

**Adopted Minutes
Spanish Fork City Council Meeting
August 15, 2006**

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

Staff Present: Dee Rosenbaum, *Public Safety Director*; Junior Baker, *City Attorney*; Richard Heap, *Public Works Director*; Dave Anderson, *City Planner*; Dave Oyler, *City Manager*; Seth Perrins, *Assistant City Manager*; John Bowcut, *SFCN*; Kent Clark, *Finance Director*; Kim Robinson, *Deputy Recorder*

Citizens Present: Matthew Bone, Phillip Bone, Anne Brierley, Joseph Brierley, Cazy McConnell, Steven Smoot, Marylou Bown, Troy Bown, Keith Lyman, Kevin Lyman, Glenda Lyman, Jeremy Twitchell, Cliff Hales, Marlin Huff, Diane Butler, Curtis J. Butler, Mike McCormick, David Grotegut, James Nielson, Brock Tew, Grant Tew, Pat Parkinson, David Olsen, Vic Deauvono, Dave Cloward, Steve Day

CALL TO ORDER

Councilman Barber called the meeting to order at 6:00 p.m.

PLEDGE

Councilman Leifson led in the pledge of allegiance.

PUBLIC COMMENTS

Pat Parkinson

Ms. Parkinson asked about the turn lane on the East end of Canyon Road. She wanted to know if anything has been done to fix the traffic problem.

Mr. Heap said he would check with UDOT and Richard Nielson. He will let Ms. Parkinson know by the first of the week what is happening.

PUBLIC HEARING

Councilman Sorensen made a **motion** to open the public hearing at 6:05 p.m. Councilman Andersen **seconded** and the motion **passed** all in favor.

Spanish Springs Business Park

Mr. Anderson explained the preliminary plat proposal for the Spanish Springs Business Park.

Councilman Barber asked for public comment regarding this agenda item.

There was no public comment given at this time.

Councilman Wadsworth asked what type of businesses they were planning to locate in this project area.

Mr. Anderson said the permitted uses in this zone can be anything from Professional Office to Manufacturing.

Councilman Andersen noted there were a number of conditions recommended by the Planning Commission and the Development Review Committee.

Mr. Anderson stated the developer has expressed no concern meeting the conditions

Councilman Sorensen made a **motion** to approve the proposed Preliminary Plat for Spanish Springs Business Park. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Staker Parsons

Mr. Anderson explained the proposed change to the General Plan, changing it from an I-1 zoning to an I-2 zoning designation. They propose construction of an enclosed concrete batch plant. Staff has received written comments expressing the concerns of the adjacent property owners. Mr. Anderson handed out a letter submitted by an adjacent property owner.

Steve Day

Mr. Day gave a presentation explaining the proposed project.

Councilman Barber opened this agenda item for public comment.

Councilman Barber commented that the Mayor has received calls regarding the posting and noticing requirements and expressed that it be more noticed.

Dave Cloward

Mr. Cloward is an adjacent property owner and owns approximately 16 acres. He expressed his concerns, he found out about the meeting tonight without receiving notification. It made it hard for him to develop his thoughts. He asked if there were any property owners that are adjacent who don't know about this proposal. One of his concerns is the added traffic and congestion on the road, going North to 2700 there are no lights and he doesn't see how it can accommodate the traffic.

His next concern is he feels it is not the best use for the property. They have tried to get heavy equipment sales and auto sales to locate there helping maximize the value of the area. Having those types of sales would also be an advantage to the City because sales will generate more sales tax revenue.

His third concern is the dust. He appreciates the efforts Staker Parsons is taking but does not feel this type of business can contain the dust and it will end up on the areas nearby. His final concern is that they have had interested buyers for their property over the years but have always looked to see what direction the City would like to take that area in the

future. He does not feel it is the direction they want to see this go and he hopes the Council does not approve the proposal at this time.

Kevin Lyman

Mr. Lyman owns Smith Auto and property almost adjacent to the property in question. His family has been in business in Spanish Fork for 82 years. He feels his family has been true to Spanish Fork City. He feels there needs to be more notice given of what's going on around him. They moved their business to that area before anyone else was located there. He feels he took the initial leap and built in that area.

