

**Adopted Minutes
Spanish Fork City Council Meeting
December 2, 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 Councilmember Matthew D. Barber

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Matthew D. Barber, Sherman E. Huff, Rex Woodhouse, and Clyde A. Swenson. Councilmember Thora L. Shaw was excused. Mayor-Elect Dale R. Barney, and Councilmembers-Elect Everett Kelepolo and Lil Shepherd were also present.

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; Jack J. Swenson, Parks and Recreation Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Curtis Turnbull, James DeMita, John Maas, *Allred, Soffe, Wilkinson & Nichols*; Scott VanDyke, Glenn James, Chloe Laurila, Roy Johns, Ronald Davis, Allen Swenson, Carol Swenson, and Doug Barber.

Minutes

Councilmember Barber made a **motion** to approve the minutes of the November 18, 1997, meeting of the Spanish Fork City Council as presented. Councilmember Woodhouse **seconded** the motion, and it **passed** with a unanimous vote.

Surplus of City Property - Bradford Barn

A surplus barn is located on property to be used for the new recreation facility. Mr. Jack Swenson requested authorization to proceed with demolition of the barn and sale of excess materials. Councilmember Barber made a **motion** to authorize disposal of surplus property on the City owned property. Councilmember Huff **seconded** the motion, and it **passed** unanimously.

FY 97 Independent Audit Report

Mr. Kent Clark introduced Mr. Lynn Gilbert from Gilbert & Stewart, CPA. Mr. Gilbert reviewed the audit FY 1997 audit.

Councilmember Huff made a **motion** to accept the FY 97 Audit Report as presented by Gilbert & Stewart, CPA. Councilmember Swenson **seconded** the motion, and it **passed** with a unanimous vote.

Adjournment to Executive Session

A **motion** was made by Councilmember Huff to adjourn the regular session of the Spanish Fork City Council at 7:28 pm, and convene the executive session to discuss legal issues and purchase of property. The motion was **seconded** by Councilmember Barber, and it **passed** with a unanimous vote.

Adjournment of Executive Session

Councilmember Barber **moved** to adjourn the executive session of the Spanish Fork City Council and reconvene the regular session at 8:58 pm. Councilmember Swenson **seconded**, and the motion **passed** unanimously.

Study Session - New Recreation Complex

Mr. John Maas of Allred, Soffe, Wilkinson & Nichols detailed items regarding the new recreation complex including stages of work and the construction budget. Mr. Maas noted the total amount needed to complete the project as approximately \$7.8 million dollars. He also stated the amount may be decreased by possible volunteer labor that may be involved in the project. ASWN will handle construction management and act as general contractors for the facility

Mr. Ron Davis expressed his opinion that the public has never been asked for input regarding the facility. He stated the facility should include other things besides ballfields. He requested a year-round physical fitness building. Mr. Oyler noted input has been received from the public in three public informatin meetings. He stated things have been added to the facility as a result of the public input received.

Ms. Chloe Laurila asked questions regarding flood plain issues and irrigation of the facility. Mr. Heap stated the property will not be taken out of the flood plain. He noted that parks are the type of development FEMA prefers in flood plain areas. Due to the flood plain status, special provisions will be made for any structures, such as concession and storage buildings. Mr. Heap stated the facility will be part of the large user secondary irrigation system.

Ms. Laurila requested the City be sensitive to the needs of residents adjacent to the park in regards to additional noise and other factors. It was noted many trees are located in and around the park, and the major noise areas are located in the center of the park. Mr. Oyler stated the City will provide a buffer at the entrance of the park near the Leona Bradford residence.

Mr. James DeMita addressed access issues for property to the northeast of the park. He feels access should be provided through the parking area adjacent to the football field for future development. Mr. DeMita stated this would be added feature because it would give the future development easier access to the park and bike paths. Councilmember Barber asked if the access through the parking area would be the only access for the development. Mr. DeMita answered yes. Mr. Oyler stated the area which Mr. DeMita would like to have access is

currently designated as storage area. The City would potentially need to have land donated from Mr. DeMita for use as storage if the access were approved. Mr. Oylar noted the property owners would need to be willing to pay for the access including utilities, curb, and gutter. Concern was expressed in having a residential road going through the parking lot. Discussion took place on the possibility of moving the football field by trading property, thereby eliminating the need for the access. City staff will address the issue to see if something can be done regarding access. It was also stated the area could be used as an emergency access.

Mr. Maas detailed the amphitheater budget of \$400,000. A storage facility is not included in budget, but space is available to construct a storage facility in the future.

Payment of the bond and financing options were reviewed.

Councilmember-Elect Shepherd inquired about expansion of the amphitheater seating from 250 to 500 seats. She feels it would make the amphitheater more useable if the number seats were increased.

Adjournment to Executive Session

A **motion** was made by Councilmember Woodhouse to adjourn the regular session and reconvene the executive session at 10:02 pm to discuss additional legal issues. The motion was **seconded** by Councilmember Barber, and it **passed** with a unanimous vote.

Adjournment of Executive Session

Councilmember Barber **moved** to adjourn the executive session of the Spanish Fork City Council at 10:45 pm and reconvene the regular session. Councilmember Huff **seconded** the motion, which **passed** unanimously.

Resolution 97-26: Resolution Authorizing the Purchase or the Initiation and Filing of a Condemnation Action to Exercise the Power of Eminent Domain in Order to Acquire Property for a Street and Right-of-way Purposes as Part of the Spanish Fork City Transportation System

Attorney Baker related background information regarding the resolution. The City has had interest from businesses to locate within the North Industrial RDA. A road would need to be completed for access to property in the RDA. The City would try to obtain property for the road first through negotiations, and then through condemnation. Attorney Baker stated all owners are agreeable to deeding property for the road with the exception of Mr. Ray Allen Swenson.

Councilmember Woodhouse feels the City needs to move ahead with development in the area. He expressed his hope that personal issues could be worked through so the City would not have to condemn the property. Councilmember Huff does not feel condemnation of the property will create hardships, financial or other, for those involved.

Councilmember Woodhouse made a **motion** to adopt Resolution 97-26: Authorizing the Purchase or the Initiation and Filing of a Condemnation Action to Exercise the Power of Eminent Domain in Order to Acquire Property for a Street and Right-of-way Purposes as Part of the Spanish Fork City Transportation System, as well as getting an appraisal set up for the property. Councilmember Huff **seconded** the motion and it **carried** with a **majority** vote of 2:1. Councilmembers Huff and Woodhouse voted in favor of the motion, and Councilmember Barber was opposed. Councilmember Swenson abstained from voting.

Adjournment

Councilmember Huff made a **motion** to adjourn the meeting of the Spanish Fork City Council at 10:59 pm. Councilmember Barber **seconded** the motion which **passed** with a unanimous vote.