

**Adopted Minutes  
Spanish Fork City Council Meeting  
December 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 Mr. Ted Hanks.

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

Staff Members Present: David A. Oyler, City Manger; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; and Heather Frost, Deputy Recorder.

Citizens Present: Ted L. Hanks, Kathleen Koyle, Duane Koyle, Greg Magleby, H.M. Magleby, Bruce Hall, Dave Olsen, John Dester, Neil Sorenson, and Lynn Sorenson.

### **Minutes**

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

### **Teens Against Graffiti (T.A.G.)**

Police Chief Rosenbaum recommended Spanish Fork City participate in the Utah County Sheriff graffiti abatement program, Teens Against Graffiti (T.A.G.). He said cities in Utah County will join together with the State of Utah 4th District Juvenile Court to work in the prevention and removal of graffiti. T.A.G. will help provide graffiti removal and clean-up for the participating cities.

Councilmember Shaw made a **motion** to authorize Mayor Huff to sign the agreement with Teens Against Graffiti, a program of the State of Utah 4th District Juvenile Court. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

### **Oaks - Phase III - Preliminary**

Mr. Heap said it is the recommendation of the Development Review Committee and the Planning Commission the Oaks - Phase II - Plat G - Preliminary be approved subject to a soils report on the hillside below the Strawberry Water Users canal.

Councilmember Peterson made a **motion** to approve the Oaks - Phase III- Preliminary subject to the completion of a soils report on the hillside below the Strawberry Water Users canal. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Public Hearing - Resolution 94-22: Inter-Local Agreement on the South Utah Valley Municipal Water Association**

Councilmember Shaw made a **motion** to open the public hearing at 7:15 pm. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Mr. Heap said ten cities in the county have been meeting to form the South Utah Valley Municipal Water Association. He said the cities plan to work together in pooling water resources, in technical efforts, in efforts with Strawberry Water Association, and in working together with the State Engineer's Office. Mr. Heap said the cities will also work together in determining the amount of water the South Utah Valley will require from the C.U.P. He said in working together, the amount of water required from the C.U.P. may be considerably less because the participating cities will have an agreement to exchange, trade, and lease water with one another.

No public input was received.

### **Public Hearing - Ordinance 31-94: An Ordinance Creating Living Accommodations for the Handicapped and for the Elderly**

Attorney Baker said this ordinance will indicate Spanish Fork City does not discriminate against the elderly and the handicapped. He said the ordinance will set parameters to mainstream the elderly and handicapped in society.

No public input was received.

Councilmember Shaw made a **motion** to adopt Ordinance 31-94: An Ordinance Creating Living Accommodations for the Handicapped and for the Elderly. Councilmember Peterson **seconded**, and the motion **passed** with a unanimous vote.

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

### **West Field Contract**

Mr. Heap said he had met with West Field Irrigation representatives to discuss drainage issues. He said West Field is asking \$25,000.00 per year to drain into their system. Mr. Heap reviewed a 30 year cost analysis including the cost for Spanish Fork to drain into West Field and the cost for Spanish Fork to develop their own drainage system. He asked the council for their input regarding the direction they would like to take.

Mr. Lynn Sorenson, West Field Irrigation, said he had reviewed the proposed contract, and he saw many advantages for West Field and Spanish Fork City to contract together. He mentioned two advantages for Spanish Fork City as follows: 1) West Field's ditches are existing; and 2) West Field would be responsible to maintain the ditches. Mr. Sorenson said he was unsure about the \$25,000.00 per year figure. He said West Field would agree to receiving \$50 per acre per year. Mr. Heap said the area is approximately 203 acres. The council agreed before they would enter the contract, they needed the definite cost per year. Mr. Heap said he would calculate the exact acreage, then meet with West Field to determine the cost per year for Spanish Fork City.

Mr. Sorenson brought another item to the councils' attention. He said there is currently a verbal agreement between Spanish Fork City and West Field, regarding the millrace bypass. He said when the bypass was put in by Spanish Fork City, Spanish Fork City and West Field agreed verbally to split the maintenance cost, and each would be responsible for half. Mr. Sorenson asked the council if they

would consider establishing a set fee for the maintenance of the bypass. He indicated the total amount should not exceed \$500.00 per year, which would be a net cost for the city of \$250.00 per year.

Mr. Oyler mentioned items in the contract that should be addressed. He said the contract states Spanish Fork City is responsible for any contamination of the water in the ditches. He asked Mr. Sorenson if West Field would take responsibility for any property damage caused by flooding of the ditches. Mr. Sorenson said West Field would be liable for property damage caused by flooding.

Councilmember Shaw made a **motion** to table a decision on the West Field Irrigation Contract with Spanish Fork City until such time as a definite cost per year is received from West Field. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

### **Irrigation Ditch Policy**

Mr. Heap said the current irrigation ditch policy requires a developer to pipe an irrigation ditch if it is on the development or adjacent to the development. He said the Development Review Committee and the Planning Commission recommend modifying the policy to allow a ditch to be fenced and landscaped at the city council's discretion. Mr. Oyler said this policy would give the council some flexibility.

Mr. Lynn Sorenson said maintenance of ditches would be difficult if the ditch were fenced.

Councilmember Peterson made a **motion** to amend the irrigation ditch policy to allow the city council to make a decision on piping or fencing a ditch over 50 cubic feet per second average flow. The **second** was made by Councilmember Swenson, and the vote was **tied**, with Councilmembers Peterson and Swenson voting in favor of the motion, and Councilmembers Woodhouse and Shaw voting opposed to the motion. The motion **passed** with Mayor Huff's **tiebreaker** vote in favor of the motion.

