

**Adopted Minutes
Spanish Fork City Council Meeting
August 5, 2003**

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

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; Steven Money, Fairgrounds Manager; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Kay Heaps, Jeff Heaps, Dan Johnson, Debra Johnson, Jack Hallstrom, Jewel Hallstrom, Robert J. Pittelli, Tyler Merrill, David M. Nester, and David W. Sorensen.

Minutes

Councilmember Huff made a **motion** to approve the minutes of the July 15, 2003, city council meeting with changes as noted. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Mayoral Proclamation Utah Fire Fighters for Muscular Dystrophy

Mayor Barney read the Mayoral Proclamation Declaring Utah Fire Fighters for Muscular Dystrophy month from August 18, 2003 to September 1, 2003.

Councilmember Johns made a **motion** to approve the Mayoral Proclamation declaring Utah Fire Fighters for Muscular Dystrophy month from August 18, 2003 to September 1, 2003. Councilmember Christensen **seconded**, and the motion passed with a unanimous vote.

Rodeo Committee - Rodeo Ticket Prices 2004

Mr. Money said the Rodeo Committee is requesting to increase the rodeo ticket prices. The cost to contract with high quality entertainment has increased and ticket prices have not been increased for many years.

Mayor Barney noted the ticket price adjustment is raised \$1 to \$2 per ticket depending on the night.

Mr. Money said attendance was up 2.5 percent from last year. Ticket prices have not been increased for many years. The cost to retain quality acts has more than doubled.

Tickets	Children	Adult	Seating
First Night	\$4.00	\$9.00	General Seating
First Night	\$12.00	\$12.00	Grand Stand
Second Night	\$4.00	\$9.00	General Seating
Second Night	\$12.00	\$12.00	Grand Stand
Third Night	\$9.00	\$9.00	General Seating
Third Night	\$12.00	\$12.00	Grand Stand
Fourth Night	\$12.00	\$12.00	General Seating
Fourth Night	\$15.00	\$15.00	Grand Stand

Councilmember Kelepolo made a **motion** to approve the rodeo ticket price adjustment as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Mr. Money thanked the riding club, the city, and the city council for supporting the rodeo and the rodeo committee.

Richard Bradford Contract

Mr. Pierson said this is a contract with Richard M. Bradford for economic development consulting services. Mr. Bradford is currently assisting the city in bringing additional industry into Spanish Fork. Mr. Pierson reviewed the contents of the contract and recommended the city council approve the contract with Mr. Bradford.

Mayor Barney said Mr. Bradford has been an asset to the community.

Councilmember Johns asked Mr. Bradford concerning his experience with respect to economic development.

Mr. Bradford said he has been in contact with many communities in the United States. He said the U.S. Chamber of Commerce records a lose of approximately 20 percent of jobs in each community. He said it is important to attract new industry to our area to provide additional employment opportunities.

Mayor Bamey said Mr. Bradford has many connections which will be beneficial to the economic development of the city.

Councilmember Huff said the analysis Mr. Bradford prepared and recent meetings have been beneficial and impressive.

Councilmember Kelepolo said economic development is one of the areas the city staff and city council have discussed improving.

Councilmember James thanked Mr. Bradford for the service he has provided so far and he approved of the contract.

Councilmember Huff made a **motion** to approve the contract with Richard M. Bradford to provide economic development consulting services to the city. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Bid Tabulation - Airport Curb, Gutter, and Landscape Project

Mr. Heap said the Airport Landscaping project includes curb and gutter, fencing, and landscaping and needs to be completed in order to continue building hangers. The location of the project is 2050 North from 300 West to Main St. Mr. Heap recommended approval of the low bid received from Commander Concrete in the amount of \$48,420.00.

Councilmember Kelepolo said the amount originally budgeted for this project was \$70,000.00.

Mr. Oyler said the Airport Landscape Project was removed from the budget. The budget will need to be adjusted to include this project.

Councilmember Kelepolo made a **motion** to approve the Airport Landscape Project bid submitted by Commander Concrete in the amount of \$48,420.00. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Kelly Johnson Rezone

Councilmember James made a **motion** to move into the public hearing portion of city council meeting. Councilmember Kelepolo **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 Kelly and Dan Johnson to rezone property located at 400 North and 1410 East from Rural Residential (R-R) to Low Urban Residential (R-1-12). The General Plan indicates there is to be 1.5 to 3.5 units to the acre. If approved Mr. Johnson will be building a single family home on the lot. The Planning Commission and Development Review Committee have reviewed the Johnson rezone request and recommend approval.

Councilmember Johns asked if Mr. Johnson will be required to put in curb, gutter, sidewalk, and a masonry wall.

Mr. Heap said Mr. Johnson will sign a waiver of the installation of curb, gutter, sidewalk, and the masonry wall until such time as the remainder of the property is developed.

Mayor Barney opened the meeting for public comment. No comments were given. The meeting was opened for city council discussion.

