

**Adopted Minutes
Spanish Fork City Council Meeting
December 3, 2002**

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda, Councilmember Kelepolo offered a prayer. At 7:00 pm the pledge of allegiance was led by Andrew Wilson, a member of Boy Scout Troop 863.

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

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Kent Clark, Finance Director/Recorder; Emil Pierson, Planning Director; Richard Heap, Engineering and Public Works Director; Dee Rosenbaum, Public Safety Director; and Connie Swain, Deputy Recorder.

Citizens Present: Roger Hardy, *Deseret News*, Tony Doty, *Questar Gas*, Janis Nielsen, *Spanish Fork Press*, Mark Garza, Terry Diehl, Tony Christofferson, Lynn Bradford, John Allan, Doug Miller, Jason Ashby, Spencer Cook, Chad Coles, Sydharth Manna, Roberto Leon, Farron LeFevre, James Biesinger, Chris Biesinger II, James Biesinger III, Colton Sermersheim, Trevor Nielsen, Andrew Wilson, Jacob Barber, Charles Christensen, Jed Argyle, and May Hughes

Minutes

Councilmember Kelepolo made a **motion** to approve the minutes of the November 19, 2002 city council meeting with changes as noted. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Questar Gas - The Feeder Line 26 Replacement Project Report - Tony Doty

Mr. Doty from Questar Gas presented a report on the Questar Gas Company Feeder Line 26 Project. The reason for the report is to inform city council, allowing them to better answer questions from residents. The original line was installed in 1953. In order to use the existing right of way the line will run through properties and property owners will have concerns. Mr. Doty said Questar would like to complete the work with as little inconvenience to property owners as possible.

Councilmember Huff asked what the time frame for the project will be.

Mr. Doty said construction is scheduled to begin June 1, 2003, if the weather is permitting. It will take approximately six weeks to complete the project.

Mayor Barney complimented Questar Gas for the professional manner in which they work.

Mr. Doty said they may need to avoid some properties and will then need permanent right-of-way in some roadways.

Mayor Barney said the city would like to assist Questar Gas in making the pipeline construction move along smoothly.

Mr. Doty said Questar Gas will start by contacting property owners and would like to work together with the city to allow the construction to go forward as smoothly as possible. Mr. Doty will meet with Mr. Heap and Mr. Baker to discuss any problems or issues. Mr. Heap and Mr. Baker will present applicable issues to the city council.

Public Hearing - Ordinance Z-03-02 - Biesinger Re-Zone Request - 1143 East 800 North - Commercial Office (C-O) to Medium High Urban Residential (R-1-6)

Councilmember Johns made a **motion** to move into the public hearing portion of the meeting. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the process for a public hearing.

Mr. Pierson said the Biesinger property contains an existing residential home. If the re-zone request is approved Mr. Biesinger would like to build another residential home on the property. The request has been before the Development Review Committee and Planning Commission. Both are in favor of approving the re-zone request submitted by Mr. Biesinger.

Mayor Barney opened the meeting for public input. None was given. The meeting was opened for council discussion.

Councilmember Kelepolo asked if the property had previously been considered for an Assisted Living Center.

Mr. Biesinger said the property was previously considered for an Assisted Living Center, however, after the September 11th bombing in New York the funding was lost. Mr. Biesinger said approximately 4.41 of the 6.91 acres can be built upon. The remaining 2.5 acres of the property is considered wetlands. When the building moratorium is lifted he would like to split the property into a total of nine lots.

Mr. Pierson reviewed the possible access points for the property.

Councilmember Kelepolo asked what the original goal for the property was and the current zoning.

Mr. Pierson said the General Plan gave this property a zoning option of Commercial Office (C-O) or Residential (R-1-6). When the property was considered for an Assisted Living Center the C-O zone was the best solution, however, since the plans for the area have changed Mr. Biesinger has requested a re-zone to R-1-6. The issue for this meeting is to re-zone the property. In the future, if

a subdivision is proposed it will be considered by the Development Review Committee, Planning Commission, and come before city council for approval or denial.

