

**Adopted Minutes
Spanish Fork City Council Meeting
October 16, 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, 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: Mark Denney, Connie Manwaring, Kylee Keel, Eric Mortensen, Alyce Milton, Karen Bradford, Bjorn Pendleton, Jesse Cardon, Jared Mitchell & boy scouts, Sierra Cox, Jeff Banks, Micah Fallon, Bryant Froelich, Jefferson Hunter, Nathan Musil, Unknown, John & Lenna Mendenhall, Abigail Perrins, Jill Perrins, Clay Creer.

5:15pm WORK SESSION:

1. Emergency Operation Center (EOC) Trailer Tour
2. Garbage Collection Contract

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 Jesse Cardon.
Councilwoman Beck led in the pledge of allegiance.

PUBLIC COMMENTS:

Mayor Leifson welcomed public comment.

Clay Creer with Republic Services, said they were notified that Spanish Fork City is looking to rebid the garbage and recycle collection contract. His father served on the City Council and he remembers him saying that it was nice to not have the worry of city garbage trucks on the

street and rather have the public sector provide the service. Mr. Creer reviewed the services that they provide to Spanish Fork City.

Mark Denney explained that in the city he lived in previously, after the trash was emptied, they had to place their garbage cans behind a fence or gate rather than leaving it visible from the street. He suggested looking into adding this for Spanish Fork City to make our street views a little nicer.

Connie Manwaring is the manager of the of the Nebo Holiday Chorus and Orchestra. She thanked the City and staff for supporting their group. They had a great year last year and they are excited to continue this program in the Christmas season of 2018.

COUNCIL COMMENTS:

Councilman Scoubes gave an update from the Veterans Council and the Utah Lake Commission meetings.

Councilman Mendenhall gave an update from the Spanish Fork Active and Healthy Meeting that was held today. Councilman Mendenhall gave an update from the ULCT Board Meeting and the Legislative Policy Meeting.

Councilman Gordon highlighted the Chamber of Commerce events:

- Farmer's Market has a few weeks left.
- The Trick-or-Treat on Main Street is the last Saturday of October from 1-3pm, from Center Street to 400 North.
- The Noon Networking Luncheon will be tomorrow at the Nebo School District and they will be talking about the bond.
- The scarecrow contest is going on so please go vote for your favorite one.
- The Chamber is already accepting entries for the Winter Lights Parade in November.

Councilman Gordon responded to the comments from Republic Services: he expressed that the City does not have any problems with Republic Service, that they provide a wonderful service to the community. The last time the contract ended, the City did not rebid, they just renewed the contract. Because the contract is going to end, in July, we want to be dutiful to the residents and bid the service out since it has been over 10 years. This will allow us to see the current numbers from all providers.

Councilman Argyle gave an update from the Senior Center Board meeting.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – October 2, 2018

- b. Right of Way Contract – Burr Property – 400 North 800 East Roundabout
- c. Volunteer Drive Main Street Widening – Change Orders 2-4

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

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

NEW BUSINESS:

RAP Tax Public Comment

Scott Aylett said that residents should have received the voter information pamphlet in the mail this past week. Mr. Aylett urged the public to read the pamphlet and learn about what they will be voting for. Mr. Aylett gave a presentation of what a RAP tax is and what it does.

The City Council read the pro statement for Proposition 7.

Recreation, arts, and parks are core components of Spanish Fork's identity. Whether it be the river trail, the Sports Park, the Harvest Moon Hurrah, or a variety of recreation programs, we take pride in our recreation, arts, and parks -- they improve the quality of life of our residents, beautify our wonderful community, and provide opportunities for families and residents to interact and recreate. Historically, Spanish Fork City has provided great programs and amenities for our residents; however, as our community continues to grow, so do the needs of our residents. Furthermore, residents regularly request new or expanded programs and amenities from the City. To further expand what is currently available for our residents, the City Council has unanimously approved placing Proposition 7 on the ballot, which would enact a Recreation, Arts & Parks (RAP) Tax in Spanish Fork City.

The RAP Tax is a sales tax, not a property tax, and would be paid at the point of purchase for all sales-tax eligible purchases in Spanish Fork City. The RAP Tax would be a nominal increase of 0.1% to the sales tax rate, increasing the rate from 6.75% to 6.85% -- this equates to 1 penny for every \$10 spent. All funds generated by the RAP Tax could only be used to either expand or supplement RAP offerings in Spanish Fork City.

