

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**April 20, 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 Councilmember Clyde A. Swenson.

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

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Kent R. Clark, Finance Director/Recorder; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Nate Crow, GIS Specialist; and Heather Frost, Public Safety Department Secretary.

Citizens Present: Rodger Hardy, *Deseret News*; CeAnn Whitehead, Roy Johns, Eric Moulton, Melissa Moulton, Patty Long, Whit Hill, Dale Robinson, Sue Johnson, Clyde Johnson, Faye B. Johnson, Fred L. Johnson, Bart Morrill, Bill Bushman, Matthew Marziale, Jon Miller, Kip W. Gilleland, Brad Simons, Roxanna Johnson, *Spanish Fork Press*; and Glenn James.

### **Minutes**

Councilmember Shaw made a **motion** to approve the minutes of the April 6, 1999, and April 13, 1999 meetings of the Spanish Fork City Council as printed. The **second** was made by Councilmember Huff, and the motion **passed** unanimously.

### **New Employee Introductions**

City Manager Oyler introduced Mr. Bill Bushman, Parks and Recreation Maintenance Supervisor; Mr. Matthew Marziale, Parks and Recreation Program Supervisor Trainee; Mr. Whit Hill, Parks and Recreation Lead Worker; Mr. Bart Morrill, Parks and Recreation Lead Worker; Mr. Nate Crow, GIS Specialist; and Ms. Patty Long, South Utah County Crime Victim Advocate. The council joined the staff in welcoming all as new employees of Spanish Fork City.

Mayor Barney introduced Mr. Clyde Johnson to the council as Spanish Fork City's new Fire Chief. City Recorder Kent Clark administered the oath of office to Chief Johnson. The mayor and council welcomed Chief Johnson and wished him well in his newly appointed position in the fire department.

### **Employee Recognition**

Mayor Barney along with the council expressed their gratitude to Ms. Melissa Moulton, former Engineering Department Secretary. Ms. Moulton is leaving her employment with Spanish Fork City after five years of service. Ms. Moulton was presented with a gift as the council and staff wished her the best in her endeavors.

### **Business License Revocation Hearing -- Vernon Frazier**

Attorney Baker reviewed previous agreements the city has made with Mr. Vernon Frazier in regards to required improvements that have not yet been completed at the site of his business. He recounted the decision of the council made at a previous meeting held with Mr. Frazier on November 10, 1998, where Mr. Frazier was given a deadline of April 15, 1999, for completion of the improvements. Mr. Baker informed the council to date, the improvements have not been

completed, however, Mr. Frazier has explained his reason being the city has been doing construction in the area of his business, specifically the 200 East curb and gutter project. Attorney Baker requested the council consider extending Mr. Frazier's deadline to May 15, 1999. Councilmember Huff questioned the feasibility of completing the improvements by that date. He suggested extending the deadline to May 31, 1999, noting if the improvements are not complete, the business license revocation hearing will continue.

Councilmember Huff then made a **motion** allowing Mr. Frazier additional time to complete his responsibility of the project improvements with a completion deadline of May 31, 1999. Councilmember Huff included in his motion the council will review the situation at the first council meeting following the deadline and if the improvements have not been completed, action will be taken on the business license revocation. The **second** was made by Councilmember Shepherd, and the motion **passed** with a unanimous vote.

### **Consider Adoption of the Portola Development Zone Change and Abbie Court Preliminary Plat**

Mr. Oyler explained this agenda item had been continued from the April 6, 1999, meeting of the city council. He said some of the council and staff have looked at developments in other cities similar to the proposed development in Spanish Fork. Mr. Oyler referred to the proposed development. He pointed out the developer's plan for a small park and a park/retention basin in exchange for higher density within the development. Mr. Oyler listed the following items for discussion: 1) The responsibility of the city to maintain the small parks; and 2) The Comprehensive General Plan calls for a mixture of housing units in developments pointing out Abbie Court proposes all single family homes.

The council discussed the developer's proposed amenities in relationship to the high density requested for this development.

Councilmember Huff voiced concerns with adding a park the city will be responsible to maintain. He questioned the council's intent regarding the master plan's request for added amenities and a mixture of housing units within developments.

The developer of the project provided the council with an amended plat. The previously proposed small park was no longer included and some of the lots had been enlarged, there was not an increase in the number of homes proposed within the development. The developer noted there was not a problem with moving the north entrance to the east.

Councilmember Kelepolo informed the council he had visited a development in another city this developer had completed. He reported the developments he looked at were good quality homes, both inside and out.

Mixing housing units within a development was brought up once again. The developer of this project explained he planned to bring a mixture to the development by offering twenty-six different house plans within the development and not building more than 30% of any one floorplan. Answering to the council's questions, the developer reviewed price ranges as well as additional costs for upgrades such as stucco exterior, larger garages, etc., and stated he does not

anticipate selling lots to other builders. He gave the council a percentage breakdown of the types of buyers in his developments: 20% empty nesters, 30-40% first time buyers and 40-50% people moving up from a smaller home.

A lengthy discussion took place in regards to amenities in exchange for high density, city maintenance of small neighborhood parks, and mixing housing unit types within developments.

Councilmember Huff suggested the council meet with the planning commission to discuss the intent of the master plan in reference to future developments in Spanish Fork City. The council planned a work session with the planning commission on April 29, 1999, to discuss the intent of the master plan.

Councilmember Huff made a **motion** to table a decision on the Portola Zone Change and Abbie Court Preliminary Plat, until such time as the council and planning commission can meet and discuss the existing comprehensive general plan. Councilmember Huff included in his motion the council should try to be prepared to act on the Portola Zone Change and Abbie Court Preliminary Plat at the first council meeting in May. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

#### **Acceptance or Rejection of the Ernest Hales Annexation (amended)**

As Mr. Oyler reviewed the information, a question arose in regards to the Comprehensive General Plan five year growth boundary. Mr. Oyler and Mr. Baker referred to the general plan as the council moved forward on the agenda.

