

Adopted Minutes
Spanish Fork City Council Meeting
November 16, 2021
40 South Main Street
Spanish Fork, UT 84660

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

Elected Officials Absent:

Staff Present: Vaughn Pickell - City Attorney; Chris Thompson - Public Works Director; Dave Anderson - Community Development Director; Matt Johnson - Lieutenant; Dale Robinson - Parks & Recreation Director (virtually); Division Manager; Tara Silver - City Recorder; Nick Porter - Public Information Officer; Jordan Hales - Finance Director; Dale Robinson - Parks and Recreation Director; Tyler Jacobson - Assistant City Manager; Seth Perrins - City Manager

Staff Absent: Steve Adams - Public Safety Director

Citizens Present: Val Martin, Cris Child, Steve Wilson

5:15 WORK SESSION:

- a. Parks & Recreation Discussion

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 6:03 pm

Prayer by Councilman Mendenhall

Councilman Marshall led the congregation in the pledge of allegiance.

PUBLIC COMMENTS:

Mayor Leifson welcomed public comment.

None

COUNCIL COMMENTS:

1. Councilman Marshall attended an Airport Board meeting where they recommended someone to be appointed as a new board member and talked about airplane tie-down issues. He thanked Cris Child for his dedication at the airport. Councilman Marshall wasn't able to be at the animal shelter meeting but knew they talked about a new directive that changes the euphemization of animals from a gas chamber to lethal injection starting 2022. He let us know most of the country is going in that direction.
2. Councilwoman Beck congratulated all those who campaigned and ran for election and gave a warm welcome to Mike Mendenhall as the new Mayor and Kevin Oyler and Shane Marshall. She expressed her desire to work with them. She reported on Mayor Leifson's speech to the Youth City Council and enjoyed his memories of service.
3. Councilman Argyle congratulated Mike Mendenhall, Kevin Oyler, and Shane on being elected and was grateful to all those who put their name out there and ran.
4. Councilman Gordon echoed the congratulations for all those who ran in the primary and general election and how it allowed them the opportunity to meet a lot of people.

Councilman Gordon went to a garbage conference 2 weeks ago with city staff Max Sabey where there were a lot of different discussions. He mentioned some of the challenges in the garbage industry. Councilman Gordon told us our neighbors and the international community are going away for the top 10 in the can. He added they will now present the super 6. He talked about how pizza boxes can now be recycled because clean Amazon cardboard boxes are more prevalent which makes the cardboard with contaminants able to be absorbed in the paper mills with the added clean boxes. He directed residents to the website for additional examples or to city staff.

Councilman Gordon indicated there was a NUERA board meeting which he chairs. He mentioned one of the challenges of the garbage we pick up in the public sector is to haul our garbage to the transfer station. He added if garbage is picked up from a residence it has to go to the transfer station. Councilman Gordon raised the concern of the added high-density housing using a dumpster that would not go to our transfer station because the hauler looks at it as commercial. He expressed the need to find ways to get that garbage to go to our transfer station so our garbage rates stay as they are currently.

Councilman Gordon talked about the Water Quality board meeting which has 8 big capital improvement projects that will go from 2021 to 2025. He declared the Spanish Fork Wastewater Treatment plant as one of them and between those projects 2.7 billion will be spent in the state of Utah to improve the quality of water. He added that Salina came and asked for help with their wastewater as it is not as sophisticated as are facilities. He gave the example of the flushable wipe that needs something to catch it before it goes through the system as a problem for them. He told us the Water Quality board gave them money to do the upgrades they needed. Councilman Gordon went on to say he went to a Mount Nebo water meeting and mentioned some studies of how the groundwater and precipitation are on a downward trajectory and equal since the 1940s as they parallel each other. He indicated they are looking into opportunities to recharge groundwater, xeriscaping and more.

5. Councilman Mendenhall talked about the election and the great campaign season. He mentioned the joint meeting at the fairgrounds with the Planning Commission about the River Bottoms vision. He felt it was a good time for the landowners to come and give feedback and appreciated their input. He expressed the great leadership of Mayor Leifson to hold this type of meeting so staff can get all that feedback. Councilman Mendenhall told a story about a resident who originally was against the trails at the River Bottoms because it was close to his property. The resident became emotional when he saw someone being pushed in a wheelchair. It reminded him of his father who in his later years needed a wheelchair to get around. It made the resident grateful that someone in a wheelchair could enjoy the trail and his farm. Councilman Mendenhall expressed that over the next couple of months he would be optimistic about finding a solution, overcoming challenges, and property rights would be respected in some middle ground. He wanted the landowners to know there would be more conversations about the River Bottoms.