Because it's a sales tax, Spanish Fork residents will not be the only ones who pay the RAP Tax. Anyone who shops in Spanish Fork City will be required to pay the tax. This is very important, especially considering how Spanish Fork is the retail hub in southern Utah County. Data from the Utah State Tax Commission suggests that between 41 and 52% of all sales in Spanish Fork City come from individuals who do not live here, and this percentage increases every year. This means that for every 50 cents you pay in RAP Tax, you receive \$1 in benefit. Furthermore, RAP Taxes are not new to the state or county. In fact, if you shop in Provo, Orem, Payson, American Fork, Salt Lake County, or Washington County (i.e., St. George), you are paying the RAP Tax and helping fund recreation, arts, and parks in those communities.

The RAP Tax will enable the City to do more than what has been done in the past. As a Council, we have a number of projects that could be funded by the RAP Tax, including but not limited to:

- *All-Abilities Park;*
- *Dog Park Amenities;*
- *Trail Connections;*
- *Enhanced Arts Programs;*
 - o *Community Theater*
 - o *Children's Programs*

- *Amphitheater; and*
- *Senior Center Improvements.*

We unanimously support Proposition 7. We take pride in our recreation, arts, and parks, and are confident that the RAP Tax will progress RAP offerings in Spanish Fork, ultimately making Spanish Fork City an even better place to live.

Vote "Yes" for Proposition 7.

- *Mayor Leifson & the Spanish Fork City Council*

Mayor Leifson welcomed public comment on Proposition 7.

Mark Denny said the list of projects are great that the money would go toward but feels we already have a great system and programs. He doesn't think we need another tax and would urge the public to vote no on Proposition 7.

Nate Musil said he is not for or against the tax but recently found out that the time to submit for a rebuttal was very short and feels there was not enough time for someone to respond.

Jared Mitchell said he is concerned that if projects are approved, is the after costs of maintenance and running the programs/facilities going to trigger a property tax increase.

Bjorn Pendleton said he served as the Art's Council President for 10 years. To him the RAP tax is a no brainer; why would you not want non-residents to give money to our city. This one penny for every ten dollars can provide our community a better quality of life and place for the future. He has children involved in arts and recreation, and he will vote for the RAP tax for them.

Doug Ford is a board member for the Parks and Recreation Committee, they have discussed the RAP Tax at their meetings and they are all in favor of this tax. He reminded the citizens that when you shop at the other cities you are likely paying a similar tax. Our programs are awesome, and this helps keep our youth active and involved in recreation rather than in other bad things.

Susan Chapman expressed that she is very passionate about public health. Our leading cause of death of our youth; is suicide. The City is offering QPR classes for suicide prevention. Ms. Chapman reviewed Social Development Strategy and that it shows that this RAP tax will benefit our community. She is all for proposition 7.

John Mendenhall is a lifelong resident and one thing that is important to him is that the decisions for the programs from the tax will come from a resident-based committee. Any time there is something happening in Spanish Fork, the City asks the residents their opinion. It is a great way for our City to stay on top of the opportunities in the arts and recreation. Mr. John Mendenhall stated that a lot of residents live here because of the opportunities

available here in Spanish Fork.

Dave Boyack said he drives past Sierra Park every day and he always sees kids playing there. He feels that we should build more parks for our youth. He is in favor for proposition 7.

Karen Bradford is a resident and also is a supervisor of the Arts Council and she has gotten to know a lot of the people that are invested in the arts. These programs and classes are put on by volunteers and she would love to see RAP Tax money make these programs better for our community. We do have nice facilities and programs, but we are growing and we need to keep that in mind.

Angela Eckhart thanked Karen Bradford and said she does an amazing job. Ms. Eckhart said one of her jobs recently was the kids tent at the Harvest Moon Hurrah. They had around 700 kids come through on a budget of \$200 for the activities. It would be nice to have some more money for this and other events that struggle. Ms. Eckhart stated that part of the reason her family moved here 20 years ago, was for the opportunities that Spanish Fork provides.

Jefferson Hunter said he thinks this tax is a good idea and it could go to more programs and activities.

Scott Aylett answered some of the questions:

Question from Mr. Mitchell regarding property tax – RAP tax funds could go toward a recreation center but this money will likely not be used for a recreation center because the city would likely want the money to go to multiple projects rather than one thing. So, staff does not see projects from the RAP tax triggering a property tax increase.

