



**ADOPTED MINUTES
CITY COUNCIL MEETING
June 21, 2022, at 6 PM
40 South Main Street
Spanish Fork, UT 84660**

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

Joined Electronically: Councilman Marshall

Elected Officials Absent:

Staff Present: Dale Robinson - Parks & Recreation Director; Jordan Hales - Finance Director; Tara Silver - City Recorder; Dave Anderson - Community Development Director; Vaughn Pickell - City Attorney; Jered Johnson Engineering Division Manager; Seth Perrins - City Manager; Tyler Jacobson - Assistant City Manager; Bryan Perry - SFCN/IT Director, Eddie Hales - Fire and EMS Chief, Cade Harding - Lieutenant

Staff Absent: Chris Thompson - Public Works Director, Matt Johnson Police Chief

Others Present: Jackie Larson, Cris Child, August Bigelow, Former Mayor J. Merrill Hallam, Darren Bunker,

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

Call to Order - Mayor Mendenhall at 6 pm.

Councilman Gordon led us in the pledge of allegiance

Councilman Argyle invited Miss Spanish Fork Grace Ehinger to give the motivational thought and prayer.

Grace Ehinger stated love cannot remain by itself but needs to be put into action. She indicated the community could vote for her social impact initiative.

Mayor Mendenhall told us there were 4 hours left to go to Instagram and vote for Grace.

- a. Cris Child Retirement Recognition -

Jered Johnson invited Cris Child to come forward and started a slideshow. He mentioned Chris Thompson couldn't be here but they wanted to honor Cris for his 35 years of service at the airport. He shared Cris's positions as an airport board member since 2007 and a manager since 2017. He told us the events Cris had been involved in at the airport as the Wings and wheels (formerly the Planes, Trains, and Automobile event), the Gail Halvorsen Education Center, redoing the airport master plan, resurfacing the runway, giving the airport a new taxiway, new hangar construction, and removed the open ditch. He pointed out that over his years of service he has had 8 interns work for him.

Cris Child let us know Christian Davis would be taking his place at the airport and had been on the job for 2 days. Cris expressed his gratitude for the position becoming full-time and growth had made it necessary.

Jered Johnson presented him with a National Parks lifetime pass and a gas card for \$100.

Cris thanked the city councils he has worked with and how they have embraced the airport.

Mayor Mendenhall expressed that Cris would be missed. He told of two memories about Cris. He thanked him for his help when the mountain was on fire and for all the planning that went into getting helicopters to the fire. He mentioned when he was up in a plane with Cris and Cris made him fly it. He thanked him for all his knowledge, work ethic, and for making the airport what it is today. He told us Cris will stay on the board at the airport and would still be flying.

Councilwoman Beck stated her son proposed to his fiance at the airport and Cris helped them roll out the red carpet. She expressed her admiration for all he accomplished while a part-time employee.

Councilman Oyler stated he had not worked directly with Cris but his dad had, as City Manager, and had many great things to say about him.

Mayor Mendenhall indicated the airport was a huge asset to the city

Councilman Argyle thanked Cris for his time and stated he had learned a lot from him. He expressed the importance of Cris remaining on the airport board. He shared his fondest memory of Cris's dad was him making donuts. He told us they had been friends and neighbors for a long time. He thanked him for making our airport better.

Councilman Gordon shared when he started cowboy donuts and Cris expressed to Councilman Gordon that making donuts was worse than taking turns doing irrigation as his dad had a donut shop named Cookie.

Cris Child told of his dad's passion for the airport and how he had a plane license before he had a driver's license. Cris told us the saying you can build a mile of road or you build a mile of runway and go anywhere.

Mayor Mendenhall stated that Cris deserved the credit for the success at the airport.

b. Introduction to Spanish Fork Royalty

Councilman Gordon asked the royalty how the parades had been.

The royalty answered that some of them were great.

Grace Ehinger, Miss Spanish Fork, told us about her social impact statement of Love Being an Action Word.

Hailey Pierce, 3rd runner-up, let us know her social impact statement was to Be a Buddy Not a Bully.

Hayley Campbell, 2nd runner-up, indicated her social impact initiative was project I Can which focuses on feeding the community through service.

Hope King, 1st runner-up, let us know her social impact initiative was Together We Empower.

Mayor Mendenhall pointed out it was the first time he was part of the interview practice for the contestants. He shared how impressed he was with their answers when he would give them curve balls.

Councilwoman Beck expressed she was excited for the upcoming year.

PUBLIC COMMENTS:

No comments

- a. Horrocks Presentation was not here when the public comments section was talked about.

Mayor Mendenhall stated he would fit them in when they came from Sprinville's City Council meeting.

COUNCIL COMMENTS:

1. Councilman Marshall (joined electronically) mentioned his daughter's wedding was beautiful.
2. Councilman Oyler reported on the meeting last week at the animal shelter. He mentioned the animal shelter is close to capacity and invited residents to adopt animals so they don't have to turn animals down when they come in. He told us it was a no destroy shelter so animals would not be killed but may have to be turned away.

