

**Adopted Minutes
Spanish Fork City Council Meeting
October 17, 2006**

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

Staff: Junior Baker, City Attorney; Dave Oyler, City Manager; Dave Anderson, City Planner; Kent Clark, Finance Director; Dee Rosenbaum, Public Safety Director; Dale Robinson, Parks and Recreation Director; Seth Perrins, Assistant City Manager; Richard Heap, Public Works Director; Kimberly Robinson, Deputy Recorder

Other: Tom Cloward, Kaitlyn Peterson, Annette Peterson, Gentry Mitchell, Deven Baum, Pat Mitchell, Janis Nielson, John Shuttleworth, Thomas Brennan, Kelly Cloward, Joe Anderson, Brian Blaylock, William Rees, Benjamin Hartman, Pat Parkinson, Tyler Warner, Mallory Herbert, Brad Tanner, W. Fred Benson, Clark J. Mitchell, Andrew Gardner, Alexander Stone, Matt Mitchell

CALL TO ORDER

Mayor Thomas called the meeting to order at 6:00 p.m.

PLEDGE

Councilman Sorensen led in the pledge of allegiance.

Public Comments

Pat Parkinson

Ms. Parkinson asked for an update for the turn lane on canyon road and turn signal on main.

Mr. Heap stated UDOT has approved the turn signal on Main Street, but they are still working on the turn lane on Canyon Road.

Councilman Barber appreciates the concern and the suggestion.

COUNCIL COMMENTS

Councilman Wadsworth reported that the trail system and river reclamation project will move forward. They want to be more focused and be able to execute better. The Utah Valley trails will be doing a segment of our trail system as well.

Karen Payne

Ms. Payne appointed Patti Witham to be the new executive director of the Spanish Fork/Salem area Chamber of Commerce.

Patti Witham

Ms. Witham is excited and looking forward to the task. They have close to twenty (20) new members and a few potential ones coming in.

Councilman Andersen informed everyone that flu shots will be available at the senior center on October 29th. He also expressed his appreciation to those of the cities staff that got the spook alley building secured so the wind did not tear it apart. He also asked that the flu shot information be on the website. There is no cost to anyone who has their Medicaid card, for others there will be a cost but he did not know the amount.

Mayor Thomas reported there will be a Public Open House at the fire station, punch and cookies will be served from 6:00 – 8:00 p.m. on the 19th day of October. He also publicly thanked the Arts Council for the great job they did with the Harvest Moon Hurrah. The feedback has been fantastic and very positive. The city has been working hard to get the sidewalks in place for the Rees school children. In the last City Council meeting the police chief asked about volunteers and he requested those interested contact him. In the Dark at Spanish Fark has had some great feedback. He reported that Vitacost is not looking as promising and we are waiting on the State. The seniors at the senior center would like to obtain a bus to take their trips. His personal opinion is that this is not an appropriate use of tax money, he feels they can raise the funds.

Councilman Andersen said they want to be sure to take enough time to investigate exactly what the cost would be to operate a bus like that and the maintenance and all the ramifications are. He does not want to see them getting a piece of equipment that costs more then it's worth.

Councilman Wadsworth asked how the usage will be utilized.

Councilman Andersen said the vans are for localized smaller trips and the bus is for tour types of outings.

Councilman Sorensen said it might be better to charter buses to use, that is what the school district does.

Councilman Andersen said they currently charter buses but they are paying for the bus to sit and it adds more to the cost of the trips.

Mayor Thomas feels their trips are great and they have a goal to get more seniors involved.

Councilman Wadsworth asked that this information be given to the council and be an agenda item.

Councilman Leifson feels they need to check all the pros and cons and do what is best for the seniors.

Councilman Barber feels that a public/private venture would be a good thing.

Councilman Barber reported that he was working with staff on the initial steps for the possibility for speed bumps throughout the city. He went with the owner of the Fritzie building and looked at potential development sites. The Harvest Moon Hurrah pumpkins he was in charge of and they came from Macey's. He said Bill always steps up and donated the pumpkins, he even helped load them. The Spook Alley went well the first night and staff was there to save the stuff. With UMPA we are 60 days away from building a new power plant. In the energy industry you do well to have your own energy and we will be able to control our costs better.

