

**Adopted Minutes
Spanish Fork City Council Meeting
February 17, 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 Lillian J. Shepherd.

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

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; Christopher Thompson, Design Engineer; and Gina Peterson, Deputy Recorder.

Citizens Present: Kent Boogert, Jason Boogert, Richard Oldham, Aaron Oldham, Matt Butler, Justin Rogers, Cody Moon, Chris Thompson, Roger Knell, Kendal Blunck, Kimberly Blunck, Glenn A. James, Jon Garfield, Alyssa Garfield, Josh Chandler, Rowe Hakes, Christopher Gordon, Jason Potter, Francis Milner, Robert A. Hutchings, Paul Lofgreen, Lyman Peterson, James DeMita, Kenley Brinkerhoff, Amy Brinkerhoff, Glen Warner, Garth Swenson, Jerald Swenson, Don Phillips, James E. Hathaway, Amanda Christensen, Pat Christianson, Frank Christianson, Roy L. Johns, Micahlen Gillie, Melanie Esplin, Jacob B. White, Jake Daley, Jason Galovich, Adam Russell, Stuart White, Larry Baanfor, Mary Lou Brandon, Matt Barber, Robbie Horn, Sterling Warner, Riley Woolford, Brady Amundson, Spencer Blake Anderson, Paul Wiggins and Ray G. Morley.

Minutes

Councilmember Swenson made a **motion** to approve the minutes of the February 3, 1998, and February 11, 1998, meetings of Spanish Fork City Council with noted amendments. Councilmember Kelepolo **seconded** the motion, and it **passed** with a unanimous vote.

Presentation of Grant Money for the Veterans Memorial

The City has received a grant from Utah County in the amount of \$35,000 for the veterans memorial. Mr. Robert Hutchings, veterans representative, thanked Spanish Fork City, Mary-Clare Maslyn and Kent Clark for their efforts in obtaining the grant. Mr. Clark presented Mr. Hutchings with a \$35,000 check.

Employee of the Quarter

Mayor Barney presented Design Engineer Chris Thompson with the Employee of the Quarter award for the fourth quarter of 1997. The Council commended Mr. Thompson for his efforts.

Youth Council

Josh Chandler, Mayor of the Youth City Council introduced the Executive Youth Council for 1998. He detailed services the Youth Council performs.

1998 Spanish Fork City Youth Council

Josh Chandler - Mayor
Kim Blunck - Secretary
Melanie Esplin - Waste Management
Micahlen Gillie - Parks, Planning & Recreation
Alyssa Garfield - Youth Involvement
Crissi Chandler - Chamber of Commerce
Kendal Blunck - Police & Fire

East Canyon Pointe - Preliminary Plat

City Engineer Richard Heap stated a variance was granted by the Board of Adjustment to allow a four acre lot in the five acre R-R zoning district. The LDS Church will construct a facility on the property at approximately 2100 East Canyon Road.

The Development Review Committee and Planning Commission recommended approval of the Preliminary Plat subject to dedication of a road along the west side of the property.

Councilmember Shaw made a **motion** to approve the East Canyon Pointe Preliminary Plat. Councilmember Huff **seconded**, and the motion **passed** unanimously.

Utility Replacement Bid - Schedule "F"

Mr. Heap detailed items included in Schedule "F" Utility Replacement. Staff recommends the bid from H.E. Davis in the amount of \$308,022.40.

Councilmember Huff made a **motion** to accept the bid in the amount of \$308,022.40 from H.E. Davis for Utility Replacement Schedule "F". Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Bids Received: H.E. Davis, \$308,022.40; N.L. Bundy, \$358,074.38; VanCon, \$383,082.68; and Condie Construction, \$432,559.73.

Beautification Bid

Mr. Heap stated the bids for beautification at the airport were slightly over budget. He recommended approval be tabled until the City could get a recommendation from the Airport Board and Springville City.

Councilmember Shaw **moved** to table the 1998 Beautification Bid for the Spanish Fork/Springville Airport. Councilmember Kelepolo **seconded**, and the motion **passed** unanimously.

Equipment Bid - Loader

Mr. Clark outlined bids to purchase a loader for the Streets Department

The City is currently leasing a Loader from Scott Machinery. Scott Machinery told the City they would apply the past lease payments for the purchase of the loader the City currently has. Councilmember Swenson asked if the City knew in advance the lease payments would be applied to purchase the machine. Mr. Clark replied no.

A **motion** was made by Councilmember Swenson to approve the bid from Scott Machinery in the amount of \$86,229.00 for a used John Deere 544H with forks. The motion was **seconded** by Councilmember Shepherd and it **passed** with a unanimous vote.

