

**Adopted Minutes
Spanish Fork City Council Meeting
October 19, 2004**

The meeting was called to order at 6:00 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Garrett Choate, a member of the Boy Scouts.

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

Staff Members Present: S. Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Richard Heaps, Engineering/Public Works Director; Emil Pierson, Planning Director; Dee Rosenbaum, Public Safety Director; Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*; Robert Pittelli, Nicholas Sales, Garrett Choate, Marshall Giles, David Lowe, Kaleb Davis, Zach Golden, Cameron P., Taylor Thompson, Chet Heath, Royden Hill, Todd Hollingshead, Kevin Harward, Pete Barton, David Wiscombe, Michael Kelson, Cyle Johnson, Richard A. Evans, David Olson, Don Barney, Karen K. Payne, Robert J. Armstrong, Sherman Huff, Mark Jarvis, Kari Wessman, Ryan Morrison, Scott Nelson, Carolyn Jex, Mary Ann Fraughton, Pat Parkinson, and Ben Fjerstad.

Agenda Request - Robert Pittelli - Spanish Oaks Sidewalk (Continued from September 7, 2004)

Mr. Pittelli said if the sidewalk was constructed parallel to the road, it would be a shorter distance and may eliminate the concerns related to limited use. He said the average grade for a sidewalk parallel to the road would be 11.6 percent.

Councilmember Wadsworth asked Mr. Pittelli to clarify his drawing on the white board.

Mr. Pittelli said the lines represent Powerhouse Road, the road along the canal, and the proposed sidewalk locations. He said the residents realize the sidewalk will be expensive but there is a great need to provide safety.

Mayor Barney asked Mr. Heap if the sidewalk proposed by Mr. Pittelli is possible.

Mr. Heap said a section of the sidewalk Mr. Pittelli proposed will have a 15 percent grade. The 11.6 percent grade is an average for the entire section of sidewalk.

Councilmember Kelepolo asked if a 15 percent grade would require steps.

Mr. Heap said a 15 percent grade is very steep, however, there are no requirements. It may be feasible but it will be dangerous when wet or icy. He said he is not sure which of the two proposed sidewalks would be used more.

Mr. Pittelli said he has no objections to a longer sidewalk.

Mr. Heap said he would like to consider the possibility of using trail funds to construct the sidewalk.

Councilmember Sorensen said he feels the city is obligated to provide something for the residents in the Spanish Oaks Subdivision.

Councilmember Kelepolo concurred. He said the city should provide a path, trail or sidewalk.

Mr. Pittelli said the city contributed to the increased traffic on the road by making improvements to the Gun Club and constructing the reservoir.

Mr. Heap said there should be possibilities for funding the project, however, he would like to avoid using B and C funds.

Councilmember Barber said the Risk Management Committee will discuss the issue during their meeting next week.

Agenda Request - Tracy Livingston - Conditional Use Permit for Wind Meteorological Tower

Tracy Livingston was not present or represented and this item was passed.

Ordinance No. 13-4 - An Ordinance Amending Regulations on the Sale of Beer

Mr. Baker reviewed the vote during a previous meeting directing Mr. Baker to prepare the ordinance which is being presented to the city council at this time. This is an opened meeting, however, no public hearing is required. This procedure is based on direction received from the city council during the last meeting. Mr. Baker reviewed the history of the ordinance prohibiting beer sales on Sunday. The city council has the option to prohibit beer sales. Based on the State Code the city council also has the option of imposing a beer sales tax. Mr. Baker said he is not aware of any city who has imposed a beer sales tax. Mr. Baker read the proposed ordinance amending the regulations on the sale of beer allowing beer to be sold on Sunday by restaurants, convenient stores and grocery stores for off premise consumption.

Mayor Barney called for roll call vote.

Councilmembers Wadsworth and Kelepolo were opposed to the ordinance amendment. Councilmember Barber, Sorensen and Mayor Barney were in favor of the ordinance amendment.

Mr. Baker said a motion and a second to the motion is required.

Councilmember Kelepolo made a **motion** to deny Ordinance No. 13-4 - An Ordinance Amending

Regulations on the Sale of Beer as presented. Councilmember Wadsworth **seconded** the motion. Councilmembers Sorensen and Barber and Mayor Barney were opposed to the motion. The motion was **denied** by a majority vote.

