

**Adopted Minutes
Spanish Fork City Council Meeting
November 11, 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 Nick Potter.

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; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Kent R. Clark, Finance Director/Recorder; and Gina Peterson, Deputy Recorder.

Citizens Present: Rodger Hardy, Deseret News; Roxanna Johnson, Spanish Fork Press; Tyler Curtis, Jeff Curtis, Cody Hales, Nick Potter, Amber Ross, Weldon L. Hathaway, Joshua Wooton, Maren Lange, and Echo Whittaker.

Minutes

A **motion** was made by Councilmember Shaw to approve the minutes of the November 3, 1998 meeting of the Spanish Fork City Council with noted amendments. The motion was **seconded** by Councilmember Kelepolo and it **passed** unanimously.

Business License Revocation Hearing - Frazier Trucking

Attorney Baker related background information regarding the Frazier Trucking site at 1796 North 200 East in Spanish Fork.

Newly developed property is required to have various types of improvements completed with the business. The original site plan for Frazier Trucking was approved in August 1994 with the following conditions:

1. Curb and gutter on 200 East and 1750 North as shown on the site plan;
2. Landscaping as shown on the site plan;
3. Asphalt over the parking area per the site plan and half of the road on 200 East and 1750 North.
4. The fencing of the entire property or the creation of the storage area within the property which is fenced. This fencing needs to be a visual barrier type as outlined by the Spanish Fork City Ordinance.

In August of 1995 Frazier Trucking obtained a business license with none of the site improvements being complete. Attorney Baker sent Frazier Trucking a letter in 1996 outlining problems and items still needing completion. The City also requested the removal of inoperable vehicles from the site. Attorney Baker stated the inoperable vehicles were removed, but none of the other site improvements were done. Mr. Vernon Frazier came to a Development Review Committee meeting in early 1997 and requested an extension on the deadline for site

improvements until the end of June 1997. To date, site improvements are still not complete.

Attorney Baker stated Mr. Frazier indicated he has sold some of his property and feels the new owner should now be required to do improvements. The Development Review Committee recently met to review the issue and felt it was still Mr. Frazier's obligation to complete the required improvements.

Attorney Baker noted frustration of the City staff since the original site plan was approved in 1994 and the improvements are still incomplete. He stated the completion of 200 East is becoming especially important as new development near the area is taking place. Attorney Baker requested assistance from the Mayor and Council on how to proceed with the problem. The Council has the authority to revoke Mr. Frazier's business license due to the incomplete site improvements.

Mayor Barney asked if a bond was required for improvements. City Engineer Richard Heap noted bonding is not required now, but the City does not allow occupancy now without completion of the site improvements.

Mr. Vernon Frazier addressed the Council. He stated he has "stubbed his toe" with the improvements and related a brief history of the property. Mr. Frazier felt at the time of initial approval he would be able to complete the improvements and so he did not post bond for them. He stated the City issued the building permit anyway and business went ahead. Mr. Frazier related financial hardships that have kept him from completing the improvements. He stated he has installed chain link with vinyl slats as a visual barrier fence. He also noted a reason for not installing curb and gutter, stating it would have been torn up during recent construction of the Mapleton sewer line. Mr. Frazier stated the new buyer of a portion of his property was supposed to discuss the improvements with the City. He stated the City has been good to work with him, and asked if they would work with him again and not pull his license.

Councilmember Swenson asked if the new owner of Mr. Frazier's property was willing to complete their portion of the improvements. Mr. Frazier stated the property was sold with that understanding. Mayor Barney feels Mr. Frazier should be the one to complete improvements as approved.

Attorney Baker noted the City has not seen anything from the second owner, including any type of plat showing the subdivision of the property. He also noted that chain link with slatting does not qualify as a visual barrier fence under current City ordinance.

Councilmember Huff asked if Mr. Frazier had any formal agreement with the property buyer that he would assume some obligation regarding curb, gutter and other improvements. Mr. Frazier indicated the agreement was just verbal. Councilmember Huff stated the property could change hands several times and then the improvements would not take place for many years.

Discussion took place regarding a possible extension of the terms of site plan approval.

Mr. Frazier stated he will complete the original requirements for his site plan from 1994 if the City will give him an extension until April 15, 1999.

Attorney Baker stated landscaping and the curb wall along the frontage of the property sold could be delayed until the new owner develops.

Councilmember Swenson **moved** to allow Frazier Trucking to continue to operate business with an extension on completion of the original site improvements until April 15, 1999. Landscaping along the west side of the property which has been sold (200 East) will no longer be required. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Bid - Police Detective Vehicles

Mr. Clark reviewed the bid for detective vehicles for the Police Department through the State purchasing contract. The budget amount for the two vehicles was \$44,000. Mr. Clark recommended approval of the vehicles under the State bid contract price of \$38,732 from John Mecham Jeep.

Councilmember Shaw made a **motion** to accept the bid for two Jeep Cherokee Sport vehicles for the Police Department from John Mecham Jeep in the amount of \$38,732. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Bid - Track Hoe Excavator

Mr. Clark outlined bids for a track hoe excavator. He recommended approval of the bid from M & R Equipment for a Sumitomo with blade. Mr. Clark stated the City will have the option to pay a fee and trade out the existing equipment for new equipment annually. Mayor Barney feels that will be a good option but stated they may not have to be traded as often as every year.

Councilmember Kelepolo made a **motion** to accept the bid from M & R Equipment for a Sumitomo with blade in the amount of \$84,000. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Bids Received (with blade): Rasmussen Equipment, \$85,100; Wheeler Equipment, \$91,606; M&R Equipment, \$84,000.

Other Business

Mayor Barney informed the Council he had a visit from an individual with the Federal EPA. The visit was a result of the City's protest to the fine regarding the Sewer Treatment Plant. Mayor Barney related the City's concerns regarding the fine. The EPA representative stated he would see what could be done in the future.

Public Safety issues were discussed including speeding on 800 East and violations of pedestrian crossing laws.

Adjournment

Councilmember Shaw made a **motion** to adjourn the meeting of the Spanish Fork City Council at 8:23 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.