

Adopted Minutes
Spanish Fork City Council Meeting
May 6, 2008

Elected Officials Present: Mayor Joe L Thomas, Councilmember's G. Wayne Andersen, Steven M. Leifson, Richard M. Davis, Rod Dart, Jens P. Nielson

Staff Present: Dave Oyler, City Manager; Seth Perrins Assistant City Manager; Dave Anderson, City Planner; Dee Rosenbaum, Public Safety Director; Kent Clark, Finance Director; Junior Baker, City Attorney; John Bowcut, IS Director; Richard Heap, Public Works Director; Kimberly Robinson, City Recorder

Citizens Present: Garry Ferre, Shirley Ferre, Victoria Salisbury, Rick Salisbury, Greg Mockett, Jen Allen, Mallory Kelly, Trevor Carter, Christine Choate, Blich Shuman, Rochelle Barber, Matt Barber, Mickelson, Ekta Bedi, Lani McCann, Ashley Shelley, Mark Shelley, Leon Pexton, Layne Burningham, Khayyam Jones

CALL TO ORDER, PLEDGE:

Mayor Thomas called the meeting to order at 6:00 p.m.

Councilman Leifson led in the pledge of allegiance.

PUBLIC COMMENTS:

There was no public comment given at this time.

COUNCIL COMMENTS:

Councilman Andersen recognized the city employees for the amount of effort they put forth last week. He thanked the crew at the fairgrounds for getting that ready for the livestock show they had approximately 500 animals this year. He has heard nothing but positive comments regarding the event.

Councilman Davis noted the service projects happening in the city. The annual flower planting this Saturday at 8:30 a.m. all are invited to attend. On the 22nd of May at 3:00 p.m. the cemetery crosses for the veterans will be put up to honor those that have passed away. Then Tuesday after Memorial day the 27th they will take them down and put them away. He thanked the citizens, employees and staff of Spanish Fork for all they are doing up at the slide to try to find his daughter Kiplyn, he appreciates all they are doing to try to help bring his daughter home. He is so thankful he grew up here with such service oriented people that are willing to help anyone. He is grateful for all the volunteers who are helping try to bring her home.

Councilman Dart reported the Library Board meeting was last week and Salem City is in the process of building a library, they have worked out a deal that Salem residents can use our library and Salem City will reimburse Spanish Fork City. The Arbor Day event went well we are designated as a Tree City USA. They planted trees at the Senior Center. He thanked Bill Bushman and his crew for all the work they do and thanked Riverview Elementary for the

program they did. The Rotary golf tournament was held, it was a great activity and a lot of money was raised for scholarships in the area. Utah Valley Magazine features a Spanish Fork High School student on the front cover, he would like to compliment our young people and the way they conduct themselves. Lastly he would like to note the 100 year anniversary celebration with a parade this Saturday the fire department was started in 1908. They would like all the citizens to come to Main street and the sports complex to celebrate the 100 year anniversary of the volunteer fire department.

Councilman Leifson reported the Parks and Recreation board met. They feel the golf tournament was a great thing and say thanks to all those that helped put that together, also thanks to all the sponsors that helped. The Pioneer cemetery is going along very well thanks to individuals that donated their time. They are working on a group camp area up by the reservoir, and discussed the urban forest down by the sugar beet factory. They will be developing that as a trail with trees identified. The kite festival is set for September 5-6 they are getting sponsors, it should be a neat thing that will happen it will tie in with the ribbon cutting of the windmills.

Mayor Thomas invited all to come to the fire parade celebrating 100 years of a volunteer fire department. He thanked all the citizens that have written about recycling, they are moving forward to see if we can make that happen. He thanked Aaron Brown and his crew at the golf course, he has heard a lot of positive comments for all they are doing. The youth stock show was a great success and he thanked those that brought their stock and competed. The windmills are up and construction is virtually complete they will power them up in the next few days and start turning. The Army Core of Engineers has some issues that need to be resolved and North Park will be able to move forward. They are seeing a delay in the big box stores due to the nationwide credit crunch it makes for a 6-9 month delay. He would like to know anyone's ideas for displaying an extra wind turbine they may be able to obtain.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting – April 15, 2008 2nd Amendment to Transportation Agreement

Councilman Dart made a **Motion** to approve the consent items. Councilman Nielson **Seconded** and the motion **Passed** all in favor.

