

**Adopted Minutes
Spanish Fork City Council Meeting
November 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 7:07 pm, the pledge of allegiance was led by local boy scout Justin Martin.

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

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; Steve Adams, Public Safety Department Detective; Jack J. Swenson, Parks and Recreation Director; Louise Nuzman, Library Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Rodger Hardy, *Deseret News*; Matthew Sayer, Drew Smith, Wyatt Penrod, Ronald C. Lowe, Vincent Hines, Jeff Curtis, Stuart Smith, Justin Martin, Justin Myrup, Cory Coleman, June O. Dutton, Jennifer D. Dutton, Karen Payne, *Chamber of Commerce*; Glenn A. James, Lil Shepherd, Robert Emery, Valinda Beardall, Lynn Bradford, Bruce Hall, Shawn Harrison, Bradly L. Huff, David Childs, Richard Childs, Grant Childs, Chris Burns, Dale R. Barney, Cindy Bradford, Steven Runolfson, Layne Oyler, Chris Baert, Bryce Oyler, Calib Clayson, Troy McGuire, Roxanna Johnson, *Spanish Fork Press*; Johnathon M. Scott, Sophia Wilson, Brian A. Payne, Trevor Burns, James DeMita, Charles Thorpe, Leonard Ellis, Leslie Black, and Courtney Johnson.

Minutes

Councilmember Shaw made a **motion** to approve the minutes from the October 14, 1997, meeting of the Spanish Fork City Council as presented. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote

Employee of the Third Quarter

Mayor Huff presented Dennis Sorensen with the employee of the quarter award for the third quarter of 1997. Mr. Sorensen was commended for his excellent work as Treatment Plant Manager.

Public Hearing - Amendment to Zoning Ordinance by Adding "Supervisory Care Facility" as a Use Subject to a Conditional Use Permit in the I-1 Zoning District

Councilmember Shaw made a **motion** to open the public hearing at 7:10 pm. The motion was **seconded** by Councilmember Huff and it **passed** unanimously.

The City has received a request to modify the permissible uses in the I-1 zoning district to allow "supervisory care facilities" as a conditional use permit. A supervisory care facility is currently an allowed use in the C-O and C-2 districts, and is also permitted subject to obtaining a conditional use permit in the R-3 district. Ms. Courtney Johnson proposes to establish a boarding school and flight training academy for boys between the ages of 12 and 18. The school would be a 24 hour residential boarding facility accommodating teens who are either currently in the custody of the Utah Division of Family Services (DFS), or troubled teens from anywhere in the United States whose parents have transferred custody to the facility. Mr. Comstock explained Ms. Johnson would like to locate in the I-1 zone because of its close proximity to the airport as well as its distance from other residential areas in the City.

Mr. Comstock noted the Planning Commission had a lengthy discussion regarding the issue, and recommended denial of the zoning ordinance amendment at their meeting on October 16, 1997, because they felt residential and industrial uses do not mix. They felt an industry could potentially locate near the facility that would not be compatible with the proposed residential use.

Mr. Comstock also noted the Planning Commission questioned whether Ms. Johnson's use would even fall under a supervisory care facility as the definition in the zoning ordinance refers to handicap and elderly use, and not youth homes. The Planning Commission is scheduled to discuss the definition of a supervisory care facility at their November 5, 1997 meeting. Mr. Comstock reminded the Council the approval would not be for Ms. Johnson's specific project, but whether or not to allow any supervisory care facility in the I-1 zone.

Ms. Courtney Johnson addressed the Council. She explained the purpose of the boys home, and stated she would like to locate the facility away from residents but also near the airport. Ms. Johnson said everyone seems to think the youth home is a good idea, but no one wants it in their neighborhood. They feel if the facility is located away from residential areas it will succeed. Mayor Huff asked if Ms. Johnson has contacted the Airport Board. Ms. Johnson replied she has not, but she has talked with property owners in the area, and all are in favor of the project. She also stated other cities, such as Orem and Provo, welcome the idea with open arms, but she wants to locate in her home town of Spanish Fork.

When asked what experience Ms. Johnson has had with youth in these situations, she noted her years as a school teacher and stated she has housed girls in her residence for the past seven years.

Councilmember Shaw asked where Ms. Johnson was looking to locate. Ms. Johnson noted south of airport next to Johnson's storage units.

Mr. Bruce Hall expressed support for Ms. Johnson and the project. He stated Ms. Johnson has a genuine concern for the youth, and feels the project would benefit the youth in attendance as well as the City. Mr. Hall stated the City has granted residential uses in an industrial zone previously at the Johnson storage site. Councilmember Shaw clarified the duplex located at the Johnson's storage units serves as a caretaker facility.