Councilman Oyler mentioned the \$55,000 Petco grant they were awarded to help with immunization costs. He noted that Petco asks if you would like to donate to the animal shelter when you purchase something and encouraged those who could to donate.

Councilman Oyler thanked the fire & EMS department for their support at the Chamber of Commerce's noon networking meeting.

3. Councilwoman Beck let us know Miss Spanish Fork for 2021 was the 1st runner-up for her 6,200 pairs of shoes donated to the Soles4Souls campaign. The first place was from Pleasant Grove with over 7,000 pairs of shoes.

Councilwoman Beck introduced the unveiling of the new Spanish Fork puzzle by artist Eric Dowdle on Monday, June 27th, 2022. She talked about Councilman Gordon and her participation with the project. She added that there would be food, entertainment, the artist, and puzzles available to purchase at the event.

4. Councilman Gordon let us know about the Tabitha's Way event last week where the Mayor's wife, Amber Mendenhall, spoke about the great asset it is to the community. He invited residents to volunteer time and money. He indicated businesses could and have participated as well in the past. He commended Wendy Osborne for doing such a wonderful job and the huge resource it is in the community. He highlighted the impact they have and was glad to be a part of the event.

Councilman Gordon talked about the Spanish Fork FitCity event and showed some pictures of him at the top of the fire truck ladder. He praised the event for not just talking about health and wellness but for putting it into action with our spiritual, mental, physical, and emotional health.

Councilman Gordon told how this emphasis on all aspects of health came about through Mayor Mendenhall when he was a Councilmember getting a grant from Intermountain Health Care. He pointed out the way they have used the grant was with CPR Cardiopulmonary Resuscitation and QPR Question, Persuade, and Refer suicide prevention classes. He indicated how important health and well-being are to Spanish Fork, our first responders, and staff. He thanked the many sponsors that were at the event.

Dale Robinson added there were 30 resources present through the sponsors for all types of health and welfare.

Councilman Gordon gave a couple of examples of the booths at the event.

5. Councilman Argyle thanked Public Works and staff for the Spanish Fork employee party where they had dinner and gave gifts away. He enjoyed it and felt like the employees did as well.

Mayor Mendenhall informed us he attended the American Public Power Association (APPA) conference where he was joined by 1,000's of city Mayors, Councilmembers, and power staff in Nashville, Tennessee. He emphasized the importance of being a public power city and the control it allows Spanish Fork and the citizens as shareholders over our decisions for power. He pointed out that being a public power city not only works well for Utah but citizens of other states as well.

Mayor Mendenhall expressed the benefits of having the FitCity fair and how the head of the APPA conference talked about how important well-being was at work by sharing some personal experiences in a closed session. The head of the conference advised everyone to think about the phrase "It is later than you think".

Mayor Mendenhall thanked Dale Robinson for the 6 years FitCity had been going and for helping Spanish Fork residents learn how to deal with our mental and physical health daily.

Mayor Mendenhall informed us he has received some emails about graffiti in town. He made a public plea and a word of warning that hate speech, intimidation, and violation of public and private property would not be tolerated in Spanish Fork. He gave notice that violations of graffiti would be prosecuted. He stated it was an embarrassment to the community and against the law. He wanted everyone to know it also costs a lot of money and would be paid by the violators. He invited Lieutenant Harding to address the penalties for graffiti.

Lieutenant Harding indicated that this is a crime that is often overlooked until it hits us personally. He asked us to take it seriously as the penalties are based on the value of the damage and carry a class B misdemeanor to a felony which calculates to 6 months in jail with a \$1000 fine up to a \$10,000 fine, restitution, and prison time. He implored the community to call police dispatch if they see it happening, so it could be addressed.

Mayor Mendenhall gave a warning that violators would be prosecuted and investigated.

Mayor Mendenhall ended by wishing his wife Amber a Happy Birthday!

SPANISH FORK 101:

a. Agricultural Protection Areas

Dave Anderson indicated the agricultural protection area was where the City Council would need to adopt an ordinance to give people more reasons to farm. He let them know they had drafted an ordinance and wanted to discuss it with them before they bring it to the City Council for a public hearing to be adopted in July if approved. Dave turned the time over to Vaughn Pickell.

Vaughn Pickell gave an update of where they were in the process of fulfilling the request for an agricultural protection area option, the benefits, and the process to apply.

Vaughn pointed out the benefits:

- Greenbelt
 - No impact to the greenbelt status
- Local Restrictions:

- local laws may not “unreasonably restrict: a farm structure for farm practice”.
- No rezone would happen without written consent from all landowners affected by the change.
- Nuisance protection
 - The definition excludes sound for agricultural practices
 - A defense in both civil and criminal proceedings.
 - Notice of plat required for any new subdivisions within 300 feet of their property
- State Agencies
 - May not have rules that place unreasonable restrictions on agriculture
 - Must submit development plans to the advisory board and Commissioner of Agriculture and Food
- Eminent domain
 - Advisory board approval required
 - Notice required to be filed with City Council and Advisory Board
 - Joint City Council and Advisory Board public hearing
 - It may be approved **only if**:
 - for highway or waste disposal, “ no reasonable prudent alternative” exists.
 - for any other purpose,
 - i. it “would not have an unreasonably adverse effect upon the preservation and enhancement of agriculture” in APA, or
 - ii. “no reasonable and prudent alternative”

Vaughn Pickell then spelled out the process through the Utah Code Ann. § 17-41-101 et seq. He mentioned before the City Council would approve the ordinance it would go through the Development Review Committee and the Planning Commission.

