



**ADOPTED MINUTES
CITY COUNCIL MEETING
April 19, 2022 at 5:15 PM
40 South Main Street
Spanish Fork, UT 84660**

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

Elected Officials Absent:

Staff Present: Dale Robinson - Parks & Recreation Director; Nick Porter - Public Information Officer; Jordan Hales - Finance Director; Matt Johnson - Police Chief; Tara Silver - City Recorder; Dave Anderson - Community Development Director; Vaughn Pickell - City Attorney; Chris Thompson - Public Works Director;

Staff Absent: Seth Perrins - City Manager; Tyler Jacobson - Assistant City Manager

Others Present: Julie Bowman, Nichole Reagan, James Reagan, Jana Gardiner, Tammy Peay, Garrett Seely, Tom Lane, Suzan Larson, Jackie Larson, Jesse Cardon, Clarence Lewis, Kara Lewis, Sherrie Larsen, Maureen T Rindlisbacher, Cindy Larson Smith, Bowdy Smith, James Eaton (Doc), Sherry Eaton, Kathleen Leavitt, Senator Mike McKell, Allen Westman, Garrett Seely

5:15 pm WORK SESSION:

- a. Spanish Fork Community Network and Internet Protocol Television (IPTV)

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

Call to Order - Mayor Mike Mendenhall at 6:01 pm

Councilman Gordon invited Senator Mike McKell to give our motivational thought and prayer

Senator Mike McKell told us about running the Boston Marathon the day before. He pointed out his sweatshirt he had on with the year 1972 because that was the year women were allowed to run in the Boston Marathon. He highlighted 3 people that inspired him.

1. Jacky Hunt-Broersma is an amputee runner who is trying to break a world record and with the race yesterday she had finished 93 marathons in 93 days. He let us know she had lost her right leg to severe cancer.
2. Adrienne Haslet was a Boston bombing survivor and also has a prosthetic leg and was accompanied by Sharleen Flanagan, a former olympian with a prosthetic leg, during the marathon.
3. Jennifer Hughes of Salem, Utah was in a serious car accident years ago which required 5 months in a wheelchair and 6 months doing physical therapy. Senator Mike McKell let us know she ran the marathon and was in the elite field which consists of 40 of the best women and men in the world.

He ended with a quote from Andrienne Haslet stating “I refuse to be called a victim, a victim is defined by what happened in their life, I am a survivor defined by how I live my life” He reminded us we are defined by how we live and what we do.

Mike McKell offered the invocation

Mayor Mendenhall asked what his time was in the marathon.

Mike McKell responded it was 258.35 and went on to tell us how he was inspired by a man with a prosthetic leg when he got to heartbreak hill.

Mayor Mendenhall wanted to know if he trained for the marathon on the Spanish Fork trails.

Senator Mike McKell responded he knew them better than anyone.

Councilman Marshall led the attendees in the pledge of allegiance.

Mayor Mendenhall thanked Senator Mike McKell for his support in the healthy and active initiative in Spanish Fork and at the state level.

RECOGNITION:

- a. Mayor Mendenhall recognized the Maple Mountain High School Girls Wrestling Team for taking State. He stated they were unable to attend, so a certificate would be sent to the coaches. He reflected on their fire truck ride down Main Street as the residents celebrated with them..

Councilman Gordon told about why two girls decided to wrestle. One was cut by the basketball team and the other was a foreign exchange student who was told she was going to wrestle. The team walked away with a state championship for two years in a row.

PUBLIC COMMENTS:

- a. Allen Westman expressed his appreciation for all the planning that has gone into the new trees that have been put on the river trail road, the new library that is coming, and the recreation center to come. He suggested allowing residents the opportunity

to sponsor memorial plaques for the trees so they could share stories about loved ones.

Mayor Mendenhall, Councilman Gordon, and Dale Robinson had a conversation about the location of the trees on Poplar Lane. Dale let them know they had planted Oak trees to replace the dying poplar trees that had been there.

COUNCIL COMMENTS:

1. Councilwoman Beck thanked the Chamber of Commerce for the Easter Egg Hunt. She reminded residents about the Fiesta Day photo contest for the cover and inside the magazine.
2. Councilman Marshall let us know it was the first time he had been to the Easter Egg Hunt and it was tremendous to watch 1,000 kids clear the fields of eggs. He let us know the Arts Council did not meet and he was pleased with the Parks and Recreation sub group's feedback and appreciated their thoughts. He let us know he missed the Airport board and asked if they could move the time from 4 pm.
3. Councilman Oyler told about the Senior Center Spring Fling with live music, dancing, and dinner. He stated that at the Senior board meeting they established new hours of operation and the new times were on the Spanish Fork website.

