

SPRING CITY COUNCIL MEETING

Thursday, August 3, 2023, 7:00 p.m.

In Person Attendance: George Kenzy, Mike Black, Rick Dyches, Cory Madsen, Chad Huff, Mike Nelson, Jackson Lambie, Joseph Fuchsel, Craig Paulsen, Justin Atkinson, Jane Colby, Jill Colby, Jane Colby, Faylyn Warnick, Audrey Butler, Jane Hawkes, Ken Law, Kristin Mortensen, Ruth Ann McCain; Recorder.

Zoom Attendance: Whit Allred, Randy Strate

Pledge of Allegiance: Mayor Chris Anderson

Expression of Choice: Joseph Fuchsel

Roll Call: Craig Clark, Nancy Allred, Chris Anderson, Courtney Syme, Paul Penrod

Mayor and Council Member Department Reports

Council Member Craig Clark stated that he is trying to get road information together to ask for bids. Public Works has been out trying to fill potholes.

Council Member Tim Clark was absent.

Council Member Nancy Allred stated her thanks for the help with the 24th of July celebration. There were a lot of great activities, and a lot of people came out.

Council Member Courtney Syme stated that he thought that the 24th of July was well done this year. The parade had a lot of great entries, and the rest of the weekend went well.

Council Member Paul Penrod stated that there was a little grass fire in town that started a couple of structures on fire. The response time was good from the fire department, and it was contained. He reminded everyone to stay vigilant as things start to dry out. He also stated that the senior citizen dinners are going well.

Mayor Chris Anderson stated that Cynthia and her crew of volunteers did a tremendous job and thanked them for doing that. The summer has been great with a lot of activities and great participation. A few more activities coming up are a quilt show this weekend, there is the annual Spring City Bluegrass and Folk Festival on Friday evening and Saturday afternoon and evening. Next Wednesday the Utah Symphony will be playing in town for the first time. That concert will start at 8:00. During the day, before the Symphony, members are putting on some master classes for violin playing, cello playing, and one for leading music.

Public Comments

Joseph Fuchsel stated that he knew that there would be a rate increase but was surprised his bill went up about \$60. That is \$700.00 a year. He commented that in the newspaper that Fountain

Green, Gunnison, and Mayfield are getting a property tax increase that is a lot less than \$700 a year. He asked if this increase is set in stone or if anything can be done about it. Mayor Anderson stated that it was a tough decision to increase the utilities. The city electric utility was losing money, and the sewer and water each have a project underway that will expand both systems. For the sewer and water projects to receive funding we must show that our rates meet certain criteria and that we have the revenue needed to pay the loans back. Mr. Fuchsel asked if once the projects are in place the rates will come down? Mayor Anderson stated that once the loans are paid, they could come down. The city will look into increasing impact fees to help defray some of the expenses. Mr. Fuchsel asked what we are paying per kWh. Mayor Anderson stated that he could not give a good answer because it fluctuates all the time. In November and December, it was double what we charged the citizens.

Jane Hawkes: asked how we compare our rates with the cities around us? Mayor Anderson stated that before the increase Spring City rates were lower than most communities. This brought us on par with other communities.

Fiber Optics in Spring City, Faylyn Warnick with CentraCom

Mayor Chris Anderson introduced Faylyn Warnick from CentraCom and asked her to come forward to explain the new fiber optic system and internet access. Faylyn stated that fiber to the home is available in Spring City. Fiber lines are a more resilient service than cable service. It has a faster speed starting at 50 Megs and goes up to 1 gig. Something available for Spring City homes is a mesh system that boosts your signal connection. This can be added to your cable or fiber connection. Faylyn stated that CentraCom picks a community every spring to do a community service project. She will be in touch with us to see if we might have a project that CentraCom can help with.

Jill Colby with Cycle Sanpete

Mayor Chris Anderson introduced Jill Colby with Cycle Sanpete and asked her to talk about what she is doing. Jill and Justin Atkinson have met with a representative of the US Department of Transportation and we are one of two communities in Utah to get a raised grant this year. The award is \$750,000. Mayor Anderson stated that we have been working with Mount Pleasant to get a bike path between the two cities. This grant will help determine the feasibility and some other studies needed to connect us with other trails throughout the county. Jill stated that her hope is to have a bike trail from Fairview to Gunnison. This should help with walkability and bike ability down Main Street and it should improve crosswalks. Equitable access will be prioritized for easy access to the trail.

Attorney Brent Bateman

Mayor Chris Anderson stated that Brent Bateman works at his firm. He gives a lot of presentations to municipal mayors and local officials about land use law and municipal ordinances. He is considered an expert in these areas. Mayor Anderson feels that it might be good to engage him but noted that he is a partner and wants the council to know that and see what they feel. If the council approves to engage Brent Bateman, he will waive the retainer so there would be no upfront money and he would give Spring City a discounted rate. We would only use him as needed. We would continue to use our city attorney for more typical things and for upcoming projects we have a bond attorney out of Richfield.

