

**Adopted Minutes
Spanish Fork City Council Meeting
November 20, 2018
Spanish Fork City Office
40 South Main Street
Spanish Fork, UT 84660**

Elected Officials Present: Mayor Steve Leifson, Councilmembers Keir A. Scoubes, Mike Mendenhall, Stacy Beck, Chad Argyle. Absent: Councilmember Brandon Gordon.

Staff Present: Seth Perrins, City Manager; Junior Baker, City Attorney; Tyler Jacobson, Assistant City Manager; Dave Anderson; Community Development Director; Chris Thompson, Public Works Director; Kent Clark, City Recorder/Finance Director; Steve Adams, Public Safety Director; Dale Robinson, Parks & Recreation Director; Scott Aylett, Public Information Officer; Angie Warner, Deputy Recorder.

Citizens Present: Ryker Valentine, Kody Valentine, Lucas Valentine, Zachary Ricks, Lyle B. Timmons, Katie Valentine, Barbara McKell, Kent McKell, Mark McKell, Matt Gertye, Bjorn Pendleton, Enoch Pendleton, Ben Stanley, Dean Ingram, Mike McDonald, Sandra Stokes, Eugene & Ruth Mageta, Paul Brockbank, Kathy Johnston, Brett Palmer, Rachell Brockbank, Mary Brockbank, Clint Roberts, Member of the Spanish Fork High School Marching Band, Ken Jensen.

5:15pm WORK SESSION:

1. Rap Tax Next Steps

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

Motivation/Inspirational Message given by Miss Spanish Fork Morgan Olsen.
Councilman Mendenhall led in the pledge of allegiance.

Spanish Fork High School Marching Band

Mr. Clint Roberts announced that the Spanish Fork High School Band took state championship in the 1A competition. (The class 1A is a size of 45 members and smaller band.) They competed against 12 other bands in St. George. The band introduced themselves to the City Council.

Recognition – Bjorn Pendleton

Ken Jensen and Karen Bradford recognized Bjorn Pendleton for his service and commitment to making the Arts Community better in Spanish Fork. Mr. Jensen reviewed some of the things Mr. Pendleton has done. Mr. Jensen presented a gift card and certificate of service to Mr. Pendleton.

Mr. Pendleton thanked everyone for everything. This is a great city and it is a wonderful place to be. He loved volunteering and getting people involved in the arts.

PUBLIC COMMENTS:

Mayor Leifson welcomed public comment.

Ben Stanley from Pleasant Grove, wants to serve as a trustee on the new Utah Transportation Board of Trustees. He is here to present himself to the council as candidate submitted by the Utah County Commission to Governor Herbert. He expressed concern that Utah County was still unrepresented on the new UTA board.

COUNCIL COMMENTS:

Councilman Mendenhall said the Active and Healthy Committee donated some bikes to the reading program at Spanish Oaks Elementary School. Councilman Mendenhall recognized Lyle Timmons. Mr. Timmons is 88 years old and he participates in the Huntsman Senior Games in St. George.

Lyle Timmons said that he earned 3 gold medals in California, 3 gold medals in Nevada, 3 medals in Idaho, and 3 gold medals and 1 silver medal in the St. George World Senior Games. He participates in various basketball events and softball. Mr. Timmons said when he practices to prepare for these events, he needs a little help in chasing the balls. He has some kids in his neighborhood that come help him.

Mayor Leifson presented certificates to Kody Valentine, Ryker Valentine and Lucas Valentine for their service to Mr. Timmons.

Mr. Timmons presented medals to the boys.

Councilman Mendenhall gave an update from a meeting today with the Governor. They discussed population growth and housing issues.

Councilman Argyle gave an update from the Mt. Nebo Water Agency meeting.

Councilwoman Beck said she, along with Councilman Mendenhall and Seth Perrins visited a

class at Diamond Fork Junior High School to talk about local government. Councilwoman Beck said that Tabitha's Way is looking for donations of plastic grocery bags and egg cartons. Councilwoman Beck said she attended the ribbon cuttings at Kuhni Orthodontics and Cookie Crave.

Councilman Scoubes said last week he attended the Veteran's Day programs at the schools. Councilman Scoubes gave an update from the Arts Council meeting.

Mayor Leifson highlighted that Tabitha's Way gave out 800 turkey dinners to those in need last week. Mayor Leifson attended a DARE graduation this week at Park Elementary. He thanked Officer Peterson for his efforts as the DARE Officer. Mayor Leifson announced that the Festival of Lights opens this Thursday, so take your friends and family. Mayor Leifson said he visited some neighboring City Council meetings and he expressed how much he appreciates our councilmembers and how well they do their jobs.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – November 6, 2018
- b. Volunteer Drive Main Street Widening 2018 Change Order 6
- c. Frontier Rodeo Fiesta Days Rodeo Contract Extension
- d. Frontier Rodeo Xtreme Bulls Contract

Councilman Mendenhall made a **Motion** to **approve** the consent items. Councilman Argyle **Seconded** and the motion **Passed** all in favor.

