

**Adopted Minutes  
Spanish Fork City Council Meeting  
September 15, 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. Bryce Swenson.

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; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Kent R. Clark, Finance Director/Recorder; Carl R. Johnston, Lieutenant; Tom Cooper, Electric Department Grounds Crew; and Gina Peterson, Deputy Recorder.

Citizens Present: Rodger Hardy, *Deseret News*; Roxanna Johnson, *Spanish Fork Press*; Craig Willet, Steve Beck, Tim Rush, Andrew Beck, Derick Chappel, Nate Brimhall, Melissa Ireland, Joshua Wooton, Molly Flynn, Curtis Turnbull, Kevin Bardsley, Brian Griggs, Daniell Shaffin, Bryce Swenson, John Chakarun, Bill Creer, Brad Creer, Dale A. Houghton, SherRon Houghton, Mike Gardner, Rob McGovern, Roy Johns, Glenn James, Emily Jack, Meralyn Chipman, Emma J. Cox, Brandon S. Bigler, Eric Moulton, and Greg Magleby, *LEI Consulting Engineers*.

### **Minutes**

Councilmember Shaw made a **motion** to approve the minutes of the September 1, 1998 meeting of the Spanish Fork City Council as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **New Employee Introduction**

Mr. Heap introduced Mr. Tom Cooper, a new employee in the Electric Department. Mr. Cooper is the Grounds Crew Equipment Operator.

### **Employee of the Second Quarter 1998**

Mayor Barney and the Council presented Lieutenant Carl R. Johnston with the employee of the quarter award for the second quarter of 1998. Lieutenant Johnston was commended for his twenty years of service with the Police Department.

### **Resolution 98-18: A Resolution Proclaiming October 1998 as Domestic Violence Awareness Month**

Councilmember Huff **moved** to adopt Resolution 98-18: A Resolution Declaring October 1998 as Domestic Violence Awareness Month. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

### **Resolution 98-19: A Resolution Proclaiming October 1998 as Breast Cancer Awareness Month**

Councilmember Shaw made a **motion** to adopt Resolution 98-19: A Resolution Proclaiming October 1998 as Breast Cancer Awareness Month. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Chip Farnsworth Zone Change (R-R to C-2)**

Councilmember Huff made a **motion** to open the public hearings at 7:11 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

The Farnsworth Zone Change involves property located at the northwest corner of Canyon Road and 1400 East. Mayor Barney noted the zone change request has been withdrawn by the applicant and no action will be taken at this time.

### **Public Hearing - William Creer Zone Change (R-R to R-1-9) and Creer Preliminary Plat**

Mr. Bill Creer asked that his zone change request and preliminary plat be tabled until October 20, 1998.

Councilmember Swenson made a **motion** to table the William Creer Zone Change and Creer Preliminary Plat until October 20, 1998. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Ordinance Z10-98: James Nielsen Zone Change (R-1-8 to C-2)**

Mr. Jim Nielsen has submitted a request to amend the General Plan and to rezone approximately 3.2 acres south of Center Street and west of U.S. Highway 6 from R-1-8 to C-2. Mr. Nielsen has stated he would like to use the property for additional parking for his new commercial center. The applicant has since withdrawn his request for the larger parcel to the southeast, and is requesting a rezoning on approximately 0.25 acres to the west.

The City Council conducted a public hearing on this request on June 2, 1998. After reviewing considerable public testimony, the Council voted to table the request to an unspecified future meeting to allow a more thorough review of the actual parking needs of World Gym.

Mr. Comstock noted the Planning Commission recommended denial of the zone change on both properties.

The Mayor opened the meeting for public input. None was received.

Councilmember Shaw expressed concern that Mr. Nielsen has not been in attendance at any of the public hearings. She stated if the issue is important to him, he needs to be present to discuss it.

Councilmember Kelepolo feels the zone change should be granted for safety issues. He stated the additional parking lot will alleviate the need for people to park on the street.

Councilmember Shepherd stated she has never seen the existing parking lot at capacity. She feels the public is afraid if the zone is changed the property could later have other commercial uses.

