was first laid on the table, I looked at it. I didn't know the Industrial Zone was just going to be down there and I looked at that and said 'Oh boy', you know I was real happy with it. I'm still happy with it as an Industrial Zone. The whole thing--right there--boy it would have my vote right now...as an Industrial Zone. But I've voted against the six houses down in there, right in the middle of the Industrial Zone and any residential beyond there (current City boundary) ....I just cannot see anything there...I can't see the...for the Industrial Zone, yes, but anything but Industrial Zone, no. That's my opinion." Councilman McCloud asked Mr. Hales if having residential in the middle of an Industrial Zone would create any problems on either end, and the problem of moving large trucks in and out of the area and the possible danger to the residents of the area. Mr. Hales pointed out that there is direct access to the Industrial Zone from the highway and the trucks would not have to come down Lark Lane. Mr. Hales also pointed out that the industry that is being looke for is not the polluting type of industry, but that which will be a credit to the town. Councilman Thompson's comments: "Well, I think everybody knows how I stand on it. Back in June or July of 1979, I was asked by the Council to contact Mr. Nielson to see if we couldn't get something going down there. In September of 1979, the (intelligible) property came up for sale and we looked at it as a City Council with the possibility of buying it for an Industrial Site. On September the 27th of 1979, it was sold to the Rowley Brothers and this brought this Industrial Site from the Rowleys into the picture. From that time until now, I've spent numerous hours working on this thing. I've put myself on the line hammering out agreements with the Council on this, so that everybody was satisfied...so that face these people...make committments in honor and keep them and I feel that we've made them and I like its high time now that we keep them." Councilman McCloud indicated that it always appears as if everything is worked out but something always comes up and they should be looked and dealt with at the appropriate time. Councilman Jones said that he was not against the annexation, but is concerned that the City is moving too fast. He reminded the Council that they had asked for the agreements to be on the table. He also reminded the Council of another incident that he felt had been enacted upon too quickly which was the Alexander Subdivision. In this subdivision, the City was supposed to take a lien against one of the lots in order to see that Mr. Alexander fulfilled his part of the agreements. Councilman Jones said, "Well, today that's never been done." He felt it was because of this everything should be done right the first time. Councilman Jones also said that the Council should be able to look the agreements over as they have been promised they could. Councilman Callaway pointed out that there would only be a small block of homes in the middle of an Industrial Zone. Mr. Hales said that it has been his experience that people and zones change over a period time. He also pointed out that Santaquin would be one of the closest rail points from Salt Lake City for certain products to the IPP project. Councilman Jones indicated that, if the land was annexed Industrial, Mr. Oldham would not have to give up water shares. Mr. Hales said that this would wash the whole deal out, he would not give the City the roads and would block industry

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from his property. Mr. Hales pointed out that, in the whole industrial site, the City would not have to buy anything, ie, roads, ground, etc. Mr Sellers pointed out that the map shows the road going across the Water Company's property and asked if they had agreed to donate this to the City and assist in putting the road across it. Mr. Hales said that he did not know what they had agreed to do on their property. Councilman Jones indicated that this is one of the things which had been asked for and that Mr. Hales had said he had all the agreements for the roads. Mr. Hales said that he had said he could get the agreements for the roads. Councilman Jones asked Mr. Hales if he would be willing to purchase them if he could not get the agreements and he said if the Council could guarantee the annexation tonight he would. Councilman Jones asked if Mr. Hales had an agreement with Mrs. Dodds for the road and Councilman Thompson said she was in agreement. Councilman Jones asked if there was a written agreement with her on the road. Mr. Hales said he would not spend s long time contacting the people unless there was a real possibility that it would pass. Mayor Steele said he felt as if the Council has the responsibility and the power to make the annexation go ahead smoothly. Mayor Steele recommended to the Council that they annex this property into Santaquin and set some restrictions for control. Councilman Jones said that the Council is going against their own ordinance if they pass this because all the roads were not worked out and asked who would pay for them. He said that Councilman Thompson had indicated that there was a verball agreement with the people, but asked where the assurance is that they will follow through. Councilman Jones again reiterated his stand of wanting this done where it would not cost the City, but the agreements for the roads were not in. Mr. Hales pointed out that the Harward (Cottonwood) Subdivision had come in a lot more quickly than this one and the City has control over the roads. Councilman Jones asked Mr. Hales why he had not persued agreements on the South side of Lark Lane as he had done on the North side. Mr. Claude Rowley said that he felt the annexation had been drug out too long and that the people would be willing to give up the roads if they knew the property would be annexed. Councilman Thompson said that agreements for covering the Water Company's ditch had been received. Councilman Jones pointed out that now the City had to help pay for covering a ditch by the Cottonwood Subdivision because of a hasty decision. Councilman Thompson moved that the City Council accept the annexation as recommended by the Planning and Zoning Commission to the City Council. Councilman McCloud seconded the motion. Councilman Thompson indicated that, with this annexation, the City Council would live up to the agreements they have made with the property owners inasmuch as the City had gone to them for their property. Those voting in favor were Councilmen Nelson, McCloud and Thompson. Those voting against were Councilmen Callaway and Jones. Mayor Steele then asked for any additional motions and Councilman Callaway said that he would like to see it all Industrial. Councilman Thompson moved that the City honor agreements they had made to the property owners as to usage. This was ammended to read to Mr. Albert Oldham only. Councilman McCloud seconded and those voting in favor were Councilmen Nelson, McCloud and Thompson. Those voting against were Councilmen Callaway and Jones. Mr. Sellers again asked if the Water Company was in agreement with giving property for a road and Mr. Don Kay indicated they had not agreed to anything as yet. He had also said that they were not against the annexation but were if the ditch was not taken care of. Mr. Kay also mentioned that, in the previous meeting, something had been mentioned about a bond, but nothing had been said about one yet in this meeting. Mayor Steele asked Mr. Hales if he would work with Councilman Thompson in getting the agreements on the roads and ditches all worked out in writing and having them in the



