

**Adopted Minutes
Spanish Fork City Council Meeting
February 4, 1997**

The meeting was called to order by Mayor Marie W. Huff at 6:30 pm for a preliminary review of the agenda. At 7:00 pm, the pledge of allegiance was led by Mr. Robert Tucker.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Matthew D. Barber, Sherman E. Huff, Thora L. Shaw, and Clyde A. Swenson. Councilmember Rex Woodhouse arrived at 8:40 pm.

Commission and Board Members Present: Board of Adjustment Member, Florence Hansen.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Kent R. Clark, Recorder/Finance Director; Dee Rosenbaum, Public Safety Director; Cory Slaymaker, Patrol Officer; and Gina Peterson, Deputy Recorder.

Citizens Present: Branon Ericksen, Lance Whittaker, Barbara Thomas, Craig Datwyler, Scott Wilson, Roxanna Johnson, *Spanish Fork Press*; Robert Tucker, Mark Miller, Alan Memmott, Dennis Poole, Kevin Madson, Rodger Hardy, *Deseret News*, and the parents and wife of Officer Cory Slaymaker.

Minutes

Councilmember Shaw made a **motion** to approve the minutes of the January 17, and the January 18, 1997, planning meeting, and the January 21, 1997, regular meeting of the Spanish Fork City Council with noted corrections. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote.

Employee Recognition

Chief Rosenbaum honored Spanish Fork Patrol Officer, Cory Slaymaker, for his efforts in saving the life of a 13-month old girl. Officer Slaymaker responded to a call in Lake Shore where a young child was not breathing. Chief Rosenbaum stated Officer Slaymaker's quick response, composure and persistent first aid efforts were noted by medical personnel to be instrumental in saving the young girl's life. The Mayor and Council presented Officer Slaymaker with a certificate of recognition and a letter of commendation to be placed in his personnel file. Officer Slaymaker has been with the Spanish Fork Police Department for just over one year.

Interlocal Agreement - South County Cities Chipseal Program

The cities of Goshen, Mapleton, Payson, Salem, Santaquin, Spanish Fork, and Springville have chip seal projects which need to be completed as part of their routine road and street maintenance. Mr. Heap reviewed the proposed Chipseal Interlocal Agreement between these cities, in which equipment and personnel resources would be shared to assist in completion of chipseal projects. He also stated that buying in larger quantities will incur a savings on material costs. Mr. Richard J. Nielson, Assistant Public Works Director of Spanish Fork City will coordinate the bidding and obtaining of materials. Spanish Fork City will be responsible for collecting and disbursing funds pursuant to the agreement. Mr. Kent Fowden of Payson City will be designated as foreman of the projects. The agreement also notes the first project will commence in Springville on June 16, 1997, and then proceed south through each city. Mr. Heap recommended the City Council authorize the Mayor to sign the Interlocal Agreement.

Councilmember Huff asked if the purchase and repair of each city's equipment would be done by the individual city. Mr. Heap stated these issues have not yet been addressed. Councilmember Huff suggested the cities organize an association that would share equipment costs. Attorney Baker explained the cities are going to try the agreement for approximately one year, and if successful, then possibly an association will be formed. Councilmember Barber inquired if the city perceived a need for additional personnel. Mr. Heap answered in the negative. Mr. Heap stated, in Spanish Fork City alone, 19.6 lane miles of road were in need of chip seal repair.

A **motion** was made by Councilmember Shaw to authorize Mayor Marie W. Huff's signature on the South County Cities Chip Seal Interlocal Agreement. The **second** was made by Councilmember Huff, and the motion **passed** with a unanimous vote.

Fairway Meadows - Amended Preliminary Plat

This item had been tabled during the Council meeting on January 21, 1997. The Council discussed the issues of lining and fencing the canal. Mr. Dennis Poole, legal counsel for Mr. Craig Datwyler, addressed the Council saying the requirement to pipe the canal should be the responsibility of the irrigation company and not shifted to the developer. Mr. Poole feels requiring Mr. Datwyler to pipe the canal creates an unconstitutional taking because it would make developing costs so prohibitive, the area would not be developed. He stated piping of the canal would clearly be beneficial, but it is not proper to impose the costs of the piping on the developer. As the process for approval of the plat continues, Mr. Poole asked the Council to remember it is the irrigation company's responsibility to maintain the irrigation ditch. He requested the Council to maintain reasonable requests of his client, Mr. Datwyler.