- Proposal
 - Proposal to create APA
 - Signed by the majority of property owners
 - Majority of area
 - Minimum acreage was set in the city code as 40 acres to start
 - Filing fee
 - Boundaries
 - Any limits on agriculture production
 - Owners’ names and parcel numbers
- Notices
 - Notice of Proposal
 - Public Notice website
 - 5 public places
 - Mailed notice within 1,000 feet
 - Proposal received and open to public view
 - Any person or entity may file written objections or modifications
 - Statement of Advisory Board and Planning Commission review
 - City Council public hearing details
- Modifications and Review
 - 15 days - written requests to modify or to object

- 45 days - Planning Commission written report to City Council
 - Effect on City policies and objectives
 - Evaluation criteria
 - Recommend modifications
 - Evaluate objections
 - Recommendation
- City Council Public Hearing
 - 1. Notice
 - 2. Hearing
 - Review recommendations of Advisory Board and Planning Commission
 - Public comment
 - 3. 120 days - Approve, modify and approve, or reject proposal
 - 4. Record Notice of Creation
- Other Procedures
 - Adding land to Agriculture Protection Area - follow original procedure
 - Removing land
 - Upon request of the owner
 - After 20 years it can be reviewed by the City Council to modify, continue, or remove it.

Councilwoman Beck asked if we could change it before the 20-year review.

Vaughn Pickell responded no and asked the Council to be careful when considering the proposal by having it go through the advisory boards so they can see all aspects of the impact. He pointed out a recent case at the Utah Court of Appeals that states that the City Council has the authority and discretion to create them, modify or not approve them. He stated in this case they removed master-planned roads and utility corridors so they wouldn't have issues with it later because it was on the City's master plan.

Councilman Oyler asked Vaughn to explain the advisory board.

Vaughn Pickell responded that it was a County Advisory Board and was established by the County.

Councilman Marshall wanted to know what would happen if one property owner wanted out and the Agricultural Protection Area fell under 40 acres.

Vaughn stated it would be up to the property owner if they wanted to be removed and if it went under the 40 acres the protected area would stay in effect for the rest of the landowners. He indicated the request would have to come before the City Council and they would have to approve it and revise the Agricultural Protection Area if a landowner leaves.

Councilman Marshall clarified that if a property owner wanted to add property you wouldn't need another 40 acres to be eligible to be part of the existing protected area. He added the example that if the original protected area was 40 acres and an owner with 5 acres wanted to be added it would be okay.

Vaughn Pickell agreed and said it could even be a smaller amount. He told us the property owner would need to go through the same process as the original agricultural protection area for approval.

Councilman Marshall reiterated that the City Council couldn't take land out of the protection area.

Vaughn Pickell stated it was correct and the City Council could only reevaluate it after 20 years of it being approved.

Councilman Oyler wanted to know if the zoning designation would change to agricultural once a property owner was part of the Agricultural Protection Area.

Vaughn Pickell answered that the zoning does not change but would stay the same as when it entered the Agricultural Protection Area.

Councilman Oyler inquired whether the city could change the zoning once it was in the Agricultural Protection Area.

Vaughn Pickell indicated it could not change without the owner's consent and it would need to be the property owner who requested the zone change.

Councilman Oyler wanted to know what would happen if they wanted to rezone and leave the protected agricultural area. He added that whatever the zoning was when they entered the agricultural protection area was what they would stay with.

Vaughn Pickell stated they could leave the agriculture-protected area at any time and apply for different zoning.

Mayor Mendenhall clarified the original acreage needed to form the protected agricultural area was 40 acres.

Vaughn Pickell stated in Utah County it was 40 acres to start, so that was the proposal as a starting point for discussion.

Mayor Mendenhall wanted to know if it was an aggregate acreage.

Vaughn Pickell responded it was an accumulation of the land owners.

Mayor Mendenhall indicated he forgot the public comment section in the agenda and invited anyone who wanted to speak to come forward before they had the Horrocks presentation.

PUBLIC COMMENT:

Dan Davis commented he would like the Agriculture Protected Area to have the zoning designation for surrounding properties to be a step approach. Where there was a natural progression in zoning from lower to higher density instead of having high density next to the

Agriculture Protected Area. He felt it would be calling it a good decision when it was bad, if it was to have high density next to it.

The Mayor amended the agenda to hear from the Horrocks Presentation

b. Horrocks Presentation

Mayor Mendenhall prefaced the presentation by letting the public know that the Horrocks discussion was on the I-15 2700 north interchange

Darren Bunker started by letting us know he was the project manager for the Utah Department of Transportation and Horrocks was the consultant on the project. He asked if there were burning questions before he started.

Mayor Mendenhall asked when it would be complete.

Darren Bunker responded they would get to that.

Mayor Mendenhall stated that we wait until the presentation is complete before asking questions.

