

Regular Council Minutes
April 3, 2008, 7:00 p.m.

Attending: Noel Bertelson, Marie Bertelson, John Dean, Lisa Romney [city attorney], Neil Sorensen, Joan Durfey, Ken Nunley, Chris Hansen, David Allred, Braiden Allred, Kimberly Sorensen, Suzanne Dean [Messenger], Kaye Watson, Bonnie Jones, John Stevens, Katie Healey, Steve Healey, Bud Snedecor, Phyllis Snedecor, Jason Livingston [Spring City Officer], Mr. & Mrs. Mark Allen, 2 citizens who were unidentified.

Expression of Choice: There was no expression of choice.

Roll Call: Mayor Eldon Barnes, Council members Thomas Allred, Boyd Mickel, Pam Anderson, and Michael Workman. Council member Bryan Sorensen was absent.

Executive session

Council member Thomas Allred motioned to go into executive session pending reasonable imminent litigation. Council member Boyd Mickel seconded the motion. There was no discussion. All present were in favor. Executive session began at 7:02 p.m.

Council member Boyd Mickel made the motion to end executive session at 7:40 p.m. Council member Thomas Allred seconded the motion. There was no further discussion. All present were in favor.

Council member Michael Workman motioned to accept the settle agreement as presented with changes. Council member Thomas Allred seconded the motion. There was no further discussion. All present were in favor.

Approval of Minutes

Council member Thomas Allred made the motion to accept the minutes with the changes requested. Council member Boyd Mickel seconded the motion. There was no further discussion. All present were in favor.

Discussion was as follows: David Allred inquired about the changes. Lisa Romney stated that the document would become an official public document after the agreement was signed by the city and the Allred's. Lisa Romney stated that if the agreement was not approved by all parties council would come back and review the agreement. Mayor Barnes excused himself. Mayor Pro temp Mickel took over the meeting.

Emergency Preparedness, Ken Nunley

Ken Nunley stated that emergency preparedness needed to be addressed and a plan worked out between the two separate wards and the city so that in an emergency citizens would be aware as well as emergency workers of action to take.

Mayor Pro Temp Mickel stated that council member Bryan Sorensen was not present. Council member Michael Workman stated that the city had purchased radios so that council, fire, police and county and state agencies could coordinate efforts in an emergency. Ken Nunley stated that the city needed to step up to the plate and get a plan that was workable with all emergency agencies so that there would not be

confusion in an emergency. Council member Workman stated that in an emergency there were questions as to who was to respond in government. Council member Workman stated that the city would contact the county and then the state for aid.

Mayor Pro Temp Mickel stated that the city, Mayor and Council would ask for County assistance, and then the county or city would contact the state to declare a disaster—all information would be directed through the city. Mayor Pro Temp Mickel stated that the siren should be used in case of an emergency.

Ken Nunley stated that he was on the agenda to address the potential of spring flood potential. Ken Nunley stated that major water ways through town had been assessed and that photos had been taken to show that there were problems. Ken Nunley stated that the irrigation company and the city should clean up the water ways. Ken Nunley stated that Al Tripp had a draft letter that was going to be sent to the state concerning the conditions of the city ditches from concerned citizens.

Mayor Pro Temp Mickel stated that sand bags were being filled and the city had sand bags filled for emergencies. Mayor Pro Temp Mickel stated that any citizen who would like to aid in the process was more than welcome to help the city prepare for a potential flood. Mayor Pro Temp Mickel stated that Mr. Nunley get with Council member Bryan Sorensen to work out the details of a possible future emergency.

Steve & Katie Healy, Spring City Royalty

Katie Healy addressed council and stated that the Spring City Royalty from last year had a platform and wanted to update council of her success. Katie Healy reported that she had collected care packages for the troops and gave a brief description of what she had done for the troops.

Steven Healy stated that he appreciated all the support the community had given to help the Spring City Royalty accomplish their platform. Steven Healy stated that future Spring City Royalty give council an update as to their platform and a report when the platform was completed.

Policy for Purchase Orders

Mayor Pro Temp inquired what the changes were in the Policy for Purchase Orders. The City Recorder stated that the old policy had names and the current policy needed revisions. The City Recorder stated that the Mayor had revised the policy and included titles, instead of names.