The Engineering Department received a new amended Preliminary Plat on January 30, 1997 that eliminated property containing the canal on certain lots. Mr. Heap stated, as this was an amended plat, it would have to go before the Development Review Committee again. Mr. Scott Wilson, part-owner of Fairway Meadows, expressed his disagreement in being required to repeat the plat approval process. He stated the Council could approve the plat subject to all previous conditions, aside from stipulations affecting the canal. The canal would be addressed in the second phase. The preliminary plat approval process was discussed. Mr. Heap expressed his

concern that taking off the backs of lots affected by the canal is avoiding the issue of fencing and lining the canal. Discussion took place on canal requirements including City policy on irrigations ditches going through developments. Mr. Poole suggested a possible solution is to make potential buyers aware of the canal in the CC&R's. The buyers can then make an informed decision on whether or not they want to buy the property. Mr. Heap feels the irrigation company possesses a liability for the canal, but building homes on the property increases the amount of potential damages by 4,000 percent. Further discussion took place on the canal. Mr. Poole feels the Council should look at this subdivision on its own merits and possibly instigate fencing/lining requirements on the owner of the canal. After further discussion, Councilmember Swenson made a **motion** to approve the Fairway Meadows Amended Preliminary Plat subject to the following conditions:

1. The back of the property line on Lots 17 through 30 requires fencing with a 6-foot chain link fence.
2. The storm drainage needs to be piped to the river.
3. The CC&R's need to be reviewed and approved by the City attorney. The CC&R's will include a notice to potential property owners regarding the canal above lots 23 through 28.
4. Lots 23 through 30 will require individual review. These lots could have a reduced setback to fifteen feet to accommodate a side entry garage.
5. The common area must go in with Phase I. A detailed landscaping and improvements plan for the common area must be received prior to final plat approval. The two parking spaces in front of the common area need to be eliminated.
6. Sidewalks will be constructed on both sides of the street.
7. The power box in front of Lot 2 will be relocated at the developer's expense.
8. The streets will be private, but need to be dedicated as utility easements.
9. A 6-foot chain link fence will be installed between the existing condominiums and existing single family homes at the expense of the developer.

Councilmember Shaw **seconded**, and the motion **carried** with a **majority** vote of 3:1. Councilmembers Swenson, Shaw, and Huff voted in favor of the motion, and Councilmember Barber voted opposed.

Community Block Grant

Mr. Clark explained Spanish Fork City submitted a Utah County Community Activities Grant Application requesting \$25,000 from the County for operation of the Spanish Fork Fairgrounds. These funds are derived from the Tourism, Recreation, Cultural and Convention Facilities Tax of the County of Utah. He stated the City was granted \$12,500 of the requested \$25,000. Mr. Clark requested authorization from the Council to have the Mayor sign the agreement with the County.

Councilmember Shaw expressed concern with the County being able to audit the City records concerning the fairgrounds, as is stated in the agreement. Mr. Clark explained this procedure is common practice. He stated the County needs sufficient documentation to satisfy expenses. Discussion took place on the proposed agreement.

A **motion** was made by Councilmember Huff to authorize Mayor Marie W. Huff to sign the

Agreement with the County regarding approval of the Utah County Community Activities Grant awarding Spanish Fork City \$12,500 to assist in the operation of the Fairgrounds. Councilmember Swenson **seconded** the motion, and it **passed** with a unanimous vote.

Budget Schedule

Mr. Oyler reviewed the tentative calendar for the FY 1998 Budget. He explained the City is restricted by State law as to when various things can be presented. The budget is scheduled to be formally presented in May of 1997.

Proposal - Dances at Fairgrounds

Previously, dances at the fairgrounds have been held on various occasions. Mr. Mark Miller would like to rent the Fairgrounds to hold western dances on a weekly basis. Mr. Oyler asked for the Council's direction on this matter. He stated Mr. Miller would be required to provide insurance as well as security at the dances. Mr. Oyler and Chief Rosenbaum determined the security would include off-duty Spanish Fork police officers. No alcohol or drugs would be allowed at the dances. Mr. Oyler recommended allowing a trial period of four weeks. After the trial period, several factors would be evaluated to determine if the dances should continue. Chief Rosenbaum feels as long as adequate security is provided, the dances would be a good activity for teenagers, some of whom are on the streets at night. Mr. Miller asked if security could involve other law enforcement officers from the State or County Sheriff's office. Chief Rosenbaum stated if security is comprised of off-duty City officers, arrests could be handled without calling on-duty officers from the street. After discussion, it was determined other officers may be used, but all security personnel will be prequalified through Chief Rosenbaum or Lieutenant Carl Johnston. The consensus from the Council was to begin the dances on a four week trial basis. Mr. Miller stated the first dance would take place on February 15, 1997.

