

**Adopted Minutes
Spanish Fork City Council Meeting
April 20, 2004**

The meeting was called to order at 6:00 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Nathan Blaylock.

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

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineering/Public Works Director; Emil Pierson, Planning Director; MaryClare Maslyn, Assistant City Manager; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Connie Swain, Deputy Recorder.

Citizens Present: Janice Nielsen, *Spanish Fork Press*, Rodger Hardy, *Deseret News*, Harriet Peterson, Libby Frandsen, Marilyn Cope, Trudy McGuire, Keri Meservey, Glenn James, Renae Anderson, Amy Anderson, Lindsay Whitney, Nathan Blaylock, Jana Blaylock, Robert Pittelli, David Olson, Jana Evans, Stephanie Allen, Haley Huntsman, Jessie Clark, Robert Clark, Kristee Roach, Brian Beck, Lew Thomas, Spencer Sweeney, Nick Sales, Perry Frandsen, Ismael Escobedo, Jeremy Graham, and Matthew Graham.

Minutes

Councilmember Barber made a **motion** to approve the minutes of the March 2, 2004, city council meeting with corrections as previously reviewed. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Mayoral Proclamation Declaring May 2 through May 8, 2004 as Municipal Clerks Week

Mayor Barney asked Councilmember Wadsworth to read the Proclamation.

Councilmember Wadsworth read the Proclamation Declaring May 2 through May 8, 2004 as Municipal Clerks Week.

Councilmember Kelepolo made a **motion** to approve the Mayoral Proclamation Declaring May 2 through May 8, 2004 as Municipal Clerks Week. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Mayoral Proclamation Declaring April 30, 2004 as Arbor Day 2004

Mayor Barney asked Councilmember Barber to read the Proclamation.

Councilmember Barber read the Proclamation Declaring April 30, 2004 as Arbor Day 2004.

Councilmember Sorensen made a **motion** to approve the Mayoral Proclamation Declaring April 30, 2004 as Arbor Day 2004. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Spanish Fork Associates

Parry Frandsen, a member of Spanish Fork Associates, presented the following information. Spanish Fork Associates owns property near Highway 6 and Highway 89. A well owned by Spanish Fork City is located on the property. It was proposed Spanish Fork Associates trade a portion of the land containing the well for an adjacent portion of property owned by Spanish Fork City. This would allow Spanish Fork City to own the well property. The trade would also allow Spanish Fork Associates to expand their property to the southwest for future development.

Councilmember Kelepolo asked for the comparison of land value.

Mr. Pierson said the city council could determine the amount of property to be traded.

Councilmember Kelepolo said it would be advantageous for the city to own the well property.

Mr. Frandsen said Spanish Fork Associates has a possible user for the property.

Mr. Baker said old property lines, were often incorrect. When the city purchased the property some years ago, it was thought to contain the well property. However, the city has always owned the well.

All city councilmembers requested to have city staff investigate the possible property trade as discussed.

Agenda Request - Trudy McGuire - South Utah County Junior Miss Program

Trudy McGuire expressed appreciation for the opportunity to address the city council. She reviewed the South Utah County Junior Miss Program. Two girls from the Utah County Junior Miss Program won State honors after participating in the Utah State Junior Miss Program. Libbie Frandsen won the pageant and will participate in the National Junior Miss Program. Ms. McGuire said Salem City has agreed to contribute \$1000 toward the South Utah County Junior Miss Scholarship Program and she asked Spanish Fork City to contribute funds also.

Libbie Frandsen, Utah State Junior Miss, said she is proud to represent our community and presented her platform for the pageant. She has benefitted socially and academically from the program. She thanked the city council for their time.

Mayor Bamey said the City of Spanish Fork should contribute \$1000 toward the program.

Councilmember Christensen congratulated Ms. Frandsen for her accomplishments.

Councilmember Kelepolo made a **motion** to approve a donation in the amount of \$1,000.00 from

the city budget toward the South Utah County Junior Miss Scholarship Program. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Miss Spanish Pageant - Keri Meservy

Keri Meservy, Director of the Miss Spanish Fork Pageant, thanked Mayor Barney for participating in the pageant last week. Ms. Meservy proposed an increase in the funds contributed by Spanish Fork City. Miss America Pageant representatives offered to match any increase in funds contributed this year. The increase would be applied toward the scholarship portion of the program. She proposed a \$2,500 increase in the city's contribution to the Miss Spanish Fork Pageant.

Councilmember Christensen said he has worked with Ms. Meservy and the Miss Spanish Fork Committee and he has been very impressed with the program.

Councilmember Sorensen concurred.

Councilmember Christensen made a **motion** to approve an increase in the city's donation to the Miss Spanish Fork Scholarship Program from \$7,600 to \$10,000.00. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Brook McDonald - Irrigation Water System

Brook McDonald said she is impressed by the city council. She appreciates the opportunity to voice her opinion. She said in March a sprinkler broke in her yard and she could not access the water to test the line. She has also planted flowers and requested the pressurized irrigation water be turned on earlier in mid April.

Mr. Heap said the pressurized system was installed at a shallow depth to save funds. Because of the shallow depth, freezing of pipes is a concern. Also, the low demand is difficult on the system. The meter boxes are also susceptible to freezing. He suggested she visit the Engineering Department to receive information concerning the installation of a coupling hose to allow her to access culinary water if she elects to do so.

Councilmember Wadsworth asked if there are legal issues concerning culinary water running through the pressurized irrigation lines.

Mr. Heap said there are legal issues when culinary water and pressurized irrigation water run through the system at the same time.

