

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**July 18, 2000**

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Glenn A. James, Roy L. Johns, Everett Kelepolo, and Lillian J. Shepherd.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Emil Pierson, City Planner; Kent R. Clark, Finance Director/Recorder; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Steven Gardner, *Daily Herald*; Susan Barber, Glen B. Roach, Brandon Roach, Blaine Thompson, George Peterson, Theda Peterson, and Richard Morley.

The meeting convened 7:00 pm at the Spanish Fork Fairgrounds, 475 South Main, for the Fiesta Days flag retiring ceremony. At 8:00 pm Mayor Dale R. Barney called the meeting to order in the City Council Chambers to begin regular business. The pledge of allegiance was led by Councilmember Sherman E. Huff.

**Resolution 00-18: A Resolution Authorizing the Amendment to the Articles of Incorporation Identifying the Geographical Description of the City**

City Attorney Junior Baker reviewed Resolution 00-18 which authorizes an amendment to the City's Articles of Incorporation. Following each annexation the City should file an amended legal description to the Lt. Governor's office.

Councilmember Huff made a **motion** to adopt Resolution 00-18: Authorizing the Amendment to the Articles of Incorporation Identifying the Geographical Description of the City, as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

**Resolution 00-19: A Resolution Authorizing an Election for the Purpose of Withdrawing from the Utah Transit Authority**

The City Council as well as the South Utah County Mayors have recently discussed the service level provided by the Utah Transit Authority (UTA). Spanish Fork has been a member of UTA over four years. UTA has recently held public hearings, and has determined to cut back routes in south Utah County. At the City Council meeting on July 11, 2000, Staff was directed to draft resolutions to put the decision to the electorate regarding withdrawing from UTA.

Last year, Spanish Fork City contributed approximately \$586,000 to UTA. Attorney Baker indicated

the contribution amount will not change even though the service is going to be drastically reduced. He stated Resolution 00-19 will place the question of UTA withdrawal on ballot for November.

Councilmember James made a **motion** to adopt Resolution 00-19: Authorizing an Election for the Purpose of Withdrawing from the Utah Transit Authority. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Resolution 00-20: A Resolution Authorizing a Ballot Proposition for a 1/4% Sales Tax for Construction and Maintenance of Highways under the Jurisdiction of Spanish Fork City**

Attorney Baker reviewed Resolution 00-20 which is related to Resolution 00-19. If a municipality is not part of a transit authority in the area, the Utah State Code allows the city to use the transit tax for construction and maintenance of roads in that city's jurisdiction. This use would have to be authorized by voter electorate. Resolution 00-20 would put the question of using these funds for roads on the ballot.

City Engineer Richard Heap indicated the 1/4% sales tax would make a large difference in providing a higher level of service for Spanish Fork Streets. A recently completed pavement survey report show the City's streets are in serious need of repair and maintenance. This could cost into the millions of dollars over a period of a few years. The option of transferring the funds from public transportation to roads, is not a tax increase, just a transfer of what is already being imposed. This option would also be conditional on the City's withdrawal from UTA.

Councilmember Huff asked if the City could participate in UTA once they got out. Attorney Baker indicated, assuming UTA was willing to service the area, it would take another election. He stated another option would be for the City to create their own public transit authority. Both Logan and Park City have their own transit system. Councilmember Huff stated he recognizes there is a need for public transit, especially for the disabled, although he does not feel the taxes the City pays represents the service received. He supports letting the public make the decision. Mayor Barney also expressed dissatisfaction with the service provided by UTA.

City resident George Peterson attended the UTA public hearings. He stated the citizens asked for smaller buses, but they were told by UTA the vehicle type would not affect expenses.

The possibility exists that the electorate would vote to withdraw from UTA and not transfer the funds to road maintenance. The sales tax in Spanish Fork would then drop from 6.25 percent to 6 percent. Attorney Baker stated property tax would likely have to increase to cover road maintenance costs if the transfer of the transit tax was not approved. Councilmember James asked how much property tax would be raised to make up the difference. Finance Director Kent Clark feels it could increase as much as 50% because the City's property tax rate is very low.

The Council feels education of the public needs to take place so all issues are understood.

Councilmember Kelepolo made a **motion** to adopt Resolution 00-20: Authorizing a Ballot Proposition for a 1/4% Sales Tax for Construction and Maintenance of Highways under the Jurisdiction of Spanish Fork City. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

### **Ordinance 08-00: An Ordinance Enacting Sales and Use Tax of 1/4% to Be Used For Construction And Maintenance of Highways under the Jurisdiction of Spanish Fork City**

Attorney Baker presented Ordinance 08-00 as it relates to the resolutions just passed. The ordinance will fulfill the State statute which requires an ordinance be in place to utilize the 1/4% sales and use tax for construction and maintenance of the City's streets. The ordinance is subject to approval by the electorate on November 7, 2000. If the election does not pass, the ordinance is void.

