

**Adopted Minutes
Spanish Fork City Council Meeting
August 7, 2007**

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

Staff Members Present: David A. Oyler, City Manager; Seth J. Perrins, Assistant City Manager; S. Junior Baker, City Attorney; Richard J. Heap, Engineering/Public Works Director; Dale Robinson, Parks and Recreation Director; Kent Clark, Finance Director; Dave Anderson, City Planner and Marlo Smith, Engineering Secretary.

Citizens Present: Heather Campbell, Pat Parkinson, George Adams, Blanche Adams, Richard Hopkins, Ammon Hopkins, Elouise Bell, Earline Holley, Glenn A. James, Steve Dudley, Blake Hunter, Paul Voorhees, Rosemary Jarman, Jens Nielson, Darin Farnworth and Alex Stone.

CALL TO ORDER, PLEGE, OPENING CEREMONY, RECOGNITIONS:

Call to Order

The meeting was called to order at 6:00 p.m. by Mayor Thomas.

Pledge of Allegiance

The pledge of allegiance was led by Councilmember Leifson.

PUBLIC COMMENTS:

David Grotegut

Mr. Grotegut discussed the two different preliminary plats involving his property that were submitted for approval from the City Council in January. He is concerned there was not adequate information for the council to make a decision. He wasn't aware the first option was approved and he is more in favor of option two. In order to amend the plat it would cost him \$949.00 to have the plat reviewed. The plans have been reviewed by staff and presented to the city council therefore, he feels a review doesn't need to be completed and the fee should not be charged.

Mayor Thomas asked if the alternate option had been reviewed.

Mr. Baker said by law to amend the plat it is required to go through the entire review process.

Mayor Thomas asked how much work was involved with the procedure and if the fees could be waived in any way.

Mr. Anderson said the development review committee reviewed many options with Brent Bowers of Salisbury and Dave Simpson, who are the applicants. Mr. Grotegut is not one of the applicants. Mr. Bowers and Mr. Simpson agreed on one plan. The development review committee, as well as the applicants, were most comfortable with the option one. The design of option two had concerns. The planning commission and city council approved option one easily.

Discussion took place regarding the fee to amend the plat.

Mayor Thomas asked Mr. Anderson if the fee had been reduced to the lowest fee possible.

Mr. Anderson concurred.

Mr. Grotegut said option two was never presented to planning commission and feels they were without information and the wrong plan was approved.

Discussion took place regarding the differences between the two options.

Mr. Grotegut said he feels it would be immoral to be charged the fee to amend the plat where it has already been reviewed.

Discussion took place regarding if the applicants would submit the request to amend the plat.

Mr. Grotegut asked the council to review the recording of the January 16, 2007 city council meeting because he doesn't feel as if the minutes of the meeting discuss the two options talked about.

Discussion took place regarding the law requiring an amended plat.

Melanie Fillmore

Ms. Fillmore said she is the director over the youth arts festival. She would like to send out a thank you and report to the council on the program. The program is self sustaining and they have been able to recoup all costs. With additional advertising it has increased the program from year to year. She is excited for the growth and progress of the program. The registration process has been joined with the Parks and Recreation Department which has helped boost the program.

Ms. Fillmore discussed the adult education program. She said the registration for the adult program is tomorrow. Additional information is available on the City's website.

Rick Hopkins

Mr. Hopkins attended the North Park meeting that Councilmember Wadsworth was also in attendance. He said there is an overwhelming response in opposition for the plan the city has for renovating the park to commercial development. The public at the North

Park meeting were told the public comment part of the council meeting was at 6:30 p.m. He feels as if there will be a large number of representatives here to discuss their concern. He asked the mayor to open the meeting for public comment at 6:30 p.m.

Mr. Hopkins said his concern is the status of the development and the relocation of the park. Why should the park be renovated at all?

Mayor Thomas said the contracts have been signed and the developer is moving forward. Mayor Thomas said ideas for the park are welcome but no additional public comments in opposition of the relocation of the park. Some ideas for the park include a type of discovery park on one acre of the ground. Families are excited about this idea making it a learning area for children. All ideas are being considered to make it a wonderful park. Mayor Thomas said this project was passed unanimously with full council support and they are excited and believe this to be in the best interest for the City as a whole and nearby residents will be pleased with the results.

Mayor Thomas discussed the 50 acres of property the City has acquired near the mouth of the canyon for uses such as parks, fire satellite station, power substations, etc. This will be online within the next decade.

Mr. Hopkins said he is a coach for youth sports and is wondering what the city will do in the immediate future.

Mayor Thomas said the expansion of the ball park will be completed in time.

