

**Adopted Minutes  
Spanish Fork City Council Meeting  
June 17, 1997**

The meeting was called to order by Mayor Marie W. Huff at 6:30 pm for a preliminary review of the agenda. At 7:02 pm, the pledge of allegiance was led by Councilmember Clyde A. Swenson.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Matthew D. Barber, Sherman E. Huff, Thora L. Shaw, and Rex Woodhouse. Councilmember Clyde A. Swenson arrived at 7:02 pm.

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; and Gina Peterson, Deputy Recorder.

Citizens Present: David Olsen, Hearthstone Development; Cris Child, Jeffrey Adams, Karen Payne, Chamber of Commerce; William N. Creer, Rodger Hardy, Deseret News; Morgan Warner, Fiesta Days Queen Chair; Mark Binks, Todd Stoker, and Devin Bunker, Diamond Fork Riding Club, Monica Axelgard, Jill Corliss, and Lindsay Andrews, Fiesta Days Royalty.

**Minutes**

Councilmember Barber made a **motion** to approve the June 3, 1997, minutes of the Spanish Fork City Council as presented. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

**Introduction of 1997 Fiesta Days Rodeo Royalty**

Mr. Morgan Warner, Fiesta Days Queen Chair introduced the 1997 Fiesta Days Royalty. Monica Axelgard from Price was awarded Fiesta Days Queen, with Jill Corliss from Spanish Fork as first attendant and Lindsay Andrews from Payson as second attendant. The royalty expressed excitement in the opportunity to represent Spanish Fork City as part of the 1997 Fiesta Days celebration.

**Public Hearings - FY 97 Budget - Final Revisions  
FY 98 Budget Hearing  
Ordinance 11-97: Impact Fee Enactment Ordinance**

A **motion** was made by Councilmember Shaw to open the public hearings at 7:14 pm. Councilmember Woodhouse **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearing - FY 97 Budget - Final Revisions**

Mr. Oyler reviewed the second, and final revisions to the FY 97 Budget. Various items carrying

over to the FY 98 Budget were noted. Mr. Oyler explained the carry-over is a result of unfinished projects that were planned to be completed by the end of fiscal year 97. These projects are now anticipated for completion in fiscal year 98.

No public comment was received on the FY 97 Budget Revisions.

### **Legislative Report - Representative Glenn Way**

Representative Glenn Way arrived at 7:15 pm. The remaining public hearings were continued until after Representative Way's report.

Mayor Huff welcomed Representative Way to the meeting. She stated the Council would like to discuss recent suppositions regarding the possible change in impact fee legislation, and the transfer of State owned roads to the City.

Representative Way stated he is a member of the Business, Labor, and Economic Development Committee which is reviewing the impact fee legislation passed in 1995. He expressed his personal concerns with the diversity of impact fees from city to city. He stated some cities are abusing the power of impact fee assessment and getting rich. Representative Way stated he feels impact fees are partially responsible for the excessive costs of starter homes. He stated there are some legislators that would like to eliminate impact fees altogether, but he would like to address possible regulation of impact fees at the next legislative session.

Councilmember Swenson asked who will be responsible to pay for infrastructure and other needs to handle new growth if impact fees do not exist. He feels it is not fair to raise the tax base and expect existing residents of the City to sustain new development. Representative Way explained he would like to review and study the impact fee legislation to find a completely fair way to deal with growth for all cities. Councilmember Woodhouse stated costs for water, sewer and other services vary in each city depending upon supply and other factors. He stated it is not equitable to have mandated amounts for each impact fees. Mr. Cris Child commended Spanish Fork City for their impact fee study, but he stated there should be a way to maintain checks and balances on impact fees. Mr. Child does not feel there would be a difficulty with excessive impact fees if every city did a responsible study on their fees. A lengthy discussion took place regarding the issue.