Councilmember Kelepolo stated he has seen the existing parking lot very full at times. Mayor Barney stated he did not want to see the lot become a weed patch. Councilmember Kelepolo feels the proposed parking lot will not increase or decrease problems the neighbors might have.

Much discussion took place among the Council.

Councilmember Huff asked if a public safety problem could occur without additional parking. Chief Rosenbaum feels the proposed parking lot would be helpful in the aspect of keeping cars from parking along the side of the road. He stated it is definitely a busy intersection, which will probably just get busier.

Councilmember Kelepolo **moved** to approve the Jim Nielsen Zone Change from R-1-8 to C-2 by Ordinance Z10-98 for the 0.25 acres on the west side of the commercial center. Councilmember Swenson **seconded**, and the motion **carried** with **majority** vote of 4:1. Councilmembers Huff, Kelepolo, Shepherd and Swenson voted in favor of the motion and Councilmember Shaw was opposed.

**Public Hearing - Ordinance Z11-98: McGovern/Harward Zone Change (R-R to R-1-9); and Wolf Hollow Heights East Preliminary Plat**

**Public Hearing - Ordinance Z12-98: Bardsley Zone Change (R-R to R-1-9); and Bardsley Preliminary Plat**

**Public Hearing - Ordinance Z13-98: Chesapeake Bay Investments Zone Change (R-R to R-1-8); and Maggie's Place Preliminary Plat**

Mr. Comstock reviewed the three zone change requests as follows.

Rob McGovern and Randall Harward have submitted a request to rezone approximately 16.5 acres along 1240 South on the west side of 1400 East from R-R to R-1-9. Preliminary Plat approval is requested to create 41 single residence dwelling lots and 6 twin home lots.

A request has been received from Kevin Bardsley to rezone approximately 8.54 acres on the west side of 1400 East at about the 1400 South alignment from R-R to R-1-9. Preliminary Plat approval is also requested to create 26 single residence dwelling lots.

Chesapeake Bay Investments has presented a request to rezone approximately 11.02 acres at the southeast corner of Canyon Road and 1400 East from R-R to R-1-8. Also, request for Preliminary Plat approval to create 53 lots.

The Planning Commission and Development Review Committee recommended approval of all three zone changes and preliminary plats subject to various conditions which were reviewed by Mr. Comstock. He explained the three projects are intertwined because the road ties them together. Chesapeake Bay Investments will be responsible for bringing the sewer line up 1400 East to their property.

Mayor Barney opened the meeting for public comment and limited comments to three minutes.

Mr. John Chakarun asked for clarification about sewer hook-up availability. Mr. Comstock outlined the sewer line being completed by Hearthstone Development along the River Bottoms. He stated this line will tie into 1400 East.

Dr. William Creer stated he is in favor of development of 1400 East. He reviewed previous issues regarding the development of 1240 South with Nebo School District and the City. Mr. Creer's main concern is that commitments be given by McGovern, Bardsley and Chesapeake Bay stating that they will all develop simultaneously. This will ensure he is able to develop his lots that front 1400 East. He stated he is prepared to bond for improvements to his lots.

Mr. Mike Gardner asked if all the sewer easements have been signed for the 1400 East line. Mr. Craig Willet from Chesapeake Bay Investments answered yes. Mr. Gardner noted a discrepancy in property lines and land ownership that he feels needs to be resolved before development is allowed to progress.

Mr. Willet acknowledged the existence of some stray boundary lines. He stated some property owners on west side of 1400 East actually own property on the east side of the proposed road. Mr. Willet stated in these cases the sewer has been realigned to go around these problems. He said they took the path of least resistance that will not affect operation of the sewer. Mr. Willet stated the sewer line is proposed to jog from the east to the west side of the street. He does not feel it is the responsibility of the developer to solve problems with boundary lines.

Mr. Gardner questioned why the City will allow the sewer line to be jogged but the request of jogging the road was not an option.

Mr. Heap stated it is the City's preference that the sewer line goes straight. If the sewer is to be jogged, he stated there would be a manhole every 400 feet and the line could be jogged a total of 20 feet over each 400 foot length.

Dr. Creer feels the reason the sewer is jogging past his place is so Mr. Willet can develop his property without having to develop in front of Paul Gardner's property.