Councilman Oyler told of his experience and thanked Intermountain Health Care, Grifols, and local businesses for supporting the Easter Egg Hunt put on by the Chamber of Commerce. He felt it was a huge success. He told us of the new addition this year of a Special Needs field that was sponsored by Compassion Mobility. He thanked Pete Hansen, the Youth City Council for helping at the event.

Councilman Oyler expressed gratitude for the Youth City Council serving the meal and dancing at the Senior Spring Fling.

Councilman Oyler turned the time over to Jesse Cardon, to introduce the residents to the new Chamber of Commerce CEO.

Jesse Cardon started with the events this month of the networking lunch on April 21, 2022, at the Nebo School District Career Technical Education Building at noon. He revealed that Compassion Mobility was the business of the month. He reminded us of the Food truck Roundup on Friday at the library and the celebration of the Intermountain Healthcare hospital's first year anniversary. Jesse let us know they will have a golf tournament coming up with the Spanish Fork Rotary Club.

Jesse ended by introducing the new Chief Executive Officer Kathleen Leavitt

Kathleen Leavitt told of her work background and how she is excited to collaborate with Chambers across Utah Valley and the possibility of new beginnings.

Councilman Oyler added what an honor it was to attend the Fire Chief, Eddie Hales' swearing-in ceremony.

4. Councilman Argyle echoed the sentiments about the Easter Egg Hunt and thanked the Youth City Council and Spanish Fork Royalty for their help at the event.
5. Councilman Gordon reflected that the Easter Egg Hunt pulls in residents from surrounding communities who then spend money here in Spanish Fork. He showed his support for Compassion Mobility's special needs addition this year.

Councilman Gordon indicated his appreciation for the opportunity to see the Father of Eddie Hales swear him in as Fire Chief.

Councilman Gordon shared the April 28, 2022 groundbreaking for the garbage transfer station (3450 North Main Street) at 3 pm. He let us know at the New Era meeting they talked about 4 resolutions which are made up of most of the northeastern transfer stations.

1. They are going out for their first bond as a group. It would be a 4.5 million bond for a gas collection system that captures the gas in the ground from the buried garbage.
2. Their agreement with Provo City about water and how they were able to get together and discuss the uses of the water. It gave the 2 entities a greater understanding and the ability to use the water shares to wet down the compost at the landfill.
3. They approved a contract for a liner.
4. Weber County withdrew from the board as they are too far north to come to the meetings.

Councilman Gordon indicated that New Era group are partners in the landfill out at Bayview, just west of Utah Lake.

Councilman Gordon went on to talk about the Recreation, Arts, and Parks (RAP) tax meeting where citizens approve where those funds are spent. He let us know they approved \$110,000 last year and so far they have approved \$55,000 for everything that was presented through the applicants' frugal application process. He was impressed that they asked for what they needed and not in excess.

Councilman Marshall wanted to know if there was money left after the approvals.

Councilman Gordon stated the RAP Tax brought in over 1 million dollars last year and \$110,000 last year and \$55,000 this year was approved.

Councilman Gordon told of former Commander Doctor Richard Johnson who has reinstated the freedom walk after Covid 19. It is a 2-day educational event where 1,300 5th grade students from Spanish Fork and Salem cities would go on a walk and hear from veterans about their service, learn about Flander Fields, the importance of the American flag, and have a mock military funeral with a rifle salute. He dared people not to cry. Some of the students would attend on May 10th and the other half on May 11th. He thanked the American Legion post 68 for putting this together.

Councilman Argyle reverted to something Councilman Gordon had stated about gas at the transfer station. He wanted to know if the gas was gathered so it didn't go into the atmosphere.

Councilman Gordon responded we turn it into electricity.

Chris Thompson added it would go on a grid of the natural gas turbine to provide power.

Mayor Mendenhall thanked the Council members for attending all their assignments. He reported on his involvement in the Easter Egg Hunt in 2009 and 2010 and how it had morphed into something great. He thanked the Chamber for organizing it and the local businesses for sponsoring the event.

Mayor Mendenhall talked about the effect of the 2 swearing-ins of Police Chief Johnson by his wife, a district court judge, and Eddie Hales by his retired Fire Chief father at station 62. He liked the support from colleagues and peers.

Mayor Mendenhall talked about the college rodeo at the fairgrounds this last weekend. He felt the rodeo committee had made it the greatest rodeo in the state and maybe the west. He let us know the rodeo started on July 20th and goes through July 25th because of the 24-holiday being on a Sunday. He told us of the events associated with it.

