

**Adopted Minutes
Spanish Fork City Council Meeting
December 10, 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; Angie Warner, Deputy Recorder.

Citizens Present: Joseph Earnest, Kevin Parker, Doug Ford, Nick Hanks, Whites Nelson, Trent Beesley, Cris Child, Wayne Peterson, Jayme Powers, Barbara McKell, Ashley Christiansen, Kent McKell, Jenny Martineau, Rachel Heath, Landon Andrews, Kayla Andrews, Tabitha Whittekiend, Sam Drown, Chris Elsworth.

5:15pm WORK SESSION:

1. Public Notice Requirements and Proposed Changes

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 Kent Clark.

Councilman Scoubes led in the pledge of allegiance.

PUBLIC COMMENTS:

Mayor Leifson welcomed public comment.

There was none.

COUNCIL COMMENTS:

Councilman Mendenhall gave an update from the airport board meeting, the Utah League of Cities and Towns Board meeting and the Spanish Fork Rotary meeting.

Councilman Scoubes thanked all the public safety personnel that will be working through the holidays as well as on a daily basis. Councilman Scoubes wished everyone a Merry Christmas.

Councilwoman Beck announced that Miss Utah, Dexonna Talbot, will be competing in the Miss USA competition next week, we wish her good luck. Councilwoman Beck noted that last week was busy with some new businesses opening; Mo Betta's, Chili's and Lowes. Councilwoman Beck wished everyone a Merry Christmas and a Happy New Year.

Councilman Argyle thanked the parks and recreation department for the great job in getting the Festival of Lights ready and the streets department and the public safety department for their hard work. Councilman Argyle said it has been a great year and wished everyone a Merry Christmas.

Councilman Gordon reviewed the Chamber of Commerce events:

Ribbon Cuttings at Chili's, Lowe's, Mo Betta's

Business of the Month - Hydro

Noon Networking lunch will be next week at the High Chaparral

Councilman Gordon thanked all those that participated in the Winter Lights parade this year. Councilman Gordon said he and Councilwoman Beck visited Diamond Fork Junior High to speak with some students about government. Councilman Gordon gave an update on the progress of the fire station and the solid waste district meeting.

Mayor Leifson said it was awesome to attend the remodel opening at Macey's last week too. Mayor Leifson welcomed the Rodeo Committee for some announcements.

Nick Hanks said the rodeo committee just returned from the PRCA Convention last week. The Fiesta Days Rodeo is part of the Wilderness Circuit and from our circuit, we were awarded the 'Top Large Rodeo in Utah'. We also received the Justin Boots 'Best Footing Award' from the Women's Pro Rodeo Association. Mr. Hanks explained how much time and work is put into our ground to make sure the dirt is just right. The two main factors that make our dirt so good are: the riding club and our fairgrounds employees. The riding club members rake the barrels after each contestant to try to keep the ground smooth and consistent. And Landon Andrews, our Leadworker at the fairgrounds puts a lot of time throughout the year to keep our arenas great. Mr. Hanks thanked the riding club, the city council, and city staff.

Mayor Leifson thanked the rodeo committee. Mayor Leifson gave an update from the UMPA board meeting.

SPANISH FORK 101: Snow Plow Ordinance

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – November 19, 2019
- b. SESAC Music Performance License Agreement Ratification
- c. City Office Building Structural Engineer Assessment Agreement
- d. Development Agreement for Anela's Townhomes
- e. Development Agreement for High Sky Estates
- f. Legacy Farms Park Change Order 2
- g. Easement Encroachment Agreement with the Bureau of Reclamation
- h. Fred Jex Family LLC South Lane Property Boundary Line Agreement

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

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

PUBLIC HEARING:

Ordinance #26-19 Making Amendments to the Land Use Ordinance Making Text Amendments to the Residential 4 and Commercial 1 Zones and Adding Definitions

Dave Anderson said the proposed changes are attached in the ordinance. The Development Review Committee and the Planning Commission recommend approval.

