

Adopted Minutes
Spanish Fork City Council Meeting
August 3, 1994

The meeting was called to order at 6:30 pm by Mayor Marie W. Huff for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was offered by Richard J. Heap.

City Council Members Present: Mayor Marie W. Huff, and Councilmembers Thora L. Shaw, Rex Woodhouse, Jerald M. Chapple, Clyde A. Swenson, and Kim H. Peterson.

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

Citizens Present: Jack Stickney, Ray Lewis, Brian Bastian, Karl Hansen, Robert L. Bearnson, John L. Henricksen, Leann Moody, Spanish Fork Press; Rommyn Skipper, Deseret News; Mr. William D. Oswald, Redevelopment Agency Attorney; Mr. Lee J. Wilwerding, Mr. Paul Fahey, and Mr. Scott Abernethy of Western Distribution, Incorporated; and Mr. Richard Chong and Ms. Jonnalyne Walker of Richard D. Chong and Associates.

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

Ms. Shaw made a **motion** to open the joint public hearing of the City Council of Spanish Fork City and the Redevelopment Agency of Spanish Fork City at 7:00 pm. The **second** was made by Mr. Chapple, and the motion **passed** with a unanimous vote. Chairperson 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 Spanish Fork Canyon Project Area. Mr. Oswald stated that all the procedures and notices and publications required by law have been accomplished. Mr. Oswald then explained the purpose of the public hearing.

The following is the JOINT STATEMENT AT PUBLIC HEARING (Economic Hearing, Public Information, Input and Adoption of Economic Development Plan Hearing) as read by Mr. William D. Oswald:

"The minutes should show that this is the time and the date set for the second public hearing conducted by the Redevelopment Agency of Spanish Fork City, and the City of Spanish Fork on Wednesday, August 3, 1994, at 7:00 p.m. in the City Council Chambers, 40 South Main Street, Spanish Fork City, Utah, pursuant to Notice. The purposes of the public hearing are to:

(1) inform the public about the proposed redevelopment project area (the "Project Area");
(2) allow persons objecting to the proposed project area or redevelopment plan or denying the regularity of any of the proceedings to appear before the Agency and the City Council and show cause why the proposed plan should not be adopted;

(3) allow public input into the Agency's deliberations and considerations regarding a proposed Project Area plan (the "Redevelopment Plan") and whether the plan should be adopted, rejected, or amended.

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

1. A Notice of Public Hearing as required by Section 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. 94-01 dated April 20, 1994, formally designated an area in Spanish Fork City as a redevelopment survey area, as provided by Section 17A-2-1204, Utah Code Annotated, and a copy of this Resolution will be made part of the minutes of this public hearing.
3. A Notice dated June 23, 1994, executed by Marie Huff, as Mayor of Spanish Fork City and David Oyler as Executive Director of the Redevelopment Agency was mailed, by certified mail, 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 June 23, 1994 executed by Marie Huff, as Mayor of Spanish Fork City and David Oyler as Executive Director of the Redevelopment Agency was mailed, by certified mail, to each owner of record, owning property within 300 feet of 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.
5. A Notice dated June 23, 1994 executed by Marie Huff, as Mayor of Spanish Fork City and David Oyler as Executive Director of the Redevelopment Agency was mailed, by certified mail, to each taxing agency incorporating the provisions required by Section 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.
6. The Spanish Fork City Planning Commission submitted a report as provided by Section 17A-2-1213, Utah Code Annotated, indicating that the Preliminary Economic Development 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.
7. The proposed Economic Development Plans entitled, "Spanish Fork Canyon Economic Development Plans" containing the provisions required by the Utah Neighborhood Development Act, has been available for public inspection at the office of the Redevelopment Agency since June 29, 1994. Copies of said Plans are available at this hearing and may be reviewed by interested parties.
8. A proposed Report on the Economic Development Plan as required by Section 17A-2-1220, Utah Code Annotated, as amended, is attached to the Economic Development Plan.
9. A Notice of Meeting as required by Section 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 public hearing record should show that the designation of the proposed project area and its legal description was made on May 9, 1994, when the City through its Mayor and the Agency through its Executive Director authorized the mailing of notice to: (a) the owners of record; (b) the property owners owning real property within 300 feet of the proposed project area; (c) the taxing agencies; and (d) the authorization to the Spanish Fork Press, a newspaper of general circulation, to publish the notice of this public hearing.

