

Adopted Minutes
Spanish Fork City Council Meeting
September 21, 2021
40 South Main Street
Spanish Fork, UT 84660

Elected Officials Present: Mayor Steve Leifson, Councilmembers Mike Mendenhall, Brandon Gordon, Stacy Beck, Chad Argyle, Shane Marshall

Elected Officials Absent:

Staff Present: Seth Perrins - City Manager; Vaughn Pickell - City Attorney; Chris Thompson - Public Works Director; Dave Anderson - Community Development Director; Kent Clark - Finance Director; Cory Slaymaker - Lieutenant; Dale Robinson - Parks & Recreation Director; Division Manager; Tara Silver - City Recorder; Tyler Jacobson - Assistant City Manager; Nick Porter Public Information Officer

Staff Absent: Steve Adams - Public Safety Director

Citizens Present: Wendy Osborne, George, Shanna, Kayla, & Samuel Besendorfer, Nick McClune, Fred Vincent, Jakey Vincent Smith

5:15 WORK SESSION:

- a. Salary Study

Discussion took place regarding the item(s) listed above; no formal actions are taken in a work session.

6:00 pm CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITION:

Mayor Leifson called the meeting to order at 6:02 pm

Prayer/Motivation/Inspirational Message Mike Mendenhall

Kevin Oyler gave our inspirational message and felt when he is on social media it seems many times people are in the middle of an argument with others. Kevin told us Harold B Lee relayed a story from 1872 when many wanted Abraham Lincoln to dismiss General Grant. Instead of criticizing Grant, Abraham Lincoln told us to pray to God for victory to bring us through the crisis of the present. Kevin felt in this political climate it was good for all of us to hear.

Councilman Marshall led the congregation in the pledge of allegiance.

Ceremonial Oath of Office - Officer Benjamin Besendorfer

Mayor Leifson welcomed Spanish Fork's new officer.

Lieutenant Cory Slaymaker introduced Ben Besendorfer by telling us he was raised in Spanish Fork and the National Guard for 6 years. Ben was with the West Jordan police department before he came to work for Spanish Fork.

Mayor Leifson conducted the Ceremonial Oath of Office

PUBLIC COMMENTS:

Mayor Leifson welcomed public comment.

1. Wendy Osborne from Tabitha's Way - Showed the Council the data collected by our local food pantry and reported on the status of food insecurity in our community.

Wendy Osbourne gave city staff, the community, and mayor and council appreciation and thanks.

Wendy let us know that 2018 was the last time she came and gave a report to the council. Wendy handed the council a handout of the January through July 2021 numbers for the families, individuals, children, and senior citizens that were helped by Tabitha's Way. She also shared how many were Spanish Fork residents. Wendy stated they had a 26% increase in the families served since the start of Covid. Wendy was surprised that only 30% of clients stated Covid as the reason for the need for help.

Wendy went on to tell some client stories:

1. A choice between food and rent
2. A Family of 5 was out of work for 2 weeks and had no savings.
3. A Family of 7 had a mother who started having seizures and couldn't work or take care of the family. All responsibilities landed on the father to take care of her and the family and provide.

Wendy reminded us that we don't schedule in these unknowns and let us know that food insecurity could hit any one of us. Wendy's goal is that Spanish Fork be a no-hunger-zone and stated we will always need a food pantry. Wendy said they have been so successful because of our community's willingness to help volunteer at the pantry and do food drives. Wendy let us know stores can't donate as much this year and asked the community to bring fresh produce or donate money.

Councilwoman Beck asked Wendy to tell us about the Chick-fil-a app.

Wendy let us know Tabitha's Way has been honored for being the top 6 contestants' true inspiration award. Wendy told residents they can vote on the Chick-fil-a app west region and make it possible for Tabitha's Way to get a 50,000 to 100,000 dollar grant if they get the most votes.

Mayor Leifson expressed how fun it is to see how Tabitha's Way had grown.

Wendy felt honored because of the community.

