



CITY COUNCIL AGENDA

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on June 15, 2010.**

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:

- a. Pledge, led by invitation

2. PUBLIC COMMENTS:

Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines.

- a. * [Agenda Request – James Williams](#)

3. COUNCIL COMMENTS:

4. PUBLIC HEARING:

- a. City Budget FY2010 – Revision

5. CONSENT ITEMS:

These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.

- a. * [Minutes of Spanish Fork City Council Meeting – June 1, 2010](#)
b. * [Resolution 10-05 A Resolution Adopting The Spanish Fork City 457 Plan EGTRRA Restatement](#)

6. NEW BUSINESS:

- a. FY 2010 Budget Revision Approval
b. FY 2011 Budget Approval
c. Swear in of City Treasurer & Contract
d. * [Ordinance 10-10 An Ordinance Amending The Tax Rate On The Gross Receipts Of Telecommunications Service Providers – Junior Baker, City Attorney](#)
e. * [I-Core Storm Drain Contract Amendment – Chris Thompson, Assistant Public Works Director](#)
f. * [Budget Change for the North Park Trail Connector – Dale Robinson, Parks & Recreation Director](#)
g. South Utah Valley Solid Waste District Presentation – Terry Ficklin

7. * [ADJOURN TO REDEVELOPMENT AGENCY MEETING](#)

8. CLOSED SESSION:

- a. Potential Litigation
b. Personnel

ADJOURN:

- * Supporting documentation is available on the City's website www.spanishfork.org

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed meeting for any of the purposes identified in that Chapter.
- This agenda is also available on the City's webpage at www.spanishfork.org

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 804-4530.

Angie Warner

From: jim@networkdefense.net
Sent: Monday, June 07, 2010 10:14 PM
To: awarner@spanishfork.org; webmaster@spanishfork.org
Subject: Agenda RequestagendaSubject

Values submitted by the user:

first_name - James

last_name - Williams

address - 1438 South 1400 East

city - Spanish Fork

state - UT

zip - 84660

contactphone - 8013683280

email - jim@networkdefense.net

agendaSubject - 14th East traffic danger.

detailed - A group of citizens plans on being at the June 15th meeting to discuss the need for speed control option that has not yet been exhausted.

MY CHILD WAS ALMOST HIT DURING A LEGAL CROSSING!

secCode - 77591

submit - submit

Tentative Minutes
Spanish Fork City Council Meeting
June 1, 2010

Elected Officials Present: Mayor G. Wayne Andersen, Councilman Steve Leifson, Rod Dart, Richard M. Davis, Jens P. Nielson, Keir A. Scoubes.

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Kent Clark, Finance Director; Dale Robinson, Parks & Recreation Director; Chris Thompson, Assistant Public Works Director; Dee Rosenbaum, Public Safety Director; Pam Jackson, Library Director; Angie Warner, Deputy Recorder.

Citizens Present: Richard A. Evans, Matt McEwen, Rhett Olson, Mike Allen, Cary Hanks, Rodger Hardy, Matt Barber, Corene Elliott.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Councilman Davis led in the pledge of allegiance.

Mayor Andersen welcomed the Spanish Fork High School Girls Softball Team that took 2nd place in the 4A Region Tournament. He introduced Coach Don Andrews who recognized the team members. The team had a record of 18-10 and it was mentioned that it's where you finish that matters. Coach Andrews introduced the other coaches.

Councilman Dart welcomed and congratulated the Spanish Fork High School Boys Baseball Team State Champions. The team started #1 and ended #1. Their record was 25-1. Also, they were ranked 8th nationally. Councilman Dart introduced Coach Jim "Shoe" Nelson and Coach Jeff "Whites" Nelson.

Coach Shoe thanked the city for the representation that was at the games and the awesome parade down Main Street. He thanked the Recreation Department and ball park crews for all their hard work in making the parks great. Coach Shoe introduced the other coaches; and then the team members were recognized.

Councilman Dart announced that Recreation Board recommends to the City Council that they approve the Dons field to be known as Coach Shoe & Whites Don field.

