



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 October 16, 2012.**

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](#) – Brent Hansen

3. COUNCIL COMMENTS:

4. SPANISH FORK 101: Kent Clark - Elections

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 – October 2, 2012; January 13 & 14, 2012](#)
- b. * [Old Mill Capital Connector's Agreement](#)

6. PUBLIC HEARING:

- a. * [Ordinance #09-12 Vacating 400 South Street at Approximately 800 East](#)

7. NEW BUSINESS:

- a. * [Ordinance #15-12 Amending the Business License & Home Occupation Regulations](#)

8. CLOSED SESSION:

- a. Potential Litigation

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.



RECEIVED
OCT - 4 2012

AGENDA REQUEST FORM

Date of Meeting Requested to Attend: October 16, 2012

All forms must be completed and returned by NOON the Tuesday before the Council Meeting requested. Thank you.

Name: Brent Hansen - Dr. Hassan

Address: 290 West Center

Phone Number: 801-798-2457

Please list the subject and detailed information regarding your request:

Trying to put up a commercial sign at the dentist office.
Building Inspector is okay with it, but city planner
has stopped the process.

Brent Hansen D.D.S
Signature

10/4/12
Date

Tentative Minutes
Spanish Fork City Council Meeting
October 2, 2012

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

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Chris Thompson, Public Works Director; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Steve Adams, Public Safety Director; Angie Warner, Deputy Recorder; Bill Bushman, Buildings & Grounds Maintenance Supervisor; Amy Wall, greenhouse worker; Tyler Aitken, Intern.

Citizens Present: Jeremy Hawk, Dalton Hawk, Cary Hanks, Cary Robarge, Mike Mendenhall, Brad Tanner, Randal Jensen, Ruther Davis, Cecilia Davis, Amy Wall, David Bourne, Mason Nielson, Spencer Olson, unknown, Braxton Buck, Alex Huhtala, Mason Allen, Conner Seamons, Scott Dunn.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Dalton Hawk led in the pledge of allegiance.

Utah County Health Department & Outrage (Anti-Tobacco Youth Group)

Cecilia Davis, with Outrage, presented smoke free signs to Dale Robinson for the skate park to help promote smoke free parks.

PUBLIC COMMENTS:

Cary Hanks, Director & Cary Robarge, President of the Chamber of Commerce reminded everyone of the scarecrow contest. All entries are welcome for a \$10 fee. They also thanked city staff for the beautiful planter boxes on Main Street.

COUNCIL COMMENTS:

Councilman Scoubes said the Harvest Moon Hoorah was a success and thanks to all the volunteers.

Councilman Davis went to the airport to tour the construction for the runway. Councilman Davis commented on the Rachel's Challenge event that he attended at Maple Mountain High School.

Mayor Andersen said our condolences go out to the family of Nick Ivie. He was a border patrolman killed while on duty. He was a past ambulance volunteer and resident of Spanish Fork.

SPANISH FORK 101: Dale Robinson, Parks & Recreation Director – City Greenhouse Program
Mr. Robinson turned the time over to Bill Bushman & Amy Wall to speak about the city greenhouse and main street planter boxes.

Mr. Bushman said the success of the Adopt a Planter Program could not be done without our staff and volunteers.

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Ms. Wall explained the greenhouse program. Ms. Wall said that there have been complaints of the flowers being taken out of the main street planters too early. So this year we have made adjustments and will keep the flowers in until the middle of October.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – September 18, 2012
- b. 1000 North Road Widening Project 2012 – Signal Modification Change Order 2
- c. Questar Agreements for Natural Gas to the North Park Pavilion
- d. Xpress Bill Pay Contract Revision
- e. Goran, LLC. Airport Road Closure & Runway Shift Contract
- f. Staker Parsons Airport Apron Rehab Contract

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

PUBLIC HEARING:

Ordinance #13-12 Abandoning a Public Access Easement on Lot 20, Canyon View Subdivision Plat B

Junior Baker said when the Canyon View Subdivision was created an access easement was included. The Nebo School District would like this access closed. The City would like to abandon the easement to the Lot 20 property owner and they are willing to accept.

Councilman Gordon made a **Motion** to move into Public Hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 6:42 p.m.

Mayor Andersen welcomed public comment.

There was no public comment.

Councilman Davis made a **Motion** to move out of Public Hearing.
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:42 p.m.

Councilman Leifson made a **Motion** to **approve** Ordinance #13-12 Abandoning a Public Access Easement on Lot 20, Canyon View Subdivision Plat B.

Councilman Dart **Seconded** and the motion **Passed** all in favor with a roll call vote.

NEW BUSINESS:

Presentation on Business Licenses Program and Potential Modifications

Dave Anderson said the City issues licenses to businesses to have a registry and provide inspections. This presentation is to discuss raising the license fee or leave it the same.

Councilman Leifson proposes to keep the fee as low as we can. The businesses get approached by people all the time to donate. Let's keep it as business friendly as we can.

Council agrees to keep the fee low.

Dave Anderson said at the next City Council meeting agenda will be Title 15 with the changes.

Parlant Technology Contract – Providing a mass communications tool for city use, including

99 **emergencies**
100 Seth Perrins explained that this mass communication tool can communicate with the public for
101 notifications, emergencies, etc. This product can call residents to send out a message within
102 minutes. The tool the City currently uses to send messages takes hours making the information
103 outdated by the time some residents receive it. This Parlant Tech tool can communicate with our
104 financial program, Caselle. The City can notify residents that their bill is past due. The
105 Recreation department can also use this for the sports programs. Staff has also spoken with
106 Nebo School District and asked if we can use their contact data base that is updated every year.
107 They agreed to let the City use this. This company is based out of Provo. There are other cities
108 in north Utah County that are using this product as well.

109
110 Tyler Aitken reviewed the process to receive the bids for the request.

111
112 Mr. Perrins said staff recommends the bid be awarded to Parlant Tech in a non-binding contract
113 for the amount of \$15,136.00 plus a \$500 setup fee. If the City does not like the service, there
114 would have to be a 30 day notice of cancellation.

115
116 Councilman Dart made a **Motion to approve** the Parlant Technology Contract providing a mass
117 communications tool for City use, including emergencies for \$15,136.00 plus a \$500 one time
118 setup fee, for a 5 year term.

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

120
121 **ADJOURN:**

122 Councilman Dart made a **Motion to adjourn.**

123 Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:39 p.m.

