

**Adopted Minutes  
Spanish Fork City Council Meeting  
April 4, 2006**

The meeting was called to order at 6:03 p.m. by Mayor Joe L Thomas.

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; Kent Clark, Finance Director; Seth J. Perrins, Assistant City Manager; Dee Rosenbaum, Public Safety Director; Dale Robinson, Parks and Recreation Director; Roy Christensen, Golf Pro; Janice Ottesen, Golf Course Operations Assistant; and Marlo Smith, Engineering Secretary.

Citizens Present: Tony Grunander, Gae Grunander, John Stewart, Spencer Stewart, Dennis Mitchell, Jackie Mitchell, Lane Olson, Caleb Russell, McKay Bowcut, Matt Huntsman, John Russell, Jessica Woolsey, Richard Bean, Joe Broderick, Royden Hill, Tom Allen, Michael Moos, Hayden Allen, Kevin Smith, Michael Nelson, Karl Guymon, Nate Guymon, Jake Guymon, Patience Bernards, NaDene Johnson, Carillisa Bean, Kim Williams, Diane Anderson, Randy Anderson, Janet Hutchings, Dennis Johnson, David Pollei, Justin Martin, Allen Riley, Blair Hamilton, Neil Sorenson, and Gary Aitken.

**CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:**

**Pledge**

The pledge of allegiance was led by Councilmember G. Wayne Anderson.

**CONSENT ITEMS:**

**Minutes of Spanish Fork City Council Meeting - December 26, 2005 and February 21, 2006**

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

**PUBLIC COMMENTS:**

**Royden Hill**

Mr. Hill thanked the mayor and council for the privilege to speak. Mr. Hill said there is a need for a police and court building, but also a need for the people to decide. He said the City should put the bond to a vote. Mr. Hill discussed his concern if the court doesn't pay their lease due to unforeseen problems.

Mr. Hill thanked the council for opening the city office building on Fridays and also continuing

with the extended hours. He would like to see the opportunity to have the office opened on Saturdays.

Mr. Hill commended the great work regarding the windmills. Mr. Hill again emphasized his desire for the public to vote regarding the bonding for the police/court building.

### **Dennis Mitchell**

Mr. Mitchell thanked the council for the opportunity to speak. He spoke in reference to the police/court building. He understands the need for the facility and has no objections regarding the new facility. He does agree with Mr. Hill in regards to allowing the public to vote on a bond issue. He feels this may help cut the expense down. He would like to see cuts in other departments to help pay existing bills so that money can be freed up to pay for the police/court building. He would like to opportunity to decide whether to cut costs or have a lower interest rate on the bond. If not able to decide on the bond issue, he would like to see citizens allowed to decide other options for the police/court building.

Mayor Thomas encouraged all citizens to send any comments or input regarding the size of the building and how far to build ahead for expansion. Please email [council@sfcn.org](mailto:council@sfcn.org), or call and leave a message.

Councilmember Andersen said the ad hoc committee researched the different types of bonds. The very least expensive are the sales tax bonds. The most expensive route to take is to allow the vote of citizens. He said saving money is a concern to the council.

Councilmember Sorensen explained to Mr. Mitchell that when the city issues a bond, the bond is not callable until a certain date. The city is not able to pay the bond off before the callable date, which makes it difficult to pay a bond off early.

Councilmember Andersen said the fire station building will be paid off this year. The liability is no longer there that allows for some flexibility.

### **Joe Broderick**

Mr. Broderick asked the council for any additional comments they may have regarding the 750 South road closure.

Mayor Thomas said the closure is moving forward, but options are being looked at. A projected plan would show a curvature that will take the frontage road back 300 feet from the intersection allowing for the signal light. This would create challenges for the owners of the property in regards to irrigation issues. He said options are being looked at as the project moves forward.

Councilmember Barber discussed the letter from the State regarding the road closure or requiring the intersection to be at least 300 feet from the signal light.

Mr. Heap said the City has always planned on the road reopening in the future. How the road is opened will be determined by the property owner as their property develops. There will be some

connection that will be at least 300 feet away from the signal light.

