

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**May 7, 2019**  
**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. Absent: Chad Argyle.

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: Cade Benhoff, Mason Benhoff, Janel Engun, Richard Erickson, Janet Erickson, Brad Erickson, Poponatui Sitake, David Kincaid, Heather Youd, Morgan Fife, Illene Voorhees, Brent Voorhees, Guy Larson, Victoria Lara, Tiana Van Bloem, Clint Feeley, Braden Saunders.

**5:15pm WORK SESSION:**

1. Utah County Opioid Education

*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 Cory Slaymaker.

Councilman Mendenhall led in the pledge of allegiance.

Mayor Leifson pointed out that we are all wearing blue tonight to recognize the anniversary of Kiplyn Davis who went missing 20 years ago.

**Oath of Office for New Police Officers**

Chief Steve Adams welcomed five new officers: Marcus Benhoff, Spencer Nielsen, Mason Baumer, Cullen Carter, Zac Fossom, who will be taking the oath of office tonight.

Mayor Leifson administered the oath of office to the new officers.

### **Employee of the Quarter**

Kent Clark welcomed Christy Johnson and awarded her as employee of the quarter. Ms. Johnson works in the utility office for 13 years as our cable secretary and does an amazing job.

### **PUBLIC COMMENTS:**

Mayor Leifson welcomed public comment.

David Kincaid, thanked the City Council for their service. He said that Spanish Fork has been a blessing to his family and he has loved living here for the past 6 years. He lives on 1700 East and is concerned about the speed on the street. There is only one speed limit sign on 1700 East and it is hidden behind a tree. He would like to see if the City can put up some more speed limit signs. There is also an elementary school on this road and it would be beneficial to help slow down the traffic.

Poponatui Sitake, is a neighbor to David Kincaid, said he loves living here and thanked the City Council. Mr. Sitake echoed the comments from Mr. Kincaid and would like something to be done on 1700 East in regards to the speeding traffic.

### **Agenda Request: Tiana Van Bloem**

Ms. Bloem, who lives in the Flagship Development, said with all the rain, they are having stormwater issues. There are multiple yards, basements, etc being flooded. The developer has done very little to fix the issues so she is here to see what the City can do to step in and help this situation.

Chris Thompson explained that there is a hill on the east side of this development and there are a lot of the yards that are not finished. So, when it rains, the water is just washing away the dirt from the unfinished yards. This is a common issue with unfinished yards. Staff is exploring ways through the MS4 permit to see if the City can have the developer do anything. Staff will keep researching and seeing what can be done to help the situation.

### **COUNCIL COMMENTS:**

Councilman Gordon invited Heather Youd for the Chamber of Commerce announcements.

Heather Youd, Director of the Spanish Fork Salem Area Chamber of Commerce, highlighted their events. The Business of the Month was awarded to Cookie Crave. The American Legion is hosting the Walk for Life event today and tomorrow at the Sports Park for all the 5<sup>th</sup> graders in Nebo School District. The Rotary/Chamber Golf Tournament is tomorrow, where they will be giving out 25 - \$1,500 scholarships. There is a ribbon cutting for Teriyaki Madness on

Thursday, the 16<sup>th</sup> a ribbon cutting for Canyon Self-storage and the 23<sup>rd</sup> a ribbon cutting for Jameson Homes. Ms. Youd said the Wolfsburg on Main Car Show is on June 1<sup>st</sup> at the City Park and every Friday night is the Food Trucks on Main.

Councilman Gordon thanked Ms. Youd and the Chamber of Commerce.

Councilman Mendenhall suggested wearing warm clothing to the Rotary/Chamber Golf Tournament tomorrow because it will likely rain. Councilman Mendenhall said the Active and Healthy Committee has their QPR trainers out teaching the QPR classes at the schools to the teachers. Councilman Mendenhall recognized Kristi Wilkins, who is one of our QPR Trainers.

Councilman Scoubes gave an update from the Veteran's Council meeting, the Animal Shelter Board meeting, the Arts Council meeting and the Utah Lake Commission.

Councilwoman Beck said she along with other councilmembers attended the Freedom Walk breakfast this morning at the Sports Park where all the 5<sup>th</sup> graders from Nebo School District come to walk. Councilwoman Beck said applications are being accepted online for SF's Got Talent event for Fiesta Days. Councilwoman Beck said the Youth City Council was at Wiggy Wash last weekend for a fundraiser to raise money that will be donated to the Spanish Fork Police Department for a new K9. Councilwoman Beck announced that in two weeks the public can start signing up for the summer programs at the Library.