Councilman Mendenhall mentioned the Chamber of Commerce 1st board meeting with the newly elected board members where they recapped the Trick-or-treat on Main Street and the popular Light Parade on Saturday, November 27th instead of on Friday when Salem would be having an event.

Councilman Mendenhall told how Mayor Leifson had a chance to meet with Senator Romney outside city boundaries between Spanish Fork and Salem on the ULS pipeline construction site. He expressed his enthusiasm for the ability to have water come down the canyon at the pressure in the pipe with less loss to evaporation so they can save water. He let us know Senator Romney voted on an infrastructure package that allocated 50 million to the ULS pipeline and

now those funds will be used to speed up the process of getting water to southern Utah.

Mayor Leifson added that the water line was piped so evaporation will be less and allow more water to be put in the ground. He also congratulated the candidates and was glad he didn't have to run. Mayor Leifson expressed his appreciation to all the candidates and their desire to serve

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting - 11-2-2021
- b. Gibby Bronze LLC Agreement
- c. ARPA Airport Grant Agreement
- d. JUB Professional Services Agreement

Councilman Gordon made a **Motion** to approve Consent Items a - d
Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 6:22 pm.

PUBLIC HEARING

A. Resolution 21-25 Adopting Airport Tie Down Fee

Chris Thompson informed us the airport is out of tie-down locations and the toll it was taking on businesses who fly in from all over the country. Some have had to park their planes in Provo and then drive to Spanish Fork. Chris told us the Airport board recommended they change the fee for tie-down space from \$370 to \$600 a year. He compared it to other cities with similar rates and Provo's rate of \$420 a year. He added the increase would only affect the paved tie-down areas and the unpaved area would stay at the \$370 rate. They also proposed if an airplane had not flown in a year that it be moved to an unpaved spot.

Councilman Marshall reiterated that we have airplanes that have sat for a year and not moved, taking up a spot.

Chris indicated these planes would be asked to move to the unpaved area to tie-down to enable the airport to keep paved spots open for frequent users

Councilwoman Beck asked if the airport board liked the idea.

Chris answered that the airport board recommended it be done.

Councilman Gordon **Moved** to go into Public Hearing

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 6:25 pm with a roll call vote.

Mayor Leifson welcomed public comment.

None

Councilman Argyle **Moved** to go out of Public Hearing

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:25 pm with a roll call vote.

Councilman Marshall **Moved** to **Approve the Resolution 21-25 Adopting Airport Tie Down Fee**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:26 pm with a roll call vote.

B. Ordinance 22-21 Impact Fee Amendment Ordinance Revising Impact Fees

Chris Thompson told us they propose expanding the table for businesses that use a high amount of power. Chris stated the amendment will one, help businesses calculate their impact fees. Two, reduce the transportation impact fee a little. Third, currently, if a business comes in and is going to build a regional facility we would pay them back over time. Knowing what their reimbursement will be after the first year, this proposes the option to give them a credit on the impact fee for the first estimated reimbursement. This would help businesses to come to Spanish Fork instead of having them pay upfront big chunks of money and then immediately reimbursing a portion of the money. Chris let us know the change would not impact the City much and that this option would be available for all impact fees that a business would front.

Councilman Gordon **Moved** to go into Public Hearing

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:29 pm with a roll call vote.

Mayor Leifson welcomed public comment.

None

Councilman Mendenhall **Moved** to go out of Public Hearing

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:25 pm with a roll call vote.

Councilman Argyle asked if we can make this retroactive because he could use the \$600?

Chris Thompson stated no that it didn't go down that much for residents anyway.

Councilman Marshall wanted clarification on the third bullet which stated that the Public Works Director may determine the credit and added what "may" meant.

Chris Thompson responded that sometimes it makes sense to use it and at other times it wouldn't.

Councilman Marshall clarified it was Chris Thompson that would make that decision and wanted to know the criteria for a decision to do it or not.

Chris Thompson revealed that staff would come together and let Chris know the impact fee and credit. He would weigh if the credit was big enough for the inconvenience. He added he couldn't see him not doing it if asked.

