

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

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

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Richard J. Heap, City Engineer/Public Works Director; Richard J. Nielson, Assistant Public Works Director; Seth J. Perrins, Assistant City Manager; Kent R. Clark, Finance Director; Dale Robinson, Parks and Recreation Director; Carl Johnston, Police Lieutenant; Roy Christensen, Golf Pro; and Marlo Smith, Engineering Secretary.

Citizens: Spencer Pugh, Tyler Jolly, Taylor Bramall, Trevor Brown, Don Dapoe, Perry Frandsen, Marvin H. Stewart, Natasha Bingham, Alex Bingham, Ernest Hales, Marilyn Hales, Courtland Cook, Trevor Topham, Burtine Baum, Jeremy Twitchell, Shauna Warnick, Karl Warnick, James Rees, Maribel Rees, Larry Ellertson, Curtis Holt, Adam Swasey, Nathan Jensen, Brad Wilson, Andrew Kitchen, Zach McEntire, Adam Keele, Aaron Fisher, Mike Robertson, Steve Clegg, Dave Hutchings, Tyler Randolph, Wally Randolph, Izic Zabriskie, John Jolly, Aaron Jolly, Matt Wilcox, Justin Ward, Riley Barnett, James R. Taylor, Joseph Broderick, Travis Kingery, Skyler Hughes, Neil Anderson, Colton Anderson, Brock Tew, Grant Tew, Richard A. Evans, Duane Hutchings, Sterling Leifson, Leonard Ellis, Dave Lewis, Christine Mikell, and Tracy Livingston.

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

The pledge of allegiance was led by Councilmember Barber.

ADJOURN TO REDEVELOPMENT AGENCY

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

Reconvene City Council Meeting

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

NEW BUSINESS:

Consideration and Adoption of Ordinance Adopting the Front Mountain Economic Development Project Area Plan dated February 10, 2006

Mr. Feil said this ordinance contains the same language as the Resolution approved in the RDA portion of the meeting.

Councilmember Barber made a **motion** to adopt Ordinance 03-06 An Ordinance of the City of Spanish Fork, State of Utah, Adopting the Front Mountain Economic Development Project Area Plan dated February 10, 2006. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Mayor Thomas said the city council will be breaking for the caucus meetings that are being held tonight.

Mayor Thomas said he would like to give a brief update on the windmills for the citizens present that are waiting for the update.

Mayor Thomas said Wasatch Wind has been working with the property owners above the Fingerhut building and though things are not finalized at this time it appears that the five windmills will be relocated at the up canyon site. The property owners involved are Strawberry Water Users, Staker, and Spanish Fork City. Spanish Fork City is still reviewing whether the windmills will have any impact on the water supply located in this area. Mayor Thomas said the windmills will be dwarfed by the mountains.

UDOT Airport Grant Agreement for Environmental Mitigation (Wetlands and Road Relocation)

Mr. Baker said this is an FAA Agreement on the standard form to allow for the relocation of the road and wetlands.

Councilmember Barber made a **motion** to approve and authorize Mayor Thomas to sign the Utah Department of Transportation Aeronautical Operations Division Project Application and Grant Agreement for State Aid for Development of Public Airports. Councilmember Andersen **seconded**, and the motion **passed** with a unanimous vote.

Adjourn City Council Meeting to attend the Caucuses Meeting

Councilmember Barber made a **motion** to adjourn until 8:00 p.m. to attend the caucus meeting. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

Reconvene City Council Meeting

The city council meeting was reconvened at 8:18 p.m.

**Councilmember Wadsworth is still absent at this time.*

Joseph Broderick - 750 South Extension to 2550 East Closure

Mr. Broderick said he was here to express his concern with the closing of 750 East that allows access to Highway 6. Mr. Broderick said he scanned the minutes from the public meetings held at the city and said he could not find any discussion on the closing of the intersection. Mr. Broderick said he received an email from Mr. Nielson stating that UDOT would not put in the light at the intersection of 2550 East Highway 6, if 750 South remained opened. Mr. Broderick said Mr. Clarkson with UDOT stated the decision to close 750 South was made by the city. Mr. Broderick asked for some clarification as to who is making decisions.

