



CITY COUNCIL REGULAR MEETING

Tuesday, March 16, 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
Council Member Jennifer Bowman

PLEDGE OF ALLEGIANCE

Led by Nick Miller.

INVOCATION / INSPIRATIONAL THOUGHT

Led by Lynn Mecham.

DECLARATION OF ANY CONFLICT OF INTEREST

CONSENT AGENDA (MINUTES, BILLS, ITEMS)

Minutes

1. 03-02-2021 - City Council Work Session Minutes
2. 03-02-2021 - City Council Regular Meeting Minutes

Bills

3. Invoice Register - 03-16-2021 - \$138,999.31

Items

4. Resolution 03-05-2021 – Approving an Inter-local Agreement with Utah County for Administration of 2021 Municipal Elections
5. Resolution 03-06-2021 – Requesting Admission to the Fire Fighter Retirement System (URS)
6. Resolution 03-07-2021 – Approving Representation on the Mt. Nebo Water Agency
7. Resolution 03-08-2021 – Approving an Inter-local Agreement with Utah County for Victim Advocate Services

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

Seconded by Council Member Hathaway.

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

PUBLIC FORUM, BID OPENINGS, AWARDS, AND APPOINTMENTS

Awards

8. Kay Tischner - Recognition for Tischner Ford

Kay Tischner from Tischner's Ford gave thanks to the community and the city for their support in the business as long as it's been in his family. This thanks comes as the business transitions ownership.

Mayor Hunsaker presented a thank you basket to Kay Tischner and the Tischner family. A picture was taken.

9. Payson-Santaquin Chamber of Commerce - Business of the Month

Costco is the chamber Business of the month for March. Costco is an active member of the chamber and the community. They have various charities they operate to benefit the members of the surrounding community. They donate a cake for every ribbon cutting and Business of the Month recipient. We congratulate Costco on this honor.

10. Mayoral Appointment of City Council Member Assignments for 2021

Pursuant to the change to the council assignments as proposed by the Mayor, Santaquin City's representation on the Mt. Nebo Water Agency will be switching to Council Member Hathaway and Council Member Mecham as an alternate. This action requires a resolution of our Council.

Council assignments for all City Council members were made.

Public Forum

Name: Hilary Fitzsimmons

Comment: Dear Mayor Hunsaker and City Council Members,

Is it really prudent for Santaquin City to approve a nondescript development agreement for the Grey Cliffs Development? Why would you not grant another extension instead of approving some vague agreement that won't set expectations and hold the developer liable from the start?

From what Information I have access to, there doesn't seem to be enough progress by the developer on the 233 acre agricultural rezone to develop another high-density R-10 PUD. This seems rushed. Wouldn't granting another extension give adequate time to both Santaquin City, it's residents and developer to come with a plan that both parties are content with and doesn't leave the city in a bind with potential for unmet safety and infrastructure needs?

Thank you for your consideration of this matter.

Sincerely,

Hilary Fitzsimmons

Name: Zak Nowell

Comment: Dear Mayor Hunsaker and City Council Members,

As a resident of Santaquin city who lives on the east bench, I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

Why not grant another extension instead of approving a non-specific development agreement? There does not seem to be sufficient progress by the developer on the 233 acre agricultural rezone to develop another high-density R-10 PUD. We want to be sure that we are not bound by an agreement which does not fully consider future safety needs and infrastructure, and might not prove beneficial to Santaquin City and its residents.

Please keep us in mind with future developments! We currently live here and want to stay for many years to come, please don't turn our beautiful city in to an overcrowded mess like those just north of us. We understand the need and want for builders to build here but let's not cast our pearls before swine, meaning let's not set our city up with terrible developments that make us look like an apartment/townhome center! We want single family homes not high density housing, just to have more tax dollars!

Thank you for your careful consideration of this matter.

Sincerely,

Zak Nowell

Name: Jessica Isenbarger

Comment: Dear Mayor Hunsaker and City Council Members,

I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

Why not grant another extension instead of approving a non-specific development agreement? There does not seem to be sufficient progress by the developer on the 233 acre agricultural rezone to develop another high-density R-10 PUD. We want to be sure that we are not bound by an agreement which does not fully consider future safety needs and infrastructure, and might not prove beneficial to Santaquin City and its residents.

Thank you for your careful consideration of this matter.

