

*Office copy*  
Minutes of a regular Santaquin City Council Meeting held Wednesday April 11, 1979, at the Santaquin City Hall, 68 East Main St., at 7:00 P.M.

In attendance: Mayor Robert Steele, Councilmen Clement Kester, Fredrick Thompson, Dee Clements and Ramona Rosenlund. Councilman Thomas McCloud was absent as he was working.

Mayor Steele called the meeting to order and the opening prayer was given by Councilman Dee Clements.

Minutes of the council meeting held April 4, 1979 were read and approved.

Minutes of the council meeting held March 28, 1979 were not read at this time but held until later in the meeting.

LaZawn Jarvis, director of the Senior Citizens, reported that the city <sup>has in past</sup> paid the utilities and bus fare to the county fair and the State has asked if the city would take over all expenses. They have a yearly budget of \$3,265.00 for four employees who each work approximately five days per week. They charge 50¢ for meals except on banquet days (Fridays) and holidays when the charge is \$1.00. She reported this covers the cost of the meals. She stated that the employees are: LaZawn Jarvis, Director, Frnak Tuckett, Assistant Director, Edris Wall, Janitor and Opal Duel, secretary. She also said they have had from 47 to 67 people for meal on regular days and from 85 to 90 on Fridays and holidays. There is also a program for the people on Fridays. She pointed out that they combine with groups from other cities for some trips that are taken but shorter ones are done by themselves. Since they do not have a van or bus as some groups have, they are not able to go to some special things. However, they probably would not be able to get a driver anyway. Mrs. Jarvis asked if the snow could be removed at the Center on a more regular basis and Mayor Steele said he would try to see that this was done. Mrs. Jarvis told of help the center had received from the Lions Club, such as the new flag and piano stool, and they felt the Lions had more than paid their way for use of the hall.

Councilmen Thompson asked if Mrs. Jarvis had anything to do with applications to the housing authority for home repairs and she answered "Yes". The Mayor stated that the city had \$1,800.00 allocated to them from this authority for this program. Mr. Thompson stated he had had two inquiries about this. Mayor Steele thanked Mrs. Jarvis for coming, and commented that he had heard good things about the Senior Citizens program here. He also said the reason she had been asked to come to this meeting was to acquaint the new councilmen with Senior Citizens program and also because they would soon be making up the new budget.

Mr. Don Eyre, City Attorney came to discuss with council any changes needed in any of the ordinances the city has. After some discussion it was agreed Mr. Eyre would rewrite the Animal Control Ordinance. Mr. Eyre stated that if the Animal Control officer was not a deputy marshall and wrote a citation, it wouldnt matter unless it was contested and it might be thrown out of court. He stated that one way to get by without a deputy marshal for a animal control officer, would be to have notation of any violations drawn up into a formal complaint and signed by the animal control officer and if it were contested, send it to Mr. Eyre and he or his secretary would sign same. The cost for this service would be \$4.00 per hour for his or his sectrary's time and that they could do eight or nine in an hour.

The Cemetary Ordinance was discussed. The proposed ordinance makes cemetary lots non-transferrable but if someone wishes to sell a lot the city may buy it back at the price paid for it or the current price, whichever is less. The city could then sell the lot again to either a member of the same family, if they wanted same or to someone else if the family did not want it. If there are lots which have never been used after being purchased from the city and it is thought they will not be used, the city should send notice to the latest address and if no response to this or to Notice by Publication, it would revert back to the city. If after this someone claimed the lot, each individual case would have to be considered. Mr. Eyre explained, upon being asked, that the league of Citys and Towns printed sample ordinances to help as a quideline for cities to write their own. ~~They also have a book on how to write ordinances.~~

There was a short discussion on fines levied by the Judge. Mr. Eyre said most cities set fines of from \$0 to \$299.00 or from 0 to 6 months, etc. Then the judge can set the fine within these limits.

There followed a discussion on city licenses. Mayor Steele stated that no license was required by a business from another doing business in Santaquin, such as a milk delivery company. Mr. Eyre said there is a State requirement for beer establishments to pay a bond when paying quarterly licenses. He also the city council has full discretion whether to issue a new license. One can be withheld for any reason or no reason. A renewal could be a problem if refused. Mr. Eyre told of a recent court case over the renewal of a beer license and it was not upheld by the supreme court. He said it could be written into the ordinance that a renewal could be denied only if city shows cause. He stated that if one person goes out of business and a new owner takes over the business the license should not be transferrable. Application for license can be denied to the new owner.

