



**ADOPTED MINUTES  
CITY COUNCIL MEETING  
September 6th, at 6 PM  
40 South Main Street  
Spanish Fork, UT 84660**

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

**Elected Officials Absent:** Stacy Beck

**Staff Present:** Dale Robinson - Parks & Recreation Director; 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; Seth Perrins - City Manager; Tyler Jacobson - Assistant City Manager, Eddie Hales - Fire & EMS Chief; Jered Johnson - Engineer Division Manager; Nick Porter - Public Information Officer

**Staff Absent:**

**Others Present:** James Burky, Emily Harryman, Paul Webb, Dave Cebrowski, Eric Houston, David Simpson, Jared Huish, Grey Garza, Lynn Abplanalp, Millie Abplanalp, Edes Hill Steve Boyack, Dona Boyack, Todd Young, JC Smoot, Greg Magleby, Paul Weber, Elizabeth Wedge, Kacy Kilpatrick, David Martineau, Cindy Johnson

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**5:15 pm WORK SESSION -No formal actions are taken in a work session.**

- a. Building Inspection State of the Industry**
  - i. Inspection expectations and timelines
- b. Employee Salary Range Study**
  - i. Salary proposal and market comparisons

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

Call to Order - Mayor Mendenhall called the meeting to order at 6:03 pm.

Councilman Gordon invited Jordan Hales to give the prayer.

Councilman Argyle led us in the pledge of allegiance

Mayor Mendenhall let us know Councilwoman Stacy Beck was absent on vacation in Europe.

- a. Steve & Dana Boyack Presentation - He told us how he worked with the city to memorialize his Dad's contribution to the Spanish Fork baseball community by contributing a bench to the sports park in his name.

**PUBLIC COMMENTS:**

James Burkey stated he lives on 1462 East Mountain View Drive and asked the Mayor and City Council to consider a sign deterring people from sitting on the railroad tracks while they are waiting for the light to turn green.

Mayor commented they would get back to him.

**COUNCIL COMMENTS:**

1. Councilman Marshall let us know he supported the Harvest Moon Hurrah and Wings and Wheels events which would be talked about later.
2. Councilman Oyler turned the time over to Kathleen Leavitt from the Chamber of Commerce.

Kathleen Leavitt gave us the upcoming events with the chamber:

- A business summit for October 20th - Our Mayor will be speaking
- Tabitha's Way will be highlighted as the business of the month this Thursday
- The Harvest Moon Hurrah event on September 10th, from 3 -8 pm with Gordo Family Fun Farm donating vouchers for pumpkins for the kids.
- A chamber fundraiser at the Krishna Temple in Spanish Fork. All funds will go back to the business community.

Councilman Oyler recalled the Senior Center Annual Sock Hop with the theme of 50's & 60's attire. He thanked the youth city council volunteers who helped set up, danced with the seniors, and cleaned up.

Councilman Oyler reminded us that Saturday, September 10th was the National Day of Service. He invited everyone to take advantage of the opportunities to serve and plan service activities.

Councilman Oyler let us know that the Mountainland Association of Governments (MAG) was having a transportation input/feedback meeting this Thursday for planning the next 15 years and it would be held at the fairgrounds from 5-7 pm.

3. Councilman Gordon pointed out the Farmers Market down West Center street on Saturdays from 8 - 1 pm. He also mentioned the Saturday Sheriff event which benefits the County Sheriff's office.
4. Councilman Argyle commented on the Supreme Court decision to overturn the right to pray in schools and how some thought this decision made us a Christian nation. He gave the history of religious freedom and the meaning of church and State according to Thomas Jefferson that no federal, state, county, or city of individuals can infringe on our religious rights. He felt like our nation cared about our neighbors, helped many nations, and rebuilt our enemies' economies after wars. He wanted us to know we are Americans. He felt the Cable News Network (CNN) reported it wrong this time.

Mayor Mendenhall highlighted Spanish Fork's City Manager, Seth Perrins, being selected by the Utah City Managers Association (UCMA) to be the liaison to the Utah League of City and Towns. He went on to tell how renowned Seth was in the State for his community growth, transportation, housing, and managing employee knowledge.

Seth Perrins let us know the appointment would be for 4 years.