Question from Mr. Musil regarding public noticing – Staff did notice for a request for pro and con statements. The state does not require us to do this but we felt that we wanted to anyway.

Councilman Mendenhall expressed that when it comes to parks, arts and recreation, it is a need. Mr. Mendenhall reviewed a listing for a home for sale and the in the first sentence he read it was within walking distance to the river trail and sports park. Only after highlighting the proximity to city facilities did they start talking about the homes' amenities. City amenities are a big reason that people move to Spanish Fork. Like so many others in our community, we take our turn to volunteer to coach/teach our programs. Councilman Mendenhall told a story that he experienced in coaching his son's baseball team.

Mayor Leifson thanked everyone for their comments.

Resolution #18-15 Establishing the Formula for the Amount of Water to be Transferred to the City Upon Development

Chris Thompson explained the two proposed changes:

The Public Works Policy Manual, Section 4.90.040 is hereby amended as follows:

4.90.9040 Water Rights

A. Transfer or Dedication Formula. Water rights shall be transferred or dedicated to the City for all new developments according to the following formula:

1. *Single family and twin home lots:*
Lot size in acres times by 0.6 (the average landscaped acres) times by four.
2. *Townhomes, multi-family, and non-residential lots with one inch or smaller drinking water services:*
Acres of landscaped area times by four.
3. *Commercial or industrial lots with drinking water services greater than one inch:*
Acres of landscaped area times by four plus calculated drinking water usage.

B. Water Rights Values. Water rights shall be valued by what they produce in an 80% precipitation year. Only the following water shall be accepted unless otherwise approved by the Public Works Director. The amount of acre feet per type of water right is set forth as follows:

<i>East Bench Irrigation Company</i>	<i>0.557 a/f per share</i>
<i>New Northeast Bench Company</i>	<i>0.424 a/f per share</i>
<i>Salem Canal Company</i>	<i>Change Application</i>
<i>Spanish Fork Southeast Irrigation Company</i>	<i>2.712 a/f per share</i>
<i>Spanish Fork South Field Irrigation Company</i>	<i>3.080 a/f per share</i>
<i>Spanish Fork West Field Irrigation Company</i>	<i>2.052 a/f per share</i>
<i>Springville Irrigation Company</i>	<i>4.000 a/f per share</i>
<i>Strawberry Water (in East Bench, Springville,</i>	
<i>Southeast, and West Field districts)</i>	<i>1.000 a/f per share</i>
<i>Wash Creek Irrigation Company</i>	<i>3.000 a/f per share</i>

C. *Small Water Right Exactions.* When three-acre feet or less of water is required for development, developers may pay the City the market value, as of the date of application, of the water per acre foot, as determined in the sole discretion of the public works director, in lieu of dedicating water rights to the City.

II.

This resolution updates and replaces resolution Number 18-13.

Councilman Scoubes made a **Motion** to **approve** Resolution #18-15 Establishing the Formula for the Amount of Water to be Transferred to the City Upon Development. Councilwoman Beck **Seconded** and the motion **Passed** all in favor with a roll call vote.

Resolution #18-16 Creating a New Section in the Public Works Policies Concerning an Alternative to Low Impact Development (LID) Storm Water Requirements When LID is not Feasible

Chris Thompson stated that our state permit requires us to require a development to apply LID principles. If these requirements are not feasible, then we have to provide an alternative

solution. Mr. Thompson reviewed the proposed changes:

The Public Works policies are hereby amended by adding the following section thereto:

4.60.060 Low Impact Development

When the Public Works Director, or his/her designee, determines that City Low Impact Development (LID) standards are infeasible due to a high-water table, soil type, or other matters related to the geography of a site, a fee for offsite LID shall be charged. The fee shall equal the estimated cost saved by not installing LID on site as calculated in the [2018 Low Impact Development Alternatives Study](#). The fee shall be used by the City to fund offsite LID projects in areas where it will be most effective.

This resolution is effective immediately.

Councilman Mendenhall made a **Motion** to **approve** Resolution #18-16 Creating a New Section in the Public Works Policies Concerning an Alternative to Low Impact Development (LID) Storm Water Requirements When LID is not Feasible.

