

**Adopted Minutes  
Spanish Fork City Council Meeting  
May 5, 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 Mr. Glenn A. James.

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

Staff Members Present: David A. Oyler, City Manager; Mary-Clare Maslyn, Assistant City Manager; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Kent R. Clark, Finance Director/Recorder; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Josiah Halverson, Conley Christensen, Kevin Madson, Alan Albright Jr., Alan Albright Sr., Tom Scribner, L. Jay Birch, Jeana Barney, Kelly Smith, Molly Prolist, Brian Simmons, Mark R. Palesh, Glenn A. James, Jim Sirhall, ADG; John Hafen, Airport Board Chair, Dave Olsen, Bruce Hall, and John Smiley.

**Minutes**

Councilmember Shaw **moved** to adopt the minutes of the April 21, 1998 meeting of the Spanish Fork City Council as presented. Councilmember Kelepolo **seconded** and the motion **passed** unanimously.

**Employee of the Quarter**

Patrol Officer Clint W. Snow was recognized as the employee of the first quarter for 1998. Mayor Barney and the Council thanked Mr. Snow for his service to the City.

**Resolution 98-10: A Resolution Proclaiming Letter Carriers Food Drive Day**

May 9, 1998, is being designated as Letter Carriers Food Drive Day in cities throughout the State. Spanish Fork City has been encouraged to adopt a resolution supporting this effort.

Councilmember Swenson **moved** to adopt Resolution 98-10: A Resolution Proclaiming Letter Carriers Food Drive Day. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Resolution 98-11: A Resolution Authorizing the Use of Spanish Fork City's 1998 Allocation of HOME Funds**

Mayor Barney noted projects throughout the County in which the use of HOME funds from various cities have been requested. Spanish Fork City's allocation of \$82,556.47 will be used in conjunction with a total of \$1,419,000 from other cities in the County for these projects.

Councilmember Kelepolo **moved** to adopt Resolution 98-11: A Resolution Authorizing the Use of Spanish Fork City's 1998 Allocation of HOME Funds. Councilmember Shepherd **seconded** the motion which **passed** with a unanimous vote.

### **Ordinance 05-98: An Ordinance Authorizing the Execution and Delivery of Petition to the Central Utah Water Conservancy District for Allotment of Water for Municipal and Industrial Use; (with Certification on Adoption of the Ordinance)**

Councilmember Swenson made a **motion** to adopt Ordinance 05-98: An Ordinance Authorizing the Execution and Delivery of Petition to the Central Utah Water Conservancy District for Allotment of Water for Municipal and Industrial Use; along with the Certification on Adoption of the Ordinance. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Change Order - Library Basement Remodel**

Mr. Oyler outlined the change order from Kevin Madson & Associates for electrical and plumbing changes, along with additional bookshelves in the total amount of \$31,324 for the Library basement remodel.

A **motion** was made by Councilmember Kelepolo to approve the change order for the Library Basement Remodel from KMA in the amount of \$31,324. The motion was **seconded** by Councilmember Shepherd, and it **passed** with a unanimous vote.

### **Bid - Secondary Irrigation Pumps**

City Engineer Richard Heap reviewed the bids for secondary irrigation pumps and a water level monitor. The equipment is needed to put water in the Large Users Secondary Irrigation system from the Memorial and Shop Wells. The City only requested bids from Nickerson Pumps in order to keep all pumping equipment consistent. Mr. Heap noted completion of the first secondary irrigation phase will take a big demand off the City's culinary system.

Councilmember Shaw **moved** to approve the bid in the total amount of \$33,103 for the secondary irrigation pumps from Nickerson Company Inc. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

## **Connectors Agreement - Jay Birch**

Mr. Jay Birch addressed the Council regarding reimbursement through a connector's agreement for utilities he and Mr. Hal Johnson completed in 1983 along 400 East. The cost of these utilities was approximately \$27,000. At the time, Mr. Verl Davies was asked to contribute to the costs but declined because he felt his property would not benefit from the improvements. Mr. Davies has now sold a portion of his property which fronts 400 East and the new residence being constructed on the property will use the improvements installed by Mr. Birch. Mr. Birch is requesting the City Council approve a connector's agreement on the new 50 foot lot.