Mayor Mendenhall let us know he asked a resident for permission to read his email at City Council. The email was an idea to help residents donate to a fund so those who couldn't afford a park and recreation center pass could have a waiver or have the ability to use the facility once a quarter for free.

Mayor Mendenhall added He thought his ideas were great and to keep the ideas coming. He explained we had generous donors in Spanish Fork who love to help and they would never want a kid to be left out because of fees in all aspects of city programs.

Mayor Mendenhall talked about something dear to his heart when he expressed his gratitude for tough and gruff rodeo men (Mr. Brinkerhoff and Steve Adams) who softened right up when they gave his mother some of the funds raised at the rodeo (wear pink night fundraiser) to help her fight cancer.

Councilman Oyler wanted an update on Derek Geslison's concern at a past City Council about the mail-in voting process.

Seth Perrins stated staff had reached out to the County and the reason his vote was not counted was that it didn't have the right postmark for it to be valid. Seth reminded residents when you mail in a ballot it needs to have the postmark the day before the election but if you were using an official ballot box you could drop it off the day of the election until 8 pm. He reiterated the reason the resident's vote was not counted was that he didn't meet the timeframe allowed by election law for it to be valid.

## **SPANISH FORK 101**

### **A. Harvest Moon Hurrah**

Emily Harryman, the Special Event Supervisor told us of the Harvest Moon Hurrah event this Saturday at the city park from 3 to 8 pm. She explained it was sponsored by the Arts Council with games, Gordo's Family Fun Farm, and food trucks.

### **B. Wings and Wheels**

Emily Harryman also let us know of the upcoming Wings and Wheel event on September 24, 2022. She told of the need for over 200 volunteers to help run the event. She explained that 11-year-olds could volunteer if they came with a parent. She stated tickets were being sold online at SFCityTiks.com for \$10 or \$12 at the event. She mentioned that 10 years and younger are free with an adult. She gave tickets to the Mayor and Council and reminded the Mayor of the tradition of him lighting the gasoline at the plane show.

Mayor Mendenhall commended her on their hard work.

## **CONSENT ITEMS:**

- a. Minutes Truth in Taxation - 08-02-2022
- b. Minutes Spanish Fork City Council Meeting 08-16-2022
- c. Robert Perry Right-of-Way Acquisition
- d. Utah Department of Transportation (UDOT) Cooperative Agreement - 300 N Main Street Drainage and ADA Ramp

- e. Utah Department of Transportation (UDOT) Cooperative Agreement - 2700 N I-15 Interchange Dry Box Culvert
- f. Utah Department of Transportation (UDOT) Third-Party Relocation Agreement - 2700 N I-15 Interchange Power Improvements

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

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:39 pm.

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

**PUBLIC HEARING:**

**A. Ordinance Approving the Oakridge Cove Zone Change and Development Agreement**

Dave Anderson told us this was a unique process and project because the development and phase one were both approved in 2006. They approached the city to do phase 2 in the last 2 years which means for it to be consistent it would need a zone change from R-1-15 to R-1-30. He explained it was located between Oakridge Cove and the Spanish Fork reservoir and needed additional studies done because of the concern of the reservoir being breached and causing damage to homes in its path. He added improvements would be made to Spanish Fork Drive to help with the concern. Dave reported it would have 2 fewer homes than its original proposal. He explained because of the lapse in time the developmental plat was the same as was originally approved except the added geotechnical standard study (for hillside environment safety), and 2 fewer lots.

Councilman Argyle wanted to know if the study was done recently.

Dave Anderson stated it was done in the last couple of years and it stated it may need a levee to divert water away from homes

Councilman Marshall wanted to know if it was going from R-1-15 to R-1 30 why it didn't have more density.

Dave Anderson explained the code changed so if a developer had more open space you could give them a greater density. He noted the developer gave the city land for the gun club, trail, and constructed a pavilion so they received a 60 % density bonus. He went on to say this practice is no longer acceptable and so for the developer to get 38 homes the zoning would need to be changed to R-1-30.

Councilman Marshall wanted to know how this related to the rest of the development

Dave Anderson stated he didn't know, but he thought the square footage was more than before.

Vaughn Pickell expressed this was a unique project because the city owns property on 3 sides of it with the developer being the adjacent owner. He explained it was stalled for so long because they were waiting for the study to be complete and once it was it included a redesign of the project. He went on to tell us that a parcel below the dam would come to the city to help build Spanish Fork Drive and Osprey road while the facilities on the developer's land would be moved to the Spanish Fork property. He added that density improvements and fees were part of the agreement.

