

**Adopted Minutes  
Spanish Fork City Council Meeting  
October 2, 1991**

The meeting was called to order at 7 pm by Mayor Marie W. Huff, and the pledge of allegiance was lead by Councilmember Gordon.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Jerald M. Chapple, Thora L. Shaw, Sheldon A. Gordon, and T. Page Harrison. Councilmember Rex Woodhouse was excused.

Staff Members Present: David A. Oyler, City Manager; Kent R. Clark, Finance Director; Richard J. Heap, City Engineer; Junior Baker, City Attorney; and Mary-Clare Maslyn, Administrative Assistant.

Citizens Present: Richard Bandley, Arlene Poulsen, Glen Poulsen, Nadene Lant, Marilyn Wing, E.C. Williams, Betty Williams, Don Jones, Steve Bushman, Claude William, Phyllis Nelson, Allan B. Thomas, Grace Ann Thomas, Jack M. Lundell, Kim H. Peterson, Sam Fullmer, Jane Schofield, Allen C. Schofield, David A. Cloward, Jill S. Cloward, Randall S. Feil, Attorney, Robert Springmeyer, President of Bonneville Research, and Mr. William D. Oswald, RDA Attorney.

**Minute and Warrant Passage**

Councilmember Harrison made a **motion** to accept the minutes of the September 18, 1991, and September 21, 991, City Council meetings, along with presented warrants. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

**Joint Public Hearing - Redevelopment Agency City Council**

The joint public hearing of the City Council of Spanish Fork City and the Redevelopment Agency of Spanish Fork City began at 7:00 pm. Mayor Marie W. Huff turned the time to Mr. William D. Oswald, Attorney. Mr. Oswald explained the formalities of the minutes and documents expected to be discussed, including, but not limited to the North Industrial Neighborhood Development Plan, dated August 19, 1991, (the "Plan"); the Report to the North Industrial Neighborhood Development Plan, dated August 19, 1991, (the "Report"); and the north Industrial Blight Analysis Survey dated August 1991. Mr. Oswald stated that all the procedures and notices and publications required by law have been accomplished. He also stated that no formal protest or written objections have been received by the City, the RDA, or his office at the time of commencement of the public hearing. Mr. Oswald then explained the history of redevelopment agencies and the purpose of the public hearing.

The following is the JOINT STATEMENT AT THE PUBLIC HEARING as read by Mr. Randall S. Feil:

"The minutes should show that this is the time and the date set for a public hearing conducted by the Redevelopment Agency of Spanish Fork City, and the City of Spanish Fork, on Wednesday, October 2, 1991 at 7:00 p.m. in the City Council Chambers, 40 South Main Street, Spanish Fork City, Utah, pursuant to Notice concerning a preliminary or proposed redevelopment plan entitled "North Industrial Neighborhood

Development Plan" and dated August 19, 1991.

The following documents will be made part of the public hearing record.

1. Notice of Public Hearing as required by §17A-2-1222, Utah Code Annotated, has been given by publication in the *Spanish Fork Press*. Certified copies of the proof of publication will be filed with the minutes of the public hearing.

2. The Redevelopment Agency by Resolution No. 91-04 dated July 17, 1991, formally designated an area in Spanish Fork City as a redevelopment survey

area, as provided by §17A-2-1208, Utah Code Annotated, and a copy of this Resolution will be made part of the minutes of this public hearing.

3. A notice dated August 21, 1991, executed by Marie W. Huff as Mayor of Spanish Fork City and David A. Oyler, as Executive Director of the Redevelopment Agency was mailed to each owner of record, owning property within the boundaries of the proposed project area. Copies of said Notice and a list of said owners, together with certificates of mailing shall be attached to the record of this hearing.

4. A Notice dated August 21, 1991, executed by Marie W. Huff, as Mayor of Spanish Fork City and David A. Oyler, as Executive Director of the Redevelopment Agency was mailed to each taxing agency incorporating the provisions required by §17A-2-1259, Utah Code Annotated. A copy of said Notice, together with a certificate of mailing will be attached to the minutes of this public hearing.

