

**Adopted Minutes
Spanish Fork City Council Meeting
July 15, 2003**

The meeting was called to order at 6:00 pm by Mayor Dale R. Barney. 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; Dee Rosenbaum, Public Safety Director; Richard Heap, Engineering and Public Works Director; Emil Pierson, Planning Director; Kent Clark, Recorder/Finance Director; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, James C. Biesinger, Olie Ilene, Michael Merrill, Richard Bradford, and Abbey Northrop.

Minutes

Councilmember Huff made a **motion** to approve the minutes of the July 1, 2003, city council meeting with changes as noted. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

M. T. Merrill - Heritage Cove Preliminary Plat Conditional Appeal

Mr. Pierson said Mr. Merrill has requested the removal of condition number 10 of the Heritage Cove Preliminary Plat approval. He said in the process of constructing the house at 1450 South 2300 East the house plans were flipped in error and the driveway is now located on the west side of lot number one. The approved plot plan shows the driveway on the east side of the lot. Condition number 10 currently reads, "Lots 1 and 31 will have no access onto 2300 East. Driveways for these lots must be located on the east property line." Mr. Pierson recommended amending condition number 10 to read, "The wall on lots 1 and 31 be moved back a minimum of 25 feet and be wrapped to the homes but leaving enough room for a pedestrian gate. No concrete and no parking will be permitted on the west side of lots 1 and 31 and parking of vehicles will not be permitted and a disclosure of this requirement will be recorded on these lots."

Mayor Barney asked if the change will create an enforcement problem.

Mr. Pierson said the condition applies to both lots 1 and 31 and the requirements will be recorded with the plat. Mr. Pierson said a mistake was made by the developer. The developer told Mr. Pierson he does not remember the request by staff to change the plot plan.

Councilmember Johns made a **motion** to amend Heritage Cove Preliminary Plat Condition number 10 as follows:

10. The wall on lots 1 and 31 is to be moved back a minimum of 25 feet and is to be “wrapped” to the homes but leaving enough room for a pedestrian gate. No concrete and no parking will be permitted on the west side of lots 1 and 31 and parking of vehicles not be permitted and a disclosure of this requirement will be recorded on these lots.

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

Desert Storm Preliminary Plat - 800 North Highway 51

Mr. Pierson said this is a request by Jim Biesinger for approval of the Desert Storm Preliminary Plat at 800 North Highway 51. The property to the south is Sunset Ponds Townhomes. Mr. Biesinger has worked closely with staff in creating the plat.

Councilmember Kelepolo asked Mr. Biesinger what happened to the senior housing proposed for this area in the past.

Mr. Biesinger said the September 11, 2001 terrorist attack occurred and the project took a nose dive. Since then he sold a portion of the property to his son.

Councilmember Huff asked why there is a small pencil shaped area on the north side of the property.

Mr. Biesinger said the pencil shaped area is part of lot number 10 and provides him access to a small piece of property at the northwest corner. Mr. Biesinger said he may be able to sell the small piece of property when the property to the north develops.

Councilmember Kelepolo asked how far the wall will come along lot number 1.

Mr. Biesinger said the wall will be set back 30 feet to allow drivers vision onto SR 51.

Mr. Biesinger said before Highway 51 went through the road was called Maggie’s Bend. Mr. Biesinger petitioned city council to rename the subdivision Maggie’s Bend. He said part of the old Maggie’s Roadhouse is still standing in the area.

Councilmember Johns said there is already a Maggie’s Place Subdivision.

Mayor Barney said the only item to be discussed tonight will be the Desert Storm Subdivision.

Councilmember James made a **motion** to approve the Preliminary Plat requested by Jim Biesinger, on the following condition(s):

1. The developer is to sign off on all house plans in the subdivision,
2. The development is required to meet all of the construction and development

- standards of the city,
3. Install from the beginning of lot 1 to the end of lot 4 a masonry wall, stamped concrete, grates, and tree wells with 2" caliper trees along Highway 51,
 4. Receive approval of the electrical design and layout from Jeff Foster of the Electrical Department, and
 5. Finalize the utility review by complying with and working with the Utility Department.

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

Economic Development Analysis and Recommendation - Richard Bradford

Mr. Bradford said he appreciated staff's assistance in providing needed information for the analysis.

Mayor Barney said the analysis is important to the city.

Mr. Bradford referred to the "Spanish Fork Economic Development" packet he provided to members of the city council and city staff. He reviewed the analysis by covering the following points:

- Retail sales per capita for Spanish Fork
- Retail sales per capita for surrounding cities
- Maintaining jobs in accordance with growth
- Focus on Manufacturing
- Classification of leads for potential development opportunities
- Competition with other cities for new development
- Benefits of Spanish Fork City
- Providing information for potential developers on the city web site
- Needs for promoting economic development

Mr. Bradford thanked the city council for the opportunity to provide this service to the community.

