

**Adopted Minutes
Spanish Fork City Council Meeting
May 6, 2014**

Elected Officials Present: Mayor Steve Leifson, Councilmembers Rod Dart, Richard Davis, Brandon Gordon, Mike Mendenhall. Absent: Councilmember Keir A. Scoubes.

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Chris Thompson, Public Works Director; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Steve Adams, Public Safety Director; Pam Jackson, Library Director; John Bowcut, IS Director; Angie Warner, Deputy Recorder.

Citizens Present: Emily Wilson, Megan Johnson, Raychellene Talbot, Joseph Lee, Clark Rowley, Cindy Lee, Chase Jones, Kyson Pulham, Jonathan Nelson, Amparo Sanchez, Brad unknown, Darus Ashton, Alex unknown, Ashley Chidester, Anya Nielson, Shane Bunker, Mark W., Cesar Sanchez, Kyle Clark, Quincy Rogers, Brady Rogers, Lori Warner, Keith Warner, Jesse Brimhall, Jacob Anderson, Zac Peterson, Joshua James, Luke Konchan, Parker Smith, Tyler Mendenhall, Kevin Parker, Ken Peay, Wayne Andersen, Jessica Ivie, Jamie Udell, Stephanie Acerson, Tate Stewart Chester, McKinzie Taylor, Kaylie McGee, Rachel Cannon.

5:15pm WORK SESSION:

Discussion took place regarding the item(s) listed below; no formal actions are taken in a work session meeting.

1. Historic Preservation –Dave Anderson

Mr. Anderson said at the first of this year the Mayor appointed a citizen to the Historic Preservation Committee. Mr. Anderson presented some models of how other cities run their historic preservation committee.

6:00pm CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION:

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

Motivational/Inspirational Message given by Mark Leifson.
Johnathan Nelson led in the pledge of allegiance.

Miss Pleasant Grove –Strawberry Days

Miss Pleasant Grove Stephanie Acerson, 1st attendant Tate Stewart Chester, 2nd attendant McKinzie Taylor, 3rd attendant Kaylie McGee, 4th attendant Rachel Cannon. Miss Pleasant Grove Roylaty invited all to the Strawberry Days being held June 17-21 and highlighted some of the fun events that will be going on.

Miss Spanish Fork Royalty

Miss Spanish Fork Megan Johnson spoke about her platform, suicide prevention and awareness and 3rd attendant Emily Wilson spoke about her platform, building future leaders in our community.

Fiesta Days Rodeo Royalty

Steve Money introduced the Rodeo Committee Kevin Parker, Ken Peay, and Wayne Andersen. Mr. Money introduced the Fiesta Days Rodeo Royalty: Queen Jessica Ivie, 2nd attendant Jamie Udell. Mr. Money reminded everyone to get tickets for the Champions Challenge Rodeo that will be held May 31st.

PUBLIC COMMENTS:

Ashley Chidester & Anya Nielson with the Youth City Council said they will be holding their annual yard sale this Saturday at 7am at the City Office and that all proceeds will go to Tabitha's Way.

COUNCIL COMMENTS:

Councilman Davis attended the Mt. Nebo Water Agency meeting where they are looking at the projects coming up. Fiesta Days is moving forward and is only a couple months away. On May 22nd at 3:00pm, is a great opportunity for volunteers to come help set up the flags and crosses at the cemetery for Memorial Day. This year there will be approximately 1600 crosses and flags to set up.

Councilman Dart thanked the public safety employees and volunteers.

Councilman Mendenhall also thanked the public safety department as well as the recreation department.

Mayor Leifson invited the citizens to the flower planting on Main Street this Saturday and next Saturday and thanked all those volunteers that help.

SPANISH FORK 101: Library Summer Reading Program –Pam Jackson

CONSENT ITEMS:

Department Directors gave a brief summary of their item(s) listed below:

- a. Minutes of Spanish Fork City Council Meeting – April 15, 2014
- b. Malcomb Springs Diversion 2014 Change Order #1
- c. Airport Hangar Lease Amendment

Councilman Gordon made a **Motion** to **approve** the consent items.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor.

