

**Adopted Minutes
Spanish Fork City Council Meeting
February 5, 2013**

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; John Bowcut, IS Director; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Steve Adams, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Larry Lewis, Jaiven Lewis, Dennis Lundgreen, Tori Thompson, Cooper Phillips, unknown, David Whitaker, Matthew Whitaker, Tyler Platt, Tyler Ottesen, Lane Money, Steven Money, Robert Elzinga, Caeden Wilding, Landon Davies, Kelten Larsen, Jakob Harreld, Spencer Platt, Wyatt Johnson, Logan Mann, Andrew Wilkins, Michael Wilkins, Nathan Hansen.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Cooper Phillips led in the pledge of allegiance.

Presentation of Utah Masonry Council Design Award for the North Park Pavilion by Bruce Fallon, Principal, WPA Architects

Bruce Fallon with WPA said the North Park Pavilion was submitted to the Utah Masonry Council and was rewarded as a recipient. Mr. Fallon presented the Council with a plaque of the North Park Pavilion.

PUBLIC COMMENTS:

Cary Hanks & Brad Tanner from the Spanish Fork Salem Area Chamber of Commerce invited all to the Bills & Bagels event this Saturday at the Nebo School District at 7:30am.

Brad Tanner said the Chamber of Commerce recently had their awards banquet. There, the Chamber of Commerce swore in their new board members and recognized citizens in the community.

Ms. Hanks said the Chamber of Commerce now sponsors the Women & Business in South Utah County and invite all women in south Utah County that own or work at a business to join once a month for great networking opportunities. The next meeting will be February 20th at the South Valley Gym in Salem at noon.

COUNCIL COMMENTS:

Councilman Gordon said last Wednesday the City Council and Youth City Council attended the Local Officials Day at the Legislature. Councilman Gordon reminded the public that the Miss Spanish Fork Pageant is March 9th and they have 11 candidates this year.

Councilman Davis said it was great to attend the Local Officials Day to be able to speak with our legislators about issues that affect cities. Councilman Davis thanked the street department for getting the roads plowed.

Councilman Leifson attended the UMPA board meeting and they are looking at new resources for power. Councilman Leifson thanked the animal control for his assistance last week.

Councilman Dart invited all senior citizens that would like to attend the Senior Sweetheart Dinner Dance this Saturday night. It is \$10.00 to attend so call the senior center to sign up.

Councilman Scoubes said the solid waste board is working on finishing their budget so they can get it to the cities.

SPANISH FORK 101: Network Operations Center – John Bowcut & Chris Thompson

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – January 15, 2013
- b. Amendment 5, NRCS Emergency Water Shed Protection Grant
- c. Amended Caselle Contract
- d. State Airport Cooperative Agreement
- e. State Grant Agreement

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

NEW BUSINESS:

Mayor Andersen recommended the board appointments for the following:

Board Appointments:

- i. **Airport Board Re-Appointment Matt Taylor & Doug Ford**
- ii. **Library Board Re-Appointment Louise Nuzman; Appointment Jerry Proudlock**
- iii. **Senior Board Re-Appointment Kay Poulsen & Marie Spencer; Appointment Melba Jeppson**
- iv. **Parks & Recreation Board Re-Appointment Doug Ford & Doug Snell**

Councilman Davis made a **Motion** to **approve** the Mayor's recommendation to re-appoint Matt Taylor & Doug Ford to the Airport Board.
Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Councilman Dart made a **Motion** to **approve** the Mayor's recommendation to re-appoint Louise Nuzman & appoint Jerry Proudlock to the Library Board.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor.

Councilman Dart made a **Motion** to **approve** the Mayor's recommendation to re-appoint Kay Poulsen & Marie Spencer & to appoint Melba Jeppson to the Senior Citizen Board.
Councilman Davis **Seconded** and the motion **Passed** all in favor.

Councilman Leifson made a **Motion** to **approve** the Mayor's recommendation to re-appoint Doug Ford & Doug Snell to the Parks & Recreation Board.
Councilman Gordon **Seconded** and the motion **Passed** all in favor.

Ordinance #01-13 Amending Business License Regulations Concerning Mobile Food Vendors
Junior Baker said the council was approached by a citizen to add mobile food vendors to the City

Code. Mr. Baker reviewed the following items:

Spanish Fork City Municipal Code §5.04.020 "Definitions" is hereby amended to add a definition of mobile food

vendor as follows:

5.04.020 Definitions

A. *[no change]*

B. *[no change]*

C. *[no change]*

D. *"Mobile Food Vendor" means any business which sells edible goods from a non-stationary location within the City. The term shall include, but not be limited to:*

Mobile food trucks: a self-contained motorized vehicle selling food items;

Concession carts: mobile vending units selling food items that must be moved by non-motorized means;

Concession trailers: a vending unit selling food items which is pulled by a motorized unit and has no power to move on its own.

II.

