

**Adopted Minutes
Spanish Fork City Council Meeting
February 4, 2003**

The meeting was called to order at 6:00 pm by Mayor Dale R. Barney for a preliminary review of the agenda, Councilmember James offered a prayer. The pledge of allegiance was led by Emil Pierson.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Glenn A. James, Roy L. Johns, and Paul M. Christensen. Councilmember Everett Kelepolo was excused.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Kent Clark, Finance Director/Recorder; Richard Heap, Engineering and Public Works Director; Dee Rosenbaum, Public Safety Director; Emil Pierson, Planning Director; Clyde W. Johnson, Fire Chief; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, William Turgoose, David Burrows, Brook Grant, Dianna Doty, Tony Doty, Cheryl Evans, Gary Evans, Faye S. Stewart, and Craig Christensen.

Moment of Silence

Mayor Barney asked for a moment of silence for those who were lost as a result of the Space Shuttle Columbia disaster.

Minutes

Councilmember James made a **motion** to approve the minutes of the January 21, 2003, city council meeting with changes as noted. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Utility Restriction Update

Mr. Pierson said in May, 2000, city council imposed a utility restriction on new residential construction until adequate utility capacities existed for water, sewer, power, and storm drain. Mr. Pierson said the utility capacities have been increased as follows: electric-40,000; culinary water-90,000; pressurized irrigation-33,000 and the opportunity for additional capacities as wells are transferred. The storm drain capacity in the east bench area south of Canyon Road and between 1100 and 2600 East still need to be expanded. Mr. Pierson said currently several developers and city staff are discussing the design for the storm drain on the east bench and the funding possibilities. Improvements and new equipment ordered for the Sewer Treatment Plant with phase one will increase the sewer capacity to 30,000 people. Currently the city is discussing the possibility of completing phase two of the Sewer Treatment Plant. This would require a

commitment from Mapleton to purchase additional sewer capacity and would allow phase two to be completed along with phase one increasing the sewer capacity to 40,000. Mr. Pierson said with the improvements the city will have the capacity for an additional 656 units at this time. He said 221 of those units have been reserved for two major developers, Les Allen and Hearthstone leaving 435 homes in addition to those opened for approval.

Mr. Heap reviewed phase one of the Sewer Treatment Plant improvements. Phase two is currently being discussed with Mapleton.

Mr. Pierson said if city council decides to lift the utility restriction he recommended delaying any development on the east bench area until the storm drain work is completed.

Councilmember Huff asked if it is feasible for the city to fund the storm drain improvements now and recover the costs through impact fees.

Mr. Pierson said it would be sometime before the funds will be available through the city. It will take approximately six months before construction will begin on any new approved plats. Mr. Pierson said when the additional 435 homes are approved the utility restriction will be resumed.

Councilmember Huff asked Mr. Heap when phase two of the Sewer Treatment Plant improvements will be completed.

Mr. Heap said the plans for phase one and two have been submitted to the State for review. If Mapleton agrees to purchase additional capacity we will proceed with both phases, otherwise only phase one will be completed at this time. The bids will open in March and the projects will be completed by mid June, 2003.

Mr. Heap discussed the progress towards a future regional sewer treatment plant. Mr. Heap said if a regional plant is approved it would most likely be at least 15 years to the completion.

Councilmember Johns made a **motion** to lift the building utility restrictions on the following condition(s);

1. The building restriction on the east bench from Canyon Road south to the edge of the hill remain in place until the storm drain issue is resolved.

Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Clyde Johnson, Fire Chief - Military Activation

Mayor Barney recognized Clyde Johnson, City Fire Chief. Mr. Johnson and his entire National Guard unit has been activated for duty and are currently on alert to depart on command. Mayor Barney commended Mr. Johnson for his service to our community and his country and advised Mr. Johnson his job will be here for him when he returns.

Mr. Johnson said the Fire Department has received support from citizens and city staff for which he thanked everyone and stated he looks forward to returning to service here in Spanish Fork. He said he is proud to serve his country.

Public Hearing - 2003 Fiscal Year Budget Revision

Councilmember Huff made a **motion** to move into the public hearing portion of city council meeting. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the procedures for a public hearing.

Mr. Oyler reviewed the main changes and revisions to the 2003 fiscal year budget. The review included a discussion concerning funds in the Gun Club budget. The funds are allocated for land development and nine automatic traps. City council will need to decide right away if they would like the Gun Club to purchase the automatic traps before the next big shoot.

Mr Oyler also reviewed the General Fund revenue adjustments such as building permits, sales taxes, cemetery lot increases, fixed assets, batting cage revenues, and rodeo revenue increases.

Mayor Barney opened the hearing for public input. None was given. The hearing was opened for council discussion.

Councilmember Johns said our city portion of the property taxes are lower than other cities and our fees are competitive with other city rates.

Mayor Barney commended Mr. Oyler for his work in preparing the budget.

Mr. Clark reviewed the proposed rate adjustments for pressurized irrigation and culinary water. The city wants to encourage conservation. Mr. Clark gave examples of usage and billing charges. The culinary water excessive use rate is based on individual household member usage. The pressurized irrigation excessive use rate is based on the lot size. The excessive use rates are to encourage water conservation. The base rate for pressurized irrigation will be charged regardless of weather or not the customer hooks up to pressurized irrigation.

Mr. Heap said the pressurized irrigation meter lids should not be opened by customers due to the fact the wiring is connected to the lid. A discussion took place concerning notification to citizens of the recorded lot size per customer.