PUBLIC COMMENT:

Ms. Corene Elliott said there are a lot of homes for sale, empty homes all around town, those homes and yards are not being taken care of. She wonders what that City is doing to make the homeowners take care of their vacant homes.

Mr. Baker stated that in our code there is a section that addresses weeds or objects left in yards that are unsightly. To address those issues we have a code enforcement officer and patrol officers that are fairly aggressive to enforcing these issues. Some of our challenge is some of the homes are bank owned and they are very difficult to deal with.

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Chief Rosenbaum added that 3 weeks ago the police department sent 600 letters to homes that need to be addressed. He will get Ms. Elliott's information and address the issue.

COUNCIL COMMENTS:

Councilman Dart turned the time over to Cary Hanks the Chamber of Commerce Director. Ms. Hanks invited the Spanish Fork City businesses to sign up and be a vendor at "Fiesta Days Taste of Spanish Fork" on July 17th. If businesses want to participate there will be \$25 fee for each booth space. Please contact the Chamber of Commerce if you are interested.

Councilman Leifson said last week the City Council and Planning Commission had the land use training. It was great and we are trying to be well informed. The service at the cemetery for Memorial Day was great. He thanked the grounds crew the volunteers and boy scouts, also all the time that Councilman Davis puts into the Memorial Day ceremony and cemetery.

Councilman Davis commented on the great service at the cemetery. He thanked all the veterans and Barber Welding for building the wagons. There were 1410 crosses were placed at the cemetery and it is an honor to be involved with this event.

Councilman Nielson thanked those for the great Memorial Day ceremony. There was a boy's tournament this past weekend; he received great comments of what a great town we have.

Mayor Andersen received many compliments after the memorial ceremony yesterday and thanked all that were involved.

PUBLIC HEARING:

FY 2011 Budget

Kent Clark presented the FY 2011 Budget with a power point presentation.

Dale Robinson pointed out that there is a transfer of funds from the electric fund to the golf course. There are great improvements that are happening at the golf course.

Chief Rosenbaum stated that the Police Department received a grant for \$7,500.00 that was applied to expenses and then the \$7,500.00 applied to revenue.

Chris Thompson said Public Works Department received a \$150,000.00 grant from Mountainlands for 2 studies on Center Street and 2750 East. The City had to pay \$12,000.00 to receive the \$150,000.00 grant.

Councilman Leifson made a **Motion** to open the public hearing.
Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:32p.m.

Ms. Corene Elliott asked if there are still commercial businesses coming to North park?

Councilman Davis made a **Motion** to move out of public hearing.
Councilman Nielson **Seconded** and the motion **Passed** all in favor at 7:34p.m.

97 Mayor Andersen stated that there are businesses interested in coming. Home depot has
98 purchased a site out by north park, but no dates have been released of when construction will
99 start.

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101 **CONSENT ITEMS:**

102 a. Minutes of Spanish Fork City Council Meeting - May 18, 2010

103 b. Energy Grant Contract

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105 Councilman Scoubes made a **Motion** to approve the consent items.

106 Councilman Nielson **Seconded** and the motion **Passed** all in favor.

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108 Councilman Dart made a **Motion** to adjourn out of City Council Meeting and into Redevelopment
109 Agency.

110 Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:37p.m.

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112 **ADJOURN:**

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114 **ADOPTED:**

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Angie Warner, Deputy Recorder

DRAFT

RESOLUTION No. 10-05

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor</i> <i>(votes only in case of tie)</i>		
ROD DART <i>Council member</i>		
RICHARD M. DAVIS <i>Council member</i>		
STEVE LEIFSON <i>Council member</i>		
JENS P. NIELSON <i>Council member</i>		
KEIR A. SCUBES <i>Council member</i>		

I MOVE this resolution be adopted:

I SECOND the foregoing motion:

RESOLUTION No. 10-05

**A RESOLUTION ADOPTING THE SPANISH FORK CITY
457 PLAN EGTRRA RESTATEMENT**

WHEREAS, Spanish Fork City is a political subdivision of the State of Utah and currently maintains a tax-exempt eligible 457 Plan known as the Spanish Fork City 457(b) ("Plan"); and