Dale Robinson let us know the Hall of Fame inductee would be at a sponsored luncheon.

Mayor Mendenhall was excited it would be his first time to deliver the Hall of Fame to someone.

Mayor Mendenhall went on to talk about the college rodeo in town and the benefits of having it in our city.

Mayor Mendenhall spoke about the recreation center committee that met at the Provo Recreation Center with Mayor Kaufusi and Scott Henderson for a tour. They will meet next week April 27 to get more concrete details involving renderings from architects.

Mayor Mendenhall expressed appreciation for the All-Abilities Park and let residents know the water feature would be turned on May 15th.

SPANISH FORK 101:

- a. Spring Clean-up

Chris Thompson shared that next Monday would start the 3rd annual Spring Clean-up. He elaborated it was an opportunity to clean up neighborhoods for free and the success of the events in the past of cleaning up 1 million pounds of garbage. He let us know to go to the Spanish Fork website for the 5 locations and that 3 dumpsters would be available at each place. He told us the dates would be April 25 - May 7 from 7 am to 9 pm and emphasized that there would be no Sunday dumping as the transfer station was not open.

Kathleen Leavitt asked if mattresses could be dumped.

Chris Thompson responded no because they need to be disposed of in a special way, but you can dump rocks. He highlighted the items that are not excepted like tires, fridges, freezers, AC units, electronics, flammable liquids, oil, or chemicals. He pointed out e-waste could be dumped for free this month.

Chris Thompson reiterated that sometimes if the dumpsters are full people will leave their garbage next to the dumpsters and he emphatically let residents know not to do that but to find another location that had a dumpster that wasn't full. He let residents know in the past garbage in a too-full dumpster would blow out into the community and defeat the purpose of the clean-up.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council 04-05-2022
- b. Beanstack License Agreement
- c. Brownfield Assessment Grant Consultant Contract
- d. Community Garden Memorandum of Understanding (MOU)
- e. Saddle Dusters Contract

Councilman Gordon made a **Motion** to approve Consent Items A-E

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 6:44 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

PUBLIC HEARING:

A. Ordinance 3400 East Annexation. This proposal involves approval for the annexation of some 25 acres located at 700 South 3400 East. It is proposed that the subject properties be zoned Rural Residential if annexed with the following finding and conditions in the staff report.

Dave Anderson showed the Mayor and Council 4 properties that wanted to annex into the city as rural residential. He let us know there was no indication of a land-use changing at a later time. He let us know that the Planning Commission (PC) and Development Review Committee (DRC) approved the annexation.

Councilwoman Beck wanted to know why the staff report didn't include the approval by PC and DRC.

Dave Anderson responded it was left off all Community Development staff reports this time but would be there next time.

Councilman Oyler wanted to know what the general plan had indicated for these properties and if the landowners were made aware of it.

Dave Anderson stated it was designated for 2 homes per acre, except for the old gravel pit, and he believed the property owners knew.

Councilman Marshall clarified it would not be including the gravel pit at this point.

Dave Anderson responded it was an island because of Mapleton City's boundaries.

Councilman Argyle wanted to know if we would need to supply utilities to these 4 customers.

Dave Anderson responded by saying everything is getting delivered to the area because of development in the area and property owners would have access to some of the utilities.

James Regan, who owns a 5-acre plot on 2400 East was concerned and wanted assurance there would be no limitations on livestock with the rural residential zoning.

Councilwoman Beck **Moved** to go into a Public Hearing
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:49 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes

Chad Argyle	Yes
Shane Marshall	Yes

Councilman Oyler **Moved** to go out of Public Hearing
 Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:50 pm

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Dave Anderson began looking up the exact phrasing for the rural residential zone regarding animal rights. He stated the ordinance was clear that there was no restriction on the maximum number of animals in a rural residential zone.

Councilman Oyler wanted to know where he could find that in the code so he could refer to it when he was asked questions by residents.

Dave Anderson told him Title 15 supplement regulations 15.3.24.090 (G).

Councilman Marshall **Moved** to Approve the **Ordinance for the 3400 East Annexation based on the following findings in the staff report.**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:53 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

B. Ordinance Modera Zone Change and Preliminary Plat approval. The proposal involves approving a Zone Change from Rural Residential to Commercial 2 and Residential 4 and approving a Preliminary Plat for a Master Planned Development with 668 residential units. The subject property contains some 42 acres located at 2000 West 1900 South

Dave Anderson let us know staff had been working with the applicant for around two years regarding a property on the Spanish Fork/Salem boundary because of the future Salem/Benjamin interchange they wanted to make this the right tone and standard. He let us know that the Development Review Committee (DRC) and Planning Commission (PC) reviewed it and made some recommendations. Dave helped the Mayor and Council catch the scale of the project and told them it would be the 3rd project approved with the R4 zone.

