

**Adopted Minutes  
Spanish Fork City Council Meeting  
October 3, 2006**

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

Members Present: Junior Baker, City Attorney; David Oyler, City Manager; Dee Rosenbaum, Public Safety Director; Dale Robinson, Recreation Director; Dave Anderson, City Planner; Kimberly Robinson, Deputy Recorder

Citizens Present: Diana Quintero, David B. Carter, Bryan Snell, Derrick Ralphs, Carson Lindley, Terri Renner, Sydney Renner, Rob Muhlstein, Russ Caldwell, Bryan Bies, Stephen Sigger, Ron Burgundy, Doug Ford, James Nielson, Rosemary Jarman, Vanessa Penrod, Michael Frost, Allen Davis, Ryan Warbington, Lisa Elliott, Cate Brown, Del Robins, Jeff Robins, Natesa Stephens, Lachoneus Bendall, Vickie West, Pat Parkinson

**PLEDGE**

Mayor Thomas called the meeting to order and lead in the pledge of allegiance at 6:00 p.m.

**COUNCIL COMMENTS**

Councilman Leifson reported the airport board opening social went well.

Councilman Barber reported he has been working with the Planning Director on projects. They want to give more of an incentive to remodel and maintain the integrity of the historical part of our city. They are also working to create a design standard for Main Street. The Golf Course Action committee met and has created a wish list and a task list. The Utah Municipal Power Agency (UMPA) handled a national issue where California has petitioned for changes to get power.

Mayor Thomas reported there will be more burns at the Ensign Bickford property to decommission the buildings. The first annual event "In the Dark in Spanish Fark" is happening. The cast members exceed 120, there are two (2) spook alleys one for kids called the wonderland for ages ten (10) and under and the other is a spook alley it opens Friday night at 6:00 p.m. There will also be a hay ride and food will be available. He also invites the public to participate in the decorations on Main Street for Christmas. If they build them the city will hang them, they hope to have awards. The update for Vitacost is, they have purchased property at the mouth of the canyon and we are hoping to get them to locate here.

Councilman Andersen reported the finance committee met and everything is moving forward for the police court building. The South Utah Valley Municipal Water Committee are going to look at a regional wastewater facility. The seniors are an active

group they have a great facility and great group of people. Their biggest concern is there is not enough parking, that is being addressed and taken care of.

Councilman Sorensen reported the Chamber of Commerce is hosting the annual scarecrow festival. The festival encourages the building of scarecrows and they will line Main Street, prizes will be given.

Mayor Thomas reported the Arts Council will host the annual Harvest Moon Hurrah at the city park this Saturday.

Councilman Andersen reported the citizens expressed their appreciation for the farmers market at the city office, and feels it is a positive event and that everyone appreciates it.

### **CONSENT ITEMS**

- a. Minutes of Spanish Fork City Council Meeting – August 15, 2006
- b. Cell Tower Lease with Cingular
- c. Development Agreement with MitchCO Properties
- d. 1000 East Curb, Gutter and Sidewalk Contracts

Councilman Barber made a **motion** to approve consent items as listed. Councilman Sorensen **seconded** and the motion **passed** all in favor.

### **NEW BUSINESS**

#### **Establishing a community Standard**

Rosemary Jarman

Ms. Jarman is grateful to know that the Council is concerned about having a child appropriate standard in Spanish Fork. She then listed some studies that were done on child pornography exposure. Spanish Fork has the harmful to minors law which means what is not considered obscene for an adult to see is not always appropriate for a child to see. The courts have ruled that the community sets their standard of decency, and to keep quiet is to approve. She gave an example of what happened in Provo with Abercrombie and Fitch. She is asking the Council to pass a resolution creating a community standard of what is considered appropriate.

Councilman Barber expressed he is impressed with having the information brought to them on this subject.

Mayor Thomas would love to hear from the community on this topic and he encouraged anyone to send comments to [council@spanishfork.org](mailto:council@spanishfork.org), he also stated the draft resolution will be posted on the website.

#### **Land Lease Agreement**

Mr. Heap explained this is the new substation the city wants to build in the industrial park. The land will be leased from the State of Utah.

Mr. Baker addressed that this is a long term lease agreement with the National Guard and there is a right of purchase that is associated with it. Because of the time it would take to purchase they have allowed the city to lease the property with an opportunity for purchase.

Cheryl Searle

Ms. Searle with the State of Utah said the agreement is with the State Armory Board and also with the State of Utah. She addressed the purchase option and that is does base on market value.

Councilman Sorensen made a **motion** to authorize the Mayor to sign the land lease agreement with the State of Utah. Councilman Andersen **seconded** and the motion **passed** all in favor.

### **Parks and Recreation Committee Report**

Doug Ford

Mr. Ford is here on behalf of the parks and recreation committee to give information and recommendations to the Council. He then listed the individuals that serve on the committee. There has been discussion on how the draft is held for the city recreation teams. He explained a sub committee was formed to further discuss the issue, the committee has all been involved in coaching and that's why they are a part of this decision. The draft as it's currently done is as fair as it can be with one exception, the girls softball. They decided that during tryouts the girls can do some pitching before they do the draft to ensure a pitcher on each team.

Councilman Leifson stated that in girls softball the pitchers are important. They will have a draft for pitchers to ensure all the teams have a pitcher before they draft the team. He feels this is the best way for the draft to be done.

Councilman Andersen extended his appreciation for all the coaches who coach the teams.

Mr. Ford said there has been discussion to cover the swimming pool, they have reviewed the idea and concluded that if an indoor pool is warranted that they not cover the existing pool and build a separate covered pool.