Councilman Gordon wanted to know if the item had not been seen by the Planning Commission in two years, if it should be sent back to them first and if another public hearing would be held once it came back to City Council.

Vaughn Pickell stated usually once a public hearing is held there is no need for another one.

Councilman Argyle **Moved** to go into a Public Hearing  
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:54 pm.

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

Dave Martineau brought up the concern that the new homes would be in the shooting range of the gun club.

Seth Perrins indicated the angle of the range would ensure that if they were shooting at the targets all shells would land on Spanish Fork property. He explained if someone was to shoot in the wrong direction of the target there was a possibility it would hit a home.

Dave Martineau wanted to know if there would be sidewalks included with the Spanish Fork Drive improvements or if it was no longer part of the plan.

Seth Perrins indicated they were eliminated.

Elizabeth Wedge stated she lived on Fairway Drive and had 4 concerns:

1. Where were the wildlife corridors?
2. What research for habitat and water resources had been done?

3. She wanted an update on her request for downward lighting last year in the area which hadn't been addressed. This was an additional concern with more homes going in.
4. The heavy equipment that would be needed to construct these lots on Fairway Drive and the possibility of squishing animals and children.

Kacy Kilpatrick expressed his appreciation for the Mayor and Council's service. He thanked them for making him part of the process during Covid with a zoom call and the notice neighbors were given of the project's progression.

Kacy Kilpatrick was glad to hear that the zoning was actually lower and he was under no illusions that the property would eventually be developed. He felt the lower density would be better as it was hard to get heavy equipment, garbage, and snow removal trucks up there during the winter. He expressed he was told it would improve his water pressure to have homes above him. He indicated it sounded good but he wanted to talk about it more and make sure everyone understood it would be similar to the homes there and not adversely affect the home values.

Michael Clayson stated his biggest concern in the 2020 letter was this type of home wouldn't fit with the CC&Rs. He was told by staff that the last 20 feet were a green zone for a fence. He felt like the home on the top of Nebo Drive wouldn't be big enough to hold the same size homes as were up there now. He also wanted a sidewalk for the kids to walk on. He indicated it would double the homes that were up there and he appreciated the time they took to listen to the neighbors.

Cindy Johnson was worried about the density and wanted to know the smallest lot in the development.

Seth Perrins told us staff would get the information for her.

Cindy Johnson wanted to know how it compared to the existing homes and if the zone change wasn't approved how many homes could be there now.

Staff indicated it would be around the same amount of homes if the zone change wasn't approved.

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

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:05 pm

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

Councilman Argyle wanted a further explanation to the question about being able to shoot at homes from the gun club and if the new development would hear the shots.

Councilman Olyer noted there would be 5 homes down below the gun club.

Councilman Argyle recalled the then-city manager putting on many coats and they shot at him to see how far the fallout would be.

Kacy Kilpatrick pointed out he can hear the gun club at all times along with those around him and that it was part of living up there.

Councilman Argyle wanted to know if Fairway Drive would be extended up the hill.

Seth Perrins stated no it wouldn't.

Councilman Argyle raised his concern for only 2 exits in case of a fire and only one from the gun range. He suggested they consider a fire break road on the hill.

Seth Perrins told us at the moment there were no plans to go up that high or extend the road that far. He noted there may be additional development to the west. He mentioned this would improve the traffic circulation by connecting roads and adding a few more homes. He pointed out that the sound is a known factor to all who build there.

Seth Perrins further addressed the question of being able to shoot houses that were not in range if they were shooting in the right direction. He mentioned they had not had an incident yet with someone shooting in another direction. He felt it was of low concern because the traps they used the most were away from the homes' range and the traps in range of the homes were used by professionals who wouldn't shoot in the wrong direction.

Seth Perrins gave his experience of wildlife in the area of the gun range as they would come very close when they shoot up there because they have learned they are safe there. He indicated the wildlife would have the same protection as they had when the current residents built there. He helped the residents understand that the city went to downward lighting for all new developments and it would be too expensive to change all the old street lights in the city.

Councilman Olyer wanted to know if a street light needed to be replaced if they would put in downward lighting.

Seth Perrins pointed out that if the head of the street light needed replacement they would use the downward lighting.

