

**Approved Minutes  
Spanish Fork City Council Meeting  
May 2, 2006**

Elected Officials Present: Mayor Joe L Thomas, and Councilmembers G. Wayne Andersen, Matthew D. Barber, Steven M. Leifson, Seth V. Sorensen and Chris C. Wadsworth.

Staff Members Present: David A. Oyler, City Manager; Christine Johnson, Assistant City Attorney; Richard J. Nielson, Assistant Public Works Director; Kent R. Clark, Finance Director; Seth J. Perrins, Assistant City Manager; Dee Rosenbaum, Public Safety Director; Dale Robinson, Parks & Recreation Director; John Bowcut, Information Services Director; Dave Anderson, Planning Director; Mark Byers, Animal Control Officer; Kim Robinson, Deputy Recorder and Marlo Smith, Engineering Secretary.

Citizens: Brad Gonzales, Kyle Prichett, Aaron Heber, Peter Moyes, Janis Nielson, Pat Parkinson, Jillane Franjesevic, Norman Smith, Glenn James, Pam Jackson, Grant Jackson, Jacob Watson, John Thomas, Brian Baker, Kaleigh Clayson, Richard A. Evans, Brad Johnson, Brandon Guymon, Brian Nuttall, Lisa Kitchen, Rebecca Tanner, Lance Coomes, Tyler Terry, Austin Hartley, Amber Christopherson, Nicole Chapple, Chris Chapple, Michael Davis, Clint Davis, Jay Brinkerhoff, Carl O. Allred, Andrew, Tyler, Brook DeNaughel, Amanda Boden, Alyssa Dedrickson, Marc Maughan, Garrett Johnson, Paige Raulston, and Janalee Brinkerhoff.

**CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:**

**Call To Order**

The meeting was called to order at 6:00 p.m. by Mayor Joe L Thomas.

**Pledge**

The pledge of allegiance was led by Councilmember Andersen.

**NEW BUSINESS:**

**Agenda Request - Norman Smith - Retired & Senior Volunteer Program**

Mr. Smith gave a brief report and recognized the retired and senior volunteers. He said there are 188 volunteers registered from Spanish Fork.

Mayor Thomas asked Mr. Smith how people can get involved in the program.

Mr. Smith said volunteers can contact him or Mountainlands in Orem.

Mayor Thomas said the information will be posted on the city's website.

Glenn James

Mr. James said he is a retired senior citizen that currently serves on four different stations in the seniors volunteer program. Mr. James said the youth court is in need of being renewed. He said since Ann Banks passed away, the youth court has not been in practice. Mr. James said this is very important to the youth, seniors and most importantly the citizens of Spanish Fork.

Councilmember Wadsworth asked Mr. James to explain what the youth court's functions are.

Mr. James said the youth court committee elects a judge. They bring in children that are having problems in school and sentence the children to assignments such as writing a theme paper, cleaning up a park and then give them advice they feel the children need. Since this advice comes from their peers it has a great impact on the children. He said the justice system and the police department like the help the youth court gives them.

Discussion took place regarding the past youth council program.

Mayor Thomas said the youth council will be addressed in the next city council meeting.

### **PUBLIC COMMENTS:**

Pat Parkinson

Ms. Parkinson discussed her issues with the signal lights located in various areas of Spanish Fork.

Mr. Nielson said the lights are maintained by UDOT and he will forward on her requests.

### **NEW BUSINESS:**

#### **Parameters Resolution**

Mr. Clark discussed the parameters resolution for consideration and adoption of a resolution authorizing the issuance and sale of not more than \$14,000,000.00 aggregate principal amount of Sales Tax Revenue Bonds for the purpose of financing all or a portion of the costs of the acquisition and construction of a new public safety and district court building and related matters.

Mr. Clark said the parameters resolution will set limits on bond issues. Setting guidelines regarding interest rates, allowable principal amount, and term of years for the bond. If the City Council approves this resolution the staff will then pursue the process of issuing bonds.

Mr. Clark said this specific parameters resolution would set the limits of the bond to not exceed 14 million dollars with an interest rate at or below 6.25%, with a term of 22 years including a discount of 2%.

Mr. Rosenbaum said at the last council meeting they were given the direction to get with the

architects of MHTM to come up with figures for the new police/court building.