Councilmember Woodhouse feels Ms. Johnson's program should be reviewed before a change in the zoning ordinance is approved. He also stated Ms. Johnson should address the Airport Board

to see what they would require.

Councilmember Swenson asked Councilmember Barber the Planning Commission's rationale for denying the request. Councilmember Barber explained the Commission acknowledged industries in the area have expressed support for the project. In addition, the Commission was concerned about the owners of the facility not being happy with the location, especially if ownership changed in the future. Also, the Commission was not comfortable with this use being termed as a Supervisory Care Facility. Councilmember Barber does not feel the Commission objected to the proposed use itself, but to the other issues as stated.

Mayor Huff asked if Ms. Johnson would plan on living in the facility. Ms. Johnson replied no, but stated the facility would be fully staffed 24 hours a day. It was noted maximum capacity at the school would be 100 youth.

Councilmember Huff feels consideration should be given by the Planning Commission and Council as to whether or not the facility would inhibit industries wishing to locate in the area. Further discussion took place regarding various issues including approval from the airport board, liability, and the facility's aviation program. The Council asked Ms. Johnson to address these issues for a future meeting.

The Mayor asked for further public comment. No additional comments were received.

Councilmember Shaw made a **motion** to continue the public hearing until November 18, 1997, after the Planning Commission has reached a decision on the definition of Supervisory Care Facilities. Councilmember Barber **seconded** the motion and it **passed** with a unanimous vote.

Vehicle and Equipment Bids

The budget for this year allows for the purchase of six new vehicles. Bids have been received for the following:

- Two (2) ½ ton 2x4 pickup trucks for the Ballpark & Fairgrounds. Staff recommends the low bid from Hinkley Dodge (Dodge) in the amount of \$15,834.80 each.
- One ¾ ton 4x4 pickup for the Electric Department. Staff recommends the low bid from Palmer Inc. (GMC) in the amount of \$20,100.47.
- One sport utility vehicle for the Police Department. Staff recommends the low bid from Spartan (Jeep Cherokee) in the amount of \$20,342.45.
- Two (2) patrol cars for the Police Department. Staff recommends the low bid from Butterfield Ford (Ford Crown Vic) in the amount of \$19,595 each.

Councilmember Barber inquired whether the two new patrol cars would be marked. Detective Steve Adams answered both vehicles would be marked cars.

Mr. Clark noted the budgeted amount for the six vehicles is \$122,000. The low bids for the six vehicles total \$111,302.52.

Councilmember Swenson **moved** to approve the low bids for the six vehicles as presented. Councilmember Woodhouse **seconded** the motion which **passed** with a unanimous vote.

Outline of Bids Received:

	½ ton 2x4 pickup for: <i>Fairgrounds/Ballpark</i>	¾ ton 4x4 pickup for: <i>Electric Department</i>	Sport Utility vehicle for: <i>Police Department</i>	Patrol Cars for: <i>Police Department</i>
PALMER	\$16,149.49	\$20,100.47 No Dual Airbags	\$23,218.70	
YOUNG	\$16,183.21	\$20,287.81 No Dual Airbags	\$23,473.56 No Cassette	
HINKLEY	\$15,834.80	\$20,578.60	\$27,998.00	
SPARTAN			\$20,342.45	
BUTTERFIELD	\$16,550.00	\$20,216.00 No Dual Airbags	\$24,364.00	\$19,595.00

Mr. Clark also noted a new utility vehicle is needed for use at the Cemetery. Two bids were received, one for a John Deere Gator and the other for a Kawasaki Mule. Although the low bid came from John Deere at \$7,135.25, staff recommends approval of the bid in the amount of \$7,839.00 from Kawasaki because the Mule is equipped with a hydraulic lift. The City has also received bids for a sprayer to be mounted on the utility vehicle. Mr. Clark recommended approval of the low bid from Heritage in the amount of \$1,050 for the sprayer.

Councilmember Huff **moved** to accept the bid for the Cemetery utility vehicle from Kawasaki in the amount of \$7,839, as well as the bid from Heritage in the amount of \$1,050 for the skid mounted sprayer. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

Other Bids Received: Cemetery Utility Vehicle: John Deere (Gator) - \$7,135.25
Sprayer: Rocky Mountain Turf - \$1,574; and Johnson Tractor - \$1,450

Change Order for Utility Line Replacement - Schedule "C"

Mr. Heap reported the sewer line between 200 and 300 East on 900 North has reached maximum capacity. The City currently checks the sewer line weekly for any blockages, although several sewer back-ups have already occurred in the area. Mr. Heap has talked with VanCon who stated they would have enough time to replace the block of sewer line in that area before winter.

