

**Approved Minutes
Spanish Fork City Council Meeting
February 21, 2006**

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

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Emil Pierson, Planning Director; Richard J. Heap, City Engineer/Public Works Director; Seth J. Perrins, Assistant City Manager; Kent R. Clark, Finance Director/City Recorder; and Marlo Smith, Engineering Secretary.

Citizens Present: Ross Asay, Todd Huffman, Evan Huffman, Tyler Reynolds, Merrill Warnicle, Joseph Felt, Travis Alm, Alice Sumsion, Kevin Sumsion, Hailey Brierley, Myrna Bagshaw, Brittney Manwill, Brad Black, William Kendall, Ray Chapman, Mary Chapman, Richard Spencer, Marshall Bare, Helen Fish, Chris Jackson, Kaisha Jackson, Karen K. Payne, Monyka Arnoldus, Evan Burrows, Mike Klug, Kate Rauley, Sharlene Sacco, Mindy Madsen, Jessica Johnson, Austin Wride, Kyle Olsen, Dakota Parker, Nicholas Than, CJ Lewis, Steven Tuckett, Austin Copling, Paris Dunlap, Malae Sales, Audrey Adams, Phillip Lundgreen, Jessica Wright, Breanna Bullock, Heather Rowley, Andrea Beardall, Brooke Patterson, Tammy Dustin, Jeffrey Talley, Audrey Talley, Kathleen Anderson, Scott Hurst, Ron Hansen, Elaine Hansen, Kelley Anderson, Cory Webb, Mitch Cortlane, Chad Haskell, Cory Greens, Meralyn Chipman, Cheryl Call, Tamra Jensen, Suasha Herget, Ms. Davis, Paige Chesnut, Jason Chesnut, Aimee Sinclair, Selina Way, Allison Falkner, Ryan Falkner, Sabrina Bagshaw, Adrena Sinclair, Kevin Lindholm, David Vincent, Christine Baker, Andrew Stewart, David Pollei, Ali Durham, Laron Letzerich, Glen Johnson, Gaylene M. Johnson, Keeley Wright, Shawn Eliot, Aaron Fisher, James Rees, Karl Warnick, Philip Powlick, Tracy Livingston, Christine Watson Mikell, Dean Davis, David Eddington, Katie Ashton, Shauna Warnick, Maribel Rees, Lucinda Berge, Tony Priego, Jolene Parker, Carl Waeff, Virginia Waeff, Phillip K. Whitehead, Arie Noot Sr., Arie Noot Jr., Merilynn Westwater, James Westwater, Steve Wells, Sherry Wells, Jill Franklin, Stephen Hadlock, Valene Hanson, Michael Courtlee, Paul Drockton, Dolores Richardson, Jeremy Rees, Craig Saxby, Glenda Saxby, Janet L. McManus, Richard L. McManus, Kip Rasmussen, Taalin Rasmussen, Robert J. Pittelli, Rebecca Creer, Leah Rasmussen, Leanna Thompson, Jaycee Franklin, Ericka Felt, Dale Cressman, Jerry Huffman, Brett McInelly, Paul Jensen, Farrell Badger, Pat Parkinson, Mikel Cressman, Dallin Congdon, Collin McInelly, Janae E. Lee, Jared Lee, Sierra Lee, Shirley Hurst, Meagan Lawrence, Ashley Smith, Vanessa Beauchamp, Andrew Mecham, William Wolfe, Chad Barlow, Kirk Sherrod, Vallan Sherrod, Richard Swan, Lamar Farnsworth, Melanie Farnsworth, Rick Giles, Kelli Giles, Chery Hastings, Amberlie Hastings, Ben Jacobson, Kevin Walker, Guy Conydon, Brianna, Buy, Teressa Burgi, Alissa Wright, Drew Merrill, Cory Mendenhall, Aprel Mendenhall, Leah Mendenhall, John F. Mendenhall, Leanna Mendenhall, Mike Mendenhall, Amber Mendenhall, Tyler Mendenhall, Amanda Jensen, Micah Rees, Isaac Hawker, Troy Cressman, Breanna Bullock, Blaine Huffman, and Russell Wright.

CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS

Call to Order

The meeting was called to order at 6:00 p.m. by Mayor Joe L Thomas.