Councilmember Huff made a **motion** to adopt the Biesinger re-zone at 1143 East 800 North from Commercial Office (C-O) to Medium High Urban Residential (R-1-6). To be adopted by Ordinance Z-03-02. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

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

Annexation Petition - Clyde Companies, Inc. and Spanish Fork Associates, LLC - 7443 South 2400 East

Mr. Pierson said this is a petition filed by Clyde Companies, Inc. and Spanish Fork Associates to annex approximately 81 acres. In the past gravel has been removed from the property. Currently, Spanish Fork City boundaries run along the railroad tracks to the West of the petition property. Mr. Pierson said a number of questions for council to consider are listed in the staff reports. Mr. Pierson reviewed the General Plan Growth Management Policies and the Industrial/Employment Policies. Also, Clyde Companies, Inc. and Spanish Fork Associates had representatives present.

Mr. Christofferson was present representing Clyde Companies, specifically Geneva Rock.

Mayor Barney asked concerning the dust control and problems with the dust control existing in the past.

Mr. Christofferson said they would have an air quality permit which would require timely inspections. The permit requires dust prevention such as watering of roads and paving of roads in high use areas.

Councilmember Huff asked what the real motivation was for the annexation request.

Mr. Christofferson said he approached the County and felt they could only get a 10 year permit to extract gravel. If they could annex with the city they would like to spend more time extracting gravel and could possibly get a 20 year permit. He also said the city well on the property could possibly allow them to process material on site and use the water for dust control. At this point they bring water to the site. Also, when the property is sold Clyde Companies and Spanish Fork Associates could possibly give some control of the property to the city. Mr. Christofferson said his company likes working with the cities since they have better relationships with the cities.

Mayor Barney asked if there would be sales taxes collected.

Mr. Christofferson said yes, sales tax revenues would be collected from products produced from the property. Also, they would like to purchase water and power services from the city.

Councilmember James said the increased traffic in the area is a concern to him. The combination of the railroad crossing, Highway 6, and accesses to subdivisions in the area could pose a problem.

Mr. Christofferson said they would install signs or upgrades in the area to improve traffic issues. The property also includes a farm to the North which is currently being leased out. At the end of the twenty year permit they would bring in fill dirt and prepare the area for light industrial or commercial zoning.

Councilmember Christensen asked if the immediate plan is to work in the current gravel extraction area and then move North as the gravel is fully extracted.

Mr. Christofferson said yes they would extract gravel and move North as the gravel is extracted. He also said they may need to install a berm on the North boundary line as they move closer to the boundary to prevent noise, dust, and wind. A foreman will be responsible for the air quality permit to insure requirements for dust control are met.

Councilmember Huff asked what they could include at the site if the property is annexed into the city, versus remaining in the county.

Mr. Christofferson said they could not install an asphalt plant if remained in the county, however, their main objective is to extract the gravel.

Mayor Barney said the city has had problems in the past with asphalt plants and he would be in objection to the asphalt plant.

Councilmember Huff also objects to an asphalt plant and also stated the city has some liability at railroad crossings within the city limits.

Councilmember Kelepolo expressed concerns with the Policy Declaration Boundaries.

Mr. Heap said it is his understanding the well is deeded to the city.

Mr. Diehl, with Spanish Fork Associates, said the well sits on the petition property. He said they always intended to make sure there was some kind of agreement in place allowing the city to have the well property.

Councilmember Huff asked if there are any limits on the use of the city well on the petition property.

Mr. Baker said no there are no limits.

Mr. Heap said a restrictive easement should be in place.

Mr. Diehl said he has looked at the deeds and there are no easements on the property.

Councilmember Huff said he would have concerns with the easement issue and would not want to make a decision until the easement issue is addressed.

Mayor Barney said it would be best to refer the matter to the Development Review Committee for recommendations.