Spanish Fork Municipal Code §5.04.110 is hereby amended to create a new paragraph "F" and to re-number

the existing paragraph "F" to "G" as follows:

5.04.110 Fee Schedule

A. *[no change]*

B. *[no change]*

C. *[no change]*

D. *[no change]*

E. *[no change]*

F. *A mobile food vendor business license shall be required for each mobile food truck, concession cart, concession trailer, or other mobile vending unit. The fee shall be the same as an itinerant merchant. A mobile food vendor license is subject to the following criteria:*

1. *The nature, location, and manner of operation of the activity or event may not be in or on public rights-of-way and does not constitute a health or safety hazard to the public.*

2. *The mobile food vendor has permission from the property owner where the foods are to be sold.*

3. *Workers preparing food for immediate consumption, whether on premises, or "to go" must have a valid food handlers permit issued by the Utah County Health Department.*

4. *The sales must be located in a commercial, industrial, or public facilities 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 mobile food vendor use.*

7. *No mobile food vendor license shall be issued or valid during the period of the Fiesta Days celebration.*

G. *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.*

III.

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

Mr. Baker suggested adding verbiage related to the residential zone for home delivery to accommodate Schwans, Winder Dairy, and other.

Councilman Leifson asked for comparison to the corn stand, tree stands, snow cone shacks, etc.

Dave Anderson said the fee is the same for those.

Councilman Gordon added that the food vendors during Fiesta Days pay \$350.00 for the 4 days.

Councilman Leifson feels the \$300 fee is too high. If the waffle truck guy is traveling from city to city, that is going to get expensive. Councilman Leifson heard that Provo is charging \$70.00.

Mayor Andersen asked what permit the Winder Dairy is required to have.

Junior Baker said the itinerant merchant fee which is \$300.00.

Councilman Scoubes clarified that if we add the verbiage residential zone, that also says the waffle truck, snow cone, etc. can do home delivery as well.

Junior Baker replied yes.

Councilman Leifson would like to see what the other cities charge the corn stand, snow cone shack, etc.

Discussion took place regarding the no selling during Fiesta Days.

Councilman Gordon feels the \$300.00 is reasonable.

Councilman Leifson asked what a business pays.

Junior Baker said \$40.00, plus overhead fees of being in a building & property taxes, etc.

Councilman Gordon made a **Motion** to **approve** the Ordinance #01-13 Amending Business License Regulations Concerning Mobile Food Vendors Charging \$300.00 and allow the use in residential zones for home delivery.

Councilman Scoubes **Seconded**.

Councilman Dart - Nay

Councilman Davis - Nay

Councilman Gordon - Aye

Councilman Leifson - Nay

Councilman Scoubes – Aye

The motion **Failed** with a roll call vote 3-2.

Mayor Andersen asked that Councilman Leifson, Councilman Gordon, Junior Baker and Cary Hanks meet to put something together with a revised fee.

Councilman Leifson would like to look at the comparisons with the other cities.

Councilman Davis feels we should separate the mobile from the snow cone, corn stands, etc.

Resolution #13-01 Amending the Employee Personnel Manual

Seth Perrins reviewed the proposed following changes and additions to the personnel manual:

1. *The definition of At-Will Employees in section 1.04.050 be amended as follows:*

At-Will Individual means one whose employment, compensation, or service with the city can be terminated with or without cause, and with or without prior notice, at any time, by the appropriate Appointing Authority. At-Will Individuals shall be:

1. Department directors and employees appointed by the Governing Body as defined in Spanish Fork Municipal Code §4.04.020
2. All elected officials, members of boards and commissions;
3. Volunteers, and all other individuals appointed to serve without a wage;
4. Consultants and counsel rendering professional service;
5. Part-time, Temporary, Special Projects, and Seasonal employees.

2. Section 1.24.050 be amended as follows:

H. Employees may receive payment for accrued comp-time once a year at a date designated by the city manager. Employees will receive payment based on their current hourly rate and may cashout either a portion or all of their accrued comp-time. Employees may choose to convert comp time to cash, through payroll, and/or defer an amount into their 401(k), subject to annual contribution limits, set forth by the IRS.

3. Section 1.24.085 be completely rewritten as follows:

1.24.085. Employees serving as City Volunteers

Spanish Fork City supports employees who wish to volunteer in certain functions and for certain activities. Employees that wish to volunteer do so at their own volition and can only volunteer to fulfill needs that are distinct from their current job duties. Employees wishing to volunteer for activities such as Fiesta Days, planting flowers on Main Street, or any other such activity may do so and should seek clarification from the Human Resource office to ensure they can volunteer.

A. Employees serving as volunteer fire fighters will be allowed to respond to emergency calls during the regular work day as the need arises. Employees do not need to clock out to respond to a fire emergency. Employees serving as volunteer fire fighters should consult with their supervisors regularly to determine if their volunteer service places any burden on their work load.

B. An employee will not be paid for attending volunteer firefighter training, unless they use vacation or comp time.

4. The title heading to section 1.28.100 be deleted.

5. Section 1.28.060 (D) be amended as follows:

D. An employee wanting to take a family or medical leave of absence must request leave in writing (email or letter is sufficient) briefly describing why leave is needed, when the employee plans to begin the leave and when the employee tentatively plans to return. The request should be given to the respective supervisor who will give the request to the human resources office for review and approval. When possible, the employee should provide the city with at least thirty (30) days notice before the commencement of the leave. The employee shall be notified by the human resources office if the leave has been approved.