#### **Change Order - 400 South Sidewalk**

Mr. Heap reviewed the change order D.G. Concrete submitted for additional work needed on the 400 South Sidewalk Project for the amount of \$750.00.

A **motion** was made by Councilmember Kelepolo to approve the 400 South Sidewalk Change Order from D.G. Concrete in the amount of \$750.00. Councilmember Shepherd **seconded** the motion and it **passed** unanimously.

#### **Contract Approval for Memorial Well Rehabilitation**

Mr. Heap explained the staff has sought bids from three companies qualified to complete a well rehabilitation, which includes cleaning, installation of additional perforations, TV inspection and test pumping the well. He said only two of the three companies submitted a bid. Mr. Heap then reviewed the bids received with the council. After a close review of the bids, Mr. Heap recommended the bid from Petersen Brothers Drilling Company, Incorporated, for the amount of \$31,900. Although the total bid was higher than the bid of Webber Drilling Company, Incorporated (\$25,000), Mr. Heap pointed out Petersen's hourly costs were less than Webber's.

*\*\*NOTE: Mayor Barney left the meeting momentarily to meet with members of the shade tree committee. He returned at 8:30 pm.*

Councilmember Swenson made a **motion** to award the Memorial Well Rehabilitation bid to Petersen Brothers Drilling Company, Incorporated, in the amount of \$31,900. The **second** was made by Councilmember Huff, and the motion **passed** with a unanimous vote.

*Other bid received: Webber Drilling Company, Incorporated, \$25,000.*

### **Bids -- FY 99 Miscellaneous Concrete Work**

Mr. Heap explained these bids provide prices for the miscellaneous concrete work the city plans to do this spring. He recommended the low bidder, RB Construction for the amount of \$57,502.50.

A **motion** was made by Councilmember Kelepolo to award the FY 99 Miscellaneous Concrete Work bid to RB Construction for the amount of \$57,502.50. Councilmember Shepherd **seconded** the motion and it **passed** with a unanimous vote.

*Other bids received: Devco, \$64,772.57; Concrete Concepts, \$67,315.*

### **Resolution 99-06: A Resolution Requiring the Transfer of Water Upon Development**

Mr. Heap reviewed the city's current policy for transferring water upon development of property. He said because the cash in lieu of water transfer is minimal, many developers are paying the fee rather than transferring water rights, therefore, the city is not increasing its water supply as the population grows. Mr. Heap recommended the council adopt Resolution 99-06, which requires at least 50% of the water obligation to be actual water rights, the other 50% can be met by paying a cash in lieu of fee, which fee will be established yearly by the council in the annual budget.

Councilmember Huff made a **motion** to adopt Resolution 99-06: A Resolution Requiring the Transfer of Water Upon Development with the following changes: 1) Verbiage listed as 6.D. 2.9 acre feet for a 2 inch meter; 6.E. 11 acre feet for a 3 inch meter; and 6.F. 14 acre feet for a 4 inch meter; is deleted and verbiage listed as 6.G. Case by case for larger meters; is renumbered to 6.D.; and 2) Paragraph number seven is added as follows: *This Resolution shall be applicable to all pending plats except those which have had final plat approval.* The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Acceptance or Rejection of the Ernest Hales Annexation (amended)**

Mr. Oyler reviewed the Comprehensive General Plan pointing out the fact that the boundary line on the CGP map does not coincide with the printed description in the language of the Comprehensive General Plan. Due to the fact that the written portion of the plan was adopted by the council, it was determined the boundary on the map is a clerical error and Attorney Baker asked the engineering department to correct the error. After clearing this matter up, it was determined that Mr. Hales' property does fall within the five year growth boundary.

Councilmember Swenson made a **motion** to accept the petition for annexation from Mr. Ernest Hales for further study. The **second** was made by Councilmember Shepherd, and the motion **passed** with a unanimous vote.

### **Change Orders -- Upper Level Library Remodel**

Mr. Oyler reviewed proposed change orders #1 and #2 for the upper library remodel. Mayor Barney questioned the 15% charge listed on change order #2 as "RB Construction profit and overhead @ 15%" in the amount of \$594.00. Mr. Oyler advised he would meet with the architect regarding that charge and also the charges for the map cabinet and the newspaper cabinets which

may be additional items purchased rather than changes to the contract.

A **motion** was made by Councilmember Shepherd to approve change order #1 for the Upper Level Library Remodel, and to approve change order #2, after clarification is made regarding the 15% profit and overhead charge and confirmation that the map cabinet and the newspaper cabinets are not additional purchased items rather than changes to the contract. Councilmember Shaw **seconded** the motion, and it **passed** unanimously.

#### **Adjournment to Executive Session**

Councilmember Kelepolo made a **motion** to adjourn the regular session of the Spanish Fork City Council meeting and to convene the executive session at 9:10 pm. The **second** was made by Councilmember Shepherd, and the motion **passed** unanimously.

#### **Adjournment of Executive Session**

A **motion** was made by Councilmember Kelepolo to adjourn the executive session of the Spanish Fork City Council meeting and reconvene the regular session at 10:30 pm. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

#### **Miscellaneous Item**

The council planned to hold a work session meeting jointly with the Planning Commission on Thursday, April 29, 1999, at 7:30 pm. Councilmembers directed staff as to topics for discussion at that meeting.

#### **Adjournment**

Councilmember Kelepolo made a **motion** to adjourn the meeting of the Spanish Fork City Council at 10:45 pm. The **second** was made by Councilmember Shaw, and the motion **passed** unanimously.