

**Approved Minutes
Spanish Fork City Council Meeting
April 18 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 Matthew D. Barber, Steven M. Leifson, Seth V. Sorensen and Chris C. Wadsworth.

Councilmember G. Wayne Andersen attended the meeting via telephone conference.

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; David Anderson, City Planner; Dee Rosenbaum, Public Safety Director; and Marlo Smith, Engineering Secretary.

Citizens Present: Janis Nielson, Jeremy Twitchell, Amy Riggs, John Riggs, Gae Grunander, Jackie Mitchell, Dennis Mitchell, Kim Williams, Wes Jurkatis, Roger Comstock, Devin Cope, Paul Haderlie, Michael Nelson, Jerald B. Swenson, Monte J. Allman, Kevin White, Matthew Hannett, Scott Wood, Jonnalayne Walker, Katie Ashton, Kimberly Dewey, Andrew Ackerman, Bryan Ackerman, Dustin Haskell, Nathan Tanner, John Peterson, Jordan Brandon, Brent Bowers, Chris Salisbury, Marvin Banks, David K. Gardner, Jared Nyland, Lance Coomes, Annette Redd, Richard Bean, Eric Nilson, Diane Anderson, Carillisa Bean, NaDene Johnson, Dennis Johnson, and Randall Feil.

CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:

Pledge

The pledge of allegiance was led by Councilmember Steven M. Leifson.

ADJOURN TO REDEVELOPMENT AGENCY

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

NEW BUSINESS

North Airport EDA Ordinance

Mr. Feil said this ordinance contains the same information as the resolution from the RDA including the findings.

Councilmember Barber made a **motion** to **adopt** Ordinance 04-06: An Ordinance of the City Council of the City of Spanish Fork, State of Utah, Adopting the North Airport Economic Development Project Area Plan Dated March 10, 2006. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

PUBLIC HEARINGS

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. Heap said he will be presenting the public hearing items tonight since the new planner has only started working for the city this week.

Mr. Heap introduced the new City Planner David Anderson.

Mayor Thomas welcomed Mr. Anderson.

Forbush Annexation

Mr. Heap said the Forbush Annexation is located on the northeast side of Spanish Fork and borders both sides of Highway 51. Mr. Heap discussed the parcel that has been taken out of the annexation due to the fact that it is already in Springville City limits. He said Planning Commission and the Development Review Committee have reviewed this request and recommend approval with the conditions named in the council packets. Mr. Heap discussed his recommendation for one more condition that would require the old wrecking yard property be adequately environmentally cleaned and amortized over a specific period of time. Mr. Heap recommends not to exceed more than three years with the clean up.

Discussion took place regarding the parcels located in Springville City limits.

Mr. Baker said public comment should be taken prior to a motion, but, recommends that an annexation agreement be required and the annexation would not be effective until this agreement is approved by the council in a public meeting.

Councilmember Andersen asked that it be specified how soon the clean up is required to be completed.

Councilmember Wadsworth asked for clarification of the environmental assessment condition placed by the Planning Commission. Councilmember Wadsworth said it only states an environmental assessment needs to be done over the salvage yard it does not specify that a clean up is done.

Mr. Baker said the environmental assessment will indicate recommendations for the clean up

procedure. He said in the motion the council can clarify that an environmental assessment be completed but to also follow the recommendation for the clean up and to specify a time limit.

Mr. Baker said the time limit may need to be longer than three years if the environmental assessment finds serious issues.

Mayor Thomas opened the hearing for public comment.

There was none.

Councilmember Barber made a **motion** to **approve** the Forbush Annexation located at 1400 North Highway 51 with the following conditions:

1. An Environmental Assessment be completed over the salvage yard area and follow the recommendations for clean up and that the clean up be done in the time limit specified in the annexation agreement.
2. Enter into an Annexation Agreement.
3. Terminate Springville City's power and work with the Spanish Fork City Utilities.
4. That this area be zoned R-R.

Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

Stone Rezone

Mr. Heap said the Stone Rezone is located east of 2300 East. To the north of this property is Rock Cove and to the south is Absalom Court. Mr. Heap discussed the surrounding zones. Mr. Heap said the proposed subdivision would have larger lots than the subdivisions immediately adjacent to the property. Mr. Heap said the Development Review Committee and the Planning Commission recommend approval of this rezone.

Mayor Thomas opened the hearing for public comment.

There was none.

Councilmember Wadsworth asked for clarification from the April 5, 2006 Planning Commission minutes that discussed the canal.

Mr. Heap said if the property owners to the north continue to use the ditch, the Stone property developer is required to pipe the ditch by ordinance. If the property owner to the north signs an abandonment letter, the Stone property developer will not have to pipe the ditch.

Councilmember Wadsworth asked if the ditch is piped by the Stone property developer or the property owner of the orchard.

Mr. Heap said the ditch is piped by the developer of the Stone property at their cost and not at the cost of the orchard property owner. Mr. Heap said the orchard property owner would be required to maintain the ditch after it is piped. He said the city will also require a letter from the

orchard property owner that the piping of the ditch meets his specific needs and will handle a capacity of 12 cfs. Mr. Heap said East Bench will not deliver a partial stream and is typically at 10 cfs that is why the ditch piping will be required to meet the 12 cfs requirement.

Councilmember Barber asked how many proposed phases will be in the preliminary plat, and if any changes to the design.

Mr. Heap said there will possibly be two or three phases and doesn't foresee any changes.

Discussion took place that the rezone is only being done at this time and the preliminary plat will be done at another time.

Councilmember Leifson made a **motion** to **approve** the Gary Stone Rezone of 10.07 acres at 1290 South 2300 East from R-R to R-1-8 with the following findings:

- That the zone change is consistent with the General Plan, including any policies of the Capital Improvements Plan.
- That consideration be given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

Whispering Willows Amended Preliminary Plat

Mr. Heap said this amendment of the Whispering Willows Preliminary Plat will remove the twelve-plexes that were to be constructed and replace them with twinhomes. He said this will reduce the density from originally 246 units down to 218 units. The Development Review Committee and the Planning Commission recommend approval of this amendment. Mr. Heap said due to the state law all multi-family preliminary plats are required to have a public hearing and that is why it is being done tonight.

Councilmember Wadsworth said it is a good thing to decrease the density that was originally in place and feels this is a good project for that area.

Councilmember Sorensen concurred.

Mayor Thomas opened the hearing for public comment.

There was none.

Councilmember Wadsworth made a **motion** to **approve** the Whispering Willow Amended Preliminary Plat located at Ridgefield Road and Highway 51 with the following findings and conditions:

FINDINGS:

- The style of the townhomes include two car garages
- The open space and tot lot qualify for the allowable density.

CONDITIONS:

1. Meet all of the Construction and Development Standards,
2. Work with the City Utilities on the design,
3. The playground and open spaces as shown on the plat remain and be declared private areas,
4. That the plat declare the roads to be public utility easements,
5. The interior sewer be private.

Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

Gateway Commerce Amended Preliminary

Mr. Heap said this amendment will take the original several small lots and change to three larger lots.

Mayor Thomas opened the hearing for public comment.

There was none.

Councilmember Barber made a **motion** to **approve** the Gateway Commerce Amended Preliminary Plat located at 3450 North Main Street with the following condition:

1. Meet all of the Construction and Development Standards.

Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

Michael Nelson General Plan Amendment (Tabled from March 7 & April 4)

Michael Nelson Rezone (Tabled from March 7 & April 4)

Mr. Heap said this is the third time this has been brought before the council for discussion. He said at the last meeting Mr. Nelson was asked to submit a proposal to take care of parking. Mr. Heap said he has not seen anything at this time.

Mr. Nelson said he had Gilson Engineering draw up a proposal and that he had received the email from Gilson Engineering and wasn't aware the City had not. Mr. Nelson said there are several other businesses that have back into the street parking. If he would be allowed to do this, it would allow him eight or nine stalls while still allowing for the 30-foot visibility requirement. Mr. Nelson said other options are to lift the house and to move it closer to the front of the lot allowing for parking in the back, or the home could be moved to the back of the lot allowing for parking in the front.