Dave Anderson felt it was a genuine effort in putting the applicant forward as reflected in the 8 proposed conditions to make sure they get it right. Dave wanted to note that staff and the Planning Commission wanted to make sure it conformed with the general plan. He let them know the timeline may take decades to happen. He shared that around the interchange is slated for future intense uses like retail and professional offices. He then talked about the gradual land use east of the interchange as a less intense single family with 2 homes per acre. Dave indicated as you travel east to the hillside it would transition from non-residential uses to residential use.

Dave conveyed he also wanted to make sure not to miss the opportunity to include non-residential uses in the subject properties. He let us know the applicant had included non-residential space in the project. He reiterated that the applicant will need to meet the conditions and he is aware of them and asked the Council to approve the zone change and plat.

Councilman Marshall wanted clarification of condition 4. Requiring the car to be parked in the garage and not used for storage would be enforced. He asked about condition 7. Because it seemed vague to him and he wanted to know what was the intent, how it would be met, and who decides it is met. He felt it would help him as they moved through comments of the public and the applicant if he understood the conditions.

Councilman Gordon read Condition 7. That the applicant add appropriate improvements to the development plans in order to protect existing agricultural land uses on adjacent properties.

Councilman Oyler asked if it included irrigation.

Dave Anderson stated it could be fencing, irrigation, and more. He relayed that the applicant up to this point had addressed the engineering needs at a high level, but had not yet detailed the construction plans. Dave let us know the construction plan would show how they would solve the concern of flood irrigation and make it so others can irrigate. Dave added that a meeting with the residents, staff, and applicants would be held in the area to flush out what is needed for this condition to be met. He felt the condition in the approval was Incremental in addressing the concern and admitted there was some subjectivity there.

Councilman Marshall wanted to know who decides the condition has been met.

Dave Anderson stated it would be the Development Review Committee (DRC) would decide

the land use for the final plat approval and it would be the next step in the process for the applicant.

Councilman Marshall clarified there would be no legislative action after this time with the City Council.

Dave Anderson responded that the statement was correct.

Mayor Mendenhall asked if the master planned development would give us some latitude to tell us of the things that are going to happen.

Dave Anderson told us it would spell out the details and could include items that weren't spelled out in the city ordinance.

Councilman Argyle wanted to know if power and sewer were in the area yet.

Chris Thompson answered that when they ran the power line to the lift station they coordinated with the developer so the power could go underground and supply them with power for future needs.

Councilman Argyle asked again about the sewer line there.

Chris Thompson stated it was close.

Councilman Argyle wanted to know about the water line

Chris Thompson again responded it was close.

Garrett Seely, the applicant, expressed how it had been a long time to get here. He shared that the staff has been difficult to work with and felt it was good for them to take it so seriously. He told us he had worked with Dave Anderson and staff for a year and produced 6 or 7 renditions of the project. He expressed Dave's love for Spanish Fork and how he wanted the best product for Spanish Fork. Garrett told us he would give the same presentation he gave to the Planning Commission with the addition of phasing and a wrap-around porch.

Garrett wanted to make sure Modera wasn't confused with the medicine. He gave an overview of the area, how it fits in the general plan, the transition from high density to lower density, the 3D overlay at the freeway, the master plan data, the traffic signal, and the transfer station off the ramp, and more. He relayed all the utilities would be on a loop system. He talked of the amenities of a recreation center, clubhouse, pickleball courts, dog park, pool, additional parking, basketball court, art, and monument signage examples.

Councilman Marshall wanted to know if there were garages for everyone.

Garrett let us know the garages were for sale with the 2 to 3-bedroom units and would determine which units get a garage.

Councilman Marshall clarified they would need to buy a garage.

Garrett responded yes and that the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) would enforce it through the HOA and property management. He let us know some units would have floor plans with storage lockers.

Councilman Oyler wanted to know if the rendition showing parking in front of the garage was correct.

Dave Anderson stated no it was not consistent with the plan.

Councilman Oyler wanted to make sure those parking stalls were not included in the parking requirement.

Dave Anderson and Garrett stated no.

Garrett highlighted the 2 clubhouses in the project in the for-sale product. He showed the rental building product and how they would look. He let us know an item they were working on was an entry point for cars in the middle of the project.

Mayor Mendenhall clarified this was a rental product they were talking about.