Mr. Eyre asked that copies be made of the old ordinances now being used, for him to take to the Council of Cities and they will make a rough draft of new ordinances to be studied and then finalized. He said this would take until about the end of summer.

In discussing traffic signs it was thought by the Mayor that the city council would decide where each traffic sign would be placed in the city and that speed in residential zones where it was not posted would be 25 miles per hour. As for regulatory signs, it was thought that there should be no blocking of driveways, fire hydrants, schools and no double parking. Cars would have to park the right way on the streets and any other places the council decides to authorize regulatory signs.

Councilmen Dee Clements suggested they adopt the dog ordinance as outlined in the discussion but no action was taken.

It was decided a Pronography ordinance was not needed but that some <sup>part</sup> short of noise ordinance should be incorporated in a new ordinance. It was also decided that no off-road vehicle plan was needed as all unlicensed vehicles are covered by another ordinance.

It was stated the Santaquin has a curfew law but it has never been put into an ordinance. All young people 16 and under must be off the streets and other public places between 10 P. M. and 6 A. M. In the event of special civic or church activities the curfew would be 12 Midnight. It would be a misdemeanor for a parent to have a child out after curfew. Technical cases would be decided by police officer. Mayor Steele suggested the ordinance be adopted so it would be invoked if necessary.

It was suggested by Mr. Eyre there be something to cover indecent exposure for all over the age of 8 years old.

Mayor Steele thought there should be a provision for a sewer department so the city would have one when needed which would probably be within the next 5 years. for peace, safe etc.

There was a discussion on trailer parks and was noted that a trailer ordinance is already in existence and Mr. Eyre said the parks could be made to conform if it could be shown there was need for spacing, surfaced roads, grass and landscaping, etc. Any enlargements since the ordinance was passed can be enforced. Councilmen Kester asked Mr. Eyre if the city was to pay interest on the performance bonds. Mr. Eyre said they need not get involved in this as the city is a non-profit organization.

Mayor Steele said they would reopen the budget on May 23 and wanted to know the length of time necessary to post same. Mr. Eyre said he would let him know. Mayor Steele also asked if the bids on equipment sold were binding as all the money had not been received. Mr. Eyre said yes and that in future if bids were over \$1,000.00, it should be required that a cashier's check for 10 or 20% of the bid be enclosed with the bid as a sort of earnest money.

In discussing the re-writing of the employees manual, it was pointed out that this does not require an ordinance but can be adopted by resolution. Mr. Eyre explained that a resolution is a formal motion to establish what a policy is. Councilman Clements asked what if someone takes exception to the council's interpretation of an ordinance? Mr. Eyre replied that they should check to see if there is a precedent before making a decision, when the City Council is called upon to make an interpretation of an ordinance. This should also be done when the council is called on to approve building permits, which includes impact fees. Certain areas would be given an interpretation by the Zoning Committee or the Board of Adjustments but the council would have the final say if it was in their department or they could delegate this to someone else to interpret. The council would still have the final say on this particular problem even though legal council did not agree. If the city makes a mistake going against an ordinance then the attorney has the responsibility for deciding.

It was asked of the attorney what was to be done if an ordinance number was skipped inadvertently and he said that number was to be marked "Skipped - Void".

Ramona Rosenlund was asked to make copies of all ordinances that were to be re-written and forward same to Mr. Eyre so they could begin to be worked on. Mayor Steele said he would come into the office the following <sup>day</sup> to assist in deciding which ones to send.