Councilman Marshall wanted to know if a standard operating procedure had been established to make a decision.

Chris Thompson stated it would follow what it says in the ordinance.

Councilman Marshall was concerned about the wording "may" that it could be subjective. He wanted some structure so it was consistent but he currently didn't want to change the ordinance. He would be more comfortable if it had some guidance in the future.

Chris Thompson wanted to know how to phrase it.

Councilman Marshall said he didn't know.

Mayor Leifson asked how often this scenario would happen.

Chris Thompson indicated generally they would offer it to big facilities so they are encouraged to come to Spanish Fork City and would not want them discouraged by impact fees.

Mayor Leifson reiterated it would not be on a regular basis.

Councilman Marshall restated it would not be routine and he is comfortable with that.

Chris Thompson let them know it may be once every 3 years.

Councilman Argyle **Moved to Approve Ordinance 22-21 Impact Fee Amendment Ordinance Revising Impact Fees**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 6:34 pm with a roll call vote.

NEW BUSINESS:

A. Resolution 21-26 Certifying the Canvass of the 2021 Spanish Fork City Municipal General Election

Tara Silver showed a sample ballot from 1897 and explained they used to vote by ticket so everyone under a certain party would be elected altogether. She revealed this sample ballot had historical value in many ways especially for those who were on the ballot. Tara pointed out the legacy of 3 names on the ballot. One, Alma Andrus was a 3rd great grandfather to 2 employees of Spanish Fork, and even though he didn't win it is a neat legacy. Second, Benjamin Argyle was our current Councilman Argyle's 3rd great-grandfather and was elected as Mayor. 'Third, Caroline Pace who was elected as Treasurer was, according to the State Archives, the first woman elected in Spanish Fork and they are continuing to research history to see if she was the first in Utah.

Tara went on to give the official general election results showing Mike Mendenhall succeeded in the election with 77.87% of the vote over Derek Geslison'a 22.12% for Mayor. She gave the results of the City Council seats where Kevin Oyler who received 32.40% and Shane Marshall 28.67% of the vote were elected to those seats. Tara went on and gave some statistics of the election including a 30.55 % turnout. She then showed the breakdown by precinct for each candidate.

Mayor asked if this information would be on the Spanish Fork website.

Tara responded it would be on the website. She went on to show the general election statistics regarding ballots and the accounting for every ballot that was received.

Councilman Gordon asked if they would need to sign a bunch of items tonight to certify the election.

Tara stated they would get one signature tonight.

Councilwoman Beck thanked Tara for all her work this year.

Mayor Liefson pointed out how fun it was this year.

Tara agreed

Councilman Marshall stated Tara was awesome and thanked her on behalf of all the candidates that ran because she always gave important information so we wouldn't fail. He expressed his appreciation for helping them not overlook the pertinent dates.

Councilman Argyle wanted to add his appreciation to Tara and remind the public that before the mail-in ballot we only had around 10% - 13 %, especially in a non-presidential election. He expressed his appreciation for the mail-in vote.

Councilman Argyle **Moved to Approve the Resolution 21-26 Certifying the Canvass of the 2021 Spanish Fork City Municipal General Election**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:41 pm with a roll call vote.

B. Planning Commission Appointment and Reappointments

Dave Anderson stated with Commissioner Kevin Oyler being elected to City Council they needed a new commissioner. He went on to say Mayor Leifson proposed Michelle Carol to start in January 2022. Dave added they also need to change some appointment term dates so they align with a 3-year term and they have someone leaving at the end of June and one appointed at the start of July for each year. He explained this helps them decide seniority and keep valuable experience.

Councilman Argyle wanted to know if Michelle would take office at the 1st of the year.

Dave responded she would.

Councilman Mendenhall **Moved to Appoint Michelle Carol to the Planning Commission Appointment and Reappointments as Outlined.**

Councilman Marshall **Seconded** and the motion **Passed** all in favor at 6:43 pm.

Councilman Gordon **Moved** to Appoint **Planning Commission Appointments and Reappointments** as outlined.

Councilman Marshall wanted to know if we are reappointing them or just adjusting the dates of their appointments.

Dave felt it could be phrased either way.

Councilman Marshall stated that it seemed like we were reappointing them and wanted to make that clear.

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 6:44 pm.