Bids Received:

Company	New Loader	Used Loader
Arnold Machinery	Volvo L-90C Wheel Loader \$113,081.00	No Bid
Scott Machinery	John Deere 544H w/o forks \$106,705.00 John Deere 544H with forks \$110,729.00	John Deere 544H with forks \$86,229.00
Wheeler Machinery	Caterpillar 928G Wheel Loader \$103,850.00	No Bid

Resolution 98-03: A Resolution Approving and Authorizing the Execution of an Interlocal Agreement for the Utah County Narcotics Enforcement Team

Chief Rosenbaum reviewed the interlocal agreement for the Utah County Narcotics Enforcement Team (NET). He stated NET has been in existence for several years, but they are now merging the Gang Task Force and the Property Crime Task Force with NET because they have found the same people are doing the work. Chief Rosenbaum detailed items of the agreement including, NET will be based in Pleasant Grove, but all financing is to go through Provo City. Effective next month, Spanish Fork City will have a full-time officer assigned to the task force. Chief Rosenbaum outlined the successes of NET and recommended approval of the Resolution.

Councilmember Shaw made a **motion** to approve Resolution 98-03: A Resolution Approving and Authorizing the Execution of an Interlocal Agreement for the Utah County Narcotics Enforcement Team. Councilmember Huff **seconded** the motion and it **passed** with a unanimous

vote.

Swenson / Phillips / Christianson Annexation

An annexation petition has been received for property totaling 173 acres at the far north of the City boundary near the new County Jail. The property is not affected by the Strawberry lawsuit, but some of the land lies outside of Spanish Fork City Policy Declaration and is in Springville City's Policy Declaration. Attorney Baker stated policy declarations are no longer recognized by the State, but the City does have an interlocal agreement with Springville City to keep the policy declarations.

Mayor Barney stated the property would be an asset to Spanish Fork City but feels the agreement with Springville will have to be honored. Property Owner, Don Phillips has met with Harold Mitchell from Springville City. He stated Mr. Mitchell did not know anything about the policy declaration boundaries. Mr. Phillips feels his property logically belongs in Spanish Fork because it is split by Spanish Fork Main Street.

Attorney Baker feels the Council has three options: 1) deny the annexation; 2) table the annexation and have Mr. Phillips and the other applicants obtain a letter from Springville stating they are agreeable to annexing the property into Spanish Fork City; or 3) approve the annexation using a modified legal description which excludes properties that are in the Springville Policy Declaration.

Mr. Garth Swenson asked the procedure of getting a release of the property from Springville. City staff suggested he meet with the Springville Mayor and City Council to get approval. Spanish Fork City will not initiate the request. The Council expressed favorable views in having the area within the City's boundaries. The intended use of the property would be industrial development.

A **motion** was made by Councilmember Huff to table the annexation until a release from Springville City and/or a modification of the legal description is received. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

***NOTE: The Council took a brief recess at 8:00 pm. The meeting reconvened at 8:25 pm*

Michael T. Morley Annexation

Mr. Michael T. Morley owns property at 678 West 350 North in Spanish Fork. He has constructed a building across a portion of his property that falls in the County. Mr. Morley has received numerous letters from the County and would like to have his property annexed into the City so his building is not split by a boundary line.

Attorney Baker expressed concern with a guest house on the property which the City was unaware existed. Mr. Ray Morley, representing Mike Morley, stated Mike did not get a building permit for the guest home, and the utilities for the guest home are serviced through Strawberry Electric. Attorney Baker stated service by Strawberry creates a problem for the City to annex

the property. He also stated without a building permit, the City cannot be sure the guest house is up to code.

If the City cannot annex the property now, Mr. Morley stated a letter could be drafted which says the City plans to annex the property when the SESD lawsuit is resolved. He feels this might appease the County. Attorney Baker stated the City cannot bind itself, but the letter could state the property is part of City's general plan. Mr. Morley stated he would like to wait until the Strawberry lawsuit is solved, and then bring the entire property owned by the Morley's in for annexation. Attorney Baker feels a letter could be drafted in an amenable way to serve the needs of Mr. Mike Morley.

Discussion took place regarding the guest house as it does not meet current City zoning requirements as a rental unit. Guest units are not addressed in the zoning ordinance. Mr. Comstock feels a lot line adjustment could be made, creating a separate lot for the guest home. Mr. Heap stated Mr. Mike Morley has suggested making the guest home an accessory building, such as a changing house for a pool. The use would be a nonconforming as it exists today.

Councilmember Huff feels the Council is limited because of the lawsuit and cannot annex at this time.

Councilmember Swenson made a **motion** to deny the annexation petition due to the status of the Strawberry Lawsuit, but to have attorney write a letter regarding the City's future intent of property. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Huff made a **motion** to adjourn the meeting of the Spanish Fork City Council at 8:52 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.