

Minutes
Spanish Fork City Council Meeting
August 14, 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.

Elected Officials Present: Mayor Dale R. Barney and Councilmember Sherman E. Huff, Glenn A. James, Roy L. Johns, and Everett Kelepolo. Councilmember Shepherd arrived at 7:00 pm.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Kent R. Clark, Finance Director/Recorder; Emil Pierson, City Planner; Dee Rosenbaum, Public Safety Director; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Tom Scribner, David Olsen, Nancy Olsen, Nicola Marberry, Zackery Marberry, Matt Barber, Rochelle Barber, and James DeMita.

Agenda Review

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

Minutes

Councilmember Kelepolo made a **motion** to approve the minutes of the August 7, 2001 meeting of the Spanish Fork City Council as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance A03-01: The Ken Christensen Annexation

Councilmember Shepherd made a **motion** to open the public hearings at 7:05 pm. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney outlined the rules for public hearing.

Ken Christensen and Henry Gardner are requesting to annex approximately 38.14 acres of property at 1200 North Highway 51. The property is within Spanish Fork City's policy declaration and the growth boundaries. The General Plan designation for the area is High Urban Residential 5-12 units per acre.

The Development Review Committee reviewed this item on July 18, 2001, where discussion took place about utility locations and proposed development use. The Development Review Committee recommended approval with an R-3 zone. The Planning Commission discussed the item at their August

1, 2001, meeting and recommended approval with the same zone.

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

Councilmember Huff made a **motion** to adopt Ordinance A03-01: The Ken Christensen Annexation annexing 38.14 acres at 1200 North Highway 51, and that the property be zoned R-3 as part of annexation. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance A04-01: The Paul Robinson Annexation

Paul Robinson and Nina Child are requesting to annex 23.14 acres located at 700 North Highway 51. The property is within the City's policy declaration and growth management boundary. Both properties have a General Plan designation of Professional Office/Residential 5-8 units per acre. There are two existing homes on the Robinson property, one of which is used as a group home.

The Development Review Committee reviewed the request on June 20, 2001, and recommended approval subject to the properties converting to City utilities when development occurs.

The Planning Commission recommended approval of the annexation at their July 11, 2001, meeting. Their discussion included issues regarding the supervisory care facility, which is a conditional use in Spanish Fork, and the number of individuals housed there.

Councilmember James asked how the water on the Child property will be utilized. Mr. DeMita stated they would like to have commercial use of the property and will probably use the water as a fishing pond in the future.

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

Councilmember Huff asked about the conditional use for the care facility on Dr. Robinson's parcel. Mr. Pierson indicated if the property was annexed the boys home would become a nonconforming use. If Dr. Robinson wanted to expand in the future he would have to comply with the City's conditional use process. If the current use is abandoned for one year, the nonconforming status will be lost and Dr. Robinson would have to go through the process to use it as a boys home again. Mr. Pierson stated staff does recommend Dr. Robinson get a business license with the City when he annexes.

It was asked if the City could use the water on the Child property. Mr. Heap stated the water has been filed on and is with the Spanish Fork Northeast Irrigation Company. He would like to get this irrigation company active such as East Bench Irrigation by reinitiating the corporation, getting a board of directors, and reissuing stock.

Councilmember Johns made a **motion** to adopt Ordinance A04-01: The Robinson Annexation, annexing 23.14 acres at 700 North Highway 51 subject to the following conditions:

1. The properties connect to the City's utilities at the time of development;

2. The Robinson parcel will be zoned R-2 and the Child parcel will be zoned C-O;
3. Mr. Robinson be required to obtain a Spanish Fork City business license for his boys home as part of annexation.

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

Councilmember Huff made a **motion** to exit the public hearings at 7:22 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Non-Agenda Item - Request for Waiver of Impact Fees

Mr. Heap stated over the last couple of months developer Rick Salisbury has been working with the Habitat for Humanity on building a home in Spanish Fork. He is working with various suppliers to get donations to finish the home. Mr. Salisbury has already purchased the building permit and he is requesting Spanish Fork donate or waive fees if possible. Mr. Heap stated several communities around Utah County have donated impact fees and he asked if Spanish Fork would like to do the same. If approved, the City would give a check to refund fees at the groundbreaking. Mr. Heap recommends the City participate in the program. There are very stringent guidelines on who can participate in obtaining these homes and only the City Council has authority to waive the fees.

Attorney Baker noted City ordinance does not give any options to waive the Plan Check fee. The ordinance does state the Council has the ability to waive impact fees for the broad public. Any other waiver of fees would be at the Council's discretion.

Mayor Barney feels the City should donate all fees to this worthy cause.