Mayor Barney feels Mr. Birch should be compensated for the utilities he provided.

Attorney Baker stated enforcement of a connector's agreement may be difficult because the lot has already been sold. It was suggested the connection fee be charged to the current owner with issuance of a building permit. Mr. Heap outlined formulas in which a connection fee could be calculated but stated connector's agreements are generally only good for ten years. Mr. Heap also stated if the developer of a new lot expends money to get sewer directly to his lot the connector's agreement is generally voided.

Councilmember Swenson feels Mr. Davies benefitted from installation of the utilities with the sale of the new lot and therefore, the usual ten year statute of limitations on connector's agreements does not apply.

Councilmember Swenson **moved** to authorize staff to proceed with the connector's agreement for the sewer and water line installed by Mr. Jay Birch and Mr. Hal Johnson if it could be implemented. Councilmember Shepherd **seconded** and the motion **carried** with a majority vote of 3:1. Councilmembers Kelepolo, Shepherd, and Swenson voted in favor of the motion, and Councilmember Shaw was opposed.

[if connectors agreement for sewer and water line installed by Mr. Jay Birch and Mr. Hal Johnson if it could be implemented] Clyde's amendment

Councilmember Shaw stated she does not want the City to set a precedence of allowing connectors agreements at any time, on any lot in a subdivision. Mr. Oyler stated the ten year statute of limitations has been approved in previous agreements, but there is not a rule that specifies ten years. The length of agreements have been based upon what is best for the situation. Councilmember Shaw stated she is not comfortable approving the agreement because the building permit has already been issued.

## **Striping Bid**

Councilmember Kelepolo **moved** to approve the bid from Southwest Asphalt Maintenance for Street Striping in the amount of \$7,685. Councilmember Shepherd **seconded** the motion, and it **passed** with a unanimous vote.

*Bids Received: Done-Rite Striping - \$10,300; and Southwest Asphalt Maintenance - \$7,685.*

### **Palesh Annexation**

An annexation petition has been received on approximately 16.184 acres directly south of the old landfill. The annexation request was submitted by Magellan Group, LLC.

Councilmember Shaw **moved** to accept the annexation petition and proceed with the formal annexation process for the Palesh Annexation. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

### **Resolution 98-12: A Resolution Proclaiming Municipal Clerks Week**

Mr. Clark explained May 3 through 9, 1998, is being designated as Municipal Clerks Week by Governor Leavitt as well as cities across the Country and throughout the World. The municipal clerk is a required position in a city.

Councilmember Shaw **moved** to adopt Resolution 98-12: A Resolution Proclaiming Municipal Clerks Week. Councilmember Kelepolo **seconded** and the motion **passed** with a unanimous vote.

### **Bid - Lawnmower for Parks**

Staff recommends approval of the low bid from Wilson Supply for a lawnmower to be used at parks throughout the City.

Councilmember Shepherd **moved** to accept the bid for an ExMark LHP 4818kc Lawnmower from Wilson Supply in the amount of \$4,580. Councilmember Kelepolo **seconded**, and the motion **passed** unanimously.

*Bids Received: Heritage Tractor, \$7,599.21; Rocky Mountain Turf, \$5,995 and \$6,028; Turf Equipment, \$7,450; and Wilson Supply, \$4,580.*

### **Ordinance 06-98: An Ordinance Amending the Provisions Relating to the Airport Board**

The Airport Board has asked Spanish Fork and Springville City to consider adopting an ordinance to amend the number of board members from five to seven to enable the board to run more efficiently.