5. The Spanish Fork City Planning Commission submitted a report as provided by § 17A-2-1213, Utah Code Annotated, indicating that the Preliminary Redevelopment Plan is consistent with the master plan of the City, as well as other City plans for the development of the area or capital improvement plans of the City and a copy of said report will be filed with the minutes of this public hearing.

6. The proposed Redevelopment Plan entitled, "North Industrial Neighborhood Development Plan" containing the provisions required by the Utah Neighborhood Development Act, has been available for public inspection at the office of the Redevelopment Agency since August 19, 1991. Copies of said Plan are available at this hearing and may be reviewed by interested parties.

7. A proposed Report on the Redevelopment Plan as required by 24,6 17A-2-1220, Utah Code Annotated, as amended, is attached to their Redevelopment Plan.

8. A Notice of Meeting as required by §52-4-6, Utah Code Annotated, has been given by publication and a copy of the Notice, together with a copy of the agenda and a certificate of mailing shall be attached to the record of this public hearing.

The purposes of this public hearing, are set forth in §17A-2-1213, Utah Code Annotated, which states:

The Agency shall prepare or cause to be prepared a redevelopment plan for each project area and for that purpose shall hold one public hearing and conduct examinations and investigations and other negotiations....

and is set forth in §17A-2-1224 U.C.A., which states:

At the hour set in the Notice in §17A-2-1222 of this Act for hearing objections, the legislative body shall proceed to hear and pass upon all written and oral objections. Before adopting the Project Area Redevelopment Plan, the legislative body shall consider the report of the Agency, and all evidence and testimony for any against the adoption of the Plan.

Ms. Chairman, the public record should reflect that at the commencement of the public hearing, neither the redevelopment agency nor the City Council has received from any landowner, taxing entity or interested party any written or oral objections to the adoption of the preliminary redevelopment plan.

Mr. Don Jones, the Chair of the Spanish Fork Planning and Zoning Commission approached the council. On behalf of the Commission, Mr. Jones noted that he signed the report of the Planning and Zoning Commission and submitted the letter of approval from the commission. He stated the RDA was appropriate and in line with the master plan of the City and recommended its adoption.

Chamber of Commerce President, Jack M. Lundell, approached the council. He mentioned that the chamber supports the idea of the RDA. He stated that the chamber feels it will be a great benefit to the City and recommended the adoption of the RDA proposed plan.

Mr. Springmeyer, an independent consultant and President of Bonneville Research, presented the findings of the North Industrial Blight Survey dated August, 1991, to the Council and to the public. Mr. Springmeyer also explained what the term "blight" means as defined in Utah law. Mr. Springmeyer showed several overheads displaying the factors of blight in the different property areas he surveyed. Mr. Springmeyer read the following conclusions of his blight survey as follows:

Time was turned over to the City Council and to the public to ask questions and to make comments regarding Mr. Springmeyer's report. The following is an approximate record of dealings:

**Ms. Nadene Lant:** Owner of parcels #12 and #15. She asked what the RDA will do to enhance the property. Will the property value be enhanced or will the end result be a deficit? Can we sell our property if it is part of the RDA?

**Mr. Springmeyer:** The RDA is a tool and it's been said a tool can be used well or poorly. If this tool is used well, it could be an asset and a real benefit to you as property owners. Currently the value of your property is affected by what is going on adjacently. The value is affected greatly by what's going on with the vacant Fred Meyer store and the general development shopping center. Your residence is typical of the kind of transition which occurs. But, you have a vacant lot on this side, sometimes there are weeds, sometimes there are not. Your home is a lovely home. The motel is an example of what is going on with economic dislocation. So, it's a long way of saying RDA gives the City Council some tools to help you. There are distinct tax advantages if you choose to sell your property to the Agency or a developer selected by the Agency.