Garrett affirmed it was. He showed the density calculations as 17.89 per acre on average for the rental product and broke down the percentages for the 1, 2, and 3 bedroom units. He stated they met traffic and parking standards with 289 additional parking stalls with street parking. He told us the project would be done in phases and highlighted the first phase having a traffic signal and the continued sub-phases.

Mayor Mendenhall wanted to know if 1700 West already had a traffic signal there.

Garrett responded it did.

Councilman Oyler asked if the trees in the planter strips were part of the landscaping.

Garrett stated it was.

Councilman Marshall asked if the clubhouse was in phase one.

Garrett said yes.

Councilwoman Beck wanted to know if the sale and rental product could use each other's clubhouse.

Garrett responded no.

Councilman Gordon **Moved** to go into a Public Hearing
Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:22 pm

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

James Eaton (Doc) was concerned about traffic, moving farm equipment, construction congestion, being told he can't use his land, groundwater in the area, and how the rural area would change.

Clarence Lewis stated he is not against growth but wanted it done in a manner that fits the area. He didn't want it to turn into University Parkway in Orem, especially since it is a smaller area in Spanish Fork. He felt 8000 south was already at capacity for traffic during the commute. He also felt adding lights would not help with the traffic. He expressed this would force commuters to use the side streets and cause more problems. He didn't like the precedent it set and felt the development would be better by Lowes.

Bowdy Smith wanted the Mayor and City Council to consider the location this development would have concerning the interaction between agriculture and livestock and people.

Jackie Larson spoke about her interest in the area as her family owned Seven Bar Ranch and land consisting of 100 acres around the proposed development area. She let us know they are residents of Spanish Fork. She went on to say they run livestock on an additional 50-60 acres of farmland in the area and her husband farms 50-75 acres of land as well by this proposed development. She felt the location of the proposed development is on agricultural land and high-density conflicts with the land use in the area and community.

Jackie Larson added it once was an Indian farm reservation where her great, great, great grandfather was the supervisor in the 1850s. She went on to tell us about her relative Garry Larson who was a 5th generational farmer, with her husband being the 6th generation, and her nephews the 7th generation to farm the area. She expressed she had no intention of ending this legacy in her lifetime.

Jackie Larson laid out her concerns as traffic, roads, parking, safety issues, utilities, usage complaints, the garbage that would go into the fields, water, irrigation, nuisance issues, walls, processes that have not been followed, and reduced land values with this zone change.

Jackie Larson talked about a Planning Commission meeting she attended where she understood the irrigation would be dumped into her family's property based on an easement that was referenced. She stated there was no current easement or has been any discussion with them regarding an easement

Jackie Larson felt the waterline from the north was not big enough for the development and wanted to know if there is water coming from the east where it is.

Councilman Argyle wanted to know if she was referring to culinary water.

Jackie Larson affirmed that was the case. She extended her knowledge of the soil to a high water table and quicksand where individuals had died from it and felt it wasn't suitable for high density. She went on to talk about how there were state and federal laws that protected endangered wildlife in the area.

Jackie Larson brought up endangered wildlife in the area in the Planning Commission meeting. They let her know there would have to be proof of the needed protection. She highlighted the Fish and Game installed nests in the area a few years back and she had contacted the Division of Wildlife Services, Local Fish and Game, U.S. Wildlife office, and the U.S. Fish and Game Wildlife office where she spoke to a biologist. She felt he was aware of the wildlife that needed to be protected and let her know no one had received federal approval or had it surveyed for this type of development.

Jackie Larson gave her understanding of the permit process, the need for one prior to the zoning changes, and having the survey to assess the impact of the activity. She expressed her concern about approving the zone change without the process being completed.

Jackie Larson shared her concern the change would have on her family's livelihood. She went on to say that the General Plan was misleading as it could change. She let us know that 100 acres of land in Spanish Fork and the County in the past and present have petitioned for agriculture protection. She indicated that her land was where Dave had pointed out the transition would occur from high density to lower density and she would not be leaving the land.

Jackie Larson felt it was not a balanced plan to create an island of high-density development surrounded by agricultural land. She went on to say it was the best option and not appropriate for the surrounding land uses. She felt it would create many complaints from all the residents involved. She finished by asking for a denial of the project and that the process go forth as it should. She let the council know if it was approved she would be spearheading a referendum to overturn the decision.

Kara Lewis shared her concern about the zone change to her Corn Maze and Pumpkin Patch business. She laid out the purpose of her business, which had benefits to the community, with family entertainment and educating 1500 school kids about where their food comes from and enjoying the country. She related how in their 2nd year of business she received a grant to put in an educational center and her ties to the Chamber of Commerce who awarded them the business of the month in the past. She explained their involvement in the community by supporting local businesses and sponsoring city events and sports teams.