Spanish Fork Municipal Code §15.1.04.020, "Definitions," is hereby amended by adding definitions as follows:

"Pending Ordinance": A land use ordinance that has been placed on a DRC agenda for discussion or action. A pending ordinance is enforceable until it is enacted, declined, or modified by action of the Council, or six months, whichever time period is shorter.

"Travel Center": A facility primarily engaged in the sale of fuel, accessories or equipment for over-the-road trucks and similar commercial vehicles, commonly referred to as a truck stop. A Travel Center may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services and diversions intended mainly for use by interregional travelers.

Spanish Fork Municipal Code §15.3.16.032(E)(1) and (5) and (F)(1)(b)(2), "R-4 Residential District," is hereby amended as follows:

15.3.16.032 R-4 Residential District

E. Development Standards

1. Density shall not exceed ~~18~~ 20 units per acre. For purposes of calculating allowed density, sensitive lands, church sites, school sites, and sites for other non residential uses may not be counted in the density calculations. 5. Minimum parking shall include two and one-half ~~point five~~ (2.5) spaces for each unit in the development. Enclosed garages shall be provided for ~~80%-60%~~ of the units and ~~one-quarter zero-point two five~~ (0.25) spaces for each unit shall be made available for guest parking. ~~Parking on adjacent sites (a site with a shared boundary) may~~

be used to provide up to 30% of the required parking for an R-4 development provided that the following provisions are met:

a. That a perpetual parking easement is granted on the adjacent site for the shared parking.

b. That clearly identified, well-lit, and otherwise safe pedestrian connections are provided between the two adjacent sites.

F. Development Design

1. Building Design: multi-family projects shall include design features that differentiate adjoining units and create identity for each unit by meeting the following requirements:

b. Multi-family projects shall include a variety of heights with a maximum height of ~~45~~ 50 feet.

Spanish Fork Municipal Code §15.3.16.070(A) and (C)(3), "C-1 Neighborhood Commercial" is hereby amended as follows:

15.3.16.070 C-1 Neighborhood Commercial

This district is intended to provide small scale retail, personal and business services, and office uses to serve the immediate residential area. Individual businesses may not exceed 7,500 square feet and buildings may not exceed 10,000 square feet. Buildings and sites shall be designed to limit the size of parking fields and to have similar characteristics of surrounding neighborhoods. Particular focus and attention shall be given to building design to encourage compatibility with the surrounding homes. ~~to discourage uses which draw from outside of the immediate neighborhood.~~

A. Permitted Uses: The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise. ~~The hours of operation are limited to 6:00 A.M. to 11:00 P.M.~~

1. Child Care Centers.
2. Convenience Store.
3. Financial Institutions.
4. Instructional Studio.
5. Municipal Facilities required for local service.
6. Office Supply, Copying, Printing businesses.
7. Offices.
8. Personal Service businesses.
9. Restaurants.
10. Retail Uses.

C. Uses Subject to Conditional Use Permit (see §15.3.24.090):

3. Drive-thru facilities.

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

Councilwoman Beck **Seconded** and motion **Passed** all in favor at 6:41 pm.

Mayor Leifson welcomed public comment.

Rachel Heath said she attended the recent meetings and she likes the Commercial 1 change other than removing the hours of operation for the future businesses. Currently it says 6am-11pm, she is just suggesting to adjust the time instead of removing it.

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

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 6:44pm.

Mayor Leifson commented that he does not agree with telling a business what times they should operate and that should be market driven.

Mr. Anderson asked the City Council to address the next two agenda items before approving this ordinance.