**Mr. Oswald:** I would add, that RDA projects, from my experience of twenty years, do not adversely affect the property -- generally, they do the opposite. Mr. Oswald used the example of his office in downtown Salt Lake. For your property to reach its highest and best use, in time, something will have to happen to your area. If a developer or a client came in, the whole block will be treated as a unified whole. It will enhance your property value. It's unlikely that the RDA is going to acquire all 100 acres. They do not have sufficient money to buy it all, but they may purchase individual parcels.

Generally speaking, the uses of the RDA will be able to help make the change of this project area more feasible than if it had to rely on the city or people like you. To the extent that it could happen, if #15 was bought and not #12, the appraisal would be for the highest and best use within the existing zone and use. The residential use is probably not the highest and best use. You would get a much higher value on the basis of a commercial zone, than a residential zone. Commercial price would come if the property sold commercial. You could get a judge or jury to determine the price if you don't like the Agency's offer. The highest and best use is best. The agency can't take the property without due process of law as required by federal and state laws.

The RDA could acquire any property located in the project areas within the next seven years. Anytime during the seven years, you can do whatever you want that existing city zoning ordinances allow. This agency will not be concerned about that, and they can't interfere without purchasing your property.

**Ms. Phyllis Nelson:** The owner of property adjacent to the old Kentucky Fried Chicken. asked: ... if half the of one my property sites is in the RDA and the other is not in?

**Mr. Oswald:** The total RDA project area cannot be greater than 100 acres of privately owned parcels. One of her two parcels was eliminated to bring the proposed project area within the statutory limit of 100 acres. In eliminating parcels, we attempted to include the most important parcels necessary for development.

**Mr. Allen Schofield:** Owner of parcel #16. In defense of the blighted area, can I rectify the blight items on my property myself and withdraw my parcel from the project area?

**Mr. Springmeyer:** Your parcel is the most blighted parcel, and the agency would encourage you to make something happen on that parcel. If you cleared it, or did whatever else, and got rid of those factors that were found specifically as blight, you could not withdraw your property from the RDA. Even if your property were cleared, it would still be part of proposed project and only

the RDA could withdraw it from the project area.

**Mr. Oswald:** Before somebody else could come in and develop that property, you have certain owner participation, rights or preferences. The RDA has to come to you and we're willing to help you with an owner participation agreement. If you agree to do this, we would like to help you. We'll enter into an agreement to participate. During the seven years that the RDA has the right to condemn your property, we are willing to work with you to clear your property or to rehabilitate that property.

**Mr. Springmeyer:** It's probably to your advantage to be in the RDA.

**Mr. Sam Fullmer:** Is anything planned for this area?

**Mr. Oswald:** Yes, but the RDA is created and establishes a redevelopment project area, no discussion has been held with any owners as to exactly what will happen on any specific property.

**Mr. Fullmer:** If they take your property by condemnation, will the RDA give you a chance to participate?

**Mr. Oswald:** Yes. First, the RDA will give you the opportunity to participate in the project. If you want to do it, you would be given the preference before "XYZ Company" was given the opportunity to do it.

**Mr. Fullmer:** I have received numerous offers within the last two years. I turned them down because I felt I could get more. A car wash place and Burger King has spoken with me. What price can I expect if the RDA decides to purchase my property?

**Mr. Springmeyer:** The RDA purchases properties based upon appraised value for the property. The amount is based upon the value of an independent appraiser. You will get the current market price for the highest and best use within the current use of the present commercial zone for your property.

**Mr. Oswald:** Do you have any firm offers? The RDA will ask the appraiser to consider this as evidence of the value of your property.

**Mr. David Cloward:** Co-Owner of parcels #1 and #2. First of all, I would like to compliment the City Council on being aggressive and having the forethought to put together something like this and to bring Spanish Fork into the twenty-first century. Anyone who is familiar with what is going on in the county, and in Provo and Orem, can see this is the way to go for development. I have three specific questions. I am asking these because as a property owner, I can see both the advantages and the strings attached.

- 1) What are some things you have in mind? Do you have a time table?
- 2) Are you interested in buying property from the owners?
- 3) What improvements are you looking toward?

Before I can be totally in favor, I want to know your plans.