Mr. William Kaletta came representing the fire department as Mr. Charles Weierman was unable to attend. Mr. Kaletta said the department needed chemical extinguishers on each truck. At present there is only one with a chemical extinguisher. He suggested the council think about expansion of the department as the town is growing. There are now 25 men in the fire department and one of them is ready to retire. (Kathel Tischner) Mr. Kaletta also said the fireman who were inactive would need to be replaced. He also stated it has been seven or eight years since they had coveralls. Many times the men's clothes are ruined when they go to a fire and they would very much like to have coveralls. He said they would also like to have a bulletin board in the fire station as it would be very helpful. Mr. Kaletta said, on being asked, that they had not had any complaints from people about the firemen wearing their coveralls when not at a fire. The fire department now has two asbestos suits that are in good condition which were donated to them. Also the resuscitation and oxygen equipment is in good condition. He said Kay Tischner keeps these up. He stated they were trying to have a more active membership and were not having two meetings per month. Mayor Steele asked if they had any plans for an ambulance and Mr. Kaletta answered they would continue to answer calls for oxygen and resuscitation but would rather some body else do the ambulance service as they had no one qualified to give medical aid. The Mayor wondered if there were enough people willing to do what was necessary for an ambulance crew, maybe it could be considered. Mr. Kaletta said he would ask about this at their next meeting and see if there were any plans for this in the future. Councilman Kester stated that the rent of the old fire station goes to the fire department and the check should be made to Charles Weierman. There was a discussion as to whether there was water in the old station and it was decided there was but it was probably turned off as there is no heat there. Mr. Kaletta said there are four phones being manned. They were his, J. H. Kay's and Kathell Tischner's and he thought the other was Ron Gilson. Mrs. Rosenlund was asked to check with the phone company and find out about this. The mayor thanked Mr. Kaletta for coming in.

Wayne Sanderson and Vickie Bettis came to the meeting representing the Baseball clubs. They said their budget last year was \$1,365.00 ~~last year~~ and they had a balance left of \$15.70. Mr. Sanderson reported they would have more teams this year than last. There will be four girls teams this year and had only two last. These cover ages ten through fifteen. T-shirts and shorts for the younger ones are \$6.00 per person and \$15.96 for the older girls plus 15¢ per letter for the older girls. They need more pony league uniforms this year as the ones from last year do not fit. The boys seem smaller this year. The state rules require all players be suited. Mr. Sanderson stated suits can be expected to last about four years. He said there has been \$900.00 paid in fees so far this spring and there have been 307 sign up. Some families who have more than one child who wants to play can't afford fees for all of them so they let them clean the park, work in the snack bar, etc. to help out.

# SANTAQUIN BASEBALL CLUB

## LAST YEAR'S FINANCIAL REPORT:

Baseball fees collected	-----	\$1,365.00
Collection for uniforms	-----	\$ 775.51
Candy sale profit	-----	\$ 115.35
Raffle profit	-----	\$ 299.01
Snack stand profit	-----	\$1,045.74

Equipment purchased	-----	\$1,758.45
Trophie and Certificates purchased	-----	\$ 271.64

1570<sup>00</sup> B.L.

## THIS YEAR'S FINANCIAL REPORT:

Registration fees collected	-----	\$900.00
Unpaid dues for children already signed up	-----	\$357.00

### Expenses:

Two teams T-Ball shirts (younger)	-----	\$150.00
Two teams T-Ball shirts (older)	-----	\$200.00
Plus equipment and shorts		

up to 600

This report will start with priority job first.

1. The pony league field needs work done on it. The outside of the diamond needs the grass hump taken off. We also need the bleachers repaired or new ones.
2. The new ball field needs the sprinkling system installed. <sup>Need</sup> The grass needs to be planted; more dirt needs to be added; we need new dug-outs; and we also need new bleachers.
3. The little league field needs new wire for back stop and new bleachers.
4. The snack bar needs to be painted inside and outside. We also need a new snow cone machine.

Mr. Sanderson said the fields are in bad shape. They have three fields and the snack bar to care for. He said there is a hump in the Pony field and a boy was hurt last year when a ball hit the hump. He stated that a road patrol would take care of this hump.

There followed a discussion on the bleachers, which Mr. Sanderson said were in poor shape, and he wondered who was responsible for any injury which might occur. Councilman Clements answered the city has insurance for this. He also mentioned that sometimes other cities might be getting new bleachers and would sell the old ones. Mrs. Bettis mentioned that some groups or businesses will sometimes donate materials, etc. for towns but someone from the City Council would have to apply. She also said they will take a loss on registrations this year as they some money last year was not turned to the secretary and people will be wanting their deposits when they sign up this year.

