

**Adopted Minutes
Spanish Fork City Council Meeting
July 6, 2010**

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

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Kent Clark, Recorder/Finance Director; Richard Heap, Public Works Director; Dee Rosenbaum, Public Safety Director; Mark Byers, Animal Control Officer; Angie Warner, Deputy Recorder.

Citizens Present: Chris, Connor, Jared, Josh Crook, McKade, Brenda Barley-Kay, Cori Brown, Chase Smith, Tyler Smith, Tucker Gammell, Lana Creer Harris, Steve Money, Kevin Gardner, Michael Gardner, Christopher Gardner, Roy Johns, Coleen Johns, James Williams, Pat Parkinson, Sarah Wadsworth, Chris Wadsworth.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Tucker Gammell led in the pledge of allegiance.

Fiesta Days

Councilman Davis introduced Chairman's Brad & Tina Gonzales, Vice Chairman's Mike & Amber Mendenhall, Outgoing Chairman's Terry & Lil Shepherd.

Brad Gonzales presented the 2010 Fiesta Days brochure that was mailed to homes this past week. It has the listing of the events that will go on.

Lil Shepherd introduced Joe Broderick that invited the community to "The Music Man" production that will be at Maple Mountain High School on July 15, 16, 17, 22, 23, 26 at 7:30pm with a matinee July 24 at 4:00pm.

The committee went over the events for each day.

Steve Money with the Fiesta Days Rodeo Committee invited everyone to the Fiesta Days Rodeo. This year is something new a "Silver Tour" meaning there are 14 tours across the US. We are going to get the best stock, entertainment, mutton bustin' and just the best rodeo in Utah.

Terry Shepherd introduced the 2010 Grand Marshals Roy & Coleen Johns. They have done so much for our community and donated so much time volunteering. They were presented with a plaque.

Roy & Coleen commented that they are very thankful and this is a great honor.

Councilman Davis also recognized the other Executive Fiesta Days Committee members. He thanked them for all their help and time to make fiesta days what it is.

PUBLIC COMMENTS:

Agenda Request – James Williams

Mr. Williams lives on 1400 east and feels that they live in a dangerous section of that road. There is a speeding and acceleration issue. His child was almost hit recently. Mr. Williams thanked Lt. Carl Johnston for listening and looking into this problem. We have spoke with many City personnel to try and address this issue. We would just like to find a solution other than just patrolling.

Jed Morley added that the senior living facility and the Canyon Elementary School is also located on 1400 East. We just don't want anyone to get hurt.

Mayor Andersen asked Chief Rosenbaum to find a few solutions.

Chief Rosenbaum stated that they have added additional radar and patrol on this road. There is an alley way for a short cut that leads the kids through the homes. We will contact the school and asked them to close the alley way so the kids have to go the right direction to the crosswalk. The police department loaned a radar gun to Mr. Williams and there is not a speeding problem.

Chris Wadsworth recommended being on the side streets from 1400 east and radar during commuting hours.

Pat Parkinson asked about the road west of the Spanish Fork High School. There are 2 or 3 speed bumps on that road and homes only on one side of the street. It seems if this area can have speed bumps then it would be reasonable to have them on 1400 east.

Mayor Andersen will look for the reports from Chief Rosenbaum and let the public know.

COUNCIL COMMENTS:

Councilman Scoubes thanked the Arts Council for the Youth Arts Festival. And also thanks to our public safety for their hard work during the holiday weekend.

Councilman Dart has noticed all the streets that are being repaved to make our city look better. He also would like to thank the public safety and everyone that helps our city to be better.

Councilman Leifson agreed with their comments. At the last UMPA meeting it was stated that we get 50% of our power from coal burning power plants. The board would like to talk to the legislature to make it easier to get nuclear plants. Our power company is trying hard to keep the rates down. Looking forward to the Fiesta Days and hopes everyone comes and enjoys the festivities.

Councilman Davis announced that Councilman Leifson got elected to the National Policy Making Board for the American Public Power Association.