Seth Perrins mentioned that Darren Bunker is the contact and coordinator between the city and the Utah Department of Transportation. He expressed his appreciation for their working relationship at the quarterly meetings. He felt the meetings were very productive.

Darren Bunker concurred that he had a great relationship with Spanish Fork. He told us he would give us an update on two separate projects that were interrelated. First, the interchange project at 1600 South in Springville and 2700 North in Spanish Fork which they are calling the Dry Creek Parkway. He indicated they are going to keep the existing 10-12-year-old bridge because they liked to get 40 years out of a bridge. He indicated they will start by making a diamond interchange at this location and at a future date the interchange will be converted to a Single-point Urban Interchange (SPUI) around 2050 to get the lifespan out of the bridge.

Councilwoman Beck wanted to know what a SPUI was.

Darren Bunker explained it was a Single-point Urban Interchange in the middle of the intersection instead of a light on both sides of the bridge. He gave the examples of University Avenue in Orem and 4th South in Springville. He added it eliminates one light cycle which allows 30% more traffic through the intersection. He went on to say part of the project is to take Dry Creek Parkway from a 2-way to a 5-lane road from Main Street in Spanish Fork to SR51.

Darren Bunker stated the most asked question they get is why it is not going to Highway 89. He informed us it is a separate project they are considering with its own environmental study. He went on to say another element of the project was to build a bridge over the Sharp Railroad line because of the 20-30minute wait times for trains in this area. He mentioned

that the frontage roads would need to be realigned to put in the ramps for the new interchange.

Darren Bunker indicated they did an environmental assessment and some things had changed. The first one being the railroad track shifting the alignment of the road to avoid having to have retaining walls as they are expensive so they will save money, for safety reasons of sight distance problems of a concrete barrier, and to avoid the risk of the embankment pushing the utility lines 8" down through consolidation and having to move them.

Darren Bunker mentioned that the shift would negatively impact the neighbors in the area but he felt the benefits outweighed the need to acquire additional property and would allow a utility corridor so they don't have to purchase additional easements. He went on to spell out the change to the 10-foot multi-use pathway on the EA was on the south side and with the value engineering process recommended the multi-use path be shifted to the north side and shared with the utility corridor in the area. He explained it made sense to have it on the north side since most of the residences were on the north side already with industrial on the south side.

Darren Bunker ended by saying they recommend postponing the southbound on-ramp to I-15 to the Federal Highway Association (FHWA) based on safety because as US 6 traffic exits the new southbound on-ramp causes a crossover merging issue. He indicated there were triggers with the (FHWA) to reconsider the southbound access. They are triggered by I-15 being widened which is a planned project, converting it to the SPUI as mentioned before, and the reconfiguration of Highway 6.

Seth Perrins wanted it highlighted that the shift south consumes more land on the Spanish Fork side of the road is not a detriment to Spanish Fork because of the cost-saving of the berm and utility corridors.

Darren Bunker stated favoring one community over another is not how they do business and they look at the benefits and cost savings for both sides through the process of evaluating criteria.

Seth Perrins wanted to know if we had access to the utility corridor on the north side.

Darren Bunker stated that is where the Spanish Fork power would go

Mayor Mendenhall clarified they would need to acquire property to make the shift south.

Darren Bunker responded in the affirmative and informed us the property is at 30 dollars a square foot whereas the retaining wall is 150 dollars a square foot. He pointed out utility consolidation issues and the long-term maintenance issues of the retaining wall being too close to the utilities, causing instability over time.

Councilman Oyler stated it looked like it would only affect 3 or 4 property owners.

Darren Bunker indicated it would affect Springville's old Santan Raceway area, the Hall who own 2 parcels of land, and the Shultches.

Councilman Oyler wanted to know if it would affect anyone on the east or right side of Canyon Creek.

Darren Bunker stated no and then corrected by saying it would affect a little of the corner of the Hall property that they planned on buying the whole parcel anyway.

Seth Perrins felt it was helpful to know the footprint of the right-of-way doesn't shift.

Darren Bunker indicated it does shift or the footprint gets bigger. He showed a picture of what both projects would look like with the new interchange over 2 existing tracks and one track for the Sharp project.

Councilman Oyler wanted to know if the frontrunner came under the bridge as well.

Darren Bunker responded yes with the future track system. He made sure we understood they are still determining where the different stations would go and it is not part of this project.

Councilman Argyle wanted to know if the 2 projects indicated would be completed at the same time so that we can realign Canyon Creek.

Seth Perrins answered yes.

Councilman Argyle wanted to know if it would eliminate the railroad back to Provo.

Darren Bunker said it would eliminate the track back to 4th south in Springville. He informed us the two lines from Provo would be consolidated in a future project.

Seth Perrins pointed out where the light would interfere with the railroad and where the developer would put in a road in the next couple of years.

Mayor Mendenhall wanted to know if after the bridge to the interstate it would stay elevated or drop back down.

Darren Bunker stated it would drop down and then go back up.

Councilman Gordon pointed out the access to the businesses through a stub road.

Darren Bunker informed us they were able to avoid taking the businesses on that side of the road.