Councilman Olyer wanted to know if the road and trail would be extended to the reservoir, end at the bottom, or come into the development.

Dale Robinson stated they would connect to the reservoir.

Vaughn Pickell clarified it would connect to the southeast corner.

Councilman Gordon addressed the gun club had the same concern as a golf ball going the wrong way.

Councilman Oyler brought up that he knew they had a speed deterrent in the area in the past and wanted to know if they were still there.

Seth Perrins indicated the speed deterrent on Spanish Oaks Drive was temporary as it had to be removed for winter snowplows to navigate the road. He mentioned the traffic data indicated it was an effective deterrent. He related that they would collaborate with the neighborhood for its future use in the neighborhood.

Councilman Gordon and Marshall did the math and noted the smallest lot would be a quarter acre consistent with what is there now.

Councilman Oyler wanted the average lot size and if the hillside properties were included in the average.

Dave Anderson explained they would be greater than 15,000 square feet not including parcel A adjacent to the reservoir. He surmised that number wasn't complete as there are untouchable parts of the lots and the streets in the development would throw it off the square footage as well.

Councilman Oyler wanted to know why this project was not sent back to the Planning Commission like other developments when the time had passed.

Dave Anderson stated because the Council never approved it.

Mayor Mendenhall clarified that if there is a lapse in time it only goes back if the Council approved it.

Dave Anderson indicated they re-approve the site plan when it has a lapse in time.

Mayor Mendenhall wanted to know the timeline for an item being re-approved.

Dave Anderson commented it could take a year and in unique situations, it would go back to the Planning Commission for another look.

Councilman Gordon and Oyler wanted to wait and let the Planning Commission review it and to know if this was the only public hearing it needed.

Seth Perrins mentioned it would not need another public hearing. He reiterated the delay was caused by the vesting that had taken place in 2006 and needed to be researched to make sure there were no questions and the dam study needed to happen and be reviewed. He reinforced it was not because of the developer but the city's concerns.

Mayor Mendenhall wanted to know about the water pressure being better with the new development.

Jered Johnson advised us that a bigger water system creates more volume and pressure.

Councilman Marshall asked if the CC&Rs were the same as phase one.

Dave Anderson couldn't answer that for sure but he knew the square footage and building materials were close to the same. He suggested they add a condition that included it had to fit within the current CC&Rs in the motion.

Councilman Marshall clarified originally this plan included both phases and had one application.

Dave Anderson stated it was originally all approved as the Oakridge Cove development and it was identical except it now had two fewer homes and needed a re-approval for phase two.

Councilman Marshall made the clarification it was the same for fire, wildlife, and more as before.

Mayor Mendenhall asked about the reason for no sidewalks and why the bus stop was down on Fairway Road.

Dave Martineau corrected him that it was on Power House Road.

Seth Perrins stated he had been part of the study for sidewalks on Fairway Road in 2004 and they found residents at that time were against their kids using the sidewalk as it was slippery in winter and because of speeders in the area. It was decided there was no reason to put in an expensive sidewalk as parents wouldn't let their kids use it.

Councilman Marshall indicated it may be good to find out what residents want now.

Councilman Gordon reiterated he received calls and texts on the subject and that it would be good for the Planning Commission to take one more look at it before they decide to approve it.

Councilman Marshall was unsure if we had the unknowns answered enough to approve it.

The applicant stated they would like to answer any questions.

Councilman Oyler wanted to know if the zone change wasn't approved what number would the homes drop to for the developer.

Dave Anderson stated it would be in the 30 homes range if no change.

Mayor Mendenhall asked the applicant to address the construction concerns.

JC Smoot, who works with the developer, reminded everyone that the history of the zoning in the area was R-1-9 but because of the vesting that took place it was changed to the R-1-30 zoning designation as is currently proposed. He pointed out that they took the feedback from the Planning Commission and improved the CC&Rs to alleviate the concerns. He reported in 2008 or 2009 some things changed in Title 15 and in 2004 the bonus density changed. He felt like it had been a long road waiting for studies and 15 reiterations made it ready for it to continue to be a beautiful neighborhood.

Todd Young, from Millenia Development, showed a comparable look at building materials that would be used for this development from their South Jordan development. He indicated the development would be comparable and match the rest of the neighborhood.

