

Adopted Minutes
Spanish Fork City Council Meeting
January 5, 1999

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. Richard J. Nielson.

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

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Gregory A. Comstock, City Planner; Richard J. Nielson, Assistant Public Works Director; S. Junior Baker, City Attorney; Kent R. Clark, Finance Director/Recorder; Jack J. Swenson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; Chris Thompson, Design Engineer; Nate Crow, Engineering Intern; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, Spanish Fork Press; Bruce Long, Cody Long, Tyrel Long, Brad Emery, Shelley Emery, Jacob Granneman, Lynn Banks, Ray Hansen, Chester Milburn, Eric Larsen, Kenny Urianza, Curtis Peterson, Todd Johnson, Ammon Morgan, David Garcia, Kelly Long, Brandon Boggs, Spencer Peterson, Peter Boggs, Doug Carlson, Michael Krueger, Roy Johns, Allen Fink, Nextel Communications; Joelle Fink, Glenn Way, Steve Bushman, Sophia Wilson, Bryan Wilson, Allison Gee, Kariah Jones, Rodger Hardy, Deseret News; Vic Deauvono, and Gordon Jones.

Minutes

A **motion** was made by Councilmember Shepherd to approve the minutes of the December 15, 1998 meeting of the Spanish Fork City Council as presented. The motion was **seconded** by Councilmember Kelepolo, and it **passed** with a unanimous vote.

Agenda Request - Chester A. Milburn

Mr. Chester Milburn approached the Mayor and City Council to discuss the City's winter parking ordinance (§10.12.100). While the ordinance does not personally affect him, Mr. Milburn stated the City should abide by the ordinance if citizens are expected to. He noted on December 17 and 18, 1998, the Police Department's radar trailer was parked overnight on 800 East. Mr. Milburn asked who got the ticket for the radar trailer breaking the law. He expressed his feeling that the law should be done away with, especially since there has not been quite as much snow as in past years.

Mayor Barney stated the radar trailer is parked on the street for public safety reasons to show people the speed they are traveling. Chief Rosenbaum discussed the rationale for the ordinance. He stated before the ordinance was enacted cars would be completely covered with snow when the streets were plowed because people would not move their cars. The snow on the sides of the

street would eventually narrow the road to one lane causing traffic hazards, and pedestrians would be forced to walk in the middle of the road. Chief Rosenbaum stated the City does get a few complaints about the ordinance every year, but not many.

Councilmember Huff stated snow is not going to control the ordinance and the ordinance will not control the snow. He does not have a problem with the radar trailer staying on the street because it is a public safety service.

Mayor Barney expressed appreciation for Mr. Milburn's comments.

Public Hearing - Ordinance Z01-99: Johnson Zone Change (R-1-8 to R-2) and Ginie J. Preliminary Plat

Councilmember Huff made a **motion** to open public hearing at 7:12 pm. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

A request has been received from Mr. Frank Johnson to rezone approximately 2 acres at 400 West 100 South from R-1-8, Medium Urban Residential, to R-2, Medium High Urban Residential. Preliminary Plat approval will create 14 lots.

Mr. Comstock reviewed the conditions of approval from the Development Review Committee and Planning Commission.

Mayor Barney opened the meeting for public comment. None was received.

A general discussion took place regarding the plat and the location of the property in relation to roads.

Councilmember Swenson made a **motion** to adopt the Johnson Zone Change from R-1-8 to R-2 by Ordinance Z01-99, and the Ginie J. Preliminary Plat subject to the following:

1. A fire hydrant be installed at the southwestern corner of the project on the north side of 100 South, with a four foot wide gate in the fence adjacent to it.

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

Councilmember Huff made a **motion** to exit the public hearing at 7:25 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Ordinance 01-99: An Ordinance Repealing and Reenacting the Spanish Fork Purchasing System

Mr. Oyler outlined Ordinance 01-99. The City is proposing to revise the existing purchasing policy. The proposed policy follows the old ordinance, but is streamlined and consistent with State code as it relates to the maximum amounts on bidding. Clarification has also been added regarding the lowest *responsible* bidder.

Councilmember Huff stated he has spent several hours with City Staff on the purchasing policy. He feels a good effort has been put into the document. Councilmember Huff also expressed

appreciation to the staff for what they do to close any loopholes.

Councilmember Huff **moved** to adopt Ordinance 01-99: An Ordinance Repealing and Reenacting the Spanish Fork Purchasing System. Councilmember Shepherd **seconded** the motion, and it **passed** unanimously.

