

**Adopted Minutes
City Council Work Session
Tuesday, April 27, 2004**

The meeting was called to order at 6:00 p.m. by Mayor Barney. Councilman Kelepolo led the Pledge of Allegiance.

Mayor Barney stated that this meeting is not a Public Hearing, but a work session. He asked the public to choose a spokesman to represent them for the purpose of answering questions. A Public Hearing will be held at a later date on the River Cove Preliminary Plat.

Council Members Present: Mayor Dale R. Barney, and Councilmembers Matthew D. Barber, Paul M. Christensen, Everett Kelepolo and Chris C. Wadsworth. Seth V. Sorensen was not present.

Staff Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Richard J. Heap, Engineering/Public Works Director; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; Emil Pierson, City Planner; Dale Robinson, Parks and Recreation Director; Chris Cope, Secretary.

Citizens Present: Clint Muhlestein, Karen Muhlestein, Lana Harris, Rich Harris, Allen David, Betty Larson, David Woodhouse, Sherilyn Woodhouse, Deon Scott, Ted A. Scott, Lisa Olsen, Russell Olsen, Wayne Anderson, Bryan Redd, Mary Isaac, Connie Muhlestein, Richard Muhlestein, Janis Nielsen *Spanish Fork Press*, Jenny Baadsgaard, E. Farley Eskelson and Keith Baadsgaard.

Mayor Barney changed the order of agenda. Item II will be heard first because the River Cove developer is not yet present.

Impact Fees and Budget Items

Mr. Baker gave a brief overview of the origin and analysis of impact fees. Information obtained from Tischler and Associates, who initially conducted an analysis of the fees, is used by Spanish Fork City. Spanish Fork City uses this formula to do its own analysis. Mr. Baker recommended that he city hire an individual with the knowledge to evaluate the fees based on this formula. Payment for these services can be funded through taxes paid by current residents or impact fees on new residences.

Mr. Baker reviewed the infrastructure and associated fees that are under bond at the present time.

Mayor Barney asked how the fees are applied. Mr. Baker stated that if a fee is collected on a service the law states that it can only be used for capital improvements on that specific item. Funds must be used within six years.

Councilmember Christensen asked how fees will be affected if growth is prohibited. Mr. Baker stated that growth cannot be completely eliminated. Fees may only be collected when a building permit is issued or a plat is submitted.

Mr. Clark reviewed the formula and analysis provided by Tischler and Associates and re-evaluated when the pressurized irrigation system was added.

Councilmember Barber asked Mr. Clark to clarify cost recovery. Mr. Clark said that when improvements are made future growth is factored in.

Parks and Recreation: The city must maintain a certain level of service for the parks and recreation facilities. Mr. Baker reviewed the credit and expenditures already in the General Fund. Future capital projects were reviewed for the purpose of planning. Mr. Oyler stated that these projects would be based on future demand.

Storm Drain: This is based on capital improvements cost. Mr. Pierson said that the infrastructure goes to the south ditch in front of the sugar factory. Mr. Heap detailed the drainage flow. Tischler and Associates recommended that the storm drain system be separated into two sectors. By separating the system the residents who will benefit from the new system will be the ones who pay for it.

Mr. Clark reviewed the reason for the cost difference between the different areas of the city. Mr. Oyler stated that more accurate figures need to be obtained, ensuring that the city is not under collecting. Mr. Heap discussed the fees associated with Preliminary Plats and building permits.

Electricity: The cost recovery is used to determine the fees, as is projected expansion. Current capacity and demand versus projected growth are considered. Some projects benefit current residents and thus the cost will be spread out to more of the population.

Councilmember Barber suggested that River Cove be addressed at this time as there are residents waiting. Mayor Barney stated that they would continue on with the current item.

Water: Future projects include a new storage tank in 2008. Factors considered include maintaining the per capita per day usage, storage facilities and sources.

Sewer: Mr. Clark covered the details of the capacity of the system. As the demands increase, the fees are added. Mayor Barney stated that Spanish Fork City needs to stay current with the changing technology.

Mayor Barney stated that Councilmember Barber had information regarding sewer for review. Councilmember Barber will review it later in the meeting.

Pressurized Irrigation: Increase is based on updated cost data on the now-established system. The specifications of acreage and units per acre were discussed.

Mayor Barney stated that the River Cove item could be discussed now, as the developer is present.

River Cove Rezone and Preliminary Plat

Mayor Barney restated that this is a work session, not a Public Hearing. He asked if those present had chosen a spokesperson for the residents. They have. The Public Hearing will take place Tuesday, May 4 at 6:00 p.m.

Mr. Oyler stated that Mr. Pierson, Mr. Heap and Mr. Eskelson are present to answer any questions.

Mr. Pierson addressed the Council. This has been revised twice and discussed with Leland residents. Traffic studies were completed and Mr. Heap reviewed the roads in the area. This plan is a projection of the future needs and based on possible future infrastructure. Mayor Barney stated that he is concerned with traffic on Mill Road. Mr. Pierson agrees.