Councilman Oyler wanted to know if the buyer could bring their plans, therefore making the development different from what had been shown.

Todd Young indicated that custom homes were allowed. He stated he had checked the CC&Rs and they were now a substantial upgrade along with bigger building pads so it feels more like an R-1-30 zone.

Mayor Mendenhall stated he checked the Planning Commission minutes for May 6th, 2020, and then Commissioner Oyler discussed the school bus stop by the mailboxes as a better place because it had 9 parking stalls by it. He indicated that then Commissioner Clayson and the older Commissioner Mendenhall agreed with the approval of the Oakridge development.

Councilman Gordon clarified it was approved.

Dave Anderson informed us it was continued and approved in a second meeting.

Councilman Gordon asked whether the public was included in the second public hearing.

Seth Perrins stated the public would always be invited but it wouldn't need to be a public hearing the second time. He pointed out the builder addressed the concerns of the public and Council of CC&Rs, construction, speed, cleanliness, and it's great the residents and the Mayor and Council can look him in the eye and assume he will do it.

Councilman Gordon expressed he was not in favor of any more meetings.

Mayor Mendenhall recapped that the delay was for the study on the dam which was a serious issue when homes were involved. He indicated they get beat up from both sides of the issue across the River Bottoms from people who wanted to build on the slopes and because we adopted some new standards from the study to make sure it is engineered correctly people email and text us. He remarked on the importance of dark skies and how lighting plays a part so we changed to directional lighting being installed.

Dave Martineau asked the Mayor if he could address the council again since this would be the only public hearing. Mayor Mendenhall invited him to speak.

Dave Martineau expressed that each individual in the neighborhood had their own concern but his concern was that in 2004 there wasn't a Salem subdivision that fed into Powerhouse Road. He added he was in favor of the development and felt they will do a good job but he would like the traffic flow on Powerhouse Road addressed because it would be adding 80 more drivers coming up the hill along with construction.

Mayor Mendenhall stated that Powerhouse Road was an important issue. He stated that the Utah Department of Transportation on Highway 6 and Powerhouse Road intersection had saved a few lives since it was put in. He indicated they were also aware that it gets backed up when Spanish Fork City does their Festival of Lights at Canyon View Park.

Greg Magelby indicated the Mountainland Association of Governments (MAG) was concerned with the impact of the Salem development and had it on their radar.

Mayor Mendenhall explained that everywhere was having growth and traffic problems and that was why MAG was involved. He informed us that road fixes were in the 250,000 million range so the County and MAG have to be involved because nobody could afford to live here if we had to pay for it out of our taxes.

Councilman Marshall made a motion to move forward and he felt like we had an informed conversation tonight but wanted to make sure Cindy Johnson got her question answered about the smallest lot.

Cindy Johnson mentioned she was on Eagle Drive and hers was a ½ acre lot and it looked to be the same for the subdivision.

Seth Perrins stated the short answer was both phases had all different types of lots.

Cindy Johnson stated it looked like the lower elevations were closer together and as it got higher they were further apart.

Councilman Oyler researched the County site and found that the homes in phase one, which was everything on the west side of Spanish Oaks, added up as not an R-1-30 zone. He said this meant they didn't fit the zoning that they sat in so it would feel like an R-1-30 which matched the rest.

Councilman Marshall pointed out the lot sizes were similar and at one time it was all the same development. He related that everyone knew phase two was coming but since the word unique kept being brought up about it being two years since the last public meeting it caused some concerns. He acknowledged that if it had gone to the Planning Commission last week that these concerns would have been worked out and the conversation tonight would have been 5 minutes. However, he felt the discussion had answered the questions and it looked like they wanted it because it was almost like what they are living in today.

Councilman Gordon asked to be shown what was different between the two phases.

Councilman Marshall stated they are larger lots and fewer homes.

Councilman Gordon expressed that we should be comfortable that the developers tell us the CC&Rs were the same.

Greg Magelby commented that with each iteration with geotech they have cut lots and made them bigger. He reminded those involved that the study took 8 to 10 months and then needed to be reviewed. He stated it would benefit all the existing homes, not just the new phase.

Councilman Marshall and Gordon felt like it was a process problem and timing issue but now it had been addressed.

Mayor Mendenhall indicated there were not too many subdivisions with Spanish Fork adjacent on 3 sides.

