

**Adopted Minutes
Spanish Fork City Council Meeting
September 3, 2019, 2019
Spanish Fork City Office
40 South Main Street
Spanish Fork, UT 84660**

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

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; Mayra Gomez, Management Intern.

Citizens Present: Paul Taylor, Allie Taylor, Heather Youd, Stewart Lewis, Lynette Lewis.

5:15pm WORK SESSION:

1. State & Local Legislative Discussion

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 Allie Taylor.
Councilman Scoubes led in the pledge of allegiance.

COUNCIL COMMENTS:

Councilman Scoubes gave an update from the Fine Arts Committee. They met last week and started looking at the Harvest Moon Hurrah. They also have an internal report on RAP funding projects that were authorized and approved through the RAP tax that will go directly to the arts and projects that they have. They also have a report on the Youth Arts Festival as well as the community theater, which took place in the summer during Fiesta Days. He will have the numbers of those festivals in the next meeting. He is really looking forward to the Harvest Moon Hurrah and volunteers.

Councilman Gordon invited Heather Youd from the Spanish Fork Salem Area Chamber of Commerce to come up and talk about the events:

- September:
 - o Farmer's Market through the whole month
 - o Food Truck Nights on Main Street until they begin to dwindle
 - o September 5, Thursday – Ribbon cutting for Venue Sports Cards
 - o September 10 - Information meeting and a lunch for any potential Chamber Board members
 - o September 12 – Business of the Month: Revere Health at noon at the Spanish Forks Clinic
 - o September 7 - First Street Fair on Main, which runs in conjunction with the Farmer's Market, in the Library Park (for vendors who are selling non-food items)
 - o September 18 – New Networking luncheon at Canyon View Park. Wells Fargo will speak about financial things
 - o September 19 - Ribbon cutting for Salon De La Paz
 - o September 21 – Harvest Moon Hurrah; arranged for pumpkins
 - o September 26 - Ribbon cutting for Shootology

Councilman Argyle asked Ms. Youd about whether or not the Farmer's Market would be extended due to the very wet season. Heather said “no” because the Farmer Markets tend to start dying out towards the end.

Councilman Gordon shared a personal experience about the Farmer's Market which shows how the Farmer's Market has evolved and continues to do so. Councilman Gordon announced the Fire Station 62 Groundbreaking that will be on Wednesday, October 2 at noon at 2635 E Canyon Road. Councilman Gordon attended the Utah Water Quality Board meeting last week in Salt Lake City. Cities come to the board, which has funding to help cities that have a need. In some cases, the cities are raising their sewer rates from \$25/month to \$55/month range, which is a big jump for them. If you look at Spanish Fork, the average monthly sewer bill is \$27; we have a plan to keep that in line and not get into a situation where the rates are jumping or doubling. Councilman Gordon appreciates that Cory Pierce attended the meeting with him and is very conscious about changes that need to take place at our sewer treatment facility, because sewer is very important as it is a large item on the monthly utility bill. Other cities haven't planned and prepared as well.

Mayor Leifson expressed that the Planes, Trains, and Automobiles event last week was well attended and is a great event. Gail Halverson, the Candy Bomber, was there and dropped candy. They are planning to build a learning center and raising money for it at the airport; anyone that wants to contribute is open to do so and would be appreciated. They are trying to get the learning center built before Gail Halverson passes since he is 98 years old. Mayor Leifson passed on a message from Bill Bushman who is the caretaker over the city trees. He is

putting out a plea to stop nailing yard signs to trees. "Don't drive nails into trees. Find other ways to advertise."

PUBLIC COMMENTS:

Mayor Leifson welcomed public comment.

There was none.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – August 20, 2019
- b. COBRA Administrator
- c. RBM Janitorial Contract – Veteran's Memorial Building
- d. VCBO Professional Services Agreement
- e. Main Street 1600 North Intersection Widening Change Order #2 - 2019

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

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

PUBLIC HEARING:

Ordinance #20-19 Abandoning a Utility Easement

Junior Baker explained that this is a utility easement that at one time had a sewer line in it in the Canyon Creek development. Long ago, Spanish Fork changed the road configuration and the utility easement did not get moved or vacated at that time. This is the public hearing to abandon that easement. Mr. Baker showed on the screen that the utilities have been realigned in Market Place Drive and Canyon Creek Parkway. The easement needs to be vacated to be able to build some buildings there.