Councilmember Wadsworth said the city is working with the school board to leverage existing ball fields.

Mr. Hopkins asked when the ground breaking would take place.

Mr. Oyler discussed the city will be salvaging what they can from North Park such as bleachers, playground equipment, etc. Access to the park will be closed off in mid-September.

COUNCIL COMMENTS:

Councilmember Andersen

Councilmember Andersen thanked everyone for their involvement with the July 24th celebration. It was very successful. This community has something to be proud of.

The finance committee does not meet until September. After the meeting he will have an update.

Mayor Thomas

Mayor Thomas reported that Fiesta Days was a great success. There are so many names he can't thank them all publicly, but thanks to the volunteers, committees, and special

event coordinators. He is delighted with the overwhelming positive feedback including the improvement to the parade and fish rodeo. He is looking for interesting ideas for next year. Hats off to all who participated, to the sponsors and everyone involved

The North Park project moves forward wonderfully and everything is on track with no delays. He would like to announce the commercial developments that are coming but it is not the city's to make the announcements. He feels everyone will be pleased when the announcements are made.

The empty Food 4 Less building is under contract. He is not able to discuss in detail at this time but is happy with the intentions. Economic Development in the City is very good at this time.

Councilmember Barber

Councilmember Barber said in regards to Fiesta Days he would like to concur with the mayor's comments. There is something for every body to help with. It is a great event and special thanks to the volunteers. He would like to thank the city employees and recognize how much work they do coming to work early and staying late during the celebration.

Councilmember Barber asked Mr. Heap about the recycling presentation.

Mr. Heap said he will gather more information and have the presentation at the next council meeting.

Councilmember Barber said at the risk of reopening an issue that cannot be resolved tonight he would like to discuss with Mr. Grotegut that due to technology he is able to have the minutes and the agenda from the January 16, 2007 council meeting. He doesn't see any discussion in the minutes or an option two plan in the agenda.

Mr. Grotegut asked the council to review the video that the minutes do not clarify the two options.

Councilmember Barber said the Development Review Committee and Planning Commission meeting minutes do not mention alternative options either.

Mr. Grotegut discussed the difference between the two options.

Councilmember Barber asked Mr. Anderson how involved Mr. Grotegut was in the planning of the options approved by the Development Review Committee and Planning Commission.

Mr. Anderson said he is not aware how involved Mr. Grotegut was in the planning process. The Development Review Committee worked with Mr. Simpson and Mr. Bowers. They were aware that a recommendation for approval was required to move forward or the project would be continued. Mr. Bowers discussed the options with Mr.

Grotegut and proceeded with only one option. Mr. Groetgut has discussed his concerns on this issue with many staff members for months, which has placed considerable demands on our time.

Mr. Grotegut said he does not agree that an amount should be charged to review the amended plat. He also feels Mr. Anderson is misrepresenting items stated.

Mr. Anderson said he disagrees and he has researched events and relied on his recollection as well as referred to others recollection.

Mr. Oyler said he has not seen anything contradicted by minutes or documents. There is only one original drawing that was presented and approved.

Mayor Thomas said he is open to review this item once the applicant applies for an amended plat.

Councilmember Leifson

Councilmember Leifson said he is in agreement with the Mayor and councilmember's comments in regards to Fiesta Days. The volunteer turnout is great. Utah is a leader in the nation for the number of volunteer efforts.

There is nothing pertinent to report on the Airport Board.

The Recreation Board meets next Monday. The survey review information should be to the city council soon.

Mayor Thomas reminded everyone of the upcoming primary elections on September 11, 2007. There are 11 candidates with 3 open seats. Information is on the website as well as links to candidates webpages. He urges everyone to get out and vote.

Mr. Clark said election judges are needed. Call (801) 798-5000 extension 13 or leave a message at the reception desk. Mr. Clark said at the next council meeting one item will be the approval of the election judges.

CONSENT ITEMS:

First Amendment to Utah Option and Lease Agreement

URS Electronic Trading Partner Agreement

Ivory Homes Connectors Agreement

Councilmember Sorensen made a **motion** to approve the consent items. Councilmember Andersen **seconded**, and the motion **passed** with a unanimous vote.

NEW BUSINESS:

Canal Companies Contract

Mr. Baker reviewed the template for the contract with the canal companies. East Bench, Westfield and Southfield Irrigation Companies have approved this contract. This is a great accomplishment to help keep the water in South County for residents, growth and agriculture use.

Mr. Baker said the next step is to obtain an agreement with Strawberry Water. This has been a 20+ year frustrating process that is very close to be completed.