Councilmember James asked how access will be gained to the property.

Mr. Heap said the property to the south will be annexed in the future and access will be available on the south side of the property.

Councilmember Johns asked for the road classification of 400 North.

Mr. Pierson said 400 North is a major collector road and access from future developments will be limited.

Councilmember Johns made a **motion** to approve the rezone request from Kelly Johnson to rezone the property at 400 North and 1410 East from Rural Residential (R-R) to Low Urban Residential (R-1-12). Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance No. 07-03 - An Ordinance Amending the Rebuild Requirements for a Legal Nonconforming Accessory Building

Mr. Pierson said after several requests from home owners staff determined the nonconforming accessory building requirements needed to be changed in order to better serve the residents in our community. Mr. Pierson reviewed Ordinance No. 07-03 an Ordinance Amending the Rebuild Requirements for a Legal Nonconforming Accessory Building.

Mayor Barney opened the meeting for public comment. No comments were given. The meeting was opened for city council discussion.

Councilmember Huff asked if the verbiage “with the exception of accessory buildings which are nonconforming based on setbacks” is the only change to the requirements.

Mr. Pierson said yes the verbiage “with the exception of accessory buildings which are nonconforming based on setbacks” is the only change.

Councilmember Kelepolo said there must have been several problems in connection with the current ordinance.

Mr. Pierson said we have received approximately six requests to allow exceptions to the ordinance.

Councilmember Huff made a **motion** to adopt Ordinance No. 07-03, an Ordinance Amending the Rebuild Requirements for a Legal Nonconforming Accessory Building.. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Valley Crest Nebo School District Rezone

Mr. Pierson said this is a request from Kay Heaps and Nebo School District to rezone the property located at 1450 East 400 North from Rural Residential (R-R) to Standard Urban Residential (R-1-9). Mr. Pierson said Troy Hales was present during the Development Review Committee meeting and requested to be part of the rezone. The Development Review Committee and Planning Commission have reviewed the rezone request and recommended approval with the condition the Troy Hales property be included in the rezone.

Mayor Barney opened the meeting for public comment. No comments were given. The meeting was opened for city council discussion.

Councilmember James said he is concerned with the traffic flow in the area. The only access connects to 400 North and there is a school in the area.

Mr. Heap reviewed the collector road standards and said the request meets our standards. Schools and churches are required to be located on collector roads.

Councilmember James asked for details concerning the railroad crossing on 400 North and the width of the crossing.

Mr. Heap said the equipment for the railroad crossing gate has been ordered. The crossing area will be widened and a pedestrian crossing gate will be added.

Councilmember Huff asked if we require another access and exit to the Valley Crest/Nebo School property.

Mr. Heap said eventually additional property in the area will developed and roads will be built to provide new access to the area.

Councilmember Kelepolo made a **motion** to approve the request from Kay Heaps and Nebo School District to rezone the property located at 1450 East 400 North from Rural Residential (R-R) to Standard Urban Residential (R-1-9), with the condition the Troy Hales property be included in the rezone. 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 reconvene the regular session of city council meeting. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Valley Crest Preliminary Plat

Mr. Pierson said the Valley Crest Preliminary Plat, submitted by Kay Heaps, consists of 46 lots located at 1450 East 400 North. There will be a future access into the property to the east of the Valley Crest Subdivision. The property is within the growth boundary for the city.

Councilmember Kelepolo asked if the Plat originally consisted of 45 lots.

Mr. Pierson said the angled area is a lot and the Plat meets all of the R-1-9 zone requirements. The setbacks have been changed from 25 feet to 20 feet. The Development Review Committee reviewed the Preliminary Plat and recommend approval with 8 conditions as stated in the staff report. The Planning Commission reviewed the Preliminary Plat and recommend approval with 11 conditions as stated in the staff report.

Mr. Kay Heaps said he developed a subdivision in Springville and would like to build similar homes with masonry fronts of brick, stucco, and stone. When the school district stubbed in the utilities the buildable areas became limited and a variance in the set backs is requested to allow the homes to be built according to the required square footage.

Mayor Bamey asked if there will be fencing along the railroad tracks.

Mr. Kay Heaps said there will be a 6-foot privacy fence installed along the railroad tracks and a masonry wall along 400 North.

Councilmember Huff asked for the measurements of the frontage on lot 42.

Mr. Heaps said most of the lots measure 90 feet in width and 90 feet in depth. As many homes as possible will be built with side entry garages to accommodate the depth of the lots. The prices of the homes will start at \$145,000 and may go up to as much as \$200,000.

Councilmember Huff asked Mr. Pierson to explain the benefits of a Master Plan Development.

Mr. Pierson said a Master Plan Development allows the city to set the requirements for building materials and allows the developer to request variances in setbacks. Also, there will be more upgrades on the homes in a Master Plan Development.

