

**Regular Council Meeting**  
**March 6, 2008**  
**7:00 p.m.**

**Attending:** Naomi O'Keefe [Messenger], Noel Bertelson, Marie Bertelson, Dennis Watson, Ed Painter, John Dean, Paul Bryner, Rachael Bryner.

**Expression of Choice:** There was no expression of choice.

**Roll Call:** Mayor Eldon Barnes, Council members Thomas Allred, Michael Workman, Bryan Sorensen, Boyd Mickel, Pamela Anderson. All were present.

**Public Comments:** There were no public comments.

**Approval of Minutes:** Council member Thomas Allred motioned to accept the minutes as amended. Council member Pam Anderson seconded the motion. There was no discussion. Council member Bryan Sorensen abstained. Council members Michael Workman, Pam Anderson, Thomas Allred, Boyd Mickel were in favor.

**Emergency Preparedness:** Mayor Barnes stated the city had sandbags and the city should prepare for possible flooding. Mayor Barnes stated that there were volunteers available. There was discussion concerning when the sandbags would be available to the public.

**Sanpete County Detective:** Mayor Barnes stated that the city had looked at \$1,000 to \$5,000 to give to Sanpete County Sheriff's office for the detective, but the city needed to cut back to \$1,500.

**Mark Allen, Proposal Blue Grass Festival:** Council member Pam Anderson stated that Mr. Allen had contacted her with a potential date of July 11-12; there was some concern that the 24<sup>th</sup> of July would be too close to the date. Suggestions were made to combine the two events.

Mark Allen stated that Spring City was a good choice for a bluegrass festival. Mr. Allen stated that there would be workshops and bluegrass bands that would participate. Mr. Allen stated that there would be issues with parking and camping. Mr. Allen stated that there would be music as well as concession stands. Mr. Allen gave a brief statement as to how the city building and grounds would be used. Mr. Allen stated that it would benefit the city. Council member Anderson stated that if there were problems tickets could be limited. Mr. Allen inquired if the city was interested in a Bluegrass Festival. Council was interested. Mr. Allen would bring more specific plans to the next city council meeting.

**Bryner Zoning Issue:** Mayor Barnes stated that the city had received legal advice from the attorneys. Mayor Barnes stated that the city needed to decide with legal advice what would be in the city's best interest.

Mr. Bryner stated that for the public record did the city attorneys investigate everything that he submitted. Mayor Barnes stated that the attorneys had investigated the case. Mayor Barnes inquired if anyone on the council had a declaration of conflict, and if anyone on council could profit from the decision. Council members did not have any person interest.

Council member Michael Workman read the recommendations from the Planning and Zoning Commission. Mayor Barnes stated that the attorneys mentioned alternatives; one, what to condemn the property for the road, but the city had actually sold the property in 1918. Two was to have the city

purchase the property at fair market value. Three was to look at the city road grid and possibly stopping the grid at this location and let the Bryner's build on the property.

Mr. Bryner stated that he had never received any notice on the problems with his zoning permit. Mayor Barnes stated that he needed to be excused temporarily and the Mayor Pro Temp Mickel would preside over the meeting. Mr. Bryner stated that the Mayor had contacted him in January concerning his zoning permit.

Council member Michael Workman stated that the city was trying to stay with the Historic road grid as much as possible. Mayor Pro Temp Mickel stated that there were many roads in the city that were not within the Historic road grid and the city would have trouble complying with some parts of the road grid. Council member Workman stated that the city could not follow the road grid in every situation. Mayor Barnes returned and presided over the meeting.

Council member Boyd Mickel motioned to leave 500 East to 700 East and 300 South to 400 South as it is presently with no roads. Council member Thomas Allred seconded the motion. Discussion was as follows:

Council member Bryan Sorensen stated he was concerned if this decision was in the best interest of the city. Council member Michael Workman stated that the decision of the council needed to be on record. There was no further discussion. The vote was unanimous. All council members were in favor.

Mr. Bryner stated that he would like a letter explaining the motion and list the property description that stated that the city would never have a road in this location. Council member Michael Workman stated that there could come a time that a road would be there and the city could not say there would never be a road. Council member Workman stated that the future growth of the city was uncertain.

Mayor Barnes stated that he would let Planning and Zoning know the council's decision.

**Employee Policy Amendments:** Mayor Barnes stated that he would like to review the policy before making any changes.

**Review of Water Rates:** Council member Workman stated that he believed that the current water rates were the best proposal. Mayor Barnes stated that the water rates needed to be reviewed and asked that council prepare proposals for the next council meeting. Council member Pam Anderson stated she would like to see final figures from Jones and Demille for the water storage facility to help make the adjustment.

**Board of Adjustment Policy:** Mayor Barnes stated that the Board of Adjustments needed a policy to help with steps to take when approached. Dennis Watson stated that the Planning and Zoning Commission needed to prepare that policy. Mayor Barnes stated that he would contact the Planning and Zoning Commission and get their recommendations.