Ordinance #Z14-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the River Run Townhomes Zone Change

Dave Anderson said this property is located at approximately 200 East 900 South and is 26.21 acres with the Rural Residential zone. The applicant has requested a Zone Change to R-3 and Preliminary Plat approval for a 198-home Master Planned Development. Mr. Anderson said they anticipate that there will be a road that connects to the Main Street and Volunteer Drive intersection. The applicant has been great to work with including setting aside property that the City could potentially buy in the future to expand the fairgrounds. The Development Review Committee and the Planning Commission recommends approval with a few conditions.

Finding:

That the applicant conforms to the City's General Plan Designation and Zoning Map.

Conditions:

1. That the applicant address any outstanding redlines.
2. That the applicant enter into a development agreement that addresses the potential purchase of lot A by the City.

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

Councilman Gordon **Seconded** and motion **Passed** all in favor at 7:04pm

Mayor Leifson welcomed public comment.

Sam Drown, developer, said this project has taken a long time. They have held many meetings with staff and neighbors and things went well at Planning Commission.

Chris Ellsworth, lives by the development, said she is not against this project but just wanted to say thanks for working with her. One concern is parking and the construction, how long will the road be closed.

Wayne Peterson, president of South East Irrigation Company, said he is concerned about when they are going to cap the ditch. With the increase of traffic and the open ditch, people are going to go into it.

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

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:08pm.

Councilman Argyle is concerned about the roads and use of South Lane. The traffic is increasing all the time. This project is proposing the R-3 zone and he is concerned about that high density. There is only one road onto Main Street. He wishes we could get more UTA options to help the traffic issues.

Councilwoman Beck said their first request was 18 units per acre and now it is 10 units per acre. Councilwoman Beck asked if the property to the west will hold up this development for the road.

Mr. Anderson said yes, that is a risk they are taking.

Councilman Gordon asked to address the ditch concern that was raised.

Chris Thompson said where it is not part of the development, he doesn't know of a legal way to require that ditch to be piped or covered. Only the property in the development will be covered.

Sam Drown said that property to the west is also in the works to be developed.

Councilman Mendenhall said that development has started there and will continue, which will help improve the roads and the area.

Councilman Scoubes said the legislature is looking at affordable housing and if we don't provide it, in the future the state could come and make us do it.

Seth Perrins added that the State wants us to put more of these types of facilities by main corridor roads.

Councilman Scoubes said related to the commercial 1 zone, that he does not object to taking out the time frame.

Councilman Argyle commented on the parking in the R-4 zone, he does not agree with shared parking.

Councilman Mendenhall made a **Motion** to **approve** Ordinance #Z14-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the River Run Townhomes Zone Change.

Councilman Scoubes **Seconded** and the motion **Passed** with a roll call vote at 4-1.

Councilman Mendenhall - Aye

Councilman Scoubes - Aye

Councilman Gordon - Aye

Councilwoman Beck - Aye

Councilman Argyle - Nay

Ordinance #Z15-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Ridgeline Parkway Community Zone Change

Dave Anderson said this property is located at approximately 1295 North State Road 51 with 18 acres and is currently zone Rural Residential. The applicant is requesting a zone change to R-4 and preliminary plat approval for a 336-home Master Planned Development. Mr. Anderson reviewed the proposed change for parking in the R-4 District. The Development Review Committee and the Planning Commission recommend approval with conditions.

Findings:

That the subject property is well suited to meet the unique needs of a dense residential development.

Conditions:

1. That the proposed text changes to the R-4 zone are approved.
2. That the applicant address any redline comments.
3. That the applicant meet any conditions imposed by the DRC.
4. That the applicant enter into a development agreement.

Joseph Earnest, developer, thanked the staff for working on this project. Mr. Earnest gave a presentation on the site plan for the proposed development.

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

Councilman Scoubes **Seconded** and motion **Passed** all in favor at 8:03pm

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 8:03pm.

Councilman Mendenhall made a **Motion** to **approve** Ordinance #26-19 Making Amendments to the Land Use Ordinance Making Text Amendments to the Residential 4 and Commercial 1 Zones and Adding Definitions.

