

**Adopted Minutes**  
**SPANISH FORK CITY COUNCIL MEETING**  
**January 19, 1994**

The Meeting was called to order at 7 PM by Mayor Marie W. Huff. The pledge of allegiance was lead by Jason Byers.

Elected Officials Present: Mayor Marie W. Huff, Councilmembers Jerald M. Chapple, Kim H. Peterson, Thora L. Shaw, Clyde A. Swenson, Rex Woodhouse.

Staff Members Present: David A. Oyler, City Manager; Kent R. Clark Finance Director/City Recorder; Richard Heap Public Works Director/City Engineer; Dee Rosenbaum, Public Safety Director; Junior Baker, City Attorney.

Citizens Present: Cid Hayden, Tracy Young, Benjamin Lim, Kevin Peterson, Trent Shepherd, Jake Farnsworth, Jason Byers, Sam Taylor, Chester Milburn, William Thomas, Janet Reese, Juainta Huish, Mr.& Mrs. Todd Rupper.

**Fiesta Days Co-Chairpersons:**

Mayor Huff presented Page and Ann Harrison as the Fiesta Days Co-Chairperson for this year. This will move them to Chairpersons for 1995. Councilmember Shaw made a **motion** to approve Page and Ann Harrison as Co-Chairperson for this year's Fiesta Days Celebrations. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote.

**Minute Passage**

Councilmember Woodhouse made a **motion** to approve the minutes of the January 5, 1994 regular session of the City Council Meeting and the presented warrants. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

**Citizen Request: Mr. Todd W. Rupper - Water, Sewer Billing**

Mr. Todd W. Rupper read a statement concerning the billing policies of the City. The following were some of his points:

1. Would like the "landlord" to pay for non-metered utilities.
2. Water is a non-metered for multi-family dwellings.
3. Felt \$100 deposit is too high.

Mr. Rupper stated he had just moved to Spanish Fork and is wife had to take a big cut in pay and the \$100 was hard to come up with.

Councilmember Swenson stated these issues were already debated in the past and the City did not feel a need to change the policy at this time.

**PUBLIC HEARING: Title 17, Zoning**

Councilmember Chapple made a **motion** to enter a public hearing to discuss Title 17 -zoning. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote.

Mr. Heap reported to the Council the Planning and Zoning's recommendations concerning the requirements dealing with annexations. Because of the changes the format of Title 17, the current title needed to be amended. The change would have annexation requests go to the Plan Review Committee first, then to the Planning and Zoning Committee and then to the City Council.

Councilmember Shaw made a **motion** to continue the public hearing to discuss Title 17 (Zoning) until February 16th. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote.

Councilmember Chapple made a **motion** to adopted ordinance 04-94 amending Title 17 -zoning dealing with annexation procedures. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

### **Highland Estates - Final Plat B**

The Mayor and Council discussed the Final Plat of Highland Estates.

Councilmember Chapple made a **motion** to approve Highland Estates Final Plat "B". The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

### **Hayden Annexation**

The Public Hearing was held last council meeting. The property is located at 800 North 1100 East. Councilmember Woodhouse made a **motion** to adopt Ordinance **Z-102** and Resolution **A-3** for the Hayden Annexation and request a RA-1 zone. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

### **South Main Street Annexation Time Extension for Planning Commission**

Councilmember Peterson made a **motion** to approve the extension of time to discuss the South Main Street Annexation petition until March 1st, 1994. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

### **Cemetery Building Lots**

Mayor and Council discussed the vacant field property located just east of the current cemetery. The City owns the property. The field has the potential of around 14,000 burial lots. If a row of building lots were developed, there would be 10,000 burial lots left. The proceeds from the sale of the developed lots would be used to improve the rest of the vacant field into cemetery lots.

Councilmember Shaw made a **motion** to table the item until February 2 to gather public comment. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

### **Consideration of a resolution accepting the recommendation of the Board of Equalization and Review with respect to Spanish Fork City, Utah, Special Improvement District No. 93-1.**

Mr. Gary Hansen explained the steps and procedures to follow to accept the assessment list and adopt the assessment ordinance.

The City Council heard the recommendations of the Board of Equalization and Review for Spanish Fork City, Utah Special Improvement District No. 93-1 (the "Board"). The Board stated that it had reviewed statements, comments and complaints on each property in Spanish Fork City, Utah, Special Improvement District No. 93-1 (the "District") as listed in the minutes of the hearings of the Board held on January 17,18, and 19, 1994.

