

**Adopted Minutes  
Spanish Fork City Council Meeting  
February 3, 1998**

The meeting was called to order by Mayor Dale R. Barney at 6:30 pm for a preliminary review of the agenda. At 7:00 pm, the pledge of allegiance was led by Councilmember Clyde A. Swenson.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Everett Kelepolo, Thora L. Shaw, and Clyde A. Swenson. Lillian J. Shepherd was excused.

Staff Members Present: David A. Oyler, 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; Dee Rosenbaum, Public Safety Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Brent Sumsion, *Valley Asphalt*; Larry Brandon, Mary Lou Brandon, Tony Anderson, Brad Jessen, Tom Woodhouse, David Brundle, *Brundle Construction*; Glenn A. James, Doug Barber, Tom Scribner, and David W. Olsen, *Hearthstone Development*.

**Minutes**

Councilmember Swenson made a **motion** to approve the minutes of the January 20, 1998, meeting of the Spanish Fork City Council as presented. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote.

**1998 Board Appointments**

Mayor Barney reviewed additional Board appointments for the 1998 calendar year as follows:

<b>FIRE/AMBULANCE RETIREMENT BOARD</b>	
Members	Term Ends
Mayor Dale Barney	January 1999
Kent R. Clark, Finance Director	
Dee Rosenbaum, Public Safety Director	
L.D. Harrison, Fire Department	January 1999
Howard Johnson, Fire Department	January 2002
Carol Davis, Ambulance	January 1999
Chris Reed, Ambulance	January 2002
Jay Drage, Retired Fire Representative	
Duane Hutchings, Citizen at Large	January 2002
Glenn James, Retired Ambulance Representative	

<b>LIBRARY BOARD</b>	
Members	Term Ends
Councilmember Everett Kelepolo	
Charles Thorpe (CHAIR)	January 1999
Joanne Jones	January 1999
Leonard Ellis	January 2000
Bill Davis	January 2000
Helen Harris	January 2001
Joyce Bills	January 2001

Councilmember Shaw made a **motion** to accept appointments to the Fire/Ambulance Retirement Board and Library Board as presented. Councilmember Swenson **seconded** the motion and it **passed** with a unanimous vote.

### **Public Hearing - Valley Asphalt Zone Change (Z-05-98)**

Councilmember Huff **moved** to open the public hearings at 7:06 pm. Councilmember Shaw **seconded** and the motion **passed** with a unanimous vote.

Valley Asphalt has submitted a request to rezone approximately 22.15 acres at 4550 East US Highway 6 to a Surface Mining Overlay District. They would like to expand their current surface mining project located in the County.

Mr. Comstock clarified requirements in the Surface Mining Overlay District. He stated the canal on the property will be carefully addressed during Site Plan review. Mr. Sumsion stated the zone change will not present increased traffic. He also noted ponds will not be created on the property because drainage will go to the County property.

No public comment was received regarding the zone change.

Councilmember Shaw made a **motion** to accept the Valley Asphalt Zone Change by Ordinance Z-05-98 with the condition that the property be developed in ten acre increments and that all the requirements of Chapter 17.24.040 of the Spanish Fork City Zoning Ordinance are met. Councilmember Swenson **seconded** and the motion **passed** unanimously.

### **Public Hearing - Hearthstone Development Zone Change (Z-06-98)**

A request has been received from Hearthstone Development to rezone approximately 7 acres at 1570 South and Canyon Road from R-R (Rural Residential), to R-1-12, (Low Urban Residential). This area was inadvertently left out of the legal description when the adjoining areas were rezoned to R-1-12 in June 1997 (See Ordinance Z-02-97). The Planning Commission and Development Review Committee recommended approval of the zone change.

Mayor Barney opened the meeting for public comment. None was received

A **motion** was made by Councilmember Swenson to approve Z-06-98: Hearthstone Development Zone Change as presented. The **second** was made by Councilmember Huff and it **passed** with a unanimous vote.

Councilmember Shaw made a **motion** to exit the public hearings at 7:15 pm. Councilmember Huff **seconded** the motion and it **passed** with a unanimous vote.

### **South Ridge Preliminary Plat and Sewer Line Agreement**

The South Ridge development of 126 lots will take place near 1570 South and Canyon Road.