PUBLIC HEARING:

Ordinance Z12-18 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Maple Mountain at Spanish Fork Plat N Zone Change & Preliminary Plat

Dave Anderson said this property is located at approximately 2091 East 280 North, which is north of Maple Mountain High School. Nebo School District owns some of this property, which will be developed as practice fields. The applicant has addressed a lot of issues. Planning Commission recommended approval. This proposal is for the zone change to R-1-12 and the preliminary plat.

Councilwoman Beck made a **Motion** to go into public hearing. Councilman Scoubes **Seconded** and motion **Passed** all in favor at 6:41pm

Mayor Leifson welcomed public comment.
There was none.

Councilman Mendenhall made a **Motion** to go out of public hearing. Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:41pm.

Councilman Mendenhall asked about the plans for 130 South road that is a narrow road and maybe the ditch being piped.

Mr. Anderson said this would be left to Nebo School District to improve that frontage not the developer.

Councilman Mendenhall made a **Motion** to **approve** Ordinance Z12-18 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Maple Mountain at Spanish Fork Plat N Zone Change & Preliminary Plat.

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

Ordinance A18-03 Annexing Property Known as the Berrett Annexation

Dave Anderson said this property is located at approximately 1225 South Main Street. The applicant has requested Commercial 2 zoning. Staff has no concerns and Planning Commission recommends approval of the annexation as well as the Commercial 2 zoning.

Councilman Scoubes made a **Motion** to go into public hearing.

Councilwoman Beck **Seconded** and motion **Passed** all in favor at 6:45pm

Mayor Leifson welcomed public comment.

Kent McKell said his father owns the property by the proposed property. He asked how this will affect the entrance to his property.

Councilwoman Beck made a **Motion** to go out of public hearing.

Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 6:48pm.

Mr. Anderson said that this proposal is just to annex the property. No other changes at this time.

Councilwoman Beck made a **Motion** to **approve** Ordinance A18-03 Annexing Property Known as the Berrett Annexation.

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

Ordinance Z13-18 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Olson Development Zone Change

Dave Anderson said this property is located at 99 North 200 West. The proposal is to construct a single-family home and a duplex on the property. Mr. Anderson presented some plans for the homes. Staff and Planning Commission ask that the applicant construct a brick façade around the home on all sides that are visible from the road. The property is already zoned R-3 so the zone change request tonight is for the Infill Overlay.

Councilman Mendenhall made a **Motion** to go into public hearing.

Councilman Scoubes **Seconded** and motion **Passed** all in favor at 6:55pm

Mayor Leifson welcomed public comment.
There was none.

Councilman Mendenhall made a **Motion** to go out of public hearing.
Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 6:56pm.

Councilman Scoubes made a **Motion** to approve **Ordinance Z13-18 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Olson Development Zone Change**

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

Ordinance Z14-18 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Renaissance Place Zone Change & Preliminary Plat

Dave Anderson said this property is located 41 North 920 West. The proposal is to construct town homes in master planned development in the R-3 zone. This piece of property is oblong so the proposal is a good layout. With the future planning of UDOT constructing an interchange at I-15, this development works with that.

Councilman Scoubes made a **Motion** to go into public hearing.
Councilman Argyle **Seconded** and motion **Passed** all in favor at 7:05pm

Mayor Leifson welcomed public comment.

Eugene Mageta lives across the street from the police station. They like the area, but the traffic has increased with the other developments that have come into the area. The roads and traffic issues need to be addressed. It would be great to have a park in the area because there are not many open spaces in that area.

Ruth Mageta lives on 870 West. Her son walks to 100 South to get on the bus. It is scary for her son to walk because of the traffic.

Mayor Leifson said in response to the request to add parks to the area, the west property of the police station will be landscaped.

Councilman Scoubes asked where a crosswalk is and where crosswalks could go.

Chris Thompson said that they could do a study, but right now it would not warrant a crosswalk.

Councilwoman Beck made a **Motion** to go out of public hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:17pm.

Councilman Argyle asked what will be done for improvements on Center Street.

Mr. Anderson said they will construct a masonry wall.

Councilman Argyle asked about some of the road improvements.

Mr. Anderson said having the interchange at I-15 in the future will change the traffic in this area dramatically.