Mr. Sanderson said the new field needs grass and sprinklers and he was under the impression the city was to do this. Also they need more dirt on the diamond and dugouts are needed before someone is hurt and bleachers are needed there. The one set there is in very bad shape. Also, there needs to be new wire on the back stop on the little league field, and parking facilities are also needed for this field. The snack bar needs paint and they need a new snow cone machine as the old one is nearly worn out. Upon being asked by Councilman Clement for dollar figures on these things, Mr. Sanderson replied he would guess about \$400.00 for labor and materials using either wood or pipe for the bleachers. Mr. Clement asked for everything needed in writing so they could get estimates on them. Mayor Steele said the city has money for material for a new restroom as a grant but need volunteer labor. This must be used by June 1, 1979, and must be used in the parks, or lose it. Mr. Sanderson said they will bring this up at their next meeting and try to get volunteers and also for the septic tank, which was thought must be done by volunteers. Mayor Steele said the city backhoe could be used and also that there was \$2,000.00 for new equipment such as balls, bats, catchers guards, etc.

Jim DeGraffenried appeared before council with a list of suggestions and complaints (see attached sheet). Subjects discussed were water hookups, The \$500.00 performance bond and use of the garbage dump. Mr. DeGraffenried said every contractor who installs plumbing to the main across the city's property is breaking the law, Unless he has a speciality license he can only do 1 per year. He said he felt an outside contractor would be more efficient than city employees in taking care of the water hookups. He said he thought the city should use the lein law rather than a performance bond to force contractors to comply. He also suggested that contractors be allowed to use the dump if they cover their own trash and if they do not cover it then charge them \$35.00. After some discussion of these matters council advised they will discuss the points Mr. DeGraffenried made and try to do what is best for all.

LaDue Scovill, representing UVIDA, was present and Councilman Fred Thompson said he had invited Mr. Scovill to come even though he was not on the agenda. Mr. Scovill reported he had recently attended a UVIDA meeting in Provo where he learned that in relation to the rest of the State, Utah County is the fastest growing county, and it was felt that most of this growth will be in the southern half of the county. He asked the council how he might help them and the Planning and Zoning Commission in trying to get some industry in Santaquin. He said there is to be a meeting luncheon on April 25 from noon to 1:30 where the subjects will be Municipal Funding of Industrial Development and Water Development, Residential and Industrial. He wondered if a representative of the city could go with him to this. Mr. Thompson to go. (see page 7). Mr. Scovill told of the following industries which were considering our area for industrial sites: a ski lift manufacturing company would need an airport location and employ 70 to 80 people; a lawn sprinkler company from Nevada needs 25 to 50 acres on railroad; a California glass manufacturing company, needing 25 acres and employing 80 people; publishers of yearbooks, needs 20 acres on rail and will employee 300 people; an auto parts manufacturing company needs 40 acres and will employee 300 ~~to 500~~ people; a small appliance manufacturing company needs 50 acres and will employee 500 people; and a plastics firm needs 10 acres, will employee 100 people and will build a building of 50,000 square feet. Mr. Scovill felt the city should work with the people with property suitable for industrial development so when someone comes looking for a place there will be something ready that will be what these companies want. He stated that

### Water Hookups -

With the present way:

- 1-The contractor has to bond (at least \$50,000)
- 2-The contractor has to have a specialty license by state
- 3-The contractor has to have a higher liability insurance.

If the city doesn't show up when they say they will he also has expense of backhoe time.

### Suggestion:

- 1- If the city can't do the hookup, then hire a contractor who is already bonded to contract. Such as:  
 A. Walt Limb  
 B. Dick Greenhalgh  
 or someone who is licensed to do this type of work.
2. If it requires a higher price, raise the price of the hookup.

### \$500.00 Bond

Use laws we already have such as lien laws or ~~or~~ use state contractor.

### Garbage Dump

I suggest instead of charging \$35.00 a load to dump that those contractors who are dumping large numbers of loads be required to push & cover every so often



UVIDA could furnish the help needed for studies to be made and asked if the city could afford to bond to bring property up to the needs of any industry which might want to come in. ~~Councilman Kester made a motion that Mr. Scovill be retained to work with the city through UVIDA. It was seconded by Councilman Thompson. Motion carried.~~ Mr. Scovill said he had spoken with Lynn Crook and will attend the planning meetings to be more familiar with zoning. There followed a discussion of the property that might be available for industry and how water could be gotten to them. The property discussed was Kay's, and Oldham's. Mr. Scovill said the question of maximum bonding would be discussed at the seminar on April 23rd. It was decided Councilman Thompson would go to this meeting with Mr. Scovill. It was suggested a file be started on each industry that is worked with so it could be referred to.

