

**Approved Minutes
Spanish Fork City Council
February 7, 2006**

Elected Officials Present: Councilmembers G. Wayne Andersen, Matthew D. Barber, Steven Leifson, Seth V. Sorensen, and Chris C. Wadsworth. Mayor Joe L Thomas was excused.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Emil Pierson, Planning Director; Richard Heap, Engineering/Public Works Director; Seth J. Perrins, Assistant City Manager; Dee Rosenbaum, Public Safety Director; and Marlo Smith, Engineering Secretary.

Citizens Present: Austin Larsen, Cory Stone, Steve Whitehead, Tyler Whitehead, Tanner Runolfson, Patrick Patterson, Duane Hutchings, Guy Foster, Allen Foster, Judy Foster, Ann Loltes, Kevin Sumsion, Daniel Hall, Malae Sales, Mackay Asay, Steven Idle, Nathan Simpson, Pat Parkinson, Mike Robertson, Dawson Haycock, Lyle Haycock, Maribel Rees, Sierra Leifson, Christine Leifson, David Eddington, David Simpson, Barbara Peterson, Kyle Hansen, Luke Walker, Mikel Cressman, Ryan Falkner, Steele Rasmussen, Bryce Whitaker, Cory Muhlestein, Corey Webb, Barry Whitaker, Dominic Bills, Clint Davis, Mary Talbot, Jorge E. Trujillo, Kyle Olsen, CJ Lewis, Austin Wride, Travis Aitken, Royden Hill, Monyka Arnoldus, Matt Russell, Hayden Nielsen, Shauna Warnick, Aaron Fisher, Kipling Rasmussen, and Jeremy Joyner.

CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS

Call to Order

The meeting was called to order at 6:00 p.m. by Councilmember Barber.

Pledge of Allegiance

The pledge of allegiance was led by Patrick Patterson.

PUBLIC COMMENTS

Aaron Fisher

Mr. Fisher said he is asking the City Council to place a moratorium on the building of the windmills. Before the ordinance was passed there should have been more public opinion given. Residents in this area don't know the scope or magnitude of these windmills. He doesn't feel that there was adequate notification. He said the windmills would be larger than the Statue of Liberty. He is petitioning to amend the ordinance to not allow for the windmills to be built. At this time he feels that there is no benefit to Spanish Fork City. He said the City doesn't stand to gain from the power, there will be a small property tax value, but feels the devaluation of homes will be offset. Mr. Fisher has done research on the internet that discusses people not desiring to live by windmills. He feels the size of the windmills will block the view of Maple Mountain, and the residents in this area value their view. Mr. Fisher said he would like to generate more public comment and is petitioning for a six-month moratorium.

Kent Rasmussen

Mr. Rasmussen said living in this area means everything and he could have purchased a house anywhere, but chose this area because of the amazing view. He has serious concern over the 320 foot windmills being built. He is concerned how enormous they are and he is greatly opposed.

Maribel Rees

Ms. Rees said she chose this area to live for the beauty. She is very concerned with the windmills and doesn't feel they had the necessary information.

Pat Parkinson

Ms. Parkinson commended the council and allowing for public comment. She said this allows for people to voice their opinion without having to give notice two weeks in advance.

Councilmember Barber said approaching the council can be intimidating, with this change to allow for public comment he hopes it will be less intimidating and will make the council more approachable. He said tonight is a good example of the public comment portion of the meeting. He explained that the citizens present who are opposing the windmills caught a replay on SFCN of the public meeting held prior to the ordinance being approved.

Councilmember Anderson said he likes to see the citizens involvement and encourages other citizens to become more involved.

Councilmember Wadsworth thanked Ms. Parkinson and said it is because of her involvement over the course of the last year that has driven the decision for a public comment portion of the meeting.

Councilmember Sorensen asked Mr. Pierson to discuss the windmill ordinance concerns they have heard tonight.

Mr. Pierson said Mr. Fisher came to him with concerns regarding the windmills. He explained to Mr. Fisher that the ordinance was passed that would allow these windmills to be a permitted use and could be constructed as long as they met the requirements. Mr. Fisher asked if a moratorium could be placed on the building of the windmills until the ordinance could be investigated more. Mr. Pierson then told Mr. Fisher he would need to ask the council.

Mr. Baker said the council cannot make any decisions tonight, the request needs to be an agenda item.

Councilmember Andersen said to Mr. Fisher to make sure he is on the agenda for another meeting to discuss the moratorium.

