

**Adopted Minutes
Spanish Fork City Council Meeting
November 21, 2006**

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

Staff Present: Seth Perrins, Assistant City Manager; Kent Clark, Finance Director; Richard Heap, Public Works Director; Dale Robinson, Parks and Recreation Director; Kimberly Robinson, Deputy Recorder

Citizens Present: Melanie Waters, John Waters, John Jackson, Kallie Jackson, Abbie Jackson, Ann Jackson, Ken Wilkins, Tia Trimble, Miranda Duke, Bjorn Pendleton, Ann Murdock, Connor Clayton, Spencer Thompson, Cody Harris, Brian Coons, Jeffrey Coons, Chris Thompson, Derrick Ralphs, Jeremiah Jackson, Krysti Gomm, Russell Olsen

CALL TO ORDER

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

PLEDGE

Councilman Leifson lead in the pledge of allegiance.

RECOGNITIONS

Recognition was given for employee of the quarter. John Jackson and John Waters were nominated.

Mr. Perrins explained John Jackson works for the police department, and has a difficult job, which he does extremely well, and works well with the public.

Mr. Perrins then explained John Waters was nominated because he is always willing to do just about anything, and is very knowledgeable when he does.

The Council expressed their appreciation for both nominees.

PUBLIC COMMENTS

David Isaac

Mr. Isaac expressed his concern. He said living in Leland is great but for the industrial parts of the property there are no ordinances to protect industry from being encroached on by residential. He would like to see something enacted to protect his industrial property from residential encroachment.

Mr. Baker said he believes there is a resolution in place that requires a wall to be built when residential uses come adjacent to an industrial property but not dealing with encroachment.

Mr. Isaac said he would rather have a concrete fence instead of chain link fence installed since it would help keep his property out of sight out of mind for the children.

Mr. Baker said staff would check into the requirements.

Councilman Andersen explained Mr. Isaac is concerned with the school adjacent to his building since they would see the building and be curious and want to explore the equipment and the building. He feels it creates a potential temptation for the kids.

Bjorn Pendleton

Mr. Pendleton is president of the Spanish Fork Arts Council. They are going to continue the tradition they started last year. They will hold a concert Tuesday, December 12, 2006, at 5:45 – 6:15 p.m. it will be a performance by the Nebo Chorale. Mr. Pendleton added it is to say Merry Christmas and Thank You to the city.

Kent Wilkins

Mr. Wilkins lives at 1040 East. He explained he has a neighbor he has been feuding with. The neighbor attended the last meeting asking to keep his building he built. Mr. Wilkins feels his neighbor should not be allowed to have the building, and feels “it is a blight to the neighborhood”. The rules and regulations were not followed and permits and inspections were not done to build. The other side of this neighbor’s property has a building that goes up to Mr. Wilkins fence. He feels there could not have been a permit to build issued because there is no setback, the building extends right up to the property line. He feels both buildings are illegal and should be removed.

Mayor Thomas asked that Mr. Wilkins information be submitted so the Council can make an informed decision.

COUNCIL COMMENTS

Councilman Andersen reported he has been involved in meetings with South Utah Valley Municipal Water Users Association (SUVWMA) he said there are things developing that he will share at an appropriate time. He did say it has been very beneficial to all the communities in the South Utah Valley Area to work together. He also commented on some of the publicity concerning the development on the North end of town. There will be a public open house on the 28th after that is over he has some comments to the media who particularly do not live here.

Councilman Sorensen invited everyone to the parade of lights on Main Street the day after Thanksgiving. He added that Santa will be at the city office afterwards.

Councilman Leifson reported the Airport Board approved a full-time manager and have made a recommendation they would like the Council to consider it would include an increase in fees imposing a five (5) cent per gallon surcharge on fuel. There has been a lot happening at the airport and they will present a formal presentation at a future meeting.

Councilman Barber mentioned he has been working with the City Planner Dave Anderson to get some historical classification for the older part of town. They found some grant options they will be applying for by the year end. He was contacted by one of the vendors at the League of Cities and Towns about a private sector company managing the utilities. He feels it is something to look into.

Councilman Sorensen is concerned they are taking a non-profit utility and making it a profit utility, and that does not sit well with him.

Mayor Thomas reported the City was contacted by a business seeking a location and we are the number one spot. He added the seniors bus has been located and purchased. The discussions he's had about renovations to parks and upgrading parks, has had some positive feedback for donations towards our parks. There's a new thing this year the Festival of lights will have a ticket provided with a coupon for our local businesses on the back. The South County Mayors meeting met to discuss ways they can work together such as places for fire stations, and other joint facilities. He talked with some that have studied growth for this area of the state and sewer is the problem for growth in this area. They also talked to a gentleman to work with a lobbyist to secure grants for the small towns.