Mayor Andersen attended the Stadium of Fire and as part of that celebration was the 100th Birthday of Boy Scouts. Around 260 Boy Scouts received their eagle scout award and about 20 of those were from Spanish Fork. Mayor Andersen congratulated them for their efforts.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting - June 15, 2010
- b. Elevator Emergency Phone Contract
- c. Resolution 10-06 To Participate in the Utah County CDBG Program
- d. Resolution 10-07 Municipal Wastewater Planning program
- e. UMPA Lease Agreement
- f. URMMA Uninsured/Underinsured Car Insurance
- g. UDOT Cooperative Agreement

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

NEW BUSINESS:

Ordinance 11-10 Amending the Business License Fee for a Solicitor – Junior Baker, City Attorney

Mr. Baker stated that this ordinance requires that if you want to solicit business in Spanish Fork you have to apply for a solicitor’s license. The new fee will be \$100 per person for the year. We are trying to regulate this ordinance better. Solicitors should carry their license with them.

Councilman Davis made a **Motion** to approve the Ordinance 11-10 Amending the Business License Fee for a Solicitor

Councilman Scoubes **Seconded** and the motion **Passed** all in favor.

Brent McKell Development & License Agreement – Junior Baker, City Attorney

Mr. Baker stated that the City is in the process of constructing the Spanish Fork River Trail Project. There are still some easements that need to be obtained or purchased along the river. The McKells own property on both sides of the river. They have asked that, if in the future, the land to the west is developed to have the City to grant them access from the west.

Councilman Dart made a **Motion** to approve the Brent McKell Development & License Agreement.

Councilman Davis **Seconded** and the motion **Passed** all in favor.

Amended Chicken Ordinance 12-10 – Junior Baker, City Attorney

Mayor Andersen said there have been some problems with how the chicken ordinance has become about. Mayor Andersen wants the council to look at the broad range of this item.

Officer Mark Byers stated that since this ordinance passed in May they have received 3 dozen chicken calls. The calls are regarding the numbers of chickens at a residence, smell & odor, location of coops, predators attacking, and abandonment. Officer Byers would like a permit and fee to be added. He recommends a \$15 or \$25 fee for processing and to hopefully help with the problems.

Chris Wadsworth addressed a section in the city code directed to domesticated animals.

Sara Wadsworth said our chickens are our pets just like a cat or dog. We have a six foot fence that is their enclosure. Chickens that are confined in a coop it can get too hot for them. The location requirement puts the coop in the middle of her backyard. Some of the benefits: they produce eggs, pest control for bugs, and fertilizer for the lawn. A chicken coop should fall under

a small accessory building in the city code. The existing ordinance requires a cleaning once a week. Her recommendations are: enclosure should be secure 6 foot fence, coop should be a small accessory structure located by the property line same as dog houses. She is in favor of the license. That is our experience and thank you for your time.

Junior Baker stated that some of the issues were brought to our attention and would like to make some changes to this ordinance. Mr. Baker went over some of the changes made to the ordinance presented tonight.

Jed Morley commented that it has been a great way for our kids to learn chores, it is productive and benefits the family.

Councilman Leifson asked if they have had problems with predators.

Chris Wadsworth has lost two chicks to a predator because it got in under the fence and he has fixed that so it will not happen again.

Kevin Gardner has a backyard neighbor that is putting in a chicken coop. He notices the sound through out the day, but you also hear dogs. Rain enhances the smell. He does not like the chickens.

Councilman Davis asked what some of the complaints are?

Officer Mark Byers said the complaints from the public are the smell, number of chickens, and the location of the coop. When we receive a dog kennel complaint they are given a time frame to get it clean, if not they are given a citation. We do enforce the licensing the best we can. There also is a big raccoon problem. The raccoons like the chickens. The raccoons come out in the day as well as the night and they can climb anywhere.

Councilman Leifson said the Wadsworth's made a good argument. He agrees that it needs to be a secure area.