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125 **ADOPTED:**

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Angie Warner, Deputy Recorder

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Tentative Minutes
Spanish Fork City Council Work Session
January 13 & 14, 2012

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

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

CALL TO ORDER, PLEDGE, RECOGNITION:

Mayor Andersen called the meeting to order at 10:00 a.m.

FINANCE UPDATE

Kent Clark reviewed the following:

1. Big Box Stores coming to Spanish Fork
2. City Cash Reserves

Discussion about the City bid system for vehicles, parts and maintenance.

3. Impact Fees
4. General Fund Revenues
 - a. Sales Tax – going up
 - b. Property Tax – steady increase with growth
5. Utility Revenue and Rates
 - a. Rate Comparisons – The cost to live in Spanish Fork is less than everyone else.

Councilman Leifson suggested putting the comparisons of the utility rates and property taxes in the newsletter for the citizens to see.

6. Capital Projects Funding
 - a. Fairgrounds – added 4.8 million to the budget
 - b. North Park – Costco and Beyond...
 - c. Cut Bridge Road
7. City Debt
8. RDA Review
9. Budget Issues

Seth Perrins reviewed the following:

10. Compensation – Mr. Perrins discussed the past and current pay systems.
 - a. Salary Ranges – Freezes, adjusting only the ranges, raises, keeping employees.

46 Mr. Perrins said that the ranges need to be kept updated even if we are not giving raises.
47 The City employees have sacrificed a lot and have really stepped up and taken on more
48 duties without raises.

49

50 Mr. Perrins said at the next council meeting the salary ranges will be presented with the
51 budget and a 3% increase in the range.

52

53 Mr. Perrins suggested focusing more on the employees that are stuck below their midpoint.

54

55 Councilman Leifson asked for a dollar amount when the City starts giving raises again.

56

57 Mr. Perrins said it would take approximately \$100,000 to give a 1% raise throughout our
58 entire system.

59

60 Councilman Scoubes asked about the fire & ambulance volunteers.

61

62 Dave Oyler said we are not concerned with the fire but we are concerned about the
63 ambulance. There is a lot of turnover in the ambulance.

64

65 Dave Oyler asked the Council if they agreed with going in the direction putting money in the
66 budget to be able to give some raises.

67

68 Council agreed.

69

70 11. Uses of Support Center – Mr. Perrins said this new system will allow anyone to
71 submit comments, complaints, work orders, etc. for the City. Staff will be able to
72 track and record notes and responses. And also to make sure they are completed.

73

74 **SPANISH FORK COMMUNITY NETWORK**

75 John Bowcut reviewed the following:

76

77 1. Fiscal Status of SFCN

78

79 a. Revenue Sources

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81 i. CATV

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83 ii. Residential Internet

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85 iii. Business Internet

86

87 iv. Phone

88

89 b. Expenses

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i. Operating

91

92 ii. Capital

93

94 c. Loan Payments

95

96 i. Bonds August 2015

97

98 ii. Electric Department Payment

99

100 2. Cable Television Challenges

101

102 a. Currently has 5,055 customers

103

104 i. Stagnant Growth

- 91 b. Increasing Costs
- 92 i. Off air channels
- 93 c. Technology improvements by our competition
- 94 i. Comcast
- 95 ii. Dish & Direct TV
- 96 iii. Over the Top Video
- 97 3. High Speed Internet
- 98 a. Internet 6,383 customers
- 99 i. Growth has slowed
- 100 ii. Over the top video bandwidth demands are under control.
- 101 b. Higher Speed internet is back on priority list
- 102 i. Targeting 55mbps for \$55
- 103 ii. Tightening usage controls
- 104 iii. Our regular service already often out performs Comcast's highest tier.
- 105 4. Phone Service Challenges
- 106 a. Phone 2,141 customers
- 107 i. Take rate is still climbing
- 108 ii. Cell phones continue to cut into traditional lines
- 109 iii. Phone partner struggles
- 110 1. service interruptions
- 111 2. billing mistakes
- 112 3. service limitations
- 113 4. ROI for replacement isn't good
- 114 a. Do it ourselves save about 50k/year
- 115 b. \$650k capital invest
- 116 5. Full Digital Conversion
- 117 a. Comcast has already done it, satellite companies have always been digital
- 118 b. Move all of our channels to a digital signal
- 119 c. Opens up space for their services or more channels
- 120 d. Uses current method of digital content delivery
- 121 i. What SFCN and Comcast currently use
- 122 1. QAM Encoding
- 123 2. DTA or Set Top Boxes for every television
- 124 ii. Uses technology over 20 years old
- 125 e. Future is IPTV
- 126 i. Works like Netflix to every TV
- 127 ii. VOD becomes simpler
- 128 iii. Replace all set top boxes
- 129 iv. Uses newer data compression
- 130 v. Easily supports TV everywhere
- 131 6. Spanish Fork 17
- 132 a. Future Direction
- 133 i. Should we eat a different pie?
- 134 ii. Use Channel 16 during primetime
- 135 1. supplement SF17

- 136 2. schools promise to provide content
137 3. programming guide when not primetime
138 7. Information Systems
139 a. Tablets
140 b. "SF Cloud" solutions
141 i. Working on a safe secure method of access to City computer files from
142 anywhere
143 c. Backup System
144 i. New Revinetix System
145 d. Computer Life Austerity Measure
146 i. Extended replacement 1 year longer
147 ii. Had a few fail after the warranty
148 iii. Hardware developments have slowed
149 iv. Increased exposure of IS personnel/Capital
150 e. Custom Programming
151 i. Parks and Rec Software
152 ii. Timesheet
153 iii. Fairground Ticket Program Plans
154 iv. Billing Reconciliation Programs
155 v. Customer Provisioning
156

157 COMMUNITY DEVELOPMENT

158 Dave Anderson reviewed the building inspector's workload; inspectors are inspecting more
159 items on the inspections list. So the amount of time spent on an inspection is more.
160

161 Councilman Dart asked if the City needs another inspector.
162

163 Dave Anderson said no, not right now. But if things start to grow and get busy, then yes.
164

165 Dave Anderson said that the solicitor license policy was changed last year. The 9 licenses
166 we had last year has went up to 49 this year.
167

168 2012 large non-residential projects that we know of include:
169

170 2 LDS Churches, Rodeo Arena, Costco, PreCorp, Legacy House
171

171 It was asked why we require a business license?
172

173 Mr. Anderson said simply the issuance of the business license, a service to the business for
174 a record kept for where, when & what. The fees are to cover the structure of the city's
175 program.
176