Mayor Pro Temp Mickel stated that at times a purchase order policy was not always successful. The Policy specifies that in emergency's approval was not needed, but that a purchase order was needed. Council member Thomas Allred stated that the purchase order policy for building improvements and cemetery improvements had worked well. Council member Michael Workman stated that the city should abide by the Purchase Order Policy.

Council member Thomas Allred motioned to accept the policy as presented. Council member Pam Anderson seconded the motion. There was no further discussion. All present were in favor.

Resolution 2008-04, Municipal Wastewater Planning

Mayor Pro Temp Mickel read the resolution in full. Mayor Pro Temp Mickel stated that the city had not discharged for six years, and the sewer lagoons had regular upkeep to remove weeds, sagebrush, etc.

Council member Michael Workman motioned to accept the resolution as read. Council member Thomas Allred seconded the motion. There was no further discussion. All present were in favor.

Mark Allen, Blue Grass Festival

Mark Allen approached council with the suggestion that the festival be held August 8th and 9th so that it would not impede participation in the Ute Stampede. Mark Allen stated that the Blue Grass festival would be in its first year and that a board had been set up to separate responsibilities. Mr. Allen stated that he would need the entire city block to set up for the Blue Grass festival.

Mayor Pro Temp Mickel inquired if the event was sponsored or if the event was a private party that wanted to hold the Blue Grass Festival. Mr. Allen stated that it was a private enterprise.

Mr. Allen stated that all facets were being looked at such as the number of people a day, garbage concerns, parking concerns, etc. Mayor Pro Temp Mickel stated he had questions concerning camping. Mayor Pro Temp Mickel inquired who would carry insurance and that there were concerns about security. Mr. Allen stated that he was looking in to an Umbrella Liability policy that would include parking around the area as well as camping. Mr. Allen stated that he would ask insurance carriers about the problems that could incur and get back with council. Mr. Allen stated that private property owners could have a liability but he would try to incorporate it with the festival. Mayor Pro Temp Mickel stated that the city should not be held liable and if a bond was not carried he would not support the Blue Grass Festival. Council member Thomas Allred stated that the city should not be liable that the private enterprise should be responsible. Council member Allred stated that he believed that the festival would be good for the city. Council member Michael Workman inquired if Mr. Allen would like council to motion for conditional approval. Mr. Allen stated he would like council's approval.

Council member Thomas Allred motioned to conditionally approve the Blue Grass festival acceptable to council's requests. Council member Boyd Mickel seconded the motion. There was no further discussion. All present were in favor.

Mayor Barnes returned and conducted the meeting from this point.

Review of Water Rates

Mayor Barnes inquired if all council had reviewed the water rates. Council member Mickel stated that he had reviewed the water rates. Council Member Mickel stated that there had been some difficulties but he had come up with a rate schedule. Council member Mickel stated that a base rate of \$25.00 was need to keep with bonds payable and maintenance and repairs for the water system. Council member Mickel gave a brief rate schedule. Council member Mickel stated that a master meter needed

to be installed at the trailer court. Neil Sorensen inquired if this rate schedule would encourage conservation. Council member Mickel stated that it would encourage conservation. Council member Workman stated that he was not in favor a rate schedule. Council member Workman stated that it penalizes large families. Council member Mickel stated that the current schedule penalized small households. Discussion ensued concerning flat or graduated rates for water.

Mayor Barnes inquired if council had other ideas. Council member Pam Anderson stated that anything usage after 8,000 to 10,000 gallons per house hold would encourage water conservation. Council member Anderson stated that she believed that citizens be encouraged to conserve water.

Council member Mickel stated that there should also be a provision that stated that those who turn off their water still pay the minimum; if they opt to have their meter removed they should have to pay for a new hook up. Council member Mickel stated that there are homes that turn off their water service through the winter that do not help with the bond payments or maintenance and repairs.

Mayor Barnes suggested that the budget should be the focus and he would review the possibilities of costs and budgeted items.

Participation in UAMPS Study

Mayor Barnes stated there was not enough information for council to discuss. Mayor Barnes stated that this item would be placed on the next agenda.

Animal Control Ordinance 2008-03

The city recorder pointed out problems with the current ordinance amendments from 10-6A-3 (c) and 3-1-13 (B) (7). The city recorder stated that the ordinance amendments would be a conflict for the city in the future.