One of his concerns is the dirt piles are not enclosed and they will lose dirt from the wind and it will end up on his cars. He is also concerned about the traffic and congestion. He does not feel the city can afford more traffic and mixers on those roads in that area. He also said businesses cannot survive around batch plants and cited the area in Springville as an example. He feels the city needs the plant, but that it not be built right by the freeway. He requested if the Council can't turn this item down that they table it and go tour the area and see what it is like during traffic hours. He asked that the Council get more information before they make any decisions.

Keith Lyman

Mr. Lyman pointed out they will be bringing the sand and gravel in using long trucks. He feels there is no way they can make the turns down there and stay in their lanes and that is a big concern.

Pat Parkinson

Ms. Parkinson does not have an opposition to this project. She explained that where they are currently located there have not been any problems. It seems to her that if the City has approved the project she feels it is a reasonable proposal.

Kevin Lyman

Mr. Lyman asked why the city has to have the project by the freeway, they will make the same amount of money no matter where they build and no one wants to locate on the property next to a cement plant.

Councilman Sorensen said they have to look at what is already located there which is a sewer treatment plant and City storage lands he feels it is the same type of use as the proposed project. He feels the value of the property will not be affected.

Mr. Lyman said a trailer sales place has purchased the property adjacent to this proposal. He figures if the owner would have known a batch plant was going in he would not have bought the property.

Councilman Barber stated he hopes the noticing process can be made better.

Councilman Andersen said there are notices on the property for days before the meeting.

Discussion was made regarding road accesses and the usage of the trucking site.

Mr. Lyman feels there are better places to put this project.

Mr. Anderson said the notices are given on the property and to property owners within 300 feet. He also called a couple of the property/business owners in the area to notify them about the meeting.

Councilman Wadsworth asked if the traffic going north up to the overpass in Springville was crowded like the south end.

Mr. Heap said there are two ways to get to Springville from Main Street and the Frontage Road. One of the major problems they have at the off ramp is the design.

Councilman Wadsworth asked that there be a study conducted to see what traffic is like in the area.

Mr. Heap said he felt there would not be much of a change to the existing traffic issues with the additional usage.

Dave Grotegut

Mr. Grotegut commented on the notification process. He explained he was involved with an annexation and wasn't given notification.

Dave Cloward

Mr. Cloward stated there is a lot of traffic and feels the size of the vehicles is causing a lot of the traffic problems. He feels there needs to be a study done. He's worried it will turn into the same problems as Cal Pac Avenue.

Joseph Brierley

Mr. Brierley said there is ugliness in that area and stated they should not extend the problems clear to the freeway. There is a heavy equipment company that could potentially locate there.

Steve Day

Mr. Day responded to the comments made. They feel it is worth paying the premium price for the frontage property to be in that location especially for their landscape center. He said if the studies are done and they need to mitigate traffic they can do so. He also noted there are new businesses by several batch plants that they own. He also stated they will be a clean neighbor. They are at a point they need to move forward with this project. He appreciates the concerns addressed and feels they can all be resolved.

Councilman Andersen commented on the amount of road usage the trucks will take when they are hauling supplies into the plant. He expressed concern with the trucks making turns off the Spanish Fork exit.

Councilman Barber said he would like to see some of the other sites located in industrial park areas.

Councilman Andersen said he was not comfortable voting on this item at this time and would like more time to explore the issues.

Councilman Sorensen feels this is something that deserves some more time.

Councilman Wadsworth would like to spend more time on the property and researching the potential issues.

Mr. Maxfield said they have looked at the property and have lots of reasons why they want to locate there.

Councilman Leifson made a **motion** to table the Staker Parsons General Plan Amendment and extend the public hearing to September 5, 2006. Councilman Andersen **seconded** and the motion **passed** all in favor.

Property Tax Increase

Mr. Clark gave a presentation explaining the property tax increase and how it works. He said this is the first time the City has changed the taxes since he has worked here. The notice was published and it does meet the requirements for noticing. It was published on August 2nd, and 9th in the Daily Herald. Staff felt it important to give notice to not only the residents of Spanish Fork but also the property owners and that is why it was posted in the Herald.

The Council wants the average home to pay the same amount of property taxes that they have paid this last year and not more.