Councilman Leifson thanked the arts committee for the Harvest Moon Hurrah help. He was impressed there were a lot of citizens that turned out for the event. He is on the airport board and they are discussing ways to improve the airport, and upgrading the building.

October 26th is a City Council meeting which will be the report on the wages and benefits of the city. He invited everyone to attend at 2:30 on October 26th. It will be broadcast by SFCN.

Mr. Perrins thanked Elaine Hanson and Karl Wesson and many other employees Bill Bushman, Cody Hanks, Russell Jackson, Councilmember Andersen, Angie and Vern Jackson, Dale Robinson, Dave Oyler, Chris Swenson, Travis Reid, Rick Hawkins, Jaime Chappell, and Ed Roberts for their help with the spook alley.

Mayor Thomas thanked the Council for all of their reports.

PUBLIC HEARINGS

Councilman Andersen made a **motion** to move to public hearing at 6:31 p.m. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Staker Parson/Strawberry Water Users Annexation

Mr. Anderson explained the proposed annexation with three (3) different property owners that are involved. It is better known as the Fingerhut building. The Planning Commission recommends approval to be annexed with an I-2 zoning designation.

Mayor Thomas opened it up for public comment.

Councilman Wadsworth asked where the windmills will be located.

Mr. Heap stated they are still working on the placement, and it should not be a problem.

Councilman Sorensen made a **motion** to approve the Staker Parsons/Strawberry Water User Annexation located approximately at 2800 South Highway 6, with the I-2 zoning designation. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Zone Change for Pioneer Ridge

Mr. Anderson explained the proposal. The subject property is approximately a 20 acre parcel, located by the Pioneer Era Cemetery. They are requesting a zone change from Rural Residential to R-1-12 which is consistent with the General Plan, subject to receiving the zone change request the applicant would like the preliminary plat approved. The applicant has proposed to make improvements to the area and cemetery.

Mr. Heap stated that the water seepage from the hillside has been and is being monitored and it will probably diminish with the development on the hill.

Mayor Thomas opened this topic for public comment.

Councilman Barber noticed that the Planning Commission asked about having some language in there about holding the city harmless for the hillside.

Mr. Anderson stated that the approval condition number eight (8) will place the owners to hold the city harmless for the hillside.

Clark Mitchell

Mr. Mitchell explained that the cemetery will be increased in size and then it will have an allowance for a perimeter fence with grass and irrigation. They will increase the size of the land and they will put a dollar value behind it.

Councilman Wadsworth asked if they have envisioned planting trees.

Mr. Mitchell stated that they want a rod iron fence with grass and trees around the cemetery. They also feel that with the Daughters of the Utah Pioneers (DUP) they can raise funds for benches and memorials.

Councilman Wadsworth asked for representation from the DUP.

Pat Mitchell

Ms. Mitchell is the 2nd vice president of the daughters of the Utah Pioneers Central Utah. She was assigned to oversee the little cemetery and make sure the needs of the cemetery and the people who visit there are taken care of. They feel very satisfied that by enlarging the scope of the cemetery they can put in a sprinkling system, they would like to see a sidewalk and benches and they would like to see this maintained as a memorial park.

Councilman Andersen would like a clause that some sort of vegetation be put on the slope for erosion control.

Mr. Mitchell agreed that it is a good idea.

Councilman Andersen stated that there are a number of plants that can be planted that will help control the erosion. He would like to see vegetation to stabilize the hillside.

Councilman Barber made a **motion** to close the Public Hearing at 7:00 p.m. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Councilman Barber made a **motion** to approve the preliminary plat and zone change subject to the following conditions:

1. That the language of the scenic easement be modified to say no outside structures, no fencing within the easement, no storage of materials of any type, no access from Rivers Bottoms Road. No excavation of any type.
2. That Lot C is dedicated as road right-of-way.
3. That the cemetery be dedicated to the City for the Parks and Recreation Department.
4. That the retention basin be removed from private property and work with the City Engineers to put it in the streets.
5. That the Plat notes concerning the scenic easement be required on the deeds of lot numbers 20-23, 26 and 27.
6. That the applicant works with the Parks and Recreation Department to prepare a concept plan with an allotment of funds for the cemetery.
7. That parking for the Cemetery is 90 degree parking as to have access from both directions.
8. Put a clause on the plat for lot numbers 20-23, 26 and 27 that the City is held harmless for any water seepage or landslide.
9. Prepare a letter for excavators that this is a sensitive area and remind them of the State and Federal Archeology standards.

