

**Adopted Minutes
Spanish Fork City Council Meeting
March 18, 1997**

The meeting was called to order by Mayor Marie W. Huff at 6:30 pm for a preliminary review of the agenda. At 7:03 pm, the pledge of allegiance was led by local boy scout Josh Cloward.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Matthew D. Barber, Sherman E. Huff, Thora L. Shaw, and Clyde A. Swenson. Councilmember Woodhouse arrived at 7:03 pm.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Gregory A. Comstock, City Planner; S. Junior Baker, City Attorney; Kent R. Clark, Recorder/Finance Director; Dee Rosenbaum, Public Safety Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Jordan Leifson, Matt Rose, Jake Leifson, Jeff Swenson, Justin Loveless, Josh Cloward, Stuart White, Shauna Chappel, Elva Brower, Karen Payne, Spanish Fork Chamber of Commerce; Carin Green, The Daily Herald, Denise Bohne, Dick Lucy, Dwayne Guthrie, Tischler & Associates; and Roxanna Johnson, Spanish Fork Press.

Minutes

Councilmember Huff made a **motion** to approve the March 11, 1997, minutes of the Spanish Fork City Council with **noted** amendments. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

Public Hearing - Impact Fees Study

A **motion** was made by Councilmember Shaw to open the public hearing at 7:08 pm to discuss the Impact Fees Study. The **second** was made by Councilmember Huff, and the motion **passed** with a unanimous vote.

Mr. Oyler introduced Mr. Dwayne Guthrie from Tischler & Associates, the firm which recently completed the City's Impact Fee Study. Mr. Guthrie briefly reviewed the seven evaluation factors for impact fees as set forth in the Utah Supreme Court decision known as *Banberry Development Corp. v. South Jordan City*. He explained the study shows the maximum supportable impact fee Spanish Fork City could legally justify. Mr. Guthrie discussed the three basic approaches used to calculate the impact fees. The first method is a replacement cost method. This method documents the current level of service being provided to citizens, and the costs to replace these services. The second approach is the plan-based method. This method is based on projected dollars to assist in the capital facilities plan. The final method is called the buy-in method. It is used for facilities that have adequate capacity to accommodate new development for at least six years. Mr. Guthrie stated the study also considers an evaluation of

credits. He explained if the City uses a bond to build a public facility, residents should not be required to pay the one-time impact fee as well as the bond payments. Current and suggested impact fees were reviewed for the following areas of the City: 1) Parks & Recreation; 2) Storm Water; 3) Municipal Power; 4) Water System; and, 5) Sewer System. Mr. Guthrie examined the cash-flow analysis from the study. He reviewed the projected growth rate used in the study. Growth was outlined at a fixed amount of 1,000 residents, which is approximately eight percent of growth per year.

It was noted the Impact Fee Study is not a static document and has the potential to change with each yearly analysis. Councilmember Huff asked how the document will be updated. As long as the methodology remains the same, Mr. Guthrie answered the City could perform updates when needed. Mr. Oyler asked how rates could be addressed if the City would like to offer an incentive to attract someone to the community. He cited the impact fee for a large water user as an example. Mr. Guthrie stated the ordinance to implement fees should have an option that allows anyone to give reason to petition various fees. He feels in Mr. Oyler's scenario, the large water user should be encouraged to go through this appeal process, or have the City pay the fee from another source of revenue. Mr. Guthrie explained once the impact fee ordinance is adopted, fees are obligated to be paid to ensure fair and equal treatment.

Mayor Huff asked for public comment, to which none was received. She thanked Mr. Guthrie for his time and explanation.

A **motion** was made by Councilmember Shaw to close the public hearing at 7:53 pm. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Huff made a **motion** to table action on the Impact Fees Study until April 1, 1997, to enable the Council opportunity for additional study and review. Councilmember Swenson **seconded** the motion, and it **passed** unanimously.

Ordinance 05-97: An Ordinance Regulating the Retail Sale of Alcoholic Beverages and Establishing Definitions

Chief Rosenbaum reviewed the proposed ordinance with the Council. The first section of the ordinance prohibits the sale of alcoholic beverages through drive-up windows. Chief Rosenbaum explained this portion of the ordinance will further the City's efforts to eliminate alcohol sales to minors. He feels clerks will be more inclined to ask for identification and get a face to face assessment by requiring customers to purchase alcohol inside the store. Many cities throughout Utah are adopting similar ordinances. Chief Rosenbaum stated an additional portion of the ordinance clarifies the State statute on possession of alcoholic beverages in public areas. All businesses with beer licenses were notified of the proposed changes and invited to participate in the Council meeting. Mr. Stuart White, owner of the Spanish Fork Texaco, indicated his convenience store has not sold beer from their drive-up window for over a year. He cited potential legal ramifications that could be taken if alcohol was sold to a minor or an inebriated

person. Mr. White noted his beer sales have been negatively impacted, but the loss is worth the safeguard to the employees. Ms. Shauna Chappel from Chappy's expressed mixed feelings on the ordinance. Attorney Baker reviewed the penalties which could be assessed to employees or the business including a six month revocation of the beer license for first time offenders.