Darren Bunker gave a tentative timeline of the projects to be finished.

Mayor, Council, and Darren talked about the future frontrunner property and station.

Darren indicated the need to close roads for the 2 projects, but that they would try to keep it to a minimum.

Councilman Gordon wanted to know if they had selected contractors.

Darren Bunker let us know they were acting under the assumption there would be a jurisdictional transfer to a state road eventually so they were doing everything by state code to prepare for that transfer.

Councilman Gordon wanted to know if the only building they would need to raise was on the northeast corner.

Darren Bunker told us it would be the two buildings in the Nickelcade and spa area.

Mayor Mendenhall expressed his support for the project and how it was a big deal for the city and all over the county because it was the solution to the congestion. Mayor Mendenhall shared his appreciation for their partnership as it had been a long time coming for the south county area.

Councilwoman Beck addressed Mr. Davis's comments and let him know that soon they would be looking at the general plan and asked him to be involved in the process.

Mayor Mendenhall reminded the public that the process of the Agricultural Protection Area would be that it goes through the Development Review Committee, Planning Commission, and back to the City Council for a public hearing and they could come to participate if this area affected them.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council 06-07-2022
- b. Utah County Filevine Agreement Extension
- c. Southwest Regional Lift Station - Change Orders 7, 8 & 9
- d. Halvorsen Aviation Education Foundation Hangar Ground Lease Agreement
- e. Kent Spencer Hangar Ground Lease Agreement
- f. Spanish Fork Utah Realty LLC (TLM - K-Mart) Right-of-Way Acquisition - Expressway Lane Widening Project

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

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 7:28 pm.

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

Shane Marshall (electronically)	Yes
------------------------------------	-----

PUBLIC HEARING:

A. Resolution 22-19 Fiscal Year 2022 Budget Revision 4

Seth Perrins explained this was the final revision of the budget for the year as it had 4 days left in it. He let us know he adjusted the expenditure categories to ensure the city was within budgeted spending. He indicated there were lots of additions and subtractions and moving funds from the General Fund Capital Project in the Parks and Fairgrounds to Capital Project Funds. He let us know some project funds would carry over from year to year so it may look like it cost 6 million over 3 years, but in actuality, it was 2 million over the 3 years. He mentioned they combat that by using what they need for the project that year and then moving the remaining balance over to the Capital Project Fund until it is needed again the following years.

Seth Perrins let us know there was a net decrease to the general fund and a little higher cost to the Enterprise Funds because of the Capital Projects. He told us about the evolving budget philosophy to refine the budget process with the expectation to eliminate the final clean-up budget. He informed us he felt this could be done by moving money within the internal budget. He hoped this would be beneficial to staff and auditors.

Seth Perrins highlighted the budget going from 34 to 33.9 million dollars and the movement within the budget. He told us a lot of the changes were fine-tuning personnel and the cost for supplies with the inflation of resources. He pointed out net revenues went up as they shifted funds to Capital Projects. He reminded the Mayor and Council that the current fiscal year budget was close to its limit and the remaining balance would be moved over to the Capital Project fund because of the future projects.

Councilman Oyler wanted to know if the limit was 35% and what dollar amount that was.

Jordan Hales thought it was about 12 million.

Seth Perrins commented that our cap would be different from other cities as the limit was on the General Fund budget and that it would change every year with the budget. He informed us the city's target was to be around the 30% mark so they don't go over. Seth Perrins highlighted Jordan's influence on bringing a fresh perspective to the budget and making it more sophisticated.

Councilman Gordon wanted to know why there was a category with a 0 balance that didn't change throughout the year and the need for it.

Seth Perrins let him know because it was in the General Fund so it had to be listed.

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

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 7:39 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

No comments

Councilwoman Beck **Moved** to go out of Public Hearing
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:39 pm

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

Councilwoman Beck **Moved** to Approve the Ordinance Fiscal Year 2022 Budget Revision 4
Councilman Oyler **Seconded** and the motion **Passed** all in favor at 7:40 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

B. Hallam General Plan Amendment

Dave Anderson indicated this was a proposal to change the land use map of the general plan from Estate Density Residential to Commercial for 15 -25 acres on the corner of 700 south and Spanish Fork Parkway- He let us know in this case the land use map didn't give a precise idea of what would work best so there was flexibility in the area to decide. He gave the scenario that a big-box grocery store may want 10 acres or two users may want 20 acres. He advised us that we don't have any idea what the market would support and there was no applicant at

the time. He expressed his intention to give the residents the option to have retail on the east side of town without having to go through town. He believed it would help with traffic and was in the best interest of the city to preserve and support the change in zoning. He told us the Development Review Committee and the Planning Commission recommended the change.

Councilman Marshall wanted to know what the use was.

Dave Anderson indicated it was mixed use.

Councilman Argyle **Moved** to go into a Public Hearing
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:47 pm all in favor with a roll call vote

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

August Bigelow shared his support for retail close to his home so he could walk to it. He indicated his preference for a grocery store rather than a dentist's office.

Former Mayor J. Merrill Hallam came forward to speak.

Mayor Mendenhall highlighted his contribution to the community for the last 40 years of teaching, as a farmer, and doing agriculture.

