

**Adopted Minutes
Spanish Fork City Council Meeting
August 2, 2011**

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

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; Dale Robinson, Parks & Recreation Director; Angie Warner, Deputy Recorder.

Citizens Present: Aaron Stern, Josh Stern, Matt Packard, Chris Salisbury, Wayne Wengreen, Nathan Wengreen, Tanner Loftus, Jenny Loftus, Cary Robarge, David Grotegut, Brad Podany, Linda Podany, Cary Hanks, Brandon Gordon.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Tanner Loftus led in the pledge of allegiance.

PUBLIC COMMENTS:

Doug Ford commented on the recent flooding along the river. Mr. Ford commended the City for their proactive approach to protecting the many properties. Mr. Ford said he put sandbags in his yard and it still flooded but the water did not reach the home. Mr. Ford thanked the neighbors and volunteers that helped.

Mayor Andersen thanked Doug Ford for all he does for the community.

Brad Podany asked about traffic enforcement on 1100 East in the county. There are many speeders along this road and a lot of citizens walk on this road. Mr. Podany was almost hit while walking his horse, so they moved to walking on the river trail. Mr. Podany asked why the City posted signs along the river trail that you cannot have horses on the trail?

Dee Rosenbaum recognized that the road Mr. Podany is talking about is referred to as Popler Lane and is a county road. Spanish Fork City has no jurisdiction and no authority to do anything on that road. Mr. Rosenbaum directed Mr. Podany to contact the Sheriff's Office or the County Commission.

Dale Robinson explained that the City does maintain the trail. Mr. Robinson said that in the master plan there is an equestrian trail in the plan in the future.

Mayor Andersen said he will voice this concern to the County Commissioners this Thursday.

Cary Hanks, Director of the Spanish Fork/Salem Area Chamber of Commerce, announced that the Farmer's Market started last Saturday. The turn out was great. It will run every Saturday morning at 8:00 am until November.

Chris Thompson presented two projects that are already included in the budget. The first one is to re-asphalt the parking lot in Canyon View Park. The second is to construct a trail through the park and along Powerhouse Road. We have negotiated with LEI to do a design for this. Staff proposes that the Mayor sign the contract for the design so the work can be completed this year. Mr. Thompson also presented a change order for our water utility project. This is to do extra trench repair on a road that is failing.

City Council agreed to move forward.

Aaron Stern commented that he opposes the ordinance that is on the agenda tonight regarding temporary signage. He suggested that the item be tabled until after the upcoming election. Mr. Stern feels that Councilman Dart & Davis should recuse themselves from voting on the ordinance.

COUNCIL COMMENTS:

Councilman Scoubes commented on the wonderful Fiesta Days. There was great support from community and he thanked all the staff & volunteers. Councilman Scoubes announced that the Harvest Moon Hoorah will be on October 8th.

Councilman Dart said that he attended the Library Board meeting. The numbers for participation are great for the summer reading programs. Councilman Dart thanked the staff at the library. He said Fiesta Days was great. He attended the production of Hairspray and it was a lot of fun.

Councilman Leifson agreed with the comments about Fiesta Days. He thanked the committees, volunteers and staff. At UMPA meeting last week, the power companies are running lean but still running well. At SUVPS meeting, the new substation at Dry Creek should be up and running soon. *(Councilman Leifson said Crab Creek, but meant Dry Creek.)*

Councilman Davis said Fiesta Days ran really well. He thanked the committee, staff and volunteers. The committee is already preparing for 2012.

Mayor Andersen said that the Fiesta Days Rodeo has sold out for the last 20 performances in a row. He expressed how great that is, and thanked the committee and the Diamond Fork Riding Club.

SPANISH FORK 101:

Dave Anderson spoke about the process of what to do if citizens want to build a fence, shed, carport, chicken coop, etc.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – June 19, 2011
- b. White Rail Development Agreement
- c. Mountainland Association of Governments Aging Services Contract
- d. Authorize Sale of Surplus Truck to Levan Town
- e. Lease of Vehicle for Spanish Fork City Task Force Officer

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

NEW BUSINESS:

Ordinance #10-11 Waiving the Solicitor Fee for Charitable Organizations

Junior Baker stated that this item was discussed a couple weeks ago. The City had a request to waive the Solicitor License fee for charitable organizations. Mr. Baker made the proposed changes to section 5.04.110(F) of the Spanish Fork Municipal Code.

Spanish Fork Municipal Code §5.04.110(F) is hereby amended as follows:

5.04.110. Fee Schedule

There is levied upon the business, location, trade, or calling of every person engaged in business in the city an annual license fee based upon the type of class of said business as follows:

F. The amount for a business license for a canvasser or a solicitor shall be \$100.00 per calendar year, unless the proceeds from the solicitation are only used for the benefit of a charitable organization with substantial ties to the community. Such institutions shall include, but not be limited to churches, scouting organizations, schools, service clubs, and similar charitable organizations. For such charitable organizations, the license fee shall be waived. No canvasser or solicitor license shall be valid during the period of the Fiesta Days celebration.

Councilman Nielson made a **motion** to **approve** the Ordinance #10-11 Waiving the Solicitor Fee for Charitable Organizations.

Councilman Scoubes **seconded** and the motion **passed** all in favor with a roll call vote.

Ordinance #11-11 Amending the Temporary Sign Requirements for Campaign Signs

Junior Baker said this item was discussed at the last meeting and is presented tonight with the proposed changes to section 5.36.050 of the Spanish Fork City Municipal Code.