177 Kent Clark brought up the business license study. If the City does the study, it will establish
178 the amount it costs for the business license program. The City cannot charge more than
179 what it costs to run the program.
180

181 Discussion about inspections for businesses.
182
183 Dave Anderson said the City could to do an in-house or out of house business license study.
184
185 Councilman Dart asked if the insurance companies do inspections that provide the insurance
186 for the business.
187
188 Councilman Gordon replied usually not.
189
190 Dave Anderson asked Council if they would like to just proceed with what we are doing.
191
192 Mayor Andersen said with the addition of completing the in house study.
193
194 Accessory Apartments
195 Dave Anderson said that each city is different in how they define accessory apartment. Mr.
196 Anderson explained our City process.
197
198 Mr. Anderson said there are a lot of homes that are grandfathered in and are considered a
199 legal accessory apartment. Then there are a lot that are not legal.
200
201 Mr. Anderson said that illegal accessory apartments are brought to our attention when they
202 come in to sign up for cable or internet for the basement.
203
204 Councilman Dart said his concern is the parking.
205
206 Mr. Baker said this is based on separate living quarters not the number of people.
207
208 Mayor Andersen said we should continue to take complaints as they come and deal with
209 them then.
210
211 Incentives for Existing Businesses
212 Mr. Anderson said City Staff and Council have had local businesses approach them about
213 incentives for current and past businesses. Each one could be different so they would have
214 to be dealt with case by case. Mr. Anderson recommends the incentive rewarded after the
215 completion that would show the benefit.
216
217 Home Occupations
218 Mr. Anderson said a person can use a part of their home for a business. Mr. Anderson
219 talked about the regulation of the number of clients at one time therefore impacting the
220 neighborhood. Mr. Anderson said if it is a business that a number of adults attend the
221 parking would be lined up and down the street. Mr. Anderson suggests separating
222 daycare/preschools and instructional classes.
223
224 **LIBRARY**

225 Pam Jackson said with all the technology that as came, everyone thought that the use of the
226 libraries would go down and actually it has gone up. Ms. Jackson explained the library
227 Tuesday book sale. The library offers E-books for free to Spanish Fork Library card holders.

228
229 Discussion about a new building for the library.

230

231 **LEGAL**

232 Junior Baker said under Land Use Development Act, State Law has changed to allow the
233 Planning Commission to be the Land Use Authority to approve plats. Do we want the City
234 Council to be the Land Use Authority or the Planning Commission?

235

236 Discussion of the process of a plat and which group would be better.

237

238 Mr. Baker will prepare an ordinance and then get some feedback from the council.

239

240 Mr. Baker said that on the next agenda there will be an ordinance presented for adoption for
241 the council meetings rules of procedure.

242

243 Discussion about who can take items on and off of the agenda.

244

245 **ADJOURN**

246 Councilman Dart made a **motion** to adjourn.

247 Councilman Leifson **seconded** and the motion **passed** all in favor at 6:01pm.

248

249

250 **Saturday January 14, 2012**

251

252 **CALL TO ORDER**

253 Mayor Andersen called the work session to order at 8:36 am.

254

255 **LEGAL**

256 Junior Baker reviewed at-will employees. Whether the City should make ordinances or go by
257 State Law.

258

259 Mayor Andersen thinks all department heads should be at-will.

260

261 Dave Oyler said the ones that are not at-will right now, you cannot change their status.

262

263 Junior Baker said he will start working on this document and bring it back.

264

265 **PUBLIC WORKS**

266 Chris Thompson reported a -10 score on our culinary sanitary survey. The best score you
267 can get is -28.

268

269 Mr. Thompson reviewed the Lower Crab Creek Trunkline, the Cold Springs creation and
270 design of the drain.

271
272 Mr. Thompson said that with the Strawberry Water Dedication Agreements other cities are
273 offering less money. Mr. Thompson asked if Spanish Fork City wants to change in the new
274 budget to offer less.

275
276 Mr. Thompson reviewed the Cut Bridge widening project.

277
278 Mr. Thompson said the Sterling, Nebo, Flonette Subdivisions need the roads redone. The
279 problem is that the storm drains need to be replaced first.

280
281 **PUBLIC SAFETY**

282 Chief Dee Rosenbaum reviewed the crime rate and number of dispatch calls.

283
284 Chief Rosenbaum said that they have made an instructional video that plays in the waiting
285 area of the police station.

286
287 Mr. Oyler said that the City is billed by the number of calls. Last year the number went down
288 where other cities went up.

289
290 Chief Rosenbaum presented the proposed changes to the noise ordinance including music,
291 construction and the gun club. In a couple of months this ordinance will be presented at City
292 Council meeting for approval.

293
294 Discussion regarding noise easements for the gun club, industrial and commercial.

295
296 Chief Rosenbaum said the state has submitted changes to the legislature for fireworks
297 regulations. The City can follow the state regulations or the City can make the regulations
298 stricter.

299
300 Chief Rosenbaum reviewed the suggested change regarding the law enforcement COLA
301 percentage received after retirement. Currently it is 2.5% for law enforcement and the law
302 now allows cities to adopt a resolution that says law enforcement can be eligible to receive
303 up to the 4%. This is the last year that this process can be implemented.

304
305 Chief Rosenbaum said that Lt. Steve Adams has started making some short TV spots giving
306 public safety information and interests to be viewed on SF17.

307
308 Chief Rosenbaum reviewed the Code Enforcement division.

309
310 Traffic School –Fees

311 Chief Rosenbaum said the state has changed the fee that the citizen has to pay the whole
312 fine to the court.

313

314 Mr. Oyler said in FY 2010 \$55,000, FY 2011 \$46,000 Revenue for traffic school.
315
316 Chief Rosenbaum thinks we should still keep doing the program.
317
318 Mr. Oyler asked if it is a state issue or a judge issue.
319
320 Chief Rosenbaum replied both.
321
322 Discussion regarding approaching the judge about changing the process back.
323
324 Junior Baker & Chief Rosenbaum will speak with the courts.
325
326 False Alarms
327 Chief Rosenbaum reviewed the stats for the calendar year. Since the ordinance change
328 there have been a lot less compared to last year.
329
330 Chief Rosenbaum quickly reviewed drug disposal, crossing guards, resource officers at the
331 high schools, etc.
332
333 Emergency Preparedness
334 Chief Rosenbaum highlighted that "The Great Shake Out" is coming up in April. It is a mock
335 earthquake disaster that the state is putting on and cities can put on their own mock
336 disasters as well.
337
338 Ambulance
339 Chief Rosenbaum presented the stats for the year. The ambulance department is having a
340 hard time keeping volunteers. It has become training grounds; they only stay for about 2 to
341 3 years. They average about 4 calls per day ranging from 1 hour up to 5 hours.
342
343 Discussion regarding the pay for ambulance volunteers.
344
345 Councilman Leifson asked if the Council and Staff would like a gentleman to come speak to
346 the community on terrorism.
347
348 Council and Staff thought it would be a good idea.
349
350 Councilman Leifson said he will get more information.
351
352 **PARKS & RECREATION**
353 Parks and Trails
354 Dale Robinson said staff has completed the river trail in Canyon View Park. Mr. Robinson
355 said they are looking at applying for some grants to help complete the river trail.
356
357 Discussion regarding the cost left to complete the river trail and where to get the money
358 from.