Council discussed kennels and items currently in the Animal Control ordinance. Council member Michael Workman motioned to keep the currently amended ordinance. There was no second the motion died. Council member Mickel stated that the Kennel definition remain and not be taken out as well as the Kennel section. Council member Workman motioned to leave the Kennel definition and the current Kennel section. Council member Pam Anderson seconded the motion. There was no discussion. The vote was as follows:

	Motion	Second	Yea	Nay	Abstain	Absent
Council member Pam Anderson		X	X			
Council member Michael Workman	X		X			
Council member Thomas Allred			X			
Council member Boyd Mickel			X			
Council member Bryan Sorensen						X

The ordinance will become law in 20 days.

Reports from Council

Mayor Barnes reported that the ordinance training will consist of having each Council member sign that they have read the ordinance and understand the ordinance.

Mayor Barnes stated that each section will be assigned and each council member will sign off on the section.

Council member Thomas Allred reported that he had had a complaint from a citizen concern the location of a possible light industrial zone to the east of town. Whit Allred stated that it had been discussed in a meeting on March 9th and had been taken out. Council member Thomas Allred stated that the cemetery needed to replace dead trees at the cemetery.

Council member Michael Workman reported that the Mainstreet had gotten a comprehensive plan together for Mainstreet. Council member Workman stated that the committee would like to clean up Mainstreet for the first stage. Council member Workman stated that the existing sidewalks needed to be cleaned up. Kaye Watson stated that the stone curb also needed work. Mayor Barnes stated that volunteers were needed to help and that a request for volunteers be put in the Newsletter.

Council member Workman stated that possibly irrigation water be used for the trees on Mainstreet. Neil Sorensen stated that the city used the shares in the Pioneer Cemetery. Council member Workman stated that to keep the trees and grass alive along Mainstreet that culinary water be piped in to water them. Mayor Barnes stated that sometime in the future the city would put up an enclosed Bulletin Board for information for ordinances and the citizens. Council member Workman stated that the city reduce the speed limit on Mainstreet to 25 miles per hour.

Council member Boyd Mickel motioned to support clean up day along Mainstreet. Council member Pam Anderson seconded the motion. There was no further discussion. All present were in favor.

Council member Mickel stated that the winter had been hard on the roads. Council member Mickel stated that bids were currently being prepared for the roads. Council member Mickel stated that Garbage cans should be moved next year to help the city keep the roads shoulders bladed from snow. Council member Mickel stated that garbage cans were only allowed on the street for pickup, and should not be left by the side of the road. Council member Anderson inquired if enforcement was needed for vehicles that are not licensed and parked to close to the road. Council member Mickel stated that vehicles left on the side of the road for 72 hours were considered abandoned. Bonnie Jones stated that the city she used to live in would give a warning notice to remove items. If the items were not removed the property owner was ticketed. Council member Mickel stated that Unregistered cars, trailers, etc. Needed to be addressed and the ordinances enforced. Discussion continued concerning the care of city right of way.

Council member Pam Anderson reported that on Friday, April 18th there was Archival training at snow. Anyone interested could go to the training. Council member Anderson reported that she had received 100 surveys that had been counted and recorded. Council member Anderson reported that the highest interest was to rent the Old School building for Art Shows, and the lowest interest was to rent the Old School building as commercial office space. Council member Anderson reported that there were many comments, some were positive and some were negative. Council member Anderson stated that the results would be published in the city newsletter.

Council member Bryan Sorensen was not present.

The Fire Department reported that they had done a training exercise and that the burning had went well. Mayor Barnes stated that the fire department looked good and the fire department volunteers had replaced equipment that was not good, and had gone to training that kept the city in good shape. Mayor Barnes thanked Fire Chief Neil Sorensen for doing a good job.

There was no police report. Mayor Barnes reported that the city had advertised a full time police officer, and that during that time we had part time police officers providing coverage. Mayor Barnes reported that they keep a good presence in town and that the city could possible continue with part time officers instead of a full time officer.