Mr. Heap discussed the projected start date for the signal light is June 1<sup>st</sup>. At this time the utility extension on the other side of Highway 6 is being done prior to UDOT starting their project.

### **NEW BUSINESS:**

#### **Malcom Spring Annexation Petition**

This item was passed at this time.

#### **Waste Water Treatment Plant Expansion Bid**

Mr. Heap reviewed the bid tabulation for the expansion of the Waste Water Treatment Plant. He said this project would expand the capacity to more than 44,000. The project was estimated to cost \$3,368,250, with the City's share at \$2,595,000. With the bids now in the low bidder is Nelson Brothers Construction with a bid of \$2,915,200. Spanish Fork City's share would then be \$2,244,704. With what is already collected from impact fees, and what we expect to collect by the time the project is complete and the loan from Mapleton City we should not have to borrow any money from reserves to pay for this project. Mapleton City will fund \$950,000 that will be paid back with impact fees over the next three years. Mr. Heap said Nelson Brothers Construction did the work on the waste water treatment plant expansion in 1993. Mr. Heap recommends accepting this bid.

Councilmember Wadsworth asked if the funding amount from Mapleton City would change due to the bid being lower than expected.

Mr. Heap said the funding from Mapleton would not change.

Councilmember Sorensen asked if it was an interest free loan.

Mr. Heap concurred.

Councilmember Sorensen commended Mr. Heap and Dennis Sorensen in their research to allow for more capacity that also saved money.

Discussion took place that Aqua Engineering would be the construction manager for the project.

Councilmember Sorensen made a **motion** to award the Waste Water Treatment Plant Expansion to Nelson Brothers Construction in the amount of \$2,915,200.00. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

#### **Utility Restriction**

Mr. Heap said in December 6, 2005, the City Council authorized a conditional lifting of the utility restriction for new development. New preliminary plats could be reviewed by staff, go through DRC and Planning Commission. However, they cannot go to City Council for approval.

The concern was the cost of the treatment plan expansion. Now that the bids are in for the project and the project has been awarded, a decision on lifting the entire utility restriction is needed.

Councilmember Wadsworth said the condition was made until certain criteria were met. That criteria has been met and he feels the council needs to continue the commitment.

Councilmember Sorensen concurred.

Councilmember Barber made a **motion** to remove the Utility Restriction for New Development. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Fire Chief and Ambulance Captain Appointment (Change of Ordinance)**

Mr. Rosenbaum discussed the different ways the City has appointed a fire chief in the past. He said the mayor and council has appointed the fire chief, The public safety director recommends to the mayor and council and then with the mayor's consent the fire chief is appointed. Currently the public safety director has been given the authority to appoint a fire chief.

Mr. Rosenbaum said Jamie Chappel has resigned as fire chief and Brent Jarvis is the acting chief at this time. Mr. Jarvis has been the assistant fire chief for several years.

Mr. Rosenbaum said there has been some discussion in regards to amending the budget to allow for a full-time fire chief or to keep the position a part-time volunteer fire chief. He said the council also has to make the decision as to whether the mayor and council want to be the appointing authority for the new fire chief or if that decision stays with the public safety director.

Mayor Thomas said he asked for this item to be on the agenda. Since the resignation of the previous fire chief he has received comments on the appointment for the fire chief to be given back to the mayor and council.

Discussion took place regarding the current code authorizing the public safety director to appoint the fire chief.

Discussion took place regarding the budget for the public safety department involving the police, fire and ambulance departments.

Councilmember Andersen asked if the ambulance captain is chosen the same way.

Mr. Baker said at this time the ambulance captain is chosen the same way. It is anticipated that if the fire chief appointment comes back to the mayor and council so will the appointment of the ambulance captain.

Councilmember Wadsworth asked if the responsibility of appointing a fire chief were pushed back to the council would it help alleviate any political pressure for the public safety director.

Mr. Rosenbaum said either way is workable and it has functioned under both options.