**Buffer Zone Strategic Plan:** Mayor Barnes stated that the Planning Commission chairperson was not present and the Buffer Zone Strategic Plan would not be discussed.

**Animal Control Ordinance 2008-02:** Council member Mickel stated he would accept the Ordinance with changes on the fees. The owner of the animal pay the cost of impounding before picking up their animal, the citizens should not be responsible for the cost of the impounding of an animal. Council member Workman inquired if this was also for horses. Council member Mickel stated that it should be for all animals. Council discussed dates for licensing animals.

John Dean suggested that a kennels be set for the city. Council discussed costs and problems that would come with the city having their own detainment facility.

Council wanted to make some changes to the ordinance and this issue would be placed upon the next agenda.

**Building and Grounds Ordinance 2008-01:** Council member Pam Anderson motioned to accept the ordinance as presented. Council member Boyd Mickel seconded the motion. There was no discussion. The vote is as follows:

| Council members | Yea | Nay | Abstain |
|-----------------|-----|-----|---------|
| Pam Anderson    | X   |     |         |
| Bryan Sorensen  | X   |     |         |
| Michael Workman | X   |     |         |
| Thomas Allred   | X   |     |         |
| Boyd Mickel     | X   |     |         |

All council members voted for Ordinance 2008-01

**ATV Ordinance 2008-02:** Council member Boyd Mickel motioned to accept the ordinance with the addition of access for those who lived in the middle of a block on Mainstreet. Council member Thomas Allred seconded the motion. There was no discussion. The vote is as follows:

| Council members | Yea | Nay | Abstain |
|-----------------|-----|-----|---------|
| Pam Anderson    | X   |     |         |
| Bryan Sorensen  | X   |     |         |
| Michael Workman | X   |     |         |
| Thomas Allred   | X   |     |         |
| Boyd Mickel     | X   |     |         |

All council members voted for Ordinance 2008-02.

**Mayor, Council and Department Reports:** Mayor Barnes reported that he had received a letter thanking Kent and Jim for their efforts on the city roads, as well as Council member Mickel's efforts.

Mayor Barnes reported that audit procedures required that all council members know what are in the city ordinances. Mayor Barnes stated that a meeting would be set to discuss the ordinances. Council member Anderson stated that this would be beneficial to the city. All council was in agreement that the meeting would be held on March 29, at 10:00 a.m.

Council member Thomas Allred had nothing to report at this time.

Council member Michael Workman inquired if the Animal Ordinance contained changes that were made in previous council meetings. Council member Workman reported that he would set a time to have a phone conference with Jones and Demille concerning the water storage facility.

Council member Boyd Mickel reported that the city roads were in bad shape. Council member Michael Workman stated that the gutters needed to be cleaned and the old drains be opened up.

Council member Pam Anderson reported that the 24<sup>th</sup> committee were going to meet this upcoming week to discuss plans for the 24<sup>th</sup> of July.

Council member Bryan Sorensen reported that he had spoke with Ken Nunley from the Spring City Second Ward concerning emergency preparedness. Council member Sorensen reported that a meeting would be set to plan for emergencies.

There was no report from the Fire Department, Police Department or the Planning and Zoning Commission.

**Payment of Bills:** Council member Boyd Mickel motioned to accept the bills as presented. Council member Thomas Allred seconded the motion. There was no discussion. The vote was unanimous. All present were in favor.

**Executive Session to discuss possible eminent lawsuit and employee issues:** Council member Michael Workman motioned at 8:43 p.m. to go into executive session. Council member Pam Anderson seconded the motion. There was no discussion. All present were in favor.

Council member Boyd Mickel motioned to end executive session at 9:23 p.m. Council member Pam Anderson seconded the motion. There was no discussion. All present were in favor.

**Adjournment:** Council member Boyd Mickel made the motion to adjourn. Council member Michael Workman seconded the motion. There was no discussion. All present were in favor.

### **Executive Session, March 6, 2008**

Mayor Barnes stated that Robert Allred had asked the attorneys and the city to meet to discuss or resolve the issue of their zoning permit. Mayor Barnes stated that the attorneys asked for 30 days to discuss the issues and negotiate. Council member Sorensen inquired about the permit and the issues that the attorneys needed to discuss. Mayor Barnes gave a brief synopsis of the problems with the zoning permit.

Council discussed problems with city ordinances and the zoning permit. Council member Michael Workman stated that the city should not negotiate. Council member Boyd Mickel stated that the Board of Adjustments.

Council member Pam Anderson motioned that there would be no negotiations with the Allred's. Council member Boyd Mickel seconded the motion.

Council member Bryan Sorensen motioned to send the issue to the Board of Adjustments. Council member Michael Workman made the motion that there would be not negotiations and the issue would be sent to the Board of Adjustments. Council member Bryan Sorensen seconded the motion. There was no further discussion. All present were in favor. The other motions died.

Mayor Barnes stated that the city had received interest on the Police Officer position and invited council to be present during interviews and would like council to think of the questions that might be used.

Executive session ended.