Former Mayor Hallam responded, telling us he taught biology, worked at the district with the agriculture welding program, and indicated it had been the best year of his life.

Former Mayor J. Merrill Hallam expressed his support for the need for retail in other areas of the city and asked the Mayor and City Council to consider doing away with plastic sacks. He felt it was beneficial for the community and asked them to study it.

Councilman Argyle wanted to know how many acres former Mayor J. Merrill Hallam had in the corner being considered.

Former Mayor J. Merrill Hallam replied 12 acres or a 10-acre parcel.

Councilman Argyle asked if he had a preference for what the zoning was.

Former Mayor J. Merrill Hallam felt a small shopping area, Home Depot, and food retailers

would be good in the area for the community and Mapleton city.

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

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 8:02 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

Councilman Marshall supported the intent in this area for providing commercial zoning and wants to take a look at the bigger picture.

Councilman Argyle asked if we should just do the corner or the whole area.

Dave Anderson felt it was appropriate to start with the corner and review the rest on a broader scale.

Seth Perrins reiterated that making the corner piece commercial would signal a commercial use instead of a mixed-use.

Councilwoman Beck indicated she liked it.

Mayor Mendenhall felt like the corner was appropriate to make a general plan amendment.

Councilman Gordon brought up the change in Utah law of how cities can't compete through sales tax to entice businesses to a location.

Mayor Mendenhall asked that the findings be read in the motion.

Councilman Argyle **Moved** to **Approve property located at 700 South Spanish Fork Parkway changing the zone to the general plan to commercial for some 15 to 25 acres with the findings:**

- 1. That the site is potentially suitable for the types of uses that are consistent with the Commercial designation.**
- 2. That the proposal may bring needed opportunities for commerce to the neighborhood.**
- 3. That the proposal could help alleviate traffic in other areas of the community.**
- 4. That the proposal is of appropriate size for the area.**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 8:14 pm with a roll call vote.

Kevin Oyler	Yes
-------------	-----

Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

NEW BUSINESS:

A. Personnel Policy Changes - Updates to Fire & EMS Schedule & Leave Time Accrual

Tyler Jacobson explained this change was needed because they recently hired full-time Fire and EMS and their accrued leave time is calculated differently because their schedule was on for a straight 48 hours and then off for 96 hours off. He indicated this gave them 30.5 more hours so they needed to update the leave time.

Councilman Gordon asked what was done in other cities.

Tyler Jacobson responded they surveyed other cities and established a common practice to calculate the rates.

Eddie Hales stated he worked hard with Human Resources and felt they had a solid plan going forward.

Councilman Gordon **Moved** to Approve the **Personnel Policy Changes - Updates to Fire & EMS Schedule & Leave Time Accrual**

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 8:17 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

B. Utah Department of Transportation Cooperative Agreement - 300 W 400 N Roundabout

Jered Johnson told us they are working on updating the transportation master plan to help alleviate traffic. He indicated the roundabout was part of updating the master plan. He stated the Utah Department of Transportation would pay \$400,000 towards the project and the city engineers would design it for the next 6 months.

Councilman Argyle asked if we were building it.

Jered Johnson indicated we would build it and the Utah Department of Transportation would reimburse us.

Councilman Argyle wanted to know what the total cost was.

Jered Johnson stated it would be \$800,00 to \$1.1 million.

Councilman Marshall stated he assumed they negotiated the Utah Department of Transportation portion using the cost today or if it was determined on the cost to build a year ago.

Jered Johnson indicated the concept may change this year.

Councilwoman Beck **Moved** to Approve the **Utah Department of Transportation Cooperative Agreement - 300 W 400 N Roundabout**

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 8:21 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

C. Wasatch Pallet Improvement Costs 2022

Jered Johnson reminded the Mayor and Council they helped to relocate Wasatch Pallet and the cost that occurred there. He informed us the City would get the money back once the Center Street interchange came, the Depot Road improvements were made, and some pioneering agreements with the railroad spur happened.

Mayor Mendenhall indicated the Center Street interchange and partnership with Wasatch Pallet would help traffic in the Canyon Creek area and Main street.

Jered Johnson mentioned the first step for the interchange was to build the spur before they moved and then they would remove the spur when they built the interchange.

Councilman Argyle **Moved** to **Approve Wasatch Pallet Improvement Costs 2022**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 8:25 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

D. Bradford Commercial Leasing LLC (Mountainland Supply) Cross Access Agreement

Jered Johnson informed us that this was unique because usually, we don't get involved with cross-access agreements. He let us know this agreement was for Bradfords to share access until it became too congested and then they could build an access to the south. He reiterated it would approve the second access for Mountainland if needed.

Councilman Argyle wanted to know who would determine it was too congested.

Jered Johnson indicated Mountainland wanted it now but it wasn't an issue now so they wanted a condition so they could do it later if needed.

Councilman Argyle asked if they would pay for it.

Jered Johnson informed us we would pay for it because they had one on their property and if one access failed the city would add another one.

Seth Perrins added that originally there were no checks when it was done.

Jered Johnson suggested we reword the agreement so that it wouldn't be approved unless the owner worked with the city and agreed it was necessary.