Spanish Fork City Municipal Code §5.36.050(8) is hereby amended to read as follows:

5.36.050. Permitted Temporary Signs.

8. Campaign Signs.

Campaign signs may be displayed, in accordance with the following requirements, as soon as a candidate files for office, and must be removed within seven days following the election:

- a. In agricultural, residential, and residence office zoning districts, campaign signs shall have a maximum area of six square feet and a maximum height of five feet.*
- b. In commercial office, commercial, and industrial zoning districts, campaign signs shall have a maximum area of thirty-two (32) square feet and a maximum height of eight feet.*
- c. Repealed.*
- d~e[No change].*

Mayor Andersen read emails from candidates Marvin Wharton and Matt McEwen saying that they oppose the ordinance change regarding signage.

Councilman Nielson asked why Councilman Davis and Dart would need to recuse themselves from voting on this ordinance.

Junior Baker said there is no advantage or disadvantage; from a legal prospective he does not see a problem.

Councilman Nielson & Scoubes would prefer the sign locations stay.

Discussion about public forum locations.

Councilman Leifson asked if the City is safer to just take away the locations.

Junior Baker replied yes.

Councilman Davis commented that Mapleton got sued over signs.

Mayor Andersen agrees with the ordinance to remove the eight locations.

Councilman Scoubes asked why this decision is being based on if the City would get sued or not. Councilman Scoubes does not agree with the candidates voting on this ordinance.

Councilman Leifson does not see a problem with Councilman Davis & Dart voting on this ordinance.

Mayor Andersen said if we keep the eight locations it doesn't change the situation of the public forum.

Councilman Davis said he does not want to take the chance of spending the citizen's money on a lawsuit. Councilman Davis advised the candidates to go out and campaign, the signs don't make the difference you do.

Councilman Scoubes commented that the signs help with public awareness of the candidates and elections.

Councilman Leifson made a **motion** to **approve** the Ordinance #11-11 Amending the Temporary Sign Requirements for Campaign Signs.

Councilman Davis **seconded** and the motion **passed** with a 3-2 roll call vote.

Councilman Dart - Abstain

Councilman Davis - Aye

Councilman Leifson - Aye

Councilman Nielson - Nay

Councilman Scoubes - Nay

Mayor Andersen - Aye

Bowen, Collins & Associates, Inc. Master Agreement for Professional Services

Chris Thompson stated that this agreement with Bowen, Collins & Associates lists the basic information that would be in most agreements. This will be a time benefit so the City does not have to bring back complex agreements each time Bowen, Collins & Associates does work for the City. If Council approves this agreement staff will have task orders for new projects they do for the City. It is a three year contract with automatic one year renewals, but the City may terminate at any time with or without cause.

Councilman Dart made a **motion** to **approve** the Bowen, Collins & Associates, Inc. Master Agreement for Professional Services.

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

Crab Creek Trunkline Phase 2

Chris Thompson said this entails a Master Agreement for professional services with Hansen, Allen and Luce. (It is the same form as the Bowen & Collins agreement that was just approved.) This is a task order for the Crab Creek Trunkline that comes from the mouth of the canyon down to Canyon Road. A review committee has reviewed the proposals and has recommended the bid be awarded to Hansen, Allen, & Luce.

Councilman Davis made a **motion** to **approve** the Crab Creek Trunkline Phase 2 Task Order #1 - #34812100 awarded to Hansen, Allen & Luce.

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

Central Bank & Salisbury Homes – Extending the entitlements on the Maple Mountain Master Planned Community – Reducing the Preliminary Plat review fees

Junior Baker reviewed the history of this item. Central Bank & Salisbury Homes are here tonight to ask for another extension.

Chris Salisbury explained what has been going on for the past 6 months. For the last 45 days Salisbury has been communicating with the City and trying to get a developers agreement done. One main problem has been that there are no water rights. Mr. Salisbury also said that he does not agree that the City is charging the full fee for a preliminary plat that has already been looked at. Why should Salisbury pay again for a structure that is already built.

Junior Baker said the fees have to correspond with the City's expenses.

Chris Thompson agrees with Salisbury on reducing the fees re-submittals with minor changes to the development. We feel that otherwise our fees are accurate since we have looked and reviewed this plat before. Mr. Thompson reviewed what staff does to redesign the plat.

Junior Baker reminded Council this is the second extension for Salisbury. Council can give up to a six (6) month extension.

Matt Packard with Central Bank said this is not a normal case and the market is horrible for everyone.

Discussion about a time frame for the extension.

Junior Baker reminded the Council that this is a proposal. If it goes forward from here it has to go through the process of Development Review Committee, Planning Commission & City Council.

Discussion about the fees for the preliminary plat.

David Grotegut said he lives right by the development and owns part of the land included in the development. He has no desire to be included anymore.

Chris Salisbury said Mr. Grotegut & the Haycock's are included. Mr. Salisbury thought that Mr.

Grotegut had been contacted.

Councilman Leifson asked what happens if the Grotegut's & Haycock's drop out.

Junior Baker reviewed that the two property owners have to sign off on the agreement. If they do not sign, the whole project is dead.

Mr. Grotegut stated that if they want the frontage, Salisbury would have to purchase it from him.

Councilman Davis asked when the plat expires.

Chris Salisbury said 2 weeks. Mr. Salisbury asked Mr. Grotegut if they could sit down and talk through this.

Councilman Leifson made a **motion** to approve a six (6) month extension for the Maple Mountain Master Planned Community and to charge the plat review fees based on actual time spent reviewing the plat.

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

ADJOURN:

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

Councilman Leifson **seconded** and the motion **passed** all in favor at 8:19 p.m.

ADOPTED: August 16, 2011

Angie Warner, Deputy Recorder