

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**May 18, 1994**

The meeting was called to order at 6:30 pm by Mayor Pro Tem Jerald M. Chapple for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was lead by local boy scout leader Chris Hales.

Elected Officials Present: Mayor Pro Tem Jerald M. Chapple, and Councilmembers Thora L. Shaw, Kim H. Peterson, and Clyde A. Swenson. Mayor Marie W. Huff and Councilmember Rex Woodouse were excused.

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

Citizens Present: Mary Harris, Joe Harris, Sherry L. Eaton, Melanie Eaton, Reed Swenson, Wayne Youd, J. Robert Johnson, Clyde Bradford, Eva Bradford, Marv Tolman, Ty Tingey, Genevieve Larsen, Rommyn Skipper, Deseret News; Marv Christensen, Chris Hales, Paul K. Stead, Jake Huff, Justin Edwards, Howard N. Creer, Joyce Creer, Jonathan F. Cope, Harry Davis, LeAnn Moody, Spanish Fork Press; Maureen Rindlisbacher, and Jay Rindlisbacher.

**Minute Passage**

Councilmember Shaw made a **motion** to accept the minutes of the May 4, 1994, regular city council meeting, with noted corrections, and presented warrants. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

**Citizen Request - Marvin Tolman and Clyde Bradford**

Mr. Clyde Bradford approached the council regarding the need for six foot block walls on both sides of his property at 457 North Main Street. Mayor Pro Tem Chapple said a six foot block wall is a requirement of the zoning ordinance to separate commercial and residential uses. Mr. Bradford said he had talked to the neighbors on both sides of the property and they felt the fence would not be necessary. Mr. Bradford also mentioned the neighboring lots are zoned commercial, but are presently used as residential and he felt the lots would soon be used as commercial. Mr. Bradford said he would like to get a recommendation from the city council on what he could do to avoid putting the fence in at this time because he feels in the near future the wall would not be necessary. Mayor Pro Tem Chapple said he had two options: 1) He could go to the Board of Adjustments and request a variance; or 2) He could go to the Planning Commission and request a change in the zoning ordinance.

**Loan to the Redevelopment Agency of Spanish Fork City**

Mr. Clark said at the meeting of the Redevelopment Agency of Spanish Fork City on May 4, 1994, the RDA accepted a loan from Spanish Fork City in the amount of \$275,468.00 at 8%

interest for 10 years. He said the loan had to be approved by the council to complete the loan process.

Councilmember Swenson made a **motion** to approve the loan to the Redevelopment Agency of Spanish Fork City in the amount of \$275,468.00 at 8% interest for 10 years. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Resolution 94-07: Application for Surplus Property**

Mr. Clark explained this resolution would name Kent R. Clark as the designated representative of Spanish Fork City to be granted access to any surplus property at Tooele.

Councilmember Shaw made a **motion** to adopt Resolution 94-07: Application for Surplus Property. The **second** was made by Councilmember Peterson and the motion **passed** with a unanimous vote.

### **Water Park Pavilion**

Mr. Clark reviewed the bids for a water park pavilion.

Councilmember Peterson made a **motion** to accept the bid of Rich Boyce in the amount of \$22,750.00 for a pavilion, the bid of Overman in the amount of \$4,000.00 for a concrete pad, and the bid of Garrett in the amount of \$7,176.00 for 24 tables for the pavilion. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote. Other bids for pavilions were Sontag, \$23,499.00; and Garrett, \$24,571.00. Other bid for concrete was RB Construction, \$10,535.00.

### **Bid - Fairgrounds Concrete Work**

Mr. Heap explained RB Construction had been awarded the bid for concrete work at the fairgrounds in the amount of \$10,000.00. He recommended RB Construction be awarded an additional \$5,000.00 for concrete work which would complete the entire project at the fairgrounds.

Councilmember Swenson made a **motion** to award the total bid of \$15,000.00 to RB Construction. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Bid - Waterline on Calpac Avenue**

Mr. Heap explained part of the waterline on Calpac Avenue is 4" and should be 10". He said the section that is 4" should be replaced before the new road is built.

Councilmember Peterson made a **motion** to accept the bid of Badger Construction in the amount of \$22,824.00 for a waterline on Calpac Avenue. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

## **Carter Annexation**

Mr. Heap said a public hearing was held on May 4, 1994, for the Carter annexation. He said the Development Review Committee feels the annexation would be premature because there are no city services available to the site. The Planning Commission recommends denial of the annexation.