Councilman Marshall wanted to know how the Mayor found Michelle to serve as he appreciated her appointment to the planning commission and related that she was also a Spanish Fork resident.

Mayor Leifson let us know he worked with her on the business CARES act for Utah County as she headed that up and was impressed with her work.

C. Senior Advisory Board Appointments

Councilman Mendenhall **Moved** to **Approve** Mary Briggs to **the Senior Advisory Board Appointment**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:46 pm with a roll call vote

D. Proposal to Initiate Specific Zone Changes

Dave gave a recap of when this item came to the Council before and how the industrial zones may not be appropriate anymore for parts of the community. He indicated one would be around the new interchange on Center Street and another would be around the old sugar beet factory. He outlined the process of staff considering the areas and what is best and then bringing zoning changes back to the Council for approval after they have been approved by the Planning Commission and advertised with a public hearing.

Councilwoman Beck wanted to know if these were the only areas being considered.

Dave Anderson felt like they wanted to study these in manageable bites, so yes. Councilman Marshall wanted to know if it would be better to look at the whole plan and allow the public to come and be part of it. He asked if they could coincide with each other.

Dave Anderson felt they were different from each other as reviewing the general plan could take months. He stated they could be done simultaneously, but the zone changes tonight need a quicker timeline.

Councilman Marshall reiterated that he now sees the challenging zoning had a different timeline.

Dave Anderson told us the zoning changes being considered to be more consistent with the general plan.

Councilman Marshall restated they would make the general plan more consistent.

Councilman Mendenhall wanted to remind the public that this process would have the element for a public hearing where they could come and give their thoughts.

Dave Anderson responded yes.

Councilman Marshall clarified it would be open for all and not only those affected.

Dave Anderson stated yes.

Councilwoman Beck **Moved to Approve the Proposal to Initiate Specific Zone Changes for the Canyon Creek and Sugar Beet Factory Areas**

Councilman Marshall **Seconded** and the motion **Passed** all in favor at 6:52 pm with a roll call vote

E. Proposed Simpson Annexation Acceptance for Further Study

Dave Anderson explained this was an area west of I-15 encumbrancing an area he showed on a map to be annexed into the city boundary. He stated it is logical for the developer and explained the boundaries. Dave indicated that infrastructure was accelerated with future rail stops in the area. He mentioned that all properties proposed for annexation are within the city's annexation plan. Dave felt development in the area would benefit the area commuter rail and was planned for a long time. He outlined how the zoning of properties and annexation could take up to a year so

they wanted it to be in concert with the UTA guidelines and the Simpson annexation would start the formal process.

Councilman Argyle clarified the red line on the map was the current city boundary.

Councilman Marshall wanted to know what the word “for further study” means.

Dave Anderson told us that the Utah code requires they do a public notice to certain entities and complete a protest period. He felt the staff could start this right away.

Vaughn Pickell pointed out that “part of the further study” indicated we met the requirements of the law. He added the City Recorder would help the City Attorney certify the petition which would start the formal protest period.

Councilman Marshall rested that it would be administrative and making sure items were done required by law.

Dave Anderson added some part of it would be staff working collectively with those involved in the annexation and working with the applicant on issues concerning general development. He explained it would take time to make sure the impact on the city is considered.

Councilman Marshall wanted the public to know it would be important to the Center Street exit as UTA transit is coming south. He appreciated that they take the time to start the process so they have good data to make decisions.

Councilwoman Beck **Moved to Approve the Proposed Simpson Annexation Acceptance for Further Study**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7 pm with a roll call vote

F. Annual Moderate Income Housing Plan Report

Dave Anderson let the council know the countless hours his staff has spent as a requirement of the State legislation started 3 or 4 years ago. He gave his perspective on the intention of the report to give basic information on how the cities are proposing to follow the State law on more and new opportunities for modern income housing in the State. He mentioned that the report will likely change how it is done in the future per the Utah League of Cities and Towns and Workforce Services. Dave was happy about the changes because the data made it hard to make

it meaningful from one year to the next. They are looking for new guidance from the legislature.

Dave let us know no action is required tonight but they do need to submit the report by December 1, 2021, that it is complete, sent to them, and put on the City website to fulfill their responsibility to the law.

Councilman Argyle wanted to know if it was Workforce Services that gave us the data stating there were 1240 people needing housing in Spanish Fork with 493 who had limited options in Spanish Fork housing.