Mr. Heap reviewed the flow of traffic to Main Street. Horrock Engineers consulted staff recently and agreed that a through street is needed. Councilmember Bradford asked if 900 South is to be an arterial road per state code. Mr. Heap responded that no, logic dictated the road plan when it was reviewed in 1996.

Mr. Pierson reviewed the details of the bridge. The sewer plan dictated the access locations. Staff considered the Master Plan to ensure that it was done correctly the first time. The Planning Commission, decreasing the number of units and accommodating the current residents, removed 48 town homes.

Mayor Barney stated that the spokesman for the Leland residents would address any questions from the Councilmembers.

Farley Eskelson stated that the placement of the sewer lift station affected the placement of the development. The current access is only short term and does not accommodate the East-West access staff wants.

Mayor Barney asked about the possibilities of moving the road. Mr. Eskelson responded that the Hughes property would be adversely affected.

Richard Mendenhall addressed the demographics and development process. The road placement is affected by the Planning Commission requirement that the development progress in a certain pattern. It is beneficial to revise the road alignment now rather than later.

Councilmember Christensen asked for the number of homes. There will be 205. 150 lots must be ready before the bridge is built in Phase 1.

Mayor Barney stated that he believed more residents would be present and that a spokesman would be effective. The City Council did not need any other input. The Public Hearing will take place on Tuesday, May 4, 2004.

Councilmember Barber asked if it was possible to address the road at a later date. Mr. Pierson stated that the y-intersection is the safest and enables future planning.

Mr. Oyler asked Mr. Heap to address the grade. Mr. Heap stated that there are other options for 900 South and that maintenance of the road is a factor.

Mayor Barney stated that the developer cannot be held accountable for the actual traffic, but he can address the safety of the design.

Councilmember Wadsworth asked Mr. Heap about the citizen meetings. Mr. Heap stated that the sewer lift station creates a logistical problem. He talked with resident Lisa Olsen, who proposed a t-intersection until the bridge goes in.

Mayor Barney asked if there would be heavy truck traffic. Mr. Heap said that there would be construction traffic. Mayor Barney asked if there were another way to provide access for the trucks. Mr. Heap replied that there is not.

Mr. Mendenhall stated that after Planning Commission approval he talked with the Hughes family, who do not want to rush relocating. The developer has amended their agreement with Mr. and Mrs. Hughes per Planning Commission approval.

Councilmember Christensen asked why a t-intersection would not be appropriate. Mr. Mendenhall said a t-intersection may mitigate the resident's concerns temporarily and is not the best long-term solution.

Councilmember Wadsworth asked if cement barriers in the cul-de-sac are only intended as a temporary solution. Mr. Heap affirmed. Mr. Heap also reviewed the criteria for installing a stop sign. Installing a stop sign to slow traffic is not a valid criterion.

Councilmember Wadsworth asked if the purpose of either of the road designs would be to reduce traffic. Mr. Heap replied that yes, it is an option.

Mayor Barney believes that UDOT will not construct another I-15 connection for 50 years. Mr. Heap replied that the East-West corridor is needed now. Mayor Barney said the city needs to review Mill Road and encourages the school district to take another bus route.

Councilmember Wadsworth asked Mr. Heap to review the conversations he had with the residents. Mr. Heap said that they don't approve of the new connection, however, they do realize that when the growth boundary changes improvements will need to be made.

Councilmember Barber and Mr. Mendenhall discussed the location of the sewer lift station and the progression of development. Mr. Pierson stated that staff reviewed the entire area in general to ensure that when a lift station was placed there would only be one. Maintenance is very expensive and this was addressed up front.

Councilmember Barber stated that all issues were addressed up front except for resident impact. Mr. Pierson stated that this project was evaluated like all others. If the improvements are not made with the development, the city pays for them later.

Mr. Oyler discussed possible future commercial growth and agreements with Payson and Salem. The Spanish Fork Sewer would not be burdened by commercial development to the west.

Mayor Barney stated the rules established in 1996 must now be followed. There is a process to changing them. He asked if there were any other questions.

Mr. Mendenhall stated that the immediate impact has been minimized and address through the project design. Spanish Fork has done a good job of addressing issues early on in the process.

Kevin Baadsgaard-1215 West 900 South-was present at the meeting with the city staff and neighbors. He was first told that there would be no traffic feeding onto 900 South. It is not fair to direct city traffic to their area. He talked with Mr. Hughes and others who are not in a hurry to change the area. The developer is. He asked why the city approved of development in a rural area since the riverbottoms were not in the growth boundary. There are too many problems with developing along the river. He challenged the City Council to find out why the city agreed to develop this are and he wants to know what “the city” receives in exchange for approving the development.

Mayor Barney stated he is also concerned as he brought development into the area. He asked Mr. Baadsgaard to clarify whom he refers to when he stated he wants to know what “the city” receives. The residents are the city.