PUBLIC HEARING:

Ordinance #06-14 Vacating a Portion of Cal Pac Avenue

Junior Baker pointed out the area on Cal Pac Avenue that it was realigned for safety. This proposal is to vacate the old portion of the street and return the property back to the underlying owner.

Councilman Dart made a **Motion** to move into Public Hearing.

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:46 p.m.

Mayor Leifson welcomed public comment.

There was none.

Councilman Dart made a **Motion** to move out of Public Hearing.
Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:46 p.m.

Councilman Davis made a **Motion** to **approve** the Ordinance #06-14 Vacating a Portion of Cal Pac Avenue.

Councilman Dart **Seconded** and the motion **Passed** all in favor with a roll call vote.

Proposed General Plan and Zoning Map Amendments for properties found in the vicinity of 2550 the East Canyon Road intersection. The proposed General Plan Amendment would change Low and Medium Density Residential designations to Mixed Use and High Density Residential. The proposed Zone Change would change the zoning from R-1-6 to R-3.

Proposed Preliminary Plat for the Ridge, a 166-unit Master Planned Development to be located at approximately 2700 East Canyon Road (Public Hearing not required for this item)

Dave Anderson said this project, The Ridge, has 3 proposals tonight. A General Plan Amendment, a Zone Change, and a Preliminary Plat. Mr. Anderson pointed out the location on the map. The Planning Commission has reviewed this twice before recommending it onto the City Council. One concern is the traffic at 2550 East Canyon Road. The City is in the process of obtaining property to realign and complete improvements at that intersection. A traffic study was performed and the results presented that it performs at a level F. If this development was approved and if UDOT agreed to put a traffic light, it would take it up to a level B. A second concern is the height of the homes. Proposed is a three story at 40-45 feet tall with the exception that some will only be two story at 35 feet. The Development Review Committee and Planning Commission recommend approval to amend the General Plan for 14 acres for The Ridge Development to the high density residential and mixed use; zone change from R-1-16 to R-3; and the preliminary plat.

Jesse Brimhall the developer for the Ridge presented the design and details for the proposal.

Councilman Dart made a **Motion** to move into Public Hearing.
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:21 p.m.

Mayor Leifson welcomed public comment.

Keith Warner lives next to the proposed development. Mr. Warner does not agree with the height of the 45 foot homes, the density and the traffic issue. Mr. Warner attended the Planning Commission meeting where other concerns were addressed.

Todd McCarg lives on 2700 East. Mr. McCarg thanked the developer for listening to their concerns and making changes. Mr. McCarg's concerns are traffic, paving the sides of the roads, and to point out that these homes will be taller than the Somerset Development to the East so they will be more visible and a wind breaker.

Keith Warner commented that if the zone for his property was changed to R-3 it would be an advantage to him.

Councilman Gordon made a **Motion** to move out of Public Hearing.
Councilman Davis **Seconded** and the motion **Passed** all in favor at 7:33 p.m.

Mr. Anderson added that the developer has added approximately 100 more parking spaces than what is required. Also, the applicant has proposed to do all the amenities with the first phase so there will be no need for a development agreement.

Councilman Davis asked about the property between the proposed development and Somerset that does not have improvements.

Mr. Anderson said this comes up a lot; the City does not have the funding for curb, gutter and sidewalk, they are completed with development. Staff has applied for federal funding to try to help with that since Canyon Road is a state road.

Councilman Gordon made a **Motion** to **approve** the Ordinance #09-14 Changing the General Plan Designation and Amending the Official General Plan Map of Spanish Fork City for The Ridge. Councilman Dart **Seconded** and the motion **Passed** all in favor with a roll call vote.

Councilman Dart made a **Motion** to **approve** the Zoning Ordinance #Z03-14 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for The Ridge to R-3. Councilman Gordon **Seconded** and the motion **Passed** all in favor.

Councilman Dart made a **Motion** to **approve** the Preliminary Plat for The Ridge, a 166-unit Master Planned Development to be located at approximately 2700 East Canyon Road. Councilman Davis **Seconded** and the motion **Passed** all in favor.

