



CITY COUNCIL REGULAR MEETING

Tuesday, December 14, 2021, at 7:00 PM
Court Room/Council Chambers (2nd Floor) and Online

Minutes

ROLL CALL

PRESENT

Mayor Kirk Hunsaker
Council Member Nick Miller
Council Member Betsy Montoya
Council Member Lynn Mecham
Council Member David Hathaway

PLEDGE OF ALLEGIANCE

Led by someone.

INVOCATION / INSPIRATIONAL THOUGHT

Given by Doug Roehbuck.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST

Mayor Hunsaker declared that he is an employee only of VanCon who has a contract with the city but has no ownership interests.

CONSENT AGENDA (MINUTES, BILLS, ITEMS)

Minutes

1. 11-02-2021 Council Meeting Minutes

Bills

2. Invoice Register - 12-10-2021 - \$1,199,653.14

Items

3. Out of State Travel Request - Police
4. Resolution 12-01-2021 – Deferral Agreement for Ryan Lind 2-lot Subdivision
5. Resolution 12-02-2021 – Voter Participation Area Designation
6. Resolution 12-03-2021 – Opioid Settlement
7. Resolution 12-04-2021 - Employee Handbook Amendments
8. Resolution 12-05-2021 - Financial Management Policies
9. Ordinance 12-01-2021 - Amendment of Financial Administration Code

Council Member Montoya thanked City Treasurer Shannon Hoffman and Finance Director Aaron Shirley for their work on consolidating all financial related policy into a singular document.

Motion made by Council Member Miller to approve the consent agenda.

Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Recognitions

Stephanie Taylor represented the Santaquin-Payson Chamber of Commerce in the business of the month award presented to Team USA Mortgage.

10. Recognition of Councilmember Nick Miller for Years of Service

City Manager Reeves spoke recognizing Nick Miller for his many years of service for the Planning Commission, Chamber of Commerce, and as a City Council Member. The Santaquin Police and Fire departments presented him an award for his work with both departments.

Presentations

11. City Council Vacancy Public Statements & Findings

City Attorney Brett Rich gave a presentation regarding the statements and findings regarding the filling of the City Council Vacancy.

Public Forum

Name: Denise Roehbock

Comment: Gave her opinion and observations on the proceedings of the Council vacancy seat fill, did not agree with what seemed to be a disingenuous interview and selection process. She then gave the background to a sign that was posted on her property against the proceedings and how it was removed. Denise shared her disapproval of Betsy Montoya being put and opined that it was unethical.

Name: Doug Roehbock

Comment: Read from a legal document that was served to him for the removal of a sign from his property against the placement of Betsy Montoya to fill a City Council vacancy. Did not like that she didn't come to talk to him first and did not think the filling of the vacancy was ethical.

Name: Jody Reid

Comment: First, I'd like to read a public comment that over 100 Santaquin residents signed on to prior to the city issuing a statement in their defense today.

Dear Mayor Hunsaker and members of the Santaquin City Council,

We believe that the November 23rd swearing in of Elizabeth "Betsy" Montoya for the remainder of the term for the seat vacated by Jennifer Bowman was invalid.

The following are our objections:

Betsy Montoya did not submit a complete application as stipulated by the instructions accompanying the form. A signed and notarized application was required of each applicant. The Montoya application was incomplete and violated these instructions.

Betsy Montoya acted as a sitting member of the council during the vacancy fulfillment process. She participated in voting to fill the vacancy, voting for herself. This was a violation of the Utah Public Officers' and Employees' Ethics Act. This act prohibits one from "use or attempt to use his official position to ... further substantially the officer's or employee's personal economic interest." Her vote in favor of placing herself in a paid position would satisfy that criterion.

These actions of Betsy Montoya clearly make her appointment invalid.

It is interesting to note that in the case where “any Santaquin City elected official who applies for a full or part-time employment position with Santaquin City, shall resign, and will be deemed to have resigned, from his or her elected office upon submitting the application for employment. All candidates for employment with Santaquin City will be evaluated solely on the person's qualifications, without special preference based on status as a former elected official of Santaquin City.” (Santaquin City Code 1.24.130) It would be inconsistent that a person cannot participate in being selected for other forms of full or part time employment while serving in elected office but could vote themselves into extended service on the city council.