Mayor Leifson excused Councilman Argyle from the meeting.

Mayor Leifson gave an update from the MAG meeting where they discussed and allotted funds for an interchange at 2700 north. Mayor Leifson asked the public to please be careful around the river because it is high and running fast.

#### **CONSENT ITEMS:**

- a. Minutes of Spanish Fork City Council Meeting – April 16, 2019
- b. Federal Aid Agreement – Poplar Lane Trailhead MAG Project
- c. Utah Transit Authority Agreement for the Pressurized Irrigation Crossing at 950 North 300 West
- d. Bureau of Reclamation Easement Encroachment Agreement – MAG River Trail Project
- e. AWOS Maintenance Contract
- f. Sharp/Tintic Railroad Connection Project Second Cooperative Agreement
- g. North Main Street Power Line Project Change Order #1
- h. Dave Hughes Parking Lot Purchase – 72 North Main Street
- i. Everett & Joyce Miller Real Estate Purchase Agreement – 1247 East Center Street

Councilman Gordon made a **Motion** to **approve** the consent items.  
Councilwoman Beck **Seconded** and the motion **Passed** all in favor.

**PUBLIC HEARING:**

**Ordinance #09-19 Amending Billboard Requirements**

Dave Anderson said this ordinance has proposed changes to title 5 and title 15. Mr. Anderson said in his time here it has been the City's intent to not add more billboards in Spanish Fork. The proposal would make things clearer about what the City wants to accomplish. The City does not want to be pioneers or the cutting edge in land regulations. Mr. Anderson showed research where they identified a good list of cities that are following what staff is proposing tonight.

Councilman Mendenhall made a **Motion** to go into public hearing.  
Councilman Scoubes **Seconded** and motion **Passed** all in favor at 6:43pm

Mayor Leifson welcomed public comment.

Jamie Evans, owner of Evans Companies, said the way the ordinance is right now, is that the property owners have rights. With the proposed changes you are taking away the rights of the property owner and giving the rights to the billboard companies.

Mr. Evans also addressed his concerns with the following:

- A. Must be 100 feet from the asphalt portion of the Highway they are adjacent to.

Why not the right of way? This is not the same at the state code which causes confusion to the current owners.

- B. Must be at least 500 feet from any residential district.

These billboards get to move around the city according to state code and this just causes confusion.

- F. Utah Department of Transportation must approve the Billboard location prior to City approval.

That is contradictory to the state, we have to have a building permit to apply for UDOT. Mr. Evans suggests changing these three items before approving the ordinance.

Morgan Fife, who represents Reagan Outdoor Advertising, said it has been stated many times, that this will not affect their 3 billboards on south Main Street. The City and Reagan are working on this project right now with their billboards. He just wanted confirmation that

these boards are not included in this change.

Braden Sonders, represents Yesco Media, said they have two boards in city limits. He doesn't see why the City needs to ban constructing more billboards in the future. Some of the restrictions that the City has are already stricter than state code. He would suggest having an ordinance more in line with the state code. They value the boards they have here and would like to keep them and grow in the future.

Guy Larsen, represents Reagan Outdoor Advertising said he has worked with the City over many years about billboards. They have had difficulty over the years with getting the permit from UDOT, because they want the city permit prior. The 100 feet from the asphalt, this is hard and just isn't enough sometimes. Mr. Larsen said they have maintained signs in Spanish Fork for a long time, and if the City is not going to a cap and replace ordinance, then they would suggest allowing them to be able to work with the property owners. They would like to be able to add additional signage.

Richard Erickson said he has two signs on his property, does this give the billboard company's the right to maintain the signs, or is the City going to extract that and make them tear them down.

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

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:56pm.

Junior Baker said it will allow the billboards to remain and extend leases with the current billboard company. But if the property owners do not want it, they can have it taken down.

Junior Baker responded to Mr. Fife's question about Reagan's billboards on south Main Street. He explained that the City started the process with Reagan prior to this and will continue to work with them on those three billboards.

Mr. Baker said in regards to:

Item F - we can remove "prior to City approval" at the end.

Item A - state law does not address 100 feet of asphalt, current ordinance is 100 feet of a right of way. The Council can make the decision to use asphalt or right of way.

Item B - 500 feet from residential - this is similar to state law.

Item E- This is an aesthetic issue and currently there is not a coloring requirement. This is to help have the structure blend in so they added the requirement to use darker colors.

