

**Adopted Minutes  
Spanish Fork City Council Meeting  
August 4, 1998**

The meeting was called to order by Mayor Dale R. Barney at 6:30 pm for a preliminary review of the agenda. At 7:05 pm the pledge of allegiance was led by Mary-Clare Maslyn.

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: Mary-Clare Maslyn, Assistant City Manager; Kent R. Clark, Finance Director; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; and Janet Bryan, Office Clerk.

Citizens Present: Roxanna Johnson, Spanish Fork Press; Lynda Secklestewa, Design Technician for UDOT; Glenn James, Roy Johns, Brandon Curtin, Joseph Curtin, Heather Burns, Meredith Christensen, Sherrie Lewis, Tyson Lewis, and John Paupard.

**Minutes**

Councilmember Shaw made a **motion** to approve the minutes of the July 7, 1998 and the July 21, 1998 meetings of the Spanish Fork City Council as presented. Councilmember Shepherd **seconded** the motion, and it **passed** with a unanimous vote.

**UDOT Discussion on SR-6, I-15 to Moark Junction**

Ms. Lynda Secklestewa, a design technician from UDOT, briefly reviewed the items discussed at the Public Information Meeting held on July 7, 1998. The project proposes a non-stop access to SR-6 for northbound I-15 traffic. A traffic count of city traffic from north of I-15 was requested. There was a concern about increasing traffic on 800 North or 800 East due to the proposed lack of access to SR-6 from Main Street.

SR-6 will be widened to 5 lanes (4 traffic lanes, 1 turn lane) to the Moark Junction, with the possibility of an additional access at approximately 20<sup>th</sup> East. The existing signal lights at intersections along SR-6 will be left as is. Noise studies will be conducted for homes along SR-6 east of Center Street to determine if noise walls are needed.

City Engineer, Richard Heap said there has been discussion of a right ingress from SR-6 into Albertson's that might help ease the traffic flow on 800 North and 800 East.

The project is proposed at \$15 million for the five mile stretch and is scheduled to begin in the spring of 2000.

## **Agenda Request - John and Sandy Paupard**

Mr. John Paupard, residing at the corner of 900 North and 100 West expressed concerns regarding the activities of youth along the street by his home. Mr. Bob Hutchings, a neighbor in the same area, concurred with these concerns. Mr. Paupard has had to deal with loud music at late hours and cleaning up trash, liquor containers and drug paraphernalia from his yard. He stated his children have found "loaded" syringes and liquor still left in containers that have been quickly discarded by the users rather than be caught with it when the police stop them. He feels the situation is not only annoying, but dangerous.

Mr. Paupard praised Chief Dee Rosenbaum and the police department not only for their prompt response to his calls, but for their assistance in trying find solutions to the problem. He feels business owners in the area have been less cooperative by allowing loitering in parking lots, especially the Shopko parking lot. Councilmember Shaw wondered about the possibility of businesses chaining-off their parking lot after closing, but it was determined not to be feasible as the access through Shopko is considered a public road and chaining off Zeeman's would force traffic around the block into the residential areas.

Mr. Paupard wondered if the council could influence the courts in any way to be tougher on youth that were cited by the police. Junior Baker, city attorney, stated that most offenses just have a bail set in which youth pay the bail and never see a judge. Mr. Baker stated that no trespassing signs have been effective because they cover a wide range of offenses and citations are easier to issue. Citizen Sherrie Lewis asked if there was a limit to how much the fines could be, or if the businesses could set their own fines. Mr. Baker answered businesses could not set the amount of the fines.

Chief Rosenbaum stated although there are actually less people cruising the streets there are more fights, drugs and loud music than in the past. He said that 70%-80% of the citations issued are to people from out of town. During the 2 month period of June-July, there were 25 alcohol citations issued, 24 for trespassing and 1 noise citation.

All agreed it was a city-wide problem that needed to be worked on. The Police Department is trying to get additional law enforcement for this area. It was also felt that helping the community be more aware of the problem through the use of the media would be helpful.

### **Public Hearing: Resolution 98-17: A Resolution Making Amendments to Sections of the Spanish Fork City Development Standards (Policy 39)**

A **motion** was made by Councilmember Huff to open the public hearing at 7:45 pm. Councilmember Shaw made the **second** and the motion **passed** with a unanimous vote.

This issue was previously tabled for further study regarding the licensing and insurance requirements on excavation permits for individual homeowners. City Engineer, Richard Heap detailed the changes proposed to Policy 39 regarding the excavation permits for homeowners. The changes involved a detailed drawing of the planned work, barricading for safety purposes;

and a cash bond of \$1000.

Citizen Joseph Curtin was concerned about the \$1000 cash bond, stating that it would be difficult for a homeowner to come up with the extra \$1000 in addition to the money needed for the work to be done. He understood the concerns of the city in securing the bond, but felt it was an additional hardship on the homeowner.

Councilmember Huff suggested the city consider the alternative of an escrow bond. It was explained that an escrow bond is similar to a line of credit - to be used if needed, with no fees or interest if the money is not utilized. Mayor Barney felt an escrow bond would be easier to set up and would remove the burden on the homeowner of financing the \$1,000. Mr. Heap felt the escrow bond option would be acceptable.

Councilmember Shepherd wondered about the consequences for homeowners that did excavation work without getting a permit from the city. Mr. Heap said in such cases a citation is issued and the homeowner will be required to obtain the permit.