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

Councilman Scoubes **Seconded** and motion **Passed** all in favor at 6:18pm.

Mayor Leifson welcomed public comment.

There was none.

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

Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 6:18pm.

Councilman Scoubes made a **Motion** to **approve** Ordinance #20-19 Abandoning a Utility Easement.

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

NEW BUSINESS:

Ordinance #21-19 Amending the Appeal Provisions of the Government Records Management and Access (GRAMA)

Junior Baker said the state law concerning access to government records changed a couple of years ago and the staff missed the law change since there are about 400-500 bills in the year that pass and it is difficult to keep up with all of them. Staff is now aware of the change and are bringing city code in compliance with state law. Under the older version of state law, if the city had an appeal from a GRAMA request, the appeal moved first to the city manager and then the city council. The change says that the city council can't be an appeals board. If the city creates an appeals board, which is not necessary because it can go straight to the State Records Committee, the city would need three citizens from the community, one of which can be an employee and two cannot be city employees and also cannot be a government employee for another government entity. One of the two non-governmental employees needs to have professional experience in records management. This would follow the state law in creating the appeals board. Since there are very few appeals, it's been decided to make the Appeals Board an ad hoc committee; the city manager, in accordance with the ordinance, will appoint the committee if it's needed. There are timelines set up to make time to put the committee together and the committee time to act. If someone is dissatisfied, s/he has the right to appeal through court.

Councilman Gordon made a **Motion** to **approve** Ordinance #21-19 Amending the Appeal Provisions of the Government Records Management and Access.

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

Church of Jesus Christ of Latter-day Saints Real Estate Purchase Agreement

Tyler Jacobson said the City has entered into a purchase agreement with the church to purchase the property that is south of the city office building for \$1.15M. Staff anticipates that the use for the property will be for the library, the finance department, and new council chambers. The expected construction commencement date is slated for 2021 and is expected to be complete in 2022. The parcel is 0.9 acres. The public may ask the question, "Why did the City choose to purchase the property now?" It's been discussed before in prior council meetings, but the City has outgrown the current library, so there's a need for a new library. The church building is still being used by the Church since they have asked to lease it back from the City once it was purchased. The Church will lease it through September 1, 2020. This is to ratify the decision that was made in a closed session to approve the agreement. Mr. Jacobson then showed a diagram where the new library will be. The new site is across the street from the current library, and is a great location as it central to the city as possible. Staff is asking the council to approve the church purchase agreement.

Councilman Argyle made a **Motion** to **approve** Church of Jesus Christ of Latter-day Saints Real Estate Purchase Agreement.

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

DISCUSSION:

Annexation Issues

Dave Anderson said staff has approached some people about annexing. Staff has talked about potentially doing a city-initiated annexation that would take the city's boundary to I-15 in the direction of Leland. It would include 8000 South and everything north of Revere Health all the way to I-15. Most of the people that aren't in the city but have property in the area have had discussions with city staff in recent years about annexation. One of their biggest concerns has been the SESD buyout. There is one particular property that is in the process of getting a building permit for Utah County right now to build a home in the county, which is adjacent to the city boundy and to city power.

Dave Anderson asked for feedback from Council on the proposed policy:

The property owner and his father are two of the larger property owners in the area. The property owner is wondering about the prospect of annexing so that the property would be in the city by the time the home is finished being constructed. The property owner wants to know whether or not it makes sense to contract with SESD to be his power provider or not. There is a timing element at stake as the property owner is trying to make decisions within the next couple of weeks. This is an influential family in the area. Mr. Anderson expressed that it would be a great idea to annex this land now. Several years ago, Salem annexed all the way to I-15, just on the other side of 8000 South. If the timing is good, the city is getting much closer to being able to provide some of the services to this part of the community. Mr. Anderson would love to report back to the property owner that he may want to hold off on committing to go one particular direction with power. This is with the idea that the city may have an option in three to four months if the city initiates an annexation process.

