

**Adopted Minutes
Spanish Fork City Council Meeting
July 19, 2011**

Elected Officials Present: Mayor G. Wayne Andersen, Councilmembers Steve Leifson, Richard Davis, Jens Nielson, Keir Scoubes. Absent: Councilmember Rod Dart.

Staff Present: Junior Baker, City Attorney; Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Chris Thompson, Public Works Director; Kent Clark, City Recorder/Finance Director; Dee Rosenbaum, Public Safety Director; Dave Anderson, Community Development Director; Shelley Hendrickson, Planning Secretary.

Citizens Present: Cary Hanks, Aaron Stern.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Scout Zac Bird led in the pledge of allegiance.

PUBLIC COMMENTS:

Cary Hanks, the Director of the Spanish Fork/Salem Area Chamber, invited everyone to participate in Spanish Fork City's Fiesta Days Celebration as well as the Farmer's Market that will start on July 30th, at 8 a.m., in the City Hall parking lot.

Agenda Request - James Williams regarding traffic on 1400 East
Not present

COUNCIL COMMENTS:

Councilman Davis read the dates and times of the events and activities for the Fiesta Days Celebration.

Mayor Andersen reported a story regarding young people who valued the experience of playing in a ball game instead of the attitude of 'winning at all costs'. He expressed how proud he was to live in Spanish Fork City.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – June 5, 2011
- b. American Express Agreement
- c. Sankey Rodeo Company Contract
- d. Fred White 1000 North Main Street to 200 East Right of Way Acquisition Purchase Agreement
- e. 100 South Utilities Improvements Change Order #1
- f. Northeast Bench Change Order #3

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

NEW BUSINESS:

Clerical Correction on October 5, 2010 City Council Minutes

Mr. Baker explained that during the City Council meeting on October 5, 2011, that the Legacy Farms Annexation was approved. Councilman Dart moved to approve the annexation with four conditions. The conditions were inadvertently left out of the minutes. Mr. Baker read the four conditions.

Councilman Davis made a **motion** to **approve** the October 5, 2011, City Council Minutes. Councilman Nielson **seconded** and the motion **passed** all in favor.

Proposed Changes Signage Regulations

Mr. Anderson explained there were two proposed signage changes. The first change is to the City's regulations for off site directional signs for developments. The proposed language will help to clarify the ordinance and help the City to effectively regulate signage in the community. He further explained that the City typically did not work with developers with regard to signs but with builders. He said that the City did not have a way to track who had what and what the purpose of the signs really are. He said that the proposed change to the regulations was from four signs per development to one sign per builder.

Councilman Davis expressed that he felt discussion should take place with the builders, who are building in our town, to determine how many signs should be allowed.

Mr. Anderson said that there were a lot of signs out in the community that do not conform to City standards.

Mayor Andersen expressed that he felt holding a meeting with the builders in town was the appropriate thing to do.

Discussion was held regarding holding a meeting, with builders, to discuss the proposed changes.

Mr. Anderson said that there are a very limited number of builders building in Spanish Fork City.

Councilman Scoubes asked if it would be appropriate to send a letter to the Utah Home Builders Association inviting those who might have a vested interest to participate in the meeting.

Councilman Leifson expressed that he felt that the builders who are currently building within Spanish Fork should be invited to the meeting; not all builders.

Councilman Davis expressed that he just wanted to have a few individuals invited to the meeting.

Mr. Anderson explained that the City was not dealing with a broad range of builders.

It was determined that Mayor Anderson, Councilman Leifson and Councilman Davis would be involved in the meeting and discussion ended regarding development signs.

Mr. Anderson explained the proposed changes to the election signs. He said that the ordinance permits election signs to be posted on City property in certain locations throughout the community. Mr. Anderson expressed that he felt it was not necessary to place signs on City

property that there were thousands of private locations throughout the community for candidates to place signs.

Mayor Andersen said that it was his belief that there had been some lawsuits brought against some communities with regard to campaign signs and that the outcome was that signs could be placed wherever you wanted to place them.

Mr. Baker said it was more about First Amendment signs and not campaign signs.

Mayor Andersen expressed that he felt campaign signs should not be heavily regulated.

Mr. Baker explained that what is clear from case law is that if the City owns the property, they can exclude signs on the property.

Mayor Andersen expressed that whatever the City decides to do, that we do not come in conflict with some opportunists that likes to sue Cities.

Mr. Anderson explained that the City was very permissive relative to political signs and private property.

Councilman Scoubes expressed that he felt it was a great service to allow for signs on City land.

Mayor Andersen said his only concern would be people respecting other people's rights. He explained that he felt it would not be appropriate for a candidate to place a sign along the sidewalk inside the sports complex.

Councilman Leifson said that he had been through two elections and that one year he could place signs on City property and one year he could not. He said that he didn't feel it made a difference either way that there was plenty of exposure on private property.

Councilman Scoubes said he felt that by not allowing signs to be placed on City owned property that it put the new comers at a disadvantage relative to sign placement.

Candidate Sterns was present at the meeting and commented. He expressed that he agreed with Councilman Scoubes. He felt the City should be supportive of the candidates and was in favor of placing signs on City property.

Discussion was held, with Mr. Baker, regarding the legal impact of signs on City owned property.

Councilman Davis expressed that if placing signs on City owned property could cause lawsuits than signs should not be allowed on City owned property.

Discussion was held amongst the Council regarding their opinions for sign placement and the City website.

Mr. Anderson said an ordinance had not been prepared. He was just looking for direction.

2011 Main Street Water Main Replacement Project, 1400 North to 1600 North

Mr. Thompson explained that there had been two breaks on this line and he was anxious to get it replaced.

Councilman Leifson made a **motion** to **approve** the 2011 Main Street Water Main Replacement Project, 1400 North to 1600 North awarding the contract to Lyndon Jones Construction for the amount of \$177,654.

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

2011 Streets Seal Project Change Order #2

Mr. Thompson explained the City's road maintenance: one being an overlay for 20 plus years of life and two, seal coats to extend the life of a road. There are several seals: chip seal, slurry seal, mineral seal and crack seal. The City has bought equipment and performs our own overlay and crack seal. The overlay is very expensive and the seals are bid out every year.

Councilman Davis made a **motion** to **approve** the 2011 Streets Seal Project Order #2 to M & M Asphalt Services in the amount of \$49,964.98.

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

2011 HA5 High Density Mineral Bond Seal Project Change Order #1

Discussion on this item was included with the previous item.

Councilman Scoubes made a **motion** to **approve** the 2011 HA5 High Density Mineral Bond Seal Project Order #1.

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

ADJOURN:

Councilman Leifson made a **motion** to **adjourn**.

Councilman Nielson **seconded** and the motion **passed** all in favor at 6:55 p.m.

ADOPTED: August 2, 2011

Shelley Hendrickson, Planning Secretary