Pledge of Allegiance

The pledge of allegiance was led by Councilmember Leifson.

PUBLIC COMMENTS

Pat Parkinson

Ms. Parkinson said at the last council meeting there was discussion regarding liquor license distance restrictions that would affect future economic development. Mr. Baker had indicated that the distance restriction could not be reduced, but would have to be eliminated. Ms. Parkinson said there is an alternative option from the Utah Department of Beverage Control to authorize a variance for alternative locations that would allow alcohol consumption within the distance restrictions which would require a public hearing on this issue and allow for the City to choose. Ms. Parkinson said if the distance restriction is eliminated it will increase problems. It is as easy to get drunk in a tavern as a restaurant. There is nothing to regulate this and it does pose a threat to the community. Ms. Parkinson asked the council not to change the current ordinance but perhaps create pockets in a commercial or industrial zone to allow for alcohol consumption.

Mayor Thomas thanked Ms. Parkinson for her comments.

Ms. Parkinson asked why the council feels it is necessary to eliminate the distance restriction when the state law allows for a variance with the State's approval. If the variance is proposed, the State will still require a hearing to allow approval of the liquor license. If the distance restriction is eliminated, it will not require a public hearing for the variance which is not keeping to the community standard.

Councilmember Andersen said there are laws that require food be served to patrons with alcohol in restaurants.

Ms. Parkinson said the patrons do not have to eat the food and can still get drunk. Many restaurants have a bar like atmosphere.

Councilmember Sorensen said restaurants such as Outback also have a tavern license.

Councilmember Wadsworth said the argument is well founded and hinges on the morals of the community. The intent of Utah's liquor laws is to provide protection of the public health, peace, safety, welfare, and morals. We are always legislating morality; the question is, whose morality. Our ordinance should adequately reflect the safety and lifestyle interest of the majority who do not drink, while reasonably accommodating those who wish to drink. Blanding City is a completely dry city. Councilmember Wadsworth said he hopes that his colleagues can see the

moral issue because in the past eight years the alcohol standards have loosened.

Ms. Parkinson said she has a personal disdain for alcohol, but is not asking the council to make a dry city, just to still have some control and standard.

Mayor Thomas again thanked Ms. Parkinson for her comments. He said he is not in 100% agreement but has researched and feels a decision will be made that is best for the public.

Chief Scott Finlayson

Chief Finlayson said he would like to make a presentation to Chief Rosenbaum. Chief Rosenbaum has reached a high milestone as a member of the National Association of Police Chiefs for twenty years of service which allows him to become a lifetime member. Chief Finlayson commended Chief Rosenbaum for his years of service and presented him with a certification from National Association of Police Chiefs. A round of applause was given.

Paul Drockton

Mr. Drockton said he was cited for having his boat parked on the street. When he called the police department to let them know he had no way of moving the boat due to an accident he was in that didn't allow him to drive, Officer Adams offered to move the boat for him. Mr. Drockton said he is amazed at the help offered from this officer and just wanted the council to hear something positive.

CONSENT ITEMS

- a. **Minutes of Spanish Fork City Council Meeting - January 3, 2006**
- b. **Resolution 06-05 Authorizing the use of 2006 Allocation of Home Funds and Community Housing Development Organization to assist in the development of affordable housing projects located in Utah County.**
- c. **Discover Card Contract**

Councilmember Sorensen made a **motion** to accept the consent items as presented.

Councilmember Andersen **seconded** the motion and the motion **passed** with a unanimous vote.

NEW BUSINESS

Nebo Transportation Study Presentation - Shawn Elliott, Mountainland Association of Governments

Mr. Elliot said he is with Mountainland Association of Governments and is here to discuss the future transportation plan.

Mr. Elliot gave a presentation containing the following information:

- The initiated project
- Study map areas
- Study goals and objectives
- Identified the needs through 2030.

Mr. Elliot turned the time over to Mr. Matt Rifkin.

Mr. Rifkin gave a presentation containing the following information:

- The long range plan looking to the future
- Regional density from 1993-2030.
- Development patterns in South Utah County
- Future population projections.
- Travel conditions of today, may be traffic congestions in the future.
- Study different access to Highway 6, I-15 and Main Street.
- Keeping Main Street preservation.
- Putting traffic problems into perspective
- A prioritized transportation plan and a prioritized corridor preservation project
- I-15 reconstruction projects.

