

**Adopted Minutes  
Spanish Fork City Council Meeting  
December 18, 1991**

The meeting was called to order at 7 pm by Mayor Marie W. Huff. The pledge of allegiance was offered by a local boy scout.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Thora L. Shaw, Sheldon A. Gordon, and T. Page Harrison. Councilmember Rex Woodhouse arrived at 7:35 pm. Councilmember Jerald M. Chapple was excused. Councilmembers-Elect Kim H. Peterson and Clyde A. Swenson.

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

Citizens Present: Cleve Swenson, P.J. Steiner, Paul A. Steiner, Ray Swenson, Jack M. Lundell, Randall T. Harward, Julie A. Matis, and Robert Springmeyer from Bonneville Research, along with Randall Fiel and William D. Oswald, Attorneys.

**Minute Passage**

The minutes of the November 26, 1991 and December 4, 1991 meeting were reviewed. Councilmember Shaw made a **motion** to accept the minutes, and the **second** was made by Councilmember Harrison. The motion **passed** with a unanimous vote.

**Councilmember Thanks**

With this meeting being the last council meeting for Councilmembers Thora L. Shaw and T. Page Harrison, gifts were presented to them for their fine years of service. Councilmember Shaw has served eight years, while Councilmember T. Page Harrison has served twelve years.

**Joint Public Hearing - Spanish Fork City Council and Redevelopment Agency Members**

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 Kirby Lane Neighborhood Development Plan, dated November 4, 1991, (the "Plan"); the Report to the Kirby Lane Neighborhood Development Plan, dated November 4, 1991, (the "Report"); and the Kirby Lane Neighborhood Development Plan dated November 4, 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, December 18, 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 "Kirby Lane Neighborhood Development Plan" and dated November 4, 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. 91-08 dated October 16, 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 November 12, 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 November 12, 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, "Kirby Lane 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 November 4, 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.

Madam Chair, 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.

### **Blight Survey Results**

Mr. Springmeyer, an independent consultant and President of Bonneville Research, presented the findings of the Kirby Lane Neighborhood Blight Survey dated November, 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:

After this action, the following took place:

**Mr. Springmeyer:** Is there anyone present who has questions or concerns regarding what I have shown?

**Mr. Swenson:** (Part-Owner Parcel #1); To whom do you have to justify these factors for determining blight? Can they be challenged, and if so, when?

**Mr. Springmeyer:** I report my findings to the Redevelopment Agency.

**Mr. Swenson:** I understand.

**Mr. Springmeyer:** This is the public hearing, so any finding could be challenged tonight.

**Mr. Oswald:** If the plan is adopted tonight, the option of challenge is sixty days. Notices were sent to people, and if they dispute the findings of the blight analysis, they will be given the opportunity to present evidence.

**Mr. Swenson:** Thank you.

**Mr. Oswald:** I feel it would be appropriate to take a moment, to indicate to the public, the role taken tonight by both the City Council and the Redevelopment Agency. We have posted and published notices for what has been announced, and we have properly published notices for this joint public hearing on the Kirby Lane Neighborhood Development Plan. Copies of this plan have been available for the public in the Redevelopment Agency office.

Mr. Oswald then explained the location of the proposed property for the Kirby Lane Neighborhood Development Plan. He provided the names of each property owner and the location of each parcel.

**Mr. Oswald:** Before we turn the time to the Chamber of Commerce President, I would like to read a letter from Ms. Janice H. Johnson, General Partner of the R. Hansen Family Firm (Parcel #3), and daughter of Fern R. Hansen. We spoke with her by telephone this evening. She is the daughter of Fern Hansen, owner of Parcels #10 and # 2. She is also a limited partner

I would like this letter of support to be entered into the public hearing record. Also, to be entered into the public record, the fact that we had telephone discussions with Mr. Scott Hansen, general partner of Hollow Acres, Parcels #10 and #2. Mr. Hansen retained the services of Mr. Douglas Nelson, an attorney in Salt Lake City. Mr. Nelson advised Mr. Hansen of the purpose and direction of Redevelopment Agencies. Mr. Hansen, over the telephone, in the presence of myself, Mr. Oyler and Mr. Feil, indicated that he has had the opportunity to review the options, and has also been advised by his attorney as to his rights. He indicated his support, as a general partner, that the Redevelopment Agency and City Council adopt the proposed RDA plan as it presently stands unamended.

With that statement, I feel it appropriate to hear from attorney Ms. Julie Matis representing Cressona. We invite Ms. Matis to come forward and to make statements.