Councilmember Wadsworth asked if this decision would adversely affect morale of the employees.

Mr. Rosenbaum said he has never received personal input on that point. He isn't sure if the council has received input to this effect.

Mayor Thomas said he has received input, nothing of a negative reaction, but he has received input from firefighters preferring the appointment responsibility be given back to the mayor and council.

Councilmember Leifson said this decision should wait until the presentation for a full-time or part-time fire chief is finished.

Councilmember Andersen asked how the personnel committee has functioned in these matters.

Mr. Rosenbaum said they have not been involved in the past.

### **PUBLIC HEARINGS:**

**Michael Nelson General Plan Amendment (tabled from March 7, 2006)**

**Michael Nelson Rezone (tabled from March 7, 2006)**

Councilmember Barber made a **motion** to move into the public hearing portion of City Council meeting. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Mr. Baker said the public hearing for these two items was initially scheduled two meetings ago. At Mr. Nelson's request this item was continued until tonight. Mr. Nelson owns the property located at 115 East 300 North. Currently the property is general planned for Residential 5-12 units per acre and the applicant is requesting to amend the general plan at this location to Residential 5-12 u/a and Residential Office. In conjunction with the general plan amendment, Mr. Nelson is also requesting to change the zoning from R-3 to Residential Office to allow for a podiatry office. When the Planning Commission reviewed this request, it recommended denial based on the concern of parking. The Residential Office zoning requires the parking to be in front of the building and side. The ordinance requires 1 parking space for every 150 square feet of building space for a medical or dental office. If the office is not medical or dental the parking space requirement is 1 parking space for every 300 square feet of building space. The Planning Commission felt that a podiatry office is a medical office and therefore does not meet the parking requirement for the Residential Office zone.

Mr. Nelson said he is the owner of the property. He said he considered selling this building but since it is an older home he has not been successful in selling the home. At this time he is asking that the general plan amendment and rezone be approved and then he will continue to work on site amendments to meet the zoning ordinance. He has hired an engineering firm to help with the design.

Mr. Kevin Smith is a consultant who works for Armstrong Engineering. He is here representing Mr. Nelson. After looking at the property and reviewing staff reports he understands the parking issue. However, a site plan has not been submitted and Mr. Nelson is asking for a change in zoning and the general plan so he may have the opportunity to apply for a site plan. He said due to the fact the Residential Office zone is across the street. It is likely that in the future this area will be zoned Residential Office. He feels as if this zoning is compatible to the surrounding businesses and multi-family dwellings. He said Mr. Nelson will be conducting business three days a week with no weekends and no clients after 5:00 p.m. He thinks modifications can be made to the structure to help with the parking issue.

Mayor Thomas asked Mr. Nelson where his current office is at this time.

Mr. Nelson said he is currently renting office space at 100 East 800 North. But, due to the HIPA laws he is in need of more storing space, a waiting room, and two treatment rooms.

Discussion took place regarding the proposed site in regards to the enclosed patio and porch that could be removed to help with the parking issue.

Mr. Baker said one issue that needs to be addressed is if the office is considered a regular office or a medical office which would change the requirement of 1 parking space for every 150 square feet of building space to 1 parking space for every 300 square feet of building space.

Councilmember Andersen said he would like to see a floor plan of the changes with the enclosed patio and porch taken off.

Mr. Nelson said he has hesitated to have a floor plan drawn due to the cost of engineering he does not want to incur if the rezone is not approved. He said in the past six years Podiatrists have been fighting Washington to be acknowledged as a medical practitioner.

Councilmember Wadsworth said he works for IHC and IHC considers a podiatrist a doctor.

Mayor Thomas said the council is not asking for anything formal, it could be a hand-drawn floor plan.

Councilmember Andersen concurred and said he would like to see how many square feet the building would have in the end.

Discussion took place regarding the parallel parking in the back of the building.

Mayor Thomas opened the hearing for public comment.