NEW BUSINESS:

Spanish Fork Youth Council Presentation – Rochelle Barber

Rochelle Barber

Ms. Barber explained what the Youth Council has done. They thanked Councilman Davis and all he does for them. They introduced themselves and explained they have put together a budget with some duties and responsibilities for themselves.

Andrew Wilson

Mr. Wilson said this was his first year on the Youth Council. He talked about some projects they did on their own before Rochelle was their advisor. The first project they went to the city library and raked leaves, they held their elections and elected two co-mayors and five councilmember's.

In December they decided to do a crossing guard appreciation giving them gift bags with hot chocolate and candy bars. He wished he had joined the Youth Council earlier now it's getting on its feet and he feels with Rochelle as the advisor it can grow into something the City can be proud of. He hopes the Council will support the Youth Council.

Trevor Carter

Mr. Carter is the Youth Council Mayor. The first project they did was to take valentines to the Hearthstone rest home, another project was helping with the Easter egg hunt at the ball field, setting up and conducting it.

Malory Kelly

Ms. Kelly is the Mayor pro-tem and went along with several others, to the capital to meet State Legislators. She is excited for the next years Council and feels the Youth Council coming up will have some great opportunities.

Blitch Shuman

Mr. Shuman is a Youth Councilman. He feels this has been a great experience for him. For one of their projects they made and delivered blankets to the police department so they could use them as needed in emergencies. He really likes the program, it turns out to be a great service for the community, and has also helped him get a scholarship to a college. It provides opportunities for the youth here to further their studies and experience. He is glad they are getting more support and hopes they can grow and get more members to serve the community even better.

Christine Choates

Ms. Choates is the Historian. She documents everything they do and writes for the Spanish Fork newspaper. They attended a conference at Utah State University and took first place in the competition being their first year there. They plan to attend as long as they can and they plan to win every year.

Councilman Dart noted the youth of the city really show how great they are by the way they conduct themselves.

Mayor Thomas congratulated them and thanked Ms. Barber for her help and service.

Utah Municipal Power Agency Presentation

Leon Pexton

Mr. Pexton is the Director of UMPA he explained why UMPA was formed. He presented information regarding what UMPA does and the importance it is to our city. He explained as the growth continues the cost is about double to purchase the new facilities.

Councilman Nielson said the city is thinking about changing the way they are billing for power. He asked if it is the best way to ensure you do not under collect by billing it monthly.

Mr. Oyler stated the philosophy is the same. We have to make sure we do not over or under collect.

Mr. Pexton agreed and stated UMPA will calculate at the beginning of the year to help the cities plan their budget. He explained most cities are dealing with the same issues we are, the issue is when you want to collect it.

The Council thanked him for his presentation.

Mayor Thomas requested the presentation be made available on our website.

PUBLIC HEARINGS:

Councilman Leifson made a **Motion** to open the public hearings. Councilman Nielson **Seconded** and the motion **Passed** all in favor at 7:15 p.m.

Fiscal Year 2008 Budget Revision #2

Mr. Clark explained they will be discussing two budgets tonight. One is a public hearing and one is not. He then explained the changes to the 2008 Budget Revision #2. He stated there were changes to building permits that have gone down and some bigger expenses that have come up.

Mr. Heap said in Public Works most of the changes are projects that will be carried over next year. For water and irrigation to build the reservoir up at Sterling Hollow they will roll over \$500,000 next year. They have started their automated meter infrastructure. The irrigation system had a pump station installed that was needed. The sewer added sewer collection and a \$272,000 payment for SUVMWA's regional plant property purchase, also some new digesters at the treatment plant.

Councilman Andersen noted a portion of the money for the property purchase will be reimbursed.

Mr. Heap said electric projects will be carried over and changed due to the new sub station ground purchase. Also transformers have increased in cost and delivery time has been extended. Inflation has had a huge impact on the electric department. The water and PI have not had the growth anticipated so the supply budget has decreased in all those categories.

