

**Adopted Minutes
Spanish Fork City Council Meeting
October 7, 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 a local boy scout.

Spanish Fork City 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 was absent.

Payson City Elected Officials Present: Mayor Russell L. Hillman, and Councilmembers Robert J. Provstgaard, Van Canann, Duane C. Frisby, and Jim Griffin. Councilmember Pamela Wilson was absent. Payson City Staff Members Present: Keith L. Morey, City Administrator; and Jeanette C. Gerrard, City Recorder.

Salem City Elected Officials Present: Mayor Randy Brailsford, and Councilmembers Reid W. Nelson, Gary L. Warner, and L. Paul Tervort. Councilmembers Mary C. Klug, and Lane Henderson were absent.

Staff Members Present: David A. Oyler, City Manager; Mary-Clare Maslyn, Assistant City Manager; Richard J. Heap, Engineer/Public Works Director; Gregory A. Comstock, City Planner; S. Junior Baker, City Attorney; Kent R. Clark, Recorder/Finance Director; Jack J. Swenson, Parks and Recreation Director; Dale Robinson, Assistant Recreation Director; Claire B. White, Treasurer; Nancy Johnson, Office Clerk; and Gina Peterson, Deputy Recorder.

Citizens Present: Lil Shepherd, Scott Ellsworth, *Nielsen & Senior*; Sharon Robinson, Glenn A. James, Carol Swenson, Ray Allen Swenson, Lincoln Dunn, Sean Berry, Maurice D. Forbush, Sharon Forbush, Gary L. Nelson, David Adams, Doug Barber, Susan Barber, Trisha Collett, Bradley B. Erickson, Whitney D. Smith, Allyson Gordon, Ashley Pendleton, Randy Deusnup, Leslie Loftin, Andrea Hales, Samantha Snell, Haley Swenson, Justin Kitchen, Roxanna Johnson, *Spanish Fork Press*; Rodger Hardy, *Deseret News*; Bonnie Huff, Alan Huff, James DeMita, Ross Johnson, Richard Warne, *Utah Risk Management Mutual Association*; Maureen Swenson, Rochelle Barber, Haley Barber, Jerry Shaw, and additional friends and family members of councilmembers and candidates.

Minutes

Councilmember Shaw made a **motion** to approve the minutes of the September 16, 1997, meeting of the Spanish Fork City Council with noted amendments. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote.

Joint City Council Meeting - Spanish Fork, Salem, and Payson City

Resolution 97-09: A Joint Resolution of Support

The joint City Council meeting was opened at 7:05 pm. Mayors and Councilmembers from Payson and Salem were introduced.

Attorney Baker reviewed Resolution 97-09: A Joint Resolution of Support between Payson, Salem and Spanish Fork City. Attorney Baker indicated the purpose of the resolution is to show the three cities involved in the Strawberry Electric Service District lawsuit have support for one another because they feel they are in a similar situation with SESD. The resolution was read in its entirety by Attorney Baker.

Councilmember Swenson **moved** and to adopt Resolution 97-09: A Joint Resolution of Support. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

Council meetings were opened by Payson City and Salem City and the Joint Resolution of Support was adopted by each council as presented.

Selection of Architect and Preliminary Design Authorization for the New Ballpark Facility

Mr. Jack Swenson, Parks and Recreation Director reviewed past discussion regarding proposed construction of the new ballpark. Three public information meetings will take place in November as follows:

November 11, 1997 - Public Safety Building

November 12, 1997 - Junior High School

November 13, 1997 - New Middle School

The Recreation Department would like to proceed with selection of the architect and authorization to begin the preliminary design so citizens can get an idea of the proposed park at the scheduled information meetings. The City has been working with Mr. John Maas of Allred, Soffe, Wilkinson, and Nichols Inc. (ASWN) from Salt Lake City. Mr. Maas has provided revised figures for the total cost of the park as of October 6, 1997, at approximately 6.4 million dollars.

Councilmember Barber asked for the cost of employing the architect. Mr. Heap stated typically the fee would be six to seven percent of the total cost of the park. Mayor Huff stated many people have offered to provide volunteer work to help with construction of the park. She asked if this would be feasible. Mr. Jack Swenson explained that due to the size of the project and time constraints placed on the completion date, volunteer work could probably not be used.

