



**ADOPTED MINUTES
CITY COUNCIL MEETING
January 3, 2023 at 6 pm
40 South Main Street
Spanish Fork, UT 84660**

Councilmembers Present:

Mike Mendenhall, Mayor
Chad Argyle, Councilmember
Stacy Beck, Councilmember

Kevin Oyler, Councilmember
Shane Marshall, Councilmember
Jesse Cardon, Councilmember

Councilmembers Absent:

Staff Members Present:

Dave Anderson, Community Development Director
Jordan Hales, Finance Director
Matt Johnson, Police Chief
Tara Silver, City Recorder
Tyler Jacobson, Assistant City Manager
Dale Robinson Parks and Recreation Director

Bryan Perry, SFCN/IT Director
Eddie Hales, Fire & EMS Chief
Vaughn Pickell, City Attorney
Seth Perrins, City Manager
Nick Porter, Public Information Officer
Scott Aylett, Library Director
Chris Thompson, Public Works Director

Staff Members Absent:

Visitors Present: Judi Pickell, Landon Tooke, Joel and Maria Bradford, Marsha Barney, Kathleen Leavitt, Wendy Osbourne, Taylor Tooke, Caley Cardon, Gavin Cardon, Caleb Cardon, Madison Cardon

5:15 pm WORK SESSION: No formal actions were taken in the work session.

Mayor Mendenhall called the work session to order at 5:15 pm

WORK SESSION:

- a. Finance Department Employee Conversion
- b. Meet and Greet New Council Member

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

Mayor Mendenhall called the meeting to order at 6:00 pm and thanked everyone for being here.

Councilman Cardon invited Wendy Osbourne, from Tabitha's Way, to give the motivational thought and prayer.

Wendy Osbourne was grateful for the invitation to come and share. She quoted Rabbi Harold Kushner, "If you concentrate on finding whatever good in every situation, you will discover that your life will suddenly be filled with gratitude, a feeling that nurtures the soul." Wendy invited everyone to take a moment to be grateful for what had been accomplished in 2022.

Wendy Osbourne stated traffic, growth, and a new recreation center meant progress. She thanked the leadership and the staff who made sure we had our garbage picked up and lights on in our homes and businesses.

Wendy Osbourne gave an invocation.

Councilman Marshall invited us to repeat the pledge.

Mayor Mendenhall thanked Wendy for the service she provided in the community and it was an honor to have her with us.

FOLLOW UP ON PREVIOUS COMMENTS:

Seth Perrins gave an update on Steve Lyons request to not receive a bill for his stormwater.

Seth recapped how Steve Lyons was frustrated when he was annexed into the city and had utility adjustments. Seth indicated the annexation was 20 years ago and he was just recently added to the Spanish Fork system. Steve was frustrated he lost his garden when they put in the state road, but Seth noted the only way he would have lost his garden was he sold it to the state or he was on land that wasn't his. The state wouldn't have taken his land any other way. Second, the address change should have happened 20 years ago but it didn't change until now. Seth told us it was a way to help public safety find them faster and made it more uniform for the city.

Seth went on to explain they were recently able to provide city services to him. He felt he didn't need to pay for the storm drain until Spanish Fork could prove to him they maintained it. Seth explained that no one pays for just the land in front of their house but as an aggregate

for all residents. It was not calculated on usage and every street has a storm drain, so they couldn't exempt him from paying that bill.

Seth went on to point out that our power rate would make it so he paid \$10 -\$15 dollars less and could help wipe out the storm drain fee. He added the internet savings was \$20 - \$50 so in the end he should pay less than he was before he was on Spanish Fork services. He reiterated we would not be able to exempt him from paying the storm drain fee.

Councilman Argyle wanted to know if we had talked to Steve with this information.

Seth Perrins responded he had been told three different times.

Councilman Argyle stated his garden brought smiles to a lot of people.

Seth Perrins restated the ways the state would have acquired the land and that they had chatted with him two times before he came in.

a. Jesse Cardon Oath of Office

Tara Silver, the city recorder, administered the Oath of Office to Jesse Cardon

Mayor Mendenhall asked if his wife Caley, and children Gavin, Caleb, and Madison would like to come up to say anything.

Caley Cardon stated she was grateful for the opportunity for her husband to serve.