Councilmember Wadsworth asked if the home had a basement and if so how would it affect moving the house.

Mr. Nelson said the basement would have to be filled in if he moved the home.

Councilmember Wadsworth asked Mr. Heap if the setbacks would be met if the home was moved.

Mr. Heap said a site plan would be required to see how the home would sit on the lot to determine if the setbacks are met.

Mayor Thomas asked Mr. Heap what were the recommendations of the Development Review Committee and the Planning Commission.

Mr. Heap said the Development Review Committee and the Planning Commission recommend denial.

Mayor Thomas asked for public comments.

There were none.

Councilmember Andersen said if Mr. Nelson remodeled the home as planned it would not maintain residential character and would not conform to the standard.

Mr. Heap distributed a letter to the Mayor and Council received by Danny and Janet Hutchings.

Mr. Heap said the letter in summary discussed the opposition to the rezone and general plan amendment.

Councilmember Wadsworth said at the last meeting the neighbors and Mr. Nelson were encouraged to meet to discuss alternatives that would satisfy everyone involved.

Mr. Nelson said the alternatives found were to either move the home to meet the ordinances as discussed prior or to look for another building to practice. Mr. Nelson said none of the neighbors approached him to look for other alternatives.

Councilmember Leifson made a **motion to deny** the Michael Nelson General Plan Map Amendments at 115 East 300 North. Councilmember Barber **seconded**, and the motion **passed** with a majority vote. A roll call vote confirmed that Councilmembers Leifson, Andersen and Barber approved the motion. Councilmember Wadsworth and Sorensen were opposed to the motion.

Councilmember Leifson made a **motion to deny** the Michael Nelson Rezone of .22 acres at 115 East 300 North from R-3 to R-O. Councilmember Barber **seconded**, and the motion **passed** with a majority vote. A roll call vote confirmed that Councilmembers Leifson, Andersen and Barber approved the motion. Councilmember Wadsworth and Sorensen were opposed to the motion.

Mayor Thomas said he would like to help Mr. Nelson find a new business site to allow for Mr. Nelson to keep his business in Spanish Fork.

Mr. Nelson thanked Mayor Thomas and would like help in finding a new location.

Councilmember Wadsworth commented that Mr. Nelson and the neighborhood conducted themselves professionally in this matter.

Councilmember Sorensen concurred.

Councilmember Barber made a **motion** to close the public hearing portion of city council meeting. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

PUBLIC COMMENTS:

Mayor Thomas thanked the scouts who were present at the meeting.

Michael Nelson

Mr. Nelson asked for an update on the 750 South road closure. Mr. Heap said at this time the road will still be closed. The property owners are not ready to develop to allow for an alternative route.

Mayor Thomas said he had discussion with the property owners and they are concerned about irrigating on the lower part if a road goes through their property. He said right now they are looking for alternatives.

Mayor Thomas said he has met with Jan Gordon regarding the Jr. Miss program. They are looking for donations to help with the program. The Jr. Miss program has 14 young women competing for scholarship money this year. If you are interested in donating please contact Jan Gordon or Harriet Peterson. Mayor Thomas said you could also send a letter to the City Office for the Jr. Miss Program.

Mayor Thomas said he received an email from Bill Bushman. Mr. Bushman has sent an invitation to invite anyone to help commemorate Arbor Day. The City will be planting a tree at the water park on April 28, 2006 at 9:00 a.m.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting - March 7, 2006 Resolution 06-06 - Proclaiming Arbor Day, April 28, 2006

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

NEW BUSINESS:

Police/Court Building

Discussion took place regarding the RFP process for the Police and Court Building to select an architect.

Discussion took place regarding that Mr. Clark has been working with a financial advisor on financing the police and court building. Mr. Clark needs direction from the Council on which option to continue.

Councilmember Sorensen said he is in favor of continuing with the architect selection and also with a sales tax revenue bond.

Councilmember Leifson and Andersen concurred.

Councilmember Wadsworth said he is in favor of involving citizens. He discussed being open, accountable and transparent. He said he wanted the citizens more involved and is in favor of a general obligation bond.

