

**Adopted Minutes  
Spanish Fork City Council Meeting  
February 17, 2004**

The meeting was called to order at 6:04 pm by Mayor Dale R. Barney. The pledge of allegiance was led by Cameron Bennett.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Paul M. Christensen, Everett Kelepolo, Seth V. Sorensen, and Chris C. Wadsworth. Councilmember Matthew D. Barber was excused.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Richard J. Heap, Engineering/Public Works Director; Emil Pierson, Planning Director; Kent R. Clark, Recorder/Finance Director; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; and Connie Swain, Deputy Recorder.

Citizens Present: Janice Nielsen, *Spanish Fork Press*, Caleb Warnock, *Daily Herald*, Roy Johns, Amos Sterns, Jess Christofferson, Jarrett Jarvis, Jason Locke, Cameron Bennett, Kyle Weeks, Colton Stewart, Sam Geslison, Mikel Taylor, Jase Stewart, Dal Christofferson, Greg Magleby, Mike Stewart, Diana Butler, Jim Christofferson, Jason Morris, Steven Cowles, Doug Ford, Brandon Swain, Robert Pittelli, Pete Barton, David Olson, Paul Broomhead, Heather Skaggs, Nicole Bell, Jared Roberts, Pat Parkinson, and Russell Fox.

**Minutes**

Councilmember Kelepolo made a **motion** to approve the minutes of the February 3, 2004, city council meeting as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

**Agenda Request - Judy Cole - Impact Fee Waiver Request**

Ms. Cole presented the city council with a copy of her request. She said six months ago she moved from the area and gave her home to her son. Last year the city ran a water line to the area allowing property owners the opportunity to connect to city water. She reviewed her son's financial situation and stated he has been unable to connect to city water due to the \$4570.00 in costs. The well water her son currently has access to is insufficient and undrinkable. Her request is a waiver of the impact fees due to her son's circumstances. The home has been there for many years, however, there are no water rights to offset the connection fees.

Mayor Barney said the city council cannot ask the citizens to pay for the connection costs, however, there may be other options available.

Councilmember Kelepolo said he is not aware of any adjustments related to impact fees in the past.

Mayor Barney said this home was originally outside of the city limits. The property owner was given the opportunity to hook to the city water, however, the property owner decided to drill a new well. Mayor Barney also said the city council cannot grant a waiver to one individual without granting the waiver to others.

Councilmember Wadsworth said the city staff and a member of the city council could discuss this matter and find another solution.

Councilmember Christensen agreed a waiver cannot be granted to one individual and not others.

Councilmember Barber concurred.

Mr. Baker said direction can be given by the city council to the staff.

The city council directed city staff to investigate the options available to Ms. Cole's son.

### **Agenda Request - Don Lindsey - Concert Facility**

Mr. Don Lindsey was not present.

Mayor Barney said the city cannot be in competition with other existing similar businesses. Mr. Lindsey's request consists of assistance from the city in providing a concert facility. Mayor Barney said a concert facility would need to originate through the private sector.

Councilmember Kelepolo said he appreciates Mr. Lindsey's enthusiasm, however, he agreed a concert facility is a private sector issue.

Councilmember Christensen concurred.

Councilmember Wadsworth said funds are not available for a concert facility.

Councilmember Kelepolo made a **motion** to deny this request received from Don Lindsey for a concert facility. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

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

### **Public Hearing - 2004 Fiscal Year Budget Revision**

Mayor Barney reviewed the procedures for a public hearing.

Mr. Oyler provided copies of the budget revision containing information concerning the general fund, rates, capital expenditures, the salary schedule, indirect service allocation and vehicle list, the airport budget, debt service, and the RDA budget. He said each department head will review the specific budget revisions related to their departments.

Chief Rosenbaum reviewed the budget revisions relating to the Public Safety Department, Fire Department, Ambulance Department, Emergency Preparedness Department, and Animal Control.

Mr. Heap requested a reduction of the building permit fees for basement remodeling. A fee of \$50.00 will encourage citizens remodeling a basement to obtain a building permit along with appropriate inspections to insure proper construction. He also reviewed the budget revisions relating to the Engineering Department, Building Inspection Department, Water Department, Electric Department, and Public Utility Department. He also reviewed the department revenues.