Mr. Clark continued a review of the billing rates and bonding in place for the pressurized irrigation system. The costs and rates actually decreased from the estimates. However water rates will still be higher than in the past. The billing cycle will remain 45 to 60 days after actual usage. Base rates will begin being billed on the May, 2003, bill. There will be no usage billed until the June, 2003, bill. Several areas receiving utility service through Spanish Fork City do not have pressurized irrigation available at this time and Mr. Clark reviewed the culinary water rates for those customers.

Open Houses will be held on March 11th, 12th, April 22nd, and May 13th.

Mayor Barney opened the meeting for public input. None was given. The public input portion of

the meeting was closed and council discussion was opened.

Mayor Barney commended staff for their efforts in determining rates.

Councilmember Huff made a **motion** to approve the 2003 Fiscal Year Budget Revision including the new water rates effective March 21, 2003, as presented, and reserve a decision by city council concerning the Gun Club funds until the next council meeting. Councilmember James **seconded**, and the motion **passed** with a unanimous vote. **See below "Gun Club" under "Other Business"

Councilmember Johns made a **motion** to move out of the public hearing portion of the meeting and back into regular session of city council meeting. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Ordinance 02-03 - An Ordinance Amending the Parking Requirements on Main Street

Mr. Baker reviewed the ordinance discussed by city council to eliminate excessive parking to advertise yard sales and vehicles for sale on Main Street. A revised copy of the ordinance was provided to city council replacing the ordinance provided in the agenda packets. The parking restriction area has been extended. The time limit is no more than three consecutive hours of parking on Main Street and one half block off Main Street on side streets.

Mayor Barney asked members of the Chamber of Commerce to give some input.

Craig Christensen of the Chamber of Commerce reviewed some information gathered while polling businesses. The Chamber asked 38 businesses if they thought parking on Main Street was a problem. Out of those polled 27, of the businesses agreed there is a problem with vehicles parked for an excessive amount of time on Main Street.

Councilmember Huff has reservations pertaining to adopting an ordinance of this magnitude. He said it will become an enforcement problem and will be sending an unfriendly message to residents and visitors.

Councilmember James said we have had many discussions concerning this problem and enforcement should not be an issue. Many traffic ordinances are not enforced one hundred percent. He said the Chamber of Commerce is in favor of the time limit and businesses are in favor. He said side streets should not be included. He has discussed this matter with many citizens and has not found anyone against a parking restriction on Main Street. Councilmember James said once the people are aware of the parking restriction enforcement should become less of a problem. He is in favor of the Ordinance.

Councilmember Huff said the issue of enforcement concerning a moving violation is unlike a parking violation. A discussion followed.

Councilmember Christensen asked Chief Rosenbaum if enforcement of this ordinance, if passed, would be a problem.

Chief Rosenbaum said currently the city does not have a parking enforcement officer and he would instruct the law enforcement officers on duty to enforce the ordinance when they could.

Councilmember Christensen said he is not sure if the ordinance is the best solution. However, it is unsightly, a traffic hazard, and something needs to be done.

Mr. Craig Christensen of the Chamber of Commerce said there was only one business who said customers might park for more than three hours.

Councilmember James made a **motion** to adopt the revised Ordinance No. 02-03 An Ordinance amending the parking requirements on Main Street. Councilmember Christensen **seconded**, and the motion **passed**. Councilmember Huff was **opposed** to the motion.

Councilmember Huff noted the side street issue will become a problem larger than vehicles parked for sale on Main Street.

Change Order #1 - Well Pumphouse

Mr. Heap said he just received the bids today and would like to review them further before making a recommendation.

Councilmember Huff made a **motion** to table Change Order #1 for the well pumphouse. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Questar Easement

Mr. Heap said two months ago Questar Gas presented to city council the plans for a new gas line through Spanish Fork City. Questar has found several locations in which lots and landscaping pose problems with the installation of the new gas line. Questar Gas would like to move from the gas line easement into the city street at those locations. Mr. Heap reviewed the areas in question. The city would provide an easement in those areas in the roadways for the new gas line. Staff has reviewed the proposed easement request and Mr. Heap recommends city council authorize the Mayor to sign the easements as soon as possible. A discussion followed concerning the location of the easements.

Councilmember James made a **motion** to accept the Questar Gas line easement as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Other Business

Gun Club**

Mr. Oyler said the traps for the Gun Club will effect the next trap shoot if the traps budgeted are not approved by city council during this meeting.

Mr. Doug Ford appeared and said the first trap shoot will be held the end of March, 2003. In order for the preparation work and the installation work to be completed the automatic traps will need to be ordered immediately. From a timing standpoint it is critical to get the automatic traps in. Currently the traps are manned by Gun Club employees. Mr. Ford said having employees man the traps poses safety and liability problems. Also, installing automatic traps will save labor costs.

Councilmember Huff asked Mr. Robinson if the recreation department recommends the upgrade.

Mr. Robinson said the recreation committee and recreation department have discussed the issue and recommend the automatic traps due to liability issues.

Councilmember Huff asked Mr. Baker if he could amend his previous motion.

Mr. Baker told Councilmember Huff the motion can be amended.

Councilmember Huff made a **motion** to amend his original motion concerning the 2003 Fiscal Year Budget Revision, striking the language to hold the Gun Club funds. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Johns made a **motion** to adjourn the regular session of city council meeting. Councilmember James **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:35 pm.

Connie Swain, Deputy Recorder

Approved: February 18, 2003