Councilmember James made a **motion** to adopt Ordinance 08-00: Enacting Sales and Use Tax of 1/4% to Be Used For Construction And Maintenance of Highways under the Jurisdiction of Spanish Fork City. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Domain at the Meadows - Preliminary Plat**

MTM, Ltd is requesting preliminary plat approval for the Domain at the Meadows subdivision located at 630 West 200 North. The master planned development will include 7 building lots and 20 single family homes designed as a retirement community. The general plan for the area differs from 2.5 to 3.5 units per acre on the northerly property, to 5 to 8 units per acres on the southerly property. The proposed density for the project is 3.86 units per acre.

City Planner Emil Pierson reviewed amenities for the project including installation of landscaping, fencing, traffic calming device on 630 West, open space with playground equipment, and entrance features. CC&R's will be enforced by a homeowner association which will include the developer as a member until the subdivision is 75% complete. The Development Review Committee and Planning Commission recommended approval of the plat subject to conditions.

Mayor Barney expressed concerns that homeowners associations struggle to enforce CC&R's. Developer Richard Morley anticipates these homeowners to be a more mature, educated group of people that are interested in the aesthetics of the subdivision.

Councilmember Huff asked if the public works department was in favor of the speed hump/traffic calming device on 630 West. Mr. Heap indicated Provo City has seen good results in reduction of speed limits by using the speed humps. He also noted the devices do not damage snow plows.

Drainage issues were reviewed.

Councilmember Huff made a **motion** to approve the Domain at the Meadows Preliminary Plat subject to the following conditions:

1. The project must be developed as development packets show;

2. Front elevations are required to be 100% masonry;
  3. No home shall have the same footprint (style, elevation) within 120 feet of another;
  4. Storm drain location approved by the Engineering Department;
  5. Review of the CC&R's by the City Attorney and Planner;
  6. The landscaping in the common areas be approved by the Shade Tree Commission and the City Planner;
  7. All single family homes to have a minimum of 1,140 square feet finished on the main level of a one-story home, and a minimum of 1,000 square feet finished on the main level of a two-story home;
  8. The monument signs for the development be approved by the City Planner.
- Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Blaine Thompson Annexation**

Mr. Blaine Thompson met with the City Council on June 20, 2000 with the request to begin the annexation of 10.31 acres at approximately 600 East Bottoms Road. The City Council had indicated they were not interested in annexing his property, but they would be interested in annexing the smaller parcels sold to City residents that were subdivided from the original parcel. Utah County would not issue Mr. Thompson a building permit until the smaller parcels were annexed into Spanish Fork City. Mr. Thompson has contacted the owners of the smaller parcels and obtained their support, and a petition, to annex into Spanish Fork.

Mr. Thompson indicated he is in favor of the annexation because he would like to obtain a building permit from the County.

Councilmember Huff made a **motion** to begin the annexation process for the amended Blaine Thompson annexation. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Engineering Services Contract - Spanish Fork River Powerhouse Road**

Mr. Heap stated the City is using federal funds to replace the bridge on Powerhouse Road by the Golf Course. Through this process, the City will end up receiving approximately \$900,000 in Federal funding. Mr. Heap detailed the process used to obtain the Federal money. He recommended approval of the Engineering Services Contract with Hall Engineering for the Spanish Fork River Powerhouse Road project. The completion date for design work and the bid process is December, 2000.

Councilmember Kelepolo made a **motion** to approve the Engineering Services Contract with Hall Engineering for the bridge on Powerhouse Road. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Review of Airport Projects/Easements**

Mr. Cris Child from the Spanish Fork/Springville Airport Board reviewed issues regarding the airport. A study has been done which identified needed airspace around the airport. Mr. Child indicated it will cost approximately 2 million dollars to acquire the land and easements needed to protect the airspace. The Federal government will pay for 90% of the needed funding. Armstrong Consultants recommended the Airport Board collect the other 10% (\$200,000) from Spanish Fork and Springville. The City Council has previously approved the budget which included Spanish Fork's share of the money, but the Springville City Council would only approve \$20,000.

Mr. Child stated the Airport Board now proposes to acquire a loan for \$200,000. The money would be paid back when property around the airport is sold, or through proceeds from property leases. The difficulty with the situation is the Federal Aviation Association (FAA), who provides a great deal of airport funding, prefers land to be leased rather than sold. The FAA feels leasing property creates a perpetual fund to operate and maintain the airport. Mr. Oyler stated most potential property users are not interested in leasing the property, most only want to purchase.

The airport has already sold property to Rocky Mountain Composites which violates the FAA's wishes. Some questioned whether it may be easier to sell property and then address the issue the next time the Airport Layout Plan is reviewed.

Councilmember Kelepolo made a **motion** that Spanish Fork City furnish a maximum of \$100,000 including interest, to obtain Airport land and right-of-way acquisitions, subject to Springville City's approval to provide the same amount. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Adjournment to RDA Session**

Councilmember Huff made a **motion** to adjourn the Spanish Fork City Council meeting at 9:45 pm and convene the meeting of the Spanish Fork Redevelopment Agency. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.