

Adopted Minutes
Spanish Fork City Council Meeting
May 1, 2007

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

Staff Present: Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Kent Clark, Finance Director; John Bowcut, IS Director; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; Jeff Foster, Electric Superintendent; Kelly Peterson, Electric Superintendent; Richard Heap, Public Works Director; Dave Anderson, City Planner; Junior Baker, City Attorney; Kimberly Robinson, Deputy Recorder

Citizens Present: Pat Parkinson, Joe Warren, Lesa Warren, Charlene Voran, Jerry Voran, Charles Albert, Kate Snyder, Ashley Harward, Kelly Peterson, Heather Campbell, Pat Parkinson, Pat Davies, Lars Boggess, Bart Boggess, Lee Kapaloski, Brad Rasmussen, Wayne Niederhauser, Wyatt Andersen, Harold Osler, Dan Davis, Allan Davis, Clint Muhlstein, Dave Isaac

CALL TO ORDER, PLEDGE:

Mayor Thomas called the meeting to order at 6:05 p.m.

Councilman Sorensen lead in the pledge of allegiance.

PUBLIC COMMENTS:

There was no public comment made at this time.

COUNCIL COMMENTS:

Councilman Leifson reported the Recreation Department held a get together at the new Mountain Country pavilion above the reservoir; it was really nice and he invited all the citizens to take a look at the new pavilion.

Councilman Wadsworth reported there would be an economic development meeting May 2, 2007. The trails committee meeting is in a month, there is a great group of people working on the trails master plan. He also reminded citizens to use the website to submit their concerns.

Councilman Sorensen gave a reminder that Thursday is the Rotary Chamber of Commerce scholarship golf tournament.

Councilman Andersen said every year at this time the Junior Livestock Show takes place it will be this weekend and he encourages all those in town to come take a look at the exhibits with their family.

Mayor Thomas has received questions regarding the North Park. He stated the project continues to move forward positively. He believes everything is on track and the public should expect announcements from the large retailers within the next 30 days. He also noted for the public there are a lot of changes at the golf course and he encourages all citizens to come enjoy it. He thanked the gun club staff and invited everyone to come and participate.

Councilman Barber reported Utah Valley Magazine published a one page spread on how great Spanish Fork City's trails are and he appreciates everyone's efforts. He gave a reminder that this week will be EMS week May 5, 2007; everyone is invited to come for the activities.

Wyatt Andersen

Mr. Andersen is the activities coordinator for the Jr. Livestock show. The show involves over 500 youth between the ages of 9-18, they spend a lot of time and effort learning with this program. He invited the Council to the luncheon and the businessmen and women around Spanish Fork to attend the auction and support the kids. They appreciate the support they have had in the past; Spanish Fork is well known for being the best auction in the state.

Councilman Barber noted the water the Council was drinking was donated by a local business owner.

Mayor Thomas explained the Council's attire for the evening, that the new golf pro gave the Council golf shirts to wear in support of the Spanish Oaks Golf Course.

Pat Parkinson

Ms. Parkinson is concerned about the Council, they seem to be split and she feels it gets in the way of meeting the needs of the city. She remembers a couple of weeks ago a name was presented for approval to the personnel committee and was shot down. It seems to her the courteous thing to do would have been to express their concerns prior to the meeting rather than choosing to do what appeared to be a public embarrassment. It was not just that incident, there are others which she feels the split is not benefiting the city. It is destructive and isn't at all about doing what is best for the community. She stated "As a Citizen it is very clear the Council is not working together as a team". She suggested some training on how to unify or team build with introspection so each member can evaluate where they are and what they are about. They need to remember what they are here to do for the city.

Mayor Thomas said he campaigned for changes and Councilman Leifson ran for status quo. It is a difference of opinion and he feels the voters need to get their votes in line. He

feels more citizens need to get involved and also agrees there are more projects they can work together on.

Ms. Parkinson feels the election votes were diverse and the people are diverse, so she feels it is the Council's job to work with the fact that some want change and some do not.

Councilman Leifson feels there are a few things they might not have voted on together but he feels if you look back there are a lot of things they have been unified on once they discussed it and came to a decision.

Councilman Wadsworth said everyone on the council has been given multiple chances to participate in essential leadership training through tge Sutherland Institute but only a few attended. He also stated that he started a leadership library comprised of books from the training that will help everyone if they will take advantage of them. He feels it will help them work together better and do what is best for the community.

Mayor Thomas stated Councilman Barber, Councilman Andersen and himself went to the grand opening of 84 Lumber. They were the first store in the region to hit their sales goal and he feels it is great news.

