

**Adopted Minutes
Spanish Fork City Council Meeting
March 24, 1998**

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led by local boy scout MacKay Taylor.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Everett Kelepolo, Thora L. Shaw, and Clyde A. Swenson. Councilmember 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; Richard J. Nielson, Assistant Public Works Director; and Gina Peterson, Deputy Recorder. Finance Director/Recorder Kent R. Clark arrived at 9:12 pm.

Citizens Present: Jake Butler, Jentry Youd, Brent M. Taylor, Nick Butler, Donna Butler, MacKay Taylor, Laura Taylor, Jerry Lee Shepherd, Brady Shepherd, Jordan Carr, Jesse Daley, Amanda Skow, The Daily Herald; Tyler Miner, Nicholos Stallings, Charles Thorpe, Audra Thorpe, Erlynn Morrill, Rodger Hardy, The Deseret News; Travis Elliott, Chris Hunsaker, Michael C. Hunsaker, David Reid, Michael Clement, Skyler Nielsen, Allyson Nielsen, Fred S. Black, James DeMita, John-Henry Schroemges, Anna Mae Alvari, Charles Wixom, Harriet Peterson, Brady Jex, Braden Jex, Diane Anderson, Daryl Chandler, Devin Chandler, Josh Parker, Matt Sorensen, Barbara Sorensen, Daniel Brown, Jordan Thomson, Heidi Butler, Daryl Berlin, URMMA; John Howard, Robert Howard, Adam Pierce, Janet Pierce, Jeremy Rigtrup, Don Lyster, LEI Engineers; LeGrand Woostenhulme, and Roxanna Johnson, Spanish Fork Press.

Minutes

Councilmember Shaw **moved** to accept the minutes of the March 10, 1998, Spanish Fork City Council meeting as presented. Councilmember Kelepolo **seconded** and the motion **passed** with a unanimous vote.

URMMA Presentation

Mr. Daryl Berlin, CEO of Utah Risk Management Mutual Association presented Mayor Barney with a check in the amount of \$69,067.84. The refund check is a portion of the City's old Workers Compensation premium. URMMA is in the process of closing out the Workers Compensation program.

Agenda Request - Ms. Alicia Peterson

Ms. Alicia Peterson is currently serving as Miss Deseret. She is competing in the Miss Utah pageant and requests the City Council's support for a service project as part of her Miss Utah

platform. Ms. Peterson lives in Spanish Fork, and would like coordinate a child safety project within City. Facilities to be used for the project were discussed. Councilmembers expressed support for the idea and directed Ms. Peterson to check with City employees for help with facilities and advertising.

Agenda Request - Library Board

Mr. Charles Thorpe, a member of the Library Board addressed the Council with regard to the Library basement remodel. He outlined how the remodel is progressing and offered thanks on behalf of the Library Board for the project. Mr. Thorpe asked if the Council would reconsider installation of the outdoor restrooms at the Library. He feels health concerns are a reason to install the restrooms at the City park. Mayor Barney stated a lot of consideration was given to the restrooms and the decision not to proceed came from the lack of funds.

The Council expressed appreciation to Mr. Thorpe for his work on the Library board.

Anna Mae Alvari - Subdivision Waiver

The Planning Commission has denied a request for a subdivision waiver on property Ms. Anna Mae Alvari owns at 345 North 200 East. An appeal has been filed to the Planning Commission's decision.

The property currently contains a single family residence. Ms. Alvari would like to divide her property into two parcels with the rear portion being a flag lot. The new parcel meets all zoning requirements with exception of the sideyard and driveway width. The Board of Adjustment has granted a variance to these standards. It was noted that since an appeal to the Board of Adjustment ruling was not filed within thirty days, the variance issues cannot be a factor in the City Council's approval or disapproval of the request. If the subdivision waiver is not granted, the rear lot may still be developed through the formal plat process.

A lengthy discussion took place regarding flag lots and the Board of Adjustment decision. It was determined the flag lot concept should be readdressed to alleviate future problems with flag lots.

Mr. Bryan Jex neighbors the property. He feels he was not properly notified of the variance. He expressed many opposing views to a home being constructed on the flag lot, including public safety issues. Mr. Jex feels the Council should have the final say over all boards including the Board of Adjustment. It was clarified for Mr. Jex the Board of Adjustment is a separate entity from the Council by State mandate.

Mr. Charles Wixom spoke on behalf of Anna Mae Alvari. He feels paving the driveway would allow adequate emergency vehicle access. Mr. Wixom feels the flag lot concept allows citizens the best use of property.

Comments of opposition were heard from other neighbors including Mr. Fred Black, and Mr. Jim

Eaton. Ms. Anna Mae Alvari stood and stated she did not realize her request would cause so many problems. She stated she was trying to return her property to its original state as a flag lot.

Councilmember Huff stated the flag lot concept as it was intended is not meeting the letter of the law. He feels the concept should be revisited to prevent future problems. Based on discussion, Councilmember Huff **moved** to approve the Anna Mae Alvari Subdivision Waiver as presented. Councilmember Swenson **seconded**, and the motion **carried** with a 3:1 vote. Councilmembers Huff, Swenson, and Kelepolo voted in favor of the motion. Councilmember Shaw was opposed.

Davencourt Preliminary Plat

Mr. Comstock reviewed the Davencourt Preliminary Plat and summarized conditions of approval from the Planning Commission.

Drainage issues were discussed. Councilmember Huff expressed concern that this project not put additional water onto the Child property. Mayor Barney feels the development will actually help with ground water on the Child property. Drainage plans have been submitted with which the Engineering Department is comfortable.

The City has met with UDOT officials regarding asphalt cross sections. A response has not yet been received from a February 25, 1998 letter requesting the narrowing of the asphalt.