Mr. Nielson said this road closure has been discussed with UDOT over the past few years. It was also discussed in public meetings many times with the first time being in May 2004 at the Planning Commission meeting. The minutes of this meeting discuss the road closure when the East Meadows Preliminary Plat was being discussed for approval. Mr. Nielson said he emailed all of the minutes that pertained to this issue to the city council yesterday.

Discussion took place regarding the signal light and the studies done to warrant the light by UDOT at the intersection of 2550 East and Highway 6.

Discussion took place regarding the accident rate and fatal accidents that have occurred at this intersection.

Mr. Nielson said the residents in this area collected a petition with 950 signatures addressed to UDOT requesting the light at the intersection. He said the 750 South road closure is only temporary until the adjacent property develops.

Mayor Thomas asked that if the road stays open will UDOT still put in the light.

Mr. Neilson said no, UDOT will not put in the light if the road stays open.

Mayor Thomas said the undeveloped property next to the road closure is owned by his father and uncle. He said they are also concerned about the road closure because then their land becomes inaccessible. Mayor Thomas said he intends on exploring all option to find a win-win solution.

Councilmember Barber said he would like to find a solution, but not at the expense of delaying the interchange being constructed.

Councilmember Sorensen agreed with Councilmember Barber. He said there have been too many severe accidents to delay the light at this intersection.

Councilmember Andersen asked Mr. Broderick if he was one of the 950 signatures on the petition for the light.

Mr. Broderick said he did sign the petition.

Building Committee Report

Mayor Thomas said this item will be moved to the end of the meeting and be discussed as a work session.

RGM LC Proposal for Consulting Services for the Golf Course

Mr. Harris discussed the outline of the proposal given to the Mayor and Council. He said they toured the facilities last summer and has a very good feel for how the golf course is managed. He said the golf course can take a new direction but has to have 100% commitment from staff to make the changes work.

Discussion took place regarding electronic paper tee sheets, season pass holders and what times they are playing.

Discussion took place regarding corporate clientele.

Councilmember Sorensen said he doesn't want to see the current clientele replaced with corporate clientele.

Mr. Harris said his goal is to involve a broader group from this community by having activities such as family night, date night and work with the junior golf program.

Discussion took place regarding the commitment from the golf course staff.

Mr. Harris discussed some of the changes that would need to take place at the golf course such as the condition of the carts.

Mr. Christensen said the carts are on a 4-year lease agreement and this is the last year of that lease agreement. He said he feels this is the best situation the carts have ever been in.

Discussion took place regarding the goal of increasing revenue by \$50,000.

Discussion took place regarding the citizens view of the golf course.

Councilmember Leifson said he would like to look at the proposal and is not ready to make a decision tonight.

Councilmember Sorensen concurred.

Councilmember Leifson said while he is reviewing the proposal he would like to talk to staff and get their feel for the proposal. He said he puts his full commitment behind staff and if they choose not to go with the proposal he will back them up with that. This item will be addressed at the next council meeting.

Malcom Springs Annexation Petition

Mayor Thomas said the annexation is not ready to be presented tonight and will require more

time.

Councilmember Sorensen made a **motion** to table the Malcom Springs Annexation Petition. Councilmember Andersen **seconded**, and the motion **passed** with a unanimous vote.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting - February 7, 2006

Councilmember Sorensen made a **motion** to approve the consent items as presented. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

OLD BUSINESS:

City Council Assignments

Mayor Thomas said this item will be addressed at the next meeting.

Wasatch Wind Update

Mayor Thomas said Mr. Livingston is working diligently to move the five turbines from the Frandsen property to the property behind Fingerhut. He said the turbines will be on three different pieces of property. This is tentative pending final signatures for the property.

Discussion took place regarding the required annexation.

Mayor Thomas said they are working on a lease agreement since one of the properties is owned by Spanish Fork City.