359 Mr. Robinson said UDOT gave the City \$100,000 for the Main Street interchange
360 landscaping and \$100,000 for the Highway 6 interchange. Staff convinced UDOT to give a
361 little more for the Main Street interchange. Staff estimates \$172,000 to finish the Main
362 Street interchange landscaping.

363
364 Mr. Robinson reviewed the renovations that have happened and that are planned. The City
365 has reached the time to open another section.

366
367 Discussion regarding the development layout of the new section to open.

368
369 Mr. Robinson said there was a fee study completed and Spanish Fork is 24% below the
370 average for plot fees. Staff proposes to raise the resident and non-resident fee \$100.

371
372 Councilmembers agreed to move forward with raising the fee.

373
374 Kent Clark said that some cities are changing to one fee. They no longer have a non-
375 resident fee.

376
377 Mr. Robinson reviewed the details and numbers of the new fairgrounds arena design. Staff
378 decided to enclose the barn 6 and make the building another banquet hall.

379
380 Mr. Robinson said the special event coordinators will be trying to draw events to the new
381 arena.

382
383 Mr. Robinson said that the recreation office gets many, many requests for fee waivers. The
384 process is the requestor has to go to the finance committee, if they approve it then it has to
385 go to City Council for approval. That process can take months.

386
387 Mayor Andersen said there is a fee donation list that the City waives the fees for. All others
388 have to pay.

389
390 Mr. Robinson gave a quick review of the interlocal agreement with Nebo School District,
391 Fiesta Days, Festival of Lights, Golf Course & maintenance, Buildings & Grounds.

392
393 Each department head gave a quick overview of some of their projects for 2012.

394
395 Kent Clark

- 396 • Monitor the impact fees, funds and projects make sure we have money
- 397 • Public Hearing at next Council meeting for the 2012 budget
- 398 • RDA money to plan out where we are going to go

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400 Pam Jackson

- 401 • Spanish Fork 101 at next City Council meeting
- 402 • Future library building

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Dave Anderson

- Propose changes to business license fees
- Speak with local companies to see for expansions in Spanish Fork.
- Accessory apartments, more discussion in the future

Dee Rosenbaum

- Noise ordinance to City Council
- Traffic school fees
- Ambulance crew incentives

Chris Thompson

- Meeting about filling the pond
- Cut bridge
- Meeting on trail grants

John Bowcut

- Money for cost increases

Dale Robinson

- Event promotion concept
- New section open at the cemetery and increased rates
- Trails grants
- Donation policy

Junior Baker

- Rules of procedure resolution
- Land Use Authority
- Title 2 changes

Dave Oyler

- Salaries for the budget.

ADJOURN:

Councilman Dart made a **motion** to adjourn.

Councilman Scoubes **seconded** and the motion **passed** all in favor at 3:02pm.

ADOPTED:

Angie Warner, Deputy Recorder



MEMO

To: Mayor and Council
From: S. Junior Baker
Date: 28 Sept. 2012
Re: Old Mill Estates Connector's Agreement

On the Council agenda for October 16, is a connector's agreement for the Old Mill Estates Subdivision located along Mill Road, near Arrowhead Trail. They ran a 15 inch sewer line in Arrowhead Trail and an eight inch sewer line in Mill Road and in Arrowhead Trail to connect to the 15 inch line. They are seeking pro-rata reimbursement for those other properties that connect to it. This is a standard connector's agreement and thus, appears on the consent agenda.



CONNECTOR'S AGREEMENT

This Connector's Agreement is entered this 16th day of October, 2012, by and between Spanish Fork City, hereinafter called City, and Old Mill Capital, LLC, hereinafter called Developer.

RECITALS

WHEREAS, Developer is the owner of real property in Spanish Fork City; and,

WHEREAS, in order to develop that property, Developer has installed offsite sewer improvements which will benefit other properties as they develop in the future; and

WHEREAS, a portion of the cost of the offsite sewer improvements are due to upsizing for future growth and will be reimbursed from impact fees, leaving the balance to be recovered from the properties benefitting therefrom pursuant to this connector's agreement; and

WHEREAS, Developer has installed a fifteen (15) inch sewer line in Arrowhead Trail from approximately 1015 West to 1320 West, a distance of 1,771 feet, at a cost of \$125,617.53, of which \$6,323.47 will be reimbursed from impact fees, leaving a balance due under this contract of \$119,294.06, or \$67.36 per foot; and

WHEREAS, Developer has installed an eight (8) inch sewer line in Mill Road from approximately 1550 South to the intersection with Arrowhead Trail, and in Arrowhead Trail from the intersection with Mill Road to approximately 1015 West, a distance of 2,619 feet, at a cost of \$163,471.19, or \$62.41 per foot; and

WHEREAS, Exhibit A, attached hereto and incorporated herein by this reference, identifies the sewer lines installed by Developer; and

WHEREAS, it is anticipated that other owners of adjacent property will, at some time in the future, desire to develop their property; and

WHEREAS, those other property owners would have to install equivalent sewer facilities to develop their property, if not already installed by Developer; and

WHEREAS, City has determined that it is just and proper that owners of property who develop their property and attach to the fifteen (15) inch sewer line should reimburse Developer at the rate of \$33.68 per foot for the length of the property developed, provided a land owner who attaches merely for the purpose of extending the sewer line shall not be responsible for the cost of the existing line; and

WHEREAS, City has determined that it is just and proper that owners of property who develop their property and attach to the eight (8) inch sewer line should reimburse Developer at the rate of \$31.20 per foot for the length of the property developed, provided a land owner who attaches merely for the purpose of extending the sewer line shall not be responsible for the cost of the existing line; and