Councilman Marshall **Moved to Approve** the **Oakridge Cove Zone Change and Development Agreement based on the following finding and subject to the following conditions:**

**Finding**

**1. That the application conforms to the City's General Plan Designation.**

**Conditions**

**1. That approval of the Zone Change and Preliminary Plat is contingent upon the applicant entering into a Development Agreement with Spanish Fork City.**

**2. That the applicant meets the City's Zoning requirements and Construction Standards.**

**3. That the applicant addresses any Staff review red-lines or comments in Citizenserve.**

**4. That the CC&Rs be as restrictive as phase one.**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 8:00 pm with a roll call vote.

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

**NEW BUSINESS:**

**A. Oakridge Cove Preliminary Plat**

Dave Anderson indicated this was the same as the above item but concerning the preliminary plat.

Councilman Argyle **Moved to Approve the Preliminary Plat for a Master Planned Development based on the following finding and subject to the following conditions:**  
**Finding**

**1. That the application conforms to the City’s General Plan Designation.**

**Conditions**

**1. That approval is contingent upon the applicant entering into the accompanying Development Agreement with Spanish Fork City.**

**2. That the applicant meets the City’s Zoning requirements and Construction Standards.**

**3. That the applicant addresses any Staff review red-lines or comments in Citizenserve.**

**Same finding as above ordinance conditions with the 4th condition that the CC&R’S be as restrictive as phase one.**

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 8:00 pm with a roll call vote.

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

## **B. Oberg Annexation**

Dave Anderson reminded us that a public hearing was held on this item at a previous Council meeting. He reminded us this annexation would create an island of Utah County residents surrounded by Spanish Fork City. In the public meeting conversation, the Abplanalp family had access concerns when it was eventually developed and wanted specific language in the agreement that was tied to the property and not the people for guaranteed access. He indicated it also made sure the property developers provided access to the public right-of-way of neighboring properties with utilities.

Councilman Argyle wanted to know if it was completed.

Lynn Abplanalp nodded they had come to an agreement and added they came to an agreement that it was better to put in the agreement that it was a public street with two access points, one to the west and one to the north. He went on to say the plat map hadn’t been developed yet so they were flexible as to where the access came through on the property. He stated it would also include utilities stubbed to his property line.

Dave Simpson felt they had addressed all the concerns and he appreciated the staff’s input to make it one agreement instead of two separate agreements.

Councilman Gordon **Moved** to **Approve** the **Oberg Annexation based on the following findings and subject to the following conditions:**

**Findings**

- 1. That the subject property is located within the City's Annexation Policy Boundary.**
- 2. That the General Plan Land Use Designation is predominantly Industrial.**

**Conditions**

- 1. That the applicant enters into an Annexation Agreement.**
- 2. That the properties be zoned I-1 Light Industrial at the time of annexation with the exception of the Birchett property, which will be zoned R-R Rural Residential.**
- 3. As a part of the annexation agreement that there be two road accesses stubbed to the Abplanalp's property, with utilities.**

Councilman Argyle **Seconded** and the motion **Passed** at 8:09 pm with Councilman Marshall voting no.

Kevin Oyler	Yes
Brandon Gordon	Yes
Stacy Beck	Absent
Chad Argyle	Yes
Shane Marshall	No

Councilman Marshall let us know he voted no because he felt should have addressed bringing the Utah County island into the city.

### **C. Resolution Approving Utah County Fire & EMS Interlocal Agreement**

Eddie Hales told us this was an agreement to provide Emergency Medical Services (EMS) to essential areas including Utah County. He let us know this came about because of new legislation that was now allowed and required the service change. He added it would provide 911 service in the Utah County areas which were part of the taxes they already paid for. He let us know it was favorable for all parties involved.

Seth Perrins pointed out that Eddie had worked with other Fire Chiefs which allowed it to get done quicker.

Councilman Argyle **Moved** to **Approve** the **Resolution Approving Utah County Fire & EMS Interlocal Agreement**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 8:13 pm with a roll call vote

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

**D. Ordinance Approving Municipal Code Update - Fiesta Days Committee Update - Add Fire & EMS Representative**

Vaughn Pickell pointed out this was one of several ordinances that needed to be updated when they split public safety into two departments. He went on to say they have added a Fire & Emergency Medical Services (EMS) representative so the committee would now include 11 people.