**Mr. Gordon:** (RDA/City Council): The areas to be developed first within the 100 acres are the areas where people first show interest to develop. We are not pointing fingers toward any area at this point. We are interested in doing, within the RDA, water and sewer capabilities, as the monies become available. The RDA is not first and foremost a developer. We would hope we have interested private parties. There is a lot of interest in Utah County, private individuals who are willing to do the development.

**Mr. Oyler:** (RDA Executive Director/City Manager). The timetable, using the past philosophy, really comes when we see the need to develop. In other words, Longview Fibre came in to the City, and so did Teleflex Defense Systems. When they came, there were no utilities, and no power to handle their facility. They came in and we had to ask what will be required to make the land viable. Your property is getting to the point that it is viable to expand utilities to that area. If the area north of Longview Fibre is developed, the utilities will be extended to the property you own. Yes, the RDA could acquire the property if they wanted to, and if you were interested. The RDA could also build streets and a facility and speculate that someone would be interested to purchase the facilities under a plan to develop the project area.

**Mr. Cloward:** WordPerfect is an example of such a decision.

**Ms. Shaw:** (RDA/City Councilmember) When businesses investigate, one of the questions they ask is: Does the City have an RDA?

**Mr. Cloward:** My second question is has to do with the land values. Obviously as a land owner, we are interested in maximizing the value of the land. I think the City's interest is many fold including to maximize the tax base and to provide employment. One concern we have is that most of the land sold around this area have all been sales of City land to outsiders. We're concerned that our value, from an appraisal point of view, is going to be tied into those recent sales. What we're trying to accomplish for our interests may not be the same as the City's.

**Mr. Gordon:** A similar thing happened to the area in which I live. At first, lots sold for \$11,000 to \$12,000. They now sell for \$18,000 - \$19,000. Once the activities start, as the area fills in, the prices will go up. The City is able to provide incentives. The RDA is also able to offer other incentives.

**Mr. Cloward:** What will this do to our property value? Will it be worth more?

**Mr. Oyler:** Let me address your question to this point. The City has sold some of the property it owns for \$10,000 an acre, fully improved. As a City, our incentives are different than yours. Our incentives include jobs and maintaining a strong tax base. It might be difficult to say that some property is comparable when it is not fully improved.

**Mr. Oswald:** Let me say this. In the last ten years, I have reviewed a lot of appraisals. In Weber County, etc. There ... notation that this comparable sale may not be comparable on the basis that the land was owned by a city and sold at a subsidized price. Most appraisers know this. You should recognize that a skilled appraiser will recognize subsidies when given by a city and will note in their appraisals when land is being sold at less than market prices.

**Mr. Cloward:** My next question pertains to the access to the property. As we have gone out and marketed this thing, one of the awkward things for us has been to describe to someone how to get to the industrial park. We say, "Take the Springville exit, then go down the frontage road. The road in Springville is in bad shape, but when you get to the Spanish Fork city property line, you have a first class road." All the successful projects I have viewed, and one is starting in American Fork, all have a freeway interchange. I believe that this is something to be considered. This will accomplish the following items: 1) make the project more viable; and, 2) as I understand it, there will be an armory built, which will employ 200-300 people. With the substantial number of employees there and at Teleflex, the current off-ramp is backed up to the Price turn off. I know some of this has to do with construction. But many times when I have been there, significant traffic congestion is experienced. I would like to see some looking to the future and recognizing there could be a substantial number of employees. Novell has just acquired sixteen acres in Provo, and they announced that they would get their own off-ramp. I hope you will consider a new off ramp in the project area.

**Mayor Huff:** We have talked with our State Senator, Eldon Money. We plan for a road when funds become available.

**Mr. Oyler:** We have met with the UDOT district engineer and have expressed our concern that we feel immediate access on the freeway is important. We feel that an access is important. We are very much aware of the concern. Their comment has been that when the level reaches the demand amount, you get the traffic items. We can then go to the federal government and justify the cost of the exchange. We would hope Springville, Spanish Fork and Utah County can cooperate so we don't get a 5 million dollar building where the off ramp will be. Right now it's not high priority on UDOT's list. As these things occur, it will be raised as a priority item.

