

**Adopted Minutes
Spanish Fork City Council Meeting
December 2, 2014**

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

Staff Present: Junior Baker, City Attorney; Dave Anderson; Community Development Director; Chris Thompson, Public Works Director; Kent Clark City Recorder/Finance Director; Steve Adams, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Landon Zea, Emily Christensen, Bryan Bishop, Mikayla Robins, Lando Fawcett, Cary Hanks, Momuela Neuenschwander, Sean Ireland, Brady Bott, Jon Haderlie, Joe Rich, Richard Mendenhall, Windy Cooke, Kari Johnston, Ryan Dart, Brianna Rumfield, Deb Meinhoff, Jennifer Graeff.

5:15pm WORK SESSION:

1. Construction Standards –Chris Thompson

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

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

Mayor Pro Tem Dart called the meeting to order at 6:00 p.m.

Motivation/Inspirational Message given by Ryan Dart.
Councilman Scoubes led in the pledge of allegiance.

PUBLIC COMMENTS:

Cary Hanks Director of Spanish Fork Salem Chamber of Commerce thanked all the people that helped with the winter lights parade. If anyone missed the parade it is available on Channel 17 and Youtube. Ms. Hanks invited the public to the Christmas Business Fair this Saturday at the Memorial Building.

Agenda Request – Bryan Bishop

Bryan Bishop explained that about 3 or 4 years ago he built a shed on his property at 1220 East 550 South. He received a letter from the City that said that he needed to apply for a building permit. He went to court and it turned out the permit was for moving the shed or taking it down. Mr. Bishop asked the City Council for a variance.

Junior Baker said that if Mr. Bishop is asking for a variance, it is a formal process through the Community Development Department and that cannot be addressed here until the proper application is filed and the neighbors are notified. Mr. Baker thinks what Mr. Bishop would like to ask for is a text amendment on setbacks for accessory buildings.

Mr. Bishop said he had just done what his neighbors had done. Mr. Bishop filed a GRAMA Request for permits for surrounding properties and only 4 of them had permits. To move the building is going to cost him as much as it cost to build it and there are problems with moving it.

The court advised Mr. Bishop to talk to the City Council to see what can be done. Mr. Bishop presented pictures of the surrounding neighbors that have similar buildings.

Councilman Davis said the City Council will take it under advisement and see what can be done.

COUNCIL COMMENTS:

Councilman Gordon announced that the animal shelter has changed to winter hours Mon-Fri 10:00am-5:00pm & Saturday 10:00am-12:00pm. The Solid Waste District is still working with Springville on the details of the new transfer station.

Councilman Davis invited the public to the Christmas Box Angel program that will be Saturday December 6 at the cemetery at 7:00pm. There will be a speaker, entertainment and a candle light vigil. It lasts about 30 minutes and to dress for the cold weather. Councilman Davis attended a meeting today regarding implementing a program to better our historical Main Street. Councilman Davis asked Cary Hanks to say a few things about the meeting.

Cary Hanks said that she won't address too much since this is the next item but the Chamber of Commerce fully supports this program. There has been a lot of concern about the businesses on Main Street and how to help get the public to shop the historic Main Street.

Councilman Scoubes said the Airport Board will hold their meeting this Thursday December 4th in Springville. Councilman Scoubes encouraged the public to visit the Festival of Lights which runs from Thanksgiving through New Year's.

Councilman Mendenhall attended the Youth Leadership Summit at Thanksgiving Point with the Youth City Council and expressed what a great program it was.

Mayor Pro Tem Dart excused Mayor Leifson since he is attending the PRCA Convention. Mayor Pro Tem Dart thanked the Chamber of Commerce and the public safety department.

SPANISH FORK 101: Community Planning Assistance Team – Dave Anderson

Spanish Fork City has been selected in a national program to improve our historic Main Street.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – November 18, 2014
- b. Professional Services Agreements; Epic Engineering, Bowen Collins & Associates, Hall Engineering, ICPE & Horrocks Engineering

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

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

NEW BUSINESS:

Ordinance 18-14 Repealing Provisions of the Municipal Code Which Are Outdated

Junior Baker explained that staff has been going through the code and cleaning up outdated or unused items. Mr. Baker reviewed the following:

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The following sections of the Spanish Fork Municipal Code are hereby repealed, as they are currently outdated:

9.08.010 *Abusive Language.*

9.12.020 *Driving Animals on Streets.*

9.16.030 *Culverts and Boxes over Water Ditches.*

Councilman Scoubes made a **Motion** to **approve** the Ordinance 18-14 Repealing Provisions of the Municipal Code Which Are Outdated.

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

Ordinance 19-14 Water Service for Non-Residents

Junior Baker said that in 1991 the City Council adopted an ordinance that was modified by resolution in 1993 & 1994, but which never got implemented into the code. Mr. Baker reviewed the following ordinance amendment:

I.

Spanish Fork Municipal Code §13.24.060 is hereby amended as follows:

13.24.060. Outside City Limits—Procedure.

Spanish Fork City generally does not provide water service to non-residents. However, the City may furnish water service from its water system to persons outside its corporate limits in emergencies or extreme hardship cases, such as a well or other sole source of water going dry or bad. Determination of emergency or extreme hardship is at the sole discretion of the City Council.

Any person located outside the municipal limits desiring to be supplied with water services from the municipal water system must apply to the City Council for non-resident service with a petition containing:

- A. Identification of the emergency or extreme hardship;*
- B. An acknowledgment indicating they are willing to pay, in advance, the whole expense of extending the water system to his/her property;*
- C. Proffer a bond in an amount determined by the City Engineer to cover the cost of the extension;*
- D. An acknowledgment of their willingness to meet the City's construction standards for infrastructure;*
- E. A description of the proposed extension;*
- F. A map showing the location thereof;*
- G. An acknowledgment that the City, in granting said petition, engages to supply only such water to the petitioner which, from time to time, the City Council deems beyond the requirements of water users within the city limits; and*
- H. An acknowledgment that such extension shall be the property of and subject to the control of the city;*
- I. An acknowledgment that the non-resident rates will be higher than the resident rates.*

If granted, the petitioner shall be entitled to a connector's agreement as allowed by Spanish Fork Municipal Code §15.4.16.020(A)(1).