NOW, THEREFORE, in consideration of ten dollars and other good and valuable consideration paid by Developer to City, the parties agree as follows:

TERMS

1. City will require the payment of \$33.68 per frontage foot of property developed and connecting to the fifteen (15) inch sewer line shown on Exhibit A as a condition of permitting any owner of property connecting to the sewer line to develop their property.
2. City will require the payment of \$31.20 per frontage foot of property developed and connecting to the eight (8) inch sewer line shown on Exhibit A as a condition of permitting any owner of property connecting to the sewer line to develop their property.
3. That payment of the sums mentioned in the preceding paragraphs shall bear no interest from the date hereof to date of payment.
4. That if a development application is made after thirty years from the date hereof, there shall be no payment required as a condition of development approval.
5. That upon receipt of any sums due hereunder, City agrees to remit said sums to Developer or its assignees.
6. That it shall be the responsibility of Developer or its assigns to advise City, in writing, of any impending development which likely would trigger the connector's agreement fee. In no event shall City be liable for failure to make collection, it being understood and agreed that City will use it's best efforts to make such collection.

SPANISH FORK CITY by:

G. WAYNE ANDERSEN, Mayor

Attest:

KENT R. CLARK, Recorder

Old Mill Capital, LLC by:

Christopher K. McCandless, President of
C.W. Management Corporation, Manager of
Old Mill Capital, LLC

Old Mill Estates Connectors Agreements

Exhibit A



1" = 500 Ft

Legend Connectors Agreement Use

-  8" Sewer
-  15" Sewer

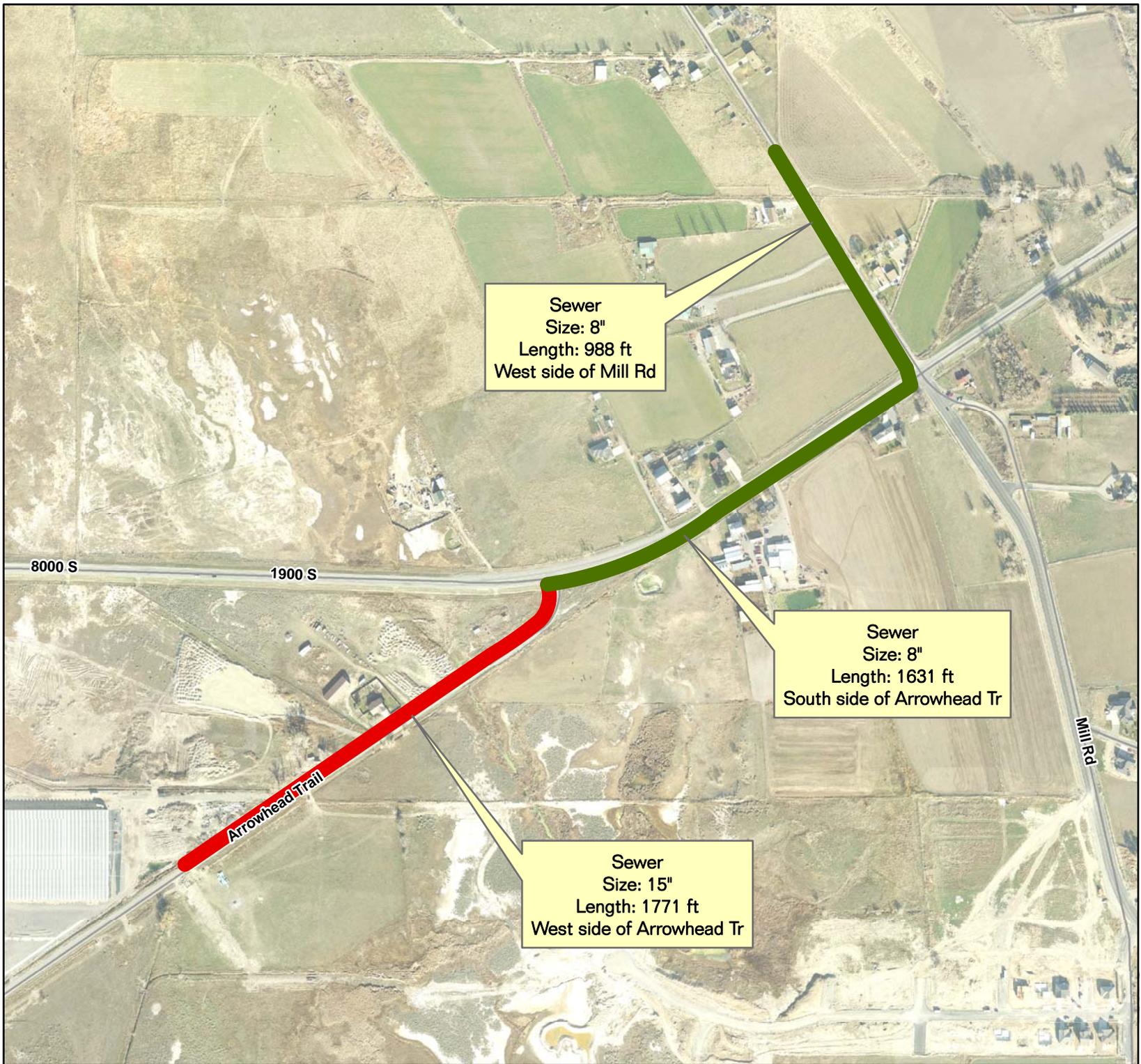
Print Date: 9/28/2012



CE FORM MS

Spanish Fork City GIS
40 South Main St
Spanish Fork, UT 84660
GIS Phone Numbers;
(801) 804-4571 (Administrator)
(801) 804-4570 (Interns)

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ORDINANCE NO. 09-12

ROLL CALL

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

I MOVE this ordinance be adopted:
 I SECOND the foregoing motion:

ORDINANCE No. 09-12

ORDINANCE VACATING 400 SOUTH STREET AT APPROXIMATELY 800 EAST

WHEREAS, 400 South Street runs east and west and intersects at its easterly point with Canyon Road at approximately 800 East, creating a five way intersection; and

WHEREAS, five way intersections tend to be more dangerous; and

WHEREAS, the growth of the City has caused the intersection of 800/820 East to become much busier; and

WHEREAS, Canyon Road is a UDOT maintained road; and

WHEREAS, UDOT has determined that 800/820 East traffic justifies a traffic signal, but such cannot be installed with a five way intersection; and