Council Member Courtney Syme motioned to engage Brent Bateman. Motion seconded by Council Member Nancy Allred. Discussion: Council Member Courtney Syme stated that he has been to several sessions with Six County and the League of Cities and Towns, and he is very knowledgeable, easy to talk with and work with and an expert in the area of city law. Council Member Syme stated that he, Brent Bateman, can give us good advice. Council Member Nancy Allred stated that she likes the fact that he works with Six County already. Mayor Chris Anderson stated that Brent Bateman was a number of years the State of Utah ombudsman attorney to deal with real estate issues.

Vote:

Craig Clark	Yes
Tim Clark	Absent
Nancy Allred	Yes
Courtney Syme	Yes
Paul Penrod	Yes

Planning and Zoning Report

Council Member Nancy Allred gave the planning and zoning report. Rezoning request by Phillip Wood for 700 East 500 North. Zoning permit for a new home 200 West and 800 South. Zoning permit for Rebecca Holbrook 190 East 300 South for a pair of garden sheds was approved. Zoning permit for a ground mounted solar array was applied for by Ralph Porter 191 East Center Street. Approved. Zoning permit for Shawn Draney for a new home and barn on 200 West and 800 South was applied for and approved. This is in the buffer zone, but it was determined to be eligible for Spring City culinary water because the subdivision was approved for water. It will have sewer also. Andrew Burton zoning permit application for a new home 774 North 300 East. This home will be served by septic tank permanently because the sewer in the area is too shallow for any use without a pump and the new system will not be able to cross the creek to serve the home. Susan Gallacher applied for a zoning permit to move a small shed from her home property at 12 North Main to her business property at 9 South Main. This was approved. Carrie Glynn and Thomas Crisp submitted a zoning permit to restore the home at 379 North Main Street.

Craig Paulsen, Update on Activity/Rec. Center Remodel

Mayor Chris Anderson introduced Craig Paulsen as the manager administrator for the work on the activity/rec center remodel. He asked Craig to give an update on the work that has been done on that building. Craig Paulsen stated that most of the rough-ins are in. A third restroom is in the process of being framed. This one will be ADA compliant. The ceramic tile work should start on the 14th of this month. Mayor Anderson asked Craig to talk about the scope of the work to be done. Craig stated that we are just remodeling the restrooms now. The structural design for the gymnasium is done but that is an expensive project and additional grants will be needed for that.

Police Truck Lease

Council Member Courtney Syme stated that the council had previously approved funding a new lease for a police truck. This has been a two-year project and finally a truck became available. The new lease is about the same price as the last one.

Trailer for Linda Olsen

Council Member Courtney Syme stated that Linda Olson's place on 1st West and 2nd South is in violation and continued noncompliance of city code 12-6A-3 Subsection RV A2. He read the city code. He stated that Linda's application was good for two years. Her permit was approved in the last part of August 2021. The County issued a building permit in January of 2021, and it was cancelled in April of 2022. The County only conducted two inspections. It is not known why the permit was canceled. The city expressed concern about building materials being stacked on the city right of way. Officer Huff contacted Mrs. Olson and counseled her with what she needed to do to become compliant with the City code. She needs a zoning permit, a building permit, and to attend the City Council meeting. Mrs. Olson did attend the June 2023 council meeting where she agreed to remove the materials from the city right of way, that has been accomplished. She also talked about challenges with her contractor and that she is looking for a new one. She felt that a good portion of the house would be built by the middle of September. The Council informed her that a new zoning permit and building permit would be needed. The city facilitated the repair of the road adjacent to Mrs. Olson's property at her request. At this time the City Council voted to defer this issue until the July Council meeting when Mrs. Olson was to come with the proper paperwork completed. Mrs. Olson did not come to the July Council meeting and the matter was tabled again. After talking to the planning and zoning administrator it is felt that this issue should be addressed as stated in the code as noncompliance and as a result in the loss of utility service in addition to multiple citations if that is what is needed to resolve this issue. Mayor Anderson stated that he appreciated how much Linda loves the area and her beautiful garden, but we cannot treat her differently than other citizens. Several people have tried to help her but to date she still does not have a building permit or a zoning permit. Council Member Craig Clark stated that he agrees with what the mayor said. There was some more discussion as to what action should be taken. Officer Chad Huff stated that in the past he treated this as a nuisance violation. He gave a nuisance letter stating the ordinance and letting them know they cannot live in an RV. This gives them 30 days to leave the RV. If they don't leave, then they receive a citation. Once the citation is given the utilities are shut off. Mayor Anderson asked if they move out if the fines are dropped. Officer Huff affirmed that they can be dropped. Council Member Courtney Syme stated that he is unsure if Linda understands the gravity of the situation. He stated that she may need to find an advocate to help her.