Mr. Sorensen made a **motion** to adopt the Canal Companies Contract template. Councilmember Wadsworth **seconded**, and the motion **passed** with a majority vote. Councilmember Barber was **opposed** to the motion.

Councilmember Barber said he had not reviewed the entire contract.

Appointment of Financial Advisor

This item was not discussed at this time.

Out of City Water Connection Request – Jay Clayson

Mr. Heap said the city has received a request from Jay Clayson to connect to the city water at 5236 South 300 West. The well at the property has gone dry. The property is adjacent to the city water main. The policy adopted by council is in order to connect to the culinary water you must be a resident unless there is an emergency. The council has the authority to allow a county resident the permission to connect to city water in an emergency situation. We feel that since the well has gone dry it constitutes an emergency and recommend the council to authorize the water connection for Mr. Clayson.

Mr. Heap said the water is already stubbed into the property which will prohibit the need to excavate in the street. Mr. Clayson will pay impact fees and a higher out of city resident rate.

Councilmember Barber made a motion to **approve** the Out of City Water Connection Request for Jay Clayson. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

2007 Asphalt Overlays Bid Award Schedule #1

2007 Asphalt Overlays Bid Award Schedule #2

Mr. Heap reviewed the asphalt overlays bid and recommends the council award schedule #1 to Geneva Rock and schedule #2 to Staker & Parsons.

Councilmember Barber asked what areas would be done this year.

Mr. Heap said there is a list available that will be posted on the website. He said with what money is in the budget and how the bids come in determine how much of the list gets completed year to year. Another determining factor is the condition of the water and sewer lines. If the utility lines need replacing within the next few years the road will not be overlaid until the utility lines are replaced.

Councilmember Sorensen made a **motion** to award the 2007 Asphalt Overlays Bid Schedule #1 to Geneva Rock in the amount of \$704,327.30 and to award the 2007 Asphalt Overlays Bid Schedule #2 to Staker & Parsons in the amount of \$1,838.64. Councilmember Leison **seconded**, and the motion **passed** with a unanimous vote.

Accept or Reject proposed Kelly Annexation for further study

Mr. Anderson said the city received a petition to annex a 3-acre parcel and adjacent land making it approximately 5-acres located at 900 West 1000 North. The Development Review Committee reviewed the proposed annexation and has recommended that the council accept the petition for further study. Accepting the petition will not bind the council to ultimately approve the annexation but would initiate the formal process of reviewing the proposal.

Discussion took place regarding the zoning for the property.

Councilmember Leifson made the **motion** to accept the proposed Kelly Annexation for further study. Councilmember Andersen **seconded**, and the motion **passed** with a unanimous vote.

OLD BUSINESS:

Proposed Changes to Title 15

Mr. Anderson said the council continued this item at the last council meeting and sent the item back to the Planning Commission to clarify their motion.

Mr. Anderson reviewed the proposed changes to Title 15 pertaining to flag lot requirements.

Mr. Anderson said the Planning Commissioners involved in making the recommendation provided comments at the August 1, 2007 planning commission meeting. An excerpt of the minutes from that meeting are included in the council packet.

Mayor Thomas said he likes the proposed changes that give option to land owners.

Councilmember Sorensen said he doesn't feel there is much justification to the decision made from the Planning Commission.

Councilmember Barber made a **motion** to approve the proposed changes to Title 15 as outlined. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

PUBLIC COMMENTS:

Kevin Payne

Mr. Payne discussed the North Park meeting from last week. He feels it was semi-successful due to the Mayor not attending because of other obligations. It was disappointing that Councilmember Wadsworth was not informed to answer questions at that time. A lot of people that attended the meeting had the same concerns. There are some new issues regarding the park such as feedback for tennis courts and other options. But, there are other legitimate concerns that are not old issues. He would like to see another information meeting held with the Mayor and Councilmember's that would allow for some answers to questions.

Mayor Thomas apologized for his absence at the meeting. His flight was changed and it was out of his control.

Mayor Thomas reviewed the restriction of three councilmember's attending a meeting which would then constitute a quorum and therefore it would be considered a council meeting. He would be willing to attend a meeting as well as any two councilmember's. He said they are open to any ideas for the new park.

Mr. Payne thanked Councilmember Wadsworth for attending the information meeting.

Joyce Webb

Ms. Webb asked if the council has the names for the Senior Citizens Board.

Councilmember Andersen said the names would be presented at the next council meeting.

OTHER BUSINESS:

There was none.

ADJOURN:

Adjourn to Executive Session

Councilmember Sorensen made a **motion** to adjourn to executive session to discuss land use issues. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 7:05 p.m.

Marlo Smith, Engineering Secretary

Adopted: September 18, 2007