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

Resolution #18-17 Amending the Spanish Fork City Employee Personnel Policy Concerning Meals and Vehicles

Tyler Jacobson explained the proposed changes:

The following sections of the Spanish Fork City Personnel Policy are hereby amended or created to read as follows:

1.20.55.040. City Vehicle Use.

F. Adhesives, including bumper stickers, magnets, or other labels, other than those that designate the vehicle as a City vehicle and conform to the City Branding Guide or promote City sponsored events, are not permitted on any City vehicles.

1.20.95.150. Meals.

- A. **General.** The City will pay for meals when they are pertinent to City business and are considered to be de minimis fringe benefits under Internal Revenue Service (IRS) guidelines. The City only pays for expenses that are related to the conduct of the City's business. We rely upon our employees to exercise restraint and good judgment in committing City funds.*
- B. **Conferences, Seminars, & Conventions.** The cost of meals for conferences, seminars, and conventions is addressed in [1.20.55.020](#) of the personnel policy.*
- C. **Department Events.** At the discretion of a department head, meals may be purchased for; appreciation, holidays, retirement/separation, training, & other events. The cost of the meal should be reasonable and may include guests or family members.*
- D. **Alcohol.** The purchase of alcohol using City funds is prohibited.*
- E. **Documentation***

- a. *Business meal expenses must be documented (substantiated) to meet requirements of the Internal Revenue Service regulations and prudent business practices. Documentation required by these activities is as follows:*
 - i. *Business reason for the activity*
 - ii. *Individuals involved in the activity*
 - iii. *Date of the activity*
- b. *All costs should be supported by the itemized actual receipts (not just a credit card receipt) and listed by the following:*
 - i. *Provider*
 - ii. *Location*
 - iii. *Participants*
 - iv. *Amount of the expense*
 - v. *Additional information may be provided as it is deemed necessary*
- c. *This documentation is required if the employee is requesting reimbursement or if the expense is charged to the City by a credit card or other method.*
- d. *If the expense cannot be properly documented, the employee must bear the cost of the business meal and/or entertainment.*

This resolution is effective immediately.

Councilwoman Beck made a **Motion** to **approve** Resolution #18-17 Amending the Spanish Fork City Employee Personnel Policy Concerning Meals and Vehicles.

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

DISCUSSION:

Request for conveyance of Spanish Fork City SVP Water in SFS Pipeline

Chris Thompson explained that we want to send a letter requesting to use the new ULS Pipeline to carry water to be able to gravity feed our reservoir. This would make it so we would not have to build a second pumping station. Spanish Fork City has about 8-9,000-acre feet of CUP water available for use in this pipeline. We can call for this water anytime. But, the annual maintenance that we would have to pay is about \$2.1 million as soon as we call for the water. In the letter we would request to use our approximately 3,500-acre feet of Strawberry Valley Project water through the pipeline to save on power and other things without starting the repayment clause of the contract. We would like to use the pipeline starting now while the rest of the pipeline is being constructed, instead of just letting it sit empty.

Councilman Argyle made a **Motion** to **authorize** the Mayor to sign a letter requesting for conveyance of Spanish Fork City SVP Water in SFS Pipeline.

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

1150 East Center Street Expansion Project

Chris Thompson said this is a combination of 3 projects.

1. Widening Center Street with a grant the City received. In the future, there will be an interchange at I-15 and Center Street and will increase the traffic on this road.
2. Pedestrian walkway under Highway 6. This will be a way for pedestrians, especially school children, to cross Highway 6 safely.
3. New design for the 1150 East intersection and the townhomes area. The road from the town homes would be eliminated and the new road would be at the intersection. This will make traffic flow more smoothly and be safer than having off-set streets/driveways.

Mr. Thompson reviewed the costs involved. Staff would like direction from the City Council.

City Council agreed to move forward.

RMP Corridor Concept

Dale Robinson said when staff spoke with Rocky Mountain Power years ago, we requested to landscape a greenway in the Rocky Mountain Corridor. They said no. We have touched base with them again and we have gotten a better response this time. Mr. Robinson turned the time over to Dave Anderson to talk about the concept plan.

Dave Anderson said that our consultant, Logan Simpson, came in and held a meeting and they have compiled their ideas for this property. Mr. Anderson highlighted some things in the concept plan related to different trail plans, vegetation, seating, etc.

City Council agreed to move forward.

ADJOURN:

Councilman Gordon made a **Motion** to **adjourn** to Closed Session to discuss reasonably imminent litigation and land transactions and the character, professional competence or physical or mental health of an individual.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 8:01 p.m.

ADOPTED: November 6, 2018

Angie Warner, Deputy Recorder