Kara Lewis let us know her family are part of the original settlers in Spanish Fork and Leland

who have been farming for over 150 years which span seven generations. She explained they started the Corn Maze for additional income so they would not have to sell the land.

Kara Lewis's biggest concerns were getting farm equipment to her farm with traffic and her temporary permit she has from the County stipulates she must be 500 feet from residential homes because of the late lights, music, and dust with the haunted corn maze. She expressed her frustration with waiting an hour for a County police officer when they have vandalism or trespassing incidents. She asked that some protection be put in for farming and to reconsider the zone change.

Sherrie & Rex Larson live at 1600 west, the parents of Kara Lewis. Sherrie told us they had been farming in Leland for 350 years growing many different crops. She considered this area to have the most productive land in Utah. Her concern was with being able to use the irrigation, canals, and drains with the change. She worried about the string of complaints they would receive for late nights of bailing crops, fertilizers, smells, pesticides, flies, and noise which would be normal practice to run their ranch and farm. She was concerned this would put her out of business.

Sherrie Larson wrapped up by giving her thoughts about the traffic on 1400 and 1600 west being too narrow for semis to pass currently and felt the development was too big and would impact farming negatively.

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

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:42 pm

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Mayor Mendenhall related that the council and himself had taken notes and now was the time for them to ask questions of the staff, the applicant, or the people who participated in the public comment.

Councilman Oyler asked Chris Thompson to start with where the culinary water was coming from.

Chris Thompson indicated there was a 12" water line stubbed east of the property and an 8 and 10-inch line from the north. All of them would need to be extended to the property and the city requires a looped connection that would feed in both directions. He explained to make this happen they would need one line from the north and one from the east. He felt it would provide plenty of water for the development. He added the extended line would go down the existing road.

Councilman Gordon wanted the easement comment from Jackie Larson to be addressed.

Chris Thompson stated he thought the worry was they would need to go through private property but they would not need the easement.

Councilman Oyler wanted to know the access a property owner would have while the waterline was being put in.

Chris Thompson conveyed they require the contractor to keep access to the road for residents or a detour if it is a narrow, old County road to get the utilities in place.

Councilman Oyler wanted to know if it was a County road and if we would be able to put in utilities.

Chris Thompson let us know a City can put utilities on a County road.

Mayor Mendenhall clarified that this type of construction would need to happen so matter the size of the development.

Councilman Gordon pointed out it is the developer that pays for the roads and utilities.

Chris Thompson affirmed his comment.

Mayor Mendenhall informed the property owners it is the city who you would call if you are concerned about the mud or complains about the construction.

Chris Thompon stated the City would be the one to police the contractor.

Councilman Gordon asked for guidance on an existing ordinance on the livestock impact, including raptors to protect citizens in the County.

Vaughn Pickell mentioned there is no ordinance to limit having animals. He went on to say as far as the raptors and endangered species it would be on the applicant to check that out. He stated he did a quick check with the Fish and Wildlife services about critical habitats and he didn't see any in the area.

Councilman Gordon reiterated it was on the applicant to make sure they did that process.

Councilwoman Beck wanted to know if it was appropriate to make an ordinance that they could refer to if someone complained about the Corn Maze business.

Vaughn Pickell described the process and use of an agriculture protection area the city could use if the property owners wanted it.

Councilwoman Beck restated it was the property owners that would have to initiate it.

Bowdy Smith wanted the roundabout consideration to include making them big enough for farm equipment.

James Eaton (Doc) gave his experience as a local veterinarian about animal abuse and the increased population adding to the incidents.

Councilman Argyle wanted James Eaton (Doc) to know no engineer in this City is going to take his land or make him develop it.

Councilman Argyle mentioned with each new development increased crime is brought up as a concern. He went on to say as time has played out that has not been the case with new development

Scott Peterson, the applicant's engineer who has worked with staff and property owners, has addressed the concerns of property owners about tailwater by proposing to bury the pipe and regulating the amount that would go in the storm drain, fencing, and beefing up the footing to combat the high liquefaction potential.

Councilman Oyler wanted to know if they have studied what a wet season would do to the soil.

Scott Peterson commented they evaluated it and have left field drains in place, implemented no basements, and would bring in 4 feet of soil to build it up.

Councilman Gordon pointed out it would be built up similar to Revere Heath.

Scott Peterson mentioned that the places with high groundwater would not have homes there.