Councilmember Wadsworth asked about the long range plans for upgrading Highway 6 in regards to the accidents.

Discussion took place regarding the money the legislature has funded for different projects including Highway 6.

Mayor Thomas thanked Mr. Rifkin and Mr. Elliot for their presentations and said the information would be posted to the Spanish Fork City website.

Appointment of Boards, Committees & City Officers

Mayor Thomas said all of the appointment of boards, committees have not been finalized. They will be brought back to the next council meeting.

Mayor Thomas presented the Arts Council Board as follows:

Arts Council Executive Board:

Bjorn Pendleton, President

Meg Grierson, Vice President, Operations & Grants

Dana Robinson, Vice President, Public Relations

Jeanne Delaney, Secretary/Treasurer

General Board:

Joe Thomas, Mayor/City Council Representative, Karen Payne, Lana Creer-Harris, Char'Ree Reynolds, Anna Murdock, Tia Trimble, Melanie Fillmore, Jennie Creer-King, Kara Morris, Brent Bingham, Janice Nielsen, James Rees, Rich Harris, and Mary Jex.

Councilmember Sorensen made a **motion** to approve the Arts Council Board Members as presented. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

Mayor Thomas said he has the power of appointment for City Officers with the Council

approval. The appointment should have been made at the first of the month, but there were challenges he wanted to overcome. As the new mayor he wanted to appoint a new Financial Director to achieve new goals and have easier access to financial information. The council saw it differently and he supports the council and values the process even though the outcome wasn't what he wanted.

Mayor Thomas made the following appointments:

- Kent R. Clark as Director of Finance and City Recorder,
- Claire White as City Treasurer

Councilmember Andersen made a **motion** to approve the appointments of Kent R. Clark and Claire B. White as presented. Councilmember Leifson **seconded** and the motion **passed** with a unanimous vote.

Ordinance 02-06 - An Ordinance Defining a Significant Parcel of Real Property

Mr. Baker said the council asked staff to define a significant parcel of real property. Basically it comes down to where the property is located, the zone, and the size of the property affect the value. Mr. Baker used the direction of a tier approach including everything down to the value of the property to simplify and create an ordinance to define value. Mr. Baker said some possibilities were included in the agenda packet.

Mr. Baker discussed the optional paragraph E and discussed the amounts other cities are using. Mr. Baker is recommending the amount of \$100,000.00 be used. He feels that \$500,000.00 is too high. Even though \$100,000.00 is quite a bit, it is still reasonable for consideration. Mr. Baker said he recommends the reasonable publishing notice in a newspaper of local circulation to be fourteen days prior to a public hearing.

Councilmember Wadsworth asked how Mr. Baker decided on the \$100,000.00.

Mr. Baker said it was up to the council's discretion to name the dollar amount.

Councilmember Wadsworth asked why not make it \$20,000.00.

Mr. Baker said the State considers an insignificant parcel that would tie up resources, but if significant needs public input. The dollar amount used is up to the council to decide.

Mayor Thomas said an example of this is the property that was an electric substation. The property was landlocked. The adjacent property owners agreed to divide up the property. Mayor Thomas said he feels \$20,000.00 is too low. Mayor Thomas would like to see the public hearing noticed pushed to thirty days.

Councilmember Andersen asked Councilmember Leifson if this was reasonable.

Councilmember Leifson said he felt it was reasonable especially due to land values.

Mr. Baker said the public hearing notice needs to be long enough for people to arrange their schedules, but not too long that people forget when the hearing is to take place.

Discussion took place regarding the \$20,000.00 amount is not relevant and anything more than \$100,000.00 should go to the citizens for public input.

Mr. Baker said a notice could be posted on the property thirty days prior to the public hearing.

Mayor Thomas said he was favorable of the thirty-day property posting.

Councilmember Leifson made a **motion** to approve Ordinance 02-06 - An Ordinance Defining a Significant Parcel of Real Property with the following corrections:

1. The value used be equal to or greater than \$100,000.00,
2. The notice is published in the newspaper fourteen days prior to a public hearing, and
3. A notice is posted on the property thirty days prior to a public hearing.

Councilmember Sorensen **seconded** and the motion **passed** with a unanimous vote.

Agenda Request - Moratorium of construction of wind turbines - Karl Warnick et.al.