Mayor Thomas said he is committed to the citizens to be accountable for the way their money is spent. He said the building committee did an outstanding job. He said Mr. Evans had a persuasive argument, that the building has to be done. The pressure is there and there is a real need. Mayor Thomas said that the option of a sales tax bond is the best option. He said he would like to seek public involvement on the type and size of the building.

Discussion took place regarding financing through the building authority.

Mr. Clark explained how the sales tax bond payments are collected and paid.

Discussion took place regarding the RFP requirements for the selection of an architect.

Discussion took place that the building committee will be used in the selection of an architect with the exception of Mr. Hutchings who has other conflicts.

Councilmember Sorensen made a **motion** to proceed with the RFP for the Police/Court Building and to continue with the paperwork for a sales tax revenue bond. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

Police Aircard Service Contract

Mr. Rosenbaum said this item is not ready for action to be taken at this time. He said they are still working on agreements and costs and said this item will be brought back to the council when final numbers are resolved.

OLD BUSINESS:

RGM LC Golf Course Consulting Contract

Mr. Baker discussed the consulting contract agreement drafted between Spanish Fork City and RGM LC Golf Course Consultants. Mr. Baker said the City will use RGM's expertise, experience and skills to help with the revenue at the golf course. There is a set fee to get all the ideas we can and then implement the ideas that make sense for the City.

Mr. Baker said in conjunction with the agreement there are also software agreements that will need to be approved to implement ideas from RGM.

Mr. Baker said in the agreement it will require the expertise of Mr. Rob Harris and Mr. Chris Briscole, the agreement will not allow for alternate personnel.

Councilmember Barber said at the last council meeting Councilmember Andersen asked for Councilmember's Barber and Leifson along with Roy Christensen and Dale Robinson to work on the agreement to best benefit Spanish Fork City. He said he is in favor of the agreement and how it is worded.

Councilmember Leifson said this is a lot of money being spent on improving the golf course. He said he feels the support is there to make the improvements work.

Councilmember Sorensen said he is comfortable with the agreement.

Councilmember Wadsworth concurred and commended the individuals who worked together to make this agreement work.

Councilmember Barber said he is committed and will take accountability if the recommended changes do not help with improving the golf course.

Mayor Thomas said he is impressed with RGM and feels the fees charged are reasonable. He said he will join Councilmember Barber and take responsibility also.

Councilmember Andersen complimented the committee for a good job.

Councilmember Wadsworth made a **motion** to accept the RGM LC Golf Course Consulting Contract as presented. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

Mayor & City Council Assignments

Mayor Thomas reviewed the additional members and changes to the following assignments.

Arts Council:

Mayor Thomas, Walter Talbot, Carolyn Sorensen, Amy Walters, James Westwater, Angela Eckhardt, and Stan Williams.

Fiesta Days:

Councilmember Barber, Ryan Banks, Bobbie Jean Banks, Dan McKay, Mike Bennett and Kathy Bennett.

Finance Committee:

Councilmember Wadsworth, Councilmember Andersen and Eric Heaton.

Fire and Ambulance Retirement Board:

Mayor Thomas

Historical Committee:
Councilmember Barber, Don Herrald and Ted Henderson.

Library Board:
Councilmember Leifson, Anne Takasaki, Melodee Barber, Shauna Warnock, Jarom McDonald, Jennifer Groberg and Katherine Young.

Planning Commission:
Dave Lewis and Michael Christiansen.

Rodeo Committee:
Mayor Thomas, Councilmember Andersen and Kristen A. Smith.

Senior Citizens:
Mayor Thomas, Councilmember Andersen, Phillip Whitehead, Nick Jones, Scott Dunn, Norman Smith and Marilyn Hall.

Shade Tree Commission:
Ginny DiRaimo

Youth Council:
Mayor Thomas, Councilmember Sorensen, Mary Lou Flinders and Emily Ruth Spotten.

Economic Development Committee:
Mayor Thomas, Councilmember Wadsworth, Councilmember Leifson, David Pollei, Tyson Wilde, Bob Parsons, Russ Berry, John Smiley, Sheldon Gordon, Rocky Giles, David Whipple, Michael Zimmerle, Clark Mitchell, Brandy Johnson, Heather Holman, Chris Saling, Laura Vote, Randall Harward, Todd Bramall, Phillip Whitehead, Teresa Facer, Brandi Johnson, Jean Duffield, Brad Tanner and Lane Thomas.

