

**Adopted Minutes
Spanish Fork City Council Meeting
December 7, 1999**

The meeting was called to order at 6:30 p.m. by Mayor Dale R. Barney for a preliminary review of the agenda. At 7:00 p.m. the pledge of allegiance was led by Assistant Public Works Director Richard J. Nielson.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Everett Kelepolo, Thora L. Shaw, Lillian J. Shepherd, and Clyde A. Swenson. Councilmembers-Elect Glenn A. James and Roy L. Johns were also present.

Staff Members Present: David A. Oyler, City Manager; Richard J. Nielson, Assistant Public Works Director; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; Emil Pierson, City Planner; Junior Baker, City Attorney; Nate Crow, GIS Specialist; and Marlo Smith, Engineering Secretary.

Citizens Present: Vic Deauvono, Don Norton, Far West Bank; Dr. Enoch Ludlow, Roxanna Johnson, Spanish Fork Press.

Employee Recognition

Public Works employee Ted Barney is retiring from Spanish Fork City. The Mayor and Council recognized Ted Barney for good work during his twenty years with the City.

Agenda Request - Spanish Trails Bond Extension

Mr. Don Norton of Far West Bank addressed the council regarding a bond extension for the Spanish Trails Subdivision. Developer of the subdivision is Mr. Vic Deauvono. Mr. Norton discussed a meeting he requested in November including the City Attorney and the City Engineer. The meeting was to discuss outstanding items Spanish Trails was having problems completing. At the meeting, Attorney Baker recommended the issue be addressed at the November 10, 1999 Council meeting, where the City Council could be asked for a bond extension. Mr. Norton stated he was out of town and couldn't make it to the November 10, 1999 Council meeting. It was Mr. Norton's understanding that the discussion wouldn't take place with the Council until he could address them himself. At the November 10, 1999 Council meeting, Staff recommendation to the Council was to call on the bond.

Mayor Barney discussed the history of problems with Mr. Deauvono as the developer. Spanish Fork City requested payment at the beginning of July 1999 and then again on July 26, 1999. Discussion took place between the Council and staff regarding the amount left owing on the subdivision. Mr. Nielson stated there was \$27,500.00 of work not completed along with the 10% retainage of \$72,096.50.

Councilmember Shepherd asked Mr. Norton what Far West Bank would like to do regarding the

matter. Mr. Norton stated he would like to renew the bond and extend it until March 2001. Councilmember Shepherd asked Mr. Baker what legal rights does the city have. Mr. Baker stated the bond could be extended by decision of the City Council.

Mayor Barney recommended the Council use the recommendation of the Engineering Department and call for the bond. Consensus from the Council was to call for the bond.

Public Hearing - Ordinance 16-99: Amendments to the Zoning Ordinance, Sign Ordinance, Fencing Requirements, Flag Lots, Parking Use and Accessory Buildings

Councilmember Shaw made a **motion** to open the public hearing at 8:03 p.m. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Mr. Pierson reviewed his and the Planning Commission's recommended amendments to the Zoning Ordinance, Sign Ordinance, Fencing Requirement, Flag Lots, Parking Use and Accessory Buildings.

Mayor Barney opened the meeting for public comment of which none was received.

Councilmember Shaw made a **motion** to close the public hearing at 8:30 p.m. Councilmember Huff **seconded** the motion, and the motion **passed** with a unanimous vote.

Councilmember Huff made a **motion** to adopt Ordinance 16-99: Amendments to the zoning ordinance, sign ordinance, fencing requirements, flag lots, parking use and accessory buildings with amendments to ordinance as follows:

- 1- The ordinance shall be effective immediately.
 - 2- All applicants already invested prior to December 8, 1999 are grand-fathered in.
- Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Resolution 99-19: Authorizing the Fairgrounds Manager to Enter into Stall Lease Agreements Without Authorization of the City Council

Attorney Baker reviewed the agreement to authorize the Fairgrounds Manager to enter into a stall lease agreement without having to address the council. Councilmember Huff questioned if the Fairgrounds Manager had facilities to keep the contracts. Attorney Baker stated yes, that the outdoor arena is already handled by the fairgrounds.

Councilmember Swenson made a **motion** to accept Resolution 99-19: Authorizing the Fairgrounds Manager to Enter into Stall Lease Agreements Without Authorization of the City Council. Councilmember Shaw **seconded** the motion, and the motion **passed** with a unanimous vote.

Approval of Ambulance Addendum to the County Fire Contract

Attorney Baker reviewed the ambulance addendum to the County Fire Contract. He discussed provisions to be reimbursed for false alarm charges at \$70.00 an hour @ 1 hour minimum. \$4.00 a mile beyond twelve miles measuring from the public safety building. Non-transport charges will remain billing the patient for services and supplies and if not paid within 90 days the City will bill the County. Attorney Baker stated the County Commission has already approved these changes.

Councilmember Shaw made a **motion** to accept Resolution 99-19: Ambulance Addendum to the County Fire Contract. Councilmember Huff **seconded** the motion and the motion **passed** with a unanimous vote.

Ordinance 17-99: Amending the Outdoor Burning Requirement of the Spanish Fork Municipal Code

Attorney Baker noted Chief Rosenbaum was called away to an accident, but stated he and Fire Chief Clyde Johnson have worked on this ordinance. He discussed modifications to the burning requirements allowing dutch oven and barbecue pits, but no commercial barbecue pits in residential areas. Discussion took place regarding modifications.

Councilmember Shaw made a **motion** to adopt Ordinance 17-99. Councilmember Shepherd **seconded** the motion, and the motion **passed** with a unanimous vote.

Other Business

Councilmember Shepherd noted Miss Spanish Fork, Dakota Carr was getting married. First attendant Carrie Thomsen is the new Miss Spanish Fork. Miss Carr forfeited her scholarship money and scholarship money for the first attendant will be presented to Jen Warner. Ms. Warner was the second attendant and will now move to the first attendant.

Adjournment

Councilmember Huff made a **motion** to adjourn the meeting of the Spanish Fork City Council at 9:10 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.