He stated the Certified Tax Rate has declined this year. Spanish Fork City still has the lowest Certified Tax rate in Utah County.

Councilman Wadsworth asked that the presentation be made available on the website at www.spanishfork.org

Councilman Barber opened this agenda topic for public comment.

Joseph Brierly

Mr. Brierley feels that the bare minimum has been done to notify the citizens. He commented in the Spanish Fork Press when the Mayor spoke he did not mention any of these changes. He feels there should have been more said. He feels this should be a vote on the ballot for the citizens to decide.

David Olsen

Mr. Olsen said there was not enough information for citizens to make a determination. He looks at people on fixed income and those struggling. He feels that to talk about a tax

increase will hurt the citizens, with the price of gas and inflation going up. He said to not raise his taxes. He feels the police station is the wrong direction for the city to go. He feels Spanish Fork is one of the best run cities. He again stated not to raise taxes, people are trying to survive and now they have to come up with more money and he thinks it is the wrong direction to go. The City is growing and he feels there should be sufficient funds to cover these projects. He said he understands that we need these facilities.

Marylou Bown

Ms. Bown seconded the comments made by Mr. Olsen.

Pat Parkinson

Ms. Parkinson understood some of the presentation, she understands that the last raise was done and the amount should go down for the police and court building. She would like the Council to identify the cost and when it's paid for that they remove the increase from the taxes.

Mr. Clark stated that the last amount was a General Obligation (GO) Bond when it is complete it is removed. The Council can decide with this new rate in the future and lower it when it is paid off.

Councilman Barber clarified that the amount collected will not pay for the bond it will only go towards the bond payment.

Mr. Clark stated the Council's purpose is to have owners not pay more taxes than they did last year for the city's portion.

Councilman Sorensen stated they do not want to charge anyone anymore money to live in Spanish Fork, but we do need a new facility. The other reason they are looking at building the building is the opportunity to partner with the State. The State intends to pay a portion of the bond. He does not want to have to pay anymore than he has to either. They will not be taking anymore then they did last year even though property values have increased.

Councilman Wadsworth said the Council all agrees that we need a new facility, there are citizens that went out and did the research. They found we need a new police court building. He would prefer to have a GO bond and to put it to the public for a vote. He then explained the Council has tried to keep the dollar amount paid by the citizens the same and not have it go up more than last year.

Mr. Clark explained the decision chosen was the option that has the least impact on the citizens which was the Council's goal. He also explained that the notice verbage is laid out in State Law.

Councilman Wadsworth asked the citizens for ideas on better ways to fund the police court building.

David Olsen

Mr. Olsen stated that he does not know what would be a better way to fund the building, but he has spoken with ½ a dozen people on fixed income that are having a hard time.

Councilman Andersen stated that he has a hard time with citizens saying they represent people. He has gone to the senior citizens and their comments have been that they are paying this amount, they can keep paying the same amount they just can't have it go up. Not having to pay more is the Council's intent at this time.

Mr. Olsen wants the Council to be responsible. He doesn't want the Council to spend their money without due consideration. He does not want a tax increase. He does not want a dime increased to spend more money.

Councilman Sorensen replied that this has not been taken lightly. They have explored hundreds of different options. They do not want to charge people anymore than they have charged in the past to live here. They all want to make sure that money is not spent inappropriately and they do not want to charge more. He said their intent is not to keep the citizens in the dark, the Council wants to make this as open as possible. Part of the reason they chose to do this is to receive the State funds for this project. They did not want to add another tax and the comment and feedback of everyone he talked to was they were in favor of this building. He represents those people and he makes the decision for them.

Mr. Olsen feels the citizens deserve more than what is on the handout sheet to understand exactly what the Council is proposing.

Councilman Andersen stated the Council takes the citizens money very seriously, they have met to put this whole thing together and to make this cost-efficient. He guarantees they are doing everything they can to hold that responsibility.

Councilman Wadsworth asked how the GO bond would affect this project.

Mr. Clark said State Law only allows a GO Bond vote at a certain time of the year. He explained they have missed the deadline for this years election.

Councilman Barber stated this comes down to two things, the fact that Spanish Fork has the lowest property taxes and offers the best services. As an elected official since the GO bond was on there he feels it has come off and should stay off. Second he does not feel this is about the police court building because there is not a dollar amount and there will not be a payment due this year. He feels this should happen next year.