Councilmember Johns made a **motion** to approve the Valley Crest Preliminary Plat located at 1450 East 400 North with the following condition(s):

1. Obtain a storm drain water easement,
2. Make all changes to the Preliminary Plat required by the Engineering Department,
3. Work with Jeff Foster and the Electrical Department to put together the electric design,
4. Rear Yard setbacks are adjusted to a minimum of 20-feet,
5. Meet all other zoning requirements for the Standard Urban Residential (R-1-9) zone,
6. Construct all homes with 100% masonry fronts with stone and brick accents,

7. Construct all corner lot homes with side entry garages, with the exception of lots 41 and 42,
8. Construct a masonry wall along 400 North similar to the walls along Highway 51 with stamped concrete, tree wells with 2; caliper trees,
9. Submit covenants, codes, and restrictions for the development to the city,
10. The developer is to sign off on all house plans in the subdivision, and
11. The project meets all of the construction and development standards.

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

Center Street from Main Street to 100 East Reconstruction Project

Mr. Heap said parking will be added along the north side of the library block and will consist of the removal of curb and gutter to allow angled parking. Also, included in the project will be replacing a water main and storm drain, rebuilding the road, and resurfacing Center Street from Main Street to 100 East. Construction will start as soon as the project is approved. The low bid was received from H.E. Davis in the amount of \$250,683.25.

Councilmember Kelepolo asked for the distance from the corner to the beginning of the parking area.

Mr. Heap said the first parking stall will be approximately 20 feet from the corner.

When the budget was approved the project did not include the north side of the road. Funds will be moved from other areas in order to make the adjustment.

Councilmember Huff made a **motion** to approve the Center Street Reconstruction Project from Main Street to 100 East bid received from H.E. Davis in the amount of \$250,683.25.

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

Spanish Oaks Reservoir Improvement Bids

Mr. Heap said the bid opened this morning and is somewhat complex and needs to be reviewed by the Recreation Department. Mr. Heap requested the Spanish Oaks Reservoir Improvement bids be tabled until the August 19, 2003 city council meeting.

Councilmember Huff made a **motion** to table the Spanish Oaks Reservoir Improvement Bids until August 19, 2003. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Mr. Heap said the reservoir is high enough to allow water across the over-flow. It has been approved by the State Engineers office but is not ready for full use yet.

Councilmember Huff asked for the amount of time needed to adjust the water level.

Mr. Heap said it takes two to three hours to raise the reservoir water level one foot depending on

the demand.

Councilmember Christensen asked concerning the filters.

Mr. Heap said adjustments were made and the filters are now working very well. There will still be adjustments in order to achieve the proper pressure.

Councilmember Christensen asked if residents should still be asked to water during the day.

Mr. Heap said if a few residents need to water during the day it will help with the demand at the peak times.

In connection with the pipe line project on Canyon Road some of the work will be completed at night in order to accommodate traffic.

UAMPS Agreement - 1600 North Power line

Mr. Heap said UAMPS is involved in the dry creek substation project. UAMPS is proposing to build a new overhead power line down 200 East to 1600 North, west to 300 West and then south along 300 West. They will build the line and upgrade our system on the same pole line if we obtain a new easement along the south side of 1600 North. Mr. Heap recommended approval of the agreement with UAMPS as presented.

Councilmember Kelepolo made a **motion** to approve the UAMPS Agreement for the 1600 North power line as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Out-of-City Water Connection - Blair Hamilton

Mr. Heap said Blair Hamilton lives on Riverbottoms Road and his well is running dry and generating a lot of sand. Mr. Hamilton is requesting to connect into the city water line. He will install and maintain the one inch line from the meter next to Mark Dallin's property to his own property.

Councilmember Huff made a **motion** to approve the out-of-city water connection as requested by Blair Hamilton. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Fiscal Year 2003-2004 Contract for Aging Services with Mountainland

Mr. Clark said this is an annual contract with Mountainland for the Senior Citizens Center. It is the same as last year's contract.

Councilmember Huff asked if this is an annual renewal.

Mr. Clark said the contract is renewed annually.

Councilmember James made a **motion** to approve the Fiscal Year 2003-2004 Contract for Aging Service with Mountainland. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Connector's Agreement - Jim Biesinger

Mr. Baker said this is a standard connector's agreement with the standard rates. Mr. Biesinger built a home at 800 North and Highway 51. He extended the improvements to the new home and is requesting a connector's agreement. He extended the storm drain, water, and sewer.

Councilmember Huff asked if the city is required to monitor the connections and the connector's agreement.

Mr. Baker said the city is not responsible if connections are missed.

Councilmember Kelepolo made a **motion** to approve the Jim Biesinger Connector's Agreement. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Other Business

None

Adjourn to Executive Session

Councilmember Johns made a **motion** to adjourn from the regular session of city council meeting and into Executive Session to discuss legal issues. Councilmember Christensen **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 7:40 pm.

Connie Swain, Deputy Recorder

Approved: August 19, 2003