The Redevelopment Agency and the City Council held the first public hearing pursuant to Section 17A-2-1211(1)(a), Utah Code Annotated, which states:

(a) at least one public hearing shall be held to inform the public about the proposed project area and to allow public input into agency deliberations on the plan pursuant to Section 17A-2-1206;

The Redevelopment Agency and the City Council decided after the first public hearing to proceed with a second public hearing on the proposed Redevelopment Plan and Project Area. The Redevelopment Agency and the City Council are holding this second public hearing pursuant to the provisions of Section 17A-2-1211(1)(b) which reads as follows:

(b) at least one public hearing shall be held to allow public comment on agency deliberations on approving the redevelopment plan pursuant to Section 17A-2-1221.

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

At the hour set in the notice in Section 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 and all evidence and testimony for and against the adoption of the Plan.

Madam Chairperson, the public record should reflect that at the time of commencement of this 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 economic development plan entitled "Spanish Fork Canyon Economic Development Plan" dated May 20, 1994. Since no written objections have been received, it will only be necessary to consider any oral objections to the adoption of the preliminary economic development plan which may be made this evening.

The public hearing record should also indicate that on June 24, 1994, legal counsel to the Redevelopment Agency received a letter from Patrick J. O'Hara, of the firm of Van Cott, Bagley, Cornwall & McCarthy, legal counsel to The Denver & Rio Grande Western Railroad Company, containing a slight clarification in the legal description of the proposed project area boundary to clarify that the boundary does not include any of the railroad right-of-way owned by The Denver & Rio Grande Western Railroad Company. These proposed amendments to the legal description of the proposed project area boundary have been included in the proposed "Spanish Fork Canyon Economic Development Plan".

Review of Preliminary Spanish Fork Canyon Economic Development Plan and Spanish Fork Canyon Economic Development Report - William D. Oswald

Mr. Oswald reviewed the Preliminary Spanish Fork Canyon Economic Development Plan. He discussed various elements of the plan. Mr. Oswald asked if there were any questions. There were no questions asked by any parties.

Mr. Oswald then reviewed the Spanish Fork Canyon Economic Development Report. He discussed various elements of the report and asked if there were any questions from the board.

Mr. Swenson: When does the city start the increment?

Mr. Oswald: The State law allows the agency to trigger the increment. The agency would do that by taking the first payment of the increment. In talking with the developer, it is proposed the increment will be triggered within three years.

Mr. Swenson: Would that be three years from the time the distribution center is built?

Mr. Oswald: Yes. We want to make sure we take it at the appropriate time so we can pay back the developer and the agency and maximize the investment.

Mr. Swenson: When is completion of the building projected?

Mr. Oswald: Completion is expected to be in July of 1995. We would indicate the developer has incurred the expense of completing the survey of the property and the site plan. If approved by the taxing agency committee on Monday, August 8, 1994, the project should be completed by September of 1995.

Mr. Abernethy: We project to have the building completed in July, 1995.

Mr. Oswald: In January, 1996, the tax assessor can assess the value, and there is a possibility we could trigger the increment in 1996 on the taxes they pay in 1996. There is room for unforeseen conditions. The developer understands they need to notify us in such a case. Are there any questions from the audience?

Mr. Oyler: Regarding the Spanish Fork Redevelopment Agency Spanish Fork Canyon Multi-year budget (Schedule 2) that we will be presenting to the taxing committee, there will be an additional \$40,000.00 added to the street improvement section. These funds will be used to straighten Powerhouse Road.

Mr. Oswald: We will ask all taxing agencies to approve this document. This is merely the proposed project budget; we will make any necessary modifications.

Mr. Clark: I have a question on the land acquisition.