**Mr. Cloward:** Is it a high priority with the City? Would the City say it is?

**Mr. Richard Bandle:** (Owner of Kentucky Fried Chicken). Personally I think a new off-ramp is a waste of time. Granted, I do own a business on the other side of the current off-ramp.

**Mr. Harrison:** (RDA/City Councilmember) They'll move slowly. I don't think you'll see it moving fast. It took twelve years to get a traffic light at the intersection.

**Mr. Oyler:** It won't happen fast. But the real people to help move it are Senator Hatch and Senator Jake Garn, not just your local representatives like Senator Eldon Money.

**Mr. Cloward:** Unless support is at local level it won't go. Do you, as City Councilmembers, support it?

**Mr. Chapple:** (RDA/City Councilmember) Obviously, we want it. As has been explained, however, the need, justification, and the money need to be there.

**Mr. Cloward:** As Page said, there was a mess on the interchange taking so long. Can't they look far enough ahead to know. Provo and Orem were able to expand because of meeting the transportation problems. We ought to get in the process and have what it will take to serve

needs.

**Mayor Huff:** The RDA will assist with part of that if and when monies become available.

**Mr. Cloward:** I agree it is important.

**Mr. Oswald:** The boundaries of the proposed RDA project area were changed to include the existing off-ramp. Any tax increment monies generated within the project area proposed could be used to upgrade the existing on-off ramps.

**Mr. Cloward:** I'm talking of another new interchange near my property.

**Mr. Oswald:** I understand.

**Mr. Todd Williams:** Owner of parcel #3. We wanted to build a trailer court. What will happen here? Somebody didn't want the trailer court, so it didn't go through.

**Ms. Lant:** I have another question. If the property is redeveloped, do we have the right or option to build if the RDA goes through on any of that property. Does it restrict us as property owners?

**Mr. Oyler:** If you wanted to meet City codes and remodel the trailer park, you could do that. You could tear it down if you wanted. There is nothing in the proposed plan which prohibits the parcel being used.

**Ms. Lant:** Does this apply to vacant lots as well.

**Mr. Oyler:** Yes.

**Ms. Lant:** Do you know how long that property has been zoned commercial?

**Mr. Richard Heap:** (City Engineer) This depends on the individual parcel.

**Ms. Lant:** Is this something which occurred during the last five years? We had a man interested in buying, but banks won't loan him money. We have always known that this parcel was residential-commercial, and banks will not loan residential money on commercial property.

**Mr. Heap:** The C-2 zone allows residential uses in this area.

**Mr. Oyler:** The banks have been given some wrong information by someone.

**Mrs. Williams:** No one will give him the money. He must have a commercial loan.

**Mr. Harrison:** Residential is allowed. You should get a copy of the ordinance.

**Ms. Shaw:** This is often bank policy where they will not make a loan on an old house located in a commercial area.

**Mr. Oyler:** If that's that case, then I couldn't build a house on residential, so I think, whoever the bank is, we would like to know and give.

**Ms. Williams:** First Security is the bank. He had half the money down on the home, and requested a loan.

**Mr. Heap:** Their concern was the commercial use wouldn't allow the residential. We wrote them a letter and attached a copy of the ordinance. It is a permitted use in the zone.

**Ms. Williams:** In that area they won't given him money.

**Mr. Oyler:** It was zoned commercial, as far as I remember, five to seven years ago. The property was rezoned at the request of the property owners.

**Mayor Huff:** Is there any other discussion?

**Mr. Fullmer:** I came down with a written letter against adopting the proposed plan. I wrote the letter due to heavy doubts and questions about where my property is, the RDA develops around me, and I believe that the property in five years will be worth a lot more money. I have mixed feelings whether to support or to oppose the proposed plan.

**Mr. Oswald:** May I have the letter? (The letter was made part of the public hearing record and copies were made and distributed to all Councilmembers and Directors of the RDA.)

