

**Adopted Minutes
Spanish Fork City Council Meeting
September 18, 1996**

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 Eric D. Juchau.

Elected Officials Present: Mayor Marie W. Huff, Councilmembers Sherman E. Huff, Thora L. Shaw, and Clyde Swenson. Councilmember Rex Woodhouse arrived at 8:00 pm. Councilmember Matthew D. Barber was excused.

Planning Commission Members Present: Chair Doug Barber

Staff Members Present: Richard J. Heap, Engineer/Public Works Director; Greg Comstock, City Planner; Kent R. Clark, Finance Director; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Mary-Clare Maslyn, Assistant City Manager; Don Baum, Lead Mechanic; Max Sabey, Mechanic; Jack Swenson, Parks and Recreation Director; and Gina Peterson, Deputy Recorder. City Manager David A. Oyler arrived to the executive session at 10:20 pm.

Citizens Present: Terri Jex, Brad Jex, Beulah Jex, Lewis W. Jex, Bernice Bradford, Keith G. Bradford, Roxanna Johnson, *Spanish Fork Press*; Richard N. Warne, *Utah Risk Management Mutual Association*; Cindy Bushman, Steve Bushman, Daryl Chandler, Ryan Chandler, Stacy Huff, Genell Christianson, Alison L. Sprouse, Lorinda Swenson, Elsie Thomas, Gordon Ludlow, Marvin Butler, Margie Butler, Amy Brinkerhoff, Jolene Baum, Carol Berrett, Eric L. Anderson, Eric D. Juchau, Devin Schaugaard, David Bushman, Kevin Garbb, Brian Rasmussen, Bert Hansen, Dirk Branagan, Richard Burness, Andrew Rose, Anita Bradford, James Demita, Curtis Turnbull, and Tracey Thomas.

Minutes

Councilmember Shaw made a **motion** to approve the minutes of the September 4, 1996, meeting of the Spanish Fork City Council with noted corrections. The **second** was made by Councilmember Swenson and the motion **passed** with a unanimous vote.

Risk Management Awards

Mr. Richard Warne, Risk Manager of the city's liability insurance carrier, Utah Risk Management Mutual Association (URMMA) was in attendance to present the city with three risk management awards. Mr. Warne presented Ms. Maslyn with a plaque for "Highest Group II Inspection Score" recognizing her outstanding work in this area. Mr. Warne stated the city's overall risk management inspection score was 95.48 percent, which was also the second highest score of the entire Association cities.

Chief Rosenbaum was presented with a "Department Achievement Award for Excellence in the Department of Law Enforcement". Mr. Warne informed the council the police department received a perfect inspection score which he attributes to Chief Rosenbaum's competence and leadership.

Mr. Warne praised Mr. Sabey and Mr. Baum, stating out of all of URMMA's member cities, Spanish Fork City has the best fleet maintenance operation. He awarded Mr. Sabey and Mr. Baum with the "Department Achievement Award for Excellence in Vehicle Safety". Mr. Warne thanked members of the council and city staff for their dedication to excellence in the city.

South Main Bid

Mr. Heap explained three bids were received to install curb and gutter at 700 South Main. Mr. Heap reviewed the bids and recommended the low bid of Randall Bradford Construction in the amount of \$39,141.25.

Councilmember Huff made a **motion** to award the installation of approximately 920 feet of curb and gutter on south Main to Randall Bradford Construction in the amount of \$39,141.25, subject to an agreement with the property owners. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote. Other bids received: Bliss Construction, \$41,288.00; and H.E. Davis & Sons, \$40,942.50.

Cemetery Practice Fields Sprinkling System Bid

Mr. Jack Swenson addressed the proposed use of the cemetery at approximately 600 East and 400 South. He stated the property would be hydroseeded and used for soccer practices, and youth baseball programs until the property is needed for cemetery use. As this is a temporary use of the facility, portable backstops will be used. Mr. Swenson told the council the ground should be seeded as soon as possible for use next summer. Mayor Huff explained to the public that games will not interfere with or be scheduled during funeral times. She reiterated this property will only be used as a park until needed for future use as a cemetery. Mr. Heap pointed out the two cemetery sections will be separated with trees. Councilmember Huff suggested doing weed control on the property before hydroseeding.

