

**Adopted Minutes
Spanish Fork City Council Meeting
August 20, 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.

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; Pam Jackson, Library Director.

Citizens Present: Rex Facer, Teresa Facer, Suzette Saxton, LaNae Millet, Judy Truesdell, Don Cook, Christie Larson, Brent Larson, Dyan Gordon, Austin Gordon, Andrade Christensen, Shane Marshall, Bert Bradford, Gill Bearnson, Craig Evans, Mark Bluxham, Dawn Bluxham, Jim Westwater, Diane Garcia.

5:15pm WORK SESSION:

1. Active Shooter & Stop the Bleed

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 Austin Gordon.
Councilwoman Beck led in the pledge of allegiance.

PUBLIC COMMENTS:

Mayor Leifson welcomed public comment.

Diane Garcia lives next to the proposal that is on the agenda tonight for the Preliminary Plat. Ms. Garcia read her information related to fireflies. Ms. Garcia is asking that this plat amendment not be approved with the homes facing Bradford Lane. This would increase the light pollution to her field where the fireflies are.

Teresa Facer, a member of the library board said she has been on the board for many years. She presented three reasons of why Spanish Fork needs a new library:

Need to increase the capacity;

Need more space to provide educational programs;

More space will accommodate more people so we can have more interaction to build a stronger community.

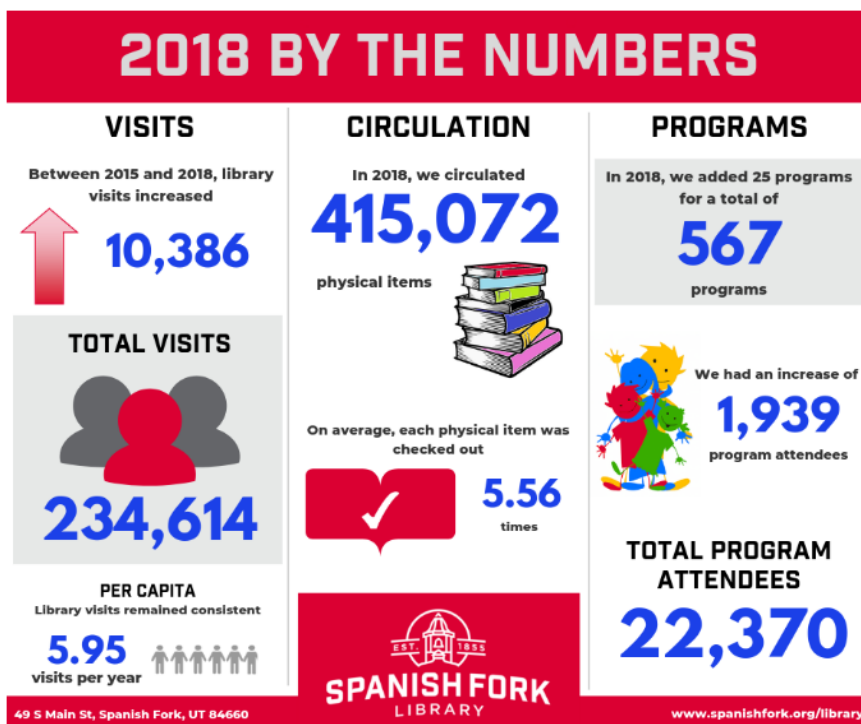
Ms. Facer supports the proposal and feels the city is in a good position to do this project.

LyNae Millett, a past resident, said she used to ride her horse in the Riverbottoms and she is a witness to the fireflies. She doesn't live here now but loves to bring her family here for the experiences. She has had the firefly tour and feels that this is a gem for the community

Suzette Saxton is also on the library board. She has two teenage daughters and the library provides great programs for teens. They also team up with Payson Library with the programs for teens. Hope we can build a library that can accommodate all of the programs.

COUNCIL COMMENTS:

Councilwoman Beck thanked Austin Gordon, Youth City Council Mayor, and reminded the public if there other 9th-12th graders that want to join the youth city council to go onto the City website and sign up. Councilwoman Beck said she and Councilman Argyle had the privilege to receive the award at the Utah County Fair for the best voted sheep. Whitney Hancock designed the sheep with a mutton bustin' rider on the back. Councilwoman Beck said staff has compiled some numbers from the library.