Mayor Thomas said Mr. Aaron Fisher will make a presentation and asked that all in attendance be understandable of time, he understands there is a lot of emotion, but to please have respect for all properties involved.

Aaron Fisher

Mr. Fisher said he would like to express his gratitude and thank the community for their support. He said the majority of the people are not opposed to green energy and considers himself to be a conservationist. Mr. Fisher said he lives in the neighborhood that would be closer to the windmills than most. He feels it will dominate the landscaping.

Mr. Fisher gave a power point presentation including the following:

- What is the perceived or stated benefits of wind farms
- Wasatch Winds public statements that list benefits
- Public comments in support from the council meeting minutes were reviewed
- City Council's comments in support of the wind farm
- What is the actual benefits
- Why is the City so supportive
- Visual impact - 490 feet tall
- Guidelines of best practice guidelines for Wind Energy Development
- Photos
- Were visual impacts considered
- Property values that will be affected
- Wind farms are too new, appraisers do not know what impact they may have
- Property values on homes are the primary long term investment of a family
- Reason for requesting a moratorium.

Karl Warnick

Mr. Karl Warnick said he is an electrical engineer and the following presentation is not only as a resident but his professional opinion.

Mr. Warnick gave a presentation including the following:

- Points all support of green energy
- First major wind farm in Utah should be done correctly
- Serious problems could affect Utah
- Distance to residential zones of 500 feet is extremely low
- Noise disagreement as if it will bother people, the turbines produce a thumping sound
- Noise mitigation, white and nonwhite noise
- Wind shadowing
- Property line setbacks
- Other setback to distance of public roads, rail lines and high voltage transmission lines
- Property rights and values
- View obstruction
- Decommissioning and removal
- Other requirements such as liability insurance and lighting specifications
- Concluding with a good ordinance helps protect residents and those who were not properly notified.

Mayor Thomas said the presentations were very professional without any negativity and would like Wasatch Wind to have the same opportunity to present their concerns.

Discussion took place regarding the mailers that were sent out, the majority of the citizens present said they did not receive the mailer.

Tracy Livingston

Mr. Livingston said he is the CEO of Wasatch Wind based out of Heber City. Mr. Livingston said the presentations that were just done were very well presented and wanted to clarify that he had a half a day notice to prepare his presentation. Mr. Livingston said he feels that some issues in the presentations made were misleading such as property values. He said he wondered where these residents were eight months ago.

Mr. Livingston gave a presentation including the following:

- Typical setbacks that were approved in June 2005
- Spanish Fork wind farm proposed plan
- Prior to City Council approval a letter was sent in April to everyone within a mile regarding a special town meeting.

Mr. Livingston presented receipts from the post office regarding more than 1200 mailings that were sent.

- The nine newspaper articles that were published in local newspapers
- The city's public meeting that were held and televised

Mr. Livingston said he finds it hard to understand that with ample media coverage that people weren't aware of the wind farm.

- Other wind farms in residential areas

- Photos of the other wind farms in residential areas
- Benefits to Spanish Fork City
- Noise studies conducted by an independent third party

Mr. Livingston said he is concerned that he has never been contacted by this protest group and hopes the council will keep in mind the imbalance of concern.

Mr. Livingston said he has a lot of money already invested and a delay could make him lose the project.

Philip Powlick

Mr. Powlick said he is with the State of Utah. He is an Energy Professional and is also representing the State. The State of Utah supports the wind farms and feels it helps with the electrical grid. He said they support Wasatch Wind and believe this project to provide benefit to the State of Utah and local governments. He encourages that this project happens. The cost of wind power is declining more and more making it more economical.

Discussion took place regarding green tags.

Councilmember Wadsworth said he had a discussion with Leon Paxton of UMPA. Mr. Paxton said UMPA buys coal power at a very low cost. In twenty years though, UMPA may be interested in purchasing power from Wasatch Wind.

Discussion took place regarding first right of refusal.

Mr. Livingston said in twenty years the power is open for purchase.

Mayor Thomas said he doesn't feel anyone opposes the turbines above the Fingerhut building. He said other option should be explored.

Paul Drockton

Mr. Drockton said he had a personal experience with windmills in Wisconsin that did depreciated land value.