WHEREAS, vacating a portion of 400 South where it intersects with Canyon Road will allow a

traffic signal to be installed at 800/820 East and provide a safer intersection and traffic pattern; and

WHEREAS, a public hearing to vacate a street was held on Tuesday, the 16th day of October, 2012, with notice given in accordance with Utah Code Annotated §10-9a-208; and

WHEREAS, the Council finds it is in the best interest of the public to vacate a portion of 400 South Street for safety reasons;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

The portion of 400 South Street located at approximately 800 North, and more particularly described as follows:

BEGINNING AT A POINT WHICH IS LOCATED S00°23'12"W ALONG THE SECTION LINE 1261.98 FEET AND WEST 1531.13 FEET FROM THE EAST QUARTER CORNER OF SECTION 19, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE S89°31'59"W 55.34 FEET; THENCE 43.25 FEET ALONG A 46.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS: N27°16'27"W 41.68 FEET); THENCE 17.90 FEET ALONG A 15.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS: N63°50'31"E 16.85 FEET); THENCE S53°24'58"E 73.86 FEET TO THE POINT OF BEGINNING.
CONTAINING: 0.03 ACRES

is hereby vacated.

II.

Spanish Fork, being the adjacent property owner, shall continue to own the vacated portion of the street.

III.

This ordinance is effective upon the physical closing of the street. DATED this 16th day of October, 2012.

G. WAYNE ANDERSEN, Mayor

Attest:

KENT R. CLARK, City Recorder

400 S Cul-de-Sac Property



1" = 50 Ft

Legend

400_S_Cul-de_Sac_Legal_Description

LOG

ROW

TBC

TBS

TFS

<all other values>

Type

CW

LOG

Other

RSVR

SWR

TBC

TBC/TFW

TBW

TFW

Roads

Other Roads

Not Paved

Paved

Railroad

County SF Parcels

Rivers

Spanish Fork Boundary

Print Date: 6/6/2012



GEOGRAPHIC INFORMATION SYSTEMS

Spanish Fork City GIS

40 South Main St

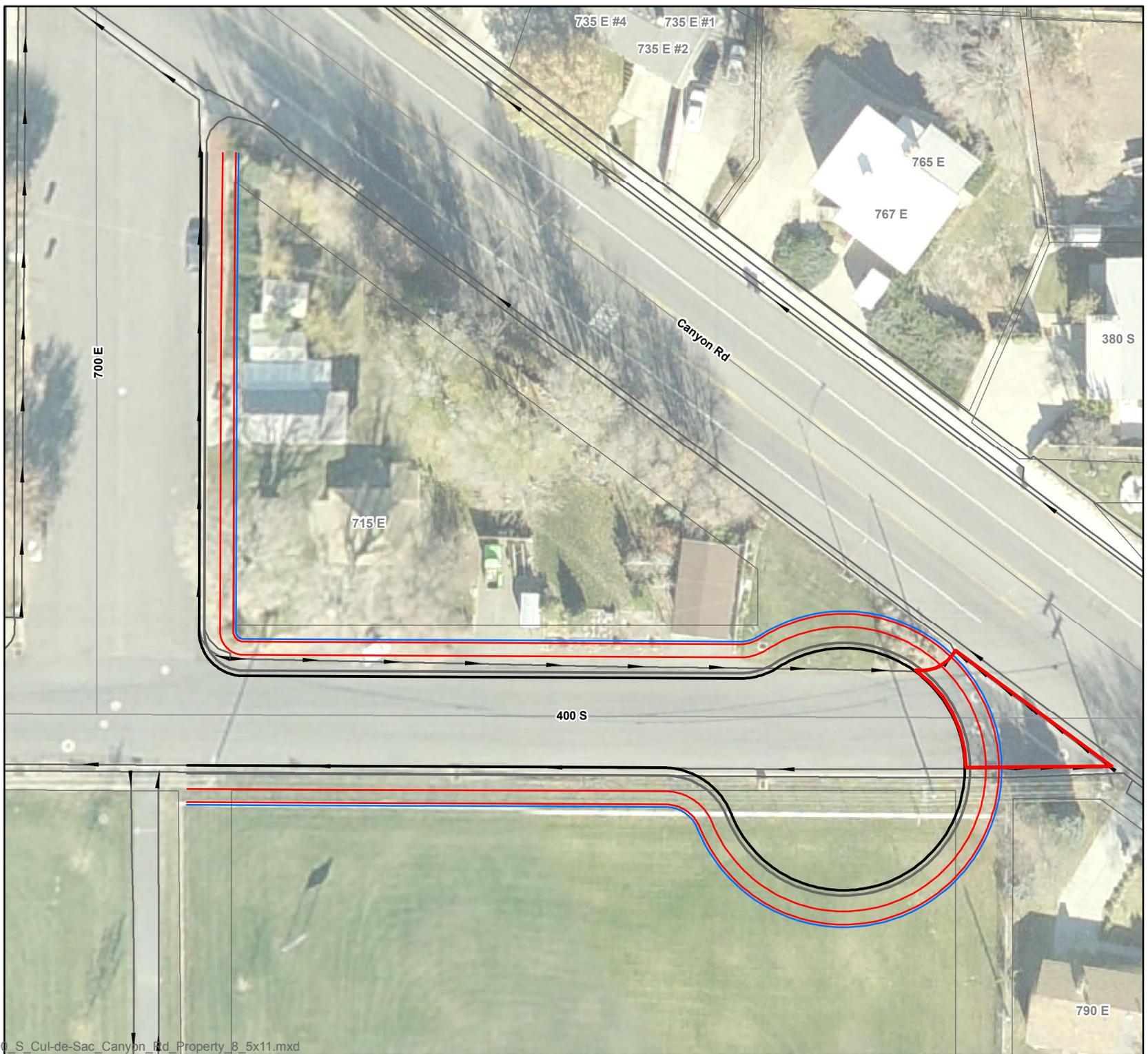
Spanish Fork, UT 84660

GIS Phone Numbers;

(801) 804-4571 (Administrator)

(801) 804-4570 (Interns)

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TO: Honorable Mayor, Esteemed City Council
FROM: Dave Anderson, Community and Economic Development Director
DATE: October 16, 2012
RE: Proposed Changes to the City's Business License Program

I've discussed the need to make some changes to the City's Business License Program with the City Council on a few different occasions in recent years. Accompanying the memorandum is a proposed ordinance that would make the changes that staff feels are appropriate to make at this time. I am anxious to see the City Council take action on this proposal. Staff is preparing materials to assist businesses in renewing their licenses for 2013 and it would be good to know what program we should follow in that process.