Councilman Argyle wanted to hear about the impact on agriculture and Councilman Marshall wanted some understanding of the impact development would have on animals and farming.

Staff, residents, and Council members discussed the potential that new residents could bring litigation for a sound nuisance, smell, trespassing, equipment used at different times of day and on the road, garbage from construction, traffic, groundwater, the safety of animal/human interaction, green space, water, owners being forced out because of complaints, the possibilities of a Airbnb, public safety accessibility, rights of each stakeholder who are affected, a meeting to address the agriculture protection process, signage to let the new residents know what to expect in an agricultural area, and fencing.

Councilman Gordon Moved to **Table the Ordinance for the Modera Zone Change and Preliminary Plat**

Councilman Marshall **Seconded** and the motion **Passed** all in favor at 8:49 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

NEW BUSINESS:

A. 2022 Mayoral Proclamation Concerning Arbor Day

Mayor Mendenhall read the proclamation and declared support for Arbor Day.

Councilman Gordon **Moved** to Approve the **2022 Mayoral Proclamation Concerning Arbor Day**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 8:55 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

B. Accepting GWC Annexation for Further Study

Dave Anderson reminded those present that this would start the process to study the property to see if it was in the best interest of Spanish Fork City to accept it for annexation. He noted that this would include an island that the County would need to approve.

Councilman Marshall wanted to know if there was time after a study for an annexation where they didn't decide to allow the annexation.

The staff was able to present a couple of times it happened.

Councilwoman Beck **Moved** to Approve the **Accepting GWC Annexation for Further Study**
Councilman Argyle **Seconded** and the motion **Passed** all in favor at 8:59 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes

Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

C. Resolution Supporting the Title Transfer of the 46kV Line System and Sale of the Taylor Switch Rack to SUVPS and Authorizing a Mutual Release of Claims

Vaughn Pickell showed the map of the 46 Kg double loop system and how everyone involved would like to settle all claims of ownership with this agreement. It would settle all claims and make Southern Utah Valley Power Systems owners of the double loop system.

Councilman Oyler **Moved to Approve Resolution Supporting the Title Transfer of the 46kV Line System and Sale of the Taylor Switch Rack to SUVPS and Authorizing a Mutual Release of Claims**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 9:02 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

D. Ordinance Regarding Surplus Vehicles

Jordan Hales advised the Mayor and Council of the need to change the allowable amount for staff to dispose of equipment over \$20,000. Each time staff would need approval from the City Council. He went on to say most equipment falls in this category because the process of buying and selling vehicles changed from buying and keeping the vehicle for life to buying it and selling it after 5 years. He added it would keep its value, so the change is needed.

Councilman Marshall **Moved to Approve Ordinance Regarding Surplus Vehicles ADD**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 9:06 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

E. Wastewater Treatment Center Site Stabilization Guaranteed Maximum Price (GMP)

Chris Thompson let us know the new transfer plant needs to sit at the lowest point in the city which usually has the worst soil. He expressed the need to get ahead of soil preparation.

Councilman Gordon stepped out of the meeting at 9:07 pm.

Chris Thompson went on to talk about the purpose and design of the building in the soil. He told us this agreement would start the process to prepare the soil and they would be using the same contractor as Provo City, so they knew of their effectiveness and expertise.

Councilman Gordon returned at 9:09 pm.

Chris Thompson explained the process of dewatering the soil and it could cause some settling, so a contingency was put in place if there was a need to put water back in and shore it up.

Councilman Gordon wanted to know what kind of authority was put in place to enact the contingency plan.

Chris Thompson talked about including the City Council, the engineer, and the managing contractor.

Chris Thompson, Mayor, and Council Members talked about the bonds needed, the competitive process, sub-contractors, the engineering firms who felt dewatering was needed, and the cost to the city.

Councilman Gordon **Moved** to approve **Wastewater Treatment Center Site Stabilization Guaranteed Maximum Price (GMP)**

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 9:19 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

F. Spanish Oaks Irrigation Eagle Golf Construction Change Order 4

Dale Robinson reminded the Council this change order was expected for pipe-fitting as it was

not a part of the original bid.

Mayor Mendenhall wanted to know if they were ahead of schedule.

Dale stated yes and pointed out the process would make it so each hole affected would be closed for 3 days.