**Ms. Julie Matis:** Madam Mayor, Cressona Aluminum Company and Jim Stine, Chief Executive Officer and Chairman of the Board, extends to you his best wishes. He personally wished he could attend this meeting, but has asked me to be in his stead. Cressona is now the legal owner of what was the Kirby Building. Cressona very strongly supports the adoption of the proposed RDA. Before purchasing the building, Cressona had a number of experts come out and visit the site - including architects to chief engineers from Cressona, Pennsylvania, to contractors, plumbers, engineers, and everyone necessary to provide thorough information, including environmental. I would like to give each of you, if I might, statement of the currently existing blight conditions. Cressona would like to work with the City and the Redevelopment Agency in enumerating each of the factors. Cressona looks forward to being an active corporate member of the community, and they convey their thanks and gratitude to everyone who has made this acquisition possible.

**Mr. Oswald:** May we ask couple of questions Ms. Matis?

**Ms. Matis:** Yes.

**Mr. Oswald:** As a representative of the owner, is it your belief that the property is blighted.

**Ms. Matis:** Yes, when we had people come out, the roof was in a bad state of repair, a portion needed to be repaired, rain gutters were in a poor state. Paint is needed, the building needs cleaning, some waste drums are there and we don't know what they contain. The utility services, electrical, gas, and water, are inadequate for a general operation of an industry. The landscaping also needs work - anyone who drives by has seen this.

**Mr. Oswald:** A second question. Is the opinion of the owner such that they support the adoption of the plan?

**Ms. Matis:** Yes we do, as currently set forth.

**Mr. Oswald:** We will now turn the time to the Chamber president.

**Mr. Jack Lundell:** As president of the Chamber of Commerce, in representing the body, we would like you to know that we are very much in favor of this proposal. We commend you for your fine job and for the time and efforts which have gone into the plan. We would also like to thank Ms. Matis, and Cressona - are looking forward to the presence of Cressona in our community.

**Mr. Oswald:** Are there any property owners who are present who would like to say anything at this time?

**Mr. Cleve Swenson:** (Part-owner Parcel #1); I would like to commend you people for this. It is a good thing. We look forward down the road, to a partnership with the city. We are in favor, although we have no letter, we would like the minutes to note our support of the plan.

**Mr. Oswald:** Are you also the owners of Parcel #8?

**Mr. Swenson:** No, that is Ray Allen Swenson.

**Mr. Oswald:** Is Mr. Swenson here tonight?

**Mr. Ray Allen Swenson:** I am fully in support of the plan. Thank you.

**Mayor:** Is there anyone else who would like to speak at this time.

**Councilmember Gordon:** Don Jones, Chair of the Planning and Zoning Commission would not be here due to prior appointments. On his behalf, he asked me to tell the Council that the Planning and Zoning Commission supports the plan and feels it is consistent with the Master Plan.

**Mr. Oswald:** I would like to make sure there is no one else in the audience who would like to make a statement. I would like to have put into the public record conversations with taxing agencies. We would indicate that each taxing agency received the copy of plan more than 30 days in advance. I would ask Mr. Oylar to merely indicate the opportunity given to those people to consult with the Redevelopment Agency and also the statements made by the School district.

**Mr. Oylar:** The mayor and myself met with the Superintendent of the School Board and the Finance Director, Mr. Errol Smith. We presented the program, and both gentlemen were supportive. Previously we had met with County Commissioner Beck, and with Commissioner Johnson. They had expressed, in general terms, no opposition to the project area. We met with Commissioner Herbert in Provo, specifically addressing the Kirby lane project area, and he had no opposition. Mr. Richard Bradford, Executive Director of the Utah Valley Economic Development Association, also supports the plan. all three commissioners have been supportive, although I have not personally contacted Commission Beck and Johnson specifically regarding the Kirby Lane, although in the meetings we had regarding Cressona, they were supportive.

**Mr. Oswald:** Did you speak with 84 Lumber?

**Mr. Oylar:** I called 84 Lumber on October 1, 1991, and spoke with Mr. Reidbord, the Real Estate Attorney, and explained the project and at that time he expressed no opposition and indicated that if they had concerns or problems they would get back with him. Also, the owner of Parcel #7, Raymond Franke, care of Mr. Earl Zarbock, is supportive. He had a real estate agent review the plan with me for an hour. He is supportive of the plan.

**Mr. Oswald:** It is unusual Madam Chair, that we can represent that all owners are supportive. Both Swenson property owners appeared in person tonight and noted their support. Fern Hanson of #3 and Hollow Acres #10 and #2 indicated support, and the city has indicated support, as has 84 Lumber and Mr. Raymond Franke.

All taxing agencies indicated support or have not appeared tonight in opposition. No written or public oral protests or oral objections have been stated as to why you should not adopt the plan. On that basis I think it would be appropriate ask one more time if they would like to participate by indicating their opinion regarding the plan.

On hearing none, Madam Chair, I would suggest that you move to end the public hearing.

