

**Adopted Minutes
Spanish Fork City Council Meeting
September 21, 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 lead by local boy scout Riley Leifson.

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

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: Travis Leifson, Riley Leifson, Ruth Leifson, Max Sabey, Don Thomas, Jill Thorpe, LaMar Adams, Jeff Vice, Rachel Halverson, Holly Christensen, and George Bills.

Minutes

Councilmember Shaw made a motion to accept the minutes of the September 7, 1994, regular city council meeting, and presented warrants. The second was made by Councilmember Chapple, and the motion passed with a unanimous vote.

Employee of the Quarter

Mayor Huff awarded Max Sabey with the "Employee of the Quarter" for his work at the city shop.

Citizen Request - LaMar Adams

Mr. LaMar Adams requested the council look at his request as an emergency situation. Mr. Adams said his son lives in the county and currently uses well water. His son has recently found his well water is contaminated. The well serves three houses. Mr. Adams said the contaminated well has created problems. He submitted an original request for the city to permit a culinary water line be run to his property, but found the expense would be too great. He said his property is closer to Salem's water line than to Spanish Fork City's water line. However, he cannot hook onto Salem's water because Salem cannot annex his property as it is part of Spanish Fork City's policy declaration. He asked the council to consider releasing his property from the city policy declaration so he could be annexed into Salem. Mayor Huff asked Mr. Adams if he had contacted Salem. Mr. Adams said the first time he contacted Salem he was told they are currently struggling to provide ample water to residents within their city and would not be interested in annexing his property. Mr. Adams then mentioned Mr. Frank Johnson talked with Salem, and Mr. Johnson said Salem may consider the annexation.

Councilmember Woodhouse felt the staff should talk with Salem City officials before any decision was made.

Councilmember Woodhouse made a motion to table a decision on Mr. LaMar Adam's property until Spanish Fork City officials could talk with Salem City officials. The second was made by Councilmember Swenson, and the motion passed with a unanimous vote.

Gerald Hazel - Retirement

Mayor Huff recognized Gerald Hazel for his 25 years of service with the Spanish Fork Police Department. She presented him with a certificate and a gift.

Wolf Hollow Heights - Phase III - Preliminary

Mr. Heap said the Development Review Committee and the Planning Commission recommend approval of Wolf Hollow Heights - Phase III - Preliminary.

Councilmember Peterson made a motion to approve Wolf Hollow Heights - Phase III - Preliminary subject to the completion of the 100 East sewer line. The second was made by Councilmember Shaw, and the motion passed with a unanimous vote.

Canyon South - Plat A

Mr. Heap said the Development Review Committee and the Planning Commission recommend approval of Canyon South - Plat A. He said an easement would have to be obtained by the developer for the 100 East sewer line improvement.

Councilmember Swenson made a motion to approve Canyon South - Plat A subject to the following conditions: 1) The irrigation ditches on lots 1 and 16 be piped; 2) A legal agreement is signed to authorize storm drainage south of the development; 3) The developers provide signed right-of-way agreements to provide sewer from the Wolf Hollow area; 4) The developers upgrade the 100 East sewer line from 600 North to 900 North to provide adequate sewer capacity, and that upgrade be done by May 1, 1995; and 5) Temporary turnarounds are installed on lots 8 and 9. The second was made by Councilmember Woodhouse, and the motion passed with a unanimous vote.

Public Hearing - Storm Drainage Impact Fee - East Bench

Councilmember Chapple made a motion to open the public hearing at 7:30 pm. The second was made by Councilmember Shaw, and the motion passed with a unanimous vote.

Mr. Oyler stated notice of the public hearing on the storm drainage impact fee was published 14 days prior to the public hearing.

Mr. Heap said development in the East Bench area has created some drainage problems and the original storm drain plan is not working. He said the staff recommends building a 5.1 acre retention park south of the development. He said the estimated cost would be \$410.00 per lot impact fee. He said the park could either be completed in phases as the impact fees are collected, or city funds could be used and reimbursed as development continues. The plan for the park includes a pavilion, playground area, sumps, plus enough area for a soccer or football field and possibly a baseball diamond. Mr. Heap said there is a need for a park in the area, and the developers favor this proposal.

Mr. Karl Hansen, developer, said he favors this proposal one hundred percent. He asked if the city would collect the impact fee upon the plat or upon the building permit. He stated that he would prefer the impact fee be collected at the time of building permit.

Discussion ensued regarding the impact fee collection procedure.

Attorney Baker presented the following findings of fact pertaining to the proposed storm drainage impact fee: 1) There are no existing capital facilities of this nature provided by the city; 2) There is increased residential construction in the southeast part of the city causing the need for the retention basin/park; 3) This affected area has not contributed to existing facilities; 4) It is unlikely that newly developed properties in the city will contribute to other retention basins in the city; 5) Two previously constructed retention basins were constructed by the developers; 6) Fairness dictates that homes in the area should pay the impact costs which they are creating; 7) This retention basin/park, like others previously constructed, will not be paid for with taxpayers' money; 8) This need is an extraordinary cost to the city caused solely by development of this property; and 9) A payment formula using the consumer price index for the Wasatch Front should be used to increase or decrease the impact fee over time to equalize the time-price differential in the amount of the fee.

Councilmember Woodhouse made a motion to close the public hearing at 8:00 pm. The second was made by Councilmember Peterson, and the motion passed with a unanimous vote.