Peter Noyes with MHTM discussed the proposal for the construction of the police/court facility.

Discussion took place regarding the projected land area for a campus setting.

Councilmember Leifson said he was impressed with the presentation. He said it gives a much needed target.

Councilmember Leifson said he is recommending this project to proceed quickly due to construction costs and inflation of material.

Councilmember Andersen asked Carl Empey to discuss the difference between a General Obligation Bond and a Sales Tax Revenue Bond.

Mr. Empey said there are four options the city can proceed with. He discussed the following options:

1. Pay cash as you go, which would require a sizeable amount of money.
2. Municipal Building Authority Revenue Bond,
3. General Obligation Bond,
4. Sales Tax Revenue Bond.

Mr. Empey discussed the rates for the above listed options.

Mayor Thomas said the Sales Tax Revenue Bond was the best savings.

Mr. Empey concurred.

Discussion took place regarding interest rates and bond insurance premiums.

Councilmember Andersen said he appreciated Mr. Empey's comments that will help citizens understand the difference between the bonds.

Discussion took place regarding the perception of raising sales tax versus property taxes.

Mr. Empey said Wall Street views Spanish Fork City in high regards. He commended the City on the fiscal responsibility that has been shown in the past. It will help save more money in the future when in the bond market.

Councilmember Wadsworth discussed his appreciation for the finance committee. He is concerned about proceeding with a sales tax bond instead of a general obligation bond. He would like the citizens to exercise their right to be involved with this issue. November is a good time to have a vote on the bond issue since people will be going to the ballots already. This is a good opportunity for the use of the neighborhood committees to get the communication out there. He said this is a wonderful opportunity for the council to get to the neighborhoods to push their support of the police/court building.

Discussion took place regarding existing bonds that are in place with the City now and their current rates.

Mr. Clark reiterated that by approving the parameters resolution will only set the guidelines for the principal amount and authorize staff to continue up to a specific interest rate. The parameters resolution will not lock us into an interest rate at this time. The staff will also proceed with a public notice in respect to the public hearing meeting to discuss the issue of bonds.

Councilmember Barber said this building is well overdue. He said it is his opinion that loans were taken out for non-essential services that could have gone toward this need. With having said that, it is his elected responsibility to protect and defend citizens for this building along those lines.

Mayor Thomas said he is impressed with the ad hoc building committee. He said if taken to the public for a vote, he is confident it could win. He said due to rising costs of construction he is in support of moving forward with the issue. He is committed to save monies for this town and that citizens are already burdened. Citizens should give input as to the location of the police/court building. The city owns 65 acres of property behind Kmart and he does not see the need to purchase new property. He would like to see citizen's input on the size of the building.

Mayor Thomas said to Mr. Empey the City may be strong with our cash position, but feels as though it should be in the pockets of the citizens.

Councilmember Wadsworth said while reading the parameters resolution it states that 25% of registered voters could petition for a vote.

Mr. Empey concurred.

Councilmember Sorensen said he does not agree with the non-essential services being a waste of money. He does not perceive SFCN as a waste of money. It has a subscription rate of 40% of residents, which is higher than any other national subscription rate. It is a valuable resource for this community.

Mayor Thomas said the intent was not directed at SFCN but to those utilities paying for infrastructure that is not utilized.

Councilmember Sorensen said SFCN and the infrastructure is different. He said the other utilities will utilize the infrastructure in the near future.

Councilmember Barber recommended that information regarding the sites for the police/court building that are already owned by the city, be put of the city's website for citizens to view.

Councilmember Andersen said he would like to see property already owned by the city and also options for other areas that can be purchased be posted on the website.

Mr. Oyler said the parameters resolution would allow for the option to purchase 10-15 acres. If

anyone is interest in selling their property to contact the city.

Councilmember Barber made a **motion** to approve the Parameters Resolution Authorizing the Issuance and Sale of Not More than \$14,000,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2006, of Spanish Fork City, Utah for the Purpose of Financing all or a Portion of the Costs of the Acquisition and Construction of a New Public Safety and District Court Building. Councilmember Leifson **seconded**, and the motion **passed** with a majority vote of 4:1.

A roll call vote confirmed that Councilmembers Barber, Andersen, Leifson and Sorensen were in favor of the motion.

