

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**June 5, 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 Roy L. Johns.

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; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Ernest Hales, Marilyn Hales, Pat Christianson, Frank Christianson, John Hawkins, Pat Doty, Fred Woods, Janis Nielsen, *Spanish Fork Press*; LeeAnn Rogers, and Robison Rogers.

**Agenda Request - John Hawkins**

Spanish Fork High School Band Director John Hawkins addressed the Mayor and City Council. Mr. Hawkins stated he has been informed by Chief Rosenbaum that the band cannot practice in the streets anymore unless they get a permit under City Ordinance 12.04.030. The ordinance states this activity may be approved by the City Council, and then the Chief of Police can issue a permit. Mr. Hawkins is requesting the permit be approved. He acknowledged there are times the band is in violation of the City's noise ordinance, although they try to stay away from the homes of people who have complained. During the Summer, marching band practice begins no earlier than 8:00 am. Mr. Hawkins noted, in the Fall, the band will still practice in the high school parking lot at 7:00 am.

Consensus from the Mayor and Council was to allow the practice. They feel the marching band is an asset to the City.

Councilmember Johns made a **motion** to authorize the Police Chief to grant a permit to the Spanish Fork High School Band to practice on the streets for the summer. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearing - FY 2002 Budget**

Councilmember Shepherd made a **motion** to open the public hearings at 7:09 pm. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Mr. Oyler noted the preliminary budget for FY 2002 was given to the Council approximately one month ago. He reviewed general issues regarding the total \$33,597,462 budget including the capital facilities plan, rates and fees.

Mayor Barney opened the meeting for public comment. None was received.

Councilmember Huff commended staff for their work in putting the budget together.

Councilmember Huff made a **motion** to adopt the Spanish Fork City Budget for the Fiscal Year 2001-2001 including revenue, expenditures, fees and utility rate schedules for all funds; and including amendments to the impact fee rates and Capital Facilities Plan as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Ordinance 07-01: Impact Fee Enactment Ordinance**

Mr. Oyler reviewed proposed adjustments to the City's impact fees. The impact fees are the maximum justifiable fees the City should be charging. It was noted a copy of the impact fee ordinance has been available for public inspection.

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

A general discussion took place on impact fees.

Councilmember Johns made a **motion** to adopt Ordinance 07-01: Impact Fee Enactment Ordinance. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Closure of Public Hearings**

#### **Adjournment to Redevelopment Agency Meeting**

Councilmember Huff made a **motion** to exit the City Council public hearings at 7:45 pm, adjourn the regular session of the Spanish Fork City Council and convene the meeting of the Spanish Fork Redevelopment Agency. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

#### **Adjournment from Redevelopment Agency Meeting**

Councilmember Huff made a **motion** to adjourn the Spanish Fork Redevelopment Agency meeting at 8:00 pm and reconvene the Spanish Fork City Council meeting. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Ken Christensen Annexation - Approval to Begin the Annexation Process**

The Council reviewed the proposed annexation of the Ken Christensen and Henry Gardner parcels

totaling 38.14 acres of property at 1200 North Highway 51. The property is within the City's policy declaration and growth management boundaries. The General Plan currently shows the parcels as Industrial/Business Park. This was amended from the previous General Plan in October 2000. If accepted for further study, Staff recommends the General Plan for the property be amended to Residential, 5-12 units per acre.

Councilmember Huff made a **motion** to move forward with the annexation process for the Ken Christensen annexation. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Rock Cove - Amended Preliminary Plat**

*\*\*Note: This plat was also known as the Stone Cove Subdivision.*

Developer Fred Woods would like to amend the Rock Cove preliminary plat at 2300 East Canyon Road. The plat was originally approved by the City Council on December 21, 1999 to construct 32 twin home units and 8 single family units. Mr. Woods would like to amend the plat to include 16 twin home units and 24 single family units. Due to the restriction on new subdivisions, the property would maintain the same density as previously approved.

Mr. Pierson reviewed specifics of the subdivision including construction materials, size of homes, and amenities.

Mayor Barney noted the subdivision includes a neighborhood park as one of the amenities. He stated the Council previously talked about eliminating neighborhood parks and using the money for more centralized recreation areas. Mr. Pierson stated the park, which is .77 acres, will be private and maintained by the subdivision's homeowners association. He also indicated the options for development of the proposed park parcel were limited.

Mr. Pierson reviewed the proposed conditions for approval of the amended preliminary plat. Many of the conditions come from the original approval.

The Council asked general questions regarding the subdivision.

Councilmember Kelepolo made a **motion** to approve the Rock Cove amended preliminary plat subject to the following conditions:

1. Setbacks as follows:
  - a. single family homes: front - 20 feet to living area and 25 feet for the garage, 25 feet - rear, 5 feet each side, corner lots 15 feet to living and 25 feet to garages;
  - b. twin homes: front - 20 feet to living area and 25 feet for the garage, 25 feet - rear, 10 feet side, corner lots 15 feet to living and 25 feet to garages;
2. Issues regarding the power poles on Canyon Road and 2300 East to be worked out with the Electric Department;

3. The park must include the north side of Lot 7. Amenities for the park will include, as shown in the development packet, the following:
  - a. a 6-foot wide concrete walkway to the park,
  - b. non-site obscuring fence surrounding the park,
  - c. basketball court,
  - d. sand volleyball court,
  - e. tot lot.
4. Fencing along the north sides of Lots 2 through 6 must be a non-site obscuring fence. The fence may be installed by a homeowner, and is not required of the developer.
5. Wrought iron fence, and masonry wall along 2300 East and Canyon Road to be approved by the City Planner. Landscaping along Canyon Road designed to City Planner's specifications.
6. Minimum of 4 four different housing designs with the same design not being within 120 feet of another.
7. 100% solid surface product must be used on the front elevation of buildings or 50% of the entire building elevation solid surface.
8. Gate installed on 2300 East for maintenance, fires and other emergencies.
9. No lots to have access onto 2300 East or Canyon Road.
10. The park, all walls and fences must be built with the first phase of the development.
11. All tree types in the park and park strips along 2300 East and Canyon Road must be approved by the Shade Tree Commission and be a minimum of 2-inch caliper.
12. The CC&R's be amended to include verbiage allowing the Homeowners Association to be able to charge fees and maintain all common areas;
13. Termination of the Homeowners Association and any open space must be approved by the City Council.
14. Single family home sizes: 1,200 square feet of finished area for rambblers and split-levels, 1,400 square feet of finished area for two story; Twin home sizes: 1,000 square feet of finished area for rambler and 1,400 square feet for two story.

