

**Adopted Minutes
Spanish Fork City Council Meeting
May 20, 2003**

The meeting was called to order at 6:00 pm by Mayor Dale R. Barney. The pledge of allegiance was led by Councilmember Huff.

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; Dee Rosenbaum, Public Safety Director; Richard Heap, Engineering and Public Works Director; Bill Bushman, Buildings and Grounds Superintendent; Dale Robinson, Parks and Recreation Director; Matt Marziale, Parks and Recreation Program Supervisor; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Rodger Hardy, *Deseret News*, Lynn Leifson, Garry Briggs, David E. Lewis, Thad Jensen, Paul Bradford, Ted A. Scott, David Hughes, Thora Shaw, Jack D. Stoneman, Brady Jex, and G. Ray Newman.

Minutes

Councilmember James made a **motion** to approve the minutes of the May 6, 2003, city council meeting as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Pleasant Grove Strawberry Days Royalty

Mayor Barney passed this items since the Pleasant Grove Royalty has not arrived.

Agenda Request - Mayoral Proclamation Declaring May 2003 Poppy Month

Mayor Barney read the Mayoral Proclamation prepared by the American Legion. The Proclamation declares May 2003 as Poppy Month.

Councilmember Kelepolo made a **motion** to accept the Mayoral Proclamation declaring May 2003 Poppy Month. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Training Session

Mr. Baker provided handouts to city council. The purpose of the training session is to provide

training for the Board of Adjustments, Planning Commission, and City Council.

Mr. Pierson said municipalities are required to establish three bodies to deal with land use issues. Mr. Pierson reviewed the duties of each of the bodies. All three bodies are bound by federal, state, and municipal laws.

Mr. Baker said the three municipal bodies are bound by the Ethics Act and he reviewed the guidelines for conflicts of interest.

Mr. Pierson asked if Mayor Barney would like to recall the Pleasant Grove Strawberry Days Royalty agenda item.

Pleasant Grove Strawberry Days Royalty

Mayor Barney recalled the Pleasant Grove Strawberry Days Royalty agenda item.

Kamie Cushing, Strawberry Days Rodeo Queen, introduced members of the royalty. Each member introduced an activity for Pleasant Grove Strawberry Days. A strawberry pie was presented to city council.

Mayor Barney thanked the royalty and said the event is outstanding and a round of applause was given.

Training Session - Continued

Mr. Pierson continued presenting Ethics Act rules to the Board of Adjustments, Planning Commission, and City Council.

Mr. Baker reviewed the rules and requirements and the importance of being familiar with those rules and requirements of the various state, federal, and municipal laws. He reviewed a related court case with respect to a city in Utah County and the results of a claim. Mr. Baker said currently Spanish Fork City Council functions under "Robert's Rules of Order." Mr. Baker suggested a simplified version for conducting meetings.

Mayor Barney said it is important to be constant and let everyone know how the meetings are conducted.

Mr. Baker continued reviewing the rules of conduct with respect to city council meetings. He also reviewed ordinances and state law and the importance of following our standards and ordinances. He also reviewed the purpose of impact fees and avoiding exaction issues.

Councilmember Huff asked if a developer offers a park as part of a development and it is later changed to another use is the city in violation of taking.

Mr. Baker said the issue in question resulted in the elimination of a park and the property was sold back to developer and the funds were used to expand another park. The city is very careful to expending funds in areas they are directed for. Mr. Baker reviewed a few similar developments.

Councilmember Kelepolo asked how city council members can determine when they are included in an inappropriate discussion.

Mr. Baker cautioned board members not to commit to a vote on any issue before items come before all members of the board, commission, or council. However, it is important for members to hear both sides of issues being addressed.

Councilmember Johns thanked Mr. Baker and Mr. Pierson.

Mayor Bamey also thanked staff and the members of the commission and the board for their service to the community. Commission and board members were excused.

Airport Road Realignment - Cris Child

Mr. Pierson presented two options for the airport road realignment since Mr. Child was not present.