Mr. Baker said tonight city council has two possibilities. The petition can be accepted for further study or the petition can be denied. If the petition is accepted the petitioner will pay the additional fees, public notices will be published, and the petition will be referred to the Development Review Committee and Planning Commission for additional study.

Councilmember Huff said he is not sure if he would want to accept the application for further study until the well easement issues are addressed.

Mr. Baker said city council should consider the benefits of the petition to the city and the well issue should be considered separately.

Jim Biesinger said he is in the area and often the winds exceed 25 miles per hour. Also, he recommended no asphalt plant due to the odor and noise.

Mayor Barney said those issues would be addressed at a public hearing if the petition is accepted.

Mr. Christofferson said the plans for an asphalt plant can be eliminated if the issue causes concerns for city council.

Mayor Barney said if the petition is accepted all of those issues will be addressed by the Development Review Committee and Planning Commission. Also, there will be a public hearing to discuss the petition.

Councilmember Kelepolo said he feels there are a lot of questions and investigation needed in order to make an educated decision. He said it makes more sense to find out what the possibilities are for the area before the petition comes back to city council.

Councilmember James said the city council should reject the petition because of the impact it will make on the development of the surrounding areas, environment issues, and traffic concerns.

Councilmember James made a **motion** to reject the annexation petition filed by Clyde Companies, Inc. and Spanish Fork Associates, LLC. Councilmember Huff **seconded** the motion.

Mayor Barney said there are not a lot of possibilities for the property between two railroad tracks. It will never be a housing development

Councilmember Kelepolo was **opposed** to the motion. The motion **passed** with a majority vote.

Joint Use Contract - Strawberry Water Users Association (SUVPS)

Mr. Baker said the Joint Use Contract was prepared through SUVPS. The contract states Spanish Fork City and SUVPS will jointly use poles and transformers owned by Spanish Fork City or SUVPS where they have utilities in the same area. No financial exchange is included in the contract.

Councilmember Kelepolo asked what are the areas both Spanish Fork City and SUVPS have services in.

Mr. Baker said the Drycreek Substation in Springville and at the mouth of Spanish Fork Canyon.

Councilmember Johns said the agreement makes sense.

Councilmember Huff suggested a few grammar changes to the document.

Councilmember Kelepolo made a **motion** to approve the Joint Use Contract with Strawberry Water Users Association. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Annexation Interlocal Agreement - Spanish Fork, Salem, and Payson

Mr. Baker said this is an agreement that sets forth the future annexation boundaries. The three cities met (Salem, Payson, and Spanish Fork) and reached an agreement. Mr. Baker said the meeting included a decision to share the Benjamin exit on the condition Salem or Payson sewer the areas annexed into Spanish Fork City. Mr. Baker said this agreement will be a important benefit to Spanish Fork City. The Southwest corner of the exit will be in Payson's annexation policy plan, and the Southeast corner will be in Salem's annexation policy plan. The North side of the Benjamin exit area will be in Spanish Fork's annexation policy plan. Mr. Baker said he would like city council to discuss the proposed boundaries and differ the vote until the public hearing on December 17th. Mr. Baker reviewed the proposed Interlocal Annexation Agreement. The Engineering Departments from each city will meet and determine the best plan to sewer the area.

Councilmember Huff asked if a regional sewer plant is developed in the future would this agreement limit us from use of that plant.

Mr. Baker said it would not limit us from participating in a regional sewer treatment plant. Payson will install and maintain the sewer lines if they provide the service and Spanish Fork City will provide Payson with the water usage records to allow them to complete proper billing to the customer for sewer services. There may be a lift station involved.

Councilmember Kelepolo made a **motion** to table the Annexation Interlocal Agreement vote until the Public Hearing on December 17, 2002. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Independent Audit Report

Mr. Clark requested to table the audit report until the December 10, 2002 council meeting.

Councilmember Johns made a **motion** to table the Independent Audit Report until December 10, 2002. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Other Business

None

Adjournment

Councilmember Kelepolo made a **motion** to adjourn. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:35 pm.

Connie Swain, Deputy Recorder

Approved: December 10, 2002