Ms. SherRon Houghton stated she has not signed an easement agreement. She expressed frustration that the road could not be jogged if the sewer line is jogged. Mr. Willet stated the Houghton property goes past the fence line to the Bearnson property. He stated the fence line rules legally in these cases, but they have moved the sewer line further onto the Bearnson's property.

Mr. Glenn James expressed the concern that there was only one way in and out of the Maggie's Place subdivision. Mr. Oyler clarified there are three accesses for Maggie's Place.

Mayor Barney closed the public input for Staff and Council discussion.

The Mayor expressed concern regarding the proposed width of 1400 East. He does not feel it is wise to approve any development until the road in front of Paul Gardner's property is widened.

Staff explained the road in front of Paul Gardner's property will consist of 24 foot of oil with 6 foot shoulders on each side as well as a 12 inch water line and 6 inch pressurized irrigation.

Mr. Brad Creer expressed the concern he feels there is no obligation from Chesapeake Bay to develop Paul Gardner's road.

Mr. Greg Magleby from LEI Engineering outlined agreements in place with each developer. Maggie's Place will be responsible for their frontage. An agreement will take place between Bardsley, Enoch Ludlow, Chesapeake Bay, and McGovern to pay for 24 feet of oil with two 6 foot shoulders, pressurized irrigation, water, and sewer for Paul Gardner's frontage.

Rob McGovern will be responsible for his frontage with 1/2 the road plus ten feet. Mr. Magleby stated whoever develops first out of McGovern or Bardsley will pay for the entire frontage of both properties and will be repaid by the other when their development takes place. Necessary funding has been determined for all improvements.

Much discussion took place regarding who was responsible for what improvements.

Mr. Kevin Bardsley stated he and Rob McGovern are willing to joint bond because they want to move forward.

Councilmember Shaw asked Mr. Creer what costs he would be associated with on 1400 East. Mr. Creer stated he is willing to participate in 1400 East along his frontage only.

Mr. Oyler summarized that Bardsley, McGovern, and Chesapeake Bay have all agreed to bond for their improvements. He suggested the zone change take place when the bonds are in place. Discussion took place about entering into a development agreement that ties the bond to the zone change, therefore bonding would take place now, even if the developers sit on the project.

Mr. Creer will be responsible to bond only for the frontage on his four lots.

Ms. SherRon Houghton expressed concern, as a mother, that there will not be a sidewalk for children to walk to school on the east side of 1400 East. Councilmember Huff agreed with safety concerns regarding the lack of sidewalk, especially while development is taking place. He requested a potential sidewalk access from the Maggie's Place development to the school be studied.

Councilmember Shaw made a **motion to approve** the McGovern/Harward Zone Change from R-R to R-1-9 by Ordinance Z11-98 and the Wolf Hollow Heights East Preliminary Plat subject to the following conditions:

1. Necessary right-of-way shall be acquired on 1400 East to Canyon Road to

- construct a 24 foot wide road with 6 foot shoulders on each side.
2. Lots 36 and 37 shall be combined into a twinhome lot.
3. The narrow strip between Lot 3A and Lot 6 of the Bardsley Subdivision shall be eliminated through property line adjustments.
4. A Development Agreement shall be signed with the City which incorporates the major components of the CC&R's regarding architecture, materials, fencing, and landscaping.
5. Mayor Barney is authorized to sign a development agreement between the City and Rob McGovern, Kevin Bardsley, and Chesapeake Bay Investments which states bonding for improvements to 1400 East will be in place prior to development.

and to **approve** the Bardsley Zone Change from R-R- to R-1-9 by Ordinance Z12-98 and the Bardsley Preliminary Plat subject to the following conditions:

1. Necessary right-of-way shall be acquired on 1400 East to Canyon Road to construct a 24 foot wide road with 6 foot shoulders on each side.
2. The westerly irrigation ditch shall receive agreements from both Mr. Beckstrom and Mr. Cloward that are satisfactory to the City Engineer.
3. The narrow strip between Lot 3A and Lot 6 of the Bardsley Subdivision shall be eliminated through property line adjustments.
4. Exercise the "buy-out" option for the existing SESD customer.
5. A Development Agreement shall be signed with the City which incorporates the major components of the CC&R's regarding architecture, materials, fencing, and landscaping.
6. Mayor Barney is authorized to sign a development agreement between the City and Rob McGovern, Kevin Bardsley, and Chesapeake Bay Investments which states bonding for improvements to 1400 East will be in place prior to development.