Councilwoman Beck made a **Motion** to **approve Ordinance Z14-18 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Renaissance Place Zone Change & Preliminary Plat.**

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

Ordinance Z15-18 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Spanish Fork 7 Eleven Zone Change

Dave Anderson said this property is located at 300 South Main Street. The applicant is requesting the zone be changed to Commercial 2. The applicant has or will purchase the home behind the current building which will adjust the property lines. The Planning Commission held a lengthy discussion on the impact to the area. Development Review Committee and Planning Commission recommend approval.

Councilman Mendenhall made a **Motion** to go into public hearing.

Councilman Scoubes **Seconded** and motion **Passed** all in favor at 7:37pm

Mayor Leifson welcomed public comment.

Paul Brockbank said he attended the Planning Commission. He expressed that this intersection is horrible. Residents can't get out of their homes on 300 South. This will affect the neighbors. Another problem to add to the area is the Sip'n business on the next block to the east. Mr. Brockbank said that when the proposed building was 7 Eleven years ago there was a lot of trash. He asked if this store is going to be a 24-hour store.

Sandra Stokes said that where her mother lives, the home is beautiful, but now it is a bad area for traffic. She asked to please consider not having it a 24-hour business.

Kathy Johnston feels that it doesn't matter because it will probably go through. But she has lived next to a business the whole time so she would just like a nice big fence to help with the sound.

Bret Palmer, who represents the agent for 7 Eleven, said that every business model is different. Each franchise person only runs up to two stores. They do that to keep a better store and connect better with the community. Mr. Palmer confirmed that this will be a 24/7 store.

Rachell Brockbank asked to show where the new property lines will be.

Mr. Anderson said they only need the home behind it. There is a remnant of property that 7 Eleven will not need and that will be deeded to the neighboring property owner(s).

Matt Gertye said it is his understanding that that property would be gifted to the neighbor. We do not want that as a condition of the re-zone, because if it does not pass, we don't want the conditions connected to the zone change.

Mary Brockbank is concerned about the increase of traffic that 7 Eleven is going to bring.

Councilman Mendenhall made a **Motion** to go out of public hearing.
Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:52pm.

Councilman Argyle asked if a masonry wall will be constructed.

Mr. Anderson said the changes were to increase the masonry wall from 6 feet to 8 feet and change the location of the dumpster.

Mary Brockbank asked what is the City going to do about the mess at Sip'n.

Mayor Leifson said that they will have staff look at that but that the Sip'n issue is not on the agenda to discuss tonight.

Matt Gertye said this is the zone change tonight and he doesn't want to down play any of the concerns, he just wants to make sure that they are not connected to this zone change because things could fall through and those requirements are stuck with the zone change.

Mayor Leifson said that the concerns will be taken to further discussions and planning. They will not connect them to the zone change.

Councilman Mendenhall thanked the citizens that came to the meetings to voice their comments and concerns.

Councilman Mendenhall made a **Motion** to **approve** Ordinance Z15-18 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Spanish Fork 7 Eleven Zone Change.

Councilwoman Beck **Seconded** and the motion **Passed** all in favor with a roll call vote.

Ordinance 20-18 Making Assorted Amendments to Title 15

Chris Thompson reviewed the proposed changes:

I.

Spanish Fork Municipal Code §15.1.04.020, "Definitions," is hereby amended to delete the definition of public utility easement and add definitions for municipal utility easement and porch

II.

Spanish Fork Municipal Code §15.4.04.080(D)(1), (E) and (F), "Approval or Disapproval – Procedures," is amended by changing the time to request reimbursement to 120 days and changing current subsection E to F, and creating a new subsection E

III.

Spanish Fork Municipal Code §15.4.04.110(A)(7), "Form and Contents of Final Plats,"

IV.

Spanish Fork Municipal Code §15.4.04.140, "Commencement/Completion Time Frame,"

V.

Spanish Fork Municipal Code §15.4.16.020(A)(1) and (C), "Unavailability of Adequate Public Facilities,"

VI.

Spanish Fork Municipal Code §15.4.16.080, "Water Transfer,"

VII.

Spanish Fork Municipal Code §15.4.16.220, "Security for Improvements Required,"

VIII.

Spanish Fork Municipal Code, Title 15, Part 3, Table 1 – Residential Development Standards

Councilman Mendenhall made a **Motion** to go into public hearing.

Councilman Scoubes **Seconded** and motion **Passed** all in favor at 8:16pm

Mayor Leifson welcomed public comment.

There was none.

Councilman Argyle made a **Motion** to go out of public hearing.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 8:16pm.

Councilman Mendenhall made a **Motion** to **approve** Ordinance 20-18 Making Assorted Amendments to Title 15.