Mr. Oswald: The developer will buy the property. The agency agrees to reimburse the developer with the increment amount of \$2,087,810.00 plus interest. Are there any questions?

No questions were asked.

Mr. Oswald: If you decide to adopt this proposal, you would do so by a resolution of the Redevelopment Agency and by an ordinance of the City Council. It is my effort to show you the actual findings upon which you will base your decision.

Mr. Oswald reviewed the summary of findings and supporting documents for the Redevelopment Agency of Spanish Fork City and for the City Council of Spanish Fork City. He discussed various elements of the report, a copy of which is attached to the record of the public hearing.

Comments in support or opposition to the adoption of: 1) the Spanish Fork Canyon Economic Development Plan and project area; and 2) the Spanish Fork Canyon Economic Development Report from the following persons or their representatives:

1. Persons owning real property located within the proposed project area.

No comment was received by any property owner within the proposed project area.

2. Taxing Entities.

No comment was received by any taxing entity.

3. Persons owning real property located within 300 feet of the boundaries of the proposed project area.

Mr. John Henrickson: I own property fairly close to the development, and I would like to say someone in your city has foresight. I am in total support and I can't say enough. I am glad to see it happen.

4. Other interested persons.

Mr. Lewis: My only concern is with the developer. Will you use Utah people to build the project?

Mr. Abernethy: The project has been bid. To the extent we can find people in Utah, we will hire them for the project.

Mr. Oswald: Generally speaking, what he is saying is because of the construction boom in Utah, there may not be sufficient local people available, but to the extent that there are, they are willing to use their skills.

Mr. Abernethy: Yes, to the extent that people are available and are the low bidder.

Chairperson Huff: I think I am the closest neighbor, and I have no opposition.

Question and Answer Period - Mayor and members of the Board of Directors of the Redevelopment Agency and City Council of Spanish Fork and Consideration of Resolution Adopting the "Spanish Fork Canyon Economic Development Plan" dated May 20, 1994, and other matters presented at the public hearing

Mr. Oswald: Are there other comments? The record should reflect we have received no written objections as to why the proposed plan should not be adopted. Nor have we received verbal comments

or written objections in this meeting as to why the proposed plan should not be adopted by resolution of the Redevelopment Agency and by ordinance of the City Council.

Motion to Close the Public Hearing

Mr. Chapple made a **motion** to close the joint public hearing at 8:20 pm. The **second** was made by Mr. Woodhouse, and the motion **passed** with a unanimous vote.

Adoption of Resolution Adopting the "Spanish Fork Canyon Economic Development Plan" dated May 20, 1994, by Resolution of the Agency and Ordinance of the City Council

Mr. Oswald: Are there any questions? If all questions are answered we will need a motion to recess the City Council.

Mr. Woodhouse made a **motion** to recess the meeting of the Spanish Fork City Council and convene the meeting of the Redevelopment Agency of Spanish Fork. The **second** was made by Ms. Shaw, and the motion **passed** with a unanimous vote.

Mr. Swenson made a **motion** to adopt Resolution 94-03: A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SPANISH FORK CITY ADOPTING THE ECONOMIC DEVELOPMENT PLAN ENTITLED, "SPANISH FORK CANYON ECONOMIC DEVELOPMENT PLAN", DATED MAY 20, 1994. The **second** was made by Mr. Woodhouse, and the motion **passed** with a unanimous vote.

Ms. Shaw made a **motion** to recess the meeting of the Redevelopment Agency of Spanish Fork and to convene the meeting of the Spanish Fork City Council. The **second** was made by Mr. Woodhouse, and the motion **passed** with a unanimous vote.

Ordinance 24-94

Councilmember Peterson made a **motion** to adopt Ordinance 24-94: AN ORDINANCE OF THE CITY OF SPANISH FORK UTAH, ADOPTING THE ECONOMIC DEVELOPMENT PLAN ENTITLED, "SPANISH FORK CANYON ECONOMIC DEVELOPMENT PLAN", DATED MAY 20, 1994. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Councilmember Swenson made a **motion** to recess the meeting of the Spanish Fork City Council and to reconvene the meeting of the Redevelopment Agency of Spanish Fork. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Consideration of adoption of an agreement for disposition of land for private development dated August 3, 1994, by and between Spanish Fork City Redevelopment Agency, Spanish Fork City,; and Western Distribution, Incorporated

Mr. Oyler reviewed the Agreement for Disposition of Land for Private Development (A.D.L.).