Councilmember Peterson made a **motion** to deny the Carter annexation. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

## **Southgate - Final - Plat A**

Mr. Heap said approval of this plat had been tabled until negotiations were made between Spanish Fork City and Strawberry Electric Service District (S.E.S.D.) regarding the ability to provide electric service. Mr. Oyler said S.E.S.D. agreed to allow Spanish Fork City to provide service to this area for the amount of \$22,170.00.

Councilmember Swenson made a **motion** to approve Southgate - Final - Plat A subject to the following conditions: 1) Spanish Fork City receives payment of \$22,170.00 by Thursday, May 19, 1994; 2) A contract is signed by Spanish Fork City and S.E.S.D.; and 3) Water in lieu of fees be paid prior to recording of the Plat. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

## **Comprehensive General Plan - Leland Area**

Councilmember Peterson made a **motion** to open the public hearing at 7:35 pm. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Mayor Pro Tem Chapple said this public hearing is a continuation of the hearing on May 4, 1994. He said any new or additional comments would be taken from the public after which a proposed Comprehensive General Plan would be reviewed by the council and the public. Mary Harris asked if the proposed Comprehensive General Plan could be reviewed first. Mr. Oyler said input was taken from the Planning Commission, the Development Review Committee, and the citizens. The city had tried to implement the concerns and opinions of everyone in the proposed Comprehensive General Plan. He then reviewed the proposed Comprehensive General Plan for the Leland area.

Mr. Joe Harris, Leland, asked if it would be possible to build a home on a one acre lot that has water services. Mr. Oyler said city ordinances would have to be followed, including the subdivision ordinance. He said you can build on one acre, but the first split of property makes it a subdivision, and the subdivision ordinance states septic tanks are only allowed on five acre lots.

Mrs. Genevieve Larsen, Leland, mentioned Barney Construction should be included in the industrial section of the Comprehensive General Plan.

Mr. Howard Creer, Leland, said he felt if the Comprehensive General Plan is to be a legal document, he didn't feel areas outside of the city limits should be included in it. Mr. Oyler explained one of the purposes of the Comprehensive General Plan is to designate zones of areas that may be annexed into the city as well as to designate zones inside the city limits. Mr. Creer then asked if a conditional use ordinance could limit the hours an industry could run per day. A discussion of the conditional use ordinance ensued.

Councilmember Swenson made a **motion** to adopt the Comprehensive General Plan for the Leland Area with noted additions and corrections. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Mr. Jay Rindlisbacher asked when the addresses in Leland would be changed from county to city, he mentioned last week an ambulance was called to Leland and was unable to locate the address. Mr. Heap said the new addresses should be delivered within the next two weeks, he also said he would provide the emergency service providers with a map of Leland.

Councilmember Swenson made a **motion** to close the public hearing at 8:15 pm. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Swimming Pool Change Order**

Mr. Heap said an extension was needed for the completion of the swimming pool. He said due to extenuating circumstances such as weather and the ground water in the area, the pool would not be completed until June 17, 1994.

Councilmember Peterson made a **motion** to approve an extension of completion of the swimming pool to June 17, 1994. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

### **Utility Policies**

Mr. Oyler said this item would be postponed to the next meeting of the city council.

### **Resolution 94-08: Redevelopment Agency Acreage Resolution**

Mr. Oyler reviewed the Redevelopment Agency Acreage Resolution.

Councilmember Shaw made a **motion** to accept Resolution 94-08: A Redevelopment Agency Acreage Resolution. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

### **Ordinance 16-94: Amending Title 12.08.030 of the City Municipal Code**

Mr. Baker said this time of year there are many problems with signs for garage and yard sales on utility poles and street signs. He said the proposed amendments would make it easier for the police officers to enforce the ordinance.

Councilmember Peterson made a **motion** to accept Ordinance 16-94: An Amendment to Title 12.08.030 of the City Municipal Code with noted additions and corrections. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Resolution 94-09: Strawberry Electric Service District Agreement**

Mr. Baker said he had put together a contract for Spanish Fork City and S.E.S.D. to sign regarding the Lee annexation and the Nielson annexation.

Councilmember Swenson made a **motion** to authorize the Mayor Pro Tem to sign Resolution 94-09: Strawberry Electric Service District Contract. The **second** was made by Councilmember Peterson, and the motion **passed** with a **majority** vote of 3:1; with Councilmembers Swenson, Peterson, and Chapple voting in favor of the motion, and Councilmember Shaw voting opposed to the motion.

### **Adjournment**

Councilmember Shaw made a **motion** to adjourn the Spanish Fork City Council meeting at 9:00 pm. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.