We also feel that in light of the lack of trust in current officials, matters scheduled to be voted upon in this meeting should be tabled until these issues are resolved and revisited after the newly elected mayor and council members are sworn in in January.

These concerns do not reflect any ill feeling or lack of goodwill toward Councilmember Montoya but are only an expression of support of governance by rule of law and the importance of never allowing a double standard of conduct to creep into the affairs of our city.

Sincerely,

Tyler Andersen, Andrew Bell, Katie Bell, Leticia Bench, Casha Bettis, Cindy Bishop, Kimberly Bishop, Farrel Bott, Kathy Bott, Ashley Bringham, Sherrie Callister, Carla Carter, Luke Christensen, Tiffany Christensen, Pamela Colson, Mackenzi Crump, Lorrie Diamond, Gina Drollinger, Patrick Drollinger, Mindy Elliott, Rich Elliott, Marianne Evans, Jack Fetterman, Marc Fisher, Hilary Fitzsimmons, Lisa Greenhalgh, Christina Hassell, Jared Hawkins, Rebekah Hawkins, Gina Henriod, Angela Hooper, Debbie Hudson, Elaine Huntsman, Carrie Hurst, Jeremy Hurst, Jared Jeffs, Susan Johnson, Linda Kenison, Terri Kirk, Justin Knowles, Cori Krukiewicz, Trevor Krukiewicz, Kaitlyn Larsen, Taylor Larsen, Zack Larsen, Porter Lyman, Ashlee Malloch, Amee Mandelin, Bryan Messick, Marcia Messick, Cody Mikesell, Jessica Mitchell, Nell Morgan, James Roy Moser, Leah Moser, James C, Moshier, Loretta Moshier, Angela Nielson, Lewis Nielson, Josh Nixon, Lori Openshaw, Marissa Oveson, Jessica Perkins, Todd Perkins, Karen Pickett, Gary Pratt, Kassidie Pratt, Kellie Pratt, Kathleen Provstgaard, Lee Pyper, Lee Ann Pyper, David Reid, Dina Reid, Jody Reid, Randy Reid, Becki Robinson, Kurt Robinson, Lynn Rogers, Van Rogers, Denise Rohbock, Shad Ruf, Wendy Ruf, Crystal Schultz, Wendy Seamons de Hoyos, Kevin Simpson, Jacob Smith, Jake Smith, Lisa Smith, Melonie Smith, Stephen Smith, Chad Sperry, Jill Stephens, Keoni Stephens, Yvette Talley-Knowles, Jessica Tolman, Francisco Ugarte, Judy Vincent, Brent R. Vincent, Jared Wall, Shelly Wall, Julie Ward, Amy Westover, Janeth Wulfenstein-Jensen, Haley Wood, Jeremiah Woods, Kristie Woods, McCall Wright, Becky Zeeman, and Chad Zeeman, Anna Allred, Richard Allred.

My addendum:

I believe that even with the statement provided by the city, citizen opinion remains unchanged or possibly more critical of these events. In fact, the level of outrage of a number of individuals I have communicated with has actually escalated.

It is interesting that the city's defense of the city's actions continues to exacerbate the problems arising out of a lack of openness and understanding between officials and citizens. It reads more like a declaration of war than a statement meant to restore civility and decrease divisiveness in our city. To focus on the letter of the law while refusing to acknowledge the spirit of the law merely serves to deepen the lack of confidence in leaders.

And what about those individuals who carefully followed the rules and filled out their applications completely and went to the trouble and expense of having their signatures notarized? How can the arbitrary dismissal of application criteria for one applicant be acceptable? Can we really believe that all applicants would have been treated equally?

I can see where there might be a case where it might be preferable to allow a sitting council member to vote on a vacancy. Perhaps in the case of loss of life or incapacity of numerous

members due to disaster, etc. But in times of normal circumstance, it seems prudent for officials to pay attention to the spirit of the law and abide by the guidelines of the Ethics Act. Although something is legal it certainly might not be ethical.

Even Patty Johnston of the Utah County Attorney's office said, "the allegations are concerning and potentially unethical." What a stain on the reputation of Santaquin.

We're looking to you, Mayor-elect Olson, to heal the division in our city.