There are a variety of changes proposed with the accompanying ordinance. The most significant change pertains to the City's Business License Fee. The proposed ordinance would have the City change to a fee program with an average fee that generates enough revenue to pay for license program itself and nothing more. An analysis of the City's expenses and license history has identified \$40 as the average amount needed from each business in the City to pay for the administration of the program.

Other proposed changes include the following:

- Clarification that each separate business in the City must have its own license.
- Changing the delinquent date for renewals from February 1 to January 15.
- Changing the late fee from 20% of the cost of the license to a flat \$15 fee.
- Clarification that inspections are required when businesses move to a new location.
- Clarification that daycares and preschools may have up to 11 patrons on premise at a time.

One last note: this proposal would leave the fees for itinerant merchants, solicitors and beer sales the same.

Please contact me with any questions or concerns you may have about these proposed changes.



ORDINANCE NO. 15-12

ROLL CALL

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

I MOVE this ordinance be adopted:

I SECOND the foregoing motion:

ORDINANCE No. 15-12

AN ORDINANCE AMENDING THE BUSINESS LICENSE AND HOME OCCUPATION REGULATIONS

WHEREAS, Spanish Fork City has adopted an ordinance regulating business licenses, as well as home occupation licenses; and

WHEREAS, minor amendments need to be made to those regulations from time to time in order to remain efficient and charge appropriate amounts; and

WHEREAS, the business license division of the Community Development Department has evaluated the basic administrative cost to issue licenses, which costs should be assessed in the cost of a business license;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as

follows:

I.

Spanish Fork City Municipal Code §§5.04.010 through 5.04.140 are hereby amended and §5.04.150 is hereby created as follows:

5.04.010 Unlawful to Transact Business Without License

It is a Class C misdemeanor for any person to engage in or carry on any business, trade, profession or calling within the City without first obtaining a business license when required by the ordinances of the City. Each separate business entity is required to have its own business license.

5.04.020 Definitions

- A. "Canvasser," "solicitor," "peddler," "hawker", or "huckster" means any individual whether or not a resident of the municipality, traveling either by foot, wagon, motor vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever, or carrying, conveying, or transporting meats, fish, vegetables, fruits, garden truck, farm products or provisions, whether or not payment and delivery are made simultaneously or whether payment is taken for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he or she is collecting advance payments on such sales, provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the municipality for the sole purpose of exhibiting samples and taking orders for future delivery.
- B. "Transient merchant," "itinerant merchant," or "itinerant vendor" is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, does not conduct the activity substantially within a permanent building or structure but who does in furtherance of such purpose hire, lease, use or occupy a nonpermanent building or structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley or other place within the municipality, other than within a permanent building or structure, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.
- C. "Fireworks Merchant" shall mean any person, firm, corporation, or other entity whose primary and principal business is selling fireworks in accordance with the provisions of Utah Code Annotated §11-3-1 et seq.

5.04.030 License Assessor and Collector

The Community Development Director, or designee, is designated and appointed as *ex officio* assessor of business licenses for the City. Upon receipt of any application for a business license, the Community Development Director, or designee, shall assess the amount due thereon and shall collect all business license fees based upon the rates established by ordinance.

5.04.040 Payment Dates

All licenses shall be payable before each calendar year, in advance, shall commence from the first day of January of each year and shall expire on the 31st day of December of each year.

All license fees shall be due the first day of each calendar year and shall become delinquent if not paid by January 15th of each year. The proceeds of all licenses shall be remitted by the Community Development Director to the City Treasurer.

5.04.050 Applications

- A. All applications for business licenses for businesses which shall be permanently located and conducted within Spanish Fork City on a long term basis shall specify:
1. The name of the person desiring a license;
 2. The kind of license desired, stating the business, calling, trade, or profession to be performed, practiced, or carried on;
 3. The class of license desired, if such licenses are divided into classes;
 4. The place where such business, calling, trade, or profession is to be carried on, giving the street number of where the business, calling, trade, or profession is to be carried on in any building or enclosure having such number;
 5. The application shall state such other matter or things required by ordinance or statute.
- B. Applicants for licenses to conduct business as an itinerant merchant shall provide the following information to the Community Development Director, or designee:
1. The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation;
 2. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.
 3. A brief description of the nature of the business and the goods to be sold and from whom or where the applicant obtains the goods to be sold;
 4. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons;
 5. The length of time for which the applicant desires to engage in business within the municipality;
 6. The place or places within the municipality where the applicant proposes to carry on his or her business;
 7. A list of the other municipalities in which the applicant has engaged in business within the six-month period preceding the date of the application;
 8. If the applicant is employed by another person, firm or corporation, documents showing that the person, firm or corporation for which the applicant proposes to do business is authorized to do business within the State of Utah;
 9. A current and active sales tax number, having been issued by the State of Utah to the applicant to do business within the State of Utah.
 10. Any person or entity selling foods or food items must comply in all respects with the rules and regulations of the Utah State Board of Health and/or the Utah County Health Department.

5.04.060 Penalty for Late Payment

If any license fee is not paid within fifteen (15) days of the due date, a penalty of fifteen dollars (\$15.00) shall be added to the original amount thereof for each month the fee remains unpaid. No license shall issue until all penalties legally assessed have been paid in full. If the license has not been renewed within 30 days of the due date, the business shall be placed on an inactive list and shall be considered to be doing business without a license in violation of this chapter and is subject to the criminal penalties set forth in this chapter. Businesses placed on the inactive list must apply for a new business license and pay all fees associated with a new business license application.

5.04.070 Certificate

All certificates of license shall be signed by the Community Development Director, or designee, and shall contain the following information:

- A. The business name to whom such certificate has been issued.
- B. The amount paid to the city treasurer;
- C. The term of the license with the commencing date and the date of its expiration;

- D. The place where such business, calling, trade, or profession is to be carried on.

5.04.080 Display

- A. Every certificate of license issued under this section shall be posted by the licensee in a conspicuous place upon the wall of the building, room, or office of said place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of said business, then the licensee shall carry the license on his person ready to be displayed upon request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
- B. A violation of any provision of this section is punishable as a Class C misdemeanor.

5.04.090 Transferability

No license granted or issued under this section shall be in any manner assignable or transferable. It shall not be deemed to authorize any person other than the therein named to do business or to authorize any other business, calling, trade, or profession than is therein named.