Mr. Robinson reviewed the budget revisions relating to the Senior Citizens, General Buildings and Grounds Department, Motor Pool, Parks Department, Cemetery, Fairgrounds, Snack Shack, Golf Course, Club House, Golf Course Snack Shack, Swimming Pool, and Gun Club. Mr. Robinson also reviewed the revenue item adjustments, including team fees.

Mr. Bowcut reviewed the budget revisions relating to the Information Services Department including proposed rate increases. He also reviewed the department revenues.

Mr. Clark reviewed the general fund revenues and the general government fund.

Mayor Bamey opened the meeting for public comment.

Mr. Dave Olson asked for the auditor's budget requirements as far as transfers are concerned.

Mr. Clark said the state auditor required the departments to budget expenses as a transfer. It is a journal entry and will not affect the bottom line.

Mr. Olson also asked what "other services" consist of.

Mr. Clark said each fund is different. The account titled, other services, is in essence a miscellaneous account.

Mr. Olson asked if funds are remaining in an account, where does the leftover money go.

Mr. Clark said if the city spends under the budget the money goes back into the fund balance for the following fiscal year.

Mr. Roy Johns asked if the number of patrol officers match the state-recommended ratio for the city's population.

Chief Rosenbaum said the state requires one officer per 1,000 citizens. Currently the Public Safety Department consists of 21 officers. Next week a new police officer will begin employment with the city and an additional officer will be proposed next year.

Mr. Johns asked if the snack shack has become more efficient or if a private company will take over the operation.

Mr. Robinson said the Recreation Committee has recommended changes, however, the city will continue to operate the snack shack.

Mr. Johns suggested selling the golf course and using the funds to pay off the water bond. He also asked concerning the bond Mr. Heap mentioned would be paid off this fiscal year.

Mr. Heap said the last payment on the water bond issued 15 years ago will be paid this year. The Utility Board has recommended making adjustments in the pressurized irrigation and water rates.

Mr. Johns said he is concerned with the water wasted on the triangle on Canyon Road.

Mayor Barney closed the public comment portion of the public hearing and opened the meeting for city council discussion.

Councilmember Kelepolo asked Mr. Bowcut how the programming lineup is determined.

Mr. Bowcut said the placement of the most expensive channels, ESPN and Fox Sports, are controlled by the programmers.

Councilmember Wadsworth said there is legislation, if passed, that will allow customers to select channels.

Mr. Bowcut said the legislation would change the programming entirely. However, it is more chatter than legislation and there is a minimal chance it will pass.

Councilmember Wadsworth asked what market research was completed to determine which channels would receive advertising inserts.

Mr. Bowcut said the top channels were used.

Mayor Barney thanked Mr. Bowcut for the cable network.

Councilmember Barber asked Mr. Heap for the costs of a building inspection.

Mr. Heap said the inspections run up to \$150 depending on the remodeling.

Councilmember Kelepolo asked Mr. Heap if problems have resulted from citizens remodeling without an inspection.

Mr. Heap said he is not aware of specific problems, however, grounding problems have been found in new homes and he anticipates similar problems with remodels.

Councilmember Barber asked Mr. Clark concerning the transfers to the broadband account for plant assessments.

Mr. Clark said the SFCN transfer is assessed to each department for their use of the information network system. The assessment is used to make the bond payment.

Councilmember Barber asked Mr. Robinson if one company was offered to operate all of the snack shacks including the Golf Course Snack Bar.

Mr. Robinson said a survey of other cities was completed. Other cities have attempted to contract their snack shack operations with no success.

Councilmember Barber said he would like to see the SFCN rate increase and the water rate decreases become effective concurrently.

Mr. Bowcut said the SFCN rate increase will most likely take place in April 2004. There must be a 30-day notice before the increase is implemented.

Councilmember Sorensen said the Utility Board has discussed the rate adjustments.

Councilmember Wadsworth asked when information is received from channels concerning an increase.

Mr. Clark said channels usually provide contract increase information in October and November.

Mr. Bowcut said the increases charged by the channels are on a per month, per customer basis. Costs of internet service have not increased, therefore, no increase will be recommended.