and to **approve** the Chesapeake Bay Investments Zone Change from R-R to R-1-8 by Ordinance Z13-98 and the Maggie's Place Preliminary Plat subject to the following conditions:

1. Sewer easements must be obtained along 1400 East as well as entering into a development agreement for reimbursement of the sewer line. The sewer easements and agreements must be reviewed and approved by the City Attorney and City Engineer.
2. The irrigation ditch to the south must be abandoned or piped.
3. No buildings may be located within the landscape easement along 1400 East
4. Provide an electrical easement along Canyon Road for the SESD line.
5. Canyon Road and 1400 East improvements shall be completed in the first phase of development.
6. Consider a sidewalk access at the northeast corner of the development for access to the school.
7. Mayor Barney is authorized to sign a development agreement between the City and Rob McGovern, Kevin Bardsley, and Chesapeake Bay Investments which states bonding for improvements to 1400 East will be in place prior to development.

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

## **Public Hearing - Ordinance Z14-98: Cloward/Hall Zone Change (R-R to R-1-9); and Parkside Estates Preliminary Plat**

A request has been received to rezone approximately 13.1 acres at approximately 1400 South 1100 East from R-R to R-1-9. Preliminary Plat approval will create 37 lots from approximately 13.1 acres. This development will be a continuation of Wapiti Estates which was previously approved. Mr. Comstock noted the Planning Commission and Development Review Committee recommended approval subject to conditions.

Councilmember Shaw **moved** to adopt the Cloward/Hall Zone Change from R-R to R-1-9 by Ordinance Z14-98 and the Parkside Estates Preliminary Plat subject to the following conditions:

1. The retention basin/park shall include a basketball court in addition to the improvements already being installed in conjunction with the Wapiti Estates Subdivision.
2. The irrigation ditch along the southerly property line shall be piped or abandoned.

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

Councilmember Huff made a **motion** to exit the public hearings at 9:11 pm. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

## **Spanish Fork Business Center - Preliminary Plat**

The Spanish Fork Business Center Preliminary Plat consists of 23 lots on 33.22 acres in an I-1 District between Chappel Drive and 1100 East at 1920 North. The project is proposed to contain a mixture of small office/warehouse buildings and larger sites which could accommodate single use industrial or other employment related users. Both the Development Review Committee and Planning Commission have reviewed the plat and recommended approval subject to conditions.

A general discussion took place on the project.

A **motion** was made by Councilmember Shaw to approve the Spanish Fork Business Center Preliminary Plat subject to the following conditions:

1. The concrete ditch on the northwest corner of Lot 1 be piped.
2. 1100 East be connected to the existing road to the south when the area east of Lot 17 is developed.
3. Drainage restrictions of 0.2 cfs discharge per acre is noted on the plat.
4. Extend a power line from the development approximately 1200 feet to the south to connect to the line on Chappel Drive. Mr. Foster will provide a cost estimate for this line.

The **second** was made by Councilmember Shepherd, and the motion **passed** with a unanimous vote. *Note: Councilmember Swenson abstained from voting*

## **Bid - Chlorine Contact Basin at the Sewer Treatment Plant**

Mr. Heap noted bids for the Chlorine Contact Basin are quite a bit over budget. He feels they

should be tabled until October before which time staff can meet with contractors and consultants to determine how to proceed.

Councilmember Swenson made a **motion** to table the Chlorine Contact Basin Bids for further consideration. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

#### **Bid - FY99 Miscellaneous Concrete Work**

Mr. Heap recommended the bids for miscellaneous concrete work be rejected. He stated they will bid as B&C requires.

Councilmember Kelepolo made a **motion** to reject the bids for the FY99 Miscellaneous Concrete Work. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

#### **Bid - Chain Link Fence**

Mr. Heap reviewed the bids for chain link fencing at various locations throughout the City.

