

**Adopted Minutes  
Spanish Fork City Council Meeting  
January 21, 2003**

The meeting was called to order at 6:00 pm by Mayor Dale R. Barney for a preliminary review of the agenda. The pledge of allegiance was led by David Krause, a member of the Boy Scout Troop 1501.

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; Dee Rosenbaum, Public Safety Director; Emil Pierson, Planning Director; Doug Adams, Golf Course Superintendent; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Rodger Hardy, *Deseret News*, Janeen Thomas, Michael Thomas, John Thomas, Karen Payne, Darin Stephens, Kyle Stephens, Darald L. Miller, Christopher Gardner, Daniel Hales, Chase Loftin, Ryan Ware, Ben Hakes, Chris Olson, Graham McKinnon, Bryson Banks, Brent Stoneman, Richard Stoneman, Philip Thomas, David Krause, John C. Packer, Daniel Talbot, Peter Sadowski, Ryan Thurston, Brian Blaylock, Darin Cable, Saul Flores, Rob McGovern, Eric Maynes, Jason Oldham, Vallan Sherrad, Jonathan Larson, Houston Hiskey, Cal Hjorth, Kent Boogert, James Nielson, Jeff Banks, Russell Schellhaus, Buck Rose, and Commissioner Gary Herbert.

### **Minutes**

Councilmember Johns made a **motion** to approve the minutes of the January 7, 2003, city council meeting with changes as noted. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

### **Ordinance 01-03 - Ordinance Amending Permitted Use in the C-1 Neighborhood Commercial Zones**

Mr. Pierson said at the last city council meeting a public hearing was held to discuss a request by Mr. Osburn to have a Laundry Facility at 300 South Main. At that time city council made a motion to have staff present an Ordinance amending the zoning text and present it to council for approval.

Councilmember Huff made a **motion** to approve Ordinance No. 01-03 Amending Permitted Use in the C-1 Neighborhood Commercial Zones. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Consultant for the Northgate Sales Tax Analysis**

Mr. Pierson said on December 17, 2002, city council directed staff to issue a Request for Proposal concerning a sales tax revenue sharing analysis of the Northgate Shopping Center. Three proposals were received and reviewed by staff. Mr. Pierson recommended approval of the proposal received from Ms. Walker due to the time frame, costs, and her offer to appear at public hearings to summarize the analysis.

Councilmember Johns made a **motion** to award the contract to provide a Sales Tax Reimbursement Analysis for the Northgate Shopping Center to Ms. Walker in the amount of \$3,500.00. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Bid - Golf Course Greens Mower**

Mr. Clark said the golf course budgeted for a new greens mower this year in the amount of \$17,000. If an item exceeds the budgeted amount, bids are to be received. Mr. Clark reviewed the bids received to purchase a greens mower and recommended awarding the bid to Turf Equipment in the amount of \$21,325.00.

Mayor Barney asked if the old greens mower was of any value.

Mr. Clark said some parts from the old mower will be interchangeable with the new mower and will be used.

Doug Adams was present to answer any questions from city council concerning the greens mower.

Councilmember Huff made a **motion** to approve the bid submitted by Turf Equipment for the purchase of a golf course greens mower in the amount of \$21,325.00. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Wolf Hollow Heights East - Re-approval of Preliminary Plat and Plat A Lot 8 Plat Amendment**

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

Mayor Barney reviewed the procedures for a public hearing.

Mr. Pierson said this is a request by Rod McGovern and Eric Maynes to re-approve Wolf Hollow Heights East Preliminary Plat and Plat A lot 8 Plat amendment. Mr. Pierson reviewed the amendment and the plat. Development Review Committee reviewed the request and recommended approval as presented. The Planning Commission discussed the road alignment in relation to the Randall Harward property to the West. The Planning Commission also recommended approval as presented.

Mayor Barney opened the meeting for public input, none was given. The meeting was then opened for council discussion.