Councilman Wadsworth added that he had the opportunity to visit the company the day before the grand opening and the manager of the company said they located to Spanish Fork because of the values and quality of life offered here as opposed to Las Vegas where he used to live.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting – April 10, 2007; April 17, 2007

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

ADJOURN TO RDA MEETING:

Councilman Barber made a **motion** to move to the RDA meeting. Councilman Leifson **seconded** and the motion **passed** all in favor at 6:24 p.m.

Councilman **Leifson** made a motion to adjourn back to the regular meeting. Councilman Barber **seconded** and the motion **passed** all in favor at 6:26 p.m.

NEW BUSINESS:

Bid Tabulation for Sterling Hollow Water Tank Project

This agenda item was moved to the next meeting.

Awarding of Bid for Congressional Lobbyist Services

Councilman Wadsworth presented the following information.

Spanish Fork City Lobbyist Recommendation

History

Three years ago our city was fortunate enough to secure a Congressional appropriation in the amount of \$34,000 to commence our river reclamation/trail project. The next year we were even more fortunate to garner \$500,000 and continue the project. However, with recent changes in Congress, all proposed appropriations were summarily canceled in 2007 which significantly slowed the project.

Several months ago we received a proposal from a lobbying firm to advocate for Spanish Fork City on Capitol Hill in Washington, DC in behalf of our project. During the discussion that ensued, the point was made that we, as a council, should broaden potential lobbying efforts beyond just the river reclamation/trail project (i.e., a bridge under Highway 6 to the new park, airport, public safety, parks, sewer treatment plant, etc.). As a council, we agreed.

Process

We directed Mr. Oyler to craft a Request for Proposal (RFP) within a specified deadline. After several of us provided input into and validated the RFP, it was ready to be sent. A list of 7 potential lobbyists was created by researching firms that already represent Utah-based clients. This included speaking with staff members of Senator Bennett's and Congressman Cannon's offices for recommendations. The RFP was then sent out with a strict response deadline. Of the 7 potential lobbyists, 3 chose to respond.

After receiving the 3 proposals, Mr. Oyler, Council Anderson, and I spent time establishing criteria against which we could better scrutinize them. They included:

- Size of Staff
- Experience of staff
- Utah ties
- Clients (with emphasis on Utah clients)
- Relationships (Congress, Congressional committees, Congressional staff, federal agencies, state agencies and organizations)
- Coverage (Federal and local)
- Areas of expertise (e.g., agricultural, aviation, transportation, energy, water, etc.)
- Strategy/approach
- Success rate
- Potential conflicts of interest
- Cost

After each of us individually reviewed the proposals against said criteria, we determined that only two of them passed muster. We then scheduled conference calls with the finalists and grilled them further on their proposals.

Recommendation

After even further deliberation, Mr. Oyler, Councilman Anderson, and I feel very comfortable recommending to the council, the firm of American Capitol Group as the lobbying firm to represent Spanish Fork City. This is based on:

American Capitol Group

<i>Strength</i>	<i>Weakness</i>
No conflict of interest with other cities in our Congressional district (<i>Cody has Syracuse, Logan, and us</i>)	Has less experience than other finalist (but can be overcome by depth of staff and breadth of experience)
Have depth of staff to manage our project; won't need to hire additional staff	
Have worked in Sen. Bennett's and Congressman Cannon's offices and have strong relationships (<i>considered a huge plus from the other finalist</i>); Tyler Owens is key element.	
Will provide federal <i>and</i> state level lobbying in our behalf (in addition to ULCT, we'll have person advocating for us at the state legislature)	
Flexibility to change from retainer-to project-based lobbying in the event there are problems with appropriations like in 2007	
Have already done recreation trail, parks, and airport projects in Utah	
Cost \$3,500 per month (\$42,000 annual) gets us broad lobbying effort above and beyond river/trail project	

Jordan & Associates, Inc.

<i>Strength</i>	<i>Weakness</i>
Has more lobbying experience	Will likely have to hire additional person if take on our project – person is unknown quantity
	Clear conflict of interest with other cities (Provo) in our Congressional district
	Relationships not as strong in Senator Bennett's and Congressman Cannon's offices (admitted it's a huge plus having

	former staffers advocate for us)
	Cannot provide federal <i>and</i> state level lobbying in our behalf

Mayor Thomas said Councilman Wadsworth did a lot of work on this and he is confident they will come through bringing more money back to the city than the fee paid.