Councilmember Kelepolo expressed concerns with high density areas being grouped together in one section of town. He also expressed safety concerns for children in the area. Councilmember Huff stated this concern was addressed with the zone change request.

Much discussion took place on the approval. Mayor Barney stated he would feel more comfortable tabling the Preliminary Plat until the City has heard back from UDOT. Mr. Don Lyster stated UDOT's decision will not affect the look of project, and requested approval with conditions.

Councilmember Shaw made a **motion** to approve the Davencourt Preliminary Plat subject to the modifications required by UDOT. Councilmember Swenson **seconded** and the motion **carried** with a 3:1 vote. Councilmembers Shaw, Swenson and Huff voted in favor of the motion, Councilmember Kelepolo was opposed.

Bid - Chappel Drive

Mr. Heap stated, because the project is located within the North Industrial RDA the Redevelopment Agency will have to approve the bid

Councilmember Shaw made a **motion** to place the Chappel Drive Bid on the RDA Agenda. Councilmember Kelepolo **seconded** and the motion **passed** unanimously.

Bid - Large User Secondary Irrigation

Mr. Heap outlined which users would be hooked onto this phase of the secondary irrigation system including the ballpark, Spanish Fork High School, Escalante subdivision, and the City Park. \$400,000 was budgeted for the project. Ensign Bickford will be donating approximately \$45,000 because the project will be sized to allow them to discharge their water to the river if needed. Mr. Heap stated over the next ten to twelve years many people will be converted to the secondary irrigation system. He recommended the base bid and additive alternate #2 be awarded to K& P Plumbing.

Councilmember Huff made a **motion** to award the bid and additive alternate #2 for large user secondary irrigation to K&P Plumbing in the amount of \$487,000. The motion was **seconded** by Councilmember Shaw and it **passed** with a unanimous vote.

Other Bids Received: (I did not receive bid sheet, so I will get this from Richard Heap.)

Aerial Photography Proposals

The City is in the process of upgrading their GIS system. The total upgrade project is not in this year's budget, but staff would like to get the City flown for photographs before the fall season when leaves are on ground. Mr. Heap recommended approval of the aerial photography proposal from Olympus Aerial Survey in the amount of \$8,656.

Councilmember Swenson made a **motion** to approve the aerial photo cost in the amount of \$8,656 from Olympus Aerial Survey. Councilmember Huff **seconded** and the motion **passed** with a unanimous vote.

Testing Services Proposals

Bids have been received from three certified laboratories to do proctor compaction concrete and asphalt testing. Mr. Heap recommended the bid be awarded to Earthtec.

Councilmember Huff **moved** to award the bid for testing services to Earthtec in the amount of \$12,455. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Other Bids Received: R.B.&G. - \$15,491; and Tri-State - 14,178.

Resolution 98-07: A Resolution Approving the Municipal Wastewater Planning Program

Mr. Nielson reviewed the Municipal Wastewater Planning Program Self-Assessment Report. He stated the report is sent out to all cities with a wastewater system. The report allows the City to see areas needing improvement. Resolution 98-07 documents the City is operating the treatment plant in a proper manner, improving as needed.

***Note: Finance Director Kent R. Clark arrived at 9:12 pm.*

Councilmember Shaw **moved** to adopt Resolution 98-07: A Resolution Approving the Municipal Wastewater Planning Program. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

Farm Lease Extension

Mr. Mike Gardner has requested an extension to lease farm area from the City. Mr. Gardner leased the property last year for \$120.

Councilmember Huff **moved** to approve the farm lease extension to Mike Gardner and authorize Mayor Barney to sign the lease for the coming year. Councilmember Shaw **seconded** and the motion **passed** unanimously.

Billboard Lease

The City currently leases three billboards. A request for an increase in the billboard on the northbound side of I-15 has been received from Ted Larsen. In 1968 the City began leasing the billboard for \$50 a year. In 1982 the lease was increased to \$100 annually. Mr. Larsen is requesting \$2,400 a year until December 31, 2000 to continue lease of the billboard.

Mayor Barney has talked with sign companies and stated \$2,400 is competitive with other billboard leases.

Councilmember Swenson made a **motion** to approve the billboard lease with Mr. Ted Larsen for \$2,400 a year, continuing until December 31, 2000. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Other Business

Several citizens have requested connections rather payment for easements they give for the Bottoms trunk line. Mr. Heap asked if the Council could foresee any problems in giving connections to the trunk line in lieu of payment. The Council feels either request can be honored.

Adjournment to Executive Session

Councilmember Shaw **moved** to adjourn the regular session of the Spanish Fork City Council and convene the executive session at 9:20 pm to discuss legal issues. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Adjournment from Executive Session

A **motion** was made by Councilmember Shaw to adjourn the executive session at 10:06 pm and reconvene the regular session. The motion was **seconded** by Councilmember Huff, and it

passed unanimously.

Resolution 98-08: A Resolution Authorizing the Execution of a Settlement Agreement with Strawberry Electric Service District

Mayor Barney stated negotiations for settlement of the lawsuit with Strawberry Electric Service District are nearing an end. A meeting has been scheduled with SESD for March 25, 1998, at 1:00 to review the settlement agreement. Resolution 98-08 was requested to be approved to expedite potential settlement of the lawsuit.

Councilmember Swenson **moved** to adopt Resolution 98-08: A Resolution Authorizing the Execution of a Settlement Agreement with Strawberry Electric Service District. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney noted if the agreement is signed, a press release will be available regarding the settlement.

Adjournment

Councilmember Swenson **moved** to adjourn the meeting of the Spanish Fork City Council at 10:20 pm. Councilmember Huff **seconded** and the motion **passed** with a unanimous vote.