Councilmember Barber asked Mr. Clark for a breakdown of the reasons for the pressurized irrigation rate decrease.

Mr. Clark said the rates are contingent upon the bond payment. At the end of the year we need to insure the rates charged will cover the bond payment. The pressurized irrigation rate adjustment will take place as soon as the data is available. The rate decrease determination is based on estimates, however, the exact numbers will be available following one year of service. It is important to protect the city's bond rating.

Councilmember Sorensen said when the original rates were determined they were based on estimates with allowances for any miscalculations or usage reductions. The allowance was given to insure the bond payment would be met.

Councilmember Kelepolo thanked the city staff for their time and effort in preparing the budget.

Councilmember Kelepolo made a **motion** to approve the 2004 Fiscal Year Budget revision as presented. Councilmember Sorensen **seconded**, and the motion **passed**. Councilmember Barber was opposed to the motion.

Councilmember Kelepolo made a **motion** to move out of the public hearing and reconvene the regular session of city council meeting. Councilmember Christensen **seconded**, and the motion

**passed** with a unanimous vote.

### **Spanish Fields Preliminary Plat**

Mr. Pierson said the applicant, Fieldstone Homes, is requesting approval of a 411-unit development. The development will consist of single family homes with lots ranging from 6,000 to 37,810 square feet. Mr. Thomas has asked not to be part of the annexation and was removed from the annexation area.

Councilmember Kelepolo asked if removing Thomas' property creates an island.

Mr. Pierson said no island will be created.

Mr. Mike Stewart, of Fieldstone Homes, provided members of the city council with a packet of information. The preliminary plat is consistent with the Master Plan. Mr. Stewart also presented a PowerPoint Presentation containing the following information:

- Units
- Phasing
- Density Bonus Tabulations
- An Amenity Schedule
  - Dedication of land for the river trail and a portion of Volunteer Dr., the pavilion, a concrete wall and improvements along 100 South, bridge fees, a connector road to Volunteer Dr., pedestrian trail, and the trailhead park
- Spanish Fork River improvements
- Disclosure Agreement - between Fieldstone Homes and each property owner
- Architectural Design

Councilmember Wadsworth asked if the homes along the river will have basements.

Mr. Stewart said there will be no basements in the development.

Councilmember Wadsworth said he is pleased with the disclaimer prepared by the developer.

Mr. Stewart said staff should be acknowledged and he said they serve the city well.

Councilmember Kelepolo said he is impressed with the improvements made to the home designs upon concerns by the city council. He also asked if the concerns with 100 South were based on the width of the roadway.

Mr. Stewart said the concerns were with the alignment and those concerns have been resolved.

Councilmember Barber asked if there could be grass or street scape along 100 South.

Mr. Robinson said due to maintenance problems and water conservation issues, the Parks Department would like to avoid park strips.

Councilmembers Christensen and Kelepolo would like to see zero scape.

Councilmember Christensen asked if the issue of piping the canal was resolved.

Mr. Magleby reviewed the design of the road with a portion of the canal slated to be open and a small portion near the intersection slated to be piped. He asked for staff to consider leaving the entire canal open, however, he will review the design options with the city staff.

Councilmember Christensen said the city has river maintenance concerns.

Mr. Heap said Mayor Barney has been striving to convince the county of the need for river maintenance. The county will make no commitments. He estimates the high end costs of maintaining the river to be \$40,000 to \$50,000.

Mr. Stewart said they will pipe any irrigation ditches as required by the irrigation company.

Mr. Heap said he received information from South Field Irrigation requesting piping of irrigation ditches be completed in one phase due to past problems.

Councilmember Barber praised the developers for answering all of the city's questions and concerns. However, he would like to see a little higher quality product giving the homes more personality.

Mr. Stewart said there are tradeoffs and Fieldstone Homes builds a simple product. The product sells well, is functional, and provides a need.