Mr. Heap stated representatives from the State Engineers Office as well as the Comprehensive Emergency Management Office which handles FEMA regulations, have looked at the property and feel comfortable with the City's proposed use. He explained this type of use is preferred in flood plain areas.

A **motion** was made by Councilmember Barber, based upon Mr. Richard Heap's comments that he had spoken with and/or met with the State Engineer's Office and Judy Watanabe of Comprehensive Emergency Management Office and FEMA, and that they had approved this

project in the flood plain area, that negotiations of a contract with Allred, Soffe, Wilkinson, and Nichols Inc. for design of the new City ballpark facility, be brought back before the Council at a future meeting. The **second** was made by Councilmember Huff, and the motion **passed** unanimously.

Mr. Jack Swenson stated the contract with ASWN would come before the Council in the next few weeks. Councilmember Huff suggested the City come up with an official name for the new facility. The suggestion was also made to get ideas to name the park from local school children.

Greenhouse Bids

The City is preparing to purchase a pre-fabricated greenhouse which will be placed near the City Shops to house plants and flowers for use in the Main Street flower beds as well as other areas in the City. Mr. Jack Swenson noted the use of a City greenhouse will save the City approximately \$30,000 annually. \$40,000 was budgeted for the greenhouse with the low bid coming in at \$25,539.67 from Ball Seed Company. If approved, the greenhouse will begin to be used in raising plants for the Spring/Summer of 1998.

Councilmember Shaw **moved** and Councilmember Swenson **seconded** the motion to accept the bid in the amount of \$25,539.67 for the City greenhouse. The motion **passed** with a unanimous vote.

Joint Public Hearing Between the City Council and Redevelopment Agency to Consider the Proposed Economic Development Project Area Budget and Preliminary Plan for the Proposed Swenson Economic Development Area.

Resolution 97-11: Resolution Adopting the Preliminary Plan and Adopting the Proposed Budget for the Swenson Economic Development Area

Councilmember Shaw made a **motion** to open the joint session with the City Council and Redevelopment Agency, and to open the public hearing at 7:40 pm. The **second** was made by Councilmember Huff, and it **passed** with a unanimous vote.

Councilmember Swenson noted for the record he would abstain from voting regarding this issue due to a conflict of interest which has been previously declared. Note: The City Council previously addressed the Preliminary Plan and Budget for the Swenson EDA. Some citizens, inadvertently, were not notified and therefore the Preliminary Plan and Budget are being revisited.

Attorney Baker introduced attorney Scott Ellsworth, from Nielsen & Senior. Mr. Ellsworth reviewed requirements and characteristics of the 388 acre economic development area. It was noted an objection to the EDA has been received from Mr. Ray Allen Swenson, who owns property within the proposed boundaries of the EDA. Attorney Baker explained the EDA could be approved over a protest and the property would still be included in the EDA, but eminent domain could not be exercised and the property owner would not be forced to participate in the

economic development. Attorney Baker stated another option to Mr. Ray Allen Swenson's protest could be the redefining of the EDA boundary.

Discussion took place regarding the opposition of Mr. Ray Allen Swenson. It was stated by Mr. Swenson, that his opposition was not towards the EDA, but personal conflicts existed with the joint owners of the property and he does not want development to take place on the property until the conflicts are resolved. Attorney Baker recommended the property in question remain in the EDA but that it be withheld from any development activity until the personal conflicts are resolved. This agreement of withholding on development was reviewed with Mr. Ray Allen Swenson. He expressed support to the agreement. Mr. Oyler clarified for Mr. Ray Allen Swenson the Redevelopment Agency does not have the authority to exercise eminent domain in the EDA on his property, but the City Council still has authority to condemn any property for use as a road, right-of-way, or other public facility.

The proposed budget for the Swenson EDA was reviewed.

A question was raised whether any zone changes were anticipated in the EDA. Mr. Oyler answered not at this time. After further discussion and general comments, the meeting was opened for additional public comment, of which none was received.

Councilmember Huff **moved** to accept the Economic Development Project Area Budget and Preliminary Plan for the Swenson Economic Development Area by Resolution 97-11.

Councilmember Barber **seconded** the motion, and it **passed** with a unanimous vote.

Councilmember Clyde Swenson abstained from voting.

Councilmember Huff made a **motion** to exit the public hearing at 8:10 pm. The motion was **seconded** by Councilmember Barber, and it **passed** unanimously.

