

Adopted Minutes
Spanish Fork City Council Meeting
February 6, 2001

The meeting was called to order by Mayor Dale R. Barney at 6:30 pm for a preliminary review of the agenda. At 7:00 pm, the pledge of allegiance was led by City Planner 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; S. Junior Baker, City Attorney; Richard J. Heap, Engineer/Public Works Director; Emil Pierson, City Planner; Dee Rosenbaum, Public Safety Director; Kent R. Clark, Finance Director/Recorder; John Bowcut, IS Director; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Jodie Gammon, *Mrs. Spanish Fork International*; Fawn Christopher, Camron Lee, Kasen Shenk, Zach Miller, Jake Astle, Paul L. Bawden II, John Allan, Tom Lee, Janis Nielsen, *Spanish Fork Press*; Wayne Vance, Tyler Williams, Matthew Roberts, Bradley Hailstone, Jake Hansen, Jacob Roberts, Curtis Heaton, Michael Fifield, Dustin Simons, Robert Carter, Tyler Carter, David Stewart, Conley Christensen, *RV & Associates*; Paul Bradford, Andy Bradford, Steven Tuckett, and Jonathan Lytle.

Agenda Review

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 9, 2000 meeting of the Spanish Fork City Council as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Mrs. Utah International

Ms. Stacey Taylor, Executive Director of the Mrs. Utah International Pageant presented Jodie Gammon as Mrs. Spanish Fork International 2001. Mrs. Gammon will now represent Spanish Fork City in the Mrs. Utah International pageant to be held in June 2001. Ms. Taylor detailed the purpose of the pageant to recognize married women for their accomplishments in family, profession and community stewardship, emphasizing the virtues of elegance, confidence and intelligence.

Mrs. Spanish Fork, Jodie Gammon then addressed the Council. She noted her platform for the year will address awareness and help for children that are victims of sexual abuse.

The Mayor and Council gave congratulations and best wishes to Mrs. Gammon.

Agenda Request - Fawn Christopher

Ms. Fawn Christopher addressed the Mayor and City Council regarding the Mayor's Ball and Reception scheduled for March 1, 2001 at the Chillan Reception Center. Proceeds from donations and ticket sales will be used to purchase new furnishings at the High School. Ms. Christopher detailed the events of the evening, including a performance by the High School Jazz Band. The City Council was invited to purchase a ticket and attend. Ms. Christopher noted Nebo School District will match every dollar raised at the Ball.

Public Hearing - Consider a Request by Blaine Thompson for the Annexation of Two Small Parcels by Ordinance A01-01

Councilmember Johns made a **motion** to open the public hearings at 7:18 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Mr. Blaine Thompson met with the City Council on June 20, 2000 with the request to annex 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 will not issue Mr. Thompson a building permit until the smaller parcels are 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. The property owners of the smaller parcels are John Wollenzien and Don Larsen. The proposed annexation has gone through the protest period, and no protests have been received.

The Development Review Committee and Planning Commission recommended approval of the annexation. Because the properties are separate, the County has indicated the annexation should be separated into two separate plats prior to recordation.

The Council asked general questions regarding the properties. It was noted the properties are not in the floodplain. Mr. Pierson reminded they Council they would not be acting on Mr. Thompson's parcel, just the small backyard sections of Don Larsen and John Wollenzien. The City will not have to provide services to Mr. Thompson, as he will remain in the County.

Mayor Barney opened the meeting for public input. No public input was received.

Councilmember James made a **motion** to approve the Blaine Thompson Annexation by Ordinance A01-01 subject to the following conditions:

1. The zone for the annexed properties will be R-1-9;
2. Prior to recordation, the plat must be split into two separate plats showing each parcel on a separate plat.

Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Consider Adoption of the 1200 North Zone Change from R-3, High Residential to C-2, General Commercial by Ordinance Z01-01

The Council reviewed the 1200 North Zone Change on 15.71 acres adjacent to the City's North Park at 1200 North 200 East from R-3, High Residential to C-2, General Commercial. Since October 2000 the General Plan has shown the entire area to be General Commercial. The property owners are Keith and Sharon Williams; and Frank and Pat Christianson.

The Development Review Committee and Planning Commission have reviewed the proposed zone change and recommended approval with no conditions.

Mayor Barney opened the meeting for public input.

Local Boy Scout Michael Fifield asked what the zone change would do to the property. Mr. Pierson explained uses allowed in the C-2 zone and stated this property would become entirely commercial.

Councilmember Huff asked if any of the property has been designated as wetlands. City Engineer Richard Heap stated no one has done a delineation on the property.

Councilmember Kelepolo made a **motion** to adopt the 1200 North Zone Change from R-3, High Residential, to C-2, General Commercial by Ordinance Z01-01 as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - FY 2001 Budget Revision

City Manager Dave Oyler reviewed the proposed budget revision including amendments to rates and fees for the Fiscal Year 2001.

Mayor Barney opened the meeting for public input.

Boy Scout Michael Fifield asked a question about incorporating the employee salaries into the budget. Mr. Oyler stated the City tries to make sure employees are paid competitive wages with similar jobs throughout other cities in the State.

Mr. Robert Carter asked, with regard to power costs, if the City anticipates keeping rates down, or is a large increase such as the one that happened in Springville likely. Attorney Baker stated several years ago Spanish Fork became a member of the Utah Municipal Power Agency (UMPA) along with other cities in Utah County. Springville is not a member of UMPA. The City anticipates having to increase rates a little in the future, but the rates will be affected much less than some of the neighboring communities because of Spanish Fork City's foresight.