Councilmember Huff made a **motion** to approve the bid for chain link fencing from Mountain States in amount of \$69,450. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

*Bids Received: Mountain States - \$69,450; and Northwest Fence - \$98,410.*

#### **Bid - Water and Pressurized Irrigation at New Ballpark Facility**

Mr. Heap stated bids were requested for the culinary water line and pressurized irrigation line for the new ballparks. Only one bid was received and it came in 30% higher than the estimate. Mr. Heap recommended rejecting the bid and analyzing other ways the lines could be installed. He noted volunteer and city employee work as possible options.

Councilmember Kelepolo made a **motion** to reject the bids for the water and pressurized irrigation lines at the new ballpark facility because it is considerably over budget. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

**Resolution 98-20: Authorizing the Issuance and Sale of Not More Than (A) \$1,500,000 Aggregate Principal Amount of Water Revenue Refunding Bonds, Series 1998A of Spanish Fork City, Utah County, Utah, (B) \$611,000 Aggregate Principal Amount of Water Revenue Refunding Bonds, Series, 1998B of the Issuer, and (C) \$1,050,000 Aggregate Principal Amount of Water Revenue Refunding Bonds, Series 1998C of the Issuer, Fixing the Maximum Aggregate Principal Amount of Said Bonds, the Maximum Number of Years Over Which Said Bonds May Mature, the Maximum Interest Rate Which Said Bonds Bear, and the Maximum Discount from Par at Which Said Bonds May Be Sold; Providing**

## **for the Publication of Notice of Bonds to Be Issued; Providing for the Running of a Contest Period; and Related Matters**

Mr. Clark reviewed Resolution 98-20. He stated thirty days from approval the actual sale of the bonds will take place.

Councilmember Swenson made a **motion** to adopt Resolution 98-20: Authorizing the Issuance and Sale of Not More Than (A) \$1,500,000 Aggregate Principal Amount of Water Revenue Refunding Bonds, Series 1998A of Spanish Fork City, Utah County, Utah, (B) \$611,000 Aggregate Principal Amount of Water Revenue Refunding Bonds, Series, 1998B of the Issuer, and (C) \$1,050,000 Aggregate Principal Amount of Water Revenue Refunding Bonds, Series 1998C of the Issuer, Fixing the Maximum Aggregate Principal Amount of Said Bonds, the Maximum Number of Years Over Which Said Bonds May Mature, the Maximum Interest Rate Which Said Bonds Bear, and the Maximum Discount from Par at Which Said Bonds May Be Sold; Providing for the Publication of Notice of Bonds to Be Issued; Providing for the Running of a Contest Period; and Related Matters. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Bid - Mower for Parks & Recreation**

Mr. Clark reviewed the bids and recommended the low bid from Wilson Supply.

A **motion** was made by Councilmember Kelepolo to accept the bid from Wilson Supply Company in the amount of \$18,971 for the Excel Hustler 4500 Mower. The motion was **seconded** by Councilmember Shepherd, and it **passed** with a unanimous vote.

*Bids Received: Rocky Mountain Turf - Grasshopper 928D2 72" - did not meet specs  
Wilson Supply Company - Excel Hustler 4500 72" - \$18,971*

### **Bid - Water/Sewer Truck**

Bids for a new two-ton truck for the water and sewer department were reviewed by Mr. Clark. The bid from Great Basin was recommended for approval due to the faster delivery date and included mechanic schooling.

Councilmember Huff made a **motion** to approve the bid from Great Basin for the purchase of a two-ton cab and chassis in the amount of \$49,232. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

*Bids Received: Lake City - \$48,885; Sterling - did not meet specs; Great Basin - \$49,232.*

### **Other Business**

Mayor Barney stated city officials from Spanish Fork and Payson met with County Commissioner Grover to review a possible formula which would allow funding from the County for recreation purposes. He felt the meeting went well. The city officials will meet with the

other County Commissioners at a later date.

### **Adjournment to Executive Session**

A **motion** was made by Councilmember Swenson to adjourn the regular session of the Spanish Fork City Council at 9:50 pm and convene the executive session to discuss legal issues. The motion was **seconded** by Councilmember Shaw, and it **passed** unanimously.