The city employees were next on the agenda and those present were Randy Stine, Keith Broadhead and Ramona Rosenlund. Keith reported there had been 4 or 5 water connections and the wash was nearly full so they had put "No Dumping" signs up. The Mayor said fill dirt could be put in. Keith asked about the trailer court ~~was~~ and was told to push in the top part and leave the bottom as it was not known who was responsible for the bottom. Keith said there were a number of stop signs broken off and asked what about break-away posts. He also said some signs in the city were illegal in their placement or were too short, that there was a standard distance from ditches, intersections, etc. He felt the city might get into a lawsuit if this situation is not corrected. He also said the lawn mower will not work and it is worn out. Boyd Martin Company is coming to get it to see if it can be repaired. He said a 10 foot blade for the same size mower would do lawns in half the time but they would need a smaller one for the cemetery. Councilman Thompson said he would look into this. Keith also reported one truck is in good condition and one is not running. One dump truck is down as the power steering is out. Keith also mentioned he would like a raise.

Randy Stine reported there had been one theft, one burglary, 1 vandalism, 2 family fights, 1 drunk driving, 2 possession of marijuana, 1 obscene call, 1 shoplifting, 4 dog bites and 1 shooting. The vandalism was at the school and the people were caught and referred to juvenile hall.

Mayor Steele recommended that employees be given 1 vacation day and 1 sick leave day per month for the first 5 years,  $1\frac{1}{4}$  days, five to ten years and  $1\frac{1}{2}$  days per month over ten years. This is to be effective April 1, 1979 and employees will be eligible after one month, sick leave not used does not accumulate. As employees retire, sick leave may be used for retirement. Councilman Jake Clements made a motion that the above schedule be adopted temporarily until the new ordinances are made and Councilman Thompson seconded same. Motion carried.

Councilman Clements said the annual Easter egg hunt would be on the west park April 14, and the city had paid \$40.00 for eggs (2 cases) and coloring and Ilean Peterson was taking care of this. He stated they would need help distributing the eggs before 10 A.M. that morning. Businesses in town had donated prizes. The egg hunt is limited to those 10 years old and under. Councilman Clement said the flag was in poor condition and the rope was not adequate. Councilman Kester made motion a new flag be purchased and also a rope. Councilman Thompson seconded the motion and it carried.

Treasurer Ramona Rosenlund was authorized to go to the Utah Treasurers Association conference in Fillmore April 19 & 20. The city will pay \$15.00 for handbook, \$12.00 registration fee, \$17.00 motel room and 10¢ per mile traveling expense.

Councilman Thompson said a draftsman who works in the survey office of the county would like to store his equipment in the vacant room next to the police office and in return would do any drafting needed by the city. He would do his own work there in the evenings. The mayor said they could not do this if he was doing private work. It was decided to ask this person to talk to the next council meeting about this.

All business licenses issued since the 1st of January 1979, were discussed and Councilman Jake Kester made a motion that they all be approved and Fred Thompson seconded the

Denny was assigned to check businesses to see if license up to date. motion, and it carried. It was brought out that an application for business license must be okayed by the council before a license can be given. Randy Stines business license to operate "Randys" was discussed and it was decided it was for the north room only. A discussion followed as to how Mr. Stine would handle drunken fights, etc. Mr. Clements moved the license be granted and Mr. Thompson seconded it. Councilman Clements voted against granting this and Councilmen Thompson and Kester voted for. Motion carried.

A motion was made that employees be given April 13th off in exchange for April 27, Arbor day. Seconded by Mr. Clements and passed.

A solid waste management convention is to be held May 17-19, 1979, with registration fee of \$20.00. Councilman Thompson will discuss this with Councilman Greenhalgh.

A short discussion on the T V survey followed. The mayor said although all cards were not in, so far it looked as if the majority wanted some improvement.