Mr. Baker said with the comment about "cap and replace" - if you cap it, no additional billboards can be constructed above that number. If a billboard is taken down then the cap number will go down.

Mr. Evans asked if property is annexed with billboards.

Mr. Baker said if the billboards were already there, they would stay and be non-conforming. If it doesn't exist, new ones cannot be added.

Councilman Mendenhall asked if the City wants to be involved in the process of a property owner and the billboard company.

Dave Anderson said he doesn't think the City should be involved. Mr. Anderson pointed out that with the comparison with the other cities, the one thing that is different is that they prohibit any new billboards.

Keir Scoubes asked what is the process to change a billboard to an LED board.

Mr. Anderson said there are cities that have regulations of where LED boards can go and the details about brightness and colors, timing. Right now, our ordinance is silent about switching to digital. As of right now, an applicant would just apply for a building permit.

Mr. Baker said staff will need to make changes to the ordinance for the details of the lighting, coloring, etc. for LED billboards.

Councilman Gordon made a **Motion to approve** Ordinance #09-19 Amending Billboard Requirements with the change to 5.36.070 Billboards item 'F': Utah Department of Transportation must approve the Billboard location, period and striking "prior to City approval".

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

#### **NEW BUSINESS:**

##### **Brent Voorhees Fence Approval Request**

Dave Anderson said this project was presented last year and approved with a masonry wall. Since then, the ordinance has changed and Mr. Voorhees would like to request to construct a vinyl fence for the project instead of the masonry wall. Staff does not see an issue with this request and recommends approval.

Councilwoman Beck made a **Motion to approve** the Brent Voorhees Fence Request.

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

##### **Ordinance #10-19 Prohibiting Overnight Parking in City Owned Public Parking Lots**

Junior Baker said the City has been working in the last few years to provide more public parking in the Main Street district. With that, the City does not want people parking in these areas overnight so this proposal addresses the areas and the timeframe.

##### *10.16.010 Parking Prohibited.*

*C. It shall be unlawful for any person to park any vehicle in the City owned public parking*

*lots located on the east half of the 300 North to 400 North block between Main Street and 100 East, at 55 East 200 North, and at approximately 60 North Main during the overnight hours between 11:00 p.m. and 5:00 a.m. An exception exists for public safety equipment and personnel on the 300 North to 400 North block.*

Councilman Mendenhall made a **Motion** to **approve** Ordinance #10-19 Prohibiting Overnight Parking in City Owned Public Parking Lots.

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

### **Resolution #19-09 Amending the Spanish Fork City Employee Personnel Policy Concerning Personal Use of City Equipment**

Tyler Jacobson reviewed the proposed changes:

#### *1.20.95.055 Spanish Fork City Property*

*Employees shall not utilize Spanish Fork City property for personal use, except as authorized by Code or personnel policy, or for use in non-city activities such as personal business, home projects, personal gain etc. Employees may utilize the City's contacts with vendors or other organizations for the ordering of supplies, equipment, services, or other commodities for non-city use so long as City accounts are not used and all ethical rules are followed.*

#### *1.20.95.060 Communication Equipment*

- I. When determined necessary and has been approved by employee's Department Director or designee, Spanish Fork City will provide laptops, desk tops computers, tablets, cameras, and other devices to their employees to assist in performing their job functions. These devices are the property of Spanish Fork City and should be used to facilitate and support City business. Employees may use these devices for personal use but must use them in a professional, ethical, and lawful manner. Personal use of City property should be kept to incidental use.*

Councilman Gordon made a **Motion** to **approve** Resolution #19-09 Amending the Spanish Fork City Employee Personnel Policy Concerning Personal Use of City Equipment.

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

### **3 Year Garbage Collection Contract Extension**

Chris Thompson said one of the big issues at the transfer station is load leveling. Mondays and Tuesdays are the busiest days because 3 of the cities in the district haul on those days. This contract will allow us to bid out collection services in the future at the same time as Salem City. It also includes an increase in cost, but we feel that it is less than if we put it out to bid. Staff recommends approval.

Councilman Gordon made a **Motion** to **approve**

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

## **Resolution #19-10 Approving the Municipal Wastewater Planning Program Self Assessment Report for 2018**

Chris Thompson explained that this is a report that the state requires every year. It shows that we are treating the wastewater as required. It also shows that our plant is old and needs to be updated. A committee is meeting to select a firm to look at our plant to see what we can do in the future to update the plant.