Attorney Baker explained that because the City does not have sewer capacity to accommodate the development Hearthstone is proposing to enter into an agreement to complete the sewer line. Attorney Baker reviewed specifics of the agreement. It was noted partial recovery of funds disbursed for the sewer line would come from sewer impact fees. Attorney Baker confirmed Hearthstone representatives understood the risk that impact fees may be eliminated in the future by the legislature. Mr. Tom Scribner, representing Hearthstone Development, noted a section of the agreement which states Spanish Fork City will be indemnified in the case that impact fees are eliminated. A connectors agreement will also be entered into for a portion of the sewer line. Length and specifics of the connectors agreement will be determined by the Council at a later date.

Mr. Scribner asked the Council for the opportunity to use septic systems on a temporary basis if homes are ready to occupy before the sewer line is completed. The Council expressed the concern that if a possible unforeseen circumstance delayed completion of the trunk line and septic tanks were already in use, it would cause the septic systems to be used for a longer period of time. Mr. Heap stated the completion of the sewer system is required before a certificate of occupancy can be issued. Consensus from the Council was to not allow use of septic systems.

The Council determined to add to the Sewer Line Agreement the following clause: "It is understood that no certificate of occupancy will be issued until the sewer line is completed and dedicated to the City."

Mr. Comstock reviewed the South Ridge Preliminary Plat and stated a trail will extend along the brow of the hill along South Ridge Drive. Councilmember Shaw asked what would happen to the South Ridge trail if the trail plan was later revised. Mr. Comstock answered Mr. Olsen would be allowed to submit a modified plat if he chose alter his current plan for the brow of the hill.

The Planning Commission has recommended approval of the Preliminary Plat subject to conditions.

Councilmember Shaw made a **motion** to accept the South Ridge Preliminary Plat with conditions as proposed by the Planning Commission along with the Sewer Agreement with the amendments as indicated. Councilmember Huff **seconded** the motion and it **passed** unanimously.

## **Resolution 98-02: Establishing a New Annexation Petition Fee**

Attorney Baker stated Resolution 98-02 proposes to raise annexation fees an additional \$400.00 due to new regulations established by House Bill 363. Mr. Oyler noted much more work and notices are now required before annexations can be approved. The resolution would put the burden of expense on the individual applying for the annexation. Mayor Barney feels the increase is justified because of the additional requirements to complete annexations.

Councilmember Swenson made a **motion** to adopt Resolution 98-02: Establishing a New Annexation Petition Fee. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

## **Airport Authority Discussion**

Discussion regarding an Airport Authority has been continued from previous Council meetings. Councilmember Shaw stated she is still not comfortable with the Agreement to authorize an Airport Authority for the Spanish Fork/Springville Airport. She feels operations at the Airport should remain the same. Mayor Barney recommended the Airport Board function in its existing capacity for one year after which possibility of an Authority can be reevaluated.

A **motion** was made by Councilmember Kelepolo to leave Airport operation to the Airport Board for at least another year, and to review authority given to the Airport with the possibility of adding job descriptions and more detailed authority. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Shaw requested a detailed finance report from Springville City regarding expenditures and revenues of the airport.

## **Bid - Maintenance Building**

Mr. Heap reviewed bids for an addition to the City's maintenance building, and an addition to the City's vehicle storage building. He stated an addendum was sent out requesting further information on the bids. The apparent low bidder, Brundle Construction, acknowledged receipt of the addendum, but did not submit additional information as requested.

It is the City's recommendation the Brundle Construction bid be considered a non-responsive bid.

Due to the status of the Brundle Construction bid, Mr. Heap recommended approval of the bid from Warren Construction in the total amount of 186,400 for the maintenance building, and the bid from RM Davis in the total amount of \$144,788 for the vehicle storage building.

Mr. David Brundle, owner of Brundle Construction, was present to dispute that he submitted a non-responsive bid. He feels, because he acknowledged the addendum but did not submit additional information, his base bid should be considered as the total bid. Mr. Brundle does not feel it is proper to disqualify his bid. Mayor Barney stated, based on bidding procedure, he feels

Mr. Heap's recommendation should be approved.