NEW BUSINESS:

Recommended Changes to the Personnel Policy Manual

Seth Perrins reviewed the proposed changes to the travel and training; city vehicle use; education assistance; holiday hours; and CDL:

1. *Section 1.20.55.020 (A), (B), and (C) Conferences, Seminars and Conventions is amended as follows:*

A. Employees or volunteers participating in a job or city-related conference, seminar or convention, must complete a "Request for Training/Education" form and submit it to their supervisor and the finance office for approval.

B. Payment and Reimbursement. Travel expenditures will be paid or reimbursed as follows:

1. Meals. Paid at the prevailing federal per diem rate (M&IE). Per diem for breakfast, lunch or dinner will only be paid for overnight training. No per diem will be paid if meals are included with training registration. Employees, volunteers or elected officials should include a schedule of the conference so that included meals can be excluded from the per diem.

2. Lodging. Paid at actual room rate. In extenuating circumstances, if an employee, volunteer, or elected official places room rental on their personal charge card, approved reimbursement will take place upon presentation of receipt. Employees should always attempt to use direct pay or a city credit card or check so that Utah State taxes can be recovered by the City.

Cost and convenience should be considered when selecting hotels for travel. If an employee chooses to stay at another hotel for personal reasons, the city will reimburse the employee for the actual cost of the hotel and taxes, not to exceed the cost of the conference hotel(s).

The employee or volunteer shall reimburse the city for the cost of additional night stays beyond the necessary nights for the city business.

3. Travel/Mileage Reimbursement. Reimbursed at the prevailing federal rate. When an employee, volunteer or elected official must fly to a travel destination, the city shall pay for the plane ticket in whole. If the option is given to fly or to drive, the employee, volunteer or elected official will be

reimbursed a mileage amount not to exceed the cost of air travel to the same destination. The human resource or finance office will assist in calculating the reasonable reimbursed amount.

C. Registration. Paid at rate noted on registration form. Non-essential activities that are not included with the regular cost of registration shall be paid for by the employee. When a volunteer or elected official, serving on behalf of the city, attends a conference that has a spouse agenda, the city may pay the cost of the spouse's registration.

2. *Section 1.20.55.040. (A) and (B) City Vehicle Use is amended as follows:*

A. The on-call employee in the water, streets, and SFCN divisions are required to take a city vehicle home. This is to allow employees to respond more readily and to more quickly address emergency situations with proper equipment and tools during non-working hours. All vehicles/employees in this category shall be authorized by the city manager upon recommendation of the department director.

B. City owned vehicles that are taken home are to be used only for commuting to and from work or when performing official city duty. City-owned vehicles are not to be used for personal purposes of any kind, unless otherwise noted. When going to lunch, employees should use their personal vehicle, unless traveling to change vehicles is out of the way, or the potential to be called back to work during lunch is present.

3. *Section 1.20.55.010 (B) Higher Education Assistance is amended as follows:*

B. Employees desiring to participate in this program must submit a request in writing to the employee's department director before commencing the education training. Such requests should describe how the desired education is related to the employee's current job and how the education will benefit Spanish Fork City. The request must then be reviewed with the human resource director for final approval. Pre-approval is necessary for reimbursement. Course work or degrees approved for reimbursement must be related and pertinent to the employee's current position. Final determination shall be made by the human resource manager with input from the department director.

4. *Section 1.20.40.010 (D). Holidays is added as follows:*

(D)Police Officers assigned in the Patrol Division will be given 4 days (40 hours) of personal holiday hours on January 1 and 6 days (60 hours) on July 1. The officer has the discretion when to use those hours anytime in the six month period immediately following the receipt of such hours, subject to receiving approval from his/her supervisor. The officer will designate on their individual timecard when they use their personal holiday hours. At the end of each 6 month period, the city will buy-out, at full cash value, up to 20 hours in June and 30 hours in December. Any remaining hours above these amounts will be forfeited.