Sincerely,

Jessica Mitchell

Name: Trevor Thomas

Comment:

Dear Mayor Hunsaker and City Council Members,

I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

Why not grant another extension instead of approving a non-specific development agreement? There does not seem to be sufficient progress by the developer on the 233 acre agricultural rezone to develop another high-density R-10 PUD. We want to be sure that we are not bound by an agreement which does not fully consider future safety needs and infrastructure, and might not prove beneficial to Santaquin City and its residents.

Thank you for your careful consideration of this matter.

Name: Janeen Dean

Comment: Dear Mayor Hunsaker and City Council Members-

I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

Why not grant another extension instead of approving a non-specific development agreement?

We want to be sure that we are not bound by an agreement which doesn't not fully consider future safely needs and infrastructure, and might not prove beneficial to Santaquin City and its residents.

Thank you,

Janeen Dean

Name: Nicci McNeff

Comment: Dear Mayor and City Council Members,

As a newer long-term resident of Santaquin (we have lived here 10+ years now and plan on staying here forever if possible), I have many concerns about how the city is changing. The most recent issue being that of the development of the property to the North East of town, currently titled Grey Cliffs.

I grew up in West Jordan and have personally experienced living in a fast-growing city. I chose to raise my family in Santaquin because of it's location and small-town feel, which is going away at an alarming rate! We chose to purchase an older home for those same ideals. Yes, people need places to live, and the rate at which Utah County's population is growing I understand the need for Santaquin to develop - to an extent. We are quickly losing the identity that makes Santaquin, Santaquin! Adding more High Density housing only impacts that identity and destroys it even further. There are many ways to keep a community's identity without giving in to developer's and their greedy desires.

Please vote against any moves to rezone and work with this developer for this part of town. That area is not structured for such infrastructure and I'm worried about giving developers too much too soon. Sure, they've made progress, but not to our satisfaction. They need to get it RIGHT, and if that means more time, than that's what it means.

Sincerely,

Nicci McNeff

Name: Jackie Larsen

Comment:

In my opinion I think it would be very unwise to grant the R-10 PUD. I would hope you would extend the deadline. We have enough high density narrow roads with no parking.

Also, I would like to get some dog signs at orchard cove park. People think the north side of the lawn, by the sidewalk is their own personal litter box. It is disgusting and gross. I would hope a sign would maybe make people think about picking up their dogs crap.

Thanks

Jackie Larsen

Name: Brendan Bowen

Comment: Dear City Council, Mayor, et al.

I read the development agreement for the Grey Cliffs project and found it has very few protections for the neighbors and community. I'll enumerate just what I consider the most important few for brevity:

Section 2.1.3 mentions impact mitigation to protect nearby residents. Experience tells me that unless the provisions are enumerated and penalties and enforcement is included, the neighbors will not be protected. They will be told that the developer can do whatever they like and it meets the intent of the agreement. We can read and there are no impact mitigation stipulations in this agreement. What has the city changed that would engender confidence that the nearby residents won't be in construction hell and have it called "legal right of way?"

Section 6.11 Allows this project 20 years of construction impact to the neighbors? Why? This is a recipe for disaster for the good people nearby. We, on the south end, are still waiting for the frontage road connection after years of wishing we had better language in the Salisbury/Horton contract that wouldn't change to suit the developer at our expense.

What prevailing need was there that serves the greater good in changing the zoning for this area at all? The sheer number of houses proposed will fundamentally change the foothills, traffic, functionality of the road, etc. and not for the betterment of the current residents. What is the purpose of zoning if zones are automatically changed when a developer can buy at one zone (cheap) and develop and sell (not cheap) in another? What makes Santaquin unique and what controls are in place to preserve what we used to refer to as our heritage?

Such a vague, open ended contract to govern a project of this size and impact to me is a stunning letdown. Have we learned nothing?

Name: Kendra Orton

Comment: Dear Mayor Hunsaker and City Council Members,

I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

Why not grant another extension instead of approving a non-specific development agreement? There does not seem to be sufficient progress by the developer on the 233 acre agricultural rezone to develop another high-density R-10 PUD. We want to be sure that we are not bound by an agreement which does not fully consider future safety needs and infrastructure, and might not prove beneficial to Santaquin City and its residents.

Thank you for your careful consideration of this matter.

Sincerely,

Kendra Orton

Name: Kellie Pratt

Comment: Dear Mayor Hunsaker and City Council Members,

I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

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Thank you for your careful consideration of this matter.