Councilmember Woodhouse made a motion to approve Resolution 94-16: Storm Drainage Impact Fee, which includes the following findings of fact: 1) There are no existing capital facilities of this nature provided by the city; 2) There is increased residential construction in the southeast part of the city causing the need for the retention basin/park; 3) This affected area has not contributed to existing facilities; 4) It is unlikely that newly developed properties in the city will contribute to other retention basins in the city; 5) Two previously constructed retention basins were constructed by the developers; 6) Fairness dictates that homes in the area should pay the impact costs which they are creating; 7) This retention basin/park, like others previously constructed, will not be paid for with taxpayers' money; 8) This need is an extraordinary cost to the city caused solely by development of this property; and 9) A payment formula using the consumer price index for the Wasatch Front should be used to increase or decrease the impact fee over time to equalize the time-price differential in the amount of the fee. Councilmember Swenson seconded, and the motion passed with a unanimous vote.

Red Pine Estates - Plat A - Final

Mr. Baker said from a legal standpoint, he would prefer a decision on Red Pine Estates be tabled until Resolution 94-16: Storm Drainage Impact Fee is signed.

Mr. Hansen, the developer, asked the council if they could approve the plat on the condition the resolution is signed.

Councilmember Swenson made a motion to approve Red Pine Estates - Plat A - Final subject to the following conditions: 1) A temporary turnaround is installed near lots 12 and 14; 2) The ditches along the west property line are either piped or abandoned, if abandoned, a letter of abandonment would have to be received; 3) Lots 2 and 22 have a fence along Canyon Road; 4) The 600 East sewer line be bonded for and completed by May 1, 1995; and 5) Resolution 94-16: Storm Drainage Impact Fee be signed by Mayor Huff. The second was made by Councilmember Woodhouse, and the motion passed with a unanimous vote.

*** NOTE:** Councilmember Woodhouse left the room at 8:10 pm.

Spanish Ridge - Preliminary

Mr. Heap said the Development Review Committee and the Planning Commission recommend approval of Spanish Ridge - Preliminary.

Councilmember Peterson made a motion to approve Spanish Ridge - Preliminary subject to the following conditions: 1) The 600 East sewer line improvement be completed; 2) The ditches on both the east and west sides are piped; and 3) Resolution 94-16: Storm Drainage Impact Fee be signed by Mayor Huff. The second was made by Councilmember Chapple, and the motion passed with a unanimous vote. Councilmember Woodhouse was not present for the vote.

* **NOTE:** Councilmember Woodhouse returned at 8:20 pm.

Resolution A-10: Blaine Evans Revised Annexation Request Ordinance Z-109: Blaine Evans Zone Designation R-A-5

Mr. Evans and the council discussed the revised annexation request. Mr. Evans said he is currently hooked up to Spanish Fork City power, and the city garbage truck currently passes his home.

Councilmember Swenson made a motion to approve Resolution A-10: the Blaine Evans revised annexation, including only parcels: 27-029-08, 27-029-08, 27-029-32, 27-029-34, 27-029-35, 27-029-35, and 27-029-36; Mr. Swenson continued with his motion to include the approval of Ordinance Z-109: designating the zone of the Blaine Evans annexed property as R-A-5. The second was made by Councilmember Woodhouse, and the motion passed with a unanimous vote.

City support of Organization of South Utah Valley Cities on Water Matters

Mr. Oyler asked the council if they would agree to appoint Mr. Heap and Mayor Huff to a water board made up of cities within South Utah County from Springville south to Goshen. Mr. Heap said the water board would pool resources between cities on issues including grants from government agencies, Strawberry Water Users, and water resources.

Councilmember Shaw made a motion to support the organization of South Utah Valley Cities on water matters. The second was made by Councilmember Woodhouse, and the motion passed with a unanimous vote.

Miscellaneous

Mr. Oyler said the County Board of Adjustments had asked for direction from the Spanish Fork City Council as to their position on the building of a billboard adjacent to the city limits. The council directed Mr. Oyler to submit a letter to the County Board of Adjustments stating the council is opposed to the construction of a billboard adjacent to the city limits.

Adjournment

Councilmember Shaw made a motion to adjourn the regular meeting of the city council into the Executive Session of the City Council at 9:00 pm. The second was made by Councilmember Peterson, and the motion passed with a unanimous vote.

* **NOTE:** Councilmember Woodhouse was excused from the remainder of the meeting at 9:05 pm.

Adjournment of Executive Session

Councilmember Shaw made a motion to adjourn the Executive Session of the Spanish Fork City Council meeting and to reconvene the regular session of the Spanish Fork City Council meeting. The second was made by Councilmember Swenson, and the motion passed with a unanimous vote.

Miscellaneous

Mr. Rosenbaum and Mr. Miller updated the council on the status of the investigation of the "Trojan II" fire.

Fire Station

Councilmember Peterson made a motion to rescind the motion made during the regular session of city council meeting on September 7, 1994, which authorized Mayor Huff and Mr. Oyler to negotiate and purchase property from Mr. Memmott, Mr. Brown, and Dr. Ludlow for the future site of the fire station, Councilmember Peterson also motioned to appoint Councilmembers Shaw, Chapple, and Woodhouse, with Councilmember Shaw as chairperson, to find a location for the new fire station. The second was made by Councilmember Shaw, and the motion passed with a unanimous vote.

Adjournment

Councilmember Shaw made a motion to adjourn the meeting at 10:15 pm. The second was made by Councilmember Peterson, and the motion passed with a unanimous vote.