Jesse Cardon was excited to serve and felt he was prepared to hit the ground running because of his experience on the Planning Commission.

Mayor Mendenhall told us that hearing the oath of office today reminded him of when he went to hear Commissioner Brandon Gordon swearing in, along with the new county attorney, and county auditor. He related the part of the oath that stated we would support, obey, and defend the constitution of the United States and the State of Utah was a good reminder for everyone to renew our commitment they had and a good start for Jesse.

Councilman Cardon stated this was his first time he had been sworn in.

Mayor Mendenhall shared that we celebrate when we accomplish something, and party when the work is done.

PUBLIC COMMENTS:

There were none

COUNCIL COMMENTS:

Councilman Cardon

Jesse Cardon gave us the information for the library event , Countdown to Noon, where in the past they had over 120 children, citing the new library was needed.

Councilman Argyle

Councilman Argyle wished everyone a happy new year and thanked the snowplow workers for their tireless time and dedication. He stated he even knew that one employee from the sewer plant went to help plow the roads as well.

He invited residents to be aware of their neighbors who couldn't shovel their sidewalks and to make an effort to help them out. He was grateful for those who had already served in this way to help out the community.

Councilman Argyle emphasized the legislative session coming up and how it was a busy time. He praised our Youth City Council who would rub shoulders with the representatives and debate a bill. He felt it was important to be involved and invited everyone to look for the updates that the representatives send out. He encouraged residents to email and call the Mayor and Council if they had concerns or ideas they could pass it on for them. He told us they already had over 500 bills on the docket and they would impact our lives in some way.

Councilwoman Beck

Councilman Beck thanked Councilman Cardon for putting his name in the hat for the vacancy. She outlined how they interviewed 16 applicants and his service for the last seven years in the community, and how his attendance at the city meetings was a factor in why she chose him. She was excited to welcome him.

Councilman Marshall

Councilman Marshall echoed the thank you for those who take care of the roads when it snows. He also thanked the Police Chief for the time and dedication during all the snow, which caused more accidents.

He welcomed Councilman Cardon and let him know he likes to be sarcastic, then invited him to be someone who asked questions. He touched on the legislative session that would start on January 17th and announced Representative Steven Whyte's town hall on January 7th in the council chambers where they could give him their feedback.

Councilman Oyler

Councilman Oyler wished everyone a great new year and welcomed Councilman Cardon by stating he knew he would work hard.

He invited Kathleen Leavitt to share the events coming up with the Chamber of Commerce.

Kathleen Leavitt told us:

- There was a January 25th, Annual Awards Gala at the Riverbridge Event Center.
 - She reminded the Mayor to send in his nomination for the event.
 - She let us know the board members would be sworn in and many professionals would be there.

Councilman Oyler gave his gratitude to the snow plow drivers, and stated he knew first hand how many accidents there were through his police app alerts.

Mayor Mendenhall affirmed the sentiments about the snow plow drivers. He talked about the legislative session where lawmakers meet and debate the bills presented. He highlighted Councilwoman Beck's responsibility as the Utah League of Cities and Towns representative on the policy committee, and Spanish Fork's City Manager, as the one who would represent 248 cities of the state. He pointed out this was important because it would give the representatives the city perspective into the day to day operations.

Mayor Mendenhall recounted when Commissioner Gordon was sworn in by Chaplain Wendy Walton, and she recited the first amendment of the constitution. He pointed out this was important for residents to come peaceably to talk with them and how they would do it with fidelity. He expressed his excitement for the new year. He mentioned in the coming weeks he would be doing a city address to inform them of the 2023 outlook, much like the state address. He indicated his enthusiasm with the new council member.

He read off the boards and committees for the council members, as a new councilman facilitated some changes. He emphasized the changes were not because someone had been derelict of their duty, but assignments would be rotated with a new council member.

Mayor Mendenhall gave the following assignments:

Councilman Cardon:

- Airport
- Arts Council
- Chamber of Commerce,

Councilman Argyle:

- Youth City Council
- Veterans
- South Utah Valley Municipal Water Association

- Rotary Club

Councilwoman Beck:

- Mayor Pro Tem
- Fiesta Days Executive Committee
- Library Board
- Miss Spanish Fork Pageant
- Little Miss Spanish Fork Pageant
- ULCT Legislative Policy Committee

Councilman Marshall

- Parks & Recreation Committee
- Risk Management Committee
- South Utah Valley Solid Waste District
- Utah Lake Commission
- Utah Valley Authority Governing Board
- Wastewater Treatment Plant Advisory Committee

Mayor Mendenhall indicated that the Wastewater Treatment Plant Advisory Committee would be needed, even if the facility wasn't being built.

