

**Adopted Minutes
Spanish Fork City Council Meeting
March 2, 2004**

The meeting was called to order at 6:00 pm by Mayor Dale R. Barney. The pledge of allegiance was led by Shane Graff.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Matthew D. Barber, Paul M. Christensen, Everett Kelepolo, Seth V. Sorensen, and Chris C. Wadsworth.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Kent R. Clark, Recorder/Finance Director; Chris Thompson, Design Engineer; Emil Pierson, Planning Director; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Jim Wickman, Ben Reaves, Jared Sommers, Shane Graff, Cheryl Graff, Robert J. Pittelli, and David Olson.

Minutes

Councilmember Kelepolo made a **motion** to approve the minutes of the February 6 and 7, 2004, city council meeting as presented. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Sorensen made a **motion** to approve the minutes of the February 10, 2004, city council meeting with corrections as noted. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to approve the minutes of the February 17, 2004, city council meeting with corrections as noted. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Utah County Division of Substance Abuse - Utah County E.A.S.Y. Program (Eliminate Alcohol Sales to Youth Program)

Mr. Jared Sommers, a student of Brigham Young University, said the E.A.S.Y. program is part of his graduate project. He gave a presentation including the following:

- Teen drinking statistics
- Related deaths
- Solutions for retail sales - compliance checks, graduated penalties, Synar amendment provisions adapted to alcohol, and mandatory training for servers
- Steps to reduce under age drinking
- Retailers' responsibility
- Community Involvement
- Beer handlers' permit

- Goals
- Advantages for the retailer

Mayor Barney said Spanish Fork City already has an ordinance which applies to the sale of alcohol to under age individuals. However, it lacks the beer handler's permit.

Mr. Sommers said the employee training provided by the program will take approximately 90 minutes per group. He asked for support from the city council and a designated member of the city staff to work with a committee in preparing a Utah County ordinance.

Mayor Barney suggested Mr. Baker, the city attorney, review the proposed ordinance. He also said the employer should not be penalized.

Councilmember Wadsworth asked if the employers will be responsible for enforcing the beer handler's permit requirements.

Mr. Sommers said the employer will be required to enforce the handler's permits for all employees selling alcohol.

Councilmember Wadsworth concurred with the Mayor. The employer should not receive a penalty if the employee fails to meet the requirements of the beer handler's permit.

Mr. Baker said the employer is already required by ordinance to have a license to sell alcohol. If the employer violates the requirements of the alcohol permit, it is revoked. The city police department performs sting operations randomly and very few violations have been discovered. The retailers are notified of the results and warnings are given with first time violations. The employees are charged and both the city and the judge have been very aggressive when prosecuting these cases.

Mr. Sommers said the county ordinance will not take away from the current city ordinance.

Mr. Baker said he supports the proposed ordinance fully, as long as it does not affect our current ordinance.

Mayor Barney thanked Mr. Sommers for his time and effort given to improve our community.

Ordinance 02-04 - An Ordinance Vacating Unimproved Portions of a Street - 500 West Volunteer Dr.

Councilmember Kelepolo and Councilmember Sorensen disclosed their current employment with the Nebo School District.

Mr. Baker said the street vacation was discussed with the city council during two previous meetings. The city purchased the property several years ago to allow Volunteer Drive to continue west. Mr. Baker said the adjacent property owner is Nebo School District and a small triangle portion of the property purchased by the city is needed by the school district. Ordinance

02-04 allows this portion of the property to be deeded to the school district. The property consists of .13 acres and is valued at \$3,000 to \$4,000. By law the city can vacate property which has been a street, to an adjacent property owner, at no cost.

Councilmember Christensen asked who will pay for the property survey.

Mr. Baker said Nebo School District agreed to pay for all of the surveying costs. He said the triangle section of property serves no purpose for the city.