office prior to February 4, 1981. Councilman Thompson moved that no building permits be issued in the area until all agreements on roads, ditches, pipelines, etc. are made and the zoning is completed. Councilman McCloud seconded the motion and it carried unanimously.

Current Bills. Councilman McCloud moved that all bills except the UP&L for the Bowery and Utah County for the Police Department be paid. Councilman Nelson seconded and it passed unanimously.

Asphalt School. Councilman Jones moved that Mr. Clint Cornwell and Councilman Nelson be sent with Mr. Cornwell being paid usual salary and both provided with lunch at \$7.00 each. Councilman Nelson seconded and the motion passed unanimously.

Rabies Clinic. Saturday February 14, <sup>1981</sup>~~1981~~ from 1:00 p.m. to 3:00 p.m. at the Fire Station.

No replacement for Board of Adjustment as yet.

Councilman McCloud moved extend meeting 15 minutes and Councilman Nelson seconded. Unanimous.

Business Licenses. Tischner Ford - Approved. Ed Westover - Approved. Rainbow Bar - Approved. Chappel Oil - Approved. Fowkes Decorating - Approved. Carolyn's Country Coner - Approved. Carolyn Kester - Approved.

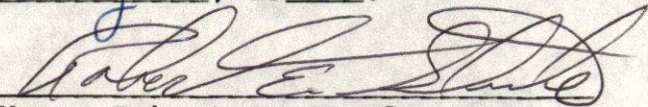
Summitt Creek Irrigation Company was asked if they had anything to present. Mr. Don Kay read a resolution which they had passed which is attached that concerns the Cottonwood Subdivision. Councilman Jones moved that the City be in agreement with the Water Company with the stipulation that the City be given one year to complete its work on the ditch. Councilman Thompson seconded the motion and it carried unanimously.

Mr. Kay brought up the problem with the flood control ditch by the Alexander Subdivision. Their proposal was that they currently had the funds to repair the ditch and they do so and the City reimburse the difference of the cost of the Cottonwood Subdivision.

County's questions on Cy Bylund's property. (1) No. Would be willing if owners donated 2 shares of Summitt Creek water per acre, or the equivalent in well or other water. (2) No. (3) Probably as long as there is no dollar cost to the City and appropriate planning is considered. (4) The City is currently doing a sewer and water study and will know more after it is complete.

Councilman Jones moved the meeting stand adjourned and Councilman Thompson seconded. The motion passed unanimously at 9:23 p.m.

Approved this 4 day of February, 19 81.

  
Mayor Robert E. Steele

Attest by: Sam Sellen  
City Recorder



The following motion was made in the December 4, 1980, meeting of the Board of Directors of the Summit Creek Irrigation and Canal Company:

Fred Openshaw made the motion to go along with the city and the developer to pipe from Doyle Crook's corner to the east end of the subdivision. The city is to remove the cement ditch, dig and lay the pipe. The water company is to purchase pipe from Doyle's to west end of the subdivision. The developer to purchase the pipe through his property. The developer would pay cost of laying through his property to the Irrigation company to help pay for the pipe. This was seconded by Warren Ahlin and voted unanimous.

Present at this meeting were Don Kay, Claude Rowley, Warren Ahlin, Clint Ercanbrack, Joe Fowers and Fred Openshaw.