Library Change Orders #1 through 7

Mr. Kevin Madson from KMA Architects explained change orders are often required in remodel projects once crews actually get into the existing facility and find various obstacles. Bliss Construction is the contractor on the Library remodel project. Mr. Madson reviewed the change orders 1 through 7 from Bliss Construction. The most significant change order is #1, involving installation of the elevator at the library. Mr. Madson explained, when digging the elevator shaft, the construction crew hit groundwater. In order to complete the project, the crew had to begin dewatering conditions. Bliss Construction lists the cost of this change order at \$19,372. Mr. Madson presented the Council with a letter apologizing for the high costs on Change Order #1. He stated he should have been watching and coordinating the work with the contractor more closely. Mr. Madson read part of his letter as follows:

"I do not agree with the phenomenal sump pumping equipment costs and labor to de-water the area of the addition for the 69 days as indicated on Bliss Construction's change order. I feel that the 4" pump was not required for the de-watering, that a 2" pump was all that was needed. . .The 2" pump runs about \$8.30 a day, where the 4" pump is \$83.00 per day. The contractor was never directed to use a 4" pump. Therefore, I feel that the compensation for de-watering should only be for a 2" pump and hoses that

could handle the job. This would be changing the \$8,549 requested by the contractor [Bliss Construction] to \$855.00.”

Mr. Madson stated that he and Mr. Paul Bliss of Bliss Construction are in disagreement on this issue. Mr. Madson then reviewed change orders 2 through 7 which includes work on restrooms, storm drainage, and the handicap ramps. Taking into consideration Mr. Madson’s recommendation on Change Order #1 and the \$5,000 architect’s allowance, the change order’s total \$17,040.63 Mr. Madson feels this figure is legitimate for the changes needing to be made.

A **motion** was made by Councilmember Huff to accept Change Orders 1 through 7 on the library remodel project in the total amount of \$17,040.63, as recommended by the architect, Kevin Madson. Councilmember Shaw **seconded** the motion, and it **passed** unanimously.

Senior Citizens Center Change Order #3

Mr. Madson reviewed Change Order #3 from RB Construction for the Senior Citizens remodel project. This change order includes work on the elevator, changing a storage room into an office, work in the restrooms, as well as various other items. Mr. Madson recommended approval of this change order in the amount of \$8,224.43. He stated this remodel project has gone extremely well and the total change order amount is an excellent figure reflecting the changes that need to be made.

***Note: Councilmember Woodhouse arrived at 8:40 pm.*

Councilmember Swenson asked if Mr. Madson could foresee any future change orders on either the Senior Citizens or Library remodel. Mr. Madson reviewed the remaining projects on each remodel.

Councilmember Shaw **motioned** to approve the Senior Citizens Change Order #3 from RB Construction in the amount of \$8,224.43. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

The council discussed the remodel projects, including the access for the disabled at the Library.

Other Business

Mr. Oyler expressed liability concerns with the City hanging banners across Main Street for private entities. Because of wind, the banners are blown around and large diesels driving on Main Street have hooked onto the banners, pulling them down. Mr. Oyler stated the current cost of \$25 to hang banners is not cost effective and recommended an increase to \$100 if banners continue to be hung. Other advertisement options include the sign on the City Office as well as the marquee at the Fairgrounds.

Councilmember Huff made a **motion** to no longer allow the hanging of banners across Main Street, effective immediately. Councilmember Barber **seconded**, and the motion **carried** with a **majority** vote of 3:2. Voting in favor of the motion were Councilmembers Huff, Barber, and

Swenson. Councilmembers Shaw and Woodhouse voted opposed.

Adjournment to RDA

A **motion** was made by Councilmember Shaw to adjourn the regular session of the Spanish Fork City Council, and convene the meeting of the Spanish Fork City Redevelopment Agency at 9:02 pm. The **second** was made by Councilmember Huff, and the motion **passed** with a unanimous vote.

Adjournment of RDA

A **motion** was made by Councilmember Shaw to adjourn the meeting of the Redevelopment Agency of Spanish Fork City, and reconvene the regular session of the Spanish Fork City Council meeting at 9:20 pm. Councilmember Woodhouse **seconded**, and the motion **passed** with a unanimously.

Resolution 97-01: A Joint Resolution of the Spanish Fork City Council and the Redevelopment Agency of Spanish Fork City Designating an Economic Development Survey Area

Attorney Baker recommended approval of Resolution 97-01. Councilmember Shaw **motioned** to adopt Resolution 97-01: A Joint Resolution of the Spanish Fork City Council and the Redevelopment Agency of Spanish Fork City Designating an Economic Development Survey Area. The **second** was made by Councilmember Huff, 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 and reconvene the executive session at 9:25 pm. Councilmember Huff **seconded** the motion, and it **passed** unanimously.

Adjournment of Executive Session

Councilmember Shaw made a **motion** to adjourn the executive session of the Spanish Fork City Council and reconvene the regular session of the Spanish Fork City Council at 10:28 pm. The motion was **seconded** by Councilmember Woodhouse, and it **passed** with a unanimous vote.

Other Business

The City Council discussed other business, including verbiage on the City's proposed sewer back-up assistance letter.

Adjournment

Councilmember Barber made a **motion** to adjourn the meeting of the Spanish Fork City Council at 10:35 pm. Councilmember Huff **seconded**, and the motion **passed** unanimously.