Councilman Oyler

- Recreation, Arts, Parks (RAP) Program Committee
- Personnel Committee
- Risk Management Committee
- Seniors Advisory Board
- South Utah Valley Animal Services Special Service District
- Mt. Nebo Water Agency

Mayor Mendenhall stated he was excited for all the new assignments and how critical it was to get the feedback to us and the solutions they provide. He felt it would be a great outlook for health and productivity in 2023.

CONSENT ITEMS:

- A. Minutes Spanish Fork City Council Meeting 12-13-2022**
- B. Minutes Spanish Fork City Council Special Meeting to Fill the Council Vacancy 12-14-2022**
- C. Southern Utah Valley Power Systems (SUVPS) Title Transfer Support**

Councilwoman Beck made a **Motion** to approve **Consent Items A-C**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:41 pm

Kevin Oyler	Yes
Jesse Cardon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Councilman Marshall talked about the historic moment that someone else made the motion for the consent items because Councilman Gordon had faithfully done so for the last 7 years.

PUBLIC HEARING:

A. Disposition of City Owned Property - Thistle Creek & HWY 89 Area - Crab Creek

Tyler Jacobson showed two parcels of land and gave the history of how we had used the land in the past for the water, but now was proposing it be offered to the public to purchase. He told us there would still be a need for easements, so the city could access other property and survey the property before it would be put up for sale.

Councilman Oyler wanted to know if this sale would affect the City springs.

Tyler Jacobson responded it wouldn't affect them at all.

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

Councilman Oyler **Seconded** and the motion **Passed** all in favor at 6:46 pm

Kevin Oyler	Yes
Jesse Cardon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Mayor Mendenhall asked for public comment.

There was none

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

Councilman Cardon **Seconded** and the motion **Passed** all in favor at 6:46 pm

Kevin Oyler	Yes
Jesse Cardon	Yes

Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Mayor Mendenhall asked if there were any questions.

There were no questions.

Councilman Cardon **Moved to Approve Disposition of City Owned Property - Thistle Creek & HWY 89 Area - Crab Creek**

Councilman Argyle **Seconded** and the motion **Passed** all in favor at 6:47 pm with a roll call vote.

Kevin Oyler	Yes
Jesse Cardon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

NEW BUSINESS:

A. Golf Course Tournament Fees

Ryan Rhees responded to the snow plow comments by stating the city could use the water from the snow, but in a month they wouldn't want it at the golf course.

Ryan Rhees explained that as they grow they are having more tournaments, where they need to close the golf course, so people can rent it. He indicated as they reevaluated the impact, they found they were losing money. He pointed out when they weren't busy this was a good option to fill the time, but now these tournaments would be taking valuable time and money from the course. He proposed they go to a flat fee on weekends if they had two or one hundred and forty-four people. He stated they proposed this option because often they would tell them they would have a certain amount of people and then they would come and have 20% less people. He felt this would protect the course and make it profitable.

Councilman Marshall clarified that if currently they tell us 100 people will show up, but only 50 come, they would pay as though they had 100 people.

Ryan Rhees stated no that was why they would like to go to a flat fee.

Councilman Marshall pointed out we would have to shut down the course for 6 hours to accommodate the tournaments.

Ryan Rhees responded they would, and that was where the loss of revenue came in. He added that in the past they could accommodate them, but now they needed a change. He told them if people wanted the less expensive rate they could go during Monday through Thursday.

Mayor Mendenhall praised Ryan for his management of the golf course.

Ryan Rhees indicated there was a golf boom right now and it looked like it would continue. He thanked them for their continued support.

Councilman Marshall **Moved** to **Approve** the **Golf Course Tournament Fees**

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

Kevin Oyler	Yes
Jesse Cardon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

B. Barney Fence Height Approval Request

Dave Anderson told us the municipal code requirements stated that a fence couldn't be taller than 6 feet, unless it was approved by the City Council. He explained that the Barney's had previously received an approval to have a 8 foot fence on their property, but now wanted to replace it and needed to receive the approval again. He indicated it would be on the same footprint as the last fence with a rod iron style.