Councilman Gordon **Moved to Approve** the **Ordinance Approving Municipal Code Update - Fiesta Days Committee Update - Add Fire & EMS Representative**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 8:15 pm with a roll call vote

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

**E. America Rescue Plan Act (ARPA) Agreement with Utah County for Wastewater Treatment Plant**

Jered Johnson informed us this was an agreement with Utah County to give Spanish Fork 5 million dollars for the wastewater treatment plant. He indicated they asked for \$10,000,000 but they gave us \$5,000,000 and it would be something the County would pay us back for.

Councilman Oyler **Moved to Approve** the **America Rescue Plan Act (ARPA) Agreement with Utah County for Wastewater Treatment Plant**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 8:16 pm with a roll call vote

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

Shane Marshall	Yes
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**F. Utah Department of Transportation (UDOT) Access Control Amendment - Calpac Ave. at SR-164 (Arrowhead Trail)**

Jered Johnson showed a map of the Utah Department of Transportation (UDOT) where we could see Arrowhead Trail accesses and intersections. He indicated this agreement would make it so Calpac Road would line up perpendicular or realign with the entrance of the development.

Councilman Marshall **Moved** to **Approve** the **Utah Department of Transportation (UDOT) Access Control Amendment - Calpac Ave. at SR-164 (Arrowhead Trail)**

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 8:18 pm with a roll call vote

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

**G. Resolution Approving Second Amended and Restated Interlocal Agreement for Joint and Cooperative Action Creating Mt. Nebo Water Agency**

Vaughn Pickell mentioned this item had been approved at the previous meeting, but because it would create an interlocal agreement it needed a resolution.

Councilman Gordon **Moved** to **Approve** the **Resolution Approving Second Amended and Restated Interlocal Agreement for Joint and Cooperative Action Creating Mt. Nebo Water Agency**

Councilman Marshall **Seconded** and the motion **Passed** all in favor at 8:19 pm with a roll call vote

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

**H. Veterans Memorial Building (VMB) Janitorial Agreement/Contract with Nebo School District Bridges Transitional Center**

Dale Robinson shared that this was a contract with a special needs group to clean the Veterans Memorial Building like they currently did at the Public Safety building. He indicated it would cost less than the contractor they had used in the past.

Mayor Mendenhall praised the program for giving special needs kids and adults a way to work.

Councilman Oyler **Moved to Approve** the **Veteran's Memorial Building (VMB) Janitorial Agreement/Contract with Nebo School District Bridges Transitional Center**

Councilman Gordon **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	Absent
Chad Argyle	Yes
Shane Marshall	Yes

## I. Resolution Approving Personnel Policy Updates

Tyler Jacobson gave us the latest personnel updates. He pointed out the non-controlled and controlled substances update was to ensure everyone was safe when they come to Spanish Fork and we wouldn't lose federal funding. He mentioned this was a hot topic among cities and they had done extensive research and received feedback from Fire and EMS and felt this was a good change.

Councilman Argyle wanted to know if the updated section for higher education assistance was available to the council

Tyler Jacobson stated he would need to check on it. He let us know it had been 20-plus years since this had been changed to match 65% inflation. He said the increase would pay for about a semester of college.

Councilman Oyler asked about the policy regarding employee tips, cash, and the ticket they had received for the Wings and Wheels event meant they needed to report it on their taxes.

Tyler Jacobson stated they should talk to their accountant for the answer.

Seth Perrins felt that the ticket they received was part of what was expected of them and they could focus more on the ethical side of tips and gifts from someone.

Councilman Marshall remarked he thought the city had a policy on it.

Seth Perrins indicated it was State law. He stated we ran into this when unbeknownst to management the professional gun club participants have a culture of tipping workers. The Internal Revenue Service (IRS) wanted it reported on individual taxes.

Tyler Jacobson read the policy that follows the Utah code regarding gifts. The key aspect was it didn't influence a decision.

Councilman Argyle **Moved** to **Approve** the **Resolution Approving Personnel Policy Updates**

Councilman Gordon **Seconded** and the motion **Passed** all in favor at 8:31 pm with a roll call vote

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

### **Adjourn**

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 8:31 pm with a roll call vote.

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

Attest: September 6th, 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 September 6th, 2022. This document constitutes the official minutes of the City Council meeting.*



TARA SILVER, CITY RECORDER