Dave Anderson told him that was correct. He felt the data was suspect regarding a measuring stick about affordable housing. Dave expressed his concern that the system regarding zoning is not uniform with all communities. He hoped the change in the report would make it consistent in reporting so he could measure apples to apples.

Councilman Marshall wanted to know how moderate-income housing was defined

Dave replied there is a definition.

Councilwoman Beck wanted to know if he knew what it was.

Dave Anderson replied they would take the medium income of Spanish Fork and those who have to spend 30% of their Area Median Income for housing would be considered housing burdened. Dave felt with the reality of the housing market today many people would fall into that category so it makes it hard to get a benefit out of the report.

Councilman Marshall gave the example that if someone had an income of 50,000 AMI and they spent 15,000 dollars on housing they would be considered moderate-income.

Councilman Mendenhall let us know the goal of the Utah League of Cities and Towns are the keys that cities hold. He indicated there are a lot of keys cities don't hold in affordable housing as far as land and lumber costs.

Councilman Marshall agreed with Councilman Mendenhall and stated he felt people see the high-density zone as a way to put more people in the community. He indicated the goal is to have something people can afford and have diverse housing in the community where there are places for kids and grandkids.

Dave Anderson expounded that the prices we had just 5-6 years ago had changed dramatically and so there was a need for different types of housing.

Councilman Marshall reiterated we saw this coming and added the 2 different zones and now need different housing products again. He gave the example of his children who will graduate next year and will have solid jobs. My kids will have solid jobs with spouses that have solid jobs and a 300,000 dollar home could be around 1,800 dollars a month which could be easily 30 % of their income.

No active taken

G. Lennar Homes requests approval for a setback reduction for the Escala Master Planned Development

Dave Anderson recapped why this item was on the agenda to give the applicant the opportunity to give more information the City Council asked for before they decide on it. Dave told us they said they would have a representative here, but no one is here and he prefers not to try to represent them.

Councilwoman Beck declared this is the 3rd time they have not come.

Councilman Marshall talked about the developer wanting new setbacks to fit 3 car garages. He stated Councilwoman Beck was skeptical they were too close together. Councilman Marshall stated he liked the product, but he would like to have a representative of why they want to do that.

Councilwoman Beck was okay with the 2 end lots having 3 car garages but wants the lots to go on a case-by-case basis with those that would like to make it work with a 2-car garage.

Mayor Leifson stated they would push this item and if the developer did not come they would have what they have and no change would be made.

Councilman Gordon **Moved to Table the Lennar Homes requests approval for a setback reduction for the Escala Master Planned Development**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:12 pm with a roll call vote.

H. Utah Aviation Lease Agreement

Chris Thompson informed us that Utah Aviation had proposed to build hangars at the airport. He stated that these hangars would be near a tie down area that Spanish Fork City is working on an FAA grant to get that constructed. Chris reiterated the development approval process requires that when someone wants to develop they need to apply to the airport manager, the manager will post it online, for 45 days so any other entity could come and propose to do something on that property as well. He explained once this process is done it is taken to a committee that meets and makes a recommendation to the airport board, who decides what the best option is, and makes a recommendation to the City Council. Chris informed us another option was presented but later withdrew. He stated this went to the Development Review Committee to look for any fatal flaws and they didn't find any. Chris told us with the airport board's recommendation they would like this agreement approved that would award a lease to Utah Aviation. Once the lease is complete that allows the airport to bill at a land lease rate which is a different rate for land under a building. The lease provides deadlines they need to hit and he expressed his excitement for the new process.

Resident Steve Wilson asked to speak to this agreement and Mayor Leifson allowed it.

Steve Wilson with Utah Aviation said he had not seen the map before and there is space that is considered unusable land because of a ditch. He wanted the Council to give Cris some flexibility to not charge for unusable land.

Mayor Leifson asked if it was his project why he hadn't seen it before.

Steve Wilson responded Chris had sent it to him a couple of days ago and he had not had time to review it.

Mayor Liefson asked if Steve wanted it pushed until he could review it.

Steve Wilson didn't want to wait but see if it could be reworked.

Mayor Leifson asked Chris if it was typical to not charge for swampland.

Chris Thompson thought it would be appropriate to approve with the stipulation to exclude unusable space.

Councilman Gordon wanted to know how to determine the size of unusable space.