CONSENT ITEMS

Minutes

Councilmember Leifson made a **motion to approve** the minutes of the December 20, 2005 City

Council meeting as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Resolution of Cable Channel Contracts

Mr. Baker said SFCN broadcasts a number of channels. There are contracts in place to allow SFCN to broadcast these channels. Every three to five years these cable contracts expire and are required to be renewed. This procedure is fairly routine, if the contracts aren't renewed the channel cannot be broadcast. This resolution will authorize the Mayor to execute the contract. There is usually a price increase, but if the SFCN staff feels this increase is out of line, then the item will be brought before the council, not as a consent item.

Councilmember Andersen made a **motion** to **accept** the Resolution of Cable Channel Contracts as presented. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

NEW BUSINESS

Resolution appointing members to the Tax Entity Committee (TEC)

Mr. Baker said the economic development areas go through a potential committee to look at the budget that may be used, then approves or disapproves the budget which will determine if the economic development will continue. This resolution will appoint Mayor Thomas, Councilmember Sorensen as standing members. Councilmember Barber will be a substitute. The taxing entity usually consists of two members from the City, two members from Utah County and other members.

Councilmember Wadsworth made a **motion** to **accept** the Resolution appointing members to the Tax Entity Committee as presented. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

Ordinance 01-06 Allow Restaurants with Liquor License to Operate within Two Hundred Feet of Schools, Churches, and Public Libraries, Playgrounds, or Parks

Mr. Baker said this ordinance goes along with the economic development that would allow restaurants with liquor or limited liquor license within two hundred feet of a public facility such as schools, parks and churches. The current ordinance restricts these restaurants from being within six hundred feet walking route and two hundred feet to the direct route. When looking at the basic business district any nice restaurants with liquor licenses would have very few areas in commercial zones where they could go. The council can decide if a nice restaurant with alcohol doesn't seem to disrupt a public facility, this does not include taverns. The State ordinance allows for the local government to waive this distance restriction.

Councilmember Wadsworth said the council has to decide that the sale of alcohol within this distance restriction doesn't pose a threat to the health and welfare of the citizens.

Mr. Baker said restaurants that serve alcohol has to meet standards that create liabilities to the

alcohol server. Therefore, the restaurant is more careful than the individual who serves themselves alcohol. There are fewer problems at restaurants, particularly reputable restaurants.

Councilmember Wadsworth said he is concerned that in the last eight years the City has become increasingly lenient with the alcohol standards.

Councilmember Leifson said those particular restaurants such as Chilies, Red Lobster, and Applebees sell alcohol and in these restaurants most aren't aware that alcohol is served. These types of restaurants are not like a tavern or a bar.

Mr. Baker said it is a matter of discretion from the Council, the state gives some discretion but not a great deal.

Councilmember Andersen said he spoke with Mr. Rosenbaum who doesn't feel these restaurants are detrimental and probably a positive thing. The restaurant owners are under certain mandates with their licenses.

Councilmember Sorensen said he feels the restaurants are in more control than a convenience store or the state liquor store.

Mr. Baker said the state law only mandates consumption on the premises and not off premise consumption within the distance restriction.

Discussion took place regarding the number of state alcohol licenses that are issued.

Councilmember Barber asked for Ms. Parkinson's opinion on this resolution.

Pat Parkinson

Ms. Parkinson said she has seen the effects of alcohol by growing up near a bar. She said alcohol is a real problem and feels there will be more problems with eliminating the distance requirements. She feels there are some compromise solutions that have not been discussed yet. Perhaps rather than eliminating the distance maybe reduce the distance. Ms. Parkinson said there is a fine line between a tavern and a restaurant and feels it should be defined by state law. Ms. Parkinson said she works with mental health and has seen the effects of alcohol.

Discussion took place regarding the zones in the City.

Councilmember Wadsworth said the State code defines a tavern that is an entity that makes more money off the sale of alcohol than food, whereas, a restaurant the main source of sales is food.

Councilmember Barber said he would personally like to get more feedback and revisit this ordinance at a later meeting.

Councilmember Wadsworth would like an answer from a state representative or a senator in the legislature as to why there is the distance restriction. He would like more reason behind why it has to be either all or none. He feels there should be a compromise.

Councilmember Anderson said he would like to investigate more also and would like to receive feedback from citizens.

