

**Adopted Minutes
Spanish Fork City Council Meeting
January 16, 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 Councilmember Sherman E. Huff.

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; S. Junior Baker, City Attorney; Jack Swenson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; John Bowcut, Information Systems Director; Kent R. Clark, Finance Director/Recorder; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Bruce Hall, John Smiley, Rockwell Schutjer, Janis Nielsen, Spanish Fork Press; and Sherman Bearnson.

Agenda Review

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

Minutes

Councilmember Johns made a **motion** to approve the minutes of the December 19, 2000 meeting of the Spanish Fork City Council as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Employee of the Quarter

Mayor Barney presented Patrol Officer John Jackson with the employee of the quarter award for the fourth quarter of 2000. Officer Jackson works with the DARE program at the local schools.

Interlocal Agreement with Utah County for Geographic Information (GIS) Data Exchange

Attorney Baker reviewed the proposed interlocal agreement with Utah County for the GIS Data Exchange. This information is generally what the City uses to project aerial and property information on the screen in City Council meetings. The agreement will need to be renewed December 31, 2005. Attorney Baker recommended approval of the agreement.

Councilmember Huff made a **motion** to authorize Mayor Barney's signature on the Interlocal

Agreement with Utah County for Geographic Information Data Exchange as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Lease Agreement with Voicestream for a Wireless Communication Tower

Attorney Baker reviewed a proposed lease agreement with Voicestream for a wireless communication facility in a City park known as Little Cleveland. The lease agreement is typical of what the City has entered into in the past. The monthly lease fee is \$625 with an annual increase of four percent.

Voicestream has indicated they are willing to assist with maintenance costs by contributing \$200 per month in addition to the lease payment. Attorney Baker stated the lease agreement could ultimately have a term of thirty years with maintenance costs increasing \$50 every five years.

Voicestream will install an 11' x 22' building on the park, preferably on the southeast corner, to house equipment for the antennae. Some of the electrical line drops to the residents will be moved at the expense of Voicestream

Mr. Oyler feels the lease agreement should ensure the pole and antennae remain a stealth facility. It was noted a site plan will be submitted and approved by the Development Review Committee. Attorney Baker recommended the lease agreement be approved subject to minor revisions made by Staff.

Councilmember Kelepolo made a **motion** to approve the lease agreement with Voicestream Wireless for a communication tower at 600 North 400 East subject to any minor revisions made by staff and a provision built into the agreement that the pole and antennae will remain a stealth facility. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Ordinance 01-01: An Ordinance Amending Provisions of Electric Utility Ordinance

As the City moves into the telecommunications era, proposed modifications in the Electric Utility Ordinance have been examined. Ordinance 01-01 addresses these changes. The Electric Utility will be renamed the Energy Utility to encompass additional services along with the electric service. Telecommunications will be a division within the Energy Department.

Mr. Baker reviewed the ordinance in detail including minor modifications.

Councilmember Huff made a **motion** to adopt Ordinance 01-01: An Ordinance Amending the Provisions of the Electric Utility Ordinance. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Aspen Meadows - Amended Preliminary Plat

The Aspen Meadows Amended Preliminary Plat consists of 108 single family lots at 1750 South 1400 East on 40.28 acres in the R-1-12 zone. This issue was tabled by the City Council on December 19,

2000 and again on January 2, 2001 so the developer and staff could obtain information on changing the plat to allow homes to be accessed by driveways from 1700 East as well as provide a new layout of the plat.

At the meeting on January 2, 2001, City Planner Emil Pierson reviewed pros and cons in letting vehicles back onto minor collectors.

The Development Review Committee reviewed the issue as well and recommended fencing options in place of berming. Developer John Smiley addressed the fencing recommendations from the Development Review Committee and outlined various fencing options including a three rail metal fence, or construction of masonry columns with the fence in between installed by the homeowner. Mr. Smiley stated per the Development Review Committee request, he will determine the best fence for the development based on his preference. A lengthy discussion took place regarding the proposed fencing. Councilmember Kelepolo feels residents should be allowed flexibility in their fencing options. Councilmember Johns stated flexibility often leads to a cluttered look with many fencing variations. Mr. Smiley noted the fencing issue only involves six lots. He feels the development will be upper scale due to the strict CC&R's, therefore residents will take pride in their fencing making it unnecessary to have mandates regarding fencing.

Developer Bruce Hall addressed the pedestrian pathways recommended by Staff. He feels the pathways are redundant since they will already provide a sidewalk along 1400 East to access the school. Mr. Heap noted part of the reasoning for the pedestrian pathways is to allow residents from the single family homes to access friends in the twinhome area without having to walk along a major collector.