Councilman Argyle wanted to know if it was to keep the deer out.

Marsha Barney responded it was.

Councilman Beck stated she was good with approving it again.

Mayor Mendenhall asked if it was a wood fence before and it wore out.

Marsha Barney explained the fence had been put in when they were out of town and the fence was installed incorrectly, so the wood was rotting. They proposed an aluminum fence, so it would stay nicer, longer, without having to stain it. She indicated they had tried to get a similar style as they had before.

Councilwoman Beck **Moved** to **Approve** the **Barney Fence Height Approval Request**

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

Kevin Oyler	Yes
Jesse Cardon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Councilman Marshall stated staff recommended it not have curved bars at the top.

Marsha Barney stated they didn't have the exact pictures to show the staff and the curved bars at the top was not what they would be doing. They didn't want it to look like Fort Knox.

Councilman Marshal clarified it would be staggered but not have the curved top.

Marsha Barney responded yes.

Mayor Mendenhall reiterated that if a resident wanted a fence above 6 feet they could come before the council and state their case.

DISCUSSION: Temporary Closure of 3400 East

Chris Thompson started the discussion on the 3400 East railroad crossing by highlighting a crossing on highway 51 on your way to Springville. He told us it was an old farm access road. He pointed out with the new Legacy Farms development it had become used more, and a safety hazard. He stated we did a temporary closure with the intention to not open it again, as it was a condition of Union Pacific to open up the Spanish Fork Parkway railroad crossing. He told us some people close to the tracks wanted it to stay open. He indicated it had worked out well to have it closed, as there were no accidents.

Councilman Argyle felt we were better for it.

Mayor Mendenhall indicated it was a good trade.

Councilman Oyler wanted to know if we had plans for a trail there.

Chris Thompson responded we may put a pedestrian connection or trail there after the railroad abandoned it.

Chris told us there was another railroad crossing on 3400 East, which also was a condition with Union Pacific. He indicated it was also a safety issue because the design of the road by the railroad track made it hard to see the train coming. He gave an example of a time a minivan was hit with five children in the car and other accidents at the crossing.

Chris Thompson stated it didn't need to be closed three years after Spanish Fork Parkway was open, but because of safety issues he felt it should be closed now. He told us they would need to put a gate in for access to a local farmer. He stated another reason was because the more people started to depend on the crossing, the harder it would be to close it. He asked for

guidance and direction on what they wanted done. He added they had all the legislative items taken care of, but wanted to close this crossing early because of safety.

Councilman Beck wanted to know if this was because the owners' requested it.

Chris Thompson indicated it was because of the engineers.

Councilman Cardon pointed out where the farmer would have access to get to his property.

Mayor Mendnehall clarified it was to access his property and the farmer wouldn't be able to cross the railroad tracks.

Councilman Cardon felt it was a great double protection.

Chris Thompson stated they didn't want to make it a turnaround road.

Councilwoman Beck wanted to know the alternate route the residents would need to use in the area if it was closed.

Chris Thompson told us they would have to go around, but development would make it better when they put the roads in.

Councilman Oyler pointed out they would have to use 7200 South.

Chris Thompson said they could use 100 South to get to Mapleton, and there weren't a lot of people inconvenienced yet.

Seth Perrins noted he had debated with Chris about closing the crossing sooner rather than later. He felt if it was determined to be unsafe now, why wait, and the majority of the people using it would only save a minute or so.

Vaughn Pickell reminded everyone they had a public hearing at the last meeting to close the crossing. He told us the leg work was already done and now it would only be the practicality of taking it down.

Mayor Mendenhall pointed out if it was not safe now and it would only be less and less safe as we grew.

Seth Perrins let us know they would have to coordinate with the Utah Department of Transportation (UDOT) for a timeline of when the crossing would be taken down

Chris recommended the timeline be on a Thursday, Feb. 16th, 2023

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

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

Kevin Oyler	Yes
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Jesse Cardon	Yes
Stacy Beck	Yes
Chad Argyle	Yes
Shane Marshall	Yes

Attestation date: January 3, 2023

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 January 3, 2023. This document constitutes the official minutes of the City Council meeting.



TARA SILVER, CITY RECORDER