Melanie Farnsworth

Ms. Farnsworth said she lives in the County and did not receive any notice. She would have liked to have input and asked if the County or Mapleton residents were notified. She said if the project doesn't go through the company can write off the loss.

Shauna Warnick

Ms. Warnick said she would appreciate Wasatch Wind to follow a six-month moratorium not to make him lose money, but it is important to be responsible. She thought the test windmills were fine and then when she found out they weren't the windmills approved, she was discouraged to think the proposed windmills would tower over the community.

Rick Giles

Mr. Giles said you can't put a price on children and if the windmills bring a lot of traffic there are not sidewalks in the County area.

Jeff Talley

Mr. Talley said he is a resident on Riverbottoms Road. There are several new buildings in the area that residents have moved in after the windmills were approved. Many of the new residents are not either aware of the windmills because they are too new to the area or many were not notified.

Arie Noot

Mr. Noot said he came from Holland where they started building these windmills. The windmills were too ugly and are not being built close to residential areas anymore.

Mike Klug

Mr. Klug said he is involved in real estate and the most productive are in Spanish Fork at this time is the southeast bench. A lot of people are requesting homes in this area with understanding the power lines, gun club, railroad, highway and the wind. It is a bargain they are willing to deal with because if they look in their backyard they are not seeing a lot of these things unlike the windmills. Mr. Klug said he thinks the windmills will affect resale value.

Kip Rasmussen

Mr. Rasmussen said he voiced his concerns in June regarding the size and how many windmills they are proposing.

Dean Davis

Mr. Davis said he is a Covered Bridge Canyon resident and for the past eleven years his property values have not increased as much as he thinks they should. He said because of the poor development that allows for the suburbia cookie cutter type homes is what keeps property values down. He said he thinks the wind turbines are a positive thing and will attach something else to Spanish Fork other than the suburban sprawl. Mr. Davis said this is a progressive thing that will happen.

Ashley Smith

Ms. Smith said she is a student from BYU and thinks the wind turbines will build character. They are an alternative energy to help reduce fossil fuels that have a long term effect. This will allow for a healthier environment.

Councilmember Wadsworth pointed out to Mr. Davis that the city is pro-actively trying to encourage larger lots and larger homes in recent revamping to the General Plan. He said the City Planning Commission is doing a very good job at planning for better subdivisions to help increase property values. Councilmember Wadsworth asked Mr. Davis to spend some time driving around Spanish Fork to see the better subdivisions that are currently being developed.

Mayor Thomas asked Mr. Livingston if other lands could be used for the windmills. Mr. Livingston said he doesn't know that the other options have not been looked at.

Mayor Thomas said he and the council need a few minutes to check into some facts.

Councilmember Leifson made a **motion** to adjourn into Executive Session to discuss legal issues. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

The executive session started at 8:33 p.m.

The regular session of City Council meeting was reconvened at 9:12 p.m.

Mayor Thomas asked if Mr. Fisher, Mr. Warnick and Mr. James could be representatives for the citizens and help work with Wasatch Wind and the City to explore other options for the windmills. Everyone was in agreement.

Mayor Thomas said a moratorium is not being placed at this time. There will be other alternatives looked at. Mayor Thomas asked everyone to be open minded to other options.

Ordinance 01-06 An Ordinance Allowing Restaurants with Liquor Licenses to Operate within Two Hundred Feet of Schools, Churches, and Public Libraries, Playgrounds, or Parks.

Councilmember Sorensen made a **motion** to approve Ordinance 01-06 An Ordinance Allowing Restaurants with Liquor Licenses to Operate within Two Hundred Feet of Schools, Churches, and Public Libraries, Playgrounds, or Parks as presented. Councilmember Leifson **seconded** the motion and the motion **passed** with a majority vote. A roll call vote was taken Councilmembers Leifson, Sorensen, and Andersen voted in favor of the motion. Councilmember Wadsworth was opposed to the motion.

ADJOURN TO REDEVELOPMENT AGENCY

Councilmember Andersen 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

There was no other business.

Adjourn to Executive Session

Councilmember Sorensen made a **motion** to adjourn to Executive Session to discuss land purchase and sales. Councilmember Andersen **seconded**, and the motion **passed** with a unanimous vote.

The meeting adjourned at 9:30 p.m.

Marlo Smith, Engineering Secretary

Approved: April 4, 2006