

**Adopted Minutes  
Spanish Fork City Council Meeting  
December 17, 2002**

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

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; Richard Heap, Engineering and Public Works Director; Emil Pierson, Planning Director; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Roger Hardy, *Deseret News*, Paul Milani, Carl Pitt, and Kevin Hawkins.

**Minutes**

Councilmember Johns made a **motion** to approve the minutes of the December 10, 2002, city council meeting with changes as noted. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

**Appointment of Boards, Committees, and Officer**

Mayor Barney submitted the following individuals to serve on boards and committees as listed:

Board of Adjustment  
Paul Healey  
Clare H. Davis

Library Board  
Curtis Pulsipher  
Karina Carson

Parks and Recreation Committee  
Doug Brown  
Greg Healey  
Ann Hutchings  
Steve Wilson

Planning and Zoning Commission  
Paul Bradford

Utility Board

Enoch Ludlow

Doug Bowen

Brad Wilkinson

Mayor Barney request city council appointments remain the same for another term.

Councilmember Kelepolo made a **motion** to approve the individuals to serve on boards and committees as presented by Mayor Barney. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Ordinance No. A03-02 - Moffitt Annexation**

Councilmember Huff made a **motion** to open the public hearing portion of the meeting. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the procedures for a public hearing.

Mr. Pierson said Bob Moffitt filed a petition to annex approximately two acres located at 129 East Southfield Road. The property is within the policy declaration boundary and outside the growth boundary. The petition has been reviewed by the Development Review Committee and the Planning Commission and both recommend approval with three conditions as stated in the staff report.

Mayor Barney opened the meeting for public input. None was given. The public input portion of the meeting was closed and the meeting was opened for council discussion.

Councilmember Huff made a **motion** to adopt, by Ordinance No. A03-02, the Moffitt Annexation petition subject to the following condition(s):

1. The garbage services are to be utilized upon approval,
2. The 2<sup>nd</sup> utility will be utilized when the other utilities are available or the time of development subject to the property owners expense, and,
3. The property is to be zoned Rural Residential (R-R).

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

### **Public Hearing - Resolution No. 02-16 - A Resolution Adopting the Annexation Policy Plan**

Mr. Pierson said in 2001 the Utah State Legislature required all Utah cities outside of Salt Lake City to prepare and approve an Annexation Policy Plan by December 31, 2002. Mr. Pierson said the plan will help guide the city in determining future annexation areas and the characteristics of those areas. Notices of the Annexation Policy Plan review by the Planning Commission were sent to surrounding cities. The Planning Commission recommended approval of the Annexation Policy Plan as presented.

Councilmember Johns complimented Mr. Pierson for the Annexation Policy Plan. He said the

plan contains important information and easily understood.

Councilmember James asked Mr. Pierson why a portion of the North side of the boundary was shown outside of the Spanish Fork City's Annexation Policy Plan Boundary and inside of Springville's boundary.

Mr. Pierson said in a previous agreement an exchange of property was made between Springville City and Spanish Fork City. Spanish Fork City agreed to allow the portion of land to be included in Springville's annexation boundaries.

Mayor Barney opened the meeting for public input. None was given. The Public input portion closed and opened for council discussion.

Councilmember Johns made a **motion** to approve Resolution No. 02-16, a Resolution Adopting the Spanish Fork City Annexation Policy Plan. Councilmember James **seconded**, and the motion passed with a unanimous vote.

### **Public Hearing - Wolf Hollow Heights East - Re-approval Preliminary Plat and Plat A Amendment**

Mr. Pierson said this is a request by Rod McGovern and Eric Maynes to re-approve Wolf Hollow Heights East Preliminary Plat and Amend Plat A. The request was scheduled before the Planning Commission on December 4, 2002, the applicants failed to appear, and the request was tabled until January 8, 2002. Mr. Pierson requested the Public Hearing scheduled before the city council be continued to January 21, 2003.

Councilmember Kelepolo made a **motion** to continue the Wolf Hollow Heights East Public Hearing to the city council meeting on January 21, 2003. Councilmember Huff **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 council agenda. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Agenda Request - Amsource Companies**

Mr. Pierson said this is a request by Amsource Development concerning the Macey's Northgate Shopping Center. Amsource proposed cost reimbursements of the improvements to services, landscaping, and permit fees.