Councilmember Huff said there would be an inconvenience for those living in the palmyra area.

Mr. Pierson said the road realignment project needs to be completed at this time.

Councilmember Kelepolo said the extension of the airport may take place ten or more years in the future.

Councilmember James reviewed a request by the property owner to move his cattle across the runway in order to allow him to access his property on the adjacent side of the airport. It would be a distance of eighteen miles to drive the cattle around the airport.

Councilmember Kelepolo said three easements will be required to complete the proposed airport road realignment.

Mayor Bamey asked if action needs to be taken tonight.

Mr. Pierson said no action is required at this time.

Councilmember Kelepolo said the airport board is seeking guidance and they also would like to further consider the proposal.

Councilmember James said federal funds for expansion of the airport will be available in five

years.

Mr. Oyler said funds for the acquisition of land around the airport are available at this time.

Mr. Baker said the existing county road will need to be abandoned.

Mr. Pierson said the board is asking for city councils' guidance and direction concerning the two proposals.

Councilmember Kelepolo suggested waiting for Cris Child to be present to provide additional information concerning the grant funds available.

Councilmember Kelepolo made a **motion** to table the Airport Road realignment until Cris Child approaches city council. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Sales Tax Reimbursement Contract with AmSource

Mr. Baker said this is a follow-up meeting to the sales tax analysis the city council reviewed several weeks ago. AmSource is developing property at the north end of Main St. and approached the city requesting to receive a reimbursement, through sales taxes, for off site improvements. Mr. Baker reviewed a portion of Ms. Walker's sales tax analysis and the possible reimbursement of funds as per the agreement with AmSource. According to the study it will take 11 years for them to receive the maximum reimbursement. Mr. Baker recommended approval of the agreement with AmSource.

Councilmember Huff said the analysis and the contract with AmSource have been discussed at length in previous meetings.

Councilmember Huff made a **motion** to approve the Sale Tax Reimbursement Contract with AmSource as presented. Councilmember James **Seconded**, and the motion **passed** with a unanimous vote.

Mapleton Waste Water Treatment Interlocal Agreement

Mr. Baker requested to table this item until the next city council meeting. There are a couple of details still in negotiations.

Councilmember Kelepolo made a **motion** to table the Fuel Adjustment in the BFI Contract for two weeks. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

David Hughes Boundary Line Agreement

Mr. Baker said the city owns property near the new sports park. The property is adjacent to

David Hughes's property. Mr. Baker said there are some overlaps and gaps in the property lines. He suggested adjusting the property lines to the fence lines.

Mr. Heap reviewed the property lines and the fence lines.

Mr. Baker said the main benefit to the city of the adjustment will be future work on the trail system.

Councilmember Johns made a **motion** to accept the David Hughes Boundary Line Agreement as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Flower Planting Report - Bill Bushman

Mr. Bushman reviewed the history of the need for a city greenhouse when past city leadership approved planters along Main St. to beautify the city. In addition to the old greenhouse, a new 3000 foot greenhouse has recently been installed. Mr. Bushman said there are approximately 140,000 plants in the greenhouses at any given time. The planters are planted twice a year through a volunteer program. Mr. Bushman presented a report providing the costs to operate the greenhouse and compared with the costs to purchase the plants from a local nursery. It would cost more than \$70,000 in additional funds to purchase the plants from a nursery.

Mayor Barney said in addition to the costs savings the city can control the type of plants being grown.

Mr. Bushman said the community program "Adopt a Planter" has provided a great service to the community. Letters are sent to the six stake presidents asking for their participation in the program. Nearly all of the wards in each stake participate in the program. Individual families and civic groups also are involved in the program.

Mayor Bamey said the volunteer efforts in Spanish Fork City have always been tremendous.

Mr. Bushman said in overseeing the planting the past two weeks he has seen all age groups participating and enjoying the program.

Mayor Bamey thanked Mr. Bushman for his service and said the planters look great.