### **Richard Bean**

Mr. Bean said he is the property owner next door. He doesn't agree with Mr. Nelson that he is not able to sell the property. Mr. Bean knows of two individuals who have approached Mr. Nelson about purchasing the property. He would like to see this property stay a single family

home. Mr. Bean said when this was presented to the DRC and PC they chose to deny this request after great lengths of discussion in regards to if the business is considered a medical office, parking issues and other issues. Mr. Bean referred to the zoning ordinance Title 15. He said in the Residential Office zone the business is to be a low intensity scale that is consistent with the surrounding residential structures such as a hair salon. Mr. Nelson's business would be a much higher intensity and is not compatible to the surrounding structures. With all of the modifications Mr. Nelson is proposing it will change the aesthetic look of the home. The landscaping regulations are also an issue. If Mr. Nelson is required to have ten feet for trees and shrubs there will not be enough room for the parking required and the percentage of landscaping that is required. Mr. Bean said if this is approved and Mr. Nelson sells the property how much more will the issues progress. Mr. Bean said Emil Pierson, the city planner at the time, had asked Mr. Nelson to have a footprint prepared for Planning Commission and City Council. It has not been done and Mr. Nelson keeps pushing the issue farther and farther. Mr. Bean presented a petition with 33 signatures from surrounding residents asking for this request to be denied. Mr. Bean said he hopes the council will take into consideration the Development Review Committee and Planning Commission to deny the request from Mr. Nelson due to the multiple issues discussed.

### **Nadine Johnson**

Ms. Johnson said she is the business that Mr. Bean had referred to. She owns a home across the street from Mr. Nelson and has a salon inside her home. Ms. Johnson has had the business for many years. She has met the zoning requirements. She has five off-street parking spaces, and a separate entrance to the salon from the home. She doesn't have a sign in front of her home. She said you wouldn't notice the salon from the outside of the home. She concurred with Mr. Bean about the neighbors not wanting the podiatry office there.

Discussion took place regarding parking in other Residential Office zones throughout the City.

Mayor Thomas asked if Mr. Nelson could get with the neighbors and discuss the challenges he is facing and see if alternatives can be made.

Councilmember Leifson made a **motion** to table the Michael Nelson General Plan Amendment and the public hearing until April 18, 2006. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Leifson made a **motion** to table the Michael Nelson Rezone and the public hearing until April 18, 2006. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Wadsworth made a **motion** for a five-minute break. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

*7:25 p.m. - Break*

*7:30 p.m. - Reconvened*

## **OLD BUSINESS:**

### **RGM LC Proposal for consulting services for the Golf Course**

Councilmember Barber said Rob Harris with RGM LC has presented a new proposal. Once everyone has reviewed the proposal and feels comfortable he would like to see a decision made.

Discussion took place regarding the proposal for consulting services. RGM would charge \$1,500.00 per month, 10% of revenue increases over 2005 actuals, expenses that would be limited to mileage, lodging and meals. Most meals would be eaten at the club; or the pricing would be \$2,000.00 per month, 20% of revenue increases over 2005 actuals, and meals at the club.

Councilmember Barber said he feels the pricing is low when considering what they are proposing to implement and the result they will generate in three months compared to having a full season.

Discussion took place regarding the season that has started and if this proposal is to be implemented it should be done immediately.

Councilmember Leifson said he is not comfortable making a decision on a proposal he has just received. He would like to see if improvements are made with the changes the golf course staff has implemented.

Mayor Thomas said he has talked with the individuals involved and he feels the price is reasonable for the outcome that is proposed. He hates to lose more time when there is not much of a risk. The \$1500 or \$2000 is not much to lose when there is a chance to gain much more.

Councilmember Barber said RGM will not manage the golf course they will help with marketing and give new ideas.

Councilmember Wadsworth said in the work session regarding the golf course he didn't believe Mr. Robinson or Mr. Christensen had any concerns about receiving help from RGM LC.

Mr. Robinson said he remembers saying in the work session that he is open to new ideas. The golf course staff has implemented some changes and he personally feels it would save the city money to see how these changes would improve the golf course. The wording in the proposal has him concerned in regards to leaving staff out. The reports will be given to the mayor and council which will allow the mayor and/or the majority of City Council members to veto any of the recommended changes.