Councilmember Wadsworth was opposed to the motion due to the method of funding, he said he is in favor of the building but concerned about taking away the opportunity for citizens to express their will.

### **Agenda Request - Richard Evans - Number of Dogs & Cats at Residences**

Mr. Evans thanked the Mayor and City Council for the opportunity of speaking this evening. He said in February he sent an email regarding this issue. He is here tonight asking for consideration in changing the city code which covers the number of dogs and cats that may live at residences in Spanish Fork.

Mr. Evans said in Title 6 of the City Code addresses Animals. Section 6.08 covers dogs, and specifically, section 6.08.170 states the following:

6.08.170 . Allowable Number of Dogs.

Except as otherwise provided in this chapter, no more than two (2) dogs which are three (3) months of age or older shall be kept at any residence or commercial establishment at any time. This provision shall not apply to licensed kennels, grooming parlors, or veterinary clinics.

Section 6.16 covers kennels, and specifically section 6.16.010 states:

6.16.010: Allowable Number of Dogs and Cats.

Except as otherwise provided in this chapter, no more than two (2) dogs or cats which are three (3) months of age or older shall be kept at any residence or commercial establishment at any time. This provision shall not apply to licensed kennels, grooming parlors, or veterinary clinics.

Mr. Evans said he would like to see this limitation lifted or at least raised, such that all city residents could have more than 2 dogs or 2 cats. He would like to the limit raised to 4 total dogs and/or cats provided that any beyond 2 must be spayed or neutered.

Mr. Evans then discussed Title 15 Land Use in regards to the allowed animals dependent on lot size. He said if the limit on dogs and/or cats could not be raised for all citizens he would like to see it raised for property owners with larger parcels of land.

He said he doesn't feel this raised limit would incur any additional odor, noise or sudden increase in dogs or cats in Spanish Fork. He feels a relatively small number of residents would be affected by the change.

Mr. Evans said the Utah County website says the animal shelter runs 800 animals through the shelter each month. It is impossible to find homes for 800 animals every month and the shelter ends up euthanizing 60% of the animals brought in. All 800 animals can not be saved but it would be nice to reduce those numbers.

Councilmember Wadsworth thanked Mr. Evans for coming forward with this issue. He asked if more residents would take additional animals to the shelter if they became a burden.

Mr. Evans said he does not think more animals would go to the shelter because someone who would consider having more than 2 dogs would be more involved with the animals. They would be people who are passionate about pets.

Councilmember Sorensen asked for Mr. Byers for his opinion on the issue.

Mr. Byers said the count stated by Mr. Evans regarding the animals who pass through the shelter is accurate. He said the biggest complaint regarding dog owners is defecation, dogs running at large, and dogs barking.

Mayor Thomas asked if Mr. Byers feels there will be a larger violation of the law if the limitations are raised.

Mr. Byers said dogs barking is a problem everywhere and will continue to be. He is not sure if the higher limitations would contribute to more violations.

Discussion took place regarding allowing the City Attorney and Animal Control Officer to revamp the ordinance and come up with a new ordinance that will work for everyone.

Mayor Thomas would like to see the new ordinance on the June 6, 2006 City Council Meeting Agenda.

Ms. Johnson said the best way to enforce the ordinance is possibly by lot size. She said the nuisance ordinance is a difficult one to enforce because the neighbor complaining has to testify against the accused neighbor causing conflicts between the two.

Mr. Evans thanked the Mayor and City Council for their seriousness and consideration.

### **Agenda Request - Carl Allred & Francis Murdock - Water Connection into the City**

Mr. Allred said he and Mr. Murdock are property owners in Utah County. Their property borders the Spanish Fork boundary. Last July they applied for annexation but were denied. 13 years ago they contributed in building a water line down Powerhouse Road to help 2 residents, who are still not in the city, acquire water. At this time water meters were set on properties at

the request of the property owners. Mr. Murdock only has one water connection and Mr. Allred has two. Mr. Allred and Mr. Murdock are requesting two more water meter connections.

Councilmember Leifson asked what the purpose of the additional water connections would be used for.

Mr. Allred said they are planning to develop their property.

Discussion took place regarding the water line that was constructed years back allowing for the existing connections. It was discussed that it was an emergency due to the wells that went dry.

