

**Adopted Minutes
Spanish Fork City Council Meeting
March 18, 2003**

The meeting was called to order at 6:00 pm by Mayor Dale R. Barney for a preliminary review of the agenda, Junior Baker offered a prayer. The pledge of allegiance was led by Randy Topham, a member of the Boy Scouts of America.

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

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

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Rodger Hardy, *Deseret News*, Lewis Fields, Robert Clark, Jesse Lewis, Ann Davis, Kent Davis, Tammy Peay, Cathy Bradley, Greg Topham, Randy Topham, Sharati Pia, Jamie Quilter, Scott Grow, Randy Palmer, Ryan Gleason, Daniel Soffe, Diane Jeffs, Daniel Hoffman, Stephen Hoffman, Mike Simkins, Spencer Carlson, Tyler Nelson, Braidan Beck, Ty Beckstrom, Jared Hill, Buck Rose, Commission Gary Herbert, Terry Diehl, and Tony Christopherson.

Minutes

Councilmember Johns made a **motion** to approve the minutes of the March 4, 2003, city council meeting with changes as noted. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Adult Literacy Program/Read to Succeed

Ms. Kathy Bradley, with Read to Succeed Program in Payson, said she is visiting to let city councils know the program exists. There are many adults who are unable to read and embarrassed to admit. The Read to Succeed Program falls under the Mt. Land Literacy Program and is under the direction of the Nebo School District. The office is located upstairs in the Payson library with the same office hours as the Library other than Friday and Saturday the Program Office is closed.

Mayoral Proclamation Declaring March 29, 2003 Scouting For Food Day in Spanish Fork City

Mayor Barney read the Proclamation Declaring March 29, 2003 as Scouting for Food Day in Spanish Fork City.

Councilmember Johns asked if a resident missed the pick up time can they contribute later.

Mr. Thompson said on March 29, 2003 the scouts will pick up donated food from residents and deliver the food to the Spanish Fork City Nation Guard Armory until noon. Food will then be delivered to the Provo Food Bank located at 815 South Freedom Blvd. Residents may make donations to the Food Bank at any time.

Saddle Dusters Contract

Councilmember Kelepolo asked if the Saddle Duster Contract is the same as last year's.

Mr. Oyler said it is the same contract with a few minor changes.

Councilmember James made a **motion** to approve the 2003 Saddle Dusters Contract with the correction of the date 2003. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Utah Valley State College (UVSC) Annual College Rodeo - Fairground Rental Fee

Mr. Fields said there is not a lot of funding available for this rodeo. There will be approximately 40 districts competing and UVSC will be hosting 13 other colleges. Hotel rates and stall rentals are expensive and Mr. Fields was hoping to receive a reduction in Fairground rental fees.

Councilmember Kelepolo asked how participants will be notified of the location.

Mr. Fields said he will provide maps to attendees advising them of the location and to use rear entrances to the Fairgrounds only.

Mayor Barney said the program would be a benefit to the community.

Mr. Fields said the event prohibits any alcohol and the guidelines are strict. There will be entry fees and winners will receive money awards. He asked if city council would reduce the Fairground rental fee to match Pleasant Grove's fees. Mr. Fields also said the event will bring money into the community.

Mr. Oyler said city council has worked with the High School and 4-H with fees.

Mr. Fields is the coach at Utah Valley State College and he hopes to have the UVSC College Rodeo be an annual event held at Spanish Fork City Fairgrounds.

Councilmember Kelepolo made a **motion** to allow the Utah Valley State College to use the Fairgrounds at no charge, with the exception of the stall rental fees. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Contract Deferring Impact Fees for the Electrical Transformers at the Western Distribution Warehouse

Mr. Baker reviewed the contract. The Western Distribution Warehouse has a new owner, Spanish Fork Properties. They currently have two transformers and want to add a third. It will be a backup transformer and the contract will allow the deferment of the impact fees until the electrical usage at the warehouse exceeds 3000 kva. Mr. Baker recommends approval of the contract.

Councilmember Kelepolo asked if the contract carries over to additional new owners if needed.

Mr. Baker said if they are successful they will exceed the 3000 kva shortly and at that point Spanish Fork Properties will pay the impact fees.

Councilmember James made a **motion** to approve the Contract Deferring Impact Fees for the Electrical Transformers at the Western Distribution Warehouse. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Bid Award - House and Pumphouse Demolition Project

Mr. Thompson reviewed the bids received for the demolition of a house at 375 North 100 East and demolition of the 2000 South Powerhouse Rd. pumphouse. It was estimated the demolition project would cost approximately \$12,500.00. The lowest bid was received from BD Barney in the amount of \$9,900.00. Mr. Thompson recommended approval of the bid received from BD Barney.

Councilmember James asked if the company awarded the bid would be allowed to salvage materials.

Mr. Thompson said the company awarded the bid would be allowed to salvage material with the exception of several items.

Councilmember Kelepolo made a **motion** to approve the demolition project bid to BD Barney in the amount of \$9,900.00 for the demolition of a house at 375 North 100 East and the 2000 South Powerhouse Rd. pumphouse. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Ratification of License Agreement Contract with the Department of Interior

Mr. Thompson reviewed the packet of information provided with the License Agreement with the Department of Interior. Due to time limitations the Agreement was signed by Mayor Barney and Mr. Thompson requested city council to ratify the signing of the Agreement.