Name: Keith Evans

Comment: Was not pleased that there was no heed given to the application for City Council to fill the vacancy and opined that a lot of things

Name: Leroy Kinder

Comment: Does not want to bash the City Council and Mayor but does not like how people who disagree with the city are villainized. Wants to work with the sitting Council Members and let Betsy Montoya know that he loves and cares about her but disagrees with her decision but that's okay he still cares for her and her family and is willing to work with her. Wants more transparency and would like to see the city work to try and work more with the residents, just because something can be done and is within its right doesn't make it right.

Name: Terri Kirk

Comment: Expressed that she was told when she first moved into the community to show up to City Council meetings if she wanted change and she has but feels like after speaking to the Council she doesn't feel like she's heard. Opined that Council Member Montoya should step down. Said that 300 West should stay one way and hopes the Council prioritizes safety over convenience.

Appointments

12. Planning Commission

Mayor Hunsaker thanked Cody Kurtis, Sarah Jorgensen, and Art Adcock have ended their terms on the Planning Commission.

Mayor Hunsaker would like to appoint Mike Weight and Nicci McNeff to the Planning Commission and asked them to introduce himself and his credentials.

Mike gave introduced himself. Mike is from Lehi originally and works in IT, he feels like he can listen. Council Member Hathaway stated he has gotten to know Mike and is happy to see him to become a member of the Planning Commission.

Nicci introduced herself, has lived in Santaquin for the last 10 years. Loves to research, think outside the box and would like to apply that to solutions in working on the Planning Commission.

13. Community Services Board

Mayor Hunsaker thanked Jessica Tolman and Keela Goudy for their service on the Community Services Board as their terms have come to an end and will reappoint them to the Board. Neither were present.

14. Historic Preservation Board

Mayor Hunsaker presented the reappointment of Max Mitchell and the appointment of Elizabeth Robertson to the Historic Preservation Board. Neither were present.

15. RAP Tax Committee

Mayor Hunsaker thanked Chad Sperry for his service on the RAP Tax Committee. Would like to appoint Sarah Jorgensen for another term.

Motion made by Council Member Mecham to approve the appointments made by the Mayor.

Seconded by Council Member Hathaway.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

FORMAL PUBLIC HEARING

16. Public Hearing - Budget Amendment (1) - FY2021-2022

Motion made by Council Member Miller to enter the Public Hearing.

Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

City Manager Reeves stated that this was a reconciliation amendment to everything the Council had approved since July 1st. Some additional items are an agreement with Podium.

Name: Keith Evans

Comment: Wanted to know where on the budget amendment it talked about salary changes and City Manager Reeves pointed out where it was and clarified that a part of those were changes to fuel budgets which are almost already over budget due to increases in fuel prices.

Motion made by Council Member Mecham to exit the Public Hearing.

Seconded by Council Member Montoya.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway.

BUILDING PERMIT & BUSINESS LICENSE REPORT

17. BUILDING PERMIT & BUSINESS LICENSE REPORT - 12-10-2021



<u>New Business Licenses</u>				
Name	Owner	Address	Description	BL#
JM Detailing	Joshua Moon	904 N 20 E	Car washing/detailing	BL-4546
Mad Avenue Co. LLC	Devin Leavitt	338 Flagstone Dr	Home org. and cleaning	BL-4547

NEW BUSINESS

18. Audit Presentation from Larson & Company for FY2020-2021

Jon Haderlie from Larson & Company and gave a presentation for the public explaining the components and sections of the annual financial report for FY2020-21. As an auditor they give an opinion on the financial statements and the state compliance audit guide (SCAG) but not on the management discussion and analysis (MDMA), notes to the financial statements, and the required supplementary information (RSI). As a part of the SCAG there is a fraud risk assessment which he doesn't agree with in a lot of aspects but he does agree with its purpose on getting a discussion started about internal controls and recommends that the City Council fills out that assessment rather than the Finance Director. A new part of the SCAG is an audit on the fees associated with local governments, this is targeted mostly to public universities which are under the audit purview of the State Auditor's Office but just a reminder that when a new fee is implemented it should have reasonable basis and service rendered that can be tracked back to that fee amount.

19. Discussion & Possible Action – 300 West Two-Way Traffic

Assistant City Manager Norm Beagley gave a presentation on 300 West.