COUNCIL COMMENTS:

Councilman Gordon didn't have any comments

Councilman Mendenhall reminded us how gracious Wendy is and has been a benefit to our community. Councilman Mendenhall related how helping at Tabitha's Way has changed how his family sees the holidays. He asked the residents to remember Tabitha's Way this holiday season and after the holidays to continue to help out.

Councilman Mendenhall let us know that Constitution Day was last Friday. He appreciated Kevin's inspirational thought and agreed that many seem to want to fight or be the greatest constitutionalist when they talk about it.

Councilman Mendenhall also reported on his visit to the 3rd and 5th graders at Reese Elementary school. He related that Thomas Jefferson, our 3rd president, stated that the government closest to the people governed the best. Councilman Mendenhall told us the 3rd graders were learning about state and local government and the 5th graders were learning about the Federal government. He stated the kids were confused that the Mayor was the President, but otherwise, he was impressed by their knowledge.

Councilman Mendenhall talked about the Annual Employee dinner last Thursday and it reminded him of a quote from Wilford Wilson, our 28th president that talked about we are not here to make a living but to make the world live more amply and we impoverish ourselves if we forget that. Councilman Mendenhall stated this quote makes him think of all the public service provided by the public sector and it is not easy to be a city employee, but employees wear our Spanish Fork logo proudly.

Councilman Mendenhall let us know that the Utah League of Cities and Towns (ULCT) conference is at the end of September in Salt Lake with other elected officials where we are better together.

Mayor Leifson asked where to vote

Wendy Osborne let him know it was through the Chick-fil-a App.

Councilwoman Beck told us that former Councilman Keir Scoubes ran into people from Spanish Fork in Washington DC and she saw on a Facebook post by Mike Robertson who was there on an honor flight for his dad who served in World War II. Councilwoman Beck showed a picture of Mark McKell on his 103rd birthday trip to DC.

Councilwoman Beck gave a report on the Harvest Moon Hurrah event with appreciation given to everyone involved and especially to the event coordinator Emily Harryman. Councilwoman Beck showed a picture of Miss Spanish Fork dancing with little girls. Emily Harryman gave a shout-out to Councilman Argyle for coming in the rain to help set up and always being willing to help behind the scenes.

Councilwoman Beck told us that the Latino in Action group from Spanish Fork High School under the direction of Matt Gilbert and Angela Eckhart over the kids' games made it a good time at the Harvest Moon Hurrah with Spanish Fork Community Network (SFCN) there to film, Utah Valley Spiderman, and Alex Boye.

Councilwoman Beck told us of the upcoming event on Saturday called Wings and Wheels at the airport and to go to their website to volunteer.

Councilwoman Beck let us know that a new Fiesta Days Chairman, Max and Amy Darrington will serve for the next 3 years and will start next month.

Councilman Marshall let us know that Wings and Wheels would be from 8 am to 6 pm at the airport and invited us to come and have a good time. Councilman Marshall gave praise to Angela Eckhart for doing an incredible job at the Harvest Moon Hurrah. Councilman Marshall let Kevin Oyler know he enjoyed his message and he did a great job. Councilman Marshall expressed that it was good to be back with the public servants at the Spanish Fork employee dinner.

Councilman Marshall told us about his Utah Lake Commission meeting where he was told that Utah Lake is 50% full and the lowest it has ever been. Councilman Marshall let us know of a service day to clean the Utah Lake shore at the end of October.

Councilman Argyle talked about the Annual Employee dinner, golf, and Olympics and how he liked to shake hands and get thanks with good food to employees and staff.

Mayor Leifson let us know Alex Boye loves Spanish Fork and has good friends here.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting - 09-07-2021
- b. Ellie Kimber Trail and Municipal Utility Easement and Agreement
- c. Utah Department of Public Safety (DPS) Division of Emergency Management Performance Grant (EMPG)
- d. Union Pacific Wireline Crossing Agreement for Quiet Valley
- ~~e. 1400 N 300 W Property Sale Addendum #3~~
- f. One Utah Mutual Assistance Agreement with Rocky Mountain Power, Utah Rural Electric Cooperative Association (URECA, Utah Associated Municipal Power Systems (UAMPS), and Utah Municipal Power Agency (UMPA)

Councilman Gordon made a **Motion** to approve Consent Items a - f **with item e removed**.