Councilmember Christensen made a **motion** to approve the Spanish Fields Preliminary Plat subject to the following condition(s):

1. Install a masonry wall with 2-inch caliper tress and tree grates on 100 South as approved by the city planner,
2. Make a payment, along with phase I, to Spanish Fork City and Nebo School District for portions of the proposed bridge and construction of the park pavilion similar to the existing Veteran's Pavilion,
3. Construct a connector road from the proposed bridge location to Volunteer Dr.,
4. Install the river trail along Spanish Fork River and pedestrian/equestrian trail along the west property boundary as per the Spanish Fork City Parks and Recreation Department,
5. Construct a trailhead park adjacent to the river trail as per the Spanish Fork City Parks and Recreation Department,
6. Construct the Spanish Fields Project as per the preliminary plan development packet,
7. Provide to the city an engineering study of the stability of the existing river rip rap,
8. Provide to the city a copy of the covenants, codes and restrictions for the development,
9. Sign off on all house plans in the development by the developer,
10. Provide to the city a clear title report, to be submitted with the final plat,
11. Meet all of the City Construction and Development Standards,
12. The developers of the Galt, Boatman, Murphy properties are to participate in the cost of constructing the pedestrian/vehicle bridge over the Spanish Fork River, to the percent indicated by the updated traffic study,
13. Provide a traffic study for this development and other surrounding development areas as

- determined by the traffic engineer,
14. Construct no duplicate homes within 120 feet of each other,
  15. Receive approval of the electrical design for the development from Jeff Foster of the Electrical Department,
  16. Construct 50 percent of the homes with some stone, brick, or masonry surface,
  17. Side entry garages are strongly recommended on homes located on corner lots, especially on 66-foot rights-of-way,
  18. Construct no more than 411 units as shown in the development packet,
  19. Pipe or eliminate irrigation ditches within the development as directed by the irrigation company and to be completed in one phase,
  20. Bring in electric service from Strawberry Service District as directed by Jeff Foster of the Electrical Department,
  21. Pay directly to the city the cost of the sidewalk from Volunteer Dr. to the east end of the development in compliance with the trail grant or credit of the cost to the drainage ditch improvements,
  22. Receive all property owner's signatures on a disclaimer acknowledging that the area has flooded in the past and holding the city harmless of any flood damage and with the wording be worked out between the developer and the City Attorney,
- Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Barber asked if the developer would consider only one construction access into the development.

Mr. Stewart said they will try to provide one construction access as directed by city staff.

### **Interlocal Agreement with Provo City - Telecommunications**

Mr. Baker said Provo City is following our example and is going forward with a network service. They requested to receive a signal from our headend for approximately three years until their headend is completed. The agreement allows for an extension if needed. Mr. Ballard has reviewed the agreement and consulted with the bond council to insure the bond covenants are not broken.

Councilmember Christensen asked if the agreement will affect the bond since one party is taxable and the other is not.

Mr. Baker said they have taken a conservative approach to insure the bond covenants are protected.

Councilmember Barber asked if the amount of funds to be exchanged has been determined.

Mr. Baker said there will be an exchange of funds to be determined by the information service directors of each city. The information needed to determine the amount will soon be available. The amount will be sufficient to cover our costs.

Mr. Bowcut said it is only a transport fee and has nothing to do with programming. Provo City will be using a small portion of our equipment. He said it is important for us to support other

municipal information service providers.

Mr. Baker said eventually Spanish Fork City will have equipment in Provo City and each will have the ability to receive backup signals if ever needed.

Councilmember Barber made a **motion** to approve the Interlocal Agreement with Provo City for Telecommunications as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Interlocal Agreement with Nebo School District - School Resource Officer**

Mr. Baker said this is an interlocal agreement with Nebo School District.

Councilmember Kelepolo and Sorensen disclosed they are employees for Nebo School District.

Mr. Baker said legally both councilmembers are allowed to vote on this issue. He said one of our police officers provides services to the Nebo School District. The officer remains at the school for several hours each week. Nebo School District requested and prepared the agreement.

Councilmember Christensen said the school resource officer is a great program.

Councilmember Kelepolo said an officer is also available in Springville. The officer provides safety and builds relationships with the students.