Mr. Heap said after looking at the site, the spring collection line is 340 feet from the turbine. Mr. Heap said his best guess is that the turbine would not adversely affect the spring collection line, but with groundwater he is not positive. He said it would be best to move to the North.

Mr. Livingston said if the turbine is moved to the North then it would overhang on Strawberry Power's property and they would want to be compensated.

Mayor Thomas said all landowners are working well with Wasatch Wind but there are still issues to resolve.

**Councilmember Wadsworth returned at 9:15 p.m.*

Wasatch Wind Lease Agreement

Mr. Baker discussed the wind energy ground lease that was included in the agenda packets.

Discussion took place regarding the agreement.

Mayor Thomas said this agreement needs to be discussed in an executive session prior to making a decision.

This item was passed until later in the meeting.

OTHER BUSINESS:

Work Session - Building Committee Report

Mr. Duane Hutchings said he is a member of the Building Committee along with Dave Lewis, Rick Evans, Leonard Ellis and Sterling Leifson. He said Mayor Barney asked them to serve as an ad hoc committee for 3-4 months and prepare a report. He said the report was presented in March 2005. Since that time they have not been an active building committee. He said they reviewed the report and the circumstances have not changed a lot. He said they reviewed the city owned facilities and other surrounding areas. They found a real need particularly for a police and court building. He said the administration and parks and recreation offices had other options for the time being.

Mr. Hutchings discussed growth populations. He said the police department is short of space, the security is terrible and the evidence room is so small they cannot function. He said the court is short of space with no room to grow. He said Judge Taylor would like to see two court rooms. He said security is a big concern at the current court room.

Mr. Hutchings said the police department and court building should be constructed first. With the court moving out of the administration building it will free up some space, but that an administration building is drastically needed. When the building committee reviewed properties, they felt a city campus situation is critical for efficiency and to share the parking. The building committee recommends 10-15 acres. He discussed properties that were looked at for a campus location. He said it is the recommendation of the building committee to decide on a location and purchase the property immediately with the city campus idea in mind. He said the price of property is going up and this needs to be acted on soon.

Mr. Hutchings discussed the other campus locations the building committee visited.

Mr. Hutchings said it is his understanding that the court is a state lease and this lease can help offset some of the cost.

Mr. Ellis discussed the finance options for the building. He discussed the different bond options. He said the cheapest bond is a sales tax revenue bond that does not require an election.

Mayor Thomas asked why avoid a bond election.

Mr. Ellis said that process can only be done in June or November. He said it requires substantial education. He is recommending the sales tax bond not to keep people in the dark, but because the other options are at a higher cost and there is only a certain window of time for a bond election and there is some urgency to getting this completed.

Mayor Thomas said he would like to see citizens have the option of voting.

Mr. Ellis said it is not the building committee's desire to say how to finance the building.

Judge James Taylor said it is a difficult process of obtaining a 13th judge for Utah County 4th District Court. He said Utah County is growing three times faster than what the courts is projecting. He discussed the future for judges in Utah County. He said at this time they cannot bring domestic cases to Spanish Fork due to the lack of security. He said he would like to do different cases in Spanish Fork if the facility is adequate to handle them.

Discussion took place regarding the window of opportunity to get legislation approval.

Discussion took place regarding a memorandum of understanding that the court would need to continue with their approval.

Discussion took place regarding general obligation bond and sales tax revenue bonds.

Judge Taylor said he is anxious for this project to start, but he said the need is more critical for a police department than for the court room.

Mayor Thomas said he is concerned if the public is not involved in the bonding process.

Councilmember Sorensen said the intent is not to bypass public opinion. He said the mayor and council were elected to represent the people.

Councilmember Leifson concurred. He said during the campaign the police station was discussed many times with citizens and yet a year has passed and still no decision has been made. The citizens are concerned about public safety and having adequate protection.

Mr. Evans said property is going up in price along with building costs. He said the longer the wait the more expenses continue to increase.

Discussion took place regarding the land the city currently owns.