Chris Thompson suggested it be left up to engineering to determine it.

Council Marshall **Moved** to **Approve the Utah Aviation Lease Agreement with the understanding that the applicant will work with engineering to remove a section that is deemed undevelopable.**

Councilman Mendenhall **Seconded** and the motion **Passed** all in favor at 7:18 pm with a roll call vote

I. One Year Airport Hangar Extensions

Chris Thompson let us know there are 9 different hangars that have not met the standards for leasing airport space. He informed us that, for these hangars, we believe the best path forward is to give them a year to meet the requirements.

Councilman Argyle wanted to know if the board was okay with it

Chris answered yes

Marshall said the board was okay with it

Chris yes

Councilman Marshall pointed out they had received an email including an applicant and stated they would be one of the 9. He told us they gave the owners notice 3 or 4 months ago which brought them to the table and it was discussed to support them to accomplish it and be accountable for a year.

Councilman Marshall **Moved** to **Approve the One Year Airport Hangar Extensions**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:22 pm

J. Wastewater Treatment Plant Solids Handling and Offsite Sewer Contract

Chris Thompson explained this was part of the solid handling of the wastewater plant. He explained that this is where waste would go to be stored for water removal so it can be hauled to the dump. Chris told us one of the concerns right now is redundancy if something fails. He let us know this would help solve that and would be good for 15 years until new technology could be obtained.

Chris mentioned the other part of the contract is concerning the offsite piping to bring solid waste in and out. He let us know when they bonded that the interest rate was incredibly low at 1 and a half percent. Now it is a little over 2 percent. They would

use the spend-down on the bond to pay for these projects as they get the design approved and completed through the State.

Councilman Marshall wanted to know if we did an independent cost analysis before so we know we got a fair price.

Chris Thompson responded they bid it out through them so they helped select the lowest bids.

Councilman Marshall reiterated that they packaged it by getting the lowest bids and using subcontractors

Seth Perrins stated they typically don't self perform

Councilman Marshall repeated they sub it out.

Chris replied that sometimes they do but Alder is busy right now.

Councilman Marshall asked Chris if he had seen the subcontractor bids himself

Chris Thompson stated Cory Pierce and Jered Johnson went through the contracts.

Councilman Marshall wanted to know how we know we received a fair price and answered the question by stating we now they looked them over and gained the lowest bid.

Councilman Marshall also wanted to know if the 3.2 million offsite pumping was bid out and this is the result he got.

Chris Thompson answered that the 3.2 million dollars included the piping. He informed us the line item is different because they wanted the worst-case scenario because of the experience they had before with the pumping. For this reason, they wanted a bid on the change order.

Councilman Marshall stated it is difficult for the City Council and public to know if it was a good price so in the future he asked him to include it in the write-up.

Chris Thompson responded in the future it may be helpful if he included the tabulations.

Councilman Gordon **Moved** to **Accept the Guaranteed Maximum Price of \$8,792,828.51 with Alder's Construction with Solids Handling and Offsite Sewer Contract Project**

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

K. Resolution 21-27 to ENDORSE Title 13 changes Endorsing a Draft Wastewater Utility Ordinance

Chris Thompson asked Vaughn Pickell to correct him if he was wrong but basically, the State requires a certain ordinance and how we do wastewater type governance. Chris told us they want the ordinance a certain way before we submit it for their approval they need to know the council approves and will likely approve it.

Councilman Mendenhall **Moved** to **Endorse the Resolution 21-27 to ENDORSE Title 13 changes Endorsing a Draft Wastewater Utility Ordinance**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:29 pm with a roll call vote

L. PCA Adjustment for December and January Bills

Jordan Hales informed us we need a power cost adjustment for our customers. He started by letting us know our power comes from the Utah Municipal Power Agency and due to fluctuations in power usage. This has caused a credit or higher rate that we could pass on to residents or smooth it out over the next couple of months so it is more manageable for residents and businesses.

Tyler Jacobson asked if it is a one-time thing.

Jordan Hales stated it could be part of the fee schedule if the Council changes it.

Seth Perrins added it had been the largest power cost adjustment in history and we received it in enough time to make adjustments for customers in the short term. Seth pointed out in the long-term a sustainable approach could be to review it over 6 months and watch the volatility. He proposed the credit not be given to the customer as a credit but put in a savings account to smooth out the rate on a regular basis. Seth asked for authority to give staff 6 months to review the rate and see if it needs to have a long-term solution.