Councilman Oyler **Moved to Approve Spanish Oaks Irrigation Eagle Golf Construction Change Order 4**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 9:22 pm. Roll call vote

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Councilman Gordon **Moved to Adjourn to the Local Building Authority**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 9:23 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

LOCAL BUILDING AUTHORITY

President/Chair - Mike Mendenhall presided

LBA CONSENT ITEMS:

- a. Local Building Authority Minutes 06-01-2021
- b. Local Building Authority Minutes 06-15-2021

Board Member Gordon **Moved to Approve the Consent Items**

Board Member Marshall **Second** and the motion Passed all in favor at 9:23 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes

Chad Argyle	Yes
Shane Marshall	Yes

President Mike Mendenhall recused himself from the NEW BUSINESS ITEM: Parameters Resolution for Spanish Fork Community Network (SFCN) Building.

Vice President, Stacy Beck presided over this item.

LBA NEW BUSINESS:

a. Parameters Resolution for Spanish Fork Community Network (SFCN) Building

Vaughn Pickell explained the meaning of the keyword word Parameters as setting the boundaries of maximum amounts in the resolution.

President Mendenhall stepped out of the chambers at 9:24 pm.

He pointed out the maximum as 12 million and a 25-year term. He let us know the delegated authority is the Chair, Vice-chair, Secretary/treasurer, and City Manager. Vaughn highlighted how the lease would work and the flexibility it had to have it be paid by any revenue. He told us the public hearing would be on May 17 for the public to comment on the issuing of the bond. He advised us that this is a two-way transaction and would need to be approved by the City Council as well.

President Mendenhall came back into the chambers at 9:27 pm.

Board member Gordon talked about the unbelievable rate and expressed it was a good bond rating for the city.

Vaughn Pickell explained that with lease revenue bonds, the more assets they own the more security there is for bondholders.

Vice-chair Beck clarified the parameter resolution for the LBA is what we are addressing now and we will address it on May 3, 2022, in the City Council meeting.

Vaughn responded that was correct.

Board Member Argyle **Moved to Approve Parameters Resolution for Spanish Fork Community Network (SFCN) Building**

Board Member Oyler **Second** and the motion Passed all in favor at 9:29 pm with a roll call vote

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes

Chad Argyle	Yes
Shane Marshall	Yes

Board Member Gordon **Moved** to **Reconvene Back to City Council**
Board Member Argyle **Second** and the motion Passed all in favor at 9:30 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

RECONVENE BACK TO CITY COUNCIL

DISCUSSION FOR FUTURE AGENDA ITEMS: (no formal action taken)

A. 630 W Center St Roundabout

Chris Thompson explained that originally it was decided the area would have a traffic light to handle the Spanish Fork High School changing the building orientation and entrances. He let us know they have since found the lanes will not match up and a roundabout would solve this problem. He let us know the cost of the roundabout was a deterrent originally, but now that the lanes would need to be aligned the cost would come out close to the same for either one. He preferred the roundabout over the signal as it was seen to slow traffic down so accidents happen at a slower speed and are less severe.

Councilman Oyler wanted to know what budget would be affected by the change.

Chris Thompson let him know it would be the street budget

Councilman Gordon brought up the concern about irrigation in the area and the safety of pedestrian traffic.

Chris Thompson explained it would be safer for pedestrians as they would only have the traffic coming from one direction. He backed it up by reviewing a police study that reported that because of the decrease in speed in a roundabout, no crossing guard was needed, and it made it safer for people to cross.

Chris, Mayor, and the City Council discussed the land that would need to be acquired, a fiber box that potentially would need to be moved, what would be appropriate to put in the middle of the roundabout, parked cars on 3rd West. and the timing of the roundabout.

B. General Plan and Zone Change Direction

Dave Anderson pointed out the general plan was not law but an advisory document to be the vision for the future of Spanish Fork. He felt data and public input were the key elements to deciding items. He mentioned the constraints the city would have are an annexation policy and floodplains

Dave Anderson shared that the conversations had turned to the general plan being relevant and the next steps to update the plan. He talked about the timeline with the budget. He felt the options were to:

- Do nothing
- Start over
- Do an in-house traditional update
- Outside assistance for public outreach and land use update

Council members discussed:

- the history of other general plan updates
- the concern that an outside study wouldn't be extensive enough to be implemented once complete.
- Starting with transportation
- The need for high-density housing
- Changing from a broader view to a more focused view
- The process for engaging the public
- Educated issues versus perceived issues
- Establishing a top five priorities list of what is important
- The impact of a changing Mayor and Council on elections
- The need to start with the Planning Commission's expertise before it comes to City Council

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

Councilman Oyler **Seconded** the motion and it passed all in favor at 10:45 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Attest: April 19, 2022

I, Tara Silver, City Recorder of Spanish Fork City, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on April 19, 2022. This document constitutes the official minutes of the City Council meeting.

Tara Silver

TARA SILVER, CITY RECORDER