5.04.100 Revocation

Licenses issued under the provisions of this chapter may be revoked by action of the City Council because of failure upon the part of the licensee to comply with the conditions and requirements under which said license is granted or because of illegal activities thereunder.

No license shall be so revoked under the provisions of this chapter except after notice and hearing of the licensee or applicant, except as otherwise provided by ordinance. Notice shall be given by sending a copy of said notice by certified mail, return receipt requested, to the applicant at the address shown in the applicant's last application for a business license. It is the applicant's duty to maintain a current address at all times with the city office. Notice is deemed received if notice is sent to the last address on file with the city and is returned unclaimed, unknown, moved, or for any other reason identified by the postal service.

Said hearing shall be held not less than ten (10) nor more than twenty (20) days after receipt of the notice. The applicant may appear in person or may send a representative. The applicant has a right to be represented by counsel, but has no right to be appointed counsel.

5.04.110 Fee Schedule

- A. There is levied upon every business, location, trade, or calling of every person engaged in business in the City an annual license fee based upon the administrative cost to the City to issue a business license. The initial fee shall be forty dollars (\$40.00) and shall be subject to change based on changing costs, as estimated by the City Council in the annual budget. In addition to the business license fee, businesses requiring inspection(s) shall pay an inspection fee based on the cost for the City to conduct the inspection(s).
- B. Where the business is that of an itinerant merchant, the license fee shall be fifty dollars per day unless proceeds from the sale of any merchandise shall be returned to or used for the purpose of a charitable or otherwise non-taxed institution with permanent and substantial ties to the community. Such institutions shall include, but not be limited to, churches, scouting organizations, schools, local associations and service clubs. In the latter event, the license fee shall be five dollars (\$5.00) per day. The maximum license fee in any calendar year is three hundred dollars (\$300.00). Temporary sales or display of goods are allowed for a period not to exceed 120 calendar days. The license shall designate the dates the license is valid. An itinerant merchant license is subject to the following criteria:
 1. The nature, location, and manner of operation of the activity or event may not be on public property and does not constitute a health or safety hazard to the public.
 2. The merchant has permission from the property owner where the goods are to be sold and/or displayed. A copy of the lease or letter from the property owner granting permission shall be submitted with the application for a business license.
 3. The goods or services sold and/or displayed are customarily and traditionally related to a

- 4. seasonal activity, event, or holiday.
- 4. The sales/display activity must be located in a commercial zoning district and the specific use must be consistent with other uses permitted in the zoning district.
- 5. The use does not interfere with pedestrian access-ways, fire lanes, driveways, or traffic visibility.
- 6. Parking on the property is adequate to serve any existing permanent uses and the proposed itinerant merchant use.
- 7. No itinerant merchant license shall be issued or valid during the period of the Fiesta Days celebration
- C. The amount for a business license for a canvasser or a solicitor shall be \$100.00 per calendar year, unless the proceeds from the solicitation are only used for the benefit of a charitable organization with substantial ties to the community. Such institutions shall include, but not be limited to churches, scouting organizations, schools, service clubs, and similar charitable organizations. For such charitable organizations, the license fee shall be waived. No canvasser or solicitor license shall be valid during the period of the Fiesta Days celebration.
- D. Person(s) conducting, garage sales, yard sales, or activities relating to City authorized or sponsored events shall be exempt from the licensing requirements of this section, provided that any garage or yard sale shall not operate for more than three events of forty-eight hours or less within a twelve (12) month period at the same residence or street address, and shall be conducted by bona fide residents of the premises, selling personal belongings of such resident. Goods offered for sale shall not be placed over a public sidewalk or a public right-of-way unless a permit for the same has been obtained.
- E. The business license for a fireworks merchant shall be three hundred dollars (\$300.00) per year, which amount shall not be pro-rated for a partial year.
- F. Concession and booth permits for the Fiesta Days celebration shall be limited to the number established by the City Council. The cost of concession and booth permits shall be in the amounts set by the City Council. No person shall operate concessions or booths during the Fiesta Days celebration without a permit issued by the City. Any person violating the provisions of this paragraph is guilty of a class C misdemeanor.

5.04.120 Multiple Business Locations

Any person, company, firm, partnership, or corporation conducting business in more than one location shall obtain a business license and pay a fee for each location.

5.04.130 Multiple Licenses

Any person, business, corporation or other entity carrying on business within the City who is required to have any other type of license by local, state, or federal law shall be required to obtain a business license in addition to the other required license(s), including beer or alcohol license, federal firearm license, and/or other similar licenses.

5.04.140 Site Improvements

- A. All new businesses, or existing businesses changing locations, shall be required to install site improvements in compliance with the construction and development standards and comprehensive zoning ordinances of the City, to the extent possible given existing structures and site configurations, prior to receiving a business license. A new business license is required to show the new location. In the event of a changed location, there shall be no fee for that license.
- B. Inspections of the new location are required, together with payment of the inspection fee(s).
- C. Exceptions based on existing structures and site configurations shall be granted by the Development and Review Committee.

5.04.150 Inspections.

As a condition of the issuance, continuation, or renewal of a business license, an applicant shall permit inspections of the place of business or other activity to ensure compliance with all applicable zoning, building code, fire code, health, or safety regulations.

The cost of the inspection(s) fee shall be estimated by the City Council in the annual budget to reflect the cost to the City to conduct inspection(s).

II.

Spanish Fork Municipal Code §§5.40.030 and 040(A)(4) are hereby amended as follows:

5.40.030. Fees.

The base fee for a home occupation business license shall be based upon the administrative cost to the City to issue a home occupation business license. The initial fee shall be forty dollars (\$40.00) and shall be subject to change based on changing costs, as estimated by the City Council in the annual budget. In addition to the business license fee, businesses requiring inspection(s) shall pay an inspection fee based on the cost to the City to conduct the inspection(s). A safety and fire inspection are required for all businesses that have patrons entering the property. The license shall expire December 31st of each year. Licenses should be renewed by January 1st of each year. If not renewed by January 15th, a fifteen dollar (\$15.00) late fee, per month, shall also be paid in order to renew the license.

5.40.040. Conditions.

- A. The following conditions must be met in order to obtain and keep a home occupation business license:
 - 4. No more than two nonresident patrons are permitted to be at the dwelling at any one time by reason of the home occupation, except that daycares and preschools are permitted to have no more than eleven (11) patrons, including the provider's own children four years of age and younger.

III.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 16th day of October, 2012.

G. WAYNE ANDERSEN, Mayor

Attest:

Kent R. Clark, City Recorder