

Adopted Minutes
Spanish Fork City Council Meeting
January 9, 2001

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. Emil Pierson.

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; Kent R. Clark, Finance Director/Recorder; Jack J. Swenson, Parks and Recreation Director; Dee Rosenbaum Public Safety Director; Emil Pierson, City Planner; S. Junior Baker, City Attorney; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Matt Barber, Janis Nielsen, Spanish Fork Press; Patricia Brinkerhoff, Ralph Brinkerhoff, Kaye Averett, Myrl Ann Averett, Danny O. Stubblefield, Karen Stubblefield, Shayne Hammer, Sue Bell, Kenneth A. Bell, Earl Gull, Lyman Peterson, Jay Orton, and Merlin Miller.

Agenda Request

The Mayor and Council reviewed each item on the agenda. No general discussion took place.

Minutes

Councilmember Shepherd made a **motion** to approve the minutes of the January 2, 2001 meeting of the Spanish Fork City Council as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Resolution 01-01: A Resolution Declaring the Week of January 21, 2001 as “STOP” the Violence Week

Students at Spanish Fork High School would like to implement a “STOP” the Violence Program. “STOP” stands for Students Taking On Prevention. The STOP program is a peer-to-peer outreach initiative that empowers young people to recognize, report, and reduce the potential for youth violence. Students have asked the City to declare the week of January 21, 2001 as “STOP” the Violence Week.

Mayor Barney indicated he and the Council applaud the students at the High School for their efforts with the program.

Councilmember Johns made a **motion** to approve Resolution 01-01: A Resolution Declaring the Week of January 21, 2001 as “STOP” the Violence Week. Councilmember Shepherd **seconded**, and the

motion **passed** with a unanimous vote.

Bid - Underground Cable Puller

Mr. Heap reviewed a bid for an underground cable puller. This equipment pulls underground wire/cable through the conduit. It was noted only one bid met specifications requested with the bid. The amount budgeted for the equipment is \$60,000. Mr. Heap recommended the Council approve the bid from Conely Engineering Company, Inc. in the amount of \$66,900.

Councilmember Huff made a **motion** to approve the bid for an underground cable puller from Conely Engineering Company, Inc. in the amount of \$66,900. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Bids received:

- 1) *Conely Engineering Company, Inc. - Sherman and Reilly, Model #DDHA-75-T Hydraulic Duct Dawg: \$66,900.*
- 2) *Pacific Utility - TSE Model #UP-70 B: \$57,956 (does not meet specifications).*

SUPVS Amended Agreement for Joint and Cooperative Action

Mayor Barney requested a motion to table this issue.

Councilmember Huff made a **motion** to table the SUPVS Amended Agreement for Joint and Cooperative Action. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Change Order #1 - Spanish Fork Community Network Building

Mr. Oyler reviewed Change Order #1 for the Spanish Fork Community Network Building. The change order is relative to the old site where gasoline was found, and involves importing structural fill and removing the slag at slab. The total amount of the change order is \$2,584.77.

Councilmember Kelepolo made a **motion** to approve Change Order #1 for the Spanish Fork Community Network Building in amount of \$2,584.77. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Work Session - Discussion on the Uses of Park Property on Interior Blocks

During the past few months the City Council has been discussing the status of the parks in the interiors of the blocks in the City, specifically parks known as Little Chicago and Little Cleveland. The Council has evaluated whether to dispose of these properties as surplus lands or whether to keep the property as City parks. It has been determined the best use of the land would be to keep the property as a City park. The City would like to improve the park and establish some standards of use.

The origin of the parks has been researched and it has been determined the properties were dedicated to the City when the original subdivisions were constructed. Attorney Baker gave a brief history on the parks. William and Helen Jex dedicated Little Chicago to the City in 1943 for perpetual use of the public. Attorney Baker noted, in amusement, the protective covenants recorded with the subdivision in 1943 indicated no dwelling costing less than \$3,500 and less than 720 square feet could be permitted on the tract. Mary Pinegar deeded the area known as Little Cleveland to the City in 1963 for use as a City park. While residents did maintain the parks for a short time, the property was never actually deeded to the residents to maintain.

City Engineer Richard Heap reviewed existing property boundaries against current fence lines. There are several encroachments by residents on the north and east boundaries of Little Cleveland. It was noted some outbuildings have been constructed on these encroachments. Attorney Baker feels the property lines in question should be cleaned up by either deeding property to the property owners or moving the fence lines. Discussion took place on the fairness of deeding additional property to some residents and not others. Attorney Baker noted the City is currently the owner of the encroached property but has not had possession for nearly 40 years as it has been utilized by the respective residents.

Fencing issues were reviewed. Fencing will be installed in areas where it is lacking or in disrepair. The large accesses previously used for vehicles will also be fenced. Staff indicated homeowners will not be allowed to drive vehicles through the park, or use the area for additional vehicle parking.

Recreation Director Jack Swenson reviewed potential uses for the park. He indicated there is not enough room to play many games other than T-ball. He suggests the parks be used by the residents for various recreational activities, as well as the City using it for a T-ball practice area. Councilmember Huff noted the lack of parking may be an issue for both areas. Both parks will have improvements made such as picnic tables and possibly small playground equipment.

City Planner Emil Pierson stated Voicestream would like to locate a cell tower and maintenance building in the southeast corner of Little Cleveland. It was noted access to Little Chicago is very limited and therefore not feasible for a company to locate a tower.

Discussion turned again to the property line/fence line discrepancy on Little Cleveland. Councilmember Huff asked if the City could legally deed the property to the residents without charging fair market value. Attorney Baker stated he is comfortable with deeding the property since the residents have had possession of the property for so long. Councilmember James feels the fences should be moved back to the property lines.

Councilmember Johns made a **motion** to clean up the property lines in Little Cleveland by deeding property to the residents using the existing fence line as the new boundary, and the City installing new fences where needed. Councilmember Shepherd **seconded**, and the motion **carried** with a **majority** vote of 4;1. *Councilmember James was opposed.*

Councilmember Huff made a **motion** to reestablish Little Chicago as a public city park to be maintained and treated equally as Little Cleveland and the other public properties in the City. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Mr. Pierson noted Voicestream will be present at the City Council meeting on January 16, 2001 to obtain approval of a Lease Agreement for a cellular tower on Little Cleveland.

Local resident Kenneth Bell asked if every open piece of City owned property will eventually have a cell tower on it. Attorney Baker stated more and more people are using cell phones and even doing away with their landlines so additional towers are needed. The City Council has realized they don't want cell towers all over the place, but they have allowed them to go on public property which is usually a better place that doesn't affect as many people. Mr. Bell voiced his opposition for putting cell towers in City parks.

Adjournment

Councilmember Shepherd made a **motion** to adjourn the meeting of the Spanish Fork City Council at 8:25 pm. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.