Mayor Thomas said he understood that Mr. Robinson would be involved and allow the staff to make decisions.

Mr. Robinson said he doesn't want to see staff left out, the staff has been running the golf course

for many years. He expressed his concern that this proposal may not be a win-win idea for the staff. If changes are implemented, he doesn't want the mayor and council to think there will be a great increase in revenue if the staff does not agree to all the changes. He doesn't think the golf course needs to be micro managed.

Councilmember Leifson said the golf course should not be micro managed. That is why the staff was hired and the council should place it's trust in staff. He thinks the consulting firm should present ideas and then let staff implement any changes.

Discussion took place regarding marketing.

Discussion took place regarding past year's deficit.

Mr. Christensen said the golf course has implemented new programs and is doing good things. The revenue is up from past years.

Mr. Robinson said he is fearful that the city would be throwing out money that may not be necessary. RGM is proposing to implement electronic tee sheets, the golf course doesn't need a consultant to implement that idea. Another idea is to alter the season pass holders, but this idea has already been talked about for a year. The customer service and public relations issue is already recognized and changes have been implemented. There is more customer service training that will be happening.

Councilmember Barber doesn't agree with the comment about throwing money out because the return proposed is a high amount.

Mayor Thomas said a lot of work has been done with this proposal.

Councilmember Leifson agreed, but he said staff has also made a lot of changes and maybe the RGM LC Consulting for Proposal should be started next November. In this case the staff will have the opportunity to show how their changes affect the increased revenue.

Councilmember Wadsworth asked Mr. Christensen his opinion on this proposal.

Mr. Christensen said his concerns are that some of the other courses RGM is consulting are not making money.

Councilmember Barber said the course mentioned has a lot of debt.

Mr. Christensen agreed, but he said even without the debt the golf course is still not making money. He feels this proposal could be bad for the staff if the ideas are implemented and the increase in revenue doesn't happen then the finger will be pointed at staff for not doing their job.

Councilmember Andersen said if the consultants start at this time it will be hard to determine how much they help versus how much the staff has already implemented.

Mr. Christensen said to give the staff a chance to see if they are heading in the right direction.

Discussion took place regarding allowing staff to work with Mr. Harris to come up with a proposal they are all in agreement with and then propose it to the mayor and council for approval.

Councilmember Andersen made a **motion** that Councilmember Barber, Councilmember Leifson, Mr. Christensen, Mr. Robinson and Mr. Harris with RGM LC work together to prepare a contract that is acceptable to everyone. Councilmember Wadsworth **seconded**, and the motion **passed** with a majority vote. Councilmember's Leifson and Sorensen were opposed to the motion.

## **OTHER BUSINESS:**

### **Work Session**

#### **Strawberry Water Users**

Councilmember Anderson made a **motion** to move into the work session portion of City Council meeting. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Mr. Baker said there are guests from Strawberry Water Users Association present tonight to address the council. He introduced Mr. Allen Riley.

#### **Allen Riley**

Mr. Riley introduced Neil Sorenson, Gary Aitken and Blair Hamilton as members of the board.

Mr. Riley gave a brief DVD presentation of the history of the Strawberry Water Project.

Mr. Riley presented a complete DVD of the history of the Strawberry Water Project to the Mayor and Council. He said when the tunnel was started at different ends, when the two ends met the tunnel was only off by two inches. Once the tunnels were laser guided the two ends were off by thirty-four feet.

#### **Blair Hamilton**

Mr. Hamilton gifted the Mayor and Council with a picture of the old Strawberry Valley Power Plant on behalf of Strawberry Water and Strawberry Power Association.

### **Future Work Session Schedule**

Discussion took place regarding future work session ideas.

### **Adjournment**

Councilmember Barber made a **motion** to adjourn into executive session to discuss land acquisitions and personnel issues. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:43 p.m.

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Marlo Smith, Engineering Secretary

Approved: October 17, 2006