A discussion was had between Council and staff.

Motion made by Council Member Montoya to maintain one-way vehicular traffic on 300 west from main street to 4th north, to enhance police enforcement of parking violations in the winter, to give city staff clear direction of additional road signage and public education campaign.

Seconded by Council Member Hathaway.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

20. Ordinance 12-02-2021 – Santaquin Estates – Comm & R-10 PUD Zone Change

Community Development Director Jason Bond gave background to this zone change and ordinance.

Motion made by Council Member Mecham to approve Ordinance 12-02-2021 An Ordinance Amending The Zoning Map Of Santaquin City, More Specifically, Approving The Rezoning Of Approximately 30.86 Acres Of Property Located At Approximately Main Street And 900 East Changing Approximately 23.28 From R-10 Residential To R-10 Planned Residential Developemnt (Pud) And Approximately 7.58 Acres From R10 Residential To Interchange Commercial (C-1), Providing Severability And An Effective Date For The Ordinance.

Seconded by Council Member Miller

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

21. Resolution 12-06-2021 – Santaquin Estates – Development Agreement

Community Development Director Bond said this was a development agreement for the PUD discussed for the Ordinance zone change just prior to this Resolution.

Council Member Montoya asked what the timeline would be for the road construction because of concern of the nuisance it would be on existing roads. A representative from Flagship homes said it would be in a single phase so it wouldn't be drug out and would start as soon as they are approved through the City Engineering department. The hope is that that road construction would take place during the winter.

Motion made by Council Member Mecham to approve Resolution 12-06-2021, A Resolution Approving The Master Development Agreement For The Santaquin Estates Planned Unit Development.

Seconded by Council Member Hathaway.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

22. Discussion & Possible Action – Santaquin Estates – Preliminary Approval

Motion made by Council Member Montoya to approve the Santaquin Estates Preliminary Approval with red line changes as added in the last 24 hours.

Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

23. Ordinance 12-03-2021 – Grey Cliffs – Commercial & R-10 Zone Change

Motion made by Council Member Montoya to approve AN ORDINANCE AMENDING THE Zoning Map Of Santaquin City, More Specifically, Approving The Rezoning Of Approximately 294 Acres Of Property Located At Approximately 600 N. And Us-198. The Rezoning Changes Approximately 211 Acres From R-10 Residential Pud To R-10 Residential, Approximately 22 Acres From R-10 Residential Pud To Interchange Commercial (C-1), Approximately 41 Acres From Residential Agriculture (R-Ag) To R-10 Residential, Approximately 16 Acers From Agriculture (Ag) To R-10 Residential, Approximately 1 Acre From Interchange Commercial (C-1) To R-10 Residential, And Approximately 3 Acres From Agriculture (Ag) To Interchange Commercial (C-1), Providing Severability And An Effective Date For The Ordinance.

Seconded by Council Member Hathaway.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

24. Resolution 12-07-2021 – Grey Cliffs Development Agreement Amendment

Motion by Council Member Montoya to approve Resolution 12-07-2021 – Grey Cliffs Development Agreement Amendment.

Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

25. Resolution 12-08-2021 – Budget Amendment (1) FY2021-2022

Motion made by Council Member Mecham to approve Resolution 12-08-2021 – Budget Amendment (1) FY2021-2022

Seconded by Council Member Hathaway.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

26. Resolution 12-09-2021 – Podium Service Agreement

Motion made by Council Member Hathaway to approve Resolution 12-09-2021 – Podium Service Agreement.

Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

27. Discussion & Possible Action – Guaranteed Maximum Price – Tank & Booster Pump

Motion made by Council Member Mecham to approve a Guaranteed Maximum Price in an amount no to exceed \$4,678,396.11 for the VanCon CM/GC contract to construct the tank and first segment of the pipeline.

Seconded by Council Member Montoya.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

28. Discussion & Possible Action - City Hall Interior Authorization Approval Order

Motion by Council Member Montoya to approve a Guaranteed Maximum Price for interior completion and finishes in an amount of \$4,105,633.43 for Ellsworth-Paulsen to complete the interior areas listed above for the new Santaquin City Hall.