A **motion** was made by Councilmember Kelepolo to adopt Ordinance 06-98: An Ordinance Amending the Provisions Relating to the Airport Board. The motion was **seconded** by Councilmember Shaw, and it **passed** with a unanimous vote.

### **FY 99 Preliminary Budget**

Mr. Oyler reviewed the preliminary budget for FY 99 and entertained questions from the Council regarding the budget. Current and proposed taxes, rates and fees were also reviewed.

#### **Adjournment to RDA Session**

A **motion** was made by Councilmember Shaw to adjourn the regular session of the Spanish Fork City Council and convene the meeting of the Redevelopment Agency of Spanish Fork City at 8:20 pm. The motion was **seconded** by Councilmember Kelepolo, and it **passed** with a unanimous vote.

#### **Adjournment from RDA Session**

Councilmember Swenson **moved** to adjourn the Redevelopment Agency meeting at 9:00 pm, and reconvene the Spanish Fork City Council meeting. Councilmember Kelepolo **seconded**, and the motion **passed** unanimously.

#### **Airport Briefing and Budget Justification - James Sirhall**

Mr. James Sirhall has been employed to update the Airport Master Plan last completed in 1989. The new plan, termed the Airport Layout Plan, will operate from 1998 to 2016. The new plan will bring the airport up to date, and identify current needs to improve the airport. Items in the plan were reviewed, including a change in the mission statement, and discussion on hiring an airport manager.

After discussion, the Council directed staff to put an additional \$10,000 for the Airport in the FY 98 Budget.

#### **Adjournment to Executive Session**

A **motion** was made by Councilmember Swenson to adjourn the regular session of the Spanish Fork City Council and convene the executive session at 9:57 pm. The **second** was made by Councilmember Shepherd, and the motion **passed** unanimously.

#### **Adjournment from Executive Session**

Councilmember Shaw **moved** to adjourn the executive session of the Spanish Fork City Council and reconvene the regular session at 11:45 pm. Councilmember Shepherd **seconded** the motion and it **passed** with a unanimous vote.

#### **A 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 Utility Easement as Part of the Spanish Fork City Utility System**

Hearthstone Development is installing a sewer line as part of the South Ridge development on the East Bench. The sewer line crosses over properties in which the City has been unable to obtain utility easements. Authorization is requested to negotiate the purchase of property for the

easements, and if the purchase cannot be negotiated, to initiate a condemnation action on behalf of the City to acquire an easement over the properties for public utility purposes. The Council previously told Hearthstone Development they could not proceed with final plat approval until all utility easements were signed. Eight of the eleven easements have been received. Mr. Bruce Hall feels all easements will be received by May 8, 1998, but the developers want to obtain final plat approval from the Development Review Committee on May 6, 1998.

Councilmember Swenson **moved** to adopt a 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 Utility Easement as Part of the Spanish Fork City Utility System. The motion **died** for lack of a second.

Councilmember Shaw **moved** to allow the South Ridge development to proceed to Development Review Committee for consideration of final plat approval with eight out of eleven easements required. If the easements are not received within one week, the Council will reconsider the process of condemnation. Councilmember Kelepolo **seconded**, and the motion **carried** with a majority vote of 3:1. Councilmember Swenson was opposed. He feels proceeding with the resolution for condemnation would accomplish the same result.

### **Other Business**

Councilmember Shaw reported that after meeting with Councilmember Shepherd and a committee on the Miss Spanish Fork pageant, it is felt it would be in best interest of the City to submit an application to the Miss Utah pageant. A new pageant director will be appointed to serve a limited term. Councilmembers Kelepolo and Swenson stressed the importance of keeping the Council informed in the future before action is taken to release a committee member from any City board.

Mayor Barney stated he will make a recommendation for Council approval with regard to the pageant director.

### **Adjournment**

Councilmember Swenson **moved** to adjourn the meeting of the Spanish Fork City Council at 12:15 am. Councilmember Kelepolo **seconded**, and the motion **passed** unanimously.