Mr. Oswald then reviewed some minor changes in the A.D.L.

Mr. Oswald: The only change of substance is on page 39. This change states the agency will receive any proceeds from any sale of property within the project area. I would represent to you this last page was sent to the attorney for Fingerhut, and he has not approved this change, but in a phone conversation with him, I do not foresee any problem.

Mr. Chapple: You say it is not likely they will sell the property, but what determines the price?

Mr. Oswald: We could include the provision that the property would have to be sold at fair market value if the developers were to sell the property.

Mr. Oyler: Are there any other questions?

Mr. Woodhouse made a **motion** to authorize the officers and the chairperson of the Redevelopment Agency of Spanish Fork City to execute the Agreement for Disposition of Land for Private Development (A.D.L.) after approval of the project area by the taxing agency budget and to authorize the executive director and legal council of the Redevelopment Agency of Spanish Fork City to make minor modifications in the A.D.L. as they see necessary. The **second** was made by Mr. Swenson, and the motion **passed** with a unanimous vote.

Mr. Oyler: There is no other business for the Redevelopment Agency of Spanish Fork City.

Adjournment of RDA

Ms. Shaw made a **motion** to adjourn the Redevelopment Agency meeting at 9:30 pm and to reconvene the regular session of the City Council meeting. The **second** was made by Mr. Chapple, and the motion **passed** with a unanimous vote.

Consideration of adoption of an agreement for disposition of land for private development dated August 3, 1994, by and between Spanish Fork City Redevelopment Agency, Spanish Fork City, and Western Distribution, Incorporated

Mr. Oswald: We now need a motion from the City Council to sign and execute the Agreement for Disposition of Land for Private Development.

Councilmember Chapple made a **motion** to authorize the Mayor and Councilmembers of Spanish Fork City to execute the Agreement for Disposition of Land for Private Development (A.D.L.) after approval of the project area by the taxing agency budget and to authorize the Executive Director and legal council for the Redevelopment Agency of Spanish Fork City to make minor modifications in the A.D.L. as they see necessary. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Bids - Tee Mower

Mr. Clark said three of five requested bids were received. He said Scotts was the low bid, but their mower did not meet the specifications. He recommended Turf Equipment's bid for the amount of \$12,939.00.

Councilmember Chapple made a **motion** to accept the bid from Turf Equipment for a Toro Reelmaster 216 for the amount of \$12,939.00. The **second** was made by Councilmember Shaw, and the motion

passed with a unanimous vote. Other bids were Scotts, \$12,788.00; and Rocky Mountain Turf, \$15,058.00.

Red Pine Estates - Preliminary

Councilmember Shaw made a **motion** to approve Red Pine Estates Preliminary, subject to a final decision made on storm drainage. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Lily Johnson Well Property

Mr. Heap said the city purchased 0.234 acres from Lily Johnson in 1971. This property is part of the approved Southgate Development. The developers are proposing to purchase the 0.234 acres at \$11,600.00 an acre, for a total of \$2,714.40. These are the only property owners that are adjoining this property. No one else would have access to the property.

Councilmember Peterson made a **motion** to sell the property for \$2,714.40 and for Mayor Huff to sign the deed. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Resolution 94-14: Amending Electric Impact Fee

Councilmember Swenson made a **motion** to adopt Resolution 94-14: A resolution to collect the impact fee on the building permit. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Water Policies

Mr. Oyler and Mr. Heap reviewed the proposed amendments to the water policy.

Councilmember Chapple made a **motion** to adopt the water policy with revisions. Councilmember Shaw made the **second**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Shaw made a **motion** to adjourn the city council meeting at 10:00 pm. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.