Councilmember Barber made a **motion** to adopt Ordinance 05-97: An Ordinance Regulating the Retail Sale of Alcoholic Beverages and Establishing Definitions. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Teens Against Graffiti (T.A.G.) Agreement

Chief Rosenbaum stated the City has participated in the T.A.G. program for two years. Along with other cities, Spanish Fork City pays a yearly amount determined by population which funds materials for juvenile offenders to clean graffiti throughout Utah County. Private property owners can request removal of graffiti, but are required to sign a release waiver and pay for material costs. Attorney Baker noted the Council's approval will also allow an automatic renewal of the T.A.G. Agreement every year, subject to termination by either party.

Councilmember Swenson made a **motion** to authorize Mayor Huff to sign the renewal agreement with Teens Against Graffiti beginning 1997 and continuing every year thereafter. The **second** was made by Councilmember Woodhouse, and the motion **passed** unanimously.

Resolution 97-03: A Resolution Adopting Utah Municipal Power Agency's Integrated Resource Plan

Mr. Dick Lucy from Utah Municipal Power Association reviewed the proposed Integrated Resource Plan with the Council. Councilmember Woodhouse expressed appreciation to all staff members involved with the plan. He stated previous discussions have made the City Council comfortable with the resolution. Councilmember Woodhouse also noted Spanish Fork City will be the first agency to adopt the plan. Councilmember Swenson said the City of Houston is providing power to New Hampshire. He wondered about the deregulation of power which would enable it to come from any source. Mr. Lucy told the Council the State of Utah is in the process of investigating these matters. He stated the transfer of power from one location to another may sound simplistic, but in actuality it is an expensive and complicated process. Mr. Lucy feels UMPA's rates are very competitive.

A **motion** was made by Councilmember Woodhouse to adopt Resolution 97-03: A Resolution Adopting Utah Municipal Power Agency's Integrated Resource Plan. The motion was **seconded** by Councilmember Shaw, and it **passed** with a unanimous vote.

Escalante Bids

The water and sewer lines in the fifty year old Escalante Subdivision are in need of replacement.

The City solicited bids for the rebuild of sidewalk, curb, gutter, water lines, and sewer lines. Mr. Heap noted the large diversity in bids received. He reviewed the low bid of VanCon from Springville. At a previous meeting with property owners regarding reconstruction of the subdivision it was determined that construction cannot take place before 7:00 am and has to finish by 6:00 pm daily. Residents also requested the roads remain open and dust from the construction be controlled. The City budgeted approximately \$450,000 for completion of the project. Mr. Heap recommended approval of the low bid from VanCon in the amount of \$388,821.75 as well as an alternate amount of \$19,440.00.

Councilmember Huff **motioned** to award the bid for the rebuild of the Escalante Subdivision to VanCon in the amount of \$388,821.75 with the alternate amount of \$19,440.00.

Councilmember Shaw **seconded** the motion, and it **passed** unanimously.

Bids Received:

NAME	BID AMOUNT	ALTERNATE AMOUNT
H & H Excavation	\$488,347.80	\$20,374.00
Nelson Engineering	\$556,747.70	\$25,784.00
H.E. Davis & Sons	\$431,030.50	\$23,250.00
Bliss Construction	\$680,204.00	\$44,260.00
VanCon	\$388,821.75	\$19,440.00
Condie Construction Company	\$526,171.10	\$29,858.74
K & P Plumbing	\$481,935.00	\$28,760.00

Appointment of Board of Appeals as per §105 of the Uniform Building Code

A **motion** was made by Councilmember Shaw to table appointments to the Board of Appeals until all proposed appointees have been notified. The **second** was made by Councilmember Huff, and the motion **passed** with a unanimous vote.

Spanish Fork Professional Center - Preliminary Plat

Mr. Heap reviewed the preliminary plat. KL Investments of California has purchased the old Kentucky Fried Chicken building west of Shopko, along 900 North. They are proposing to remodel the old building and also construct a new building to the northwest. The buildings will be sold individually for use as office condos. Both the Planning Commission and Development Review Committee have recommended approval of the plat.

Councilmember Shaw made a **motion** to approve the Spanish Fork Professional Center Preliminary Plat as presented. Councilmember Woodhouse **seconded**, and the motion **passed** with a unanimous vote.

Boundary Line Agreement - Swenson Metal Salvage

The Spanish Fork Fairgrounds is directly adjacent Swenson Metal Salvage. Mr. Swenson suggested the City accept the fence line between the Fairgrounds and the metal salvage as the new property boundary. As both properties overlap the fence in different areas, Mr. Heap stated the exchange of actual property area is fairly even. He recommended the Council authorize Mayor Huff to accept the fence as the new boundary line.

Councilmember Shaw made a **motion** to authorize Mayor Huff's acceptance of the fence line between the Spanish Fork Fairgrounds and Swenson Metal Salvage as the new boundary line. Councilmember Huff **seconded** the motion, and it **passed** unanimously.

Other Business

The Council reviewed the projection of spring run-off with Mr. Heap.

Spanish Fork City recently accepted a dividend check from the City's liability insurance carrier, URMMA. Councilmember Shaw noted a \$11,000 dividend check was just received from Liberty Mutual for workers compensation. She commended various members of City staff for their contribution to risk management. Due to consistent training, Councilmember Shaw feels City employees are aware of safety procedures which in turn helps control insurance costs.

Adjournment to Executive Session

A **motion** was made by Councilmember Shaw to adjourn the regular session of the Spanish Fork City Council and convene the executive session at 8:50 pm. Councilmember Woodhouse **seconded**, and the motion **passed** with a unanimous vote.