

**Adopted Minutes
Spanish Fork City Council Meeting
June 4, 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; Karen Bradford, Assistant Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Steve Adams, Public Safety Director; Angie Warner, Deputy Recorder; Pam Jackson, Library Director; Bill Bushman, Building & Grounds Maintenance Supervisor; Janice Ottesen, Ball Park Concessions Manager.

Citizens Present: Richard A. Evans, Matt Barber, Cary Hanks, Brad Tanner, Ray Dawson, Steve Maddox, Brandon Watson, Steve Solen, Josh Terry, Dezeray Bethers.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Mayor Andersen led in the pledge of allegiance.

PUBLIC COMMENTS:

Dezeray Bethers complained of the slippery cement sides of the Spanish Oaks Reservoir and that it is very dangerous. Ms. Bethers' child fell in the water at the reservoir, she and her husband got in and it took three adults to get all three people out. Ms. Bethers feels that something should to be done or someone is going to drown.

Seth Perrins addressed the liability issues of providing life saving devices or having a guard on duty.

Dave Oyler said that staff will look at the problem to see if there is something that can be done to help the problem.

COUNCIL COMMENTS:

Councilman Davis thanked everyone who helped with the veteran crosses for Memorial Day and that the Memorial Day program was great.

Councilman Scoubes thanked all involved with welcoming home and honoring PFC Cody Towse and his family.

Mayor Andersen thanked the Diamond Fork Riding Club for the veterans ride event.

SPANISH FORK 101: Election Update – Kent Clark

American Leadership Academy Soccer Team

Mayor Andersen congratulated the ALA soccer team for winning their first state championship.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – May 21, 2013
- b. Champion Challenge Rodeo Contract

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

PUBLIC HEARING:

FY 2014 Budget

Kent Clark presented the FY 2014 Budget with a few changes since the tentative budget was presented on May 7th.

- Sales Tax Increase \$120,000
- General Fund Transfer to RDA \$120,000
- Electric Fund Transfer to Capital Projects Fund –Canyon Creek of \$450,000
- Minor changes in misc. fees charged: Library & Police
- Garbage: UP from \$9.36 to \$9.93 per can
- Recycle: UP from \$6.13 to \$7.44 per can
- Electric(res): UP from \$.08484 Kwh to \$.08984 Kwh

Mr. Clark noted that this is only the public hearing for the budget there is no approval tonight.

Councilman Davis made a **Motion** to move into Public Hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:11 p.m.

Mayor Andersen welcomed public comment.

Matt Barber spoke of his concerns about the ball park snack shack budget. Mr. Barber presented Mayor Andersen his document of his concerns and asked that it be attached to the minutes. [Matt Barber Attachment](#).

Brad Tanner complimented the council and staff for a great presentation of the comparison between Spanish Fork City and other cities. Mr. Tanner said as the Chamber of Commerce president, he wanted to thank the council for their assistance.

Janice Ottesen expressed that the snack shack is more than just a hamburger. Ms. Ottesen is proud of the way that the workers learn to work and serve in the community.

Councilman Leifson made a **Motion** to move out of Public Hearing.
Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:24 p.m.

Councilman Gordon said the ball park snack shack is a quality of life. Councilman Gordon personally would pick the snack shack over some other fast food places. Councilman Gordon commented on the option of the school groups running the snack shacks; there are so many rules and permits, it's hard to just let anyone come in.

Councilman Leifson expressed that we do care about the snack shacks and the cost. The City wants to provide this for the citizens without it being an expense to the city but not everything can pay for itself.

Mayor Andersen expressed that Spanish Fork City has maintained stability during the growth and economic downturns of the country. Cities exist to provide citizens a good quality of life. As Mayor Andersen looked through this budget he believes it is very responsible.

Councilman Scoubes asked about Hogi Yogi running the snack shacks years ago when it was bid out.

Karen Bradford said the City still had to cover some costs. The City could not dictate on prices or menu. Ms. Bradford reviewed a few of the cost details while Hogi Yogi operated the snack shacks.

Mayor Andersen thanked Mr. Barber for presenting his concerns.

Dave Oyler indicated that staff is open all year for citizens to come in and discuss anything with staff.

ADJOURN TO REDEVELOPMENT AGENCY:

Councilman Dart made a **Motion** to adjourn out of City Council Meeting and into Redevelopment Agency Meeting.

Councilman Davis **Seconded** and the motion **Passed** all in favor at 7:42p.m.

ADJOURN BACK TO CITY COUNCIL

Councilman Davis made a **Motion** to adjourn Redevelopment Agency meeting and reconvene back to City Council meeting.

Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:47p.m.