Councilman Wadsworth disclosed that one of the individuals with this firm is involved with an educational foundation he is also involved with. He asked Mr. Baker to clarify their previous discussion on whether this was a problem.

Mr. Baker said there was no problem that the disclosure was sufficient.

Councilman Wadsworth made a **motion** to approve the Congressional Lobbyist Services with American Capital Group, authorizing the Mayor to sign it per Legal review of the contract. Councilman Andersen **seconded** and the motion **passed** by a roll call vote all in favor.

Councilman Wadsworth thanked all those involved with this project and their efforts.

PUBLIC HEARING:

Councilman Sorensen made a **motion** to go to public hearing. Councilman Andersen **seconded** and the motion **passed** all in favor at 6:36 p.m.

Old Mill Estates General Plan Amendment and Zone Change – 1503 Mill Road (continued from last meeting)

Mr. Anderson explained the public hearing is from the last meeting and since there were members of Council absent they can again make public comment. He emphasized the request before the Council tonight is a General Plan Amendment. When this request was initially received staff did recognize the considerable input given by the Leland area residents. They held a meeting earlier this year and solicited directly from the residents of the Leland area and they would prefer to not have the General Plan changed. They feel comfortable with what it currently allows.

Wayne Niederhauser

Mr. Niederhauser is with CW Management, they are proposing 55 units on this property, they are committed to put a pre-cast concrete wall around the project and there will be restrictive covenants, as well as a Home Owners Association (HOA). They have a reputation for having nice projects and nice homes. They have tried to create a nice subdivision and overcome the challenges with this property.

Mayor Thomas asked where the future costs are for the pump stations.

Mr. Heap stated it would go into the city’s future funding.

Ms. Parkinson was not at the last meeting but at the Planning Commission meeting she saw concerns with the access and thinks there should be access onto Mill Road. She does not think it is unfair for the people that will live in this development to have access to Mill Road and does not think it should be gated.

Dan Davis

Mr. Davis thinks getting more access through the other subdivision is a great idea and it will help with a lot of traffic issues. He feels the property owners should have a voice about what happens in their area.

Harold Osler

Mr. Osler feels they should stick with the General Plan as it was decided, it has only been 18 months since approval and the city already wants to change it. He added he does not have a problem with the development.

Alan Davis

Mr. Davis commented about talk of Mill Road being protected. He feels it is protected to protect individuals. The local citizens have learned to protect the road and not speed and he feels if they have it gated it would be a good option. He also asked if the road is opened up for this development what will they do with the school. He does not like the idea of a one way road.

Clint Muhlstein

Mr. Muhlstein lives on Mill Road and is not in favor of the development but understands people can do what they want on their property. He stated as a development comes in they have to do a lot of infrastructure, curb, gutter, and stuff.

Mayor Thomas asked if it would be an undue burden on the remaining property to upgrade the road.

Mr. Anderson said the city currently does not have a road impact fee study.

Mr. Muhlstein asked about future sewer, all the residents are currently on their own septic. He hopes they would not be forced to hook on to sewer. Also, in addition to the \$100,000 potentially adding to help develop Mill Road, how much would it cost to develop the rest of the road so they know what they are looking at paying? Their biggest concern about the whole proposal is what is going to happen to the residents if the road goes through. He noted if they decide to hook on at the Academy School his father does own the strip of land between there.

Jerry Voran

Mr. Voran lives at 1685 South Mill Road. He would not like anyone's home bulldozed to move the road and is against the development. A lot of the people cannot afford their property values to go up, and they cannot afford to lose their green belt rights since there is a five year back penalty if they do. He is concerned about everybody's welfare on that

road because they will all take a financial hit. He likes the idea of a one-way road and feels it might work better from the south to the north. He hates to think anyone's home would be bulldozed to appease a developer that comes in. He addressed the two access ideas and reminded there is not anything set. He feels the neighbors and the city need to get together and see what they can come up with.

Alan Davis

Mr. Davis is opposed to the one way-road, but would be in favor of it if it went north to south.

Dave Isaac

Mr. Isaac owns property on Mill Road; he is opposed to the one way road idea. His business uses Mill Road both ways a hundred times a day. Nine Hundred South has been made into a nice road and he is for an improvement of Mill Road. With regard to the zone change he feels the bigger the lot the better. He understands things change and out in that area he feels the 1/3 acre lots are better than allowing a six-plex.

Councilman Wadsworth asked the status of the UDOT study for the area.