Amenities for the subdivision were reviewed. The developers feel they are providing an abundant amount of amenities. Councilmember Kelepolo asked Mr. Pierson if he felt the amenities justified the density bonus for a Master Planned Development. Mr. Pierson read the requirements for a Master Planned Development from the zoning ordinance. He noted Aspen Meadows subdivision is not requesting the maximum density bonus and they fall in the midrange of the density for the area.

Councilmember Kelepolo made a **motion** to approve the Aspen Meadows Amended Preliminary Plat subject to the following conditions:

1. Point system amended to City Planner's specifications;
2. Sidewalk installed from north side of Aspen Meadows to the south side of Canyon Elementary school. The City may need to condemn property for this right of way, but the expense of condemnation will be the responsibility of the developers. The developers may enter into a connectors agreement for the sidewalk;
3. Sidewalk for pedestrian access to the school installed between Lots 32 and 55.
4. Preliminary Title Report provided prior to final plat approval;
5. All ditch piping must be signed off by the ditch company or ditch owner;
6. Setbacks followed as shown on the plat which are: Front - 20 feet; Garage - 25 feet; Rear - 25 feet; and Side - 10 feet. Corner Lots - 15 feet to living area and 25 feet to garages.

7. CC&R's approved by the City Planner and City Attorney;
8. Developer John Smiley will be required to be a member of the architectural review committee and sign off on all plans;
9. The development must meet all current Construction and Development standards;
10. Decorative lighting installed throughout the subdivision. Lighting should be installed in a manner to ensure pedestrian pathways are lit.
11. Fencing along 1400 East and 1700 East as shown on the plat;
12. Offsite power requirements completed per the Electric Department;
13. No home shall have the same footprint (style, elevation) within 200 feet of another;
14. All single family homes to have a minimum of 1,200 square feet finished on the main level of a rambler and split level, all two-story and 1 1/2 story home shall have a minimum 1,000 square feet finished on the main level;
15. All homes must have at least a 5/12 pitch roof;
16. Landscaped entry features on Lots 53 and 54 with an entry sign on Lots 70 and 53;
17. Developers choice of rod iron or three rail metal fencing along 1400 East and 1700 East with the exception of Lots 63 through 68;
18. Appropriate landscaping, including trees along the fence on the owner's side of the property, along 1400 East and 1700 East as approved by the City Planner;
19. Lots on either side of the entrance roads from 1700 East cannot enter from 1700 East;

Councilmember James **seconded** the motion. Councilmember Johns asked what the developers were going to provide for recreation. Mr. Smiley stated they will provide the same thing as other developers in the area. Mayor Barney called for a vote on the motion. The motion **carried** with a **majority** vote of 4:1. Councilmember Johns was opposed.

Bid - 630 West Irrigation Ditch Piping Project

Mr. Heap reviewed bids received for the 630 West irrigation ditch piping project. Ten bids were received with the low bid coming from Western River Development in the amount of \$96,434.50.

Councilmember Huff made a **motion** to award the bid for the 630 West Irrigation Ditch Piping Project to Western River Development in the amount of \$96,434.50. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Bids Received: Western River Development - \$96,434.50; BD Barney - \$100,729; JW Dirt - \$98,860; Even Grade Construction - \$104,531.60; Dalton Pipelines - \$105,769.20; Dahl Contracting - \$114,261.37; VanCon Inc. - \$118,795; H&H Excavation - \$118,695; H.E. Davis & Sons - \$126,615; D&C Construction - \$127,304.

Disposal of Surplus Fire Truck

The City has received a request from the Rocky Ridge Fire Department in Utah to consider donating the City's 1965 Boardman Pumper Truck. The truck is no longer used by the Spanish Fork Fire Department and is ready to be declared surplus property. Rocky Ridge heard the fire truck was

available through word of mouth. No official notice has been advertised. The Spanish Fork Fire Department is comfortable donating the truck to another community if it could be of use. Fire Chief Clyde Johnson sent letters of inquiry last month and information has been given to the Utah League of Cities and Towns to post on their web page.

Mr. Oyler indicated the City has donated equipment to smaller communities in the past as a gesture of good will.

The Council felt time should be allowed for more response to be generated.

Councilmember Huff made a **motion** to table a decision on the disposal of the surplus fire truck for sixty days to give time for advertisement to take place and see what additional response is generated. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Shepherd made a **motion** to adjourn the regular session of the Spanish Fork City Council and convene the executive session at 8:38 pm to discuss sale of property and legal issues. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.