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:32 pm.

PUBLIC HEARING:

A. Ordinance 19-21 Impact Fee Amendment Revising Electric Power and Transportation Impact Fees

Chris Thompson told us that an impact fee goes up to a certain amount so it is hard to know the electrical impact a huge user has on the system which is a new issue for Spanish Fork City. Chris called some of the Cities around Provo and asked how they handle large electrical users and they had never dealt with such a large user of electrical power. Chris explained that for this reason the impact fee had to be adjusted and will take effect in 90 days if approved. Chris let us know with the revision that they would have an auditing system to make sure the impact fee is correct.

Councilwoman Beck **Moved** to go into a public hearing.

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 6:34 pm.

Mayor Leifson welcomed public comment.

Councilman Mendhall **Moved** to go out of public hearing.

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:34 pm.

Councilman Marshall wanted clarification on section #3 when it said other non-residential land uses.

Chris let him know that the term other non-residential was redundant since it was written for residential standards.

Councilman Marshall clarified there were 2 categories: non-residential and residential. Councilman Marshall also asked about Section 4 where it states the Public Works Director may determine when credit is warranted.

Chris explained that large electrical users would require substations for themselves; which on the city side would require 3 million dollars of work to be done. Chris told us the city doesn't budget for this type of work so usually, large users will front the money if the substation needs to be added to and will be paid back from their impact fee every year, plus their building permit impact fees. Chris expressed he didn't want to not discourage businesses from coming to Spanish Fork, so they would calculate what the fee would be and give them a credit ahead of time instead of reimbursing them.

Councilman Marshall liked the idea of auditing business usage but wondered if it requires more resources on the part of the city.

Chris responded that they use ITE tables which are not completely accurate, but they have trained interns to do it and it doesn't take many resources. He related that we used to hire out this service but now it is in-house.

Councilman Marshall **Ordinance 19-21 Impact Fee Amendment Revising Electric Power and Transportation Impact Fees with the addition of striking the word "other" in the third section.**

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 6:39 pm with a roll call vote.

Ordinance 18-21 Amending Title 15 Land Use, of the Spanish Fork Municipal Code, Related to Screening for Outdoor Storage was amended and moved from a Public Hearing to a New Business item A.

NEW BUSINESS:

A. Ordinance 18-21 Amending Title 15 Land Use, of the Spanish Fork Municipal Code, Related to Screening for Outdoor Storage

Dave already talked about modifications to remove the requirement for the public street wall to be only one type at the last council meeting as a public hearing. This new ordinance reflects the Mayor and Council's recommendations to add the option of a concrete stackable wall.

Councilman Marshall wanted to know how a stackable concrete block was defined. Was it any block and size?

Dave Anderson & Vaughn Pickell stated the meaning to be it was not mortared in place and it being 24 inches deep by 36 inches long.

Councilman Gordon expressed his concern with defining the wall options and not having the applicant come to staff to approve it.

Councilman Mendenhall suggested staff needs to see it to approve it.

Dave Anderson and Mayor both stated yes, the same as you would with a masonry wall.

Councilman Marshall consistency issue will it work size may matter to work

Dave's suggestion was to specify in the building standards and not in the ordinance. He let us know that usually, they require photographs to approve the storage wall.

This item was amended and moved to New Business item A.

Councilman Gordon **Moved to Approve Ordinance 18-21 Amending Title 15 Land Use, of the Spanish Fork Municipal Code, Related to Screening for Outdoor Storage with a note to with the inclusion of pictures with the related blocks in our construction standards**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 6:45 pm with a roll call vote.

B. River Bottoms TDR

Dave Anderson wanted the public to know they could get information from the website on discussions that have taken place on Transferable Development Rights.

He told us that the TDR program is a work in progress for the last 3 years and they have a draft document for the Mayor and Council to evaluate and critique. Dave explained that there will still be input from all stakeholders and formal action will be taken at a later time through a public hearing.

Councilman Marshall wanted to know if they could not act at all.