Mr. Heap stated there is not an answer yet, it is up to the developer to submit that to UDOT.

Mr. Niederhauser said they are working with UDOT and there are not any distance issues.

Councilman Andersen made a **motion** to move out of the public hearing. Councilman Leifson **seconded** and the motion passed all in favor at 7:53 p.m.

Councilman Andersen came into this development with some mixed emotion because he lives in the area and knows the people very well. He finds it disconcerting to tell the school and the development of Glen Way's they can't have access to Mill Road, then turn around and tell this developer they can. It does not seem right to tell people they can't have access and then change it for another. He is well aware of the situation of Mill Road and is opposed to allowing access onto the road. He can accept the idea of having an emergency access onto the Road. He will continue to try to get something moving to provide another access. As far as improving Mill Road he thinks the offer of \$100,000 is generous, he does not think peace mealing the improvements on the road is an answer, maybe they should hold the money earmarked so when the time comes they can address the issues of Mill Road. He feels the rights of the home owners should be respected and should have no concern whether or not they are going to have their homes to live in, he does not feel Mill Road should not be addressed, but the money be held and in the future when it is appropriate they can improve all of it. He thinks he addressed some of the concerns and so forth and he has spoken to a number of residents there and had a lot of opinions whether the 1/3 acre lots are ok. Most of the comments have been, that residents would like to see 1/2 acre lots, but if it is a nice development they could probably live with

it. Not everybody is totally in favor one way or another. He personally would accept the proposal the way it is as far as the number of building lots.

Councilman Wadsworth feels the northern access is a good idea if they can do something about the alignment.

Councilman Andersen thinks if they all use a bit of patience the access will come about.

Councilman Wadsworth said they are being consistent in applying the standard evenly.

Councilman Leifson asked if the school was required to install curb and gutter. He feels they need to be patient with the road and the developers will add the needed improvements. He has no problem with this development going in and would like to see access onto Mill Road with a gate. He asked that they be consistent as with the other developments.

Councilman Sorensen commented it's been stated they are looking at a couple different issues. Property rights are an issue for the residents and developers. He looks at what they are requesting and the zoning does not seem to be an issue. As they talk about things it deals more with the plat and not the zoning. He feels they are very valid concerns are that if this development goes in and the money is put into an account it will not do as much later down the road. He feels the improvements need to be made now and eventually it will be a nice road. He feels if the other roads around are sending more traffic that way they can get ahead of the issues before it is a bigger problem.

Councilman Barber feels many of the issues brought up tonight are addressed at the next step as far as the rezone and General Plan he does not see any precedent to not approve it.

Councilman Barber made a **motion** to approve the Old Mill General Plan and rezone based upon the following five conditions.

1. The units will be capped at 55 units.
2. That the lift station is installed to the City's standards for approximately 600 connections.
3. That Mill Road be improved from entry to Arrowhead Trail.
4. That there be a gated temporary emergency access onto Mill Road.
5. That the developer receive reimbursement by a connectors agreement for the applicable public improvements be determined at preliminary plat.

Mayor Thomas feels there should be a way to spend a portion of the value if staff sees it is necessary for safety on the road.

Councilman Andersen said with the new school he is in favor of anything to make it safer like installing a sidewalk. The developer has agreed to give \$100,000 and how that is spent can be determined at the time of preliminary plat. Mr. Andersen asked to change condition number four to a gated temporary emergency access.

Mayor Thomas would like to see something done to collect fees so the impact on the smaller owners is not as much.

Councilman Barber asked that condition five be determined at preliminary plat.

Councilman Andersen **seconded** and the motion **passed** by a roll call vote all in favor.

Mayor Thomas thanked the public for their comments, options proposed, being respectful, and taking the time to be involved.

Councilman Wadsworth requested a break at 8:21 p.m.

The meeting was called back to order at 8:29 p.m.

Aqua Engineering Presentation on Sewer Treatment Plant Capacity

Mr. Heap gave an introduction on the sewer plan evaluations.

Brad Rasmussen

Mr. Rasmussen represents Aqua Engineering he thanked the city for their support. He then gave a presentation on the Wastewater Treatment Plant expansion evaluation.

Discussion was made regarding the options for the site as well as satellite sights.

Councilman Andersen said the best thing for the City to do is to maximize their own capacity.

Mr. Heap feels they should do the least expensive project first and the cost of the new technology could go down in the future.

Mr. Baker asked for direction from the Council regarding the east bench areas and what they want staff to do if they want it amended or not.