Mr. Oyler summarized saying the City and Council are adamantly opposed to the elimination of impact fees. He stated as the City's representative, he hopes Representative Way will not only look out for the new homebuilder, but for existing residents as well. Mr. Oyler stated the abuse of impact fees in various cities needs to be addressed. He asked Representative Way to make the legislature aware if a cap is put on impact fees, the tax burden will then be pushed to existing residents. Attorney Baker noted the elimination of impact fees will be devastating for smaller cities that have bonded for projects based on receipt of money from impact fees.

Representative Way explained his desire is to make impact fees beneficial to the city, citizens, and all others involved. Mr. Oyler added the City wants to protect the taxpayers of today, while still allowing for future growth.

Discussion turned to the donation of State roads to the City. Mr. Oyler explained the State has given Spanish Fork City all of their previously owned roads with the exception of Canyon Road and Interstate 15. Mr. Oyler stated the City wants to make sure all donated roads are in good condition and adequate funding is given for maintenance of these roads through B&C road funds.

The Council feels receipt of these roads should not cause additional costs to local taxpayers. Representative Way stated he is unfamiliar with the donation of these roads, but he will examine the issue.

The Mayor and Council thanked Representative Way for his time and comments.

### **Public Hearing - FY 98 Budget Hearing & Ordinance 11-97: Impact Fee Enactment Ordinance**

Mr. Oyler reviewed the proposed Spanish Fork City budget for fiscal year 1997-98. He noted recent changes made in library fees as well as return check fees. Mr. Oyler projected a budget revision for the FY 98 Budget in November or December.

The Planning Commission has recommended the change in the Capital Facilities Plan as outlined in Ordinance 11-97. This change will address storm drainage from the East Bench down to the Spanish Fork River. Attorney Baker noted the storm drain impact fee will be adjusted for this purpose.

The meeting was opened for public comment, of which none was received.

### **Adoption of Final Revisions to the FY 97 Budget**

Councilmember Huff made a **motion** to adopt the FY 97 Budget Revisions as presented. The motion included transferring the retained earnings or fund balance to funds having negative retained earnings. Councilmember Barber **seconded** the motion, and it **passed** unanimously.

### **Adoption of Ordinance 11-97: Impact Fee Enactment Ordinance; Amendments to the City's Capital Facilities Budget; and the FY 98 Budget**

Councilmember Swenson **moved** to adopt Ordinance 11-97: Impact Fee Enactment Ordinance, as presented. Councilmember Woodhouse made the **second**, and the motion **passed** with a unanimous vote.

A **motion** was made by Councilmember Woodhouse to adopt the amendments to the City's Capital Facilities Budget as it pertains to the City's General Plan. The motion was **seconded** by Councilmember Barber, and it **passed** with a unanimous vote.

Councilmember Shaw made a **motion** to adopt the FY 98 Budget as presented, including fees, utility rates and impact fee rates as stated. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

Councilmember Huff **motioned** to close the public hearings at 8:50 pm. Councilmember Woodhouse **seconded** the motion, and it **passed** unanimously.

### **Spanish Meadows - Preliminary Plat**

An office complex has been built at approximately 800 North and 100 East. The owner wishes to sell the offices individually, which requires a condominium subdivision. City Engineer Richard Heap noted the property is fully improved. Both the Planning Commission and Development Review Committee have recommended approval of the preliminary plat.

Councilmember Shaw made a **motion** to approve the Spanish Meadows Preliminary Plat. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Beautification Bid**

Mr. Heap reviewed beautification improvements to be done at Main Street from 100 to 150 South and 700 to 800 North. This project will also include work to be done for the Senior Citizens Center. Mr. Heap stated parking at the Seniors Center will be doubled. After review of the bids, Mr. Heap recommended acceptance of the low bid from B & D Construction.

For the record, Councilmember Woodhouse declared his nephew is employed at B & D Construction. Councilmember Barber stated his company does bonding for B & D.

A **motion** was made by Councilmember Shaw to award the beautification bid to B & D Construction for three beautification projects in the total amount of \$174,556.10. The **second** was made by Councilmember Barber, and the motion **passed** with a unanimous vote.