### **End of Public Hearing**

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

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

A **motion** was made by Councilmember Woodhouse to recess the Redevelopment Agency Meeting at 7:50 and to convene as the City Council. The **second** was made by Councilmember

Harrison, and the motion **passed** with a unanimous vote.

### **Reconvene**

The regular City Council meeting reconvened at 7:55 pm.

### **Ordinance 11-91 - Adopting "Kirby Lane Neighborhood Development Plan", Dated November 4, 1991.**

Councilmember Woodhouse made a **motion** to accept Ordinance 11-91: An Ordinance of the City of Spanish Fork City, Utah, Adopting the Kirby Lane Project Area Redevelopment Plan Entitled, "Kirby Lane Neighborhood Development Plan", Dated November 4, 1991. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Other Items**

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.

Mr. Oswald: I want you to know that Dave has been excellent to work with. I have worked with as many as forty redevelopment plans, and I have to say that this is one of the best I have ever seen. It perhaps has the greatest promise. I have worked with the new Jazz Arena, and a number of fine projects in Ogden, Provo, and Salt lake, including the Second South project. On the basis by adopting the plan, and Cressona will help rehabilitate the area, it will clearly be cleaned up, secondly a number of jobs will be created, and thirdly, it will put together a tax base for the whole area and the tax increment could be used in the surrounding property to make an attractive gateway to the city. This is an attractive commercial industrial project. I commend you for this, and look forward to working with you. I've indicated to Julie, and with the help of David and your assistants, we will come back in January to work up a participation agreement agree to do certain things on their property such as subsidize their structure. We will work up a proposed time schedule for this action, and will begin to rehabilitate blighted areas.

### **City Council Meeting Schedule**

The item of the 1992 meeting schedule was tabled for a later meeting. A question arose as to the day of the week on which meetings would be held.

### **January 1st Meeting Rescheduling**

A **motion** was made by Councilmember Shaw to hold a council meeting on January 8, 1991, in lieu of the meeting which would normally have fallen on New Year's Day. The **second** was made by Councilmember Gordon, and the motion **passed** with a unanimous vote.

### **Wolf Hollow Heights Final Plat A**

A **motion** was made by Councilmember Woodhouse to accept the Final Plat A of Wolf Hollow Heights. The **second** was made by Councilmember Gordon, and the motion **passed** with a unanimous vote.

### **Town and Country Living Plat C**

A **motion** was made by Councilmember Shaw to accept the Town and Country Plat C. The

**second** was made by Councilmember Harrison, and the motion **passed** with a unanimous vote.

### **Resolution 91-20: Risk Management Philosophy**

Mr. Oyler reviewed the philosophy of risk management and the philosophy of the city. It is required of Utah Risk Management Mutual Association that each city adopt, by resolution, a philosophy of risk management. This resolution fulfills this requirement. A **motion** was made by Councilmember Shaw to accept Resolution 91-20: Declaration of the City of Spanish Fork, Utah, has developed a Risk Management program to promote health and safety, and to minimize financial risk to the city. The **second** was made by Councilmember Gordon, and the motion **passed** with a unanimous vote.

### **Risk Management Items**

Mr. Oyler reviewed the requirements of Utah Risk Management Mutual Association. The city met several requirements, but needed further detail in certain areas. Councilmember Shaw made a **motion** to accept the following items as additions to the Personnel Policy Manual, as recommended by the Risk Management Board. The **second** was made by Councilmember Gordon, and the motion **passed** with a unanimous vote.

*§1-7-2: B. Each employee who operates a vehicle is responsible for checking the vehicle, before operation, for unsafe conditions. If any unsafe condition(s) exists, the employee is not to operate the vehicle. When an unsafe condition(s) exists with a vehicle, the employee is to immediately report the condition, in writing, to his/her supervisor. A copy of the report should be submitted to the lead mechanic.*

*§1-7-3 E. An Accident Review Committee shall be responsible for reviewing each accident involving an employee. The committee shall consist of the following positions: City Manager, Finance Director/Recorder, Public Works Director, and the Public Safety Director. It shall be mandatory that any employee involved in an accident shall come before the committee to present the details of the accident. The committee shall then review each accident and determine each of the following:*

- a. The cause of the accident.*
- b. Whether it was preventable, and if so, what discipline is warranted.*
- c. How similar accidents can be avoided in the future.*

*The committee will ensure that documentation is made of such meetings and that copies of such meetings are placed in the personnel file(s) of involved employee(s).*

*§1-7-5: G. Safety belt use is required of all employees when operating a vehicle during business hours and/or while on city business. The operator of said vehicles must ensure that all passengers are properly belted.*

*§1-13-7: D. As a condition of employment, each employee must allow the city office to perform at least an annual check on their driver's license.*

The city council also reviewed the claims of Anna Young and 900 North residents.

### **Adjournment**

The meeting adjourned at 9:15 pm.