Mr. Robinson said in Parks and Recreation the buildings and grounds purchase of the Taufer home on 100 South and 600 West is added. The fairgrounds had the demolition of the auction barn, including the asphalt in the parking lot. The golf course had an increase for a new pump house and transformer. The swimming pool increased for the new ultra violet filtration system. The system will be cleaner in a quicker period of time. The public must do what they can to take care of the problem as well. The Gun Club purchased six new traps and the lead money covered the cost to purchase those.

Mr. Rosenbaum said the Public Safety department increased in Police and Fire. The police is for labor cost increases and the operation and maintenance costs. There was a large increase on the overtime budget due to the change in the overtime pay as well. The police department is involved with programs where the city fronts the overtime costs the officers work with those programs and we get reimbursed by grants for the programs. The labor costs were in the area of benefits and salaries, it is an associated cost when there is more overtime. The operation and

maintenance fuel increase in costs is a big one. The Fire department's increase is in labor costs and property purchase. The labor increase is due to the number of calls they are called out on. They do bill it out and recoup most of the cost. Training costs have gone up, they have been advised by our ISO evaluation that they now train two hours each Thursday and not one hour. The purchase of the fire station land was also a big cost, due to the need for the additional fire station. He noted the major costs of overtime are due to events and celebrations.

Mayor Thomas asked about the addition to the camp ground above the reservoir.

Mr. Robinson explained there will be landscaping around the pavilion and they will be installing a playground across from the pavilion.

This item was opened for public comment.

Shelley Ferre

Ms. Ferre feels the money that goes to fund the golf course etc. comes from the bills she pays. She does not use the Golf Course and does not want her money to be used towards it.

Mayor Thomas explained the funds come from the electric fund and that there is a profit kept in retained earnings. The rest is transferred and used to support the library, pool, etc. He would like to see more information showing where the expenses come from on the bill.

Ms. Ferre feels with \$2 ½ to \$3 million the funds can be used where the whole city can benefit from it and she would like to see it better used in other ways than for specific areas like those.

Mayor Thomas feels there are things like the pool and the library that we all benefit from. He feels if kids do not have somewhere to go they get into mischief. The golf course is working to get self sufficient. We all benefit from keeping the youth entertained and providing various services to the community.

Councilman Leifson stated the City has a library, seniors center, and cemetery, the money is all pooled and funds all the funds to provide these services.

Councilman Andersen stated if they do not personally use the golf course etc. those quality of life issues are still important and attract businesses and benefit the tax base so the citizen pays less.

Councilman Dart reminded that the certified tax rate is the lowest in the county and if we are going to fund these programs we would have to increase it.

Councilman Davis stated the power rates are a benefit because everyone pays into it and with property taxes hospitals and churches are exempted from paying.

Mayor Thomas agreed he just hopes there is more disclosure on where the funds are used.

Councilman Andersen explained renters are also participating in the costs where they wouldn't on the taxes.

Councilman Davis stated with Rocky Mountain Energy the extra money goes to corporate offices in this city the extra money the city is able to use for quality of life.

Greg Mockett

Mr. Mockett likes the idea of more information being shown on the bill about where the money goes. He asked regarding the municipal energy tax, he would much prefer that the tax be reallocated onto his bill instead of funding the other items.

Mayor Thomas stated he does not want to do away with it because it is collected from everyone and they all benefit from it.

Mr. Mockett would like more disclosed on his bill to show where it is being used.

Mayor Thomas stated he likes the way it is collected and would just like to see more disclosure.

Councilman Nielson explained that the feasibility to show exactly where everything goes is not available. It would be very difficult to show where it goes because we don't know until the end of the year.

Mr. Mockett said if the items are explained in a large sum going to fund these programs the public gets upset and feels that it is a hidden slush fund.

Councilman Andersen explained one of the problems is we do not know how much will be needed and what will be transferred. We need to let the public know that the \$30,000 went into those funds, he feels it is sad that the citizens do not take the time to come find out exactly where it goes.

Mr. Mockett would rather his property tax go up instead of the open forum usage of the money. He suggests adding information for people to know there is an open forum for the public to discuss it. He also stated that he does not usually read his bills.

Mayor Thomas feels the utilities fund pays more than they should and it is not proportionate to the value they receive.

Mr. Bowcut stated he feels it is proportionate.

Councilman Andersen made a **Motion** to close the Public Hearing. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 8:00 p.m.