The following Findings, Recommendation and Decision were then presented to the City Council by the Board:

It is the finding of the Board that **12** property owners appeared at the Hearing and that **8** changes in the assessment roll should be made. Each piece of property within the District will be benefitted in an amount not less than the assessment to be levied against said property. No piece of property listed in the assessment list will bear more than its proportionate share of the cost of such improvements.

It is the decision of the Board that the proposed assessment list is equitable and that the improvements being financed thereby constitute a benefit to the properties to be assessed. The Assessment list is approved with the noted changes. The Board respectfully recommends that the City Council approve and confirm the assessment list and adopt the ordinance levying the assessment set out in the assessment list.

Councilmember Woodhouse made a **motion** to accept the Recommendation and Decision of the Board regarding the proposed assessments to be levied within the District. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

### **Consideration of an ordinance levying assessments on properties within Spanish Fork City, Utah, Special Improvement District No. 93-1.**

Councilmember Woodhouse made a **motion** to adopt Ordinance 04-94 - Levying assessments on properties within Spanish Fork City, Utah, Special Improvement District No. 93-1. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

Ordinance: 04-94

### **Trojan Powder Connector Agreement**

Trojan built the sewer line starting at 2300 East up the Canyon Road up to Trojan Powder Plant. Trojan is asking for a connectors agreement at 11.29/foot of frontage. They are asking for a 10 year term.

Councilmember Peterson made a **motion** to approve the connectors agreement for Trojan Powder for 10 years at \$11.29/foot. The **second** was made by Councilmember Chapple. The Motion **Passed** with a unanimous vote.

### **Power Line Condemnation Action**

Mr. Baker explained the options available to the city. Mr. Oyler explained the city needed an easement through a parcel of property owned by the State Retirement Board. The Board was not willing to talk about it until just yesterday. This power of condemnation would only be used if the Board was not

willing to negotiate reasonably. The property is located North of McDonalds and East of K-Mart. The Easement would be 15 feet wide.

Councilmember Woodhouse made a **motion** to approve condemnation action authority. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

### **Impact Fee Ordinance**

Mr. Oyler and Mr. Baker discussed the purpose for this ordinance. The ordinance would allow the City more control over the impact new developments have on the city's services. Councilmember Chapple made a **motion** to adopt ordinance 03-94 : Impact Fees. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

### **Amendment to Title 16, Subdivision Ordinance**

Mr. Baker reviewed with the Mayor and Council the changes to Title 16 this ordinance would make. It would require developers to prove to the city engineer the development has adequate facilities (water, sewer, electric, streets, roads, sidewalks, recreation etc.)

Councilmember Peterson made a **motion** to adopt Ordinance 02-94:Amendment to Title 16, Subdivision Ordinance. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

### **Personnel Policy Manual**

Mr. Oyler reviewed with the Mayor and Council the recommendation from the Personnel Committee regarding revisions in the personnel policy.

Councilmember Chapple made a **motion** to approve revisions to the personnel policy. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote.

### **Golf Course Maint. Shed**

Mr. Oyler recommended the smaller 35x48 building over the larger 35x66. Councilmember Chapple made a **motion** to approve RB Construction for \$39,916 to construct 35x48 building. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote. Other bids were: Hales/Warner 48,925; Robert Christensen 42,150; Bliss Construction 60,499; M-13 construction 44,900.

### **EXECUTIVE SESSION: Purchase of Real Property**

Councilmember Chapple made a **motion** to enter executive session. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote.

Attendance: Elected Officials Present: Mayor Marie W. Huff, Councilmembers Jerald M. Chapple, Kim H. Peterson, Thora L. Shaw, Clyde A. Swenson, Rex Woodhouse.  
Staff Members Present: David A. Oyler, City Manager; Kent R. Clark Finance Director/City Recorder; Richard Heap Public Works Director/City Engineer; Dee Rosenbaum, Public Safety Director; Junior Baker, City Attorney.

### **Adjournment**

Councilmember Peterson made a **motion** to adjourn the meeting. The **second** was made by Councilmember Swenson. The Motion **passed** with unanimous vote.  
Adjournment 10:30 pm