NEW BUSINESS:

Ordinance #08-13 Prohibiting Compression Engine Brakes in the City Limits in Order to Reduce Noise

Junior Baker said the City has had requests from residents to eliminate engine brakes in the city. Mr. Baker reviewed the following:

Spanish Fork City Municipal Code §9.32.020 is hereby amended to include the definition of dynamic breaking device as follows:

Dynamic breaking device (commonly referred to as a "jake brake") means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

II.

Spanish Fork City Municipal Code §9.32.065 compression engine brakes, is hereby enacted as follows:

9.32.065 Compression Engine Brakes

A. It shall be unlawful for the operator of any vehicle equipped with a dynamic breaking device to use or otherwise apply such a device when traveling upon any street within the city limits.

B. This section does not apply to emergency vehicles.

C. This section does not apply in cases of bona fide emergencies when using an engine brake is reasonably necessary for public or personal safety.

Councilman Davis asked where in Spanish Fork this affects.

Junior Baker said Highway 6 and Canyon Road mostly. UDOT allows the city to regulate and then the City pays for the signs to be made and UDOT will install the signs.

Councilman Dart made a **Motion** to **approve** the Ordinance #08-13 Prohibiting Compression Engine Brakes in the City Limits in Order to Reduce Noise.

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

Maple Highlands Preliminary Plat Reapproval

Dave Anderson said Maple Highlands is located south of Maple Mountain High School by Highway 6. This plat was approved back in 2008 and has now expired. The request involves reapproving the plat in the original form with one change which involves upgrading the construction of the homes to justify the increase in the density.

Councilman Dart made a **Motion** to **approve** the Maple Highlands Preliminary Plat Reapproval.

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

ADJOURN:

Councilman Gordon made a **Motion** to **adjourn** to Closed Session to discuss Legal.

Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:56 p.m.

ADOPTED: June 18, 2013

Angie Warner, Deputy Recorder

Snack Shack – For the past several years the ballpark snack shacks have lost money. 2010-\$27,150 2011-\$25,606 2012-\$21,190 2013-\$27,608 and proposed 2014- \$42,362 average of \$25,389 for last 4 years. I know this is a small portion of the overall budget. A rounding error in the overall picture of a \$65 million budget. However I feel it is an important issue because, it speaks to a larger principle. **“Government should not advantage one individual or group at the expense of another.”**

History – several years ago the city went through the RFP process for the concessions and we selected Hogi Yogi for 1 or 2 years, but some complaints came back from patrons that they didn't like the menu, the service and the prices and so the city took it back. During that one or 2 years, the city didn't lose any money on the concessions. Since then we have lost money every year.

Why isn't this issue more important to you?

It can't be a quality of life issue because now there is a Wendy's less than 100 ft from 2 of the ballparks. Glades, a business in business to sell hamburgers and fries is 1 block from the other ballpark.

Its hamburgers, not police, fire and ambulance service. It's not even water, sewer, or electricity. It's hamburgers. We aren't talking about the senior citizen lunches or a meals on wheels program, we are talking about subsidizing hamburgers at the ballpark to the tune of \$25K a year or 6 months to really be accurate.

Is it because the amount of loss is so small?.....There are other areas of the budget that have similar issues and larger losses, the greenhouse, golf course, the pool. Those we could have a discussion about the pros and cons, but the principle is the same and so this is an easy one. If we can't fix this one, then we can't move onto the others.

If you say that the citizens are demanding it.... I'd say have you told the citizens that don't use the ballparks, how much you are losing in 5-6 months of providing hamburgers, every year? Have you asked them what they would rather have you spend their money on by telling them that you are looking at an increase of \$47K a year for the emergency medical services and by not losing \$25K a year on

hamburgers, you make up ½ of that. Or that you could use amount to help pay the 15% increase in employee healthcare costs, or you could pay for more overtime to the Police Department? I think given those few options, the citizens who don't use the park wouldn't be happy and those who do use the park wouldn't mind paying a little more for a burger or for you getting out of the business altogether.

Here are my suggestions:

Suggestions:

1. You RFP again and see if there is any interest again for a private sector concessionaire.
2. We let them be handled by student organizations for fund raising opportunities. There are school groups who travel to BYU and Utah football games and do something similar and are very successful at it. It will take some coordination with the city. It will also help the local business community and the schools because with 4 high schools being supported by 1 business community it becomes a serious financial commitment to the businesses and this would help offset those pressures.
3. If a PCA works for the power rates so that we can afford to subsidize other services, why don't we charge an BCA, burger cost adjustment (not advocating this one, but it is kind of funny).
4. Apply common sense and good business sense and raise prices or cut costs to at LEAST break even.