### **Westfield Subdivision - Preliminary**

Mr. Oyler said the proposed development containing twin homes is currently zoned R-1-8, and that zone allows for twin homes. He said the existing utilities are adequate for the proposed preliminary plat.

Mr. Paul Johnson, the developer, said the subdivision would have a homeowner's association and they would be responsible for maintenance of the park, jogging paths, and yards. He said he may bring in a revised preliminary proposing twin homes on all of the lots. Mr. Oyler said at that time the utilities would have to be reviewed to assure there would be adequate water and transportation facilities.

Mr. Oyler said the following items need to be addressed:

- 1) A pipe was installed by West Field Irrigation Company under the future expansion of Center Street. Currently it will need to be reconstructed if Center Street is extended. Mr. Johnson read a portion of a contract West Field Irrigation and the Roaches signed when the easement was obtained from the Roaches for the ditch. Mr. Johnson feels it is West Field's responsibility to lower or move the ditch. The feeling of West Field is that the ditch does not need to be moved or lowered. Discussion ensued regarding the possibilities of relocating the pipe. Mr. Oyler said Spanish Fork City has contacted the railroad and they said the city may be able to obtain some of their property, which is south of the extension of Center Street, for the easement. Mr. Oyler stated the city would purchase the railroad

property for the easement, he suggested the developer be responsible for purchasing his portion of right of way from the city. Mr. Bruce Hall said the developers would propose improving Center Street with 30 feet of asphalt and be required to bond for an additional 9 1/2 feet of asphalt. He said either West Field or the developer should bond for the cost of moving the pipe until the issue of the pipe is resolved.

2) Mr. Heap said the Planning Commission recommends the developer be required to install curb, gutter, and sidewalk on the west side of 630 West, and 630 West is paved up to the curb and gutter on the east side. He said the developer would be required to install 40 feet of asphalt. Mr. Heap mentioned he had contacted Nebo School District and they have agreed to install the curb and gutter on the east side.

3) Mr. Heap said the developer would be required to install 30 feet of asphalt on the West Road.

4) Mr. Hall said the developers proposed draining storm drainage in the park, he said if percolation tests are negative, they will contract with West Field to drain in their ditches.

5) Mr. Heap said the Development Review Committee and the Planning Commission recommend fencing and landscaping the ditch along the west side of the development. Mr. Sorenson asked who would be responsible for maintenance of the ditch. Discussion ensued regarding the advantages and disadvantages of fencing and landscaping the ditch. Mr. Oyler said if the ditch were piped, the developers could have a connector's agreement. The council agreed to require the ditch be piped.

Councilmember Woodhouse made a **motion** to approve Westfield Subdivision - Preliminary subject to the following conditions: 1) West Field Irrigation and the developer determine who will bond for moving the pipe in Center Street; 2) The developer pave 30 feet of the road on Center, and bond for the additional 9 1/2 feet; 3) The developer is responsible to extend the power from 100 South; 4) The developer will bond for a portion of the railroad right of way; 5) 630 West is paved 40 feet; 6) 30 feet of asphalt is installed on the West road; 7) The ditch is piped subject to West Field approval; 8) Storm water is retained on site with percolation tests, if negative, an agreement with West Field will be required. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

### **Southgate - Phase II & III**

Mr. Heap said Lil Shepherd's property will have to be included in this plat in order for her to obtain a building permit.

Councilmember Peterson made a **motion** to approve Southgate - Phase II & III subject to the following conditions: 1) Lil Shepherd's property is included in the plat; and 2) The road is connected to Center Street. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Seven Mountain Subdivision**

Councilmember Swenson made a **motion** to approve Seven Mountain Subdivision subject to the following conditions: 1) The water line is extended to 1000 East; and 2) The asphalt is extended to 1000 East. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

### **Western Park - Final - Plat F**

Councilmember Shaw made a **motion** to approve Western Park - Final - Plat F subject to the following conditions: 1) A drainage easement is obtained from the Mitchell's; and 2) A chain link fence is installed along I-15. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

### **Dover Estates - Final Plat D**

Councilmember Woodhouse made a **motion** to approve Dover Estates - Final Plat D. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

### **Earnest Money Agreement - Bow Valley Property**

Councilmember Swenson made a **motion** to authorize Mayor Huff to sign the earnest money agreement on the Bow Valley property contingent upon the agreement of Mr Baker, Mr. Heap, and Mr. Olsen on the following items: 1) The 250 proposed water hook-ups; 2) The Strawberry Water issue; and 3) The determination is made as to who is responsible for the resolution of the above issues and a deadline is set. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

### **Ordinance 32-94: Frontage Requirements in the Professional Office Zone**

Councilmember Peterson made a **motion** to adopt Ordinance 32-94: Frontage Requirements in the Professional Office Zone. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Irrigation Users Below the New Middle School**

The councilmembers determined Councilmember Shaw will meet with the school district regarding irrigation users below the new middle school.

### **Joint Facilities Agreement Between Spanish Fork City, Utah, and TCI Cablevision of Utah, Inc.**

Councilmember Peterson made a **motion** to approve the Joint Facilities Agreement between Spanish Fork City, Utah, and TCI Cablevision of Utah, Inc., with noted amendments. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Franchise Agreement Between Spanish Fork City, Utah, and TCI Cablevision of Utah, Inc.**

Councilmember Swenson made a **motion** to approve the Franchise Agreement Between Spanish Fork City, Utah, and TCI Cablevision of Utah, Inc. with noted amendments. Councilmember Woodhouse **seconded**, and the motion **passed** with a unanimous vote.

### **Adjournment to Executive Session**

Councilmember Shaw made a **motion** to adjourn the regular session of the Spanish Fork City Council meeting and convene the Executive Session of the Spanish Fork City Council at 11:30 pm. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.