Mayor Thomas asked if Mr. Allred is willing to add those connections at his own cost.

Mr. Allred concurred.

Mr. Nielson said he was not involved with the original project, but he has reviewed the connectors agreement that was written when the construction of the water line took place. When this project took place a resolution was implemented.

Mr. Nielson reviewed Resolution 93-02 Emergency Connection upon approval at City Council.

Mr. Nielson said the water connection were allowed due to the emergency situation at the time. Mr. Murdock and Mr. Allred were allowed connections even though it was not an emergency situation for them to help cover the expenses that were incurred.

Mr. Oyler said Mr. Heap would be the best resource regarding this issue. Mr. Oyler emphasized this resolution was put in place to be used in emergency situations not to expand for county subdivisions. He said it is our responsibility to protect residents inside the city boundary. He said it was residents who paid for reservoirs, transmission lines and maintenance.

Mayor Thomas said he feels this is a unique situation that will not be seen again. He said he would entertain a motion to grant water connections to Mr. Murdock and Mr. Allred.

Discussion took place about future annexations and development that would impact Powerhouse Road and the major improvements needed to Powerhouse Road before any development can be allowed.

Councilmember Barber said he would like to see more information prior to making a decision.

It was discussed that this item would be revisited in two weeks.

Councilmember Wadsworth made a **motion** to recess. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

*Recess at 8:00 p.m.*

*Reconvened at 8:09 p.m.*

## **Tentative Budget FY07**

Mr. Oyler presented the Fiscal Year 2007 Tentative Budget for July 2006-June 2007. The finance committee has reviewed the budget. There is a State statute that requires budget to be presented to the Council for adoption. The budget now becomes the City Council's budget to adjust and amend. On June 6, 2006 a public hearing will be held. On this night input is received from citizens and the budget is typically not adopted. Then two weeks later on June 20, 2006 the budget is adopted with any revisions. The idea is to have the budget online for citizens to review the tentative budget.

Mr. Oyler discussed the different types of funds included in the tentative budget such as the General Fund which includes general functions, the Enterprise Fund which typically is a utility type like water, sewer, power, etc.

Discussion took place regarding the different types of sources for these funds.

Mr. Oyler reviewed the Tentative FY07 Budget. The following is a brief description:

- Capital Expenditures
- Enterprise Revenues

Mr. Oyler discussed water and sewer replacement needs.

Mayor Thomas asked how the replacement projects are funded.

Mr. Oyler said they are funded by sewer rates.

Mr. Oyler said the electric has no proposed rate adjustment at this time.

Mr. Oyler discussed solid waste, broadband, and storm drain rates.

Discussion took place regarding the golf course and water park.

- Capital Projects

Mr. Oyler said one of the critical areas for the Parks and Recreation is the \$96,000 for parking lot next to the Senior Citizens Center where the house was already purchased and demolished. The Council needs to decide if the parking lot is a priority. There is \$80,000 for the restrooms outside of the library for the City Park patron. This money is carried over from last years budget.

Mr. Oyler discussed the money left from the trail grant that has been carried over from last years budget. There is \$70,000 for material costs to replace the towers at the Dons Baseball Field. The electric department has said this is a serious safety issue.

Public Works is requesting 1 million dollars for resurfacing and chip seal projects. \$100,000 for

sidewalk replacements.

Public Safety will carry over the money for the new building along with \$160,000 for the parking lot behind the Fire Station. An additional \$60,000 was requested for a new brush truck for the Fire Department.

Councilmember Wadsworth asked if they could accept a donation from a private citizen to pay for the pavement of the parking lot behind the Fire Station.

Mr. Oyler concurred.

Mr. Perrins said in his last discussion with the private citizen Councilmember Wadsworth is referring to, the individual is not interested.

Mr. Oyler said the water department is requesting 3 million dollars to build a water tank at Sterling Hollow. This tank will be paid for by impact fee money.

Discussion took place regarding the water, electric and sewer meter reading program.

The electric department has budgeted for additional substation transformer for the industrial areas.

Mr. Oyler said in the sewer budget the biggest expense is the sewer treatment plant expansion.

Broadband will be adding additional nodes.