II.

This ordinance is intended to complement the provisions of Resolutions 93-02 and 94-19, which, therefore, shall remain in effect.

Councilman Mendenhall made a **Motion** to **approve** the Ordinance 19-14 Water Service for Non-Residents.

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

Canyon Creek Development Signage Plan (tabled from November 18, 2014)

Richard Mendenhall reviewed that at the last meeting it was discussed the expectation of tenants and what is required in the current market for exposure. Mr. Mendenhall explained that the competition is anywhere in the nation that a business could open a store. Mr. Mendenhall reviewed what is drawing the tenants to the locations. Mr. Mendenhall presented photos of examples of signs.

Councilman Davis asked to review the first proposal that was approved.

Richard Mendenhall reviewed the changes from the first proposal to the proposal presented tonight.

Discussion took place about the position of the freeway signs.

Richard Mendenhall is requesting a decision tonight from the City Council as they are at their deadline to be able to get the Walmart signs done.

Councilman Davis traveled to other locations to see the different signs. He feels they were overkill because they were so big. The signs that stuck out to him were the signs on the buildings. Councilman Davis doesn't want the Las Vegas feel but also he doesn't want to lose sales revenue and businesses. Councilman Davis believes that a good salesman will get the businesses to come here. Councilman Davis commented that it has been said that Highway 6 and I-15 will be the crossroads of Utah. If we have the businesses here the people will stop. Councilman Davis liked the first proposal and is not too sure about this amendment which he feels has too much copy space.

Richard Mendenhall agreed with Councilman Davis' comment that this will be the crossroads for Utah. Mr. Mendenhall also thanked Councilman Davis for the salesman comment, however they don't get to talk to the decision makers, they communicate with the realtors and that is it.

Councilman Mendenhall commented that this is similar to our earlier discussion about Main Street of how do we get the people to stop and come to the businesses.

Councilman Gordon traveled to other locations and spoke with the Planning Commission. He thinks it is important to pay attention to the Planning Commission's recommendation. Councilman Gordon reviewed their recommendation.

Commissioner Fallon moved to recommend City Council allow the two P100' signs along I-15 and the P3 51' sign on the north end of Canyon Creek Parkway and on the east end of Highway 6, however, the Planning Commission does not recommend approval of the other two proposed P45 with LED signs, because of saturation to the environment and visual clutter. With these approved signs every entrance to the development has an LED sign.

Councilman Gordon added that the City has had sign requests from other businesses that have been rejected. If the City Council approves this request, that will change.

Mayor Pro Tem Dart asked why Amber's Family Restaurant has a very tall sign and Macey's doesn't.

Dave Anderson explained that Macey's was interested and could apply to construct a larger sign but has not done so at this time. The size of the sign is based on the size of the building and property.

Councilman Mendenhall commented that the difference between the proposals is two signs and the increase in size on some of the LED signs.

Richard Mendenhall said the LED signs allow the businesses to advertise the current sales to draw the customers to their businesses.

Councilman Scoubes expressed that he doesn't want the people to just stop, he wants them to spend. The LED signs are one step forward and give more details other than just the name of the business.

Mayor Pro Tem Dart feels that this request is not close to a Las Vegas feel. Mayor Pro Tem Dart does not want to be the deal breaker for a business choosing Spanish Fork or somewhere else.

Councilman Davis feels that the request has too much copy space.

Discussion took place regarding the copy space and how much is too much.

Richard Mendenhall explained that the tenants are competing with the internet and the stores are run different than they used to be. The stores are smaller because if they don't have the item in the store, they can get it shipped to your house within a few days. Mr. Mendenhall expressed that this is the cutting edge technology that will benefit the commercial district and this is what the businesses are asking for.

Councilman Davis expressed that he doesn't mind the LED's, what he has a problem with is too much copy space.

Councilman Mendenhall commented that the difference is the two signs and if we take away a sign from one side of the shopping center and not the other, then one side has more advertising opportunity than the other.

Mayor Pro Tem Dart commented that Mayor Leifson gave him permission to voice that Mayor Leifson is in favor of this proposal.

Councilman Mendenhall made a **Motion** to **approve** the Canyon Creek Development Signage Plan as presented. Councilman Scoubes **Seconded** and the motion **Passed** with a 3-2 vote. Mayor Pro Tem Dart, Councilmember Scoubes, Councilmember Mendenhall voting Aye. Councilmember Davis & Councilmember Gordon voting Nay.

FY 2014 Spanish Fork City Independent Financial Audit

Kent Clark said this audit was done for FY 2014 which ended in June. Mr. Clark reviewed the following documents in the audit report:

- Management's Discussion and Analysis
- Basic Financial Statements
- Notes to Basic Financial Statements
- Supplementary Information

Jon Haderlie, with Larson & Company, PC that completed the audit, reviewed the following items:

- Audit Opinion Letter
- Other Reports. (Auditor Letters)
- Communication to those charged with governance

- Management letter from auditor

Councilman Gordon made a **Motion** to **approve** the FY 2014 Spanish Fork City Independent Financial Audit.

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

ADJOURN:

Councilman Davis made a **Motion** to **adjourn** to Closed Session to discuss Reasonably Imminent Litigation.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 8:40 p.m.

ADOPTED: December 16, 2014

Angie Warner, Deputy Recorder