Councilwoman Beck thanked the Spanish Fork Public Safety for the Public Safety Night Out event. It was a great and well attended. Councilwoman Beck commented that yesterday at the first day of school, she attended East Meadows Elementary School to help welcome all the children.

Councilman Mendenhall said he attended the Children's Market event that was held last Saturday at the City Park where he and his kids spent a lot of money. Thanks to those who participated and attended that event. Afterwards, they walked across the street to the Farmer's Market. Councilman Mendenhall attended Park Elementary to help welcome the students on the first day of school. Councilman Mendenhall gave an update from the ULCT board meeting.

Councilman Gordon said that he also attended Park Elementary for the first day of school. Councilman Gordon reviewed the events coming up with the Chamber of Commerce.

- Noon Networking Luncheon at The Oaks – Congressman John Curtis.
- Ribbon Cutting, Thursday 122 North Main Street at Noon – Bottoms Up Yoga
- Farmer's Market is going great

Councilman Gordon said everything is moving forward with the Fire Station planning.

Councilman Argyle attended the Children's Market at the park and what a great event. To see the children selling their products and to see all the different options was great. Councilman Argyle said the Senior Citizens Center is back open after the summer break and the first meal will be in September. We welcome anyone that wants to come and become a member of the Senior Center.

Mayor Leifson said he traveled with staff to Helper for a tour to see how they are addressing their river reclamation plans. Mayor Leifson said that one of our finest, Officer Zac Robinson received the Utah Narcotics Officer of the Year award. Mayor Leifson reminded the public to attend the Aeroplanes, Trains and Automobiles event at the airport this Saturday. Mayor Leifson reminded the public that since school has started, please be aware and cautious around the schools and watch out for the kids.

CONSENT ITEMS:

- a. Legacy Farms Park Change Order #1
- b. Center Street Overlay Project Change Order #1
- c. ULS Water Allotment Request Agreement
- d. Approve Spanish Fork Parkway Phase #1 – Change Order #1
- e. 400 North Roundabout Change Order #2

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

PUBLIC HEARING:

Ordinance #Z07-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Brent Larson Zone Change

Dave Anderson said this proposal is located at 946 South 1700 West and is requesting the zone be changed from R-R to R-1-15. The Development Review Committee and Planning Commission recommend approval. Mr. Anderson said that with the legal description, it is a little bit off and the property owner is currently working on that issue. If this proposal is approved, staff will still wait for that correction to be completed before recording.

Councilman Argyle made a **Motion** to go into public hearing.
Councilman Gordon **Seconded** and motion **Passed** all in favor at 6:36pm

Mayor Leifson welcomed public comment.

Brent Larson, property owner, said they have had a surveyor come out and the fencing they have up is right, but they are continuing to work on this issue to see what will need to be changed.

Councilman Mendenhall made a **Motion** to go out of public hearing.
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:37pm.

Councilman Mendenhall made a **Motion** to **approve** Ordinance #Z07-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Brent Larson Zone Change.
Councilwoman Beck **Seconded** and the motion **Passed** all in favor with a roll call vote.

Ordinance #Z08-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Fire Station 62 Zone Change

Dave Anderson said this proposal is located at 2653 East Canyon Road and is requesting to change the zoning from R-1-9 to Public Facilities. This is to prepare for the construction of the new fire station. The Development Review Committee and Planning Commission recommend approval.

Councilman Argyle made a **Motion** to go into public hearing.
Councilman Scoubes **Seconded** and motion **Passed** all in favor at 6:39pm

Mayor Leifson welcomed public comment.
There was none.

Councilman Gordon made a **Motion** to go out of public hearing.
Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:39pm.

Councilman Argyle made a **Motion** to **approve** Ordinance #Z08-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Fire Station 62 Zone Change.
Councilman Mendenhall **Seconded** and the motion **Passed** all in favor with a roll call vote.