Councilmember Huff said we have eight Wards outside of the city limits and should indicate their participation in the program as well. There are rural wards who have been involved in the program and they should be included and thanked as well.

Mr. Bushman agreed with Councilmember Huff and will make sure the rural Wards also receive thank you letters.

Field Rental and Concession Report - Doug Ford

Mr. Ford was unable to appear.

Mr. Robinson said this last year there have been continued requests to rent and utilize our sports park facilities. He said after reviewing the field rental proposal the Recreation Committee recommended approval of the field rentals. There are recreation programs under the direction of the Nebo School District, however, some were assumed to be sponsored by the Nebo School district but are not.

Councilmember Kelepolo said he feels good about the proposed field rentals fee schedule. The city's purpose is to give everyone an opportunity to play.

Mr. Robinson said there are policies in place to protect the facilities and will give the recreation department additional control of the facilities. Paul Jamison will be managing the properties belonging to Nebo School District.

Mayor Barney said he would like to see the facilities used but would also like to see them maintained and protected.

Councilmember James asked how the facilities will be monitored.

Mr. Robinson said the properties will be made ready for the renters and if there are problems those parties will not be allowed back. The recreation department will collect a deposit to encourage renters to care for the facilities.

Councilmember Johns asked concerning a safety net around the concession stands.

Mr. Robinson said they are exploring the possibilities of nets around the concession stands. He said the most economical solution is to add more coverage behind the home plate at each field.

Mayor Barney said he has heard comments from individuals stating Spanish Fork City has the best sports fields in the state.

Mr. Robinson agreed and said the maintenance staff is doing a wonderful job.

Mr. Robinson also reported on the concession stands. Several studies were conducted on how the concession stands could be improved. Some small changes have been implemented to improve the concessions and the menu. As a result of the study the Park and Recreation Committee recommended the Recreation Department continue operating and maintaining the concession stands.

Councilmember Kelepolo made a **motion** to approve the field rental policy as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Usage Adjustment - Pressurized Irrigation

Mr. Oyler said staff reviewed the pressurized irrigation operations, installations, and problems. Due to meter problems with respect to leaks, prior usage, and minor adjustments as air flowed through some of the meters, staff is proposing no first month usage charges for pressurized irrigation. This will eliminate any erroneous readings. There will only be the base charge.

Mr. Barney agreed with the proposing billing adjustment.

Councilmember Johns made a **motion** to approve the pressurized irrigation usage adjustment as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

National Guard Utility Abatement

Mr. Oyler said 47 soldiers residing in Spanish Fork City have been activated and he recommend those service men and women receive an abatement on their city bills starting May 1, 2003 and be effective until the individual returns. In order to qualify for the abatement the families of the soldiers would need to provide active duty orders to the city.

Mayor Bamey supported the proposal.

Councilmember Huff made a **motion** to approve the National Guard Utility Abatement as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

South Utah Valley Municipal Water Association Agreement for 207 Grant

Mr. Heap said the city applied for a 207 grant. The grant requires a portion of the conserved water be returned to the Central Utah Water Conservancy District. Spanish Fork City, South Utah Valley Municipal Water Association, Central Utah Water Conservancy District, and United States Department of Interior will be part of the agreement. Mr. Heap recommended the city council authorize the mayor to sign the South Utah Valley Municipal Water Association Agreement for the 207 Grant.

Councilmember Huff commended Mr. Heap for serving as a technical advisor.

Councilmember Huff made a **motion** to authorize the mayor to sign the South Utah Valley Municipal Water Association Agreement for the 207 Grant as presented. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Other Business

Mayor Bamey received a letter from American Fork City inviting Spanish Fork City to their 150th year anniversary celebration on June 4, 2003 and Steel Days Celebration to be held July 9-19, 2003.

Councilmember Johns presented a plaque received from the rotary tournament.

Adjournment

Councilmember Huff made a **motion** to adjourn from the city council meeting. Councilmember Johns **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 8:20 pm.

Connie Swain, Deputy Recorder

Approved: June 3, 2003