Councilmember James made a **motion** to waive all fees and refund already paid fees in association with the Habitat for Humanity home being built in Spanish Fork. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Work Session - Pressurized Irrigation

City Engineer Richard Heap led a discussion regarding pressurized irrigation. In 1985 the City did the first feasibility study for installing citywide pressurized irrigation. The only source for water at that time was the Spanish Fork River which at was to dirty in the spring months. In the early 1990's the City started developing Crab Creek, Malcolm Springs, and Cold Springs which greatly increased the culinary supply. Four years ago the City started requiring new developments to install pressurized irrigation as part of new infrastructure, and over the last two years all new developments on the east bench have been delivered pressurized irrigation. An agreement with Ensign-Bickford Company has helped the pressurized irrigation effort. Mr. Heap indicated, in effect the City has made a decision for citywide pressurized irrigation, yet the final decision needs to be made. The cost to implement a citywide pressurized irrigation system would be approximately \$12,500,000.

Questions have been raised on the sources for providing water. One source that was addressed was

sewer affluent although restrictions by the State make it not very realistic at this time. Faucets cannot be used on any affluent water. At some point the City hopes restrictions for this water will change. Tooele City is using affluent on their golf course and in new developments where faucet installation on outside watering systems can be restricted.

With restrictions on using affluent, the City is designing three new wells that would accommodate pressurized irrigation for the entire City. The cost of \$12,500,000 includes building new wells and the rehabilitation of existing wells and water meters. Mr. Heap stated most communities that have pressurized irrigation without water meters have a severe problem with water conservation. There is not much incentive for water conservation when the amount of water being used cannot be gauged.

Mayor Barney asked if the new fiber optic system would allow meters to be read electronically bypassing the need for a meter reader. Mr. Heap indicated that type of system would be installed and meters would be read in the office through the SFCN.

Mr. Heap acknowledged this system is very expensive, however if alternate sources were addressed to free up needed culinary water the expenses would be considerably higher. If a pressurized irrigation system is installed it would free up culinary water for another 12,000 to 15,000 people.

It was asked how drilling new wells would affect neighbors to the west. Mr. Heap stated a study was done six years ago to analyze the aquifers. Findings of the study indicated there were more than enough rights to accommodate existing well permits. Some people may have to drill deeper to get water, but it is there. Mr. Heap did acknowledge that there may be some adverse affect to neighbors water levels.

Councilmember Huff asked where the three new wells would be located. Mr. Heap stated that has not yet been determined.

Councilmember Huff asked if there would be a functional use of the wells with the Central Utah Water Project (CUP) and pressurized irrigation system in place. Mr. Heap answered the wells would be used for the culinary system. CUP water would be contracted through the South Utah Valley Municipal Water Association (SUVMWA), although a lot of participation and interest is needed to keep CUP water in Utah County.

Mr. Oyler reviewed financing option details. The system could be financed through a general obligation bond or a revenue bond. The Utility Board recommends using a revenue bond due to timing factors and other issues. Mr. Oyler reviewed timing issues associated with a revenue bond. The City could be complete with closing of the bonds by October 30, 2001. Closing for a general obligation bond, which requires a vote of the people, could not be until January 20, 2002.

Mr. Oyler stated the Council needs to determine if they want to proceed with project, then decide the mechanism by which financing will be obtained, and then establish the rate structure.

Mr. Heap anticipates the project could be completed by the middle of June 2002.

Councilmember Huff stated he is in favor of the system and feels now is the time to begin. He doesn't want to incur a great amount of debt for the City, yet the City needs to be progressive.

Mayor Barney feels to be fair to all citizens of Spanish Fork he would support the pressurized irrigation system.

Mr. Oyler stated the rate structure would need serious study. Initial estimations are a potential increase of \$15 to \$20 per household, depending on lot size.

There was much discussion in support of the pressurized irrigation system and consensus of the Council was to proceed with the process for revenue bonding. Mr. Oyler stated they will bring additional information to the next meeting.

Councilmember Johns made a **motion** to move forward with the pressurized irrigation system. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Discussion on the Use of Surface Irrigation

Mr. Heap indicated he has been working with John Mendenhall on the City's water rights. Currently the City is 471 acre feet short of water from the Spanish Fork River. Mr. Heap outlined the following options to make up the shortage using water from the Central Utah Water Conservancy District (CUWCD):

- Go until the end of September by purchasing water from CUWCD which will cost \$72,000 (\$150 per acre foot);
- Shut off surface irrigation at the end of August and pay CUWCD \$37,000 to compensate for the 242 acre feet in the hole;
- Shut off surface irrigation now, with the need to make up 148 acre feet of water at a cost of \$23,000 to CUWCD.

Mr. Heap stated if the Fairgrounds well and Southeast well has not gone out, or the river flows had been up, the City would likely have been okay. He noted the total revenue generated this year for surface irrigation was \$18,500.

Mayor Barney stated he thought that raising surface irrigation rates this year would allow the users to have water the entire summer. He feels if the surface irrigation system is cut short the City needs to refund all of fees paid by the user.

Mayor Barney asked how much of a draw would be placed on the culinary system if surface irrigation were terminated early. Mr. Heap stated last year they did not see that much of a difference.

Councilmember Huff stated the City subsidizes a lot of other programs and he is more inclined to leave

the water in the ditches.

Mayor Barney doesn't feel the City should subsidize utilities yet a commitment was made to the surface irrigation users last year when the rates were raised. He feels a solution is in place to fix the issue for next year.

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 at 8:36 pm to discuss the purchase of property.

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