Mr. Evans asked if the bond is taken to election and the citizens vote it down then what will happen. He said for example the ball park. The citizens had the option of voting for the bond, the bond was turned down and the council found other ways to pay for the ball park. The citizens were upset because they felt like they made a decision and the council didn't listen. He said if this bond is voted down the need is still there.

Mayor Thomas thanked the building committee for their time and effort.

Mr. Sterling Leifson said the council needs to decide on land and hire an architect.

Mr. Lewis said he thinks the property should be purchased by May 31st and to also have an architect hired.

Discussion took place that the prior council didn't feel the properties already owned by the City were a good locations for the city campus.

Mr. Clark said he needed direction to continue with the bonding procedure that would have specific deadlines.

Direction was given to Mr. Clark to continue with the first type of action that would be to issue a bond parameters resolution.

Discussion took place regarding the City and State share the same architect to keep the costs down.

Adjourn to Executive Session

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

The executive session started at 10:35 p.m.

The regular session of City Council meeting was reconvened at 11:26 p.m.

OLD BUSINESS:

Wasatch Wind Lease Agreement

Councilmember Sorensen made a **motion** to approve the Wind Energy Ground Lease for the proposed rent rate of 1.5% of annual gross total revenue. Councilmember Andersen **seconded**, and the motion **passed** with a unanimous vote.

OTHER BUSINESS:

4-10 Work Week Work Session

Councilmember Andersen said this item needs to be taken care of tonight.

Discussion took place regarding staff's review of different aspects relating to 5-8s, staggered 4-9s and 4-10s. They have taken into account schedules, office hours, non-traditional hours, unavailable staff hours, cost of service, and internet services. Each schedule has pros and cons. Each schedule has impacts of someone covering other positions and the effect it has on operation.

Mayor Thomas asked about the cost of service.

Mr. Clark said if the work week is staggered it will require skeleton crews that will be required to cover other people if extra staff is not hired.

Discussion took place regarding the staff that would be covering for other staff when one is not

there due to the staggered schedules to allow for extended hours.

Discussion took place regarding the early morning need. It was discussed that the building inspection and engineering department would be the ones most affected by allowing or eliminating the early morning hours.

Discussion took place regarding the online customers.

Discussion took place regarding the options to best serve citizens.

Councilmember Sorensen said there are only two viable options. They are the 4-10s or 5-8s. Those schedules work best to serve citizens.

Councilmember Sorensen made a **motion** to stay with the 4-10 work week.

The motion **died** for lack of a second.

Mayor Thomas said he doesn't see that the office has to be opened until 6:00 p.m. on Friday's, but there should be some hours on Friday.

Councilmember Sorensen said a decision needs to be made. He said this topic has been dragged out for two years.

Mayor Thomas said this is the first time this topic has been addressed this way.

Councilmember Sorensen said the staff and citizens are confused and need a decision made. He said it is not fair to keep them from their families until 6:00 p.m. and then also on Fridays.

Discussion took place regarding the available options for days and hours of operation.

It was discussed that the office did not need to be open until 6:00 p.m. on Fridays due to the lack of citizens using the extended hours on Fridays.

Councilmember Sorensen said that is why the 4-10s came to in the first place was due to the lack of citizens utilizing the services on Fridays.

Discussion took place that the extended hours Monday thru Friday would only be for the Administration Office and Parks and Recreation.

Councilmember Barber made a **motion** for a 5-8s staggered work week with the City Offices and Parks and Recreation Office being opened Monday-Thursday 8:00 a.m.-6:00 p.m. and Fridays 8:00 a.m.-4:00 p.m. with the option for the departments to decide how to stagger the employees. Councilmember Wadsworth **seconded**, and the motion **passed** with a majority vote. A roll call vote was taken. Councilmembers Wadsworth, Andersen, Barber and Leifson were in favor of the motion. Councilmember Sorensen was opposed to the motion.

Adjournment

Councilmember Sorensen made a **motion** to adjourn. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 12:27 a.m.

Marlo Smith, Engineering Secretary

Approved: May 16, 2006