Councilmember Huff asked concerning access to the Harward property to the West.

Mr. Pierson reviewed the proposed access. Mr. Harward will be required to finish a portion of the road when he develops his property.

Councilmember Johns made a **motion** to re-approve the Wolf Hollow Heights East Preliminary Plat and the Plat A Lot 8 Plat Amendment. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Leon Thomas De-Annexation Petition**

Mr. Pierson said this is a request by Leon Thomas to de-annex 1.3 acres from Spanish Fork City. Mr. Thomas's property is within Policy Declaration Boundary and within the Growth Boundary. Mr. Thomas owns 3.2 acres and when the Roach annexation was approved in 1992 it mistakenly included 1.3 acres of Mr. Thomas's property, leaving the balance of Mr. Thomas's property in the County. Mr. Thomas was unaware of the annexation until recently. Mr. Pierson has talked with Mr. Thomas concerning leaving the property in Spanish Fork. However, Mr. Thomas still desires to de-annex his property.

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

Councilmember Johns asked how the mistake occurred.

Mr. Heap said the annexation property description was off by 1600 feet and erroneously included a portion of Thomas' property in the Roach annexation.

Councilmember Huff asked for the process required to de-annex a portion of property.

Mr. Baker said it is called a disconnect when an error is made and the property was never intended to be annexed. He said it does not require a review by the Planning Commission, just a motion from city council.

Councilmember Kelepolo made a **motion** to approve Leon Thomas' de-annexation petition. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

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

**Commissioner Gary Herbert**

Commissioner Herbert appeared to discuss the gravel pit near the mouth of Spanish Fork Canyon currently part of the County. A recent Spanish Fork City Annexation Petition filed by Spanish Fork LLC was denied by city council. Spanish Fork Associates LLC acquired the property through default and foreclosure. They are attempting to clean up the property and make it productive. Commissioner Herbert said Spanish Fork will feel the most impact depending on what is done with the property. Spanish Fork Associates LLC is prepared to do a reclamation and post any bonds required. Commissioner Herbert was present to represent the County and stated three options as follows:

1. Utah County or Spanish Fork City will need to use resources to assist in making the property productive,
2. Require private owners to meet set conditions with respect to using the property, or,
3. Leave the property as it currently exists.

Mayor Barney said city council reviewed the annexation petition filed recently. One of the major concerns was monitoring dust control of the property and enforcement of problems with dust or noise control.

Councilmember Huff said city council was also concerned with mining for gravel, a possible asphalt plant, and a possible concrete plant. The wind in the area would cause a major concern. Also, the railroad crossings will become part of the city's liability and there will be an increase in traffic. None of these issues were addressed to the satisfaction of city council.

Commissioner Herbert said a number of issues will need to be discussed. Clyde and Company are anticipating using the gravel extracted from the property for work up Spanish Fork Canyon. He said there will be difficult issues and Spanish Fork City should have a vested interest in the property.

Councilmember Huff asked what limits the County has put on the gravel pit property.

Mr. Rose said the property is zoned residential agricultural with one house for every 5 acres. The property was difficult to farm due to a loss of water in the gravel. The previous owner received approval to mine gravel from the property. There was a change in ownership and after realizing they had mined more than was approved the company was disbanded. They would now like to reclaim the property and make it productive. A proposal to re-zone the property to industrial was considered.

Mayor Barney said he is concerned with the idea of an asphalt plant on the property, however, a commercial development would be ideal.

Commissioner Herbert said the city can control the property, require bonds, limit mining, require no asphalt plant, etc. If the property is not improved, it could continue as it is for a long time.

Mayor Barney thanked Commissioner Herbert for taking the time to discuss the issue with city council.

Commissioner Herbert asked how the city would like to proceed.

Councilmember Huff asked Mr. Baker concerning the process if an annexation petition is re-filed.