Councilman Leifson made a **Motion** to approve fiscal year 2008 Budget Revision #2. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

NEW BUSINESS:

Fiscal Year 2009 Tentative Budget

Mr. Oylar presented the Tentative Budget to the Council. He noted both the Tentative Budget and the Budget Revision are on the website. He stated this is the Councils Budget and they have a month to work on it.

Councilman Leifson made a **Motion** to adopt the Tentative 2009 Budget. Councilman Davis **Seconded** and the motion **Passed** by a roll call vote all in favor.

Moratorium Ordinance – Multi Family Housing

Mr. Baker explained the proposed moratorium ordinance dealing with the multi-family housing in specific zones, by state law the moratorium is in place for six months. He explained the ordinance will affect only new applications that will come in.

Councilman Davis explained there are issues in R-1-6 and R-3 with infrastructure. He feels they need to work out the issues so we do not overload the infrastructure and that we keep the standards of our city. He hopes to try to resolve the problem and make it a win-win situation.

Mayor Thomas hopes this will not take six months to get finished and that it will not cause issues with the housing economy. He hopes we are done before the funding becomes more available.

Councilman Dart would like to hear response and input from citizens and not developers regarding this item.

Councilman Davis stated they need to get with the citizens in this part of town and address their concerns.

Councilman Nielson said the developers are the land owners that own the property. They want to do something with the vacant land. His worry is that we need to make a decision quickly and figure out the overlay options for the area.

Mr. Anderson stated there are a lot of tools out there the Planning Commission and Council can use to address this issue. He stated they will need at least two to three joint meetings with the Council and Planning Commission. He clarified anyone that has applied and has a completed application submitted will not be impacted.

Councilman Davis feels it will be a protection to the city to get the answers. If we are going to start doing this he wants to get the answers on whether or not we can do the higher density in those areas.

Councilman Leifson noted even though an area is zoned for a certain amount of houses the sewer capacity overrides the allowance.

Mr. Anderson explained the City General Plan promotes the infill as it is today.

Mayor Thomas stated we need to listen to the market forces, land owners, and the community.

Councilman Andersen feels in order to have a comprehensive ordinance the whole thing needs to be addressed. He would favor a moratorium because he likes the idea of addressing all three of the concepts at once.

Mr. Anderson stated it will provide more options and opportunities they did not have before. He added that this will not be a quick and easy thing they can get through.

Councilman Davis feels this is something they need to work out and do right so there is a win-win situation for all involved.

Councilman Andersen is in favor of the moratorium until they can get this figured out.

Councilman Davis made a **Motion** to accept Ordinance 07-08, an Ordinance implementing temporary land use regulations concerning multi-family housing in the R-1-6 and R-3 zones, and to authorize the Mayor to sign, commencing May 7, 2008. Councilman Dart **Seconded** and the motion **Passed** with a roll call vote.

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
RODNEY DART <i>Councilmember</i>	X	
JENS P. NIELSON <i>Councilmember</i>		X
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>		X

Councilman Leifson noted the reason he voted Nay was because he is not comfortable having the moratorium set at six months he would prefer four months.

Maple Mountain Town Homes Request – Salisbury Development

Greg Salisbury

Mr. Salisbury is asking for construction to commence before the roads are finished.

Mr. Heap said they ran into a problem where the home was built, they were ready to move in but there was no power. There is a problem that the lots get sold with no way for us to protect ourselves. This would require a public hearing and an ordinance change if the Council wants to consider it.

Mr. Salisbury stated he is the builder and developer of the project.

Mr. Heap said if there is a way that we don't treat everybody differently and can still do it he's fine.

Mr. Baker stated they have to draft an ordinance that works not only for this situation but all the ones to come in the future.

Councilman Davis feels through the years the city has learned by their mistakes and improved their codes.

Mr. Salisbury feels he is paying the price for the bad builders and developers out there.

Councilman Davis stated Mr. Salisbury is a great builder; the problem is they can't change it for one person.

Mayor Thomas feels there should be something looked into to see if this could possibly be worked out.

ADJOURN:

Councilman Leifson made a **Motion** to adjourn to executive session for litigation and purchase of property. Councilman Dart **Seconded** and the motion **Passed** all in favor at 8:52 p.m.

ADOPTED: June 3, 2008

Kimberly Robinson, City Recorder