Sincerely,

Gary and Kellie Pratt

Name: Paula Strong

Comment: Dear Mayor Hunsaker and City Council Members,

I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

Why not grant another extension instead of approving a non-specific development agreement? There does not seem to be sufficient progress by the developer on the 233 acre agricultural rezone to develop another high-density R-10 PUD. We want to be sure that we are not bound by an agreement which does not fully consider future safety needs and infrastructure, and might not prove beneficial to Santaquin City and its residents.

Keep Santaquin a community that we want to keep calling home. Yes change is a necessary evil, but after living here for 53 years I am seriously thinking about moving. When you make your decisions please consider what type of community you want a transient community or a community that stays and makes Santaquin the best home town in Utah.

Thank you for your careful consideration of this matter.

Sincerely,

Paula Strong

Name: Jeffrey Siddoway

Comment: Esteemed City Council Members,

Various times over the years we've had Developers take actions that many city residents have opposed. When those concerned residents have brought their complaints to the City, the response is often a simple, "They are allowed to do that according to the Development Agreement that the City Council approved 20 years ago. There isn't anything we can do about it." This is nearly always followed with the sentiment that we need to learn from the mistakes of the past and ensure we approve agreements that will be an asset to the City during its duration.

The recently released memo concerning the Grey Cliffs Development is a blatant illustration that we have not yet learned that lesson. Approving a vague Development Agreement with the hopes that we can amend it later is a terribly irresponsible move.

The memo states that only a "basic development agreement has been prepared... and the negotiations for the terms of the development agreement can be addressed in a future amendment." Unless that basic development agreement has specific limitations to the developer, what motivation will the developer have to agree to any future amendments? This act effectively dissolves any and all leverage the City has towards negotiations.

The deadline is March 20, 2021 to either approve the agreement or extend the deadline. If you have thoroughly read through the agreement being proposed and honestly believe that, as is, it will not cause a significant portion of our residents to complain about what the developer is doing within the next 15 years, then we implore you to simply extend the deadline. Hoping that possible future amendments will fix current problems with the agreement is dangerous. This will inevitably create yet another situation where the residents of this city will be told by City officials that "their hands are tied by the actions of a past City Council," and tells us that you are not properly fulfilling the duties of your office.

Thank you,

Jeffrey Siddoway

Name: Patrick Drollinger

Comment: Dear Mayor Hunsaker and City Council Members,

I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

Why not grant another extension instead of approving a non-specific development agreement? What's the rush here? There does not seem to be sufficient progress by the developer on the 233 acre agricultural rezone to develop another high-density R-10 PUD. We want to be sure that we are not bound by an agreement which does not fully consider future safety needs and infrastructure, and might not prove beneficial to Santaquin City and its residents. Thank you for your careful consideration of this matter.

Sincerely,

Patrick Drollinger

Name: Pamela Colson

Comment: Dear Mayor Hunsaker and City Council Members,

I am confused by the proposal to approve a development agreement for the Grey Cliffs Development.

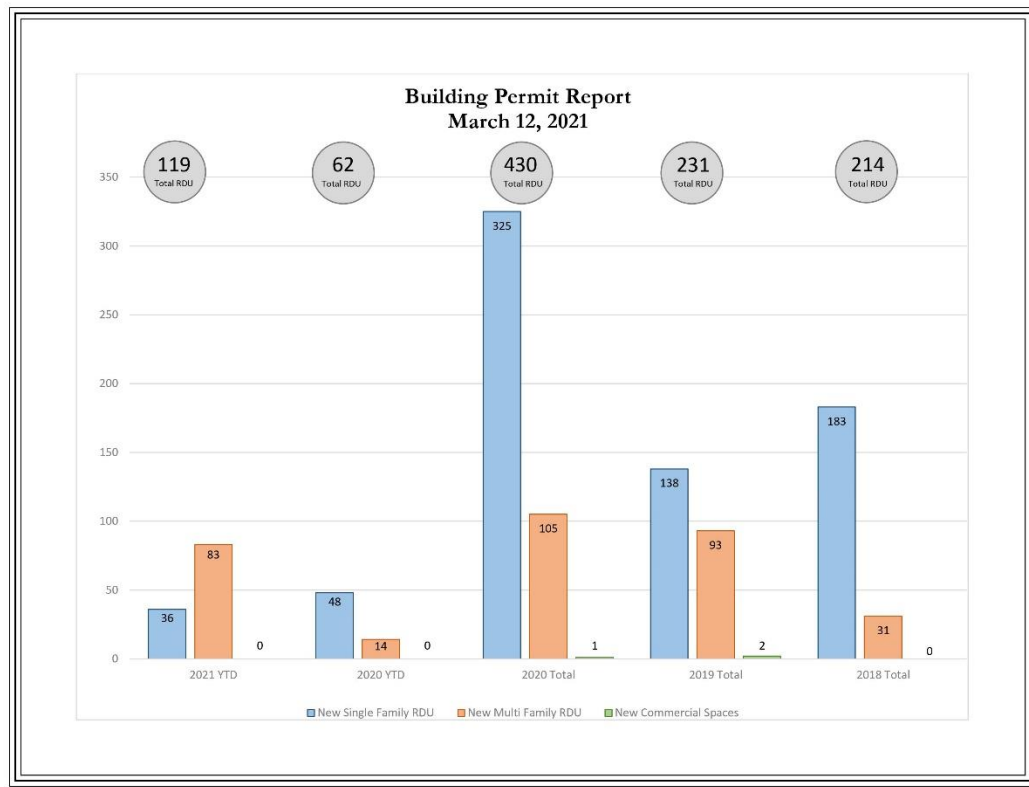
Why not grant another extension instead of approving a non-specific development agreement? There does not seem to be sufficient progress by the developer on the 233 acre agricultural rezone to develop another high-density R-10 PUD. We want to be sure that we are not bound by an agreement which does not fully consider future safety needs and infrastructure, and might not prove beneficial to Santaquin City and its residents.