Councilmember Huff made a **motion** to approve Resolution 98-17: A Resolution Making Amendments to Sections of the Spanish Fork City Development Standards (Policy 39) with amendments as presented and the change of the cash bond requirement to either an escrow bond or cash bond. Councilmember Shaw **seconded** the motion and it **passed** with a unanimous vote.

A **motion** was made by Councilmember Swenson to close the public hearing at 8:00 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Strawberry Electric Service District Refund**

A fee of \$1,108.50 was assessed on properties within areas annexed after 1986 which were in involved in the Strawberry lawsuit dispute as to whether Spanish Fork City or Strawberry Electric should be the service provider. Since the lawsuit is now settled these fees can be refunded.

Kent Clark, City Finance Director, presented the proposal to refund this money. The criteria used in determining recipients of the refund was documentation of who paid the fees, the contractor/developer or the homeowner. Mr. Clark noted out of the nearly 190 homes affected by the refund, 49 refunds have been issued.

Some contractors and homeowners are still debating the refund issue. The City Finance Committee previously met with some contractors to determine eligibility for the refunds. Mr. Clark presented a list of 52 additional homeowners eligible for refunds and requested the Council's approval.

Additional refunds may be given when the dispute between the developer and homeowners of certain residents in Sunset Park is resolved.

Councilmember Swenson made a **motion** to approve the refund of the Strawberry Electric Impact fees to the names presented by Mr. Clark. Councilmember Huff **seconded**, and the motion **passed** unanimously.

### **Approval of the Certified Tax Rate for the FY 99 Budget**

Mr. Clark then discussed the change in the Certified Tax Rate. Due to lack of information from the County and State when the fiscal year ended in June, the City budget was set with an estimated tax rate of 16.25 mils. When the actual numbers were received, it was determined that the tax rate would be 15.37 mils - a 17% drop in the tax rate. Mr. Clark explained how the tax rate is calculated and why it dropped.

A **motion** was made by Councilmember Huff to approve the Certified Tax Rate of 15.37 mils for the FY 99 Budget as presented. Councilmember Shaw **seconded** and the motion **passed** with a unanimous vote.

### **Home Investment Partnership Interlocal Cooperative Agreement**

Mr. Heap briefly explained that Spanish Fork is a participating member of the Utah Valley Consortium of Cities and County. HUD is authorized to make funds available to participating jurisdictions to increase affordable housing opportunities. According to HUD regulations, members of the Consortium are required to renew the HOME Investment Partnership Interlocal Cooperation Agreement for the fiscal years 1998-2000. This agreement helps in meeting the need of providing decent, safe, sanitary and affordable housing to low income families within Utah County. The Consortium funds have also been used to provide housing for women and children in crisis and the chronically ill. There are nine cities within the county participating. This same agreement was approved by Spanish Fork City in 1994.

Councilmember Shaw made a **motion** to renew the Home Investment Partnership Interlocal Cooperative Agreement. The motion was **seconded** by Councilmember Shepherd and **passed** unanimously.

### **Partial Abandonment of Road Right-of-Way/Quit Claim Deed to Shopko**

Mr. Heap stated several years ago Chevron deeded property to Spanish Fork City to construct and widen 900 North. The City decided not to make the street as wide as contemplated and thus not all of the property was used. Part of the Taco Bell landscaping now uses part of the property deeded to the City for 900 North. Shopko, who now owns the property, has requested a Quit Claim Deed for that small strip of ground (approximately 14 feet). Mr. Heap recommended approval of the Quit Claim Deed.

Councilmember Huff **motioned** to authorize Mayor Barney to sign the Quit Claim Deed to Shopko. Councilmember Shaw made the **second** and the motion **passed** with a unanimous vote.

## **Change Order - 1997 Utility Replacement Schedule "C"**

Mr. Heap reviewed the two items on the Change Order for the 1997 Utility Replacement Schedule "C" totaling \$9,180.

A **motion** was made by Councilmember Swenson to accept the Change Order to the 1997 Utility Replacement Schedule "C" in the amount of \$9,180.00. Councilmember Kelepolo made the **second** and the motion **passed** unanimously.

## **Other Business**

Cris Child representing the Airport Board requested a few moments to present an agreement proposal to the Council.

Referring to the Airport Mission Statement and a prepared map of the airport property, Mr. Child presented the airport's five year plan for improving and developing the airport property, including improved parking areas, access to hangars, curb and gutter along entrance, and additional hangars.

There are 10 acres adjacent to the airport that are not necessary to the operation of the airport. The Airport Board proposes to sell a portion of this property and use the funds along with \$20,000 to \$25,000 available in common funds, to make improvements of curb, gutter and landscaping at the entrance to the airport. He stated a building permit for additional hangars cannot be obtained until curb and gutter are installed. Mr. Child stressed the need for additional hangars with parking and access to the hangars. The Airport Board feels it would not be beneficial to the operation of the airport to wait until entrance work is complete before building permits are obtained for other improvements. He stated there is presently a great demand for more planes.

Mr. Child suggested an interlocal agreement be entered into regarding work and improvements needed at the airport. The agreement, to be reviewed annually, would allocate responsibilities for each city, dividing everything equally. He also proposed to make provisions in the hangar lease agreements for the hangars to be maintained properly.

Councilmember Shaw felt a physical inspection of the airport property and areas of the proposed improvements would be helpful. The Council requested a tour of the facilities be scheduled for the August 11, 1998 Council meeting.

## **Adjournment**

A **motion** was made by Councilmember Kelepolo to adjourn the meeting of the Spanish Fork City Council at 8:50 pm. Councilmember Shepherd **seconded** the motion and it **passed** with a unanimous vote.