Mr. Heap requested approval of the change order to increase the contract amount by \$27,943.75 to redo the sewer line on 900 North between 200 and 300 East; and to change the contract completion date to May 15, 1998. VanCon has indicated they could have the sewer work complete and the road reasphalted within one week.

Councilmember Huff made a **motion** to approve the Change Order from VanCon in the amount of \$27,943.75 which would also change the completion date to the 15th of May, 1998. Councilmember Woodhouse **seconded** the motion, and it **passed** with a unanimous vote.

Councilmember Woodhouse asked if VanCon had meet their previous completion date. Mr. Heap answered, without the additional project, VanCon probably would have finished two weeks behind schedule.

Water Rights Acquisition

Mr. Heap reviewed a water option agreement to be entered into by South Utah Valley Municipal Water Association and Dallas Young. He noted in order for the water association to fulfill obligations in the agreement, they need authorization from participating City Councils.

Councilmember Swenson made a **motion** to concur that the South Utah Valley Municipal Water Association (SUVWMA) could enter into an agreement for water options with Dallas Young. Councilmember Woodhouse **seconded** the motion and it **passed** with a unanimous vote.

***Note: Councilmember Woodhouse left the room.*

Authorize Bidding of Library Basement Remodel

Mr. Oyler explained the Library ADA remodel has been completed, and now the library board has been looking at finishing/remodeling the basement. The basement remodel will include the addition of some study areas as well as making a good portion of the basement a children's library. It is felt that using the basement for the children's area will limit excessive noise to the basement.

Mr. Leonard Ellis discussed modifications to make the Library basement more functional. He noted certain modifications will double the size of the library. Mr. Ellis feels the Library is a great asset to the City, and completion of the basement would increase the resource. The Library Board has discussed the project at length and feels the remodel is a good idea. Mr. Ellis stated total funds have not been budgeted for the project. He asked for the Council's support in amending the budget to try and find additional funds for this use.

Councilmember Shaw asked if other small groups would still have room to meet in the library. Mr. Oyler noted the library would not house any bigger group than forty, but bigger groups that currently meet there are aware they will have to find another facility to meet.

Kevin Madson from KMA Architects, stated costs of the project would be approximately \$55 per

square foot, for a total of approximately \$285,000.

***NOTE: Councilmember Woodhouse returned.*

Councilmember Barber stated the Library is a very worthwhile expenditure for the citizens and feels the City should move forward to make any enhancements. Councilmember Shaw expressed her agreement.

A **motion** was made by Councilmember Swenson to authorize the bidding for construction of the library basement. The motion was **seconded** by Councilmember Huff, and the motion **passed** with a unanimous vote.

Discussion took place regarding the possibility of adding an outdoor restroom behind the Library to facilitate citizens using the City Park. Mr. Madson stated schematics for outside restrooms at the park were previously drawn. He suggested the Council may want to add the restrooms as an alternate part of the bid to determine what the cost would be.

Councilmember Swenson made a **motion** to have an option to authorize bids for outdoor restroom. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

Kevin Madson - Construction Management

Kevin Madson reviewed the concept of using a Construction Manager for projects which utilize outside contractors. Mr. Madson stated this process helps cut down on change orders and eliminates a lot of gray areas. After a brief discussion it was the Council's consensus to pursue the Construction Manager idea further with a presentation from Kevin Madson at a future meeting.

Groundwater at 600 North from 400 to 700 East

Several months ago Mr. Heap met with citizens regarding ground water in the north area of the City. It was determined at that meeting a special improvement district would not be created to try and mitigate ground water problems. Many people experience problems with water in their crawl spaces and some water is being pumped into streets and City infrastructure. Mr. Heap stated a few weeks ago a meeting was held with citizens at 600 North from 400 to 700 East to discuss ground water solutions on a smaller scale. The estimated cost to complete the groundwater project in this area is \$113,000. Mr. Heap stated while working with Public Utility Department, various budget items have been rearranged in looking at the possibility of doing the project. They have been able to come up with all of the funds for the project with the exception of \$30,000 to \$35,000. Mr. Heap stated the likelihood of neighbors participating in the cost of the project is fairly slim. He recommended scaling back some other projects and making the groundwater proposal part of another overall project. Mr. Heap does not feel the groundwater issue will be fixed unless the City pushes it forward.

Adjournment

Councilmember Barber **moved** to adjourn the regular session of the Spanish Fork City Council and convene the executive session at 8:42 pm for the discussion of legal issues. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote.