

Adopted Minutes
Spanish Fork City Council Meeting
January 8, 2002

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. Kent Clark offered a prayer. At 7:00 pm the pledge of allegiance was led by Councilmember Kelepolo.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Glenn A. James, Roy L. Johns, Everett Kelepolo, and Paul M. Christensen.

Staff Members Present: David A. Oyler, City Manager; MaryClare Maslyn, Assistant City Manager; Richard J. Heap, Engineer/Public Works Director; Kent R. Clark, Finance Director/Recorder; S. Junior Baker, City Attorney; Emil Pierson, Planning Director; Dee Rosenbaum, Public Safety Director; Jack J. Swenson, Parks and Recreation Director; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nelson, *Spanish Fork Press*; Carl Empey, *Zions Bank*, Carolyn Anderson, Brent Fry, Becky Fry, Darlene Ainge, Allen Ainge, Aldon Anderson, Richard J. Henry, Pamela W. Christensen, Marilyn J. Argyle, Sterling C. Argyle, Dallin Christensen, Nikki Kelepolo, Savana Kelepolo, Larry Brandon, Mary Brandon, Jack J. Swenson, Matt Paul Stewart, Gary Evans, Cheryl Evans, Bruce Nielsen, Joseph Dunlop, Becky Christensen, Kyle Curtis, Paula Curtis, Chris Curtis, Jennifer Hanson, George R. Bradford, Gordon Ludlow, Matt Barber, Michael Carr, Grant Christopherson, Alan Finch, Evan Stokes, Kyson Holt, Jordan Tanner, Thomas Beckstrom, Spencer Melander, Justin Martin, Tyler Curtis, John Finch, Jacob Finch, Kyle Nelson, Margie Taylor, Curtis Morris, Casey Wilson, Clint Prestwich, Michael Carr, and Kade Christensen.

Minutes

Councilmember Huff made a **motion** to approve the minutes of the November 6, 2001, meeting of the Spanish Fork City Council with changes as noted. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Johns made a **motion** to approve the minutes of the December 15, 2001, meeting of the Spanish Fork City Council with changes as noted. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to approve the minutes of the December 18, 2001, meeting of the Spanish Fork City Council with changes as noted. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Appointment of Boards, Committees, and Officers

Mr. Baker reviewed the process for making citizen and officer appointments to various city and local boards and committees.

I. Oath of Office

Mr. Clark gave the oath of office to Dale R. Barney, Mayor; Everett Kelepolo, Councilmember; and to Paul M. Christensen, Councilmember.

II. Council Appointments

Mayor Barney made the following council appointments:

- Mayor Dale Barney
 - Fire/Ambulance Retirement Board
 - Personnel Committee
 - Termination Appeals Board
 - Council of Governments
 - Utah Municipal Power Agency
- Councilmember Glenn James
 - Historical Committee
 - Risk Management Committee
 - Senior Citizens
- Councilmember Sherman Huff
 - Mayor Pro Temp
 - Finance Committee
 - Utility Board
 - South Utah Valley Solid Waste District
 - South Utah Valley Municipal Water
- Councilmember Everett Kelepolo
 - Airport Board
 - Finance Committee
 - Library Board
 - Parks and Recreation Committee
 - Personnel Committee
- Councilmember Roy Johns
 - Planning and Zoning Commission
 - Risk Management Committee
 - Termination Appeals Board
- Councilmember Paul Christensen
 - Arts Council
 - Fiesta Days Committee

Miss Spanish Fork Pageant
Personnel Committee

Councilmember Johns made a **motion** to accepted the council appointments as presented.
Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote

III. City Officer Appointments

Mayor Barney made the following appointments:

Sherman Huff	Mayor Pro Tem
David A. Oyler	City Manager
Kent R. Clark	Finance Director/ Recorder
Clair B. White	City Treasurer
Dee Rosenbaum	Police Chief/Public Safety Director
Richard J. Heap	Engineer/Public Works Director
S. Junior Baker	City Attorney
Clint Harward	Ambulance Captain
Clyde Johnson	Fire Chief

Councilmember Kelepolo made a **motion** to accepted the city officer appointments as presented.
Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

IV. New Citizen Board and Committee Members

Mayor Barney presented the following names to fill vacancies on city boards and committees:

Historical Committee

1. Howard Creer

Library Board

1. George Peterson

Parks & Recreation Committee

1. Jerry Christensen
2. Don Dunn
3. Doug Ford (continue another term)

Planning/Zoning Commission

1. Ted Scott

Utility Board

1. Enoch Ludlow (one year extension)
2. Doug Bowen (one year extension)

Councilmember James made a **motion** to accepted the presented to serve on boards and committees stated. Councilmember Kelepolo **seconded**, the motion **passed** with a unanimous vote.

Report on Solid Waste District - Richard Henry

Mr. Henry gave the following report on the solid waste district. The district was formed in 1990, opened in 1991. The district disposes of waste for its member cities. The waste is taken to the transfer station in Springville, and carried to the landfill. The landfill has been designed to handle waste for 100 years. The landfill is regularly tested for methane gas collection and the surrounding water is tested for contamination; there have been no negative readings. To reduce the amount of waste being collected a recycling program is being considered. The proposed recycling program would be to create a drop off center for citizens interested in recycling. There is not enough interest to justify curbside pickup at this time. Mr. Henry would like to see the drop off center located in Springville near the transfer station, however there have been no approvals. The solid waste district has been able to purchase an additional 20 acres this past year for a buffer area around the transfer station. There is also a proposed landscaping plan being prepared to improve the appearance of the transfer station.

Citizen Request - Matt Barber

Mr. Barber made a presentation concerning volunteers. Mr. Barber stated fire and ambulance volunteers want to feel like they are making a difference. There are a higher number of younger volunteers at this time compared to the past. The younger volunteers would like the opportunity to serve in leadership positions.

Mayor Barney thanked Mr. Barber and all the volunteers for the outstanding service they provide our community. Mayor Barney stated the decision made to appoint the fire and ambulance captain is made with the input of involved supervisors. Councilmember Kelepolo reviewed chapter 2.40.010 of the code, which refers to the appointments. Councilmember James also stated these issues could be addressed by informing the volunteers of the appointment process.

Public Hearing - Allen Ainge Annexation

Councilmember Huff had a **motion** to move into the public hearing portion of the meeting at 7:35 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the rules for a public hearing.

Mr. Pierson reviewed the Allen Ainge Annexation. The property being requested for annexation is within Spanish Fork City's growth boundaries. The request has been before the Development Review Committee and the Planning Commission. Both committees recommended approval of the Ainge Annexation with the conditions.

Mayor Barney opened the meeting for public input.

Alden Anderson, owner of Anderson Wrecking Yard, would like his property annexed, however the condition that requires his property to become conforming within ten years will put him out of business.

Mr. Pierson stated that Mr. Anderson will be able to decide if he will be conform or non-conforming.

Mayor Barney closed the public input portion of the meeting and opened the meeting for input from councilmembers.

Mr. Pierson stated the Development Review Committee reviewed the request for annexation at a meeting where Mr. Ainge was present and Mr. Anderson was not. If Mr. Anderson's property is annexed as non conforming use the wrecking yard could remain as long as it meets the non conforming use ordinance.

Mayor Barney asked if they could exclude Mr. Anderson's portion of the property from the annexation.

Mr. Baker stated it is possible to annex all but the Anderson property. Mr. Baker also stated the purpose of the condition for a ten year amortization is to eventually eliminate non-conforming property.

Councilmember Kelepolo asked if a new owner purchases the legal non-conforming property would the status of the property change.

Mr. Baker stated a change of ownership does not change the status of the property.

Mayor Barney stated this matter has already been presented to the Planning Commission and to the Development Review Committee and, each committee has made a recommendation.

Councilmember Huff asked Mr. Anderson if he will maintain his property as a wrecking yard.

Mr. Anderson feels the wrecking yard is good for the area and a good tax resource. Mr. Anderson asked why it is non-conforming and if the property could be zoned to allow for a wrecking yard.

Councilmember Huff stated the proposed zone does not allow for a wrecking yard.

Mr. Baker advised council that Spanish Fork City does not presently have a zone that would allow for a wrecking yard and if the property becomes non-conforming it will remain non-conforming until he is forced to change the use of the property.

Councilmember Kelepolo asked if Mr. Anderson has an opportunity to opt out of the annexation if it is approved.

Mr. Baker stated Mr. Anderson will have thirty days to opt out.

Councilmember James asked what the general plan shows for the area north of the proposed Ainge annexation.

Mr. Pierson stated the area north of the Anderson property would be zoned light industrial and reviewed the conditional uses for light industrial zoning as indicated in the city code.

Mr. Anderson requested a 15 to 20 year amortization to conform or sell his property.

Mr. Baker stated a 15 year amortization could be included as part of the conditions.

Councilmember James made a **motion** to approve the Allen Ainge Annexation request on the following conditions:

1. There is to be an amortization of fifteen years to allow the salvage yard and wrecking yard to move from non-conforming to a conforming annexation or sale of the property, which ever comes first,
2. Clean-up the northwest corner boundary and include it in the annexation,
3. Hook-up to Spanish Fork City power, water, and sewer within six (6) months of the annexation approval,
4. Pay fair portion of the connectors agreement,
5. The property is to be zoned Light Industrial (I-1).

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

Councilmember James suggested Mr. Anderson meet with Mr. Pierson and Mr. Baker to clarify his options.

Public Hearing - Carr Re-Zone

Mayor Barney reviewed the rules for a public hearing.

Mr. Pierson reviewed the proposed re-zone requested by Michael Carr. The property is currently used as a single family home and a home bridal business. The Carrs would like to expand the business to include the entire first floor and they would reside in the basement. The adjacent business owner would not sign an agreement to provide parking for the Carr business, therefore, a revised site plan has been prepared. The Carrs have met all of the requirements of the planning commission.

