

**Adopted Minutes
Spanish Fork City Council Meeting
September 1, 1998**

The meeting was called to order at 6:30 pm for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led by local boy scout Gavin Gardner.

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

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

Citizens Present: Mike Gardner, Mark Dallin, Roxanna Johnson, *Spanish Fork Press*; Jordan Christensen, Blake Warner, Marty Fox, Zac Hansen, Jess Lefevre, Brian Hansen, Kyle Shelley, Gavan Gardner, Mark Shelley, Steve Helms, Roy Johns, Mitchell Palmer, Lori Palmer, Cris Child, Jackie White, Blaine White, SherRon Houghton, Dale Houghton, Myron Child, Ken Clifford, and Colleen Clifford.

Minutes

Councilmember Huff made a **motion** to approve the minutes of August 18, 1998, Spanish Fork City Council meeting as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

New Employee Introduction

City Engineer Richard Heap introduced new employee Aaron Painter. Mr. Painter will be the new GPS Operator working in the Engineering Department.

Agenda Request - Dale & SherRon Houghton

Dale and SherRon Houghton own a home at 1610 South 1400 East. The Houghton's are adding onto their home, and in order to obtain a building permit the City has requested curb, gutter, and sidewalk along 100 feet of their frontage. Mr. Houghton feels requiring curb, gutter, and sidewalk is unfair because there is none on either side of his property. Mr. Houghton also expressed concerns regarding the right-of-way being obtained to complete 1400 East. He stated he has already given up 35 feet of his property for the road and would like the other half of the right-of-way to come from property across the street.

Mr. Heap stated the road has been planned for a long time, and to try and match property lines

would be very difficult. He also noted the City is willing to participate with construction of the sidewalk.

Mayor Barney stated if Mr. Houghton does not install curb, gutter, and sidewalk as part of his remodel, when the City prepares to finish 1400 East Mr. Houghton will not be obligated to participate in cost associated with the curb, gutter, and sidewalk, and the money would come from the entire citizenry. Mr. Houghton stated he would be willing to install curb, gutter, and sidewalk when 1400 East develops.

Mr. Mike Gardner also expressed concerns regarding the placement of the road. After further discussion Mr. Heap was directed to have the proposed road staked to see if there was a problem.

Mr. Houghton could address the Council again if he does not agree with the placement of the road.

Public Hearing - Ordinance A01-98: Magellan (Palesh) Annexation

Councilmember Kelepolo **moved** to open the public hearings at 7:40 pm. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

The proposed Magellan Annexation is comprised of 15.3 acres on the south side of Expressway Lane east of 1100 East. The property is contiguous to the City limits on all sides except for a narrow opening to county land at the southeast corner.

Mr. Comstock discussed the annexation and noted the Development Review Committee and Planning Commission recommended approval of the zone change. He stated the annexation is consistent with City policy in the General Plan.

Councilmember Huff asked about the wetlands issues on the property. Mr. Comstock feels the wetlands could be incorporated into the office project planned for the property.

Mr. Myron Child from the Magellan Group stated they were enamored with the fact the property had wetlands. The wetlands have been delineated by the U.S. Corps of Engineers, and will be mitigated by putting lakes and fountains in front of the offices.

Councilmember Shaw **moved** to adopt Ordinance A01-98: An Ordinance Annexing Property Known as the Magellan (Palesh) Annexation, subject to the conditions that the property be zoned C-O, Commercial Office; and an additional map prepared by a licensed surveyor be provided. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance A02-98: Cris Child Annexation

Mr. Comstock reviewed the Cris Child annexation to annex 5.84 acres east of SR 51 east of the Lynnbrook subdivision. The property is contiguous to the City limits on three sides. The Development Review Committee and Planning Commission recommended approval of the annexation.

A general discussion took place.

Councilmember Huff **moved** to adopt Ordinance A02-98: An Ordinance Annexing Property Known as the Child Annexation, subject to the conditions that the property be zoned R-R, Rural Residential; and an additional map prepared by a licensed surveyor be provided.

Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - A03-98: Morley Annexation

The proposed Morley Annexation consists of 3.22 acres south of 400 North and west of 600 West. The property is contiguous to the City limits on 3 sides.