CONSENT ITEMS

- a. Minutes of Spanish Fork City Council Meeting – October 19, 2006
- b. Workers Compensation Coverage Bid

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

NEW BUSINESS

Arts Council Programs

Mr. Pendleton is president of the Arts Council. They are here for the Councils vote of approval that the Spanish Fork Community Theatre and the Children's Theater become part of the city. For the Children's theater the reasons for the request are:

- There will be improved collaboration and communication, with similar vision and mission.
- Inability to pay facility and rental fees imposed by the Nebo school district and still be self sufficient.
- Leadership has changed and having continuity would be a benefit.

Councilman Andersen wanted to understand the history of these two groups and he understands that at one time they were involved with the city and then basically broke off and was run by a private enterprise. He would like some history because the children's theater was run as a private enterprise.

Mr. Pendleton explained that the Community Theater broke off from the Arts Council in the past. They feel things have changed enough in the city, and the attitude about the arts in the community. They expect the great productions to continue such as Beauty and the Beast. The children's theater has always been run as a separate enterprise as well, but due to changes it would be better to have it under the Arts Council.

Ann Murdock

Ms. Murdock explained that the Community Theater was originally set up as a non-profit organization. The Children's Theater has always been supported as a non-profit organization. They feel it is a wonderful program for children and it cannot exist without support.

Mayor Thomas stated the support would consist of providing a name and a home for the theaters.

Mr. Pendleton said they would be covered for liability under the city.

Miranda Duke

Ms. Duke is the current president of the theater board, the mention of the leadership in years past was because there was a lot of disagreement. She feels if they are trying to help the community there should not be a problem in moving forward and helping the community together. They would like the support from the Council.

Councilman Barber asked if the children's theater is just for Spanish Fork children.

Ms. Murdock explained that they have always included other communities around, and have always been self sustaining.

Mr. Clark clarified the budget will run under the city.

Mr. Pendleton also clarified the donations given to the children's theater and the adult theater will go directly to the groups.

Councilman Barber asked if the city has been supportive while the theater has been on its own.

Mr. Pendleton was in agreement that the city has been very supportive.

Councilman Andersen said he has seen when a group on their own was very aggressive to get their funds, once they came to the city to get sponsorship and it was granted those

funds disappeared from the private sector. He has concern because he has seen it happen before.

Mr. Pendleton said they have discussed it and still plan to be self sufficient. He can guarantee that as long as he is president of the Arts Council he will direct them to be self sufficient.

Councilman Barber asked if the school district had not changed their policy would the Theaters still want to move under the city.

Mr. Pendleton said they probably would not be making the same presentation.

Discussion was made regarding the classification of leisure service programs.

Mayor Thomas said he is pleased with the program.

Mr. Perrins has spoken with a representative of the state. There is an exemption process they can go through and still be on their own.

Ms. Murdock said the Spanish Fork community theater was founded under Fiesta Days.

Councilman Andersen is still not comfortable with how this will operate under the Arts Council. He is not against them he would just like to understand how this would work.

Mayor Thomas asked that this be on the agenda for the next council meeting.

Accessory Building Setbacks

This item was moved to the next council meeting.

Independent Auditors Report FY 2006

Mr. Clark gave the independent auditors report for the FY 2006.

Russell Olsen

Mr. Olsen from the Larson and Company reviewed the audit and shared his opinion of the financial statement. He explained the accounting is shown in a style similar to the private sector, they have not done it that way before but are now required to do so. They found no problems that need to be reported regarding internal control. They also included the state compliance report, it ensures that funds are expended where they are supposed to. The management letter explains the current year findings and the status of prior year findings. He appreciates the Councils time and their staff for helping them finish the project.

OTHER BUSINESS

CC&R and Restrictive Covenants Training

Mr. Baker said he and Dave Anderson requested training on restrictive covenants (CC&R's). They are conditions, covenants, and restrictions that are recorded against a piece of property. The common elements contained pertain to physical features, house sizes, landscaping etc. Mr. Baker stated the cities role in the CC&R's is basically none. The only requirement is in a master plan development the city ensures consistency with the master plan developments and the CC&R's. The city does enforce the ordinances dealing with land use and nuisances.

Scheduling was made for the next city growth meeting December 5, 2006 after the regular Council meeting at around 8:00 p.m. Also on November 28, 2006 the North Park Commercial Development Area (CDA) meeting will be held at the High Chaparral at the fairgrounds, it will begin at 6:00 p.m.

Discussion was made regarding the budget retreat work session.

Councilman Leifson and Sorensen agree, they like the idea of going somewhere to discuss the budget issues, February 2nd, and 3rd 2007 were tentatively proposed.

ADJOURN:

Executive Session

Councilman Barber made a **motion** to adjourn to Executive Session for land use issues. Councilman Leifson **seconded** and the motion **passed** all in favor at 8:00 p.m.

ADOPTED: December 19, 2006

Kimberly Robinson, Deputy Recorder