Councilmember Sorensen made a **motion** to adopt Ordinance No. 13-4 - An Ordinance Amending Regulations on the Sale of Beer as presented. Councilmember Barber **seconded** the motion. Councilmembers Wadsworth and Kelepolo were opposed to the motion. Councilmembers Sorensen and Barber and Mayor Barney were in favor of the motion. The motion **passed** by a majority vote.

Resolution No. 08-04 - Adopting Pre-disaster Hazard Mitigation Plan (Changed from Resolution No. 07-04 since this number was assigned to a previous resolution)

Mr. Pierson said the Pre-disaster Hazard Mitigation Plan area includes Summit County, Utah County, and Wasatch County. The plan has been approved by the State of Utah and the U.S. Department of Homeland Security. The Pre-disaster Hazard Mitigation Plan Act requires a resolution to be adopted in order to receive funds. The plan identifies past hazards, possible hazards and future hazards and how to address them.

Mayor Barney asked if the resolution opens the door for receiving hazard funds.

Mr. Pierson concurred.

Councilmember Wadsworth asked for the amount of funds to be received.

Mr. Pierson said the funds are determined by the hazards incurred and the risk.

Councilmember Wadsworth asked who worked on the plan from the city.

Mr. Pierson said Don Thomas represented the city.

Councilmember Barber asked if the Pre-disaster Hazard Mitigation Plan will be separate from the city's General Plan.

Mr. Pierson said part of the city's General Plan when revised will reference the Pre-disaster Hazard Mitigation Plan.

Mr. Pierson said a copy of the plan is available for viewing upon request.

Councilmember Barber made a **motion** to approve Resolution No. 08-04 - Adopting the Pre-disaster Hazard Mitigation Plan as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Proposed Modification to the Pressurized Irrigation User Rate

Mr. Heap said after the meter reading information was entered it was determined that 52 percent of the customers used above the allotted pressurized irrigation usage for September. The numbers from the Bureau of Reclamation indicate our numbers may need to be changed. He recommended waiving the overage fees for September. Tomorrow the numbers will be entered for the billing.

Mayor Barney said two years of September usage is available.

Mr. Heap said the Utility Board will compare numbers from last year and this year and will be prepared with usage rate change recommendations for the next budget.

Councilmember Barber asked about usage rates for September last year.

Mr. Heap said no overage charges were imposed last year. To be fair to customers the overage charge should be eliminated for September this year based on the amount of customers with overages.

Mayor Barney asked if the pressurized irrigation water will be turned off by November 1.

Mr. Heap said the pressurized irrigation will be off earlier if a lot of rain is received and will definitely be off by November 1.

Councilmember Barber asked if a public hearing is required.

Mr. Baker said a public hearing is not required to adjust a utility rate. A public hearing is required when the city is waiving a fee or donating something.

Councilmember Sorensen said it makes sense to waive the pressurized irrigation user rate for September.

Mayor Barney said the Utility Board can review the numbers and make the appropriate recommendation for next year's rates.

Councilmember Kelepolo made a **motion** to accept the proposed modification of the pressurized irrigation user rate. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney again asked if Tracy Livingston was present. Mr. Livingston was not present.

Other Business

Councilmember Sorensen suggested adding a time limit for the duration of events in the Special Events Policy that was discussed during the last meeting.

Mr. Baker said the policy was tabled for further study. Adding a limit to the duration of events is

a good suggestion. The policy will be discussed by the Recreation Committee and a draft will again be presented to the city council on November 2.

Councilmember Barber asked for direction from the city council concerning the upcoming 150-year celebration. He said either more people are needed to form a committee or the Arts Council could be allowed to plan and organize the celebration.

Councilmember Kelepolo said he prefers utilizing the experience of the Arts Council.

Councilmember Sorensen concurred.

Councilmember Barber said he will work with Councilmember Christensen to put together a committee.

Councilmember Barber said several meetings in the past he provided information concerning patriotic artwork as requested by the Mayor. Those individuals who provided information concerning the artwork are asking if the city will be purchasing any items.

Councilmember Wadsworth said this item should be added to the next city council agenda for a decision.

Mayor Barney said Councilmember Barber has the patriotic artwork cost information.

Adjournment to Executive Session

Councilmember Sorensen made a **motion** to adjourn to an executive session of city council meeting to discuss land issues. Councilmember Kelepolo **seconded**, the motion **passed** unanimously, and the meeting adjourned at 7:45 p.m.

Connie Swain, Deputy Recorder

Approved: November 2, 2004