Ordinance #17-19 Amending Hillside Development Standards as Part of the Spanish Fork Municipal Code

Dave Anderson said a project was brought to the City and under the Spanish Fork Municipal Code right now, an applicant would not be able to develop. Staff went through and made the proposed changes for hillsides. There are not very many properties in Spanish Fork that this will apply to. The Development Review Committee and Planning Commission recommend approval.

Councilwoman Beck 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.
There was none.

Councilman Gordon made a **Motion** to go out of public hearing.
Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:43pm.

Councilman Mendenhall made a **Motion** to **approve** Ordinance #17-19 Amending Hillside Development Standards as Part of the Spanish Fork Municipal Code.
Councilwoman Beck **Seconded** and the motion **Passed** all in favor with a roll call vote.

Ordinance #Z09-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Anela Townhomes Zone Change

Dave Anderson said this proposal is located at 900 North 1200 East and is requesting to change the zoning from C-O to R-3 and also the approval for the Master Planned Development. This is a 102-unit townhome development. Mr. Anderson reviewed the proposed design of the development. The Development Review Committee and Planning Commission recommend approval for the zone change and the preliminary plat. Mr. Anderson asked to require the developer to enter into a development agreement and make any changes to the landscaping plans that were submitted today.

Andrew Christensen, the applicant, thanked the staff they have been working with. Mr. Christensen reviewed how they plan to address the end units and which way they should face and the facade. There are four different sizes of units in the development, a nice size park and some other amenities. Mr. Christensen said they are willing to enter into the development agreement.

Councilman Scoubes made a **Motion** to go into public hearing.
Councilman Argyle **Seconded** and motion **Passed** all in favor at 6:56pm

Mayor Leifson welcomed public comment.
There was none.

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

Councilman Mendenhall asked about the road to the west and how far are the improvements going to go.

Dave Anderson reviewed and pointed out where the improvements will be done and at what phase.

Councilwoman Beck said asked if they are meeting the requirements for parking and green space.

Mr. Anderson confirmed that the applicant is meeting the requirements.

Councilwoman Beck made a **Motion** to **approve** Ordinance #Z09-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Anela Townhomes Zone Change with the condition of entering into a development agreement and meeting any landscape changes.
Councilman Mendenhall **Seconded** and the motion **Passed** all in favor with a roll call vote.

Ordinance #Z10-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the High Sky Estates Zone Change

Dave Anderson said this property is located at 1800 South 2300 East by the Spanish Oaks Elementary School and is requesting the zoning be changed from R-1-12 to R-1-15. The Development Review Committee and Planning Commission recommend approval.
Mr. Anderson said this project is affected by the hillside changes that were presented in an earlier item. Mr. Anderson said one of the neighboring properties is still farming their property and needs irrigation water. Mr. Anderson said one of the roads that will connect to the development is relatively long and straight. Staff and the developer might want to look at options of how to control the speed.

Chris Thompson said he supported Mr. Anderson's comment about the speeding concerns. Mr. Thompson said with the irrigation ditches in the area, he is proposing that the city work with the irrigation companies to help with the development adjustments instead of the developer.

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

Councilman Mendenhall **Seconded** and motion **Passed** all in favor at 7:17pm.

Mayor Leifson welcomed public comment.

Don Cook, said his mother lives in the area and is concerned about the very steep incline for the road that will go there and the water runoff.

James Olsen, resident in the area, is concerned about the increase in traffic.

Dawn Watson, lives at the dead-end road and she loves the area. She is asking to try and eliminate the speeding. On 2900 East, that road is very busy and their kids can't even go out front. They did put up a flashing sign, but it hasn't done a lot of help. Ms. Watson said they are concerned for the safety for all the children that will be walking to school.

Jim Westwater, lives in the area and loves the cul-de-sac he lives in and enjoys the low traffic. If Canyon Crest turns into a through street, that will degrade their neighborhood. Speed and traffic increase are concerns. He would recommend with the development to work with the Nebo School District to have a walk-way from the new development for the children to the school. He would recommend a speed bump or dip to help slow the traffic down. Mr. Westwater loves living here.