Mr. Clark stated they need to note the time value of money, a year from now they could be paying a higher interest rate. He stated that the funds will be put towards wherever the Council puts it in the budget.

Councilman Andersen made a **motion** to increase the certified tax rate to .001165 Councilman Sorensen **seconded** and the motion **passed** by a roll call vote Councilman Barber voted NAY.

Councilman Sorensen made a **motion** to close the public hearing at 8:07 p.m. Councilman Leifson **seconded** and the motion **passed** all in favor.

Councilman Sorensen suggested moving agenda items “I”, “J”, and “K” into the consent items.

Councilman Sorensen made a **motion** to approve the consent items including items i. Airport Boundary Line Agreement, j. Parking Ordinance Amendment, and k. Unattended Child Ordinance. Councilman Leifson **seconded** and the motion **passed** all in favor.

NEW BUSINESS

Adoption of FY 2007 Budget

Councilman Sorensen made a **motion** to adopt the FY 2007 budget. Councilman Leifson **seconded** and the motion **passed** by a roll call vote. Councilman Wadsworth voted Nay and stated he voted Nay for the same reasons he voted Nay before.

Sunny Ridge Plat A Extension

Mr. Simpson commented on the project.

Connectors Agreement for the Bridge

Mr. Simpson stated there were a few minor changes to the agreements he would like wording added that they install a “utility” bridge not just a bridge.

Mr. Baker said the wording would be changed.

Councilman Andersen made a **motion** to accept the utility bridge connectors agreement. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Connectors Agreement for Utilities

Mr. Simpson said there are some issues with the utilities. Mr. Baker stated the city will do their best to assist in collecting the debt for the utilities installation.

Councilman Leifson made a **motion** to accept the connectors agreement for utilities. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

SFCN Sports Programming Changes

Mr. Bowcut gave a presentation regarding the change to the channel lineup. He explained that to be able to watch all of the BYU and U of U games they must add some channels. The bulk of the cost is to add the Mountain channel. He proposes they add it to the expanded basic package. It is by contract that they can add the Mountain channel to the expanded basic package.

Councilman Leifson made a **motion** to proceed with the contract and allow SFCN to sign the contract. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Animal Shelter Board Member

Mr. Baker explained the Council needs to appoint an elected official to the board. Councilman Leifson volunteered to serve on the board.

Councilman Sorensen made a **motion** to appoint Councilman Leifson to the Animal Shelter Board. Councilman Barber **seconded** and the motion **passed** all in favor.

Spanish Trails Preliminary Plat Extension

Mr. Baker explained the ordinance states the Council can extend the preliminary plat up to six months.

Councilman Sorensen made a **motion** to extend the plat up to six months from today for the Spanish Trails Preliminary Plat. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Oak Ridge Cove Preliminary Plat

Councilman Wadsworth made a **motion** to table the Oak Ridge Cove preliminary plat to the September 5, 2006 Council meeting. Councilman Leifson **seconded** and the motion **passed** all in favor.

Executive Session

Councilman Anderson made a **motion** to go to executive session for land use issues at 8:34 p.m. Councilman Leifson **seconded** and the motion **passed** by a roll call vote all in favor.

Councilman Barber reconvened the regular meeting back to order at 8:48 p.m.

Property Exchange

Councilman Sorensen made a **motion** to approve the property exchange contract. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Councilman Andersen stated there was discussion tonight on being responsible for the tax-payer's money. He explained the city has looked at a property exchange with Mr. Deauvono and will be able to locate the police/court building on a future campus style set up. In addition there will be a nice development built by the golf course that will benefit all the citizens of the City. He appreciates all the effort from staff and Mr. Deauvono to make this happen.

Mr. Deauvono added that this is no dollar cost to the citizens and his company is also giving a donation to the City. He feels this is a win-win for the citizens, staff, elected officials, and the developer.

Councilman Wadsworth made a **motion** to adjourn the regular meeting at 8:53 p.m.
Councilman Leifson **seconded** and the motion **passed** all in favor.

ADOPTED: October 3, 2006

Kimberly Robinson, Deputy Recorder