Mr. Swenson reviewed the two bids recommending the city wait to do the fencing and accept the low base bid from Maughan Pro, Inc. of \$240,226.00.

A **motion** was made by Councilmember Swenson to accept the bid from Maughan Pro, Inc. in the amount of \$240,226.00 for the installation of sprinkling system and hydroseeding on the cemetery practice field at 600 East and 400 South. Other bids received: Mike Risenmay, \$258,160.00. The RB Construction bid was withdrawn.

Councilmember Shaw inquired what was budgeted for this project with Mr. Clark answering \$100,000.00 was leftover from last year's budget and \$61,000.00 was budgeted for this year. Councilmember Shaw expressed concern about funding of the project.

Councilmember Huff **seconded**, and the motion **passed** with a **majority** vote of 2:1, with Councilmembers Huff and Swenson voting in favor of the motion, and Councilmember Shaw voting opposed.

Re-Award of Water Line Installation Bid

Attorney Baker explained approximately one month ago a bid for water repair work on east Center was awarded to the low bidder, Grant Hone Excavation. Since then the Engineering Department has documented series of contacts with GH Excavation regarding the award and receipt of bond information with no success. Attorney Baker stated the road needs to be completed before the new junior high opens and before cold weather prohibits installation of the asphalt.

Attorney Baker recommended the city withdraw the bid from GH Excavation for \$180,858.09 and pursue the bid bond, then re-award the bid to H & H Excavation in the amount of \$212,388.60. Concern was expressed on the \$31,530.51 difference between the bids by Councilmember Shaw. Attorney Baker stated he will look at the legal possibilities of recovering additional money from GH Excavation. Mr. Heap pointed out \$10,000.00 will be recovered from GH Excavation's bid bond. Councilmember Swenson asked the time frame for completion of the project. Mr. Heap responded work would begin next week and be completed within two to three weeks.

Councilmember Shaw made a **motion** to re-award the bid to H & H Excavation in the amount of \$212,388.60 for installation of the water line with the provision the city will pursue the bid bond from GH Excavation. The **second** was made by Councilmember Swenson and the motion **passed** with a unanimous vote.

Mr. Heap stated the awarding of the Lift Station and Water Reservoir Lid Repair Bids will be postponed until the September 25, 1996 council meeting when a full quorum will be present.

Mayor Recognition

Councilmember Shaw expressed appreciation for the large citizen attendance. She explained to the audience Mayor Huff has been selected as Mayor of the Year by the League of Cities and Towns. Councilmember Huff related the story of Mayor Huff giving her opinion at the League conference in a debate mediated by Chris VanOcher. Councilmember Swenson stated Mayor Huff has been commented on nationally. Councilmember Shaw concluded saying Mayor Huff has brought good public relations to the city and is an excellent example to youth. She stated if anyone need a mentor, Mayor Marie Huff is an excellent choice. Applause was received from the public.

General Plan & Zoning Ordinance Discussion

Mr. Comstock commented on how well attended the general plan public hearing was. He feels there are five main issues stemming from the public hearing as follows: 1) The re-zoning of Leland from one acre to five acres, 2) The re-zoning of the East Bench from one acre to five acres, 3) The decision of whether to zone the old landfill property manufactured housing or commercial/business park. 4) The possibility of eliminating residential use in C2 zone designations (South Main), and 5) An RO zone designation of downtown fringe areas. Mr. Comstock desired to wait on discussion of items 1, 2, and 3 until a full quorum was present.

Councilmember Swenson directed Planning Commission Chair Doug Barber to request Planning Commission Members presence at the following council meetings.

Mr. Comstock pointed out the location and issues surrounding each area for the council.