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

Mayor Barney opened the meeting for input and discussion from councilmembers.

Councilmember Huff asked how many off site parking areas there were. Mr. Pierson stated they meet the requirements for parking.

Mr. Heap said there will be very little impact on traffic and the adjacent residents. The property will be fenced on the south and on the west property lines.

Michael Carr, owner of Veronica and Michael's bridal, addressed the council and stated he talked with the surrounding home owners and they all request vinyl fencing.

Councilmember Johns made a **motion** to accepted the Carr re-zone with the following conditions:

1. Submit a site plan to the Development Review Committee, and,
2. Install a six (6) foot vinyl fence on the south and on the west property lines with 2" caliper tress or 8-10 foot evergreen trees every 20 feet to buffer the adjacent residents from car head lights and use bark around the trees instead of sod.

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

Councilmember James made a **motion** to move out of the public portion of city council meeting and into regular session. Councilmember Kelepolo **second**, and the motion passed with a unanimous vote.

Resolution 02-01 - Authorizing the Issuance and Sale of Not More Than \$21,000,000 Aggregate Principal Amount of Water Revenue Bonds

Mr. Clark stated last August the pressurized irrigation project was discussed and the bond was to be issued. The bond parameters were set at \$16,000,000. The project became larger and the parameters need to be increased to a maximum \$21,000,000, with the interest rate not to exceed 6.5%, and a term not to exceed 22 years. The approval of this resolution will authorize staff to begin the process of applying for the bond and giving notice.

Mr. Carl Empey from Zions Bank was present to answer any questions.

Mayor Barney asked if the resolution is approved how long will the process take before the bonds are on the market and the interest rate is locked in. Mr. Empey stated it could be late February or the middle of March, 2002 before the bonds are taken to the bond market.

Councilmember Kelepolo made a **motion** to pass Resolution 02-01 a resolution authorizing the issuance and sale of not more than \$21,000,000 aggregate principal amount of water revenue bonds, of Spanish Fork City, Utah County, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of the notice of bonds to be issued; providing for the running of a contest period; expressing an intent to reimburse and related matters. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Independent Audit Report

Mr. Clark reviewed the independent audit process.

Mr. Provost, from Gilbert and Stewart CPA, reviewed the audit report submitted by his office. The opinion given as a result of the audit reflects the highest compliance. Mr. Provost reviewed some of the

specific areas of the audit with council.

Councilmember Huff commended the finance department and made a **motion** to adopt the independent audit report submitted. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Land and Water Conservation Grant Application

Mr. Pierson and Mr. Swenson requested to apply for a federal grant through the State for funds to add two 35' x 50' soccer fields and a playground at the new recreation park. Mr. Pierson reviewed the costs. Part of the funds will come from the sale of the park that was to be built in Absalom Court.

Mr. Swenson stated the soccer fields will be small and will be used by younger children. If we do not apply for the grant or receive the grant this area will remain a weed area.

Councilmember Huff made a **motion** to authorize city staff to apply for the Land and Water Conservation Fund Matching Grant; Spanish Fork City will finance our share of the project costs and will bear cost of operation and maintenance of the project when it is completed; also, for the Mayor to be authorized to sign the Statement of Compliance with Public Law 91-646, and the Uniform Relocation Assistance and Real Property Acquisition Act of 1970. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Two Wireless Telephone Tower Leases - Cingular Wireless LLC

Mr. Baker addressed the council concerning a request by Cingular Wireless LLC to erect two wireless telephone towers. The towers will be located at the Sports Complex and North Park. Cingular Wireless LLC will allow the city to place lights near the top of the Sports Complex tower to light the ball field. They will allow the city to keep the towers at the end of the lease to maintain lighting for the ball fields. They will pay \$630.00 rent per month to the city for each of the towers. Mr. Dunlop was present from Cingular Wireless LLC and would like the tower at North Park to be 100 feet but the airport may restrict the height. They would like to have the towers completed by June 2002. The site plan will still need to be approved by the Development Review Committee. The lease agreement is a five year term with five, five year, renewals.

Councilmember Kelepolo made a **motion** to approve the two Cingular Wireless LLC telephone tower leases as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Development Agreement - Matthews Assisted Living Center

Mr. Baker addressed council that Matthews Assisted Living Center put in improvements and is asking

for reimbursement. Mr. Baker stated the engineering department suggested a development agreement. Mr. Baker reviewed the proposed agreement. Matthews Assisted Living Center will collect a percent of the storm drain impact fees until they are fully reimbursed

Councilmember Johns made a **motion** to approve the development agreement with Matthews Assisted Living Center as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Huff made a **motion** to close the regular session of the Spanish Fork City Council meeting and to move into the Executive Session to discuss land purchase and legal issues. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote. The regular session adjourned at 9:45 p.m.

Connie Swain, Deputy Recorder

Approved: February 5, 2002