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

Councilwoman Beck made a **Motion** to **approve** Ordinance #Z15-19 Changing the Zoning Designation and Amending the Official Zoning Map of Spanish Fork City for the Ridgeline Parkway Community Zone Change.

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

FY 2020 Budget Revision #2

Kent Clark said this is revision #2 for the 2020 budget and it is proposed to increase by \$2

million. Mr. Clark reviewed the new numbers; New Budget: \$117,541,855; Enterprise Fund \$2,111,473; General Fund \$84k; Donation list – Added the Gail Halverson Foundation donation of \$10K.

Mr. Clark said there is a loan request from the electric fund to the all abilities park of \$2M, which will be paid back to the electric department. Below in the New Business section is a resolution for this loan.

Seth Perrins recommended changing that number to \$2.1M to be able to pay for an additional property that the City would like to acquire for the park as well.

Elected and Appointed Officials Compensation

Tyler Jacobson said this item was discussed at a work session and explained the process for collecting this information every two years. Mr. Jacobson presented comparable cities and what they receive. Staff proposes the following increase:

Mayor - \$27,928

City Council - \$17,467

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

Councilman Mendenhall **Seconded** and motion **Passed** all in favor at 8:22pm

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 8:22pm.

Councilman Mendenhall made a **Motion** to **approve** FY 2020 Budget Revision #2.

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

NEW BUSINESS:

FY 2019 Independent Financial Audit

Russell Olsen reviewed their reports from their audit for the last year.

Councilman Gordon made a **Motion** to **approve** FY2019 Independent Financial Audit.

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

Resolution #19-21 Approving a Loan from the Electric Fund to the All Abilities Park Project Fund

This item was discussed with the public hearing budget revision #2 item.

Councilman Mendenhall made a **Motion** to **approve** Resolution #19-21 Approving a Loan from the Electric Fund to the All Abilities Park Project Fund with the change from the \$2M to \$2.1M.

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

Resolution #19-22 Amending the Spanish Fork City Employee Personnel Policy Concerning Uniforms

Tyler Jacobson presented the proposed changes to the location of where our style guide is so employees know.

Councilwoman Beck made a **Motion** to **approve** Resolution #19-22 Amending the Spanish Fork City Employee Personnel Policy Concerning Uniforms.

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

Ordinance #27-19 Amending the Spanish Fork Municipal Code Concerning Continuous Parking Requirements

Junior Baker said the police department recognized that the state code has changed for vehicles that are left on the street. This ordinance is to change it from 72 hours to 48 hours that a car can be left on the street so the City code coincides with the State Code.

Councilman Gordon made a **Motion** to **approve** Ordinance #26-19 Amending the Spanish Fork Municipal Code Concerning Continuous Parking Requirements.

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

City Owned Property Sale/Purchase Agreement with Evergreen Devco

Tyler Jacobson said the City had a piece of property for sale on Spanish Fork Parkway and Highway 6 and has accepted an offer with Evergreen Devco. The asking price was \$860,000. These funds will go toward the construction of the new fire station 62.

Councilman Mendenhall made a **Motion** to **approve** Evergreen Devco Agreement.

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

Mapleton ULS Water Connection

Chris Thompson said the ULS pipeline comes from Strawberry Reservoir down the canyon splits and one line goes north and the other goes south. The city has a connection to this line and could use that to gravity feed our reservoir. As the northeast bench has grown the pressures have dropped. Staff would like to get another feed to help that area. The Bureau of Reclamation and Department of Interior were hesitant to do this, so we backed off. Now that the North ULS project is done, staff would like to write a letter and have the Mayor sign it, to request the connection and use.

Councilman Scoubes made a **Motion** to **authorize** the Mayor to send a letter to Reclamation and Interior, requesting connection to the north ULS water line, as well as any other documents that need to be executed to obtain this connection.

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 8:45pm.

ADOPTED: January 6, 2020

Angie Warner, Deputy Recorder