5. *Section 1.20.95.100 (C) Driver's License is rewritten as follows:*

C. The City will reimburse the employee for the driver's license fee incurred in obtaining the license. Employees required to obtain a physical in order to obtain a CDL are required to submit the costs of the physical through their personal health insurance company. The City will reimburse employees for any license fees, insurance copays, or other costs not covered by the insurance upon presentation of a receipt(s). Physicals must be taken at a certified medical examiner's office as listed on the DOT's national registry.

Councilman Dart made a **Motion** to **approve** Resolution #14-09 Amending the Spanish Fork City Employee Personnel Manual.

Councilman Davis **Seconded** and the motion **Passed** all in favor with a roll call vote.

Ordinance #07-14 Amending the Parking Requirements on Main Street

Junior Baker said that currently parking restrictions prohibit overnight parking on Main Street and further limit parking to 3 hours from 400 South to I-15. This proposal is recommending extending the parking restrictions south to the Spanish Fork River.

10.16.010 Parking Prohibited.

A. It shall be unlawful for any person to park any vehicle on either side of Main Street south of I-15 or north of

the Spanish Fork River between the hours of 11:00 p.m. and 5:00 a.m. It shall also be unlawful for any person to park a vehicle on either side of the street between the hours of 11:00 p.m. and 5:00 a.m. on Center Street between Main Street and 100 East, on 100 East between Center Street and 100 South, and on 100 South between 100 East and Main Street.

- B. It shall be unlawful for any person to park any vehicle on either side of Main Street, between 5:00 a.m. and 11:00 p.m., south of I-15 or north of the Spanish Fork River for a period of time longer than three consecutive hours.*

Councilman Davis made a **Motion** to **approve** Ordinance #07-14 Amending the Parking Requirements on Main Street.

Councilman Dart **Seconded** and the motion **Passed** all in favor with a roll call vote.

Ordinance #08-14 Amending Business License Revocations

Junior Baker reviewed that the current ordinance requires a hearing before the City Council to revoke a business license. This recommendation is to change the required hearing to be before the Community Development Director and the process.

5.04.100 Revocation

- A. The issuance of a license under this Title grants only a revocable privilege to engage in business and confers no vested rights of any kind upon a licensee. The licensee agrees, as a condition of license issuance, to operate the licensed business or activity in conformity with the ordinances of the City and other applicable laws.*
- B. Licenses issued under the provisions of this Title may be revoked for failure upon the part of the licensee to comply with the conditions and requirements under which said license is granted, because of illegal activities thereunder, or for the following causes:*
- 1. The violation of any provision in this Title;*
 - 2. The failure to pay, when due, any license fee (including renewal fee), tax, charge, or penalty provided for by City ordinance or State statute;*
 - 3. Any fraud or misrepresentation of a material fact in the procurement of the license, including falsification of any information or supporting documentation provided by the licensee with the license application;*
 - 4. Noncompliance with building, fire, or health codes;*
 - 5. Any conduct at the licensed premises tending to render the premises a private or public nuisance, as defined in the Spanish Fork Municipal Code, or a menace to the health, peace, or general welfare of the City or its residents;*
 - 6. Activities, under the guise of conducting a business, that are fraudulent, deceptive, or constituting a violation of City ordinances or other applicable law;*
 - 7. Failure of the licensee to retain the legal qualifications necessary for the license;*
 - 8. Violation of the zoning ordinances governing the licensed business or activity, including, but not limited to, parking and landscaping requirements;*
 - 9. Conviction of any crime related to the licensed business, after the issuance of the license;*
 - 10. Refusal to allow City employees to make inspection of the licensed premises during the business' operating hours.*
- C. No license shall be revoked under the provisions of this Title except after notice and hearing. The hearing shall be conducted by the Community Development Director. The decision of the Director is final and non-appealable. Notice shall be given by sending a copy of the notice by certified mail, return receipt requested, to the applicant at the address shown on the applicant's last application for a business license. The notice shall specify the date, time, and place of the hearing and contain a brief description of the reasons why the license is subject to revocation. It is the applicant's duty to maintain a current address at all times with the city business license administrator. Notice is deemed received if notice is sent to the last address on file with the City and is returned unclaimed, unknown, moved, or for any other reason identified by the postal service. The hearing shall be held within twenty (20) days after mailing of the notice. The applicant may appear in person or may send a representative. The applicant has a right to be represented by counsel, but has no right to be appointed counsel.*
- D. Licenses revoked shall be for a period of one year, unless they are for violations of numbers 2, 4, 7, 8, or 10*

of the causes set forth in paragraph B, in which event the licensee may reapply when compliance with those provisions has been met.