Councilwoman Beck made a **Motion** to **approve** Resolution #19-10 Approving the Municipal Wastewater Planning Program Self Assessment Report for 2018.

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

## **New Fire Station 62 – Construction Management/General Contractor Contract**

Keith Broadhead said that a few of the City Council members along with staff attended the interviews with the companies that submitted for new fire station 62 project. Out of the 4 firms that were interviewed the committee selected Westland Construction. Staff recommends approval of the contract with Westland Construction with an estimated cost of \$5,955,000. Mr. Broadhead said they will be having a ground breaking for this project and will let everyone know when that is.

Councilman Scoubes made a **Motion** to **approve** Fire Station 62 – Construction Management/General Contractor Contract with Westland Construction with an estimated cost of \$5,955,000.

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

## **Tentative Budget FY20**

Seth Perrins said the tentative budget proposed is \$105,504,044. With that broken down, General Fund \$30,657,055; Miscellaneous Funds \$12,946,752; Enterprise Funds \$61,900,237. Mr. Perrins gave a presentation highlighting some details in the budget.

## **New Employees and Employee Changes**

- Public Safety
  - 3 New Police Officer Positions
  - Emergency Preparedness Coordinator
  - Additional hours for EMT's at station – coverage from 7am to midnight
- Public works
  - Inspector
  - Staff Engineer – starting in January
- Finance
  - Permanent Part-time Utility Clerk
  - Convert another PT employee to Permanent Part-time status
- Community Development
  - Convert PT Employee to Permanent Part-time status

## **Compensation and Benefits**

- Provides raises for employees
- Maintains current benefits
- Saving on Select Health Share
  - Move to the share program in July 2016
  - Employee engagement has increased
  - Our premiums have significantly changed, positively

#### Capital Expenditures

- \$18M in Capital Expenditures
  - Land -\$3.6M
  - Vehicles -\$800K
  - Construction Projects -\$14M
- New vehicles and equipment
  - Incident Command Trailer
  - Park and Recreation Equipment
  - New vehicles to the fleet
  - Replacement of old vehicles
- Land
  - Anticipated purchase of land in the Electric Fund and General Fund

#### Capital Projects

800 E & 400 N – Roundabout

Center Street Widening

Spanish Fork Parkway Expansion

Street Maintenance

Fire Station 62 – ground breaking in September

Hold the Rate - Last year we held the rate at 0.000955, for funds towards the new fire station. Staff proposes that we hold the rate again and estimate that it will be similar to last year.

Legacy Farms Park

Triangle Park Construction

Fiber-to-the-Home Upgrades

Electric Substation Upgrades

Residential Sprinkler Clocks

North Main Water Line Loops

Sewer Line Maintenance and Replacement

East Sewer Digester Rebuild

Airport Apron and Taxiway

Trail Development and Construction

Fairgrounds Improvements

#### RAP Program

Voters approved the rap program in the November election

Effective April 2019

.01% added to the sales tax rate in Spanish Fork

Applications are being submitted

The RAP Program committee will review and recommend

The Council will appropriate funds

Any funds not committed or spent this year roll-over and are saved in a Special Revenue Fund

Kent Clark presented the budget totals over the last six years. This year's number is down from last year. Mr. Clark reviewed the process if the City Council wants to hold the rate. Mr. Clark said that sales tax is still going up and of the total property tax that is collected, the City only receives 8%.

Mr. Perrins discussion of a new library has been happening for about 4 years now. Mr. Perrins reviewed the creation of Library Capital Projects Fund. Staff has researched that a new building would be around \$12m. Mr. Perrins said that staff proposes that we follow a similar plan that we did for the fire station. Continue to hold the rate and slowly raise the property tax rate so the residents don't take a big hit.

Kent Clark reviewed what bonds the City currently has. Mr. Clark reviewed a list of the fleet that will be updated in 2020. Mr. Clark presented the donation fee waiver list included in the budget. Mr. Clark said that this budget will be presented for a public hearing next month. Mr. Clark said that staff is proposing that the City Council approve the Tentative FY20 City Budget presented tonight.

Councilman Scoubes made a **Motion** to **approve the Tentative FY20 City Budget**. Councilman Mendenhall **Seconded** and the motion **Passed** all in favor.

**DISCUSSION:**

There was none.

**ADJOURN:**

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

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 8:34p.m.

ADOPTED: May 21, 2019

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Angie Warner, Deputy Recorder