Councilman Argyle brought up the access failure at Volunteer Drive.

Jered Johnson indicated they are not the same 2 points on the road. He went on to say they could reword it to read both parties agree it needs more access and the landowner would have to request it.

Councilwoman Beck wanted to know if we needed a study to determine if it failed.

Vaughn Pickell suggested looking at fixing the language and added a correction to item 7. In the contract

Jered Johnson advised we remove item 7.

Mayor Mendenhall suggested they change the motion language that they mutually agreed it needed to be done and strike item 7.

Seth Perrins advised adding the approval of engineering also.

Councilman Gordon **Moved** to **Approve Bradford Commercial Leasing LLC (Mountainland Supply) Cross Access Agreement striking item 7 subject to approval by engineering and legal.**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 8:36 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

Mayor amended the agenda and invited Eddie Hales to introduce his coworker.

Chief Hales introduced Krista Horting as the new Deputy Chief.

Krista Horting stated it was a pleasure to be here and she was looking forward to her position.

Councilman Gordon felt like we received the best of both worlds as Eddie and Krista were the top candidates in the interviews for Fire Chief.

E. Resolution Approving Fiscal Year 2023 Certified Tax Rate or a Proposed Tax Rate

Jordan Hales instructed us on the need to approve a certified tax rate or proposed rate for property tax. He pointed out that residents pay property tax on 55% of the value of their home. He let us the residents know the services it funds were Fire and Emergency Services, the library, parks and recreation, and special events, but not utilities.

Jordan Hales showed our rate compared to other cities and how when home values increase the property taxes decrease. He let us know whether the certified tax rate would hold the rate the State Auditor proposed of .000879 or choose another rate and hold a truth in taxation hearing.

Seth Perrins added that they would use growth to fund inflation costs. He went on to talk about setting the rate for the Recreation Center bond so they could capture the bond

payment. He asked them to consider the tax rate now so they could start the truth in taxation notice and have the hearing in August.

Councilman Oyler clarified the information Jordan gave them of holding the rate for the last 3 years to fund the fire station 62 and Library Hall and for the following 2 years, letting the rate fall.

Seth Perrins stated we let it fall one year, not 2 years.

Councilman Oyler didn't understand how letting the rate fall was enough to fund these projects.

Seth Perrins stated it wasn't one year and gave a 5 years timeline of the rate.

- 5 years ago we held the rate for the construction of fire station 62 which generated about \$150,000.
- 4 years ago the rate was held for public safety and the rate was increased for Library Hall.
- 3 years ago the rate was held again for public safety and increased the rate for Library Hall.
- 2 years ago nothing was done.

Seth Perrins indicated by holding the rate for public safety made it so they generated \$450,000 over 3 years for public safety. With the increase of two years, \$850,000 was generated for Library Hall. He added that growth also allowed for an increase in funds. He mentioned historically we keep the bond payment the same throughout the life of the bond. He proposed we use the new growth to pay for it and have a stair-step approach so the first year had a lower payment amount and went up from that point. He felt the new growth would allow for an increase in the following years.

Seth Perrins talked about the differences of the bond for a life center in 2015 as it impacted the average home by \$17. He informed us now the sales tax base was significantly different since businesses had come into Spanish Fork, the Recreation, Arts, and Parks tax (RAP) was now part of the equation as well.

Councilman Marshall asked what the total bond payment was projected to be in 2015.

Seth Perrins responded it was about 39 million at 3% to 4%.

Councilwoman Beck reiterated we now have other sources to pull from.

Seth Perrins added the school district was interested in helping fund the project so they could have access to the facility and the possibility of gifts and donations. He recommended letting the rate fall to .001111 so they could generate \$950,000 from existing properties, using the new growth of \$280,000 to generate a total of 1.2 million dollars. He indicated this would get us close to the goal of 1.4 million needed and it would be easier to find the \$200,000 from other sources like growth and more.

Seth Perrins surmised that this would put the cost per home at \$4.90 per month.

Councilman Argyle wanted to know when the residents got their property tax and if it was a one-time payment.

Seth Perrins answered it would be in November and December.

Councilman Argyle felt like at that point we would know how much new growth we had and pointed out we hadn't considered the industrial growth that would contribute thousands of tax revenue.

Seth Perrins reminded us that the money from industrial growth would likely be determined by the Redevelopment Agency requirements and they could use that money to lower the bond amount but not the monthly payments.

Councilman Argyle stated he had concerns about a long-term bond payment and wanted it shorter rather than longer and asked if we could use covid funds.

Seth Perrins emphasized the need to hold the rate so they could get the resident amount to \$4.90 instead of the originally projected cost of \$6-8 per month.

Councilman Argyle asked if we receive sales tax monthly.

Seth Perrins stated we are 2 months behind finding out the sales tax.

Councilwoman Beck thanked Seth for going through it with them. She was thrilled the cost to the residents went from the projected \$8 to \$4.90 and liked that it would allow us to get a recreation center faster.

Councilman Oyler wanted to know the safe-guard if sales tax and the RAP tax slowed down.