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

NEW BUSINESS:

Biennial Moderate-Income Housing Report

Dave Anderson said the council was given a report that will be filed soon. This is now required by state law. This is pertaining to the city plans to provide moderate income housing. There is form that is populated with data that they provide to the cities. It shows that we have a small deficiency in Spanish Fork. Mr. Anderson addressed that staff has created a survey that the residents can complete related to accessory dwelling units.

Scott Aylett gave direction to where the survey can be found and it is anonymous. Residents can also sign up to participate in focus groups to discuss accessory dwelling units.

Resolution 18-18 Regarding Utah's Housing Needs

Junior Baker said in the last the work session, the Salt Lake Chamber presented the housing needs in Utah. This resolution addresses that we recognize the issue and will do our part to address it. If the current inflation rate continues, they are projecting that home prices could be as high as \$700,000 by 2050. In many of the discussions tonight, we can see our population is booming.

Councilman Mendenhall made a **Motion** to **approve** Resolution 18-18 Regarding Utah's Housing Needs.

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

Canvass of 2018 Election

Kent Clark said this is not a municipal election so Utah County conducted a vote by mail election which the City put the RAP tax on. The turnout was huge and it was also a long ballot. One reason the lines were so long at the election service center is because people could register there, and then vote. Mr. Clark reported there was a 69% overall voter turnout in the city. On the RAP Tax question, 66% voted yes and 34% voted no; so, the RAP Tax passes. Mr. Clark reviewed the next steps to begin the process for implementing the tax. The City Council will need to adopt an ordinance and send it to the State Tax Commission. Business will be notified of the change by the State Tax Commission and then businesses will start to collect the RAP tax beginning in April. The first tax distributions to the City will come in June. From then on, it will be remitted to the City monthly.

Councilman Mendenhall made a **Motion** to **accept** the Canvass of the 2018 Election.

Councilwoman Beck **Seconded** and the motion **Passed** all in favor.

Dale Robinson added that he will be in charge of the the process moving forward related to the committee and direction. Mr. Robinson reviewed their process for applying to serve on the committee and setting up grant applications.

Sign Design Contract with REDKOR Design

Scott Aylett said that with the new city brand, it is slowly being updated throughout the city and city facilities. Mr. Aylett presented some of the outdated signs, and signs that we would like to add. Staff proposes to approve the contract with REDKOR Design, which is the company that did the City rebrand.

Councilman Beck made a **Motion** to **approve** the **Sign Design Contract with REDKOR Design**.

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

Fieldstone Agreement & Amended Preliminary Plat Approval

Seth Perrins said we have talked about this item many times. He explained that the contract that was included with the agenda is close to the final version of the agreement, there are just a few edits we received this afternoon. This contract says that the city will build the remainder of Spanish Fork Parkway road and the City will build the parks in return for cash payments from Fieldstone. Mr. Perrins said the City is eager to make improvements to the Rocky Mountain Corridor including a trail element which will be great to get that area cleaned up. We hope that this trail corridor could potentially connect to other cities. Mr. Perrins said the major change to the preliminary plat is a church site.

Junior Baker added that we will have to amend the contract with the original signers and hope to have that next meeting saying they are good with this change.

Councilman Mendenhall made a **Motion** to **approve** the Fieldstone Agreement & Amended Preliminary Plat Approval.

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

Salisbury Homes Request for 8-Foot-Tall Fence

Dave Anderson said a portion of the Park View Townhome Development backs to a commercial area. A business in that commercial area is expanding and it will require them to add a masonry wall and the development has the same requirement. So, the two businesses will work together on the fence but would like to be able to construct the 8-foot wall.

Councilman Argyle made a **Motion** to **approve** the Salisbury Homes Request for 8-Foot-Tall Fence at the Park View Townhome Development.

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

Festival of Lights Parking Lot Use Agreements

Dale Robinson said that with the addition of the new Oaks Event Center at the golf course, people are able to rent that facility during the same time as the Festival of Lights. In the past years, trailers or carpoolers park at the golf course parking lot so this creates a parking problem. Mr. Robinson said he visited with the gas station and Little Acorn property owners and have worked out an agreement allowing the public to park in their business parking lot during certain times during the Festival of Lights. In return, we have upgraded their parking lots. They do have some concerns for liability and they have agreed to try this for this year and see how it goes.

Councilman Scoubes made a **Motion** to **approve** the **Festival of Lights Parking Lot Use Agreements**.

Councilwoman Beck **Seconded** and the motion **Passed** all in favor.

DISCUSSION:

There was none.

ADJOURN:

Councilman Mendenhall made a **Motion** to **adjourn** to Closed Session to discuss reasonably imminent litigation and land transactions.

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 9:02p.m.

ADOPTED: December 11, 2018

Angie Warner, Deputy Recorder