Seconded by Council Member Hathaway.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

29. Discussion & Possible Action - Water Rights Work - Hansen, Allen & Luce - \$32,878

Motion by Council Member Mecham to award professional services for water rights work to Hansen, Allen, & Luce, Inc. for City water right updates, changes, etc. in a not to exceed amount of \$32,878.

Seconded by Council Member Miller.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

REPORTS OF OFFICERS, STAFF, BOARDS, AND COMMITTEES

City Manager Benjamin Reeves

- Thanked staff for the efforts to get ready for tonight's meeting.
- Thanked Mayor Hunsaker and Council Member Miller for their service and is looking forward to working with the future Council.
- Thanked Council Member Montoya for all of her efforts and service and is truly one of the best Council Members he's worked with in 16 years of city management.
- Podium will bring a lot of great changes but it will be implemented slowly to allow staff time to adapt.

Assistant City Manager Norm Beagley

- Thanked Mayor Hunsaker and Council Member Miller for their service and is looking forward to working with the future Council.

Community Development Director Jason Bond

- Trevor Wood will continue to act as chair of the Planning Commission and Kylie Lance will be the Vice Chair of the Planning Commission.
- Will make sure new Planning Commissioners will have the appropriate LUDMA training needed to sit on the Commission.

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Hunsaker

Looked for a motion to allow the meeting to go past 10:30 pm – motioned by Council Member Miller and Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham, Council Member Hathaway

- As this was his last meeting, he wanted to give the following statement: "I know there has been a lot of confusion, contention, and mistrust around our city lately. Finger pointing and even name calling; threats of lawsuits and legal action. If you need someone to blame, blame me. I'm the Mayor, this happened under my watch. If there's been mistakes made, I will own them and I know on my part there have been some mistakes, but that's how we learn is by making mistakes. I'll be the first to say that I'm not perfect, please stop your attacks on good people – especially those who work for Santaquin City. Attack me if you need that in your life. If something you [haven't] agreed with [has] happened, come to me – I'm still available every other Tuesday night or whenever, I'll make time. I truly have tried to do my best for Santaquin City [and] there hasn't been anything [that has] happened that I haven't pondered and considered before making that decision. I truly believe the decisions [that] have been made [are] in the best interests of our city." The Mayor went on to thank each member of the Council and senior staff personally. He wished the new Council and Mayor the best.

Council Member Miller

- Thanked staff and Council Members for the fun opportunity to work with them, they've been a blessing to his life.

Council Member Montoya

- Youth City Council helped with the Holly Days celebration and did a fantastic job decorating a light float for the parade.
- Commended John Bradley and Shauna Jo for all their efforts on Holly Days.

Council Member Mecham

- Thanked Mayor Hunsaker and Council Member Miller for their service and is looking forward to working with the future Council.
- There is a lot of work that goes into everything and thanked staff and Council.

Council Member Hathaway

- Met with Operations Manager Dennis Marker and he will analyze city ordinances to see if overall city policies and laws are overburdening for businesses to come into the city.
- Had a water meeting and they are reinstating their technical committee to see what else can be done to conserve water.
- Thanked Mayor Hunsaker and Council Member Miller for their service and is looking forward to working with the future Council.
- Thanked the Community Services department for their work on Holly Days.

EXECUTIVE SESSION (May be called to discuss the character, professional competence, or physical or mental health of an individual)

EXECUTIVE SESSION (May be called to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property)

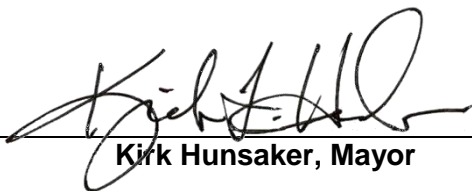
ADJOURNMENT

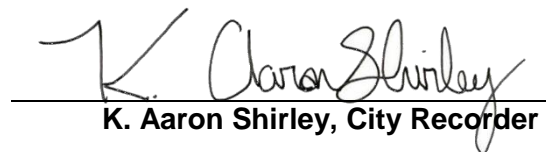
Motion made by Council Member Miller to adjourn.

Seconded by Council Member Mecham.

Voting Yea: Council Member Miller, Council Member Montoya, Council Member Mecham,
Council Member Hathaway

ATTEST:



Kirk Hunsaker, Mayor

K. Aaron Shirley, City Recorder