*Councilman Wadsworth arrived at the meeting at 6:42 p.m.*

Mr. Ford explained the use of school facilities for athletic programs. As a committee they feel it is best to put the money into maintaining facilities we already own.

Mayor Thomas stated there are options to use the vacant ground during the summers, and feels the area can be utilized in conjunction with the school district.

Mr. Ford said again that the city would rather own the facility and pay the maintenance costs.

Councilman Wadsworth asked if they have considered the tax payer has already paid for the school district facilities through their taxes and we can utilize those facilities. He would like to have the committee discuss the idea from that perspective.

Dale Robinson

Mr. Robinson is the Parks and Recreation Director. He said the committee can look at those issues. They have had instances in the past with problems. It doesn't mean they can't look at it, but it has been hard because whoever controls the land and owns the land is in charge.

Mr. Ford explained with the city growth we are in need of some open space for future recreation areas. The committee would like to set property aside for future open space or a regional park, property by the old landfill was proposed.

Councilman Barber made a recommendation that this property be saved for recreation. The Council was in agreement that the area be set aside for recreational purposes.

Mr. Ford also explained that the Council look at setting aside additional recreation areas and open spaces. One of the recommendations is the construction of additional soccer fields down by the sports complex. The need for soccer in this community is growing and there are an additional twenty two (22) soccer teams that have come onto the system this year. They would like to propose offering spring soccer. They feel the sites can be built including parking with the impact fees. They are looking at approximately 1.3 million dollars to complete the projects.

Councilman Wadsworth explained that Spanish Fork Facilities could be used by competition teams.

Mr. Ford pointed out that the taxpayers money will not be used to build these facilities. They will be paid for by the impact fees with the new people coming to our community.

Councilman Leifson feels this is a great fit for the facilities that are currently located there now.

Mr. Ford says with the growth and continued building permits issued the impact fees will fund this project.

Mr. Robinson explained that the areas will be open grass and can be utilized for family reunions and as little league football fields.

### **Industrial Revenue Bond with American Leadership Academy**

Fred Benson

Mr. Benson is a member of the board of trustees at the American Leadership Academy (ALA), he noted many in attendance who are from the Academy or are working with the Academy.

Mr. Benson explained they have an opportunity to buy their building. A slideshow presentation was given regarding the project. They are asking the city to create an Industrial Revenue Bond (IRB). It is known as a conduit financing, to make it a tax exempt process. There is a calendar year limitation on the bonds.

Mayor Thomas clarified that the reason the County is not issuing the bonds is because they cannot issue anymore in this calendar year, which will not meet the time frame needed to purchase the building.

Councilman Andersen explained the discussion the finance committee had. The financial consultant in the meeting assured them this bonding process will do nothing to hinder Spanish Fork City to continue to do what it needs. Spanish Fork will not be held liable, and the bonding will not affect the cities rating.

Councilman Wadsworth said Carl Empey the financial advisor with Zions Bank seemed to be comfortable with this. Councilman Wadsworth feels this is a community asset, that it is worth while, and the city is not held responsible.

Councilman Andersen stated he feels good after knowing the city would not be held liable for anything or be negatively affected by this. He feels that he would rather have local people owning the facility that the city can work with, and feels it will be a positive thing they can make this happen to allow local ownership.

Councilman Sorensen asked where the payments would come from.

Mike Hess

Mr. Hess is on the board of trustees, he mentioned that the money expended comes from the state income tax fund and any asset becomes the state of Utah's. He also mentioned that it is a leased facility and they will be able to work with the city better once they locally own it.

Ryan Warbington

Mr. Warbington from Ballard Spahr explained the Council will be setting a parameters resolution at this time. In two weeks they will come back with the final bond documents, and the final resolution will be adopted.

Councilman Sorensen clarified this would not affect the bonding for the police court building.

Mayor Thomas stated he supports this one hundred percent (100%).

Councilman Wadsworth made a **motion** to accept the parameters resolution for the Industrial Revenue Bond with American Leadership Academy – A Resolution Authorizing the Issuance and Sale of not More Than \$26,000,000 Aggregate Principal Amount of Spanish Fork City, Utah Charter School Revenue Bonds (American

Leadership Academy) Series 2006; fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, the Maximum Discount from Par at Which the Bonds May be Sold and the Name of the User of the Financed Facilities; Providing for the Publication of a Notice of Bonds to be Issued; Providing for the Running of a Contest Period; and Related Matters.  
Councilman Andersen **seconded** and the motion **passed** by a roll call vote all in favor.

The Council took a short break at 7:48 p.m.  
The meeting was called back to order at 8:00 p.m.

### **Impact Fee Training**

Mr. Heap gave a presentation on the Impact Fees, where they come from, what they are used for, and how they work.

### **Parks and Recreation Committee**

Councilman Sorensen made a **motion** to authorize staff to move forward with the necessary preparations to meet the recreation committees needs to move forward with the projects and to bring the designs back to the Council. Councilman Leifson **seconded** and the motion **passed** all in favor.

### **OTHER BUSINESS**

Mayor Thomas asked if the recreation department can change the requirements so if a team is sponsored by a local business the team pays a local rate instead. He would like for them to look into changing that requirement.

The Council agreed the recreation committee can review it and bring it back for discussion by the Council.

Mayor Thomas said there is a lot of vandalism and theft at the cemetery and there are some individuals that are willing to volunteer and give the department data that they can use.

Mr. Rosenbaum said the public safety department can utilize the volunteers.

### **ADJOURN**

Councilman Wadsworth made a **motion** to adjourn to executive session for land use issues and potential litigation. Councilman Sorensen **seconded** and the motion **passed** all in favor at 8:37 p.m.

ADOPTED: November 7, 2006

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Kimberly Robinson, Deputy Recorder