Councilman Marshall clarified that for the short-term a 2 months smoothing at a time would be the maximum.

Seth Perrins responded yes.

Councilman Marshall clarified if we give you authority for the next 6 months the smoothing would be over a 2-month block maxim at a time.

Mayor Leifson was in favor of rate stabilization as he had seen it done before with the 6 member cities 6 years ago. Hse liked it because they used the money out of the savings for the fluctuations in the power market and it had worked for Provo. He wanted Seth Perrings to look into it and in the meantime address the concern as we have.

Councilman Argyle **Moved to Approve the PCA Adjustment for December and January Bills**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 7:41 pm with a roll call vote

Councilman Marshall wondered if staff need some direction for the next 2 months.

Jordan Hales answered if we see another large power cost adjustment in the future he would bring it back to the Council.

Councilman Argyle asked Chris if the sewer plant contract had subcontractors built-in when they bid on the project.

Chris Thompson explained the contract of construction management. Chris added that they get involved early on with the design and because of their contacts they can get us the best pricing. He gave the example of their experience with ground stabilization helped us get a lot of bids and they were able to get a better product.

Councilman Marshall wanted to talk about the Joint City Council and Planning Commission meeting about the Fairgrounds held at the fairgrounds on November 9, 2021, and come up with a plan forward.

Mayor Leifson responded that this item was not on the agenda for tonight.

Councilman Marshall wanted to know when the Council would get together to talk.

Mayor Leifson asked Seth to respond.

Seth Perrins responded there were a lot of different directions to go and considered if there was a direction to go before we do anything. He felt it would be comfortable as a body that the Council could give direction on research from the feedback that they had that could be presented to the Planning Commission in January to consider. He felt the feedback from landowners was insightful but mostly opinion based so it would not be incorporated in the drafting of the ordinance. He let everyone know the staff was processing feedback they received, information was made available, and they likely would see something in January.

Councilman Marshall wanted to have a conversation with other Council members.

Seth Perrins informed them the conversation wouldn't be an open hearing and they wouldn't be making a decision on it.

Councilman Marshall wanted the opportunity to have a conversation since it is a major issue so people know where we stand.

Mayor Leifson agreed that a conversation needed to happen and the Planning Commission would consider it and so would the Council.

Seth Perrins as he talked to individual staff and Council members there were a spectrum of thoughts. He reiterated that the conversation would not be to decide but to get together to understand. Seth stressed that the requirement had been fulfilled to gain feedback from the public but individually they could continue to gather feedback and come together as a collected body. He informed them they could do business in the public but they don't always involve the public in the business that you do. Seth reminded them they could have a conversation without involving the public at large. He stated they can listen and not participate. He reiterated there are many communication channels that had been set up for conversations with the public

Councilman Marshall agreed that we do our business in public and we should be as open as we can conduct in public and be open as much as we can as we move forward. in the next year to talk about it. He wanted to make sure the conversation was scheduled so feedback could be discussed.

Seth Perrins mentioned if they wanted conversations earlier they could meet before the Planning Commission in January and give them some guidance.

Councilman Argyle wanted to know if we did it on December 7 if it would live in epiphany.

Councilman Marshall felt it was okay to roll it into the new year with a new Mayor and Councilmembers as he would like to hear Kevin's thoughts.

Seth Perrins informed them it would push the item into the 2nd meeting in January.

Councilman Marshall stated he was in no hurry and the feedback he heard is no landowners were in a hurry.

Seth Perrins replied some are ready, but nobody had submitted a petition to annex and that would need to happen before anything matters. Seth added that before we went into the closed session a concern had been raised and he solicited their consent to add an item to the closed session for the character, professional competence, or physical or mental health of an individual.

Councilman Gordon Made a Motion to go into Closed Session for Land Transaction & Reasonably Imminent Litigation with added character, professional competence, or physical or mental health of an individual.

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:52 pm with a roll call vote

Mike Mendenhall	aye
Brandon Gordon	aye
Stacy Beck	aye
Chad Argyle	aye
Shane Marshall	aye

Councilman Gordon made a **Motion** to **Adjourn**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 9:38 p.m.

ADJOURN:

ATTEST: November 16, 2021

Tara Silver, City Recorder