1. The Council can say they are not interested.
2. The Council can proceed to amend the policy for annexation.
3. The Council can amend the policy but work with the Planning Commission and study the density.

Mayor Thomas is in favor of studying it and seeing what can be done.

Councilman Wadsworth is also in favor of studying it and seeing what can be done.

Councilman Andersen feels the Planning Commission needs to look at this and come up with some ideas. Councilman Leifson and Councilman Barber agreed.

Mr. Oyler feels the Planning Commission needs to look at the whole concept on the east bench, study it and then after the DRC and Planning Commission analyze it they can give

the Council a recommendation. It was decided to hold a joint meeting on May 24, 2007 with the Council and Planning Commission.

Mr. Oyler gave a handout to the Council and Mr. Anderson put together a tracking system as the Council addresses the annexation acceptance. They are recommending the Public Works Department have the bulk of the issues they are addressing. They want to make sure during the study process they cover the general issues as it relates to the utilities, parks, etc. They would like the Council's input and want to make sure as they go through the annexation process they have adequate time to meet with the applicants.

The Council was in agreement to move forward.

ADJOURN TO RDA MEETING:

Councilman Sorensen made a **motion** to move to the RDA meeting. Councilman Barber **seconded** and the motion **passed** all in favor at 9:28 p.m.

Councilman Sorensen made a **motion** to adjourn the RDA meeting back to the Council meeting. Councilman Leifson **seconded** and the motion **passed** all in favor at 9:33 p.m.

NEW BUSINESS:

Tentative Budget FY08

Mr. Clark gave a presentation on the cities budget.

Mayor Thomas asked that an explanation of the certified tax rates be made available on the website.

PUBLIC SAFETY:

Dee Rosenbaum

Mr. Rosenbaum explained the main increases in the budget for the FY08 year.

Police:

- Dispatch fee increase \$9.50 to \$11.50 per call
- New building \$18,000,000
- 5 replacement vehicles 3 new
- New personnel

Fire:

- Parking lot \$160,000
- New Pumper Truck \$410,000
- Support Vehicle \$30,000
- New Turnout Gear \$13,600

Ambulance:

- New Ambulance \$130,000
- Zoll Auto Pulse equipment \$14,710
- New pay structure

Emergency Preparedness:

- New Truck

Discussion was made regarding the housing of the new fire equipment.

PARKS AND RECREATION:

Dale Robinson

Mr. Robinson explained there will be new a special events division

- Arts Council

Buildings: Paint exterior of city offices

Parks:

- Old Ball Park Field Lights and Parking Lot
- Sports Park: Soccer Fields
- North Park Improvements
- Trails
- New Personnel

Recreation:

- Personnel

Golf Course:

- New Pump Station \$175,000
- New Personnel

Swimming Pool:

- Pool Cover
- Restroom Remodel

PUBLIC WORKS:

Richard Heap

Streets:

- Purchase of ways
- Sidewalk Replacement
- Oaks Sidewalk

Public Works Office at Shop:

Councilman Barber asked that a discussion be made regarding implementing a street impact fee study.

Water:

- Water Line Replacement
- 5 million gallon water tank

AMI: 4 utilities

WWTP: Replace drying beds

Electric:

- Upgrade lines and build substations for growth
- Land for Leland

Sewer Rate:

- Base fee \$11.50 up to \$12.00

Water Rate:

- First 9000 Gallons rate down from \$1.27 to \$1.24

PI Base Rate:

- Rates based on Meter Size
- Rates Based on Number of Units

PI Usage Rate:

- Metered PI per 1000 gallon down from .98 to .95

BROADBAND:

John Bowcut

SFCN Services Discussion

HUMAN RESOURCES:

Seth Perrins

Compensation and Benefits:

- Salary Adjustments
- Health Insurance
- Other Insurances
- Mayor and Council Stipend

LIBRARY:

Pam Jackson

Ms. Jackson discussed the library budget items and explained that with the population increase they are reaching capacity.

CITY MANAGER:

Dave Oyler

Mr. Oyler summarized the budget information dealing with the General Fund, Electric Fund, Debt Service etc. He stated it is now the Councils budget and they can review it and make adjustments.

Councilman Sorensen made a motion to adopt the FY08 tentative budget. Councilman Andersen seconded and motion passed all in favor.

ADJOURN:

Councilman Leifson made a **motion** to adjourn to executive session for litigation and land use. Councilman Barber **seconded** and the motion **passed** all in favor at 10:54 p.m.

ADOPTED: June 5, 2007

Kimberly Robinson, Deputy Recorder