**Mr. Fullmer:** Yes. I want to be on the record to that point. I have lots of concerns about this -- when it affects my livelihood and my business. I had problems at first, but I have made it go. It's taken time, but it's also taken some money.

**Mr. Schofield:** I can't develop my property. I can't do anything with it. My mother is 98 years old and has a life estate on part of my property. She has income from the property for as long as she lives. If I'm put in the position to drop the sell on her, I'm afraid it would be too hard for her to deal with. I want my status quo. If a condemnation should arise, I don't know how I will tell her. I want to be on record. I'm opposed. I like the idea, if I had full control on the property, but I don't.

**Mr. Oswald:** What is the current income she receives from the property?

**Mr. Schofield:** Approximately \$800 per month is all.

**Mr. Oswald:** If that cash flow continued, to her each month in the form of an annuity, would that help solve your problem?

**Mr. Schofield:** The lease on the Leavitt portion of property expires in June. The rent will go up if they renew their lease. If they don't, her income will drop. I don't have any problem reimbursing them for their lease hold. Now is not a good time...if it goes through now.

**Mr. Oswald:** At the end of the life of the estate, who has control?

**Mr. Schofield:** I have full control.

**Mr. Oswald:** If the RDA were to help you be able to substitute a cash flow and guarantee income through some kind of annuity, would she give up her life estate?

**Mr. Schofield:** I haven't confronted her with it.

**Mr. Oswald:** If Leavitt's do not renew the lease, and leaves the property vacant next June, this would create uncertainty in her cash flow. It may be possible to allow the land to be developed now, but give her a fixed income for her remaining years.

**Mr. Schofield:** I have another question. Who has the responsibility for relocating all the tenants we have in the trailer court?

**Mr. Oswald:** If the agency acquires your property, under state law, the RDA would be responsible to pay the costs of relocation. When the RDA plan is adopted, the RDA has already adopted a relocation plan for the proposed project area.

**Mr. Schofield:** That alleviates that. That is a plus, but to be put in the position, I still feel I don't want the RDA plan adopted.

**Mr. Cloward:** Maybe it's important to make our feelings public. Both myself and my partner are in favor of adoption of the RDA proposed redevelopment plan. Very much so.

**Mayor Huff:** Are there any other questions or discussion. I now turn the time to Mr. Oswald.

**Mr. Oswald:** Since we have been going for two hours, may I recommend a ten minute recess of the public hearing.

**BREAK (9:00 pm to 9:15)**

**Mr. Oswald:** First, are there any further questions members of the public have regarding the proposed plan, report, or blight survey?

**No Response.**

**Mr. Oswald:** At this time, there are two other items we need to deal with. Mr. Oyler enters into record, a summary of the consultation process with other taxing agencies and position taken by the agencies regarding the proposed redevelopment plan.

**Mr. Oyler:** The Mayor and myself visited with Utah County Commissioners Beck and Johnson concerning the proposed plan. Both had no opposition to the proposed adoption of the plan. Clyde Swenson and I visited with the school Superintendent Mr. Poulsen, and with the Finance Treasurer Errol Smith. Both had no opposition to the proposed plan. In summary, both entities had no opposition to the adoption of the proposed plan.

**Mr. Oswald:** Before I summarize the evidence - it is appropriate to speak with you regarding the written opposition. Each of you have been given a copy of the letter dated October 2, 1991. This letter will be entered as part of the public hearing records. Mr. Oswald reviewed the concerns about objections brought forward by Mr. Fullmer and Mr. Schofield. It was noted in the records that Mr. Schofield verbally opposed the adoption of the proposed plan and Mr. Fullmer submitted a letter at the public hearing.

The law requires that the City and the RDA deal with these issues in one of the following ways 1): Consider the concerns raised by the property owners, and exclude their properties; 2) Take their opposition into consideration, and not adopt the RDA at all; or 3) Consider their objections, and in the light of the evidence, decide that their parcels are to the plan and their property should be left in the project area. Mr. Oswald asked Mr. Oyler to talk about the need of keeping the whole block together and to deal with the block as a unit. Mr. Springmeyer also.