Amendment to the Computer Consultant Interlocal Agreement with Springville City

Mr. Oyler reviewed the amendments to the Computer Consultant Interlocal Agreement. The original agreement was passed in November, 1998. The new exempt position will be called the "Information Systems Director". Attorney Baker stated paragraph three of the document should indicate the initial budget, including wages and benefits will be approximately \$80,000 to \$90,000 annually. He also stated because the position is exempt, no overtime will be accrued.

Councilmember Huff discussed the potential for overtime liability because the employee will be working between two cities. He also asked if a report could be generated indicating Y2K compliance. Mr. Oyler stated the City's insurance carrier, Utah Risk Management is very concerned about Y2K compliance and will make it a future requirement of their annual audit.

Discussion took place regarding the job responsibilities of the IS Director.

Councilmember Kelepolo made a **motion** to authorize Mayor Barney's signature on the Amendment to the Computer Consultant Interlocal Agreement with changes to paragraph 3 as indicated. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

Monopole Lease Agreement with Nextel Communications

Nextel Communications would like to enter into an agreement with Spanish Fork City for a monopole to replace an existing light tower at the City's ballfield. The City would own the monopole and Nextel would pay rent on the pole. The City will need to provide insurance on the pole, but detail of the insurance will be worked out later. Nextel requests approval of the lease subject to working out insurance details. The term of the lease would be for five years, with five renewals of five years for total of 30 years. An inflation escalator has been built into the agreement making rent increase by four percent each year.

Mr. Baker stated the City proposed a rent figure of \$750 month and Nextel counter-offered at \$625 a month. Mr. Allen Fink representing Nextel Communications stated the original rent proposal was 500 a month. Because they are building the pole, Nextel would like to recoup costs somehow. Mr. Fink stated because Nextel will not own the tower, they cannot have co-location from another telecommunication company.

Discussion took place regarding insurance requirements.

Councilmember Swenson made a **motion** to table the lease agreement with Nextel for a monopole until January 12, 1999 when further information is received regarding insurance. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Discussion of Spanish Trails Development Agreement

City Engineer Richard Heap outlined portions of the development agreement with DJ Elite regarding the Spanish Trails development, in particular sections regarding piping of adjacent ditches. The north half of the ditch on the west side of Spanish Trails was to be piped by the spring of 1997, the south half was to be piped before irrigation season started in 1998. It was agreed the irrigation ditch on the east side of the development could be piped in phases as long as piping stayed ahead of the development. In November 1998 during approval of the Spanish Trails Revised Preliminary Plat, the City Council directed Mr. Vic Deauvono to abide by the terms and conditions of Development Agreement. To date, no ditch piping has taken place.

Mr. Deauvono stated he had multiple delays in purchasing the property from the City, and the purchase was not finalized until six months after the development agreement was signed. He stated he will commit to piping the ditch this year. Mr. Deauvono stated he would like to enter into a development agreement which indicates if the ditch is used for anything other than irrigation (i.e. storm drainage) they can have a connectors agreement.

Mayor Barney stated Mr. Deauvono knew what conditions had to be met when he signed the development agreement.

Mr. Deauvono noted other concerns about the design and size of the ditch. Councilmember Swenson stated the design and specifications of the ditch is between Mr. Deauvono and Westfield Irrigation.

Mr. Heap stated the City has waited for piping to begin and has never seen the design. The bond term has expired and the City is requesting a portion of the bond for the ditch be sent to the City.

Kay Hansen from Westfield Irrigation stated they would give Mr. Deauvono a compromise of waiting for one year to complete piping of the big sect ditch in order to get piping complete for the ditch on 300 West. He indicated clean-outs will be required about every 500 feet along with 30 inch pipe.

Councilmember Huff asked Mr. Deauvono for a starting and completion date. Mr. Deauvono stated he will meet with Hall Engineering to get the ditch designed within the week. He stated the ditch will be completed by March 15, 1999 as requested by the irrigation company.

Mayor Barney stated a set of plans is needed so everyone can review the design and the piping can be complete. Mayor Barney directed Mr. Deauvono to get the plans to the City Engineer so the design can be approved with the Irrigation Company. Mr. Kay Hansen agreed to the discussion and stated Mr. Deauvono needs to make sure the piping is done by March 15 because they are foregoing completion of the westerly ditch as a concession.

Appointments to City Boards and Commissions

Mayor Barney stated the board appointments are not ready and requested the item be tabled.

Councilmember Kelepolo made a **motion** to table the appointments to the City's Boards and Commissions until January 12, 1999. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Adjournment to RDA Session

Councilmember Huff made a **motion** to adjourn the meeting of the Spanish Fork City Council meeting at 8:20 pm and convene the meeting of the Spanish Fork Redevelopment Agency. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.