Mr. John Allen asked if the bond for the telecommunications system is a revenue bond that will be paid

back as the City signs subscribers. Mr. Oyler answered the \$9 million bond is an electric revenue bond. Payments are guaranteed and paid back through revenues of Electric Department and Community Network System. The bond has a term of fifteen years. Mr. Oyler explained the City's business plan for the system was based on a 20% penetration of the market. If 20% of the market goes with the City system, the City should be able to break even. It was noted the telecommunications system is something the City has been working on over the last four years.

No more public comment was received. Mayor Barney closed the public input portion of the issue.

At the request of Councilmember Huff, Mr. Heap reviewed the status of the new substation which will go on line in the fall or winter of 2001.

Councilmember Huff made a **motion** to adopt the FY 2001 Budget Revision including the power cost adjustment and rate changes. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Huff made a **motion** to exit the public hearings at 7:57 pm. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Grant Agreement with Quality Growth Commission on Regional Wastewater Treatment Study

The South Utah County Mayors (SUCM) have asked the South Utah Valley Municipal Water Association (SUVMWA) to do a study looking at the feasibility of a Regional Waste Water Treatment facility for the south end of the County. SUVMWA has contracted with Brown and Caldwell to do this study which will cost \$60,000. SUVMWA Chair Keith Broadhead, with the help of Mountainland Association of Governments, has been able to secure a grant in the amount of \$25,000 from the Governor's Office, Quality Growth Commission. The grant will offset the costs from the cities for the study. SUVMWA does not meet the criteria for the grant, and are requesting the grant be given to Spanish Fork City then passed through to SUVMWA.

Councilmember Kelepolo made a **motion** to approve the Grant Agreement with the Quality Growth Commission for the Regional Wastewater Treatment Study. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Sign Usage Agreement with Ensign Bickford Company

Ensign Bickford has a billboard in Spanish Fork Canyon which the City has been using for a welcome sign. The billboard has provided a nice entrance to the community. In the past Ensign Bickford (EBCo) has not charged rental the sign. They have recently proposed the City enter into lease agreement to pay the lease for their sign at the same value of EBCo's sewer bill. They are recommending the lease agreement be retroactive to the year 2000. Attorney Baker is comfortable with the agreement and feels it will be a good trade-off. Mr. Heap indicated EBCo will not greatly impact the sewer system. It was noted the agreement can be terminated at any time if needed.

Councilmember Johns made a **motion** to approve the Sign Usage Agreement with Ensign Bickford Company as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Purchase of Carolyn Laird Property

The City had the opportunity to purchase a home located on corner of 400 North 100 East behind the Public Safety building. The City Council met in a previous executive session to discuss the details of the purchase. The purchase price of \$120,000 is consistent with a recent appraisal. This property will be held for future use of the Public Safety Building. Attorney Baker asked for the Council's ratification of the Real Estate Purchase Agreement with Carolyn Laird.

Councilmember Huff made a **motion** to ratify the Real Estate Purchase Agreement for the Carolyn Laird property at 400 North 100 East in the amount of \$120,000. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Change Order #2 - Spanish Fork Community Network Building

Mr. Oyler reviewed Change Order #2 for the Spanish Fork Community Network Building. The change order, in the amount of \$49,280, involves relocation from the contaminated site to the new site purchased from the Simonsen's. The City will file a claim with the State for the majority of this cost, due to costs associated with the contamination of the old site.

Mayor Barney asked what formula was used to calculate the Contractor's overhead and administrative costs in the amount of \$7,457. Architectural representative Conley Christensen apologized the Contractor could not be present at the meeting and stated he could provide a breakdown of these costs at a future meeting. Mayor Barney questioned specific amounts on the change order, stating the excavation and fill on the new site looked as if it was being billed twice. He also requested details on the cost per foot to move the fence.

Councilmember Huff made a **motion** to approve Change Order #2 in the amount of \$49,280 for the Spanish Fork Community Network Building subject to clarification requested by Mayor Barney being received. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Mr. Oyler noted that cable TV outlets were not included in the original plan for the building. If the Council is comfortable, the outlets will be added for an approximate cost of \$1,300 to wire all the rooms. A formal change order will be submitted at a future meeting.

Bid - Telecommunication Electronic Equipment

Finance Director Kent Clark reviewed the bids for outside plant active electronics for the Community Network system, including a back-up power system in the event of power failure. These are capital items which will be paid through bonding. Mr. Clark recommended approval of the amplifier bid from

Peregrine Communications in the amount of \$286,893.53 and the bid for the back-up power supply from National Cable TV Co-op in the amount of \$93,618.14

John Bowcut, Director of Information Systems, detailed how the power back-up system will work.

Councilmember Johns made a **motion** to accept the bids for the Telecommunications Electronic Equipment from Peregrine Communications in the amount of \$286,893.53, and National Cable TV Co-op in the amount of \$93,618.14. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Adjournment to Executive Session

Councilmember Kelepolo made a **motion** to adjourn the regular session of the Spanish Fork City Council at 8:28 pm and convene the executive session to discuss the purchase and sale of property, and legal issues. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Reconvening of Regular Session

Councilmember Huff made a **motion** to adjourn the executive session of the Spanish Fork City Council at 9:16 pm and reconvene the regular session. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Other Business

The Council was invited to a Senior Citizen open house and thank you banquet on Monday.

Mr. Oyler gave a detailed account of the Mayor's and his visit to the legislature regarding the telecommunications bill proposed for this year. Spanish Fork City is opposed to the bill. It is Mr. Oyler's feeling the League will vote to oppose the bill as well.

Adjournment

Councilmember Johns made a **motion** to adjourn the meeting of the Spanish Fork City Council at 9:37 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.