Mr. Hawkins said the shopping center is a multi million-dollar investment with investors and partners including the lender Zions Bank. He said historically Associated Foods have entered into sales tax agreements to assist with lending. A sales tax agreement would provide a percentage of the sales taxes generated to be credited back to the development to cover some of the improvements to services, landscaping, and permit fees. The agreement would terminate after a

period of time as agreed upon.

Mayor Barney said the shopping center and the agreement would provide a favorable situation for both Associated Foods and Spanish Fork City.

Councilmember Huff asked what items would be covered by the tax credit provided.

Mr. Oyler said off site improvements for sewer, electric, storm drain, water, pressurized irrigation, and permit fees.

Councilmember James said before retiring he worked for Associated Foods and it is a very secure company. He understands there will be seven retail pads included in the Macey's Shopping Center. He agreed with considering a sales tax agreement.

Mr. Hawkins said there will be a study to verify the information included in the agreement.

Mr. Baker said the State will require certain criteria and as long as they are met the sales tax agreement is legal.

Mr. Hawkins said it will take approximately twenty-eight weeks to finish the new store. At that point Associated Foods has given Amsource Development one week to start demolition and repair the parking lot.

Mr. Hawkins's purpose for the agenda request was to present the possibility of a sales tax agreement and ask if the city council would like to pursue further investigation.

Councilmember James made a **motion** to pursue a possible agreement with Amsource by further study and recommendations. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Interlocal Agreement - Annexation Boundary**

Mr. Baker said this is an agreement city council looked at two weeks ago. The agreement is between, Spanish Fork, Salem, and Springville and corresponds with the Annexation Policy Plan approved by council. Mr. Baker said the agreement is a benefit to the city.

Councilmember Huff asked concerning the wording of paragraph five. Mr. Baker said the water usage will be provided to the city providing sewer to allow the sewer service to be accurately billed.

Councilmember James made a **motion** to authorize the Mayor to sign and accept the Interlocal Agreement for the Annexation Boundaries. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Airport Grant Request - Prior Property and Taxilane**

Mr. Child said this is an airport improvement federal grant application requested for city council approval. The grant will be used to pay the balance of the Melva Prior property purchased next to the airport, to construct taxiways, and to purchase additional property. The grant will pay 95% of the improvements and Springville and Spanish Fork City will split the remaining 5%.

Councilmember Johns asked if only the Hill property is needed to extend the airport.

Mr. Childs said it depends on where the county wants to relocate the road around the airport.

Councilmember Kelepolo made a **motion** to approve the Federal Grant Request as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Change Order - Canyon Road Pump House**

Mr. Heap said the original plans for the pump house only show electric conduit coming outside of the building and not running power to the source. Fish Construction submitted a bid to complete the electrical conduit work in the amount of \$8600.00, plus an additional \$425.00 to use plywood for ceiling materials inside the pump house instead of sheetrock, due to the amount of humidity.

Mr. Heap recommended approval of the change order in the amount of \$9025.00 to Fish Construction.

Councilmember Huff made a **motion** to approve the change order for the Canyon Road Pump House in the amount of \$9025.00 to Fish Construction. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Spanish Fork River Bridge at Spanish Oaks Golf Course**

Mr. Heap said for several years the city has been considering the possibility of replacing the Spanish Fork River Bridge at the Spanish Oaks Golf Course. With the help of the Utah Department of Transportation (UDOT) and the use of federal funds a bridge replacement project is in place. The first part of this agenda item is a contract for the bridge project with Horrocks Engineers in the amount of \$136,500.00 for engineering and consulting services. Mr. Heap said the estimated price for the bridge replacement is \$1,246,205.00. Federal funds will pay 80% of the costs. Spanish Fork City will pay 20% of the costs.

Mr. Heap said the second part of this agenda item is for a cooperative agreement modification #1 with UDOT for the federal funds.

Mr. Heap said the bridge will be closed in February 2003 to begin construction, if the two contracts are approved.

Councilmember Kelepolo made a **motion** to approve the Spanish Fork River Bridge contract with Horrocks Engineers and the Cooperative Agreement Modification #1 with UDOT as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

## **Other Business**

Beginning in 2003 city council meeting will start at 6:00 pm on the first and third Tuesdays of every month.

Mayor Barney wished the citizens and staff of Spanish Fork City a Merry Christmas and Happy New Year.

## **Adjournment**

Councilmember James made a **motion** to adjourn. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:17 pm.

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Connie Swain, Deputy Recorder

Approved: January 7, 2003