WHEREAS, Congress, in recent years has enacted numerous laws affecting the Plan, the latest of which is the Economic Growth and Tax Relief Reconciliation Act of 2001 (known as "EGTRRA"); and

WHEREAS, the Internal Revenue Service has issued guidance, including

final Code §457 regulations regarding EGTRRA amendments for 457 plans; and

WHEREAS, the Government entity, following consideration of the various EGTRRA required and optional provisions, desires to update the Plan to maintain its eligible 457 plan status and to make other changes;

NOW, THEREFORE, be it resolved by the Spanish Fork City Council as follows:

1. Spanish Fork City hereby amends its Plan for EGTRRA and the final Code §457 regulations by adopting the attached EGTRRA restated Plan ("the Restated Plan").

2. The Restated Plan is effective as of the 1st day of June, 2010.

3. The Mayor is hereby authorized, on behalf of Spanish Fork City, to i) execute the Restated Plan; ii) to execute any other Plan related agreement, form, or document; and iii) take any other action, including filing any application or form with the IRS, that he deems necessary or appropriate in connection the City's adoption of the Restated Plan and to maintain the Plan's eligible 457 plan status.

DATED this 15th day of June 2010.

G. WAYNE ANDERSEN, Mayor

Attest:

KENT R. CLARK, City Recorder

ORDINANCE No. 10-10

ROLL CALL

VOTING	YES	NO
MAYOR_G. WAYNE ANDERSEN (votes only in case of tie)		
RODNEY DART City Council member		
RICHARD M. DAVIS City Council member		
STEVE LEIFSON City Council member		
JENS P. NIELSON City Council member		
KEIR A. SCUBES City Council member		

I MOVE this ordinance be adopted:

I SECOND the foregoing motion:

ORDINANCE No. 10-10

AN ORDINANCE AMENDING THE TAX RATE ON THE GROSS RECEIPTS OF TELECOMMUNICATIONS SERVICE PROVIDERS

WHEREAS, Spanish Fork City has levied a tax under authority of Utah Code Ann. §10-1-401 et seq. on the gross receipts of telecommunication service providers; and

WHEREAS, Spanish Fork City has determined the need to increase the tax as a source of general fund revenue; and

WHEREAS, the increase does not exceed the maximum amount permitted by state law;

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code §3.36.030 is hereby amended to reflect an increase in the telecommunications tax rate as follows:

3.36.030. Rate

The rate of the tax levy shall be three and one-half percent (3.5%) of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality. If the location of transaction is determined to be other than this municipality then the rate imposed on the gross receipts for telecommunications services shall be determined pursuant to the provisions of Utah Code Ann. §10-1-407.

II.

Spanish Fork City Municipal Code §3.36.040 is hereby amended to remain consistent with Utah law as follows:

3.36.040. Rate Limitations

The rate of this levy shall not exceed three and one-half (3.5%) of the telecommunication provider's gross receipts from telecommunication service attributed to the municipality.

III.

This tax shall be increased beginning October 1, 2010, in compliance with Utah Code Ann. §10-1-403.

DATED this 15th day of June 2010.

Attest:

G. WAYNE ANDERSEN, Mayor

KENT R. CLARK, City Recorder



SPANISH FORK CITY STORM DRAIN SYSTEM MAINTENANCE
AND COOPERATIVE AGREEMENT
PROJECT NO. MP-I15-6(178)245; UTAH COUNTY
I-15; UTAH COUNTY CORRIDOR EXPANSION PROJECT
CHARGE ID NO. 70963 PIN NO. 7037

UDOT Finance Number **108746**

UDOT Amendment Number _____

**STORM DRAIN SYSTEM MAINTENANCE AND COOPERATIVE
AGREEMENT**

AMENDMENT NUMBER 1

THIS AMENDED AGREEMENT, made and entered into this _____ day of _____, 20____, by and between the UTAH DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "UDOT", and the **Spanish Fork City**, a Registered Municipality in the State of Utah, hereinafter referred to as the "City",