Much discussion took place regarding the bidding process. Mayor Barney recommended, in the future, bids without requested addendums not even be considered at public bid openings.

Mr. Brundle feels if the bids are not awarded to him, the projects should be "scrubbed" and rebid. The Mayor stated a rebid would not be fair to the other bidders.

A **motion** was made by Councilmember Swenson to accept the bid from Warren Construction in the total amount of 186,400 for the addition to the maintenance building, and the bid from RM Davis in the total amount of \$144,788 for the addition to the vehicle storage building.

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

Councilmember Shaw suggested addendums be signed for, and stapled in bid booklets.

Bids received:

Maintenance Building Addition		
Name of Bidder	Base Bid	Additive Alternate (from Addendum)
Lanwood Construction	\$188,892.00	\$2,300.00
G.P. Construction	\$223,891.00	\$2,390.00
Majestic Builders	\$184,716.00	\$2,479.00
Kay General Contractors	\$214,600.00	\$2,900.00
Chad Broderick	\$209,000.00	\$2,600.00
Hecco Inc.	\$209,600.00	\$2,500.00
Warren Construction	\$183,700.00	\$2,700.00
VanSickle Construction	\$197,977.00	N/A
RB Construction	\$226,000.00	\$3,400.00
K.R. Goble Construction	\$228,700.00	\$2,500.00
Bruce Nelson Construction	\$208,000.00	N/A
Lee Haskell	\$192,823.00	\$2,490.00
Brundle Construction	\$182,234.00	N/A

Pre-Fabricated Addition to Vehicle Storage Building		
Name of Bidder	Base Bid	Additive Alternate
RM Davis	\$114,039.00	\$30,749.00
VanCon	\$137,300.00	\$51,900.00
RB Construction	\$117,637.00	\$34,666.00
M-13 Construction	\$165,300.00	\$36,750.00
Brundle Construction	\$78,520.00	\$33,943.00
Majestic Builders	\$104,347.00	\$34,564.00

## **Agreement with Gary Hubbs**

Mr. Heap reviewed the proposed agreement with Gary Hubbs regarding the Crab Creek waterline.

Councilmember Huff made a **motion** to enter into the contract with Gary and Sandra Hubbs as recommended by Mr. Heap and authorize the Mayor to sign the agreement. Councilmember Shaw **seconded** the motion which **passed** unanimously.

## **1998 Fiesta Days Rodeo Dates**

It has been recommended by the Fiesta Days Rodeo Committee that the City's annual Fiesta Days Celebration be moved from July 21 - 24, 1998 to July 22 - 25, 1998. The Committee felt it would be beneficial to hold the last night of the Rodeo on Saturday, July 25, 1998. The Golden Spike Rodeo in Ogden has moved their last night to the 25th of July as well.

Councilmember Huff **moved** to authorize new dates for the 1998 Fiesta Days Rodeo as discussed. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

## **RDA Session**

Councilmember Shaw made a **motion** to go into joint RDA/City Council session at 8:35 pm. Councilmember Huff **seconded** the motion and it **passed** with a unanimous vote.

Mr. Clark outlined terms of the proposed loan from Spanish Fork City to the RDA for use with the Swenson EDA.

Councilmember Huff made a **motion** to authorize a loan from the City to the Redevelopment Agency for the Swenson EDA in the amount of \$25,000 subject to conditions of the promissory note. Councilmember Shaw **seconded** the motion and it **passed** unanimously.

*\*\*Note: Councilmember Swenson abstained from voting.*

Mr. Huff **moved** that the Redevelopment Agency assume liability to Spanish Fork City for a loan in the amount of \$25,000 subject to the terms and conditions of the promissory note. Ms. Shaw **seconded** the motion which **passed** with a unanimous vote. *\*\*Note: Mr. Swenson abstained from the vote.*

## **Adjournment of RDA Session**

Councilmember Huff made a **motion** to adjourn the joint City Council/RDA session at 8:45 pm. Councilmember Kelepolo **seconded** the motion which **passed** with a unanimous vote.

### **Adjournment to Executive Session**

Councilmember Huff **moved** to adjourn the regular session of the Spanish Fork City Council at 8:45 pm and convene the executive session to discuss legal issues. Councilmember Shaw **seconded**, and the motion **passed** unanimously.