*Note: Councilmember Woodhouse abstained from voting.*

Other Bid Received: RB Construction, \$185,019.00

### **G.P.S. Interlocal Agreement**

City Engineer Richard Heap explained the Engineering Department has a need for a global positioning system (G.P.S.) to assist with planning, surveying, and related work. He stated Spanish Fork City does not have a sufficient need to justify the expense of such a system for the City's use alone. Mr. Heap feels a group of cities can combine their resources and needs to justify obtaining a G.P.S. operation with one full-time employee to operate the system. The interlocal agreement outlines Springville, Spanish Fork, Payson, Salem and Santaquin as the cities to share this cost. Mr. Heap stated this is a way for each city to utilize a G.P.S. without going to the full expense of the system. Spanish Fork City will coordinate the purchase of the G.P.S. and will hire the employee as an employee Spanish Fork City.

Councilmember Swenson **moved** to authorize Mayor Marie Huff's signature on the G.P.S. Interlocal Agreement. Councilmember Woodhouse **seconded** the motion, and it **passed** unanimously.

**Purchase of Property and Acceptance of Donated Property - Bill Creer**

Attorney Baker reviewed previous discussion regarding purchase/donation of Mr. Bill Creer's property by the new Canyon School. The property, for use as a public park, will also double as a storm water detention area. The agreement authorizes payment of the following:

Land - \$35,000/acre (2.65 acres)		\$92,750
Improvements on frontage (curb, gutter, sidewalk, 1/2 road)		\$36,440
Asphalt - 1700 East		\$2,400
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Fill - 1700 East		\$3,000
Electrical - Street Light & Fixture	\$527	
310' conduit, wire, labor, base	\$3,375	\$3,902
1/3 Sidewalk - 1240 South, west side		\$1,069
1/3 Sidewalk - 1700 East		\$441
1/3 Street - 1400 East		<u>\$4,692</u>
	TOTAL	\$144,694

A **motion** was made by Councilmember Woodhouse to approve the purchase of property and accept the donated property owned by Mr. Bill Creer and to authorize Mayor Marie Huff to enter into the property agreement and closing documents associated with purchase of the property. The motion was **seconded** by Councilmember Shaw, and it **carried** with a **majority** vote of 4:1. Councilmembers Huff, Shaw, Swenson, and Woodhouse were in favor of the motion, and Councilmember Barber was opposed.

**Ordinance 12-97: An Ordinance Amending the Municipal Energy Sales and Use Tax**

Attorney Baker stated Mountain Fuel had some minor concerns with the previous ordinance (10-97) which *adopted* the Municipal Energy Sales and Use Tax. He explained the majority of Ordinance 12-97 is a duplicate of the previous ordinance, 10-97, but it will make a small change clarifying the consumer is obligated to pay the new tax, and not Mountain Fuel.

Councilmember Barber **moved** to amend the Municipal Energy Sales and Use Tax by Ordinance 12-97 as presented. Councilmember Woodhouse **seconded**, and the motion **passed** unanimously.

**Resolution 97-07: A Joint Resolution of the Spanish Fork City Council and the  
Redevelopment Agency of Spanish Fork City Amending the Swenson  
Economic Development Survey Area**

Mr. Baker reviewed RDA Resolution 97-03, a joint resolution with the City Council and Redevelopment Agency. He explained this resolution will increase the area on the previously approved Swenson Economic Development Survey Area. Attorney Baker stated the additional property may not be part of the actual project area, but it will expand opportunities with the survey area.

A **motion** was made by Councilmember Woodhouse to amend the Swenson Economic Development Survey Area by adoption of Resolution 97-07. The motion was **seconded** by Councilmember Shaw, and the it **passed** with a unanimous vote.

### **Adjournment to RDA**

Councilmember Shaw **motioned** to adjourn the Spanish Fork City Council meeting at 9:07 pm and convene the meeting of the Redevelopment Agency of Spanish Fork City. The **second** was made by Councilmember Woodhouse, and the motion **passed** unanimously.