A **motion** was made by Councilmember Huff to adopt Ordinance A03-98: An Ordinance Annexing Property Known as the Morley Annexation with the following conditions:

1. The second dwelling unit may only be used as a guest house and not a rental unit.
2. The two Strawberry Electric Service District payments in the total amount of \$5,540 must be made prior to recordation of the annexation.
3. The property is to be zoned R-1-8.
4. Receipt of another plat map prepared by a licensed surveyor

Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - William Creer Zone Change and Creer Preliminary Plat

Attorney Baker stated Mr. Creer requests a decision on his zone change and preliminary plat be tabled to the September 15, 1998, Council meeting.

Councilmember Shaw **moved** to table the William Creer Zone Change and Preliminary Plat until September 15, 1998. Councilmember Kelepolo **seconded**, and the motion passed unanimously.

A **motion** was made by Councilmember Kelepolo to exit the public hearings at 8:00 pm. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Agenda Request - Fairway Ventures, LC

The requestor, Scott Wilson was not in attendance. He requests the City Council extend the completion date for site improvements on Fairway Meadows - Phase II and III. through December 31, 1998.

Mr. Heap reviewed the issues surrounding the agenda request. He stated the main concern in the bonds for site improvements on Phase II and III expires September 26, 1998, and the bank will not grant additional extensions for these bonds. Mr. Heap noted the City has been in contact with the bank as well as the developers many times with regard to the bond and required site improvements. He recommended the City Council deny the request for extension and the City exercise the bond to either do the work, or have funds to pay the developer as the site improvements are done.

Councilmember Shaw **moved** to deny the request of Fairway Ventures, LC for extension of site improvement on Fairway Meadows Phase II and III. Councilmember Huff **seconded**, and the motion **passed** unanimously.

Tree Investigation Results

The City has received tree investigation results from a certified arborist with regard to two diseased trees at 872 North Main. Mr. Oyler recommended, based on the arborist report, the two trees be removed and two additional trees satisfactory to the City be planted in their place.

Councilmember Kelepolo **moved** to remove and replace the trees at 872 North Main with the new trees to be approved by the City. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Ditch Piping Connectors Agreement - Rick Salisbury

Mr. Heap recommended discussion on this issue be tabled until Mr. Salisbury is present.

A **motion** was made by Councilmember Huff to table the Ditch Piping Connectors Agreement with Rick Salisbury until Mr. Salisbury can be present. The motion was **seconded** by Councilmember Shaw, and it **passed** with a unanimous vote.

Review of SESD Refunds for Sunset Park and Other Areas

Mr. Clark reviewed the recommendation of the Finance Committee regarding the refund of the Strawberry Electric Impact Fee for Sunset Park residents. Of the 92 homes affected, Rick Salisbury is landlord of 2 and will get the full refund for those homes. 85 homeowners signed the settlement to receive \$300 with the remaining \$808.50 going to the developer Rick Salisbury.

One homeowner wished to arbitrate the refund, and one homeowner would not sign without consent from his attorney. It is recommended the City not release these funds until an agreement is reached with Mr. Salisbury and the two homeowners.

An additional two homeowners could not be found and the Committee recommends a guaranteed endorsement be printed on the back of the check in the amount of \$300 to each with the remaining \$808.50 going to Mr. Salisbury.

Mr. Clark then outlined the proposed refund for three other homes in Spanish Fork.

Councilmember Huff **moved** to approve the Strawberry Electric Service District refund as recommended by the Finance Committee and outlined above. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Mr. Mitchell Palmer stated he was the homeowner who signed to arbitrate and expressed appreciation for the decision made regarding the his impact fee.

Change Order - 1998 Utility Replacement Schedule "E" - 200 West Project

Mr. Heap reviewed the change order.

Councilmember Huff **moved** to approve the change order from Vancon for Utility Replacement Schedule "E" in the amount of \$2,880. The additional \$500 requested in the change order will be denied at this time. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Sprinkler Material Bid - New Ball Park

Mr. Clark reviewed the bid for sprinkler material at the new ballpark. Volunteers and City crews will be installing the sprinkler system.

Councilmember Shaw made a **motion** to accept the sprinkler material bid from Harward Irrigation in the amount of \$76,500. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Bids Received: Sprinkler Supply, \$77,564.01; Century Rain Aid, \$81,650.62; and Harward Irrigation, \$76,500.

Adjournment

Councilmember Kelepolo **moved** to adjourn the meeting of the Spanish Fork City Council at 8:30 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.