Councilman Leifson **seconded** and the motion **passed** all in favor.

CONSENT ITEMS

Councilman Wadsworth requested that the rodeo contract be added to the new business section of the agenda for discussion.

- a. Minutes of Spanish Fork City Council Meeting – April 4, 2006, September 21, 2006
- b. Rodeo Contract – Diamond Fork Riding Club
- c. Sankey Stock Contract
- d. Resolution 06-15 – Authorizing the Fiesta Days & Rodeo Committee Chairs to Execute Contracts
- e. Contract for Culinary Water Reservoir Design

Councilman Sorensen made a **motion** to approve consent items “a”, “c”, “d”, and “e”. Councilman Andersen **seconded** and the motion **passed** all in favor.

NEW BUSINESS

Rodeo Contract

Councilman Wadsworth asked regarding the risks in item four (4) of the contract.

Mr. Baker stated there are no risks, but there is a risk of a loss and this gives them a benefit and includes them in the risk.

Councilman Wadsworth asked about them paying for the rodeo board and their spouses to attend the NFR.

Mr. Baker said it is part of the proceeds.

Councilman Wadsworth asked about the flat \$4000 rate.

Mr. Baker said it covers a portion of the services they provide.

Councilman Wadsworth stated they are working to handle the tax payers money wisely.

Mr. Baker stated they are providing man power and services and what they are getting in return is quite small compared to the services provided.

Councilman Andersen stated they should recognize the fact that the riding club started the rodeo. Based on history and tradition they have been involved in and put on the rodeo for decades. He feels they need to keep that in mind. This is a small compensation for what they provide and what this means to the community. They can't necessarily put a dollar amount on it, but it is valuable for the community.

Mayor Thomas said he agrees with Councilman Andersen.

Councilman Barber said he has had some of the same questions with the riding club, he was told that they will be a more visible presence within the community.

Councilman Andersen feels they should be more visible in the community throughout the year not just during Fiesta Days.

Councilman Leifson made a **motion** to approve the Sankey Rodeo Contract and the Diamond Fork Riding Club Contract. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Recreation Area

Mr. Anderson stated the Planning Commission felt it will be great to put the lands to use for recreation.

Resolution 06_16 – Terminating the Mapleton

Mr. Baker stated this resolution this terminates the boundary agreement between Spanish Fork and Mapleton City. This arises at the request of a property owner. This does not

mean that they need to take any action for annexation for the area it just leaves options open.

Mayor Thomas explained that a group of land owners approached the city because of the utilities we offer. Mapleton has corrected the issues they had and the owners will likely annex that direction.

Councilman Barber said this is about the property owner's rights, and it gives the owners an opportunity to do something with their property.

Councilman Andersen said it is a situation where the developers have gotten letters from Mapleton City stating they will do certain things in a certain time frame and if Mapleton City does do them in that time frame the owners will stay with Mapleton City, but if they do not do as they requested it gives them the opportunity to come to Spanish Fork. The only reason they are doing this tonight is to give the owners an opportunity.

Councilman Sorensen said this is dealing with the property owners and not a dispute between the cities.

Councilman Barber made a **motion** to authorize Resolution 06_16 terminating the Interlocal Cooperation Agreement between Spanish Fork City and Mapleton City Concerning the Annexation Boundary Line. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

ALA Bond Resolution

Mayor Thomas stated this item was discussed at a previous Council meeting.

Fred Benson

Mr. Benson stated the notice went to the paper. He then explained the exhibits to the resolution.

Mr. Baker stated the key documents are the loan agreement and the trust indenture. He also noted that we are not at risk.

Councilman Wadsworth made a **motion** to accept the ALA Bond Resolution #06_17. Councilman Barber **seconded** and the motion **passed** all in favor.

Fire Truck Donation

Brad Tanner

Mr. Tanner explained the cause for the fire truck. There is a small town in Mexico called Creel that does not have a fire truck. He is willing to take it down there on behalf of Spanish Fork City and make it good use to them.

Mr. Clark stated the mechanics estimate for the salvage value was approximately \$1,000.