The concept is pretty simple and would not necessarily pertain to that particular area. When property is annexed, the City would front the costs to pay the obligation that it has to SESD, whether it's to purchase facilities or anything related. This is done with the idea that when those properties change use when they develop, at that point in time, the city would be reimbursed for that expense. The city has done something similar with an annexation that happened east of Maple Mountain High School a couple of years ago and it seems to work well and is very equitable. It would be good to approach things this way and do some type of pro rata cost sharing, perhaps on a per acre cost basis or something similar. It will most likely remove the biggest obstacle that the City has to growing in a smart way in the community, which is property owners' hesitation and reluctance to front a significant amount of money. Not fronting the costs may potentially leave the City to annex in a piecemeal fashion and not necessarily looking at a broader picture when the City does annex. There are benefits to the community and city to come up with some type of program in fronting that expense. The downside is that staff does not have an indication when the City would recoup that expense. However, in every case, there would be reimbursement to the City, and in some cases it will take a good amount of time. Mr. Anderson would love to get some feedback on the idea to put a program together that would allow the City to front SESD buyout costs to be able to

annex properties. The provision that would be in place is that the City will be reimbursed when the property is developed.

Councilman Argyle asked what areas would be affected.

Mr. Anderson showed the areas on the map and explained that it is a part of the City annexation policy.

Councilman Argyle asked if the five or six homes are all willing to be annexed.

Mr. Anderson expressed that based on the feedback that staff has received, if the City can help the property owners work around this upfront expense to annex, then they will annex.

Seth Perrins said the biggest frustration for the landowner today is that they're not making any change to how they are using their property. They're not going to change how they're using their land for a couple of years, and so there is no value for them to pay thousands of dollars toward an electric buyout just to keep doing what they're doing. For them, the value would come eventually as they change the use of the land. Some annexations would make sense if the City can come up with some mechanism where payment would trigger with development. Junior Baker is coming up with that language for a policy, then, staff will be ready to give the Council something more formal in the manner of a policy to help them understand the proposed program. Staff can work with what it may need to be, but staff is ready to send that to plan to City Council. Properties aren't going to do anything different tomorrow, and it might be five to 10 years before they do, but it allows the City to apply things on a grander scale, which is much easier to plan bigger areas than a little chunk.

Councilman Argyle asked if the City would need to get utilities to those five or six homes?

Mr. Perrins explained that the City is capable of giving those homes utilities. This has been reviewed with Chris Thompson and the Power and Light Division and are comfortable with it.

Councilman Gordon asked if the gentleman went forward with his home in the county, and then the City turns around and buys him out, would there be costs that are going to be double-paid for?

Mr. Perrins confirmed that yes, there would be costs that would be double-paid.

Mayor Leifson chimed in that landowners paying double the cost is what the City is trying to avoid. This idea of the City fronting the costs is a fair way. These costs put a lot of burden on the people that want to come into the City. If the City can help when they are ready to come

into the city, then the City can get reimbursed. The City is not out any money, but it's an asset that it is buying and using.

Mr. Perrins added that this is an asset that the City would be buying and using. The City would buy literal power poles, wires, transformers, and things that the City will turn around and use. The City will provide power to the homes. It's not money lost. The City would buy an asset.

Councilman Argyle asked if the development would trigger the cost and how that works?

Mr. Perrins explained that annexation would trigger the payment from the City and development would trigger the repayment to the City. The development of acre chunks would have their pro rata share that they would then reimburse the City at that time.

Councilman Argyle expressed that he knows that the property owners understand that there is a repayment associated with upfront costs, but he wanted to know that if the property owners sell their property, that the repayment understanding would be attached?

Mr. Perrins said that the understanding would be attached and that part of the annexation study is that the property owners fully understand this portion.

Mayor Leifson asked staff if they are seeking direction from the Council tonight on this topic.

Mr. Anderson asked if the Council had any objections in staff pursuing this plan to front costs.

Mayor Leifson said that he didn't have any objections, and that he thinks this is the way the City should move forward.

Mr. Anderson explained that the staff is trying to pass on this information to the family as they are trying to make decisions right now on how to move forward with building.

Councilman Argyle said that he was okay with the plan, but that he's heard rumors too and wants to ensure that the City has spoken to all of the property owners. He believes that this area will eventually be annexed into Spanish Fork.

Mr. Anderson mentioned that the property owners think it's inevitable that it will be Spanish Fork in the future as well.

Mr. Anderson also mentioned that David Cloward asked to resuscitate the annexation petition for some land (shown on map). Again, the staff's question is, "how much sense does

it make to move forward with 15 or 20 acres when it would not be that much more work to move forward with the entire area now?"

No further discussion.

ADJOURN:

Councilman Gordon made a **Motion** to **adjourn**.

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:35p.m.

ADOPTED: November 5, 2019

Mayra Gomez, Management Intern