**Mr. Oyler:** My view point is that if you eliminate one or both property owners, it will have a detrimental effect on that specific block and on the entire project itself. It would be difficult, if someone came in and wanted to develop the full block, to have a successful redevelopment project if one or two parcels were not included. It would be difficult to make the block a viable project if either of these parcels were excluded in light of the severe nature of the blight in these parcels and in this block. It would have a detrimental impact on not only the project, but also on the adjoining property owners.

As far as the "blighted area", the motel property, the trailer house area, the junk cars, those type of issues are present. The RDA would help these two property owners in a positive way, to accomplish goals the two want to accomplish. I personally, as the City Manager and as the RDA Executive Director, feel that it would be important to maintain the entire block as a solid unit and not to exclude any parcels in this block.

**Mr. Springmeyer:** There is no question that the RDA and the City have power and authority to delete the entire block out of the project area. I think however, both in terms of good public policy, and what is good for the overall City, I think, as your City Manager has pointed out, it should be treated as a whole. To exclude any parcel from this area would be a serious mistake and would make it much more difficult to develop the project areas as it ought to be developed. I would strongly recommend not deleting those particular parcels. It is not in the property owners long term interest nor RDA's.

**Mr. Oswald:** We want to be sensitive to the needs of those opposing. Obviously a 98 year old woman isn't a potential developer. It is unlikely that she either has skills or resources to undertake a major development. What I would say to you is, there are a number of ways in which the agency can assist you in solving the problems. Maybe an essential part of solving the problem would be to use the powers of eminent domain if she lives to be 105 - 110. It would be a tragedy to exclude the most blighted parcel owned by Mr. Schofield because a key piece was not being dealt with in realistic ways. Mr. Oswald thought there are ways where an annuity could be purchased for her to provide her with a flow of income to take care of her needs, and still put property back in the Agency's hands or back in Mr. Schofield's hands as one who may want to see the property develop. Mr. Oswald thought the adoption of the proposed plan provided realistic ways where the whole block is treated as a unit and recommended that

the City and the RDA not exclude property. Mr. Oswald reviewed Mr. Fullmer's concerns. Mr. Oswald said that if the City and the RDA decided to exclude parcels #16 and #17, nothing would develop on that block because there is no view there, and the area would remain blighted.

**Mr. Harrison:** When the motion is made to adopt or to reject the plan, can the motion stipulate to take into consideration of these gentlemen's problems?

**Mr. Oswald:** This could be done. I would recommend, however, separate motions adopting the plan, and another motion to direct the staff to meet with these two owners and to explore owner participation agreements, or relocation options which addressed their needs if possible.

Before you take action, I'd like to move to that portion of the agenda, to go over with you the findings required to make the "Summary of Findings and Supporting Documents".

Mr. Oswald said that before the City and the RDA took any action, he would suggest they move to that portion of the agenda, and let him review the findings required to be made as outlined in the "Summary of Findings and Supporting Documents".

Mr. Oswald then reviewed with the City and the RDA the findings in the proposed Resolution and Ordinance if the proposed plan is to be adopted. Mr Oswald asked if there were questions.

**No Response.**

**Mr. Oswald:** There is one other item I would like called to your attention within the proposed RDA plan. In the blight survey that was done, Mr. Springmeyer indicated that parcel #23, the parcel immediately on the north side of the off-ramp was included within the RDA project. It was a parcel the RDA asked him to study. It should have been marked in yellow as eliminated from the proposed project area. In order to come within the 100 acre limitation. It is not within the boundaries of the property. Our maps shows Lynn Sorenson at 2.33 acres. Let's talk about any questions you may have.

**Mayor Huff:** Why did you take it out?

**Mr. Oswald:** It can't fit in the 100 acres. It is not in the proposed RDA, but may be in another future RDA proposed project areas. Mr. Oyler, do you have any more comments

**Mr. Oyler:** You have a summary of total acreage which is 99.97 acres. Mrs. White's 2.68 acres is included in the 99.97 acres.