Councilmember Christensen asked where the boundaries were when the General Plan was reviewed in 1996. Mr. Heap replied that the boundary was the river. Traffic patterns affected by the bridge were discussed.

Mayor Barney asked if there were any other questions from the City Council. There were none.

Mr. Pierson said that as the meeting will be May 4, there is enough time to notify the developer if the City Council has any questions. Mr. Mendenhall said that the decisions will affect the current residents and he wants guidance so as to minimize disruptions to them.

Councilmember Kelepolo asked for a short recess. Mayor Barney recessed for ten minutes.

The meeting reconvened at 8:27 p.m. Councilmember Christensen said the Icelanders asked him to find out if they have approval to go ahead with their project as they want to begin fundraising. They are waiting for him to call. Mayor Barney asked the Councilmembers if they support the group and they replied they do. Councilmember Christensen is excused to call them.

Budget Items and Impact Fees

Councilmember Barber has researched sewer impact fees presented his findings to the City Council. He obtained information from Aqua Engineering, Mr. Dennis Sorenson, and the Engineering Department and Richard Heap. A detailed discussion took place regarding capacity and future growth.

Councilmember Christensen rejoined the meeting at 8:45 p.m.

Councilmember Kelepolo asked if the city is collecting too much based on the information. Councilmember Barber questioned the dates of the Aqua Engineering study entitled Wastewater Treatment Facility Plan Timeline. Mr. Heap said the data is from November 2003.

Councilmember Barber expressed concerns with the dates indicated on the timeline documents. He said the date of June 14, 2002 is shown as the date the document was prepared and November 8, 2003 as the date the document was saved on the computer.

Discussion took place regarding the effectiveness of the pipes and cost of updating the system. The cost to replace pipe around the older section of town can be reviewed. Mayor Barney said that this has not been done for three years or so. The Utah State methods of measurement were discussed.

Councilmember Barber asked if the replacement could be done using impact fees due to the fact that it increases capacity. Mr. Heap said that no, the fees cannot be used to benefit existing residents. The pros and cons of replacement and maintenance were discussed.

Mr. Baker said the possible replacement could be included in the impact fees but it would need to be reviewed with the Engineering Department and Tischler.

Councilmember Wadsworth asked Mr. Heap about the sewer agreement with Mapleton. Mr. Baker reviewed State regulation changes.

Growth and capacity is projected six years back and six years forward. Mayor Barney stated that this is a good issue to address to ensure that the city is not over collecting.

The money collected must be spent within a six-year window. An analysis needs to be done to verify what fees can be allocated to improve existing infrastructure. Staff will meet with Mapleton to review the number of connections to the system.

Councilmember Barber questioned the usage data presented. His main concern is the accuracy of the data justifying the increase in the fees. He also said the City Council has a moral as well as a legal obligation to have accurate data. Mr. Heap replied that this is the reason for evaluating the cost effectiveness of replacing the system. He detailed the usage and capacity numbers and repairs made.

Mr. Oyler stated that due to the technicality of the data and interest in the issue, he suggests that the concerned parties meet, including the engineering companies who provided the data. A recommendation may then be made.

Councilmember Kelepolo is concerned with losing revenue and current residents bearing the cost burden while this is being reviewed. Mr. Oyler stated that the storm drain fee is a more time-sensitive issue. Fees can be collected on projects currently receiving approval.

Councilmember Wadsworth agrees with Mr. Oyler's recommendation for a meeting. Mayor Barney wants the professionals providing the information involved to ensure the fairness of that information.

Mr. Oyler said that due to the amount of money collected, the information must be accurate. A discussion regarding the source and analysis of the information took place. Mayor Barney stated that there are concerns about paying for a new study when a valid study analysis is available.

Mr. Oyler said that staff needs to know the direction the City Council wants to take so the notification requirements on the Public Hearing are fulfilled. Mr. Pierson said that final plats coming in before the new fees are approved would pay the old impact fees.

Public Hearing on impact fees will take place Tuesday, May 18, 2004.

Mr. Oyler requested a review of budget items. The Council will receive the preliminary budget for review at the next meeting. Mr. Oyler discussed the budget approval process. The information will be available for public review.

May 7, 2004 is the deadline to decide if the city will collect on the Telecommunications tax. The city currently does not collect tax on cell phone. Any revenue will go to the General Fund. By default, the state will collect 4% if the city does not make a decision.

Mayor Barney stated that next year the city would be 150 years old. The original growth boundary included Salem and a portion of Springville.

Mr. Oyler said that a work session will be held May 11, 2004. A review of the budget prior to the Public Hearing will take place May 18, 2004 following the regular meeting.

Mr. Oyler wants the agendas eight days prior to the meetings. The Councilmembers agreed. This will limit the deadline for residents to request items to be included.

The meeting adjourned at 9:49 p.m.

Deputy Recorder

Approved: June 8, 2004