Councilmember Barber made a **motion** to approve Ordinance No. 02-04, an Ordinance Vacating Unimproved Portions of a Street located at 500 West Volunteer Dr. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Boundary Line Agreement

Mr. Thompson said this boundary line agreement follows the existing fence line and will allow the property descriptions in the area to be cleaned up. The property is located at 1100 East, near Alcoa. He recommended approval of the Boundary Line Agreement subject to two conditions. The description of the property is to be reduced to the boundary line agreement area only and the “ingress egress” needs to be removed from the agreement.

Councilmember Kelepolo made a **motion** to approve the Boundary Line Agreement subject to the following conditions:

1. Include in the boundary line agreement only the property description area associated with the boundary line,
2. Remove “ingress egress” from the boundary line agreement.

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

Ordinance 03-04, An Ordinance Making Amendments to the Comprehensive Zoning Ordinance (tabled from December 2, 2003)

Mr. Pierson said a public hearing was held on December 2, 2003 concerning Ordinance 03-04. During the meeting the previous city council closed the public hearing and tabled the decision only to allow the incoming city councilmembers to review the ordinance. Mr. Pierson reviewed the Title 17 amendments concerning the following:

- Increased area requirements for master planned developments
- One attached or detached garage per townhome or multi-family unit
- Minimum lot size requirements
- Density calculations regarding areas containing schools or churches

Mr. Pierson recommended approval of Ordinance 03-04.

Councilmember Kelepolo asked concerning the requirement for one garage with each townhome and multi-family unit.

Mr. Pierson said the change will upgrade the quality of the units provided by requiring a garage in lieu of a carport.

Councilmember Barber asked if density credits will be allowed when a developer donates property for a church or school.

Mr. Pierson recommended donations take place between the developer and the school or church.

Councilmember Kelepolo said we still should encourage developers to provide opportunities for churches and schools within the developments.

Councilmember Kelepolo made a **motion** to approve Ordinance 03-04, an Ordinance Making Amendments to the Comprehensive Zoning Ordinance. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Other Business

Councilmember Barber said the Utah Municipal Power Association Conference was very beneficial and informative.

Councilmember Christensen reminded citizens of the South Utah Valley Water Association information meeting at Payson City Office on March 4 at 7:00 pm. Also, all senior citizens are invited to the senior luncheon this Friday at noon at the Senior Center. On March 16, 23, and 30, the Arts Council will be sponsoring “Especially for Women” seminars and women 50 years old and older are invited to attend. The seminar will include a fashion show and a queen will be chosen.

Mayor Barney said the city council meeting scheduled on March 16 may be cancelled due to the Recreation Conference in St. George. He also said the Council of Governments met last Thursday to discuss the Utah County Jail fees.

Councilmember Kelepolo said the Personnel Committee will be discussing the Assistant City Manager position, which will be vacant soon. There is a great need to find a replacement as soon as possible. The Recreation Committee met and discussed the golf course, snack shacks, and accelerated baseball leagues. There is a need to reduce costs at the snack shacks and options are being determined. The city council will receive updated information when a decision is made. Also, the accelerated baseball leagues will be allowed the rent the ball fields when they are not in use by the city.

Councilmember Sorensen said the Chamber of Commerce meets next week and will also be attending the Economic Summit held on March 26. LaVell Edwards and Governor Olene Walker will be the featured speakers. Improving our economy will be the focus of the summit. The Utility Board will meet next week.

Councilmember Wadsworth said the Library Board is preparing for the upcoming festivals and they will be working with SFCN to promote the events. The Planning Commission is finding ways to better serve the citizens. Councilmember Wadsworth also provided an updated copy of the proposed mission statement and requested additional feedback from the city council.

Adjournment to Executive Session

Councilmember Kelepolo made a **motion** to adjourn from the regular session of city council meeting and move into the executive session to discuss potential litigation. Councilmember Christensen **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 7:40 pm.

Connie Swain, Deputy Recorder

Approved: April 6, 2004