WHEREAS, the parties hereto entered into a **STORM DRAIN SYSTEM MAINTENANCE AND COOPERATIVE AGREEMENT**, hereinafter referred to as the "**Agreement**", dated **April 12, 2010** UDOT Finance Number **108746 (Original Agreement)**; and

NOW THEREFORE, it is agreed by and between UDOT and City that the **Agreement** is amended as follows:

1. Section **3** Sub-section **a** shall be revised to reduce the reserved cfs from 20 to 10. Sub-section **a** shall read as follows:
 - a. UDOT's Design-Builder shall design and construct a storm drain line from 300 West to a detention pond at Main Street, see Exhibit A Pond B, to accommodate Project and City storm drainage. UDOT shall reserve a minimum of 10cfs in the storm drain line and detention pond for City storm drainage. City shall operate and maintain storm drain line and pond B. UDOT shall retain ownership of property.
2. The final sentence of Section **3** Sub-section **c** shall be revised to read as follows:
 - 3.c. The combined discharge shall not exceed 4-cfs.



SPANISH FORK CITY STORM DRAIN SYSTEM MAINTENANCE AND COOPERATIVE AGREEMENT
PROJECT NO. MP-I15-6(178)245; UTAH COUNTY I-15; UTAH COUNTY CORRIDOR EXPANSION PROJECT
CHARGE ID NO. 70963 PIN NO. 7037

Attest:

Spanish Fork City,
a Municipal Corporation of the State
of Utah

Title: _____

Title: _____

Date: _____

Date: _____

(IMPRESS SEAL)

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Recommended for approval:

Utah Department of Transportation

Title: Engineering Director

Title: Project Director

Date: _____

Date: _____

The Utah State Attorney General's Office has previously approved all paragraphs in this Agreement as to form.

UDOT Comptroller Office Contract Administrator

Date: _____



DATE: June 11, 2010

TO: Mayor Andersen and City Council

FROM: Dale Robinson, Parks and Recreation Director

RE: Budget Change–North Park Connector Trail 2010

The total cost of the North Park Connector Trail 2010 is \$300,000. Spanish Fork City cost for the trail will be \$160,000 with a state grant covering \$140,000. To use the grant money, the trail will need to be under contract before the next budget year. The set budget for the trail was \$280,000.

This memo is to recommend that the City Council approve an increase of \$20,000 to the current budget of the North Park Connector Trail 2010.



REDEVELOPMENT AGENCY MEETING

PUBLIC NOTICE is hereby given that the Redevelopment Agency of Spanish Fork, Utah, will hold a public meeting in the City Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on June 15, 2010**.

AGENDA ITEMS:

1. CALL TO ORDER:

2. CONSENT ITEMS:

These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.

- a. * [Minutes of Redevelopment Agency Meeting - June 1, 2010](#)

3. PUBLIC HEARING:

- a. FY 2010 RDA Budget Revision

4. NEW BUSINESS:

- a. Approval FY 2010 Revision
- b. Approval FY 2011

ADJOURN:

* Supporting documentation is available on the City's website www.spanishfork.org

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**Tentative Minutes
Redevelopment Agency Meeting
June 1, 2010**

Councilman Dart made a **Motion** to adjourn out of City Council Meeting and into Redevelopment Agency.
Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:37p.m.

CONSENT ITEMS:

a. **Minutes of Redevelopment Agency Meeting - June 16, 2009**

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

PUBLIC HEARING:

RDA FY 2011 Budget

Kent Clark presented the Redevelopment Agency Budget

Councilman Dart made a **Motion** to open the public hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:45p.m.

There were no public hearing comments.

Councilman Davis made a **Motion** to open the public hearing.
Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:46p.m.

Councilman Leifson made a **Motion** to adjourn the Redevelopment Agency Meeting.
Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:46p.m.

ADJOURN:

ADOPTED:

Angie Warner, Deputy Recorder