- E. *For purposes of revoking a business license, the licensee is responsible for the acts of their employees, agents, or others acting under the license issued.*

Councilman Gordon made a **Motion to approve** Ordinance #08-14 Amending Business License Revocations.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor with a roll call vote.

Resolution #14-07 Approving an Interlocal Agreement with other Government Entities in Utah County Creating a Municipal Ethics Commission, and Authorizing the Mayor to Execute the Agreement

Junior Baker said this change came about in the legislature. This lets a city dealing with a municipal ethics violation to rely on this committee for the investigation. Mr. Baker reviewed some of the details in the interlocal agreement as well as the State Municipal Ethics Act.

- 1. Spanish Fork City hereby approves the interlocal agreement with other Utah County cities, as attached hereto, to create a Municipal Ethics Commission, and hereby authorizes the mayor of Spanish Fork City to execute the same.*
- 2. The purposes, powers, duties, and functions of the Municipal Ethics Commission are set forth in the interlocal agreement, as attached hereto, and which purposes, powers, duties, and functions the Council hereby approves.*
- 3. This Resolution shall become effective upon adoption and execution.*

Councilman Dart made a **Motion to approve** Resolution #14-07 Approving an Interlocal Agreement with other Government Entities in Utah County Creating a Municipal Ethics Commission, and Authorizing the Mayor to Execute the Agreement.

Councilman Davis **Seconded** and the motion **Passed** all in favor with a roll call vote.

Resolution #14-08 Approving an Interlocal Agreement with other Government Entities in Utah County Concerning Utah Lake, Its Uses and Preservation, and Authorizing the Mayor to Execute the Agreement

Junior Baker said a committee was created called the Utah Lake Commission and this is an interlocal agreement with that commission to give support in verifying if regulations that the State are going to implement are justified.

- 1. Spanish Fork City hereby approves the interlocal agreement with other Utah County cities, as attached hereto, to join a separate legal entity known as The Utah Lake Commission, and hereby authorizes the mayor of Spanish Fork City to execute the same.*
- 2. The purposes, powers, duties, and functions of The Utah Lake Commission are set forth in the interlocal agreement, as attached hereto, and which purposes, powers, duties, and functions the Council hereby approves.*
- 3. This Resolution shall become effective upon adoption and execution.*

Councilman Davis made a **Motion to approve** the Resolution #14-08 Approving an Interlocal Agreement with other Government Entities in Utah County Concerning Utah Lake, Its Uses and Preservation, and Authorizing the Mayor to Execute the Agreement.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor with a roll call vote.

FY 2015 Tentative City Budget

Kent Clark presented the FY2015 tentative budget. Mr. Clark said they will hold a public hearing on June 3rd and then it will be proposed for approval on June 17th. Mr. Clark said this budget has decreased from last year to \$62 million.

Councilman Dart made a **Motion** to **approve** the FY 2015 Tentative City Budget.
Councilman Mendenhall **Seconded** and the motion **Passed** all in favor.

ADJOURN TO REDEVELOPMENT AGENCY:

Board member Davis made a **Motion** to adjourn out of City Council Meeting and into Redevelopment Agency Meeting.

Board member Dart **Seconded** and the motion **Passed** all in favor at 8:38 p.m.

Board member Davis made a **Motion** to adjourn Redevelopment Agency meeting and reconvene back to City Council meeting.

Board member Gordon **Seconded** and the motion **Passed** all in favor at 8:41 p.m.

ADJOURN:

Councilman Dart made a **Motion** to **adjourn** to Closed Session to discuss Legal Issues.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 8:41 p.m.

ADOPTED: May 20, 2014

Angie Warner, Deputy Recorder