Councilman Scoubes would like to make the minimum requirement change, having the secure area, and allowing the coop to be by the fence like the dog kennels.

Councilman Dart asked about the fee? Do we raise it?

Sara Wadsworth said they are fine paying the fee and we want to follow the rules but there are always going to be the ones that abuse it.

Councilman Leifson agrees to raise the fee to \$15.00.

Mayor Andersen asked Junior Baker to make the following changes to the ordinance: minimum amount of space requirement, eliminate the maximum, secure enclosure, raise fee to \$15.00, define the coop as an accessory structure.

Councilman Dart made a **Motion to Table** the Amended Chicken Ordinance 12-10 to the next council meeting.

Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Springville/Spanish Fork City Interlocal Surveying Agreement – Richard Heap, Public Works Director

Richard Heap stated that we have been involved in this agreement with other cities for years. Springville has offered to hire one of our employees and we reimburse Springville for the hours we need him.

Councilman Leifson made a **Motion** to approve the Second Amended Springville/Spanish Fork City Interlocal Surveying Agreement

Councilman Davis **Seconded** and the motion **Passed** all in favor.

Sterling Hollow 5 Million Gallon Reservoir Change Order #1 – Richard Heap, Public Works Director

Richard Heap received a change order late 2009 from Build Inc. requesting \$170,000.00 in changes. We negotiated a decrease in the change order to \$23,000.00 for just fuel costs. In addition we eliminated \$11,000.00 for asphalt so the change order would be for \$23,000.00 above the contract price but we would pay \$34,000.00.

Councilman Davis stated that they were late starting the project and their punch list took an additional 2 years. For example, we held a preconstruction meeting in August and they did not start work until October. Councilman Davis asked if change orders are normally approved at the time they are requested if so why didn't they submit the change order in a timely manner.

Richard Heap stated that most of the punch list items had to deal with grading and some things occurred that were beyond their control like weather or waiting for the Livestock Association which extended this time, however, it still should not have taken them so long.

Mayor Andersen asked if the list has been completed.

Richard Heap replied yes.

Councilman Davis asked if we have paid the full contract less the \$11,000 for the asphalt.

Richard Heap replied yes.

Councilman Davis asked stated that we had similar problems with this company when they worked on the bridge at the Golf Course.

Richard Heap stated that we did and we were worried about using this company before we signed the contract, however, our background research showed that they had overcome those problems.

Councilman Leifson asked why it took them so long to submit this change order.

Richard Heap stated that we received the initial change order in late 2009 and began negotiating with Build Inc. with a desire to close out the contract and finish up their punch list.

Councilman Leifson asked if we have a legal obligation to approve and pay this change order.

Richard Heap and Mr. Baker said that we did not. Mr. Baker continued explaining that if we don't approve this change order they may likely sue the city. If you approve it you pay then we will pay the change order and they will likely not sue. He felt the City would probably prevail since change orders should be approved prior to the work being performed.

Mayor Andersen expressed his concern about bidding a project and then making changes after the contract and price have been set. He continued that if you sign a contract he prefers you keep your end of the agreement and we will keep our end.

Discussion by the City Council followed regarding the bidding process for this project and what this company bid and what the next highest bidder submitted.

Councilman Leifson asked if they have any receipts for the fuel costs.

Richard Heap replied no. These numbers are from estimates, they did not have specific records.

Discussion then followed regarding the need for record keeping and how change orders can be submitted without actual numbers.

Councilman Scoubes expressed a concern that they would submit a change order for something that they don't have documented. He feels that we owe it to the citizens not to pay for something that cannot be substantiated.

Councilman Davis made a **Motion to Deny** the Sterling Hollow 5 Million Gallon Reservoir Change Order #1

Councilman Leifson **Seconded** and the motion **Passed** by roll call vote all in favor.

ADJOURN:

Councilman Leifson made a **Motion** to adjourn.

Councilman Dart **Seconded** and the motion **Passed** all in favor at 8:09pm.

ADOPTED: July 20, 2010

Angie Warner, Deputy Recorder