Gill Bearnson, applicant, said with the steep hill, they will remove a significant amount of material. Mr. Bearnson said they did propose to the school district to add the walk way and they declined it. Mr. Bearnson said that they are open to putting in a traffic feature and will work with the City on that.

Jim Westwater added that he is also concerned about the water rushing into that area.

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

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:27pm.

Councilman Gordon asked if there are plans for a traffic signal at 2300 east.

Chris Thompson said they are currently doing studies at 2900 East/2600 East/Canyon Road. He could put 2300 East into the study. Mr. Thompson said with the steep hill being adjusted, that will help with the water but until the residents landscape their yards, they will have water issues. He lives at a very level location and he had water issues until he and his neighbors landscaped their yards. Mr. Thompson said they took out the last dip that was on a road, a few years ago, because it is really hard on snow plows. It was suggested that a traffic circle could be designed into the development.

Discussion took place about the traffic increase and concerns.

Councilman Gordon made a **Motion** to **approve** Ordinance #10-19 Changing the Zoning

Designation and Amending the Official Zoning Map of Spanish Fork City for the High Sky Estates Zone Change with the condition development agreement and water and traffic issues be addressed before final plat.

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

Ordinance #18-19 Amending the Uses Subject to Conditions in the Heavy Industrial I-3 and Agricultural A-E Zones

Junior Baker said Utah now has a medical cannabis act and it is heavily regulated. If a city has an agricultural zone or an industrial zone, it is required to allow cannabis production facilities in those zones by the Act. Since Spanish Fork has those zones, the City is required to allow them. Mr. Baker said first the City requires a city and state business license, then applicant must show how they are going to meet the state requirements, show that they meet the zoning. Mr. Baker reviewed the proposed additions to the code.

Councilwoman Beck made a **Motion** to go into public hearing.

Councilman Scoubes **Seconded** and motion **Passed** all in favor at 7:49pm.

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 7:49pm.

Councilman Mendenhall made a **Motion** to **approve** Ordinance #18-19 Amending the Uses Subject to Conditions in the Heavy Industrial I-3 and Agricultural A-E Zones.

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

NEW BUSINESS:

Ordinance #19-19 Establishing Cannabis Production Establishment Regulations

See previous item just discussed.

Councilman Gordon made a **Motion** to **approve** Ordinance #19-19 Establishing Cannabis Production Establishment Regulations.

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

Amended Preliminary Plat Approval for a Master Planned Development

Dave Anderson said this project currently has a vested preliminary plat approval. After the approval, the City went back to the applicant and presented some adjustments to the streets. This is for a master planned development and some of the changes it does have seven more units than the original plat and they have also adjusted the design of the homes. The Development Review Committee and Planning Commission recommend approval. Mr. Anderson asked that the applicant be required to enter into a development agreement.

Mayor Leifson asked when would the request for down lighting be asked.

Mr. Anderson said in the development agreement and with the lighting options today, they could easily install the heads that point down.

Councilwoman Beck asked why this development does not have to put up a masonry fence.

Mr. Anderson said at one of the meetings, the neighbors commented that they wanted to keep an open feel, so the applicant took that comment into the design aspect.

Councilwoman Beck said there were conditions on the approval regarding Riverbottoms road and asked if there has been anything done.

Chris Thompson said there was an engineering study done and all the recommendations that were not expensive too, have been done.

Councilwoman Beck asked about the access for the Garcia property that has not been fixed and there was a sign down as well.

Mr. Thompson said they will follow up with Utah County on those issues.

Vicki Bradford said they had a request for pickleball courts to be included and they will be putting them in along with a putting green and a few fire pits. Ms. Bradford said there is the big masonry fence on the west side between the property and the Mckell property. Ms. Bradford said she met with Ms. Garcia to see if they could meet in the middle on the firefly issue. Ms. Bradford said they are not against the fireflies, they think they are cool and do not want to harm them. Ms. Bradford said they have gone and looked at some of the different lighting options and the type of bulbs as well. They could do hooded lights or motion lights on the homes that face Bradford Lane. They could have the HOA to suggest to the residents minimize the traffic during the timeframe of the fireflies. Ms. Bradford commented that maybe the new residents could love the fireflies too and would be respectful of them. Ms. Bradford said they will do what we can to help.