Mayor Barney said the canal needed to be repaired as soon as possible and the project needed to be completed to avoid additional problems.

Mr. Thompson said the piping for the pressurized irrigation line is in a casing and will allow work on the pipe line in the future without damaging the canal.

Councilmember Johns made a **motion** to accept the ratification of the License Agreement with the Department of Interior. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Resolution 03-02 - A Resolution Declaring the Need for the Utah Housing Authority to Operate Within Spanish Fork City

Mr. Pierson reviewed a letter and the resolution prepared by the Utah Housing Authority stating the need for the Utah Housing Authority to operate within the city limits of Spanish Fork.

Councilmember James asked if Spanish Fork City is meeting the requirements for providing affordable housing.

Mr. Pierson said we are doing well in the area of affordable housing.

Councilmember Kelepolo made a **motion** to approve Resolution 03-02, A Resolution Declaring the Need for the Utah Housing Authority to Operate Within Spanish Fork City. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Other Business - Commissioner Gary Herbert - Gravel Pit Discussion

Mayor Barney suggested city council proceed with the Executive Session and allow Commissioner Herbert additional time to arrive.

Executive Session Adjournment

Councilmember Kelepolo made a **motion** to move out of the regular session of city council meeting and into the Executive Session of the meeting. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Councilmember James made a **motion** to reconvene the regular session of city council meeting. Councilmember Kelepolo **seconded**, the motion **passed** with a unanimous vote, and the meeting reconvened at 7:30 pm.

Commissioner Gary Herbert - Gravel Pit Discussion

Commission Herbert said he appreciates the opportunity to address city council again. Copies of a gravel pit map and a proposed use for the property in the future were presented to city council.

Terry Diehl reviewed the proposed concept plan for the light industrial park facility. Mr. Diehl also said they would be willing to sign a service agreement stating the city will not be required to provide utilities to the facility.

Councilmember Johns said in the concept plan some of the buildings appear to be under power lines.

Mr. Diehl reviewed the plans and stated none of the buildings are under power lines. Some lines may need to be relocated.

Mayor Barney said the time period and the problems connected with the excavation will be lengthy.

Mr. Tony Christopherson with W. W. Clyde said they will do what is needed to control dust problems. He said they could use the city well water on the property to control dust if it is approved by the city.

Councilmember Johns asked how dust control would be maintained on the entire property.

Mr. Christopherson said they will clear some areas and reseed the soil. He also said since the property is near Spanish Fork Canyon it would allow the excavated materials to be use for the Highway 6 project.

Councilmember James said dust, noise, and traffic problems are some of his concerns. Will the property owners be willing to do such things as widen the roads and do they want to include concrete or asphalt plants?

Mr. Christopherson said there would be a full time water truck to control the dust. He said the ground is lower which will help with noise and dust problems. They are interested in a concrete batch plant. Also, W. W. Clyde would like to install an asphalt plant on a temporary basis.

Councilmember Christensen said he is also concerned with the wind and dust and asked what areas the trucks will be traveling to.

Mr. Christopherson said Spanish Fork, Mapleton, Santaquin, Payson, etc. He also said water is the key to dust control.

Councilmember Kelepolo asked if the property remains annexed in the County what keeps them from excavating the property.

Mr. Christopherson said it is a licensing issue.

Commission Herbert said the current zoning does not allow excavation since a portion was already mined. To continue mining a license is required and after mining is completed what would the property be used for. The County cannot deal with the property after mining is completed. He said at that point only the city can provide utilities for future uses.

Councilmember Kelepolo said there are already areas the city needs to manage and he is also concerned with the railroad liabilities.

Mr. Deihl asked what is the downside for the city.

Mayor Barney said the property would need to be maintained by the city, the city would be responsible for maintaining and oversee dust control, batch plants, asphalt plants, noise, smell, etc.

Mr. Deihl said that is the purpose of allowing W. W. Clyde to manage the property. They have a good reputation.

Commission Herbert said the question is how do we get the process to work. There are downsides and risks. He suggested requiring a bond to be posted to insure proper maintenance of the property.

Mr. Baker said city staff has the following concerns with annexing the property into the City. The current zoning of the property does not allow a mining facility, dust and wind may not be a controllable problem, the city will need to create a new zone for this type of facility, the city will need to change the general plan, the area is not contained within the growth boundaries, and the city cannot provide services to the property at this time. The city does not anticipate growth in the area of the property in question for twenty years. The concept plan proposed for this area is a good idea, however, it is far in the future. He also said it would be just as easy for the County to accommodate the zoning issues. It is not the right time for the city to annex this property. In the future the city will review the options for the property and providing utility services. Mr. Baker also has found a pending Court action in connection with the property.

Mr. Buck reviewed the pending litigation. The Court retained jurisdiction to insure the property is mined in a manner agreed upon.

Councilmember Kelepolo said the future plan is very appealing but the possible problems at this time are a big concern.

A discussion followed concerning the requirements in changing the city ordinances to allow the annexation.

Mr. Pierson reviewed the purpose of the growth boundary.

Councilmember Kelepolo said the concerns as stated by staff would need to be remedied, however, it is not the right time to annex this property into the city. All other Councilmembers present agreed.

Adjournment

Councilmember Kelepolo made a **motion** to adjourn from the regular session of city council meeting. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:20 pm.

Connie Swain, Deputy Recorder

Approved: April 1, 2003