

Adopted Minutes
SpanishForkCity Council Meeting
April 19, 2011

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

Staff Present: Junior Baker, City Attorney; Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Dave Anderson, Community Development Director; Trapper Burdick, Assistant City Engineer; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Dee Rosenbaum, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Corene Elliott, Bobbe Graham, Josh Parker, Johnathan Ward, Lana Creer Harris, Cary Hanks, Mike Mendenhall, Cary Robarge, Kara Morris, Carl Parker, Dean Steel.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Seth Perrins led in the pledge of allegiance.

URMMA Inspection Award – Carl Parker

Seth Perrins introduced Carl Parker and Dean Steel with URMMA. Mr. Steel thanked Spanish Fork City and the City is one of the top cities. Spanish Fork is one of the original cities that joined URMMA from the start. Mr. Parker stated that annually they conduct inspections throughout the departments. Mr. Parker recognized Spanish Fork City for receiving the top score. Seth Perrins said in 2007 the City received a score of approximately 97%, for 2010 the City received approximately 99.6%. Mr. Perrins thanked the City staff for their efforts to increase our annual score.

Mayor Andersen thanked URMMA.

PUBLIC COMMENTS:

Cary Hanks, Director for Spanish Fork/Salem Area Chamber of Commerce invited everyone to the Easter Egg Hunt this Saturday. Be there before 9:00 a.m. because at 9:01 a.m. it's all over. They have had many prizes donated and thanked everyone that has contributed. Also, next week is the Rotary/Chamber of Commerce Scholarship Golf Tournament on Thursday April 28th.

COUNCIL COMMENTS:

Councilman Leifson said the Council attended the ULCT Spring Conference for some great training.

Councilman Dart said last week he was contacted about some issues from a citizen. Councilman Dart contacted the City and they took care of it. Councilman Dart thanked the City employees who helped.

Councilman Scoubes thanked the volunteerism and kindness in our city.

Mayor Andersen said the City crews have been working on the river channel to get it open and clear in preparation of the water that is predicted to come. The river is running higher than our average. Right now the river is running at 800 cfs; the normal high is 750 cfs. In 1983 the high was around 4,000 cfs. Also, with the City bill, residents will receive a flyer for the Wild West Days. Mayor Andersen invited all to come participate and have a good time.

SPANISH FORK 101:

Dave Anderson – Accessory Apartments

This is an issue that is regularly discussed with citizens. What are the rules of having accessory apartments? The apartment is a separate dwelling unit, and the property owner has to live at the property. The difference with a duplex is the owner does not have to live at the property. The property also must be zoned R-1-6 or R-3.

Councilman Dart made a **Motion** to move into the Public Hearing at 6:38 p.m.
Councilman Scoubes **Seconded** and the motion **passed** all in favor.

PUBLIC HEARING:

Public Hearing Regarding The Issuance And Sale Of Not More Than \$3,000,000 Aggregate Principal Amount Of Water Revenue Bonds, Series 2011 And Any Potential Economic Impact That The Project Described Herein To Be Financed With The Proceeds Of The Series 2011 Bonds May Have On The Private Sector.

Kent Clark stated that this is a public hearing for the public to give feed back. The water line will run from the cold springs in Covered Bridge to the reservoir. This will naturally fill the reservoir instead of using pumps which require electricity. This bond will not increase any water rates and due to the decreased pumping costs, this bond will hopefully will lower the water rates in the future.

Mayor Andersen welcomed any public comment.

None was given.

Councilman Davis made a **motion** to move out of the Public Hearing at 6:43 p.m.
Councilman Leifson **Seconded** and the motion **passed** all in favor.

Councilman Scoubes made a **Motion** to move in to the Public Hearing at 6:44 p.m.
Councilman Davis **Seconded** and the motion **passed** all in favor.

Proposal to amend an ordinance to permit outdoor merchandise display in the Commercial Downtown zone and to permit outdoor seating and some signage in public rights-of-way.