Thank you for your careful consideration of this matter.

Sincerely, Pamela Colson

BUILDING PERMIT & BUSINESS LICENSE REPORT

11. 03-12-2021 - Building Permit & License Report



New Business Licenses

Name	Owner	Address	Description	BL#
Beauty Bar by Jessica, LLC	Jessica Keller	715 N. 350 W.	Home Salon	BL-4281
Summit Garages	Kyle Kinyon	322 W. Royal Land Dr.	Garage flooring, cabinet installs, etc.	BL-4282

NEW BUSINESS

Resolutions

12. Resolution 03-09-2021 – Approving the Grey Cliffs Development Agreement

Community Development Director Jason Bond gave some background:

On November 20, 2018, the City Council conditionally approved a rezone for property on the northeast corner of the City. At the time of this action, a proposed development referred to as Summit View Communities was being contemplated by Mr. Steve Larsen. At that time, the Council was encouraged by the conceptual ideas for the development and saw that this development would help address the scar on the land from the old Sumsion mining operation. Based on the vision for the development, the City Council decided to rezone the property to R-10 with a Planned Unit Development (PUD) designation with the condition that a development agreement be prepared, negotiated, and approved. The purpose for this was to give Mr. Larsen the reassurance that he could start making investments into geotechnical work, engineering, planning, etc. without the fear that the time and money spent would be wasted. During the past three years, the geotechnical work has been done, additional plans and ideas have been explored, and additional property has been acquired. The name of the proposed development has also been changed to Grey Cliffs. All of these occurrences have complicated the negotiations and the terms of the development agreement thus causing the need for the deadline of the conditional rezone to be extended twice. The next deadline for a development agreement to be approved is March 20, 2021. Instead of asking the Council to extend the deadline again, a very basic development agreement has been prepared so that Mr. Larsen can secure the zoning. This proposed development agreement only provides the zoning which was offered 2 ½ years ago and it makes them subject to the provisions in the Santaquin City Code.

Some questions and concerns have recently been expressed by the public that this development agreement is vague. We understand this perception but believe the proposed agreement being considered tonight is, in fact, not vague because all requirements for development point to the regulations that are in the Santaquin City Code. Other development agreements that have been viewed as vague, have provided details on some aspects of development, but not on other important development attributes. This aspect is what has created the vagueness. Again, staff feels comfortable with administering this agreement in compliance with the provisions of the Santaquin City code. Legal Counsel Brett Rich came up to the podium to speak and said it appears there's a lot of misunderstanding of what the development process is amongst the public. Developers are usually interested, when they acquire land, to acquire vested rights as given by the development agreement to acquire higher density allotments that are given in code. This base development agreement before the Council today is due to the fact that in negotiations staff and legal counsel felt like the proposals for additional vesting rights by Grey Cliff's were not in the cities best interest therefore bringing this base agreement which doesn't guarantee any vesting beyond base zoning as provided in city code as a framework for future negotiation.

A discussion was had between Council and staff.

Motion made by Council Member Montoya to approve Resolution No. 03-09-2021 to enter into a development agreement with South Valley Holdings, LLC regarding the proposed Grey Cliffs development with the provision that section 2.1.6.2 be clarified.

Seconded by Council Member Montoya.