Councilmember Kelepolo made a **motion** to approve the Interlocal Agreement with Nebo School District for a School Resource Officer. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Interlocal Agreement with Utah County - 911 Funds**

Mr. Baker said currently the city contracts with the county for dispatch services. There is a tax or fee charged on phone lines paid to assist in funding the dispatch centers. The interlocal agreement will allow the funds to go directly to the county. This will help offset the fees the city pays to the dispatch center.

Councilmember Wadsworth said an additional fee is also charged on cell phone bills.

Mr. Baker said there is no distinction made between cell phone and land line taxes when the funds are received.

Councilmember Wadsworth made a **motion** to approve the Interlocal Agreement with Utah County - 911 Funds. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Contract with Lew Christensen - Purchase of River Road**

Mr. Baker said this is a contract with Lew Christensen to purchase the property to complete the

road from Volunteer Drive to the river. The school district is negotiating the contract for the city to purchase 3 acres of land at the appraised price of \$40,000 per acre. The school district will reimburse the city between \$24,000 and \$25,000 for their portion of the roadway.

Councilmember Wadsworth said the contract approximates the amount of land to be purchased.

Mr. Baker said the survey is now completed and the land to be purchased consists of 2.92 acres.

Councilmember Barber made a **motion** to approve the Contract with Lew Christensen for the purchase of River Road. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

### **Workers Compensation Bid - 2004**

Mr. Clark reviewed the summary of the two bids received. The low bid was received from Utah Local Government Trust.

Councilmember Barber asked how often bids are requested for Workers Compensation Coverage.

Mr. Clark said it is reviewed yearly to determine if bid requests are needed. He recommended accepting the bid received from Utah Local Government Trust.

Councilmember Barber made a **motion** to approve the Workers Compensation bid to Utah Local Governments Trust at the rate listed. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Other Business**

Mayor Barney asked each member of the city council to report on individual board and committee meetings.

Councilmember Wadsworth said he serves on the Planning Commission, Library Board, Finance Committee, Termination and Appeals Board, and Risk Management. The Library Board is concerned with lights around the library.

Councilmember Sorensen said he serves on the Utility Board and the Chamber of Commerce. The Utility Board discussed way to reduce the pressurized irrigation and culinary water rates annually. The Chamber of Commerce is discussing possible ads with SFCN to promote additional retail customers.

Councilmember Kelepolo said he serves in the Finance Committee, Airport Board, Personnel Committee, and the Parks and Recreation Committee. He said the Airport Board is looking at purchasing additional property. The Personnel Committee will meet this Friday to discuss an independent salary study. The Recreation Committee will be discussing cost reduction options for the snack shacks. The Golf Course will be discussed at the following meeting.

Mayor Barney said he serves on the Mountainland Association of Governments, County of Governments, and the Solid Waste District. The Mountainland Association of Governments has been meeting with candidates for the upcoming Governorship. They are also discussing transportation issues in the county.

Councilmember Christensen said he serves on South Utah Valley Water District, Personnel Committee, Senior Citizens Board, and the Arts Council. The South Utah Valley Water District sponsored a very informative public meeting last week providing information on upcoming water issues. The Arts Council is working with the Senior Citizens Board concerning a fashion show and hair design presentation for the seniors. The Senior Citizens Board is excited to be working with the Arts Council.

Councilmember Barber said he serves on the Historical Committee, Fiesta Days Committee, Risk Management, and Utah Municipal Power Association. He recently attended a conference in Washington, D.C. for the Utah Municipal Power Association. Also, there will be a campaign on SFCN to promote public power.

Mr. Heap announced an update meeting for the Central Utah Water Project on March 4th, at the Payson City Office, at 7:00 pm. The public and city councilmembers are encouraged to attend. The Utah Lake System will also be discussed. Also, there will be three workshops to discuss water conservation with citizens. The workshops will be held at the High Chaparral on March 15th, April 12th, and May 10th. Also, the workshops will be recorded and rebroadcast on SFCN.

Councilmember Christensen asked staff to spotlight the flag in the city council chambers. He also asked Mr. Bowcut to provide city staff with a microphone to improve the broadcast.

### **Adjournment**

Councilmember Kelepolo made a **motion** to adjourn. Councilmember Christensen **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 9:27 pm.

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Connie Swain, Deputy Recorder

Approved: March 2, 2004