The mayor and councilman Clements had a meeting with the auditor. He recommended that additional money should not be used except for next years budget unless over spent. The computer will be in the 2nd week in May when the budget will be reopened at a public hearing. Capitol should be kept in reserve and should shop around for a bank with more interest or invest larger amounts in one large amount rather than small ones in different funds. Suggested a tracking system on bonds rather than just a needing to know what they are. Also suggested a flow chart for up-coming events such as the three moratoriums, the budget, sewer and garbage truck, etc.

Councilmen Kester wanted to discuss the Alexander sub-division. He felt he had voted along with the rest of the council because of knowing Ben. He stated his reason for voting as against the rest were in the minutes of the meeting held when Ben put in the third home. He felt the council went contrary to this decision and agreement. Mr. Kester said he went to the city attorney and asked about the situation and gave copies of the answering letter to the councilmen. (See attached copy). Mr. Kester made a motion to reverse the decision made. No second, motion died. Mr. Kester said that he felt if they go along with this decision the city will be paying for water line to 3 homes. He said further, that technically there are sub-divisions in the city but they cost the city nothing, but this will as the water line must be put in by the city. He said we are setting a precedent and will have trouble with other subdividers. He does not want to spend city money for these water lines as he feels Mr. Alexander is a sub-divider. He asked the lawyer if the decision could be reversed and he said it depends on how far the builder has gone. Mr. Alexander has not paid for a building permit or water hook-up or anything. Mr. Kester said the city has never paid for water lines for a sub-division. The Mayor said he felt the vote by the council was trying to make the best of the situation. Councilman Clements explained that he had voted the way he did as he interpreted the ordinance differently.

A motion was made to adjourn the meeting my Councilman Kester and seconded by Councilman Thompson. Kester and Thompson voted yes, Clements opposed. Motion passed.

After some discussion the meeting reconvened at 12:45 on a motion by Mr. Clements that the problem of the Ben Alexander property be settled tonight. Mayor Steele said that according to the attorney the councils decision was only a recommendation to the Board of Adjustments who should make the final decision. Minutes of council meeting held March 28 were checked for wording and after some discussion a motion was made by Councilman Clements as follows: Upon reviewing the minutes of the meetings held December 8, 1978 and March 28, 1979, Ben Alexander was not told that he was not a sub-divider, that Ben Alexander should be confronted and asked what he means to do about his previous agreement as shown in the minutes of the council meeting held on December 8, 1978, as this has a direct bearing on and is contrary to agreement council entered into March 28, 1979, and on his decision this should go to the Board of Adjustment and the decision made at council meeting March 28, 1979, be null and void.

Motion seconded by Fred Thompson and was passed. Councilman Tom McCloud came into the meeting after the discussion had started and so abstained from voting.



**DONALD J. EYRE JR.**

Attorney at Law

(801) 623-1141

April 11, 1979

125 North Main Street  
Nephi, Utah 84648

Clement Kester  
Santaquin City Councilman  
City Hall  
Santaquin, Utah 84655

Dear Jake,

Re: Alexander Subdivision

Pursuant to your request, I have reviewed the circumstances surrounding the Ben Alexander property near the city limit boundary. Mr. Alexander would appear to come within the definition of a "subdivider" as set forth in the subdivision ordinance. He has divided his property into three or more lots.

It would be my advice to the council to not get into the area of granting exceptions and variances from the zoning or subdivision ordinance. You should refer such requests to the Board of Adjustment, as that is the body set up to make such decisions.

With respect to Mr. Alexander's property, since he has additional property available for development down the street where the city has agreed to run a two inch line, the city would be illadvised to do that at their own expense, where in all probability additional houses are going to be built along that street.

It would be my advice to the city to demand that Mr. Alexander prepare a preliminary plat plan and construct at his own expense a six inch water line, all in conformity with the subdivision ordinance. To do otherwise would be to ask for problems in the future.

Very truly yours,

Donald J. Eyre Jr.  
Attorney for Santaquin City

DJE/mb

Motion to adjourn by Jake Kester, senonded by Fred Thompson. Passed.

Adjourned 1:10 A.M.

Note: During the discussion of UVIDA, Councilman Kester made a motion that the city retain Mr. Scovill to work with them in connection with UVIDA. Councilman Thompson seconded the motion and it carried.

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