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

Voting Nay: Council Member Hathaway

13. Resolution 03-10-2021 – Approving the Highland Drive/Canyon Road Intersection Construction and Reimbursement Agreement

City Manager Reeves explained that this finishes the process to align the intersection of Highland Drive and Canyon Road which is a major undertaking from negotiations from multiple developers, landowners, and a lot of engineering.

This agreement is to reimburse developers who did engineering beyond their required scope and on their own dime.

Motion made by Council Member Montoya to approve Resolution 03-10-2021 – Approving the Highland Drive/Canyon Road Intersection Construction and Reimbursement Agreement.

Seconded by Council Member Miller.

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

Discussion & Possible Action

14. Harvest View Drive Sewer Installation

Assistant City Manager Norm Beagley explained that this was infrastructure updates needed to occur to support the new Harvest View Sports Complex. This would award the bid to Mitchell Excavation.

Motion made by Council Member Mecham to approval of a contract award to Mitchell Excavation to construct the new sewer in Harvest View Drive in an amount not to exceed \$47,955.00

Seconded by Council Member Hathaway.

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

15. Orchard Hill II Preliminary Plan Approval

Community Development Director Jason Bond presented the preliminary plan approval by the Planning Commission including renderings and conditions and opinions of the Planning Commission.

A discussion was had by the Council and staff.

Motion made by Council Member Montoya to approve the Orchard Hills Townhomes II Subdivision Preliminary Plan with the following condition: All planning, zoning and engineering redlines be addressed and if DRC determines whether parking should be allowed to allow it and if not to red-curb Highland Drive.

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

- Wants the public to know that it was advertised as online only but with the selling of Tischner Ford the Council wanted to move up to a hybrid model until the second meeting in May to honor this landmark business of the community.
- Wanted to clarify a KUTV error in reporting on the Utah County/Juab County line move. What the city is looking to do is to move the line to move 24 units from a development to be in Utah County so that those homes are in the same school districts. Other parts of the county line move is to hopefully invite a lifelong learning center from Utah State University but an obstacle is that it needs to be in a non-Wasatch front county and there would be a portion moved to Juab that would still be a part of the city that would allow the USU to come. This change also opens up CIB funding. This move is to help support agriculture.

Assistant City Manager Norm Beagley

- Lots of projects occurring.

Community Development Director Jason Bond

- Not too much to report on the USU projects but staff is looking forward to their final presentation in April
- Imagine Santaquin Committee is next Thursday for General Plan community input
- Invites public to provide feedback in the next Planning Commission for the new trails and transportation master plans

REPORTS BY MAYOR AND COUNCIL MEMBERS

Mayor Hunsaker

- Basketball court is moving forward and prep and pouring will take place in April/May and project completed in time for Orchard Days
- Movement on the Main Street intersection from UDOT which appears to be a pedestrian protection mechanism, a pedestrian island, designed for safety

Council Member Miller

- Gave a report from Community Services
- Next Community Services Board is March 18th which will be a tour of parks
- RAP Tax committee meets on March 24th
- Wanted to ask staff for signs on the dog park on picking up dog excrement

Council Member Montoya

- Talked about the Utah/Juab county line move when she first got into office and is excited to see it move forward
- Youth City Council is having a presentation by Fire Chief Lind and is excited
- Excited to continue to get input from the community in the Imagine Santaquin committee

Council Member Mecham

- Wanted to echo Council Hathaway's statements

Council Member Hathaway

- To the citizens of Santaquin. It's easy to get on Social Media and make comments but he would like to see the residents give an effort to understand and educate themselves. Staff does a lot and puts in a lot of hours.
- Thanks Mayor for letting the Council come back to in-person

Council Member Bowman

- Nothing to report.

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

Council entered an executive session to discuss the pending or reasonably imminent litigation, and/or purchase, exchange, or lease of real property.

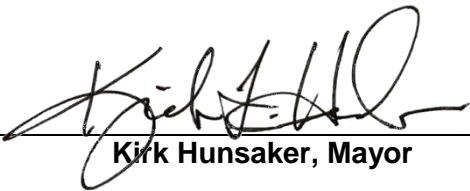
ADJOURNMENT

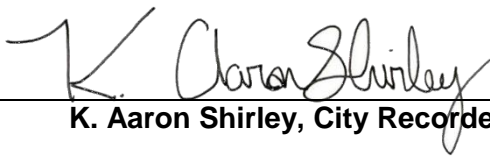
Motion made by Council Member Miller to adjourn at 9:07 PM

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