Mr. Comstock explained the single issue on South Main is most people want to retain residential use of the property which is left out in the proposed C2 zone. Mr. Comstock reviewed the current C2 zone stating residential and commercial uses are allowed. He feels no matter what the council decides, uses in the South Main zone need to be clarified. Mr. Comstock explained a new sewer main is going to be installed making the South Main area more attractive for developers. Councilmember Swenson asked what the citizens wanted, stating commercial property is more valuable. The public consensus is to have residential areas with parks. Mr. Swenson explained the Planning Commission spent a lot of time on this area. He stated this area is the main corridor between Salem and Spanish Fork and some commercial developments are needed on Main Street. Councilmember Swenson advised zoning is not permanent and even though the Planning Commission is looking at revising the general plan and zoning ordinance every year, these documents lay a foundation for the next five to ten years of how the city wants the future to go.

Mr. Marvin Butler feels portions of south Main have got to stay commercial, but the citizens would still like residential use to be accepted. Mr. Butler gave a history of Main Street stating previous use of "ma & pa businesses".

Attorney Baker explained if the zoning in this area is changed to strictly commercial, it will make the residences non-conforming and if the zoning is changed to residential, it will make the commercial

developments non-conforming. He felt a way to control commercial developments in communities would be for residences not to sell their property to commercial buyers.

Citizens discussed concerns regarding the proposed zone change.

***Note: Councilmember Rex Woodhouse arrived at 8:00 pm.*

Mr. Comstock stated if the zone is changed to not allow commercial, there needs to be another area where commercial is allowed. Councilmember Shaw pointed out the growth trend in the north end of town. Mr. Comstock stated he feels as time goes by, more development will occur in the south area of the city as well.

After much discussion from citizens, Councilmember Woodhouse suggested a CO zone designation might be more compatible in this area. Mr. Comstock advised another possibility for limited commercial use would be an RO zone. He felt this zone designation would also be harmonious with residential areas.

Mayor Huff directed Ms. Anita Bradford to summarize the citizens concern. Ms. Bradford stated she feels if the area is kept commercial and residential, the commercial areas need to fit in with the residential areas. She feels serious restrictions should be placed on commercial developments in order to retain neighborhood values.

Mr. Comstock advised he would provide enlarged maps for the September 25, 1996 council meeting listing ownership and land use of the properties in question. It was decided the matter would be tabled until the following council meeting.

Mr. Comstock reviewed the proposed RO zoning of the fringe areas on the west side of 100 East and the east side of 100 West. He relayed the intention of the Planning Commission was to allow a more restricted use of the property. Mr. Comstock feels the existing C2 zone designation has too many broad uses and an RO zone would fit in well with existing businesses and neighbors. There were no comments from citizens.

Mr. Curtis Turnbull approached the council with concerns regarding the East Bench. He would like to develop property in the area and is confused about the strawberry lawsuit issue. Mr. Turnbull reviewed his meeting with Strawberry Electric Service District. He feels like he is in the middle of two sides waiting to throw rocks at each other. Mr. Turnbull stated all he wants is for someone to give him a dollar value and whatever the price, he is willing to pay. Councilmember Woodhouse explained other than meeting with Strawberry representatives, the city doesn't really have additional options for Mr. Turnbull.

The council discussed the Strawberry lawsuit with Mr. Turnbull.

Ms. Tracey Thomas petitioned the council to help Mr. Turnbull as she feels he is a caring developer who is working to accommodate both sides of the Strawberry issue. She explained Mr. Turnbull is trying to work under time constraints without overstepping his boundaries. Ms. Thomas offered her help with the situation stating she would be persistent with Strawberry representatives to help get the lawsuit resolved. Attorney Baker directed Mr. Turnbull and Ms. Thomas to meet with him on this issue in order to see what options could be pursued.

Lift Station and Water Reservoir Lid Repair Bids

Attorney Baker recommended the Lift Station and Water Reservoir Lid Repair Bids be tabled until the council meeting next week.

Councilmember Huff made a **motion** to table the Lift Station Bid and Water Reservoir Lid Repair Bid until September 25, 1996. The **second** was made by Councilmember Shaw and the motion **passed** with a unanimous vote.

Adjournment to Executive Session

A **motion** was made by Councilmember Shaw to adjourn the regular session of the Spanish Fork City Council meeting and convene the executive session at 8:50 pm. Councilmember Swenson **seconded** and the motion **passed** unanimously.