

Adopted Minutes
Spanish Fork City Council Meeting
July 10, 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 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; Richard J. Nielson, Assistant Public Works Director; Kent R. Clark, Finance Director/Recorder; Emil Pierson, City Planner; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Gina Peterson, Deputy Recorder; and Cameron Brown, GIS Intern.

Citizens Present: Caleb Warnock, *Daily Herald*; Janis Nielsen, *Spanish Fork Press*; Rodger Hardy, *Deseret News*; Bart Penrod, Brett Penrod, Matt Barber, Tom Hale, *Swaner Design*; Allen Ainge, Darlene Ainge, Doug Brenchley, Ben Brenchley, Bob Terragno, *Envision Utah*; Joel Nelson, Kyle Nelson, and Tyler M. Nelson.

Minutes

Councilmember Johns made a **motion** to approve the minutes of the June 5, 2001 meeting of the Spanish Fork City Council as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Employee of the Quarter

Mayor Barney presented City Planner Emil Pierson with the employee of the quarter award for the second quarter of 2001. Mr. Pierson was commended for his planning work.

Agenda Request - Jim Nielsen

Mr. Jim Nielsen owns an Amoco gas station and strip mall (containing World Gym) located at approximately 1500 East Center Street. He expressed concern with the strict regulations of the City's sign ordinance. A new tenant was asked by the City to remove a temporary A-frame sign as well as a banner sign. Since that time this tenant has lost approximately half of his business. Mr. Nielsen feels the sign ordinance should help promote businesses in town.

Mayor Barney agreed the City should do everything it can to help the businesses in the City. He requested Mr. Pierson address the issue.

Mr. Pierson noted “Cups and Cones” was the business to which Mr. Nielsen referred. He agreed the signage assisted customers in finding the business location, yet the signs were out of compliance. Mr. Pierson stated the sign ordinance would allow Mr. Nielsen to install a 25’ multi-tenant pole sign or monument sign. It was clarified the sign would be allowed anywhere on Mr. Nielsen’s property.

The general consensus from the Council was the sign ordinance needed to be consistent with all commercial uses. They were not in favor of amending the ordinance for this specific incidence.

Mayor Barney asked Mr. Nielsen how he would feel about installing a pole sign. Mr. Nielsen stated he was unaware the sign could be located anywhere, and he would be in favor of working with Mr. Pierson to get a multi-tenant sign installed.

Councilmember James reviewed the purpose of the sign ordinance. He feels there is plenty of leeway to install conforming signage that will attract business.

Mr. Nielsen was directed to work with Mr. Pierson to establish appropriate signage that is allowed by the ordinance.

Ordinance 08-01: An Ordinance Prohibiting the Use of Fireworks in Certain Areas of Spanish Fork City

Attorney Baker reviewed the proposed ordinance 08-01. Utah has experienced a very dry Spring making weeds and grass extremely flammable. The Public Safety department proposed the City adopt an ordinance prohibiting fireworks in certain areas. The ordinance addresses all legal fireworks in Utah. Bottle rockets and other illegal fireworks are addressed by State law.

The use of fireworks will be prohibited anywhere within the development known as the Oaks and a half mile radius there around as well as within 400 feet of any open field or unimproved lot.

Chief Rosenbaum reviewed the enforcement approach to be taken by the Police Department. In most cases a warning would be issued for a first time offense as some people may not be aware they are next to an open field. Violation of the ordinance would be a Class C misdemeanor with a fine up to \$750. Damages from negligence would be a separate issue handled through a civil remedy.

Much discussion took place by the Council regarding enforcement concerns and the large area covered by 400 feet. Chief Rosenbaum noted the officers will use discretion and common sense in enforcing the ordinance.

Councilmember Huff feels the ordinance will help people be more aware of the dangers of fireworks.

Councilmember Huff made a **motion** to adopt Ordinance 08-01: An Ordinance Prohibiting the Use of Fireworks in Certain Areas of the City with the change that fireworks will be prohibited within 100 feet of any open field or unimproved lot and the addition that the ordinance will not become part of the

Spanish Fork Municipal Code. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Allen Ainge Annexation - Approval to Begin the Annexation Process

Allen Ainge is requesting to annex 14.01 acres at 1200 North Highway 51. The property is currently used as a salvage yard. East of the property is the proposed Christensen annexation. The property is within the growth management boundary and the general plan designation is Light Industrial/Business Park. If annexed, Mr. Pierson recommends the General Plan designation for the property be amended to Heavy Industrial with a new zone created to allow for salvage yard operations.