Junior Baker discussed that in the outside sales were not permitted except during Fiesta Days in the CD Zone. Junior went over what was added and or changed to the ordinance.

First change:

15.3.16.060 C-D Downtown Commercial

A. *Permitted Uses:*

The following uses are permitted if operated from a permanent, enclosed building, with no outdoor storage. The outside display of merchandise for sale is allowed between the hours of 7:00 a.m. and 9:00 p.m. if the merchandise remains off from

the public rights-of-way. Merchandise is allowed on the public right-of-way during sidewalk sales, which are allowed every weekend:

Second change:

15.3.24.090 Supplementary Regulations

J. Public Rights-of-Way

It is not permitted to store or display merchandise or any other material, excepting those signs permitted in §5.36.050(9), within any public right-of-way. In certain locations designated by Spanish Fork City, outdoor seating may be permitted in accordance with restrictions provided in the City's Development.

Mayor Andersen welcomed public comment

Mike Mendenhall commented that the Chamber of Commerce feels this is a good way to go. And this will help with the downtown district. The businesses will benefit from all the events that happen in Spanish Fork. The initial request was to have the sidewalk sales when events came. Then it went to having sidewalk sales maybe once a month. Then Planning and Zoning Commission said every weekend because that gives the flexibility of the businesses to have them when they want.

Corene Elliott clarified that the sidewalk sales are only for the businesses on Main Street. And that not just any business or resident can come set up a sale on Main Street.

Mayor Andersen concurred.

Councilman Nielson asked if there is prior approval from the City.

Councilman Davis asked what "weekend" is.

Cary Hanks said with other events in the past some have been Thursday, Friday, Saturday or Friday, Saturday. Most businesses are not open on Sunday.

Discussion about bringing the CD Zone further south to Center Street.

Junior Baker stated that the ordinance specifies in the CD Zone 100 North to 400 North.

Kara Morris with Confetti Antiques said as of now we can't put stuff out. Ms. Morris feels it will help business to amend this ordinance.

Councilman Nielson made a **motion** to move out of the Public Hearing at 7:01 p.m. Councilman Davis **Seconded** and the motion **passed** all in favor.

Councilman Dart asked how long would it take to change the zone.

Junior Baker said about 60 days.

Councilman Dart asked if the City can pass this tonight with any modifications and then change the zone later.

Junior Baker concurred.

Councilman Dart made a **Motion** to **approve** Ordinance 06-11 Addressing the Outdoor Display of Merchandise for Sale.

Councilman Leifson **Seconded** and the motion **passed** with a roll call vote all in favor.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – March 29, 2011; April 5, 2011.
- b. Arbor Day Resolution #11-06
- c. Disposal of Surplus
- d. Change Order #5 for 800 North Main to 600 East Sewermain & Waterline Replacement
- e. River Bank Stabilization Contract Amendment #1
- f. Arlen Ault Connector's Agreement
- g. NRCS Contract Modification 006
- h. Spanish Fork Canyon Pipeline Easement Encroachment Agreement

Councilman Leifson made a **Motion** to **approve** the consent items.

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

NEW BUSINESS:

Municipal Recreation Grant Application – Dale Robinson

Dale Robinson stated that each year we apply for this grant and ask for the City Council's approval and the Mayor's signature on the application. The Parks and Recreation office would like to get an electronic sign so it will be easier to post all of our announcements. In years past we have received \$18,000 and we can carry it over to the next year if not used.

Councilman Leifson asked if this was a matching grant.

Mr. Robinson replied no.

Councilman Scoubes asked the projected cost.

Mr. Robinson said we have some money left from last year to carry over. The sign would be between \$18,000 to \$30,000.

Councilman Dart made a **Motion** to **approve** that the Mayor sign the Municipal Recreation Grant Application.

Councilman Leifson **Seconded** and the motion **passed** with a roll call vote all in favor.

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

Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:20 p.m.

ADJOURN:

ADOPTED: May 3, 2011

Angie Warner, Deputy Recorder