- Capital Project Funds

Mr. Oyler discussed the Spanish Fork River Reclamation money that was collected from a grant in the amount of \$500,000 that is included in the budget until the plan is designed.

The ball park fund will be completed in next years budget.

The police/court building has 14 million budgeted based on the report from MHTM Architects.

- Staffing and Employee Compensation

Mr. Oyler said a new police officer has been added to the budget. The building inspection department has made a part time position into a full time position for a building inspector due to the demands of additional inspections. The electric department has budgeted for two part time positions due to additional electric work.

A merit market adjustment has been budgeted for 4%.

Mr. Oyler said state retirement for public safety employees has changed from 19.38% to 22.38% and for non public safety employees from 11.09% to 11.59%.

Health and dental will rise 11% paid by employees and the City.

- Debt Service

Mr. Oyler discussed debt services that the fire station would be paid off this year.

Mr. Oyler said the council should prioritize the quality of life the citizens receive and at what benefit does the city provide. In the past from FY03 to FY07 the public safety budget has steadily increased whereas other departments have remained the same or decreased.

Mr. Oyler said the budget now belongs to the City Council for debate or discussion. The budget can also be adjusted at other times throughout the year.

Councilmember Andersen thanked Mr. Oyler for the effort in preparing the budget.

Councilmember Wadsworth agreed with Councilmember Andersen and said he appreciates the Finance Committee working with Mr. Oyler and Mr. Clark.

Mr. Oyler said this tentative budget approval is a critical aspect, the council is adopting the function until the final budget is approved.

Councilmember Sorensen made a **motion** to adopt the Tentative Budget FY07 as presented. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

## **OLD BUSINESS**

### **Mayor & City Council Assignments**

#### Personnel Committee Assignment

Mr. Perrins said a ballot election was conducted among the city employees for the purpose of selecting two employees that would be appointed members to the personnel committee. Angie Jackson and Chris Thompson were among the top vote getters. At this time Councilmembers Leifson and Wadsworth are also appointed to this board.

Councilmember Wadsworth commended Mr. Perrins on the employee selection process.

Mr. Oyler said currently he is on the board along with Councilmember Leifson, Councilmember Wadsworth and Mayor Thomas.

Mayor Thomas presented the following names to be appointed to the Personnel Committee Board:

Mayor Thomas, Councilmember Leifson, Councilmember Wadsworth, Mr. Oyler, Mr. Perrins, Angie Jackson and Chris Thompson.

Councilmember Andersen made a **motion** to accept the assignments to the Personnel Committee Board as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

## **OTHER BUSINESS:**

### **Councilmember Andersen**

Councilmember Andersen discussed the tragic accident that happened up the canyon last week that left a man dead. He would like to commend EMS and Fire Department who responded in a timely manner. We (the citizens) owe a great deal of gratitude to the EMS and Fire Department members for their time and service to the City.

An applause and standing ovation was given in behalf of the Spanish Fork City EMS and Fire Departments.

Councilmember Andersen discussed the 82 annual Jr. Livestock Show that starts tomorrow. He commented on the tradition of this show. He said there are many sponsors such as the State of Utah, Spanish Fork City, Spanish Fork Livestock, Chamber of Commerce, many other civic offices and individuals.

Councilmember Anderson said the Jr. Livestock Show is something that as a city and individually everyone should whole heartedly support. This is something that should be experienced with your families, talk to the youth who are presenting. He said all of the money goes to the exhibitors as prize money, no money goes to run the stock show.

Councilmember Andersen said freedom is a precious commodity, but with that freedom comes responsibility. He said that with freedom comes the option to editorialize. He encourages all to spend the time to get the correct information. He said a lot of times things are done in an emotional state. He encourages people to sit back and take the time to remove the emotion and make sure the information is accurate.

### **Councilmember Sorensen**

Councilmember Soresen said Thursday is the Chamber and Rotary Golf Tournament, all proceeds go to scholarships for local high schools.

Councilmember Soresen said swimming registration will be available online tomorrow.

Councilmember Wadsworth said the online swimming will be a greatly appreciated and utilized.

### **Adjourn to Executive Session**

Councilmember Leifson made a **motion** to adjourn to Executive Session to discuss personnel issues. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

The meeting adjourned at 9:10 p.m.

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Marlo Smith, Engineering Secretary

Approved: August 15, 2006