Seth Perrins responded that they would watch the economy every month (with the 2-months delay) and evaluate it so they can react by cutting functions and adjusting to the challenges.

Mayor Mendenhall thanked the recreation center committee and expressed the value of time with family and the timeline of doing this project in a new growth season.

Dale Robinson stated the importance of the recreation center at this time was the need for a pool and the senior center amenities. He shared his concern that we couldn't build it big enough to keep up with growth, but thought they had the right size for the community and he was anxious to get going.

Seth Perrins let us know there were two options for the resolution. One, approving the proposed tax rate as it was or proposing to adjust or change the tax rate for the fiscal year 2023.

Councilman Marshall asked about the process to set the rate.

Seth Perrins responded this wouldn't set the rate but would start the discussion to change the rate. He added once we decide we can't go above that rate price; they could go less.

Councilwoman Beck wanted the wording for the motion.

Councilwoman Beck **Moved** to **the Resolution Approving Fiscal Year 2023 Proposed Tax Rate not to exceed .001111.**

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 9:38 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

F. Resolution Approving Fiscal Year 2023 Tentative Operating Budget or Final Budget

Jordan Hales let us know we can't adopt the fiscal year budget until the truth in taxation requirements are fulfilled because of the proposed tax rate approval so we need to work off of a tentative budget until August when that is decided.

Vaughn Pickell reiterated they had two resolutions and because they chose the proposed tax rate they would need to accept the tentative budget.

Councilman Oyler **Moved** to **Approve** the **Resolution Approving Fiscal Year 2023 Tentative Operating Budget**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 9:40 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

G. Resolution finding benefit to the North Industrial Park RDA (Main St, 2700 N, and Airport Access)

Vaughn Pickell let us know that the Public Works department had made a request to improve 2700 North Main Street to access roads on the north side of the airport to help the industrial use project areas. He went on to say if they found it would benefit the Redevelopment Agency (RDA) they can access those funds.

Seth Perrins indicated the area was created 20 to 25 years ago.

Mayor Mendenhall clarified that if the need touches the border of the Redevelopment Agency project then they can say it benefits the area.

Vaughn Pickell added that the idea was that it would stimulate growth.

Councilman Argyle **Moved to Approve** the **Resolution finding benefit to the North Industrial Park RDA (Main St, 2700 N, and Airport Access)**

Resolution finding benefit to the North Industrial Park RDA (Main St, 2700 N, and Airport Access)
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 9:43 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

Councilman Gordon **Moved to Adjourn to the Redevelopment Agency**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 9:44 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

REDEVELOPMENT AGENCY

President/Chair - Mike Mendenhall presided

RDA CONSENT ITEMS:

a. RDA minutes 06-07-2022

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

Board Member Argyle **Second** and the motion Passed all in favor at 9:44 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

RDA NEW BUSINESS:

a. RDA Fiscal Year 2023 Budget

Vaughn Pickell let us know this was the budget for the whole year.

Seth Perrins added it had no adjustments, and the tax rate didn't apply to the RDA budget so it can be accepted.

Councilman Argyle **Moved** to Approve the **RDA Fiscal Year 2023 Budget**

Councilwoman Beck **Seconded** and the motion **Passed** all in favor at 9:45 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

**b. RDA Resolution Finding Benefit to the North Industrial Park
Redevelopment Agency (Main St, 2700 N, and Airport Access)**

Vaughn Pickell stated now we need to approve the resolution through the RDA as well.

Councilwoman Beck **Moved** to Approve the **RDA Resolution Finding Benefit to the North Industrial Park Redevelopment Agency (Main St, 2700 N, and Airport Access)**

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 9:47 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

Councilman Gordon **Moved to Adjourn to the Local Building Authority**
Councilman Argyle **Seconded** and the motion **Passed** all in favor at 9:47 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

LOCAL BUILDING AUTHORITY

President/Chair - Mike Mendenhall presided

LBA CONSENT ITEMS:

- b. Local Building Authority Minutes 06-07-2022

Board Member Gordon **Moved to Approve the Consent Items**
Board Member Argyle **Second** and the motion Passed all in favor at 9:47 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

NEW BUSINESS:

- a. **LBA Fiscal Year Budget 2023 Budget**

Seth Perrins stated this budget had no changes and is ready to be approved.

Board Member Argyle **Moved** to **Approve** the **LBA Fiscal Year Budget 2023 Budget**
Board Member Beck **Seconded** and the motion **Passed** all in favor at 9:48 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

Board Member Gordon **Moved** to **Reconvene Back to City Council**
Board Member Councilman Oyler **Second** and the motion Passed all in favor at 9:48 pm.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall (electronically)	Yes

RECONVENE BACK TO CITY COUNCIL

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

A. 2700 North Interchange Schedule, Design and Construction.

This item was discussed by the Utah Department of Transportation in an earlier presentation.

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

Councilwoman Beck **Seconded** the motion and it passed all in favor at 9:48 pm with a roll call vote.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Yes

Chad Argyle	Yes
Shane Marshall (electronically)	Yes

Attest: June 21, 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 June 21, 2022. This document constitutes the official minutes of the City Council meeting.



TARA SILVER, CITY RECORDER