6. Section 1.28.120 be amended as follow:

A. Upon recommendation of the supervisor and approval of the city manager, an employee of the city may be granted leave-without-pay for a specified period of time. No leave-without-pay shall, however, be in excess of ninety (90) calendar days. A leave of absence without pay as granted herein, may be terminated prior to the expiration date thereof with the consent of the city manager. Failure of an employee to report for duty promptly at the expiration of the leave, or a violation of any agreement of understanding entered into by the same, relative thereto shall be just cause for discipline, up to including termination.

The volunteer firefighter retirement fund shall be managed by the city finance director. The fund shall be funded and managed in such a manner so as to be actuarially sound in order to provide the benefits provided for herein.

4.08.030 Retirement Qualifications

In order to qualify to receive the retirement benefits as provided for herein, a firefighter shall have 20 years of service and be at least 62 years of age.

4.08.040 Retirement Benefit

The retirement benefit provided to each qualified firefighter shall be in the amount of \$106.00 per month through December, 2013. Commencing January 2014, the monthly amount shall increase to \$109.00 and shall increase in January each year thereafter by the monthly amount of \$3.00 until the retirement benefit amount reaches \$130.00 per month.

II.

Spanish Fork Municipal Code §7.28.110 is hereby amended as follows:

7.28.110 Volunteer Firefighter Retirement Board

- A. There is created a Volunteer Firefighter Retirement Board consisting of the Mayor, public safety director, City finance director, a citizen at large, the fire association president, fire association past president, and a fire association life member.
- B. The Board shall advise the Council concerning the funding of the retirement fund and shall advise the Council as to which firefighters are eligible for, or are nearing eligibility for, retirement benefits.
- C. The fire association president and past president shall serve on the retirement board for the term of their appointment as association officers. The life member shall be recommended by the fire association and shall be appointed by the Mayor, with approval by the City Council for a four year term. The citizen at large shall be appointed by the Mayor, with approval by the City Council for a four year term.

III.

This ordinance shall be effective immediately upon passage.

Councilman Davis made a **Motion** to **approve** the Ordinance #02-13 Making Amendments to Title 4, Chapter 08 & to Section 7.28.110 of the Municipal Code Eliminating an Ambulance Retirement.

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

Resolution #13-02 Maintaining Firefighter Volunteers & making Ambulance Volunteers Part Time Employees

Seth Perrins reviewed the proposed following changes and additions:

- 1. That all current and future ambulance workers will be employees of Spanish Fork City. The City may designate them as full time or part time. Part time employees will be non-benefitted.
- 2. That the fire division of the public safety department will continue to use volunteer firefighters to provide firefighting and rescue truck services within the City and the City's service area.
- 3. This resolution is effective the 9th day of February, 2013.

Councilman Leifson made a **Motion** to **approve** the Resolution #13-02 Maintaining Firefighter Volunteers & making Ambulance Volunteers Part Time Employees.

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

Resolution #13-03 Authorizing the Vesting & Buyout of Volunteer Ambulance Retirement

Benefits

Seth Perrins reviewed the proposed following changes and additions:

1. *That all current ambulance volunteers shall be vested in a retirement benefit as set forth hereafter.*
2. *All ambulance volunteers with less than 14 years of service shall be granted a retirement buyout based on the following table:*

<u>Years of Service</u>	<u>Dollar Amount</u>
1	50
2	150
3	300
4	500
5	750
6	1050
7	1400
8	1800
9	2250
10	2750
11	3300
12	3900
13	4550

3. *Ambulance volunteers who have 14 or more years of service may choose to receive a monthly benefit when they reach age 62, based on a formula, the denominator of which is 20 and the numerator of which is the number of years of service they have provided as an ambulance volunteer as of February 8, 2013. For those electing to take a buyout, the amounts are set forth in the following table:*

<u>Years of Service</u>	<u>Dollar Amount</u>
14	5250
15	6000
16	6800
17	7650
18	8550
19	9500
20	10,500

4. *Buyout amounts will be paid by the end of February, 2013 for each volunteer completing appropriate paperwork prepared by the City.*
5. *This resolution is effective immediately.*

Councilman Scoubes made a **Motion to approve** the Resolution #13-03 Authorizing the Vesting & Buyout of Volunteer Ambulance Retirement Benefits.

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

Mr. Perrins said that with the changes to Ambulance the budget will increase a little because they will be paid at least minimum wage while they are on a shift.

Councilman Gordon asked why the fire department can stay volunteers and the ambulance cannot.

Mr. Perrins explained that ambulance has more calls in a day and they are required to respond. The fire department has fewer calls which does not require them to go, but the fire department believes they will still have enough response to cover their calls.

ADJOURN:

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

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:36 p.m.

ADOPTED: February 19, 2013

Angie Warner, Deputy Recorder