Councilmember Johns made a **motion** to investigate the possibility of annexing the Allen Ainge property at 1200 North Highway 51 and having the Development Review Committee and Planning Commission give a recommendation regarding the proposed annexation. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Bid - Canyon Road Sidewalk Project

Assistant Public Works Director Richard Nielson reviewed bids received for the Canyon Road sidewalk project.

Mayor Barney stated he is anxious for this project to be completed. This will enable school children to have a place to walk. Mr. Nielson noted this project will be done separately from UDOT's project which is planned for Spring 2002. The City's project will be completed prior to the next school year.

Councilmember Kelepolo made a **motion** to award the bid for the Canyon Road Sidewalk Project to K&P for their bid in the amount of \$115,278. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Bids Received: K&P - \$115,278.00; H.E. Davis - \$129,500.00; Commander Concrete - \$134,195.00; RM Davis Construction - \$142,274.10; BD Barney Construction - \$152,389.00; Devco - \$176,158.60; and WW Construction - \$187,516.00

Change Order - SFCN Building

Mr. Oyler reviewed the proposed change order for the Spanish Fork Community Network building. He recommended approval of the change order with the exception of Items 4 & 5 (supply and install an extra four-way switch in the hallway [\$235.75] and an extra receptacle in the hallway [\$178.25]). These items were an architectural error and should not be accepted with the change order.

Councilmember Huff made a **motion** to approve the change order in the amount of \$2,610 for the SFCN building with the exception of items 4 and 5 in the amounts of \$235.75 and \$178.25 respectively. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Contract Extension for Independent Audit Services

Finance Director Kent Clark reviewed the proposed contract extension for independent audit services. Gilbert & Stewart has performed the State required audit the past four years. The original contract was granted for three years with an option to extend the contract for two years. Gilbert & Stewart is requesting the contract be extended for the fifth and final year. The amount of audit services would be \$10,750.

Councilmember Huff made a **motion** to employ the services of Gilbert and Stewart for the FY 2001 audit with an extension of their contract for the fifth year in the amount of \$10,570. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Mr. Clark noted, after this year the audit will be put out to bid. It will also be required to go to a different auditing firm.

Special Presentation from Nebo Community Vision - Swaner Design

Mr. Tom Hale, landscape architect and planner from Swaner Design gave a special presentation regarding Nebo Community Vision. Mr. Bob Terragno from Envision Utah was also present.

Mr. Terragno stated it has been very beneficial to have Spanish Fork City involved in the Nebo Community Vision process. He commended Mr. Pierson for his efforts with the project and congratulated the City for their forward thinking.

Adjournment to Executive Session

Councilmember Shepherd made a **motion** to adjourn the regular session of the Spanish Fork City Council at 8:34 pm and convene the executive session to discuss legal issues and the purchase of property. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Adjournment from Executive Session

Councilmember Shepherd made a **motion** to adjourn the executive session of the Spanish Fork City Council and reconvene the regular session at 8:48 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Other Business

John Smiley has submitted a letter to the City stating he is going to wait to begin construction on the lot he recently purchased from the City. Mr. Smiley is concerned that market conditions at this time are not right for additional commercial space.

Mayor Barney reviewed a letter from a Salem resident requesting the golf course be closed on Sundays. The Council determined to let citizens choose when they will golf and not mandate the course be closed on Sundays.

The Council reviewed issues with public disturbances in the area of 900 North 100 West. Neighbors in the area have complained about excessive noise from cars and teenagers on the weekends. Chief Rosenbaum is recommending the Police Department schedule extra shifts in the area, possibly with an unmarked vehicle. He will also meet with the neighbors to make them aware of what jurisdiction the City has.

It was noted many citizens on the east bench are still getting assessments from Strawberry Water. Mr. Heap will give a report on the status of pressurized irrigation throughout the City at the end of the month.

Adjournment

Councilmember Johns made a **motion** to adjourn the meeting of the Spanish Fork City Council at 9:32 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.