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

### **Bid - SFCN Underground**

Councilmember Kelepolo made a **motion** to table the a decision on the SFCN underground bid until the next City Council meeting. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Bid - 200 East Precast Concrete Wall Project**

Mr. Heap reviewed bids for an eight foot precast wall. Only one bid was received.

Councilmember Huff made a **motion** to award the bid for the 200 East precast concrete wall project to BBM Products in the amount of \$48,450. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

## **Bid - Street Striping Service**

Mr. Heap reviewed the bid for street striping services. Only one bid was received from DoneRite Lines.

Mayor Barney noted he has been disappointed with the work of previous striping companies. Mr. Heap stated if the bid is awarded, DoneRite plans to begin work the following week. The City has also incorporated an incentive into the bid to award the fall striping contract if DoneRite performs well on this job.

Councilmember Shepherd made a **motion** to award the bid for street striping services to Done Rite Lines in the amount of \$10,500. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

## **Bid - Slurry Seal**

Mr. Heap reviewed bids for slurry seal at the Fairgrounds parking lot and the upper lot at Canyon View Park. The slurry seal will typically last five to seven years.

Councilmember Kelepolo made a **motion** to award the bid for slurry seal to Morgan Pavement Maintenance in the amount of \$15,525. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

*Bids Received: Morgan Pavement Maintenance - \$15,525.00; Southwest Asphalt - \$17,346.60; and M & M Asphalt - \$18,400.00.*

## **Ratification of HITS Contract**

Attorney Baker reviewed the Contract with Headed in the Sky (HITS). Due to timing issues, the contract has already been signed by the Mayor and now needs to be ratified. This contract provides digital cable packages to the City, in order for the City to provide it to residents. Digital cable should be available by August.

Councilmember Huff made a **motion** to ratify the signing of the HITS contract. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

## **Spanish Fork Fiesta Days Interlocal Agreement**

Attorney Baker reviewed the proposed agreement with Nebo School District for use of the high school auditorium for the Fiesta Days Patriotic Program on the Sunday during Fiesta Days. It was noted the Nebo School District will only allow Sunday use of its facilities through an interlocal agreement. The agreement does not include a rental fee, however the City is responsible to pay actual costs of labor, and expenses associated with the use of the building.

Councilmember Kelepolo made a **motion** to approve the Spanish Fork Fiesta Days Interlocal Agreement with Nebo School District and to have Councilmember Lil Shepherd serve as the City Councilmember for the administrative entity. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Contract for Cross Parking at 300 North Main**

Mr. Baker reviewed the Contract for Cross Parking at 300 North Main Street, near the City's public safety building. This property was purchased by the City from Smith Auto, and then sold to Lane Henderson. Mr. Henderson is in the process of constructing a new commercial/office building on the property. The construction company M13 has asked for a contract for cross parking with the City. Parking along the south side of public safety building will be reserved for public safety personnel.

Councilmember Kelepolo made a **motion** to authorize Mayor Barney to enter into the contract for cross parking at 300 North Main with the parking area to be amended as shown on the exhibit, and that Lane Henderson, or his successors, be required to maintain a minimum amount of 25 parking stalls. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Bid - Public Defender Services**

The City is required by State law to provide public defender services to indigent people. Attorney Baker reviewed the bids for public defender services. He stated the City and court has benefitted from having a public defender available.

Councilmember Johns made a **motion** to award the bid for public defender services to Margaret and Patrick Lindsey with an annual bid of \$14,000.00 Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

*Bids Received: DeLoy Sallenback/Dana Facemyer - \$65 hourly; Keith Weaver - \$55 hourly; Margaret Lindsay/Patrick Lindsay - \$55 hourly or \$14,000 annual; Scott Williams - \$60 hourly; Jere Reneer - \$50 hourly plus costs; Sean Petersen - \$50 hourly or \$28,000 annual.*

### **Other Business**

Councilmember James stated several citizens have approached him with concerns about cars with "for sale" signs parking along Main Street. City ordinance prohibits this type of activity, yet it is becoming more and more common. Councilmember James noted some cars are parked on Main Street with large signs advertising garage sales.

Attorney Baker stated it is hard to identify if someone is parking their car to do shopping, yet their car may happen to be for sale. He noted the intent of the ordinance is good, although it is difficult to enforce.

Councilmember Huff asked if the City newsletter could include an article giving alternatives to posting signs.

Councilmember Shepherd feels Centennial Park should have an opening in the middle of the fence for pedestrian access. Currently, when people park on the street they have to walk all the way around the fence. Mr. Oyler stated the fencing was designed to encourage people to park in the parking lot and not on the street. He will recommend the Recreation Department look into the fencing and parking options.

It was noted the bids for the Skate Park have been delayed two weeks.

### **Adjournment to Executive Session**

Councilmember Shepherd made a **motion** to adjourn the regular session of the Spanish Fork City Council and convene the executive session 9:00 pm to discuss legal issues. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.