Councilman Scoubes said the council has received numerous emails about this development. With the adjustments to this proposal and the homes that were turned the comments have been that now there will be more lighting affecting the firefly property. Councilman Scoubes reviewed some information and research he did related to lighting.

Councilman Mendenhall reached out to the town of Nibley that has a firefly habitat there to see what they are doing. Councilman Mendenhall said he grew up in Palmyra and there were fireflies there as well. Councilman Mendenhall thanked everyone that is working together on this subject.

Councilwoman Beck made a **Motion to approve** the Amended Preliminary Plat for Annie's Acres.

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

Resolution #19-19 Amending the Spanish Fork City Employee Personnel Policy Concerning Reporting of Accidents and Hazardous Situations

Tyler Jacobson said the City used to require that paper forms be in the City vehicles. Staff has made the forms electronic and this resolution is to clean up the policy.

Councilman Mendenhall made a **Motion** to **approve** Resolution #19-19 Amending the Spanish Fork City Employee Personnel Policy Concerning Reporting of Accidents and Hazardous Situations.

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

Evans Real Estate Purchase Agreement

Tyler Jacobson said by our City shops there is a need to increase the size of our facility. This is to purchase a neighboring property to be able to expand.

Councilman Scoubes made a **Motion** to **approve** the Evans Real Estate Purchase Agreement. Councilman Mendenhall **Seconded** and the motion **Passed** all in favor.

Harmsen Real Estate Purchase Agreement

Tyler Jacobson said this property is located south of the fairgrounds. To purchase this property would give us additional property to expand the fairgrounds. Utah County will be assisting in paying for this property. There is some clean up issues and if those requirements are not met then everything will be reversed.

Councilman Scoubes asked when will the property be useable.

Mr. Jacobson said as soon as we get a letter saying the property is clean and the City can start to improve it. So likely, it will be used for parking at the next Fiesta Days Rodeo.

Councilman Bordon made a **Motion** to **approve** the Harmsen Real Estate Purchase Agreement.

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

Rocky Mountain Power Corridor License Agreement

Dale Robinson said about 10 years ago, staff wanted to do this project and Rocky Mountain Power said no way. Staff has presented the project again and they are on board. This is 14.39 acres that the City will be leasing from them for \$10k per year for 30 years. The City will improve the property with trails and amenities for the public to use.

Councilman Argyle made a **Motion** to **approve** the Rocky Mountain Power Corridor License Agreement.

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

Rocky Mountain Power Corridor Lease Agreement

See previous item for details.

Councilman Argyle made a **Motion** to **approve** the Rocky Mountain Power Corridor Lease Agreement.

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

Board Appointments

Mayor Leifson made the recommendation to appoint Todd Mitchell to the Planning Commission.

Councilman Mendenhall made a **Motion** to **approve** the Mayor's recommendation to appoint Todd Mitchell to the Planning Commission.

Councilman Argyle **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 8:40p.m.

The meeting re-convened following the closed session.

DISCUSSION:

Mr. Perrins led a discussion about hiring an architect for the library and funding options.

Mr. Perrins outlined a proposal received by Blalock and Partners to provide a feasibility study and design work. They would charge 6.25% of construction costs to do the work and cap their percent fee at \$15.5M. They charged us 6.3% for the Fire Station. The proposal could save as much as 6 months' time from our project.

Discussion about the architect and the process followed. No decisions were made.

Mayor Leifson asked Mr. Perrins to review the current library funding proposal.

Mr. Perrins said

- Everything is subject to change with the feasibility study and real building sizes and real construction estimates.
- No GO bond.

- Bond for \$12M of that \$7.5M from Property Tax. Remaining \$4.5M would come from utility funds.
- 20-year bond
- Interest rates currently at 3%
- Need \$580k per year in property tax. \$400k+ from utility funds. The \$580 + 400 would be the amount of the bond payment.

Councilman Gordon made a motion to adjourn.

Councilman Argyle seconded and the motion passed all in favor.

ADOPTED: September 3, 2019

Angie Warner, Deputy Recorder