Public Comments

Joan Durfey stated that she had spoke with Clarence Sorensen concerning moving a cabin on some property. Clarence Sorensen had instructed her on the city's setback requirements. Mrs. Durfey gave handouts to council. Mrs. Durfey stated that she would assemble the cabin on a foundation within the next two years. Mrs. Durfey stated that she would not be putting in services for at least two years. Council member Mickel stated that if a building were being placed on the property a building permit was required. Mrs. Durfey stated that she would go through the process.

Payment of Bills

Council member Boyd Mickel motioned to pay the bills as presented. Council member Thomas Allred seconded the motion. There was no discussion. All present were in favor.

Adjournment

Council member Boyd Mickel motioned to pay the bills as presented. Council member Michael Workman seconded the motion. There was no discussion. All present were in favor. The meeting adjourned.

Executive Session Minutes, April 3, 2008, 7:02 p.m.

City attorney Lisa Romney stated that the Mayor and council member Michael Workman had met with Robert and Nedra Allred and their attorney and had worked out an agreement concerning their appeal. Ms. Romney wanted to go over the terms of the agreement with the Allred's and wanted to go over it with council. Ms. Romney stated that the agreement would not set precedence in possible future problems for the city.

Ms. Romney showed council the plans of the home and the proposed changes as per the meeting with the Allred's attorney. Council member Workman stated that the agreement would try to stay within city ordinances.

Ms. Romney stated that the settlement included that the blue prints needed to be revised, the city had the option to go in once a year to inspect the structure, for five years, The Allred's would need to apply for a conditional use permit, Submit a revised zoning permit, obtain a revised building permit from the county, that this agreement would be recorded against the property so that in the future when a title report was done buyers would see the restrictions. [This agreement will be placed in city records].

Ms. Romney inquired if there were any questions concerning the agreement. Mayor Barnes inquired concerning the conditional use permit and Planning and Zoning denying the conditional use permit. Ms. Romney stated that she would submit a written opinion from the city attorneys. Council member Boyd Mickel inquired if council had the final approval. Ms. Romney stated that the ordinance stated that a conditional use permit was approved by the Planning Commission. Ms. Romney suggested that the Zoning Ordinance use stronger wording and possibly be revised.

Ms. Romney continued with the conditions of the agreement. Ms. Romney stated the agreement would state that the Allred's needed to add a stairway, and enclose the access to the 900 square foot guest house, Ms. Romney stated that there would be two stairways, there would be no kitchen, that guests would be limited to a 90 day period in a 6 month time frame. Ms. Romney stated the Allred's would need to follow city ordinances to be in compliance. Ms. Romney stated that the agreement would include an Attorney's fee clause, and that if the Allred's did not comply they would be in Breach of Contract.

Ms. Romney stated that the permits needed to be resubmitted and stated that this was a Guesthouse/Garage and that amending the permits would ensure that the record was clear. Ms. Romney stated that the agreement would state that there would be no additions to the structure. Ms. Romney stated that the city would give the Allred's 48 hours notice before an inspection was due. Ms. Romney stated that the agreement would include that the Allred's had withdrawn their appeal to the Board of Adjustments.

Council member Boyd Mickel inquired if the guest where the same family members how would the city enforces the 90 day occupancy law. Ms. Romney stated that the ordinance had flaws. Council member Pam Anderson stated that the ordinance states guest, and not guests. Ms. Romney stated that the ordinance contradicted the guest/guests part in the ordinance.

Council member Pam Anderson inquired if the city needed to include in the agreement that part of the building was a garage and part of the building was a guesthouse. Ms. Romney stated that the city did approve a 4,000 square foot garage, which included a guesthouse. Ms. Romney stated that this fact was overlooked due to

the wordage on the permit, and that in the future council needed to double check the plans concerning assessor structures.

Council member Boyd Mickel as well as other members agreed that the allowed ½ bath needed definition and that it was to be downstairs, and it needed to be put in the agreement so that there was no disagreement in the future. Council decided that ½ bath would be a sink and a toilet.

Ms. Romney stated that she would direct council to approve the agreement with the Allred's. Ms. Romney stated that she would revise the agreement as to Councils suggestions to include for an enclosed stairway with a wall dividing the guesthouse and the rest of the structure, a definition with ½ baths, and the approval of a Conditional Use Permit.

Council member Boyd Mickel made the motion to end executive session at 7:40 p.m. Council member Thomas Allred seconded the motion. There was no further discussion. All present were in favor.