Mayor Bamey thanked Mr. Bradford for the economic development analysis.

Councilmember James thanked Mr. Bradford for putting the analysis together and said he would like to see additional development in the city.

Bid Tabulation - Centennial Park Parking Lot and Filter Building Project

Mr. Heap said the bid opening was yesterday and the project consists of the Centennial Park parking lot and the filter building. The lowest bid was received from Fish Construction in the amount of \$218,928.98.

Councilmember Huff asked if the parking lots will be connected.

Mr. Heap said the parking lots will not be connected.

Councilmember Johns asked when work on the parking lot and the filter building will begin.

Mr. Heap said work will begin the end of July. The Centennial Park parking lot will be completed in October, 2003 and will include handicapped parking. The filter building will be completed in November, 2003.

Councilmember Kelepolo made a **motion** to award the Centennial Park West Parking Lot and Filter Building bid to Fish Construction in the amount of \$218,928.98. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Grant Agreement - Federal Aviation Administration

Mr. Heap said this is a contract with the Federal Aviation Administration (FAA) allowing the city to finalize contracts to purchase property for the airport expansion project. The FAA will provide 90 percent of the funds to purchase the properties. Mr. Heap recommend the city council authorize the mayor to sign the Grant Agreement with the FAA.

Mayor Barney asked for the portion Spanish Fork City will be paying.

Mr. Heap said Spanish Fork City will pay 2.5 percent of the funds to purchase the properties.

Councilmember Kelepolo made a **motion** to authorize the mayor to sign the Grant Agreement with the FFA. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Water Rights Exchange - Utah County

Mr. Heap said just above the Diamond Fork turn off from Highway 6 the County is building a new park. They would like Spanish Fork City to provide water to the park in exchange for water rights equal to 3.2 acre feet of water. Mr. Heap recommended enter into the exchange agreement with Utah County.

Councilmember Huff asked if there is anyway, if approved, the County will be able to control the water flow.

Mr. Heap said the city will be able to track the amount of water used for the park.

Mayor Barney said many of our residents will be using the new County park.

Councilmember Huff made a **motion** to enter into and authorize the Mayor to sign the Water Rights Exchange Contract with Utah County. Councilmember Johns **seconded**, and the motion passed with a unanimous vote.

Pressurized Irrigation Rate Adjustment

Mr. Heap said in reviewing meter readings for various residents, water usage is 2 to 3 times the estimated usage. Approximately 40 percent of the residents are using enough water to fall into the excessive usage penalty phase. Mr. Heap suggested the city adjust the rates to discontinue excessive usage rates until next year to allow time to educate the public concerning conservation.

Mayor Barney said one of the purposes of the grant was to motivate the conservation of water.

Councilmember Christensen asked concerning the lack of pressure in some areas of the pressurized irrigation system.

Mr. Heap said the filters for the pressurized irrigation system collect material and periodically recycle for cleaning purposes. Representatives from the filter company are here monitoring the system. It will take a couple of days to make the necessary adjustments. He recommended some residents start watering at 6 or 7 pm. The peak time for watering has been after 8 pm. Once the filters are adjusted there should not be a loss in pressure.

Councilmember Johns made a **motion** to keep the pressurized rate at \$1.24 with no excess usage charges and \$1.75 for culinary water as presented effective from the June 1st bill to the end of the 2003 year. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

US Forest Land and Facility Service Contract

Mr. Baker said this is a renewal of a contract which has existed with the US Forest Service in which the city agrees to provide areas of land for a base camp in case of a fire.

Councilmember James made a **motion** to approve the US Forest Land and Facility Service Contract. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Other Business - New City Office Hours

Mayor Bamey would like to advise residents starting August 4th the city will be open Mondays through Thursdays only with extended hours. This will allow the city to more efficiently service those who work during the day. The city office will be closed on Fridays.

Councilmember Kelepolo asked for the hours the city office will be open.

Mr. Oyler said the hours for the city office will be 7:30 am to 6:00 pm, Monday through Thursday.

Councilmember Huff said service and repair of services will still be available 24 hours a day, seven days a week.

Other Business - Art's Council Summer Activities

Councilmember Christensen said the children's summer activities through the Art's Council had 208 participants. He thanked the Art's Council and the volunteers who assisted with the program.

Other Business - Fiesta Days

Councilmember Christensen also reviewed the Fiesta Day's activities coming up.

Adjourn to Executive Session

Councilmember Kelepolo made a **motion** to adjourn from the regular session of city council meeting and into Executive Session to discuss legal issues. Councilmember James **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 7:45 pm.

Connie Swain, Deputy Recorder

Approved: August 5, 2003