Councilmember Sorensen made a **motion** to **table** Ordinance 01-06 - Allow restaurants with liquor license to operate within two hundred feet of schools, churches, and public libraries, playgrounds, or parks until the March 7, 2006 City Council meeting. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

Mapleton Bench Annexation

Mr. Pierson said the applicants are requesting to annex approximately 120 acres into Spanish Fork City from Utah County. The City Boundary is to the west, east and south of the properties. The properties are within Spanish Fork City's policy declaration boundary and inside of the current growth boundary. The General Plan currently shows the parcels as Residential 2.5 to 3.5. Mr. Pierson is concerned that Mr. Haycock has not signed the annexation agreement and would not meet the state requirements that would form a peninsula, therefore, Mr. Haycock may be forced into the annexation. Staff recommends that the City investigates the proposed annexation. The applicant is here for any questions.

Discussion took place regarding a forced annexation.

Councilmember Barber asked Mr. Nathan Simpson where the utilities would be located.

Mr. Simpson discussed the utilities would be a continuation from what was done with Sunny Ridge Subdivision. A 12" pressurized irrigation and culinary water mains that went along the train tracks and under Highway 6. He also discussed the storm drain detention basin that is proposed.

Councilmember Andersen made a **motion** to investigate the possibility of annexing the properties into the City and have DRC and Planning Commission give a recommendation. Councilmember Leifson **seconded** and the motion **passed** with a unanimous vote.

Definition of Significant Parcel

Mr. Baker said the state law requires that if the City sells real property the City is to define a significant parcel. He is looking for direction from the City Council to define a significant parcel.

Councilmember Leifson asked if Mr. Baker has any recommendations.

Mr. Baker said he has no recommendation and whatever the City Council feels is best is the direction he will continue.

Councilmember Barber asked if a map could show what would be affected by this definition of a significant parcel.

Mr. Baker said theoretically every piece of property the City owns would be affected because it is hard to predict the future.

Councilmember Wadsworth suggested a tiered approach that includes the size, value, and zone.

Mr. Baker said the state does not give much discretion.

Discussion took place regarding a tiered approach.

Councilmember Leifson asked Mr. Baker to have a draft ordinance proposed by the next council meeting.

Mr. Baker said he would use his personal discretion to draft an ordinance but for the council to not feel locked into the ordinance.

FAA Grant Application

Mr. Heap said this is a grant to acquire more land for the extension of the runway and to also relocate a county road in the process. The FAA will pay 90%, the State will pay 5% and the other 5% will be paid between Spanish Fork City and Springville City. The grant from the FAA would be \$1,100,000.00. The state would pay \$28,947.00. The remaining \$28,948.00 would be split between Spanish Fork and Springville Cities.

Councilmember Andersen asked if the new road was designed.

Mr. Heap said it is going through Utah County public hearings to decide on the best location.

Councilmember Leifson made a **motion** to **approve** the FAA Grant Application as presented. Councilmember Sorensen **seconded** and the motion **passed** with a unanimous vote.

ADJOURN TO REDEVELOPMENT AGENCY

Councilmember Sorensen made a **motion** to move into the Redevelopment Agency (RDA) meeting. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

Reconvene City Council Meeting

Councilmember Sorensen made a **motion** to move out of the Redevelopment Agency meeting and reconvene the City Council meeting. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

OTHER BUSINESS

Other Business - Resolution 06-04 of Spanish Fork City Expressing Strong Opposition to Senate Bill 170, Land Use Amendments, and Requesting that our Senator and Representative Cote Against this Bill.

Mr. Baker said this resolution is sponsored by Utah league of Cities and Towns in opposition to Senate Bill 170. This bill will tie the hands as a council and eliminate zoning.

Councilmember Sorensen said this bill would allow anyone to building anything anywhere.

Councilmember Barber said there was an article in the newspaper describing this bill.

Mr. Baker briefly reviewed the substitute bill that could replace Senate Bill 170. He feels the strategy is to push this substitute bill that is not as extreme.

Councilmember Sorensen made a **motion to adopt** Resolution 06-04 of Spanish Fork City Expressing Strong Opposition to Senate Bill 170, Land Use Amendments, and Requesting that our Senator and Representative Vote Against this Bill. Councilmember Leifson **seconded** the motion and the motion **passed** with a majority vote. Councilmember Wadsworth was **opposed** to the motion.

Adjourn to Executive Session

Councilmember Sorensen made a **motion to adjourn** to Executive Session to discuss land purchase and sales. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 7:15 p.m.

Marlo Smith, Engineering Secretary

Approved: March 21, 2006