Mr. Baker said a new petition would need to be filed and according to the city ordinance the Development Review Committee and Planning Commission will then review the petition. If a recommendation for approval is given, a contract should be drawn to set forth the conditions required by the city. Currently our General Plan does not anticipate this type of use and there would need to be an amendment to the zoning ordinance.

Mr. Pierson said the city would need to create a new zone just as the County would need to do in order to accommodate mining of the property.

Commissioner Herbert said the city is capable of offering incentives and the county could not.

Councilmember James said if Clyde and Company can give assurance they can operate without noise, dust problems, or cause public safety hazards, the issue could be discussed and solutions reached. He recommended further discussion.

Mayor Barney will notify Commissioner Herbert if city council wishes to pursue the issue further.

Councilmember Kelepolo made a **motion** to move into executive session of city council meeting. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Johns made a **motion** to move back into regular city council agenda. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote. The regular session of city council meeting resumed at 7:50 pm.

### **Change Order #3 - Darger Springs Pumphouse**

Mr. Heap said these items are related to powering the new pumphouse. He said change order #3, at a cost of \$7,706.69, consists of three items: 1. Connecting a 10" pressurized irrigation line to the line under the river, 2. Install a 6" pressurized irrigation drain, and 3. replace a fire hydrant being removed for the new bridge. Change order #4, at a unit cost of \$14,950.00, is to furnish and install electrical and communication conduits from the northeast corner of the Golf Course to the pumphouse.

Mayor Barney said when an engineering firm designed this project they should have determined these items in the original design. A discussion followed.

Mr. Heap recommended approval of the change orders as presented.

Councilmember Huff made a **motion** to approve change order #3 for the Darger Springs Pumphouse in the amount of \$7,706.69 to Vancon and to approve change order #4 for the Darger Springs Pumphouse in the amount of \$14,950.00. Councilmember Johns **seconded**, and the

motion **passed** with a unanimous vote.

### **Change Order - Irrigation Reservoir**

Mr. Heap said the change order includes two items. The State clarifies, for the contractor, how reservoir base materials are to be placed and sets maximums and minimums. There are no changes in price or time, only changes in specifications.

Councilmember Kelepolo made a **motion** to approve Change Order No.1 for the Irrigation Reservoir. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Easement - Glade Schwartz and Calvin Crandall**

Mr. Heap said staff has been working for six months to obtain easements in order to run a power line connecting the Woodhouse Substation to the Dry Creek Substation at 1100 East. The line needs to be completed prior to July 2003 or the city may experience power outages. After negotiations the easement agreement recommendations are as follows: Schwartz property - \$35,000.00, Crandall property - \$15,000.00, and Swenson property - \$25,828.00. The Swenson property was previously approved for \$19,300.00 with an agreement to increase the amount if the other agreements were higher. Mr. Heap recommended approval of all three easement agreements as presented. The property owners have agreed to provide access to their property and roads to allow easier installation of the power line and access in the future for maintenance.

Councilmember Huff made a **motion** to approve the Schwartz, Crandall, and Swenson easement agreements as presented for the 1100 East power line from Woodhouse Substation to the Dry Creek Substation. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **1400 East Easement**

Mr. Heap said 1400 East has been expanded and widened and in the process there was confusion with the Gardner family as to the easement line. In order to clear up the problem Mr. Heap recommended paying Mr. Mike Gardner \$4,500.00 for the right of way of the easement at 1400 East in front of Mr. Gardner's property.

Councilmember Johns made a **motion** to pay \$4,500.00 to Mike Gardner for the easement right of way at 1400 East in front of Mr. Gardner's property. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

### **Adjourn to Redevelopment Agency Meeting**

Councilmember Kelepolo made a **motion** to move from the regular session of city council meeting and into the Redevelopment Agency Meeting. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

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

### **Other Business**

None was presented.

### **Adjournment**

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

Approved: February 5, 2003

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Connie Swain, Deputy Recorder