Council Member Paul Penrod motioned to move forward with the situation with Linda Olson in the trailer. Motion seconded by Council Member Craig Clark.

Vote:

Craig Clark	Yes
Tim Clark	Absent
Nancy Allred	Yes
Courtney Syme	Yes
Paul Penrod	Yes

Funding from USDA – Rural Development

Mayor Chris Anderson stated that moving forward with the financing for our sewer project Justin Atkinson from Sunrise Engineering is here to summarize the terms. Justin Atkinson stated that there has been a long wait to get this offer from the USDA. Several iterations of the PER Environmental was done with their engineer. This had to be done before they gave Spring City an offer. Their offer is a loan of \$3,424,000.00 and a grant amount of \$1,274,000.00. The interest

rate is 2.875% for 40 years. This is in the ballpark of what we were anticipating. USDA would like you to sign a letter of intent to accept the funding. This does not necessarily lock you in but does hold a place for that funding. We think that this is a fair offer. The planning advance from the Division of Drinking Water will help with the design work and they have invited you to come back to the board and ask if they would consider that as a grant once everything is in place. Mayor Anderson stated that he has been talking to Carl Larson in Manti who is with USDA Rural Development. Spring City would have to engage bond council, this is similar to the drinking water project. Justin stated that this loan is different in that it will close after construction and that is why an interim loan is needed. This is federal funding, so the American Iron Still Act is in force which is build America by America which is something to be cognizant of moving forward.

Council Member Nancy Allred motioned to authorize to move forward with the notice of intent. Motion seconded by Council Member Paul Penrod. Council Member Courtney Syme asked Justin about the timeline for construction to start if the loan is approved? Justin stated that the design will take a few months to complete then the project will go out to bid. He thinks that in the late fall of next year we will go out to bid.

Vote:

Craig Clark	Yes
Tim Clark	Absent
Nancy Allred	Yes
Courtney Syme	Yes
Paul Penrod	Yes

General Plan Survey Update

Council Member Nancy Allred stated that it is time to update the General Plan. The survey will go out to every household. There will be only one per household and will be mailed separately from utility bills. Craig Paulsen stated that the surveys will be numbered to know how many surveys were sent out and see how many are received back.

Council Member Nancy Allred motioned to approve sending out the survey for the General Plan. Motion seconded by Council Member Paul Penrod. Council Member Courtney Syme asked if any of the council wanted to add a question to the questionnaire? Council Member Nancy Allred stated that she liked that there was a comment section.

Vote:

Craig Clark	Yes
Tim Clark	Absent
Nancy Allred	Yes
Courtney Syme	Yes
Paul Penrod	Yes

Mike Black Update on Easements and Property for the New Tank

Council Member Paul Penrod stated that Mike Black would give an update on the easements needed for the new tanks. Mike Black stated that Mr. Chad Beck has signed a letter of intent to let the City's head house be put on his property. Sunrise Engineering has started surveying the streets where the water system will go. Negotiations with Becky and Brian Brinkerhoff are now underway. The proposed water line may run through their property to the proposed head house. It will be about 1,000 feet of easement on the Brinkerhoff property. This is close to an acre and a

half of underground usage. Mike stated that he has looked into the City's easement of the current spring line, and it looks like it is a prescriptive easement which means that there is no written proof of the easement. This property was deeded over from the state to the family that owned it before the Brinkerhoff's in 1905. The easement could have been recorded before that, but we have no way of knowing. Mayor Anderson stated that the City was looking into a current easement to see if another line could run through the easement. Mike stated that on a different note the PL-566 or Freeman Allred project the EA and Cultural assessment has been turned into the feds. They have given it back and there are 41 line items that need to be commented on. This is where that stands now.

Financial Report for July 2023

Council Member Courtney Syme motioned to approve the financial report. Motion seconded by Council Member Nancy Allred.

Vote:

Craig Clark	Yes
Tim Clark	Absent
Nancy Allred	Yes
Courtney Syme	Yes
Paul Penrod	Yes

Payment of Bills

Council Member Craig Clark motioned to approve the payment of the bills. Motion seconded by Council Member Nancy Allred.

Vote:

Craig Clark	Yes
Tim Clark	Absent
Nancy Allred	Yes
Courtney Syme	Yes
Paul Penrod	Yes

Approve Minutes for July 6, 2023

Council Member Nancy Allred motioned to approve the minutes for July 6, 2023. Motion seconded by Council Member Craig Clark.

Vote:

Craig Clark	Yes
Tim Clark	Absent
Nancy Allred	Yes
Courtney Syme	Yes
Paul Penrod	Yes

Council Member Nancy Allred motioned to adjourn.

Adjournment: 8:03