Councilmember Shaw **moved** to close the joint City Council/RDA session at 8:10 pm.

Councilmember Huff **seconded** the motion which **passed** with a unanimous vote.

Bank Bids

Mr. Kent Clark explained every three years the City's bank services are bid out. The last two sets of bids (previous six years) have been awarded to First Security Bank. Mr. Clark stated First Security has been excellent to work with, but Zions Bank has offered a lower compensating balance than the others received. Mr. Clark feels Zions Bank would perform a competent job and recommended the Council approve their compensating balance in the amount of \$39,500.

Councilmember Swenson **motioned** to award the bank services bid for the next three years to Zions Bank based on their compensating balance in the amount of \$39,500. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Other Bids Received: First Security - Compensating Balance of \$45,000;
Bank One - Compensating Balance of \$183,361;
Central Bank - Compensating Balance of \$190,000

Other Business

Councilmember Shaw requested a formal thank you be noted to Susan and Doug Barber, and Clark Swenson for hosting the “Meet the Candidates” night on October 6, 1997. She felt the evening was beneficial to all who attended.

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. He explained, each year, URMMA conducts a comprehensive investigation of each member city. This year Spanish Fork City received approximately ninety percent overall. Mr. Warne commended David Oyler for his work as City Manager. Mr. Warne stated Mr. Oyler is viewed as one of the best City Manager’s in Utah. Ms. Mary-Clare Maslyn was recognized with a plaque for her efforts in personnel which received a score of ninety-three percent.

On behalf of the Police Department and Chief Rosenbaum, Detective Richard Hales was presented with the “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 service and dedication, as well as hard work from the department.

Mr. Warne praised Mr. Richard Heap and Ms. Karen Lewis for their work with traffic control devices. A “Department Achievement Award” was given for the work with TCD’s. Mr. Heap stated much credit is due to Karen Lewis for her hard work in this area. Mr. Warne thanked members of the Council and City staff for their dedication to excellence in the City. He stated he only has one complaint with Spanish Fork City, they took URMMA’s secretary Gina Peterson.

Councilmember Shaw expressed appreciation to departments in the City for efforts made on the City’s behalf. She also paid special compliment to Assistant City Manager, Mary-Clare Maslyn for her hard work and dedication.

Canvass of 1997 Primary Elections

Citizens, City Staff and Elected Officials waited for results from the 1997 Primary Election. After all results had been received from the voting districts, Mr. Clark presented the Council and Mayor the results of the Primary Election. The election was for one (1) mayor seat; two (2) four-year council seats; and one (1) two-year council seat. Voting took place as follows:

DISTRICTS:	1	2 & 8	3 & 7	4	5	6	9	10	Totals
MAYOR (top two):									
Dale R. Barney	100	156	98	139	104	93	78	78	846
Clay Grant	40	28	91	27	29	27	22	21	285
Marie W. Huff	91	61	97	54	62	156	87	53	661

COUNCILMEMBER (top four): 2 - four year seats									
James DeMita	18	49	22	25	17	33	15	16	195
Glenn A. James	46	92	149	87	76	71	44	35	600
Everett Kelepolo	143	116	130	95	110	153	125	101	973
Chad Moffat	75	76	100	86	64	112	88	56	657
Andrew J. Moleff	4	9	16	10	9	6	9	4	67
Lil Shepherd	154	124	131	108	76	137	78	77	885
COUNCILMEMBER (top two): 1 - two year seat									
Thomas B. Allen	17	20	16	17	22	20	18	6	136
Matt Barber	67	53	92	63	71	91	62	56	555
Stephen D. Fish	44	93	66	51	40	42	40	20	396
Thora L. Shaw	96	61	94	79	53	117	56	59	615
Total # of Voters	234	226	288	222	195	290	193	152	1800
# Registered Voters	108	742	1053	1175	778	1160	949	811	7748
Percent turn out	22%	30%	27%	19%	25%	25%	20%	19%	23%

Councilmember Barber made a **motion** to approve the canvass of votes with one noted correction. The **second** was made by Councilmember Shaw. The motion **passed** with a unanimous vote.

Adjournment

A **motion** was made by Councilmember Barber to adjourn the meeting of the Spanish Fork City Council at 11:20 pm. The motion was **seconded** by Councilmember Huff, and it **passed** with a unanimous vote.