Mayor Thomas feels he is not at liberty to give the citizens tax dollars to donate a truck. He would personally commit to make it happen and to donate it on behalf of the citizens.

Mr. Tanner stated he feels the Rotary Club can help raise some funds to fix it up.

Councilman Wadsworth agrees and stated that he is willing to donate to this, he just does not want the tax payer dollars to be used. He feels the funds can be raised for this project.

Councilman Sorensen stated they could meet with the Rotary Club in Spanish Fork to help raise the funds for the truck.

Mayor Thomas extended a public invitation to help with this project they can contact Brad Tanner.

Community Standard Resolution

Councilman Barber read the proposed resolution out loud.

Councilman Barber asked what this resolution means to the local businesses.

Mr. Baker explained this means as a city this is our community standard. This will not be a force of law. Mr. Baker also stated that this is handled by the sexually oriented business ordinance we have.

Councilman Barber feels we should do anything we can to promote a higher value for our community.

Councilman Barber made a **motion** to approve Resolution #06_18 promoting a child appropriate standard in Spanish Fork City. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Police Court Building

Tom Brennan

Mr. Brennan explained the location and layout of the proposed Police and Court Building.

John Shuttleworth

Mr. Shuttleworth said they have gone through this information with all the staff involved and have reached a point where they have addressed the needs for the users. He explained that the construction problems have to do with growth and the demand on the workforce industry.

Paul Plat

Mr. Plat is with the administrative office of the courts. He explained that because of mixed results in a low bid scenario more is not always saved and they started employing a value based selection where they pre-qualify contractors.

The Council commented that they would like to maximize the options for bids, it is called Construction Manager General Contractor (CMGC).

Mr. Plat stated that in government we have procurement policies we have to follow and he is assuming in the private sector they feel comfortable with the CMGC.

Councilman Wadsworth asked how the CMGC model is utilized in the private sector.

Mr. Shuttleworth stated that it is being utilized in the private sector, he also added that most school districts use it.

Councilman Barber asked what size of police department this is designed for.

Mr. Rosenbaum the Public Safety Director said it is designed for a force of approximately sixty five (65), we currently have twenty five (25) officers.

Mayor Thomas stated he feels the usage of more space is not necessarily needed at this point.

Mayor Thomas asked if there were other options for different designs for this project.

Mr. Shuttleworth stated that it came down to the most efficient and least amount of square footage.

Councilman Wadsworth asked what else was removed from the original needs and design for the building.

Mr. Shuttleworth stated that it was mostly offices that were cut, and the dispatch area.

Mr. Rosenbaum stated they cut out some storage and evidence room sizes and removed some booking ports.

Councilman Sorensen asked how long this building is going to meet the needs of the department.

Mr. Rosenbaum said he feels the building will be full within 15 years, if there are no dispatching facilities added.

Councilman Sorensen asked if they could add a few items to make this a building that they can grow into in 15 years. He said he would rather spend the money now to allow for growth than spend the money in the future.

Mr. Rosenbaum explained that they would add some more offices and enlarge some of the spaces to handle the bigger force.

Mr. Brennan said that the building is ready for expansions in many directions.

Councilman Sorensen stated he feels the building costs will go so high that we will be paying amounts tremendously higher than we could get now.

Councilman Wadsworth asked that if there is any chance that petroleum based products will come down in price and be more affordable.

Mr. Shuttleworth stated that again it is the impact on the work force more than the cost of products.

The Council agreed the project looks great.

Councilman Sorensen noted that he is concerned the building will not be big enough.

Mayor Thomas stated they should keep the ability to expand and look at all their options.

The Council directed that they proceed with the CMGC.

Pat Parkinson

Ms. Parkinson expressed her concern that when Mr. Rosenbaum says space will be tight, she feels it will be too tight. She feels that they should not be stuck in an office that is too small. She thinks they are creating a workplace that will not be a pleasant place to work. It does not make sense to her to make it that tight, in the name of saving a million or two dollars if they are replacing it with an unpleasant place to work. She noted that they should make the expansion easier and not as sprawling.

OTHER BUSINESS

Councilman Wadsworth made a **motion** to adjourn to executive session for land use. Councilman Andersen **seconded** and the motion **passed** all in favor at 8:51 p.m.

ADOPTED: November 7, 2006

Kimberly Robinson, Deputy Recorder