Neighborhood Groups/Block Captains:
Mayor Thomas, Councilmember Wadsworth, Councilmember Sorensen, Royden Hill, Pat Mitchell, Johanna Flynn, Gae Gernander, Jackie Mitchell, Chad Carter, Mercedes Carter, and Rob Draughon.

Airport Board:
Councilmember Leifson

Miss Spanish Fork:
Councilmember Sorensen

Parks and Recreation Committee:
Councilmember Leifson

Utility Board:
Councilmember Sorensen

South Utah Valley Municipal Water Association:
Councilmember Andersen

South Utah Valley Solid Waste District:
Mayor Thomas

Utah Municipal Power Agency:
Councilmember Barber

Waste Water Treatment Plan Advisory Committee:
Councilmember Sorensen

Mayor Thomas said if there are others willing to volunteer there is always more needed.

Councilmember Sorensen made a **motion** to accept the assignments as presented. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

OTHER BUSINESS:

Work Session - Fire and Ambulance

Councilmember Wadsworth made a **motion** to recess. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Recess at 8:18 p.m.

Reconvened at 8:27 p.m.

Mr. Rosenbaum said Jamie Chappel resigned as fire chief a few months ago. Brent Jarvis is acting as fire chief until a decision can be made on whether this community is ready for full time fire fighters. If so, to what capacity and how it will intertwine with the ambulance. Mr. Rosenbaum said at this time they are separate departments with 30+ individuals that are amazingly effective and accomplish great things. They have saved a lot of money over the years. Mr. Rosenbaum said he has researched what other communities are doing and whether this community is ready to make that move. He said Mr. Perrins has put together a packet to help the Council make that determination.

Mr. Perrins reviewed the packet of information given to the Council. Mr. Perrins said he has spoken to the last three fire chiefs and each one said a full time fire chief is needed. He said the biggest concern is the inspections that are not done after a business comes into the City. Mr. Perrins discussed the amount of calls the volunteer fire fighters receive yearly and the amount of square miles covered by the fire department and ambulance department.

Mr. Rosenbaum reviewed whether the different communities had full time fire fighters and how many. He discussed how the volunteer and full time staff worked together.

Discussion took place regarding the other communities that have combined the ambulance department and fire departments while still maintaining an ambulance captain that reported to the full time fire chief and the problems' it causes by combining the two departments.

Mayor Thomas said tonight a decision needs to be made on whether the power of appointment stays with the Public Safety Director to appoint the fire chief and ambulance captain or if that appointment goes back to the Mayor with approval from the Council. Mayor Thomas said he has received email's from volunteer fire fighters in support of leaving the fire fighter positions volunteer. He said he isn't sure if the council is ready to make a decision at this time to change to a full time fire fighter position.

Discussion took place regarding the information given tonight.

Councilmember Barber asked Mr. Baker to discuss what type of liability the City would have due to the lack of fire inspections.

Mr. Baker said the City is not creating new liability by not doing the inspections. Mr. Baker said not to create that liability unless they are committed to fulfilling the higher standards.

Discussion took place regarding the politics involved regardless of who has the appointing power.

Councilmember Wadsworth asked Councilmember Barber his feelings on the issue, since Councilmember Barber had been a member of the ambulance department.

Councilmember Barber said either way it will make someone mad regardless of who has the power of appointing.

Councilmember Sorensen made a **motion** to continue to have Dee Rosenbaum appoint the Fire Chief and Ambulance Captain with the involvement of the personnel committee.

Councilmember Leifson **seconded**, and the motion **passed** with a majority vote. A roll call vote confirmed that Councilmember's Leifson, Andersen and Sorensen were in favor of the motion. Councilmember's Barber and Wadsworth were opposed to the motion.

Adjourn to Executive Session

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

The meeting adjourned at 9:50 p.m.

Marlo Smith, Engineering Secretary

Approved: June 6, 2006