Dave Anderson replied that to not do anything is one of the options and handed them a memo explaining other times that stakeholders could become educated with staff and went on to explain the steps that have already been taken to inform, get input, and be educated on Transferable Development Rights through public hearings, discussions, Facebook live event, mail, and on the website. Dave related he wants this decision to stand the test of time and they do not need to rush into it but they are at the stage to move forward with Mayor and Council's guidance. Dave went on to tell us of the benefits and aspects of a Transferable Development Right. Dave wants to get the community's intentions right, make this a voluntary program, make sure it is market-driven, Consider future maintenance and care, consider different owner circumstances and get the monetary value and appropriate value correct.

NO VOTE was taken at this time

C. Resolution 21-20 Granting the Public Works Director Authority to Sign Railroad Permits, Applications, and Agreements

Vaughn Pickell talked about an item on consent regarding the railroad crossing corridors. He explained since this is a frequent request brought before the council it is needful to consider giving the Public Works Director the authority to sign these types of agreements.

Councilwoman Beck **Moved to Approve Resolution 21-20 Granting the Public Works Director Authority to Sign Railroad Permits, Applications, and Agreements**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:07 pm.

D. Resolution 21-21 Authorizing the Mayor to Execute a Third Amended and Restated Interlocal Agreement for Construction, use and Maintenance of Joint Wastewater Treatment Facility and Joint Trunkline

Vaughn Pickell related this resolution intended to clarify Mapleton City's share of the project of 20%, which reflects their 18 million dollar down payment.

Councilman Gordon **Moved** to **Approve Resolution 21-21 Authorizing the Mayor to Execute a Third Amended and Restated Interlocal Agreement for Construction, use and Maintenance of Joint Wastewater Treatment Facility and Joint Trunklines**

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 7:09 pm.
Roll call vote

E. West Interchange Sewer Truckline Change Orders 2 and 3

Chris Thompson explained one change order is because we have several fields that the pipeline would go through so we would need to replace the grass; as the fields are used for grazing. When grass is replanted the City would need to put up a fence to protect the new grass. The other change order is for extra soil needed to stabilize the trench. Chris said they were looking at possibly using broken up sidewalk to stabilize the bottom of the trench. This worked for a storm drain project along I-15.

Councilman Gordon wanted to know why the cost was a lump sum and not linearly priced on the fence.

Chris Thompson responded they knew all the measurements so they did a lump sum that included mobilization.

Councilman Gordon wanted to know what type of fence was being used.

Chris let him know it was a field fence with netting.

Councilman Mendenhall wanted to know if the old sidewalk was put in the ground to help stabilize it.

Chris explained that the old sidewalk was put in the bottom of the trench and then a bedding material. He let us know rebar could be left in the concrete so we could get better pricing on the imported material.

Councilman Argyle wanted to know if they would charge us for the concrete we put in the trench.

Chris related it is a lot less than what we are using right now.

Councilman Argyle let Chris know of a supply of old concrete he may be able to use.

Chris let him know if we run out we can go to another pit.

Councilman Mendenhall **Moved** to **Approve West Interchange Sewer Truckline Change Orders 2 and 3**

Councilman Marshall **Seconded** and the motion **Passed** all in favor at 7:15 pm.

Dowdle Commissioned Art Agreement

Nick Porter let the Mayor and Council know they have an agreement before them from a working group of council members and staff to commission a folk art piece puzzle. The timeline they have proposed would be to have it done by Fiesta Days with the Dowdle company needing 6 months to do artwork and 3 to complete the puzzle. Nick went on to tell us if we purchase 6,000 puzzles we will have exclusive rights for 36 months to sell them.

Nick, Mayor, and Council discussed the price point they would need to sell each puzzle to make up for the original investment, the working group's experience, and clarified some details on if we wanted to sell more puzzles after the original 6,000 were sold.

Councilman Gordon **Dowdle Commissioned Art Agreement**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 7:23 pm.

Councilman Gordon made a **Motion** to move to Closed Session for Imminent Litigation and Land Transaction.

Councilwomen Beck **Seconded** the motion and it passed all in favor at 7:34 pm.

ADJOURN:

ATTEST: September 21, 2021

Tara Silver, City Recorder