**Mr. Oswald:** Let's indicate the number of acres in the minutes. Mr. Fullmer is .398 acres, and Mr. Schofield is 1.3 acres of the total 100. Let the record reflect that less than two (2) acres of the total 99.97 acres have protested the adoption of the proposed plan. This is a factor to be consider as to whether or not they are included or excluded in the proposed plan.

**Ms. Shaw:** I have a relocation question. You mentioned something about permanent housing facilities to be found within three years for the people in the project areas. As I understand this, at this particular time, rental here in Utah Valley is really at a premium. Would the RDA be responsible for up to three years of payment of rent?

**Mr. Oswald:** No. The RDA becomes responsible for relocation expenses only if the RDA purchases or acquires property. We have said publicly that right now the RDA has no plans to buy property or to displace people. If the RDA does purchase or acquire real property in the project area, the RDA would follow the relocation plan previously adopted and incorporated into the Report. This provision says that you're satisfied that in the event of any displacement of persons, that within the next three year period, replacement housing at comparable rents would be available. Another option if that didn't happen in the private market, would be to create a housing authority or to create public or private residential units within this project, or within the City where people could find something that's comparable. If they can buy a comparable house similar to the one they now have, or if they are renting or leasing other property, other property that could be rented for the same price, not less desirable form transportation, utilities, etc., this would satisfy this requirement. Within the entire project area, residential housing only occupied a small portion of the project area.

**Ms. Shaw:** OK.

**Mayor Huff:** Is there more discussion?

**Mr. Oswald:** Since there is no further comment by those attending the public hearing, we need to formally accept a motion to terminate the public hearing portion of the meeting, to recess the City Council meeting, and to convene as the RDA.

#### **End of Public Hearing**

A **motion** was made by Councilmember Gordon to end the joint public hearing. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

#### **Recess as City Council and go to RDA**

A **motion** was made by Councilmember Shaw to recess the City Council meeting at 9:37 and to convene as the Redevelopment Agency. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

#### **Reconvene**

The regular City Council meeting reconvened at 9:42 pm.

#### **Ordinance 10-91 - Adopting "North Industrial Neighborhood Development Plan", Dated August 19, 1991.**

Councilmember Shaw made a **motion** to accept Ordinance 10-91: An Ordinance of the City of Spanish Fork City, Utah, Adopting the North Industrial Project Area Redevelopment Plan Entitled, "North Industrial Neighborhood Development Plan", Dated August 19, 1991. The **second** was made by Councilmember Gordon, and the motion **passed** with a unanimous vote.

**Mr. Oswald:** Now the last step is to see that the Resolution and Ordinance received proper signatures and the Redevelopment Agency plan will take effect upon publication date of this Ordinance.

#### **Greens Mower Bids**

Councilmember Gordon made a **motion** to accept the bid of Turf Equipment (Toro) for the amount of **\$11,475** for a greens mower. This choice was under the advice of Doug Adams, Don Baum, and Max Sabey because John Deere did not meet specs. No oil leak detection, and has downward pressure on reels, and the golf course already has Toro parts to interchange with. The **second** was made by Councilmember Chapple. The motion **passed** with a unanimous vote. Other bids were from Rocky Mountain Turf (Jacobsen): \$14,582; and Scotts Machinery (John Deere) \$11,298.

#### **Police Car Bids**

Councilmember Shaw made a **motion** to accept the bid of Barber Brothers for two police cars for the amount of **\$14,469.80**. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote. Other bids from: Smith Auto: \$15,057.

#### **Ordinance 09-91**

Councilmember Chapple made a **motion** to accept Ordinance 09-91: An Ordinance Restricting Parking on Main Street, 600 North, and around the City Park at Center and Main. The **second** was made by Councilmember Harrison, and the motion **passed** unanimously.

#### **Adjourn to Executive Session**

Councilmember Gordon made a **motion** to adjourn the meeting at 9:55 and to go into Executive Session to discuss: 1) Litigation; and 2) Purchase of Real Property.