Ms. McDonald asked also why she is being charged \$16 per month while the pressurized irrigation system is off.

Councilmember Kelepolo said the charges are designed to pay the bond requirements for the system.

Councilmember Christensen said the city has provided many pressurized irrigation system meetings. The next meeting is scheduled on May 10, 2004 at the Spanish Fork Fairgrounds. He suggested citizens with questions concerning the irrigation system and water conservation attend the meeting.

Mayor Barney said recently he received a letter from Governor Olene Walker encouraging water conservation. The system contributes to the conservation of water.

Saddle Dusters Contract

Jana Evans, Saddle Dusters President, was present. She asked the city council to approve the renewal of the Saddle Dusters Contract.

Mr. Oyler said in the contract the only change from previous years allows the contract to be renewed at the same time the Riding Club contract is renewed.

Councilmember Kelepolo made a **motion** to approve the Saddle Dusters Contract as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Water Conservation Plan

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

Mayor Barney reviewed the procedures for a public hearing.

Mr. Heap reviewed the 2004 Water Conservation Plan. He said there is a public information meeting scheduled on May 10, 2004 at the Spanish Fork City Fairgrounds. There have also been public information meetings held in the past on many occasions. The purpose of the meetings is to provide water conservation education to the public and to answer questions.

Mayor Barney opened the meeting for public comment.

Pat Parkinson said she read a newspaper article last year addressing water use. The article talked about the percentage of water used in residential, agricultural, and industrial areas. The savings in residential use was minimal. She asked what the city is doing to conserve water in agricultural areas. In Spanish Fork City the water bills are much higher than in Payson City. She said she is afraid to use the water. She related incidents when she had contacted the city with questions and was not given helpful information.

Robert Clark, 400 North and 700 East, said he had no water pressure last year.

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

Councilmember Kelepolo said water pressure was of great concern. The issue was discussed at

great lengths and the problems were resolved.

Mr. Heap said there were problems with pressure last year. The system was new and adjustments were required. There should be adequate pressure and residents were advised to contact the city with any pressure problems. On many occasions the pressure problems were related to individual home sprinkling systems.

Councilmember Kelepolo said in some public information meetings residents were advised to water during the day when windy conditions are not present. There is a greater loss of water during windy conditions than from evaporation during the day.

Councilmember Sorensen said the Utility Board will be presenting a new rate structure in the near future.

Mr. Heap reviewed the watering recommendations and changes in watering duration depending on the time of year.

Councilmember Kelepolo said other cities put in irrigation systems when the costs were low and they have lower irrigation costs. At that time we chose to improve other utility systems. Consequently, cities have lower utility service costs in some areas and higher utility service costs in others. He expressed appreciation for the efforts in providing public awareness concerning water conservation.

Mr. Heap reviewed the changes in the 2004 Water Conservation Plan.

Councilmember Wadsworth said the citizens need access to the Water Conservation Plan.

Councilmember Barber asked if there are legal ramifications if the plan is adopted at a later time.

Councilmember Sorensen suggested the Utility Board provide information to the city council during a city council meeting in May.

Mr. Oyler said the Utility Board could address the city council during the May 4, 2004 city council meeting and the Water Conservation Plan Public Hearing could be continued to May 18, 2004.

Councilmember Kelepolo made a **motion** to continue the Public Hearing for the Water Conservation Plan to May 18, 2004 at 6:30 p.m. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Spanish Fork Associates Annexation Petition - 7443 South 2400 East

Mr. Pierson said the annexation petition was filed by Spanish Fork Associates. The property consists of approximately 87 acres. The possible zoning for the property could be Business Park Zone or Light Industrial Zone. Union Pacific Railroad has also provided information concerning

possible rail uses in connection with the property.

Councilmember Kelepolo said a batch plant previously proposed for the area was of great concern to the city council. The idea of the area being used as a business park is appealing.

Councilmember Sorensen said he has talked with Mr. Frandsen concerning the possible light industrial uses for the property and also thought this would be a good use of the property.

Councilmember Wadsworth asked concerning the areas outside of the City Growth Boundary.

Mr. Pierson said we do not want to inhibit industrial growth and also the city plan encourages industrial areas outside of the growth boundary. He reviewed the General Plan.

Mr. Frandsen reviewed the possible utility connections.

Mr. Oyler said Mr. Heap will need to review the proposal and determine if sewer capacity is available on the existing line.

Councilmember Barber said the public notice issue needs to be addressed. He requested the public notice requirements be expanded to include a larger area of residents to receive mailings concerning property changes.

Mr. Pierson said there were no public notices given on this particular item.

Councilmember Kelepolo made a **motion** to accept the Spanish Fork Associates Annexation Petition for further study. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Utility Capacity Discussion - Resolution No. 04-06 a Resolution Giving Notice that Spanish Fork City Will not Accept Preliminary Plat Applications Effective Upon Reaching Sewer Capacity

Mr. Heap presented copies of Resolution No. 04-06 to the city council.

Mr. Pierson said the city council is concerned with protecting the health, safety, and welfare of the citizens. He reviewed the number of residential units recently approved for development. The numbers of units approved have been tracked with the utility capacity available. At the time the capacity is absorbed he requested approval from the city council allowing staff to place a moratorium on the filing of new preliminary plats until additional utility capacity is available.

Mr. Heap said the next phase to increase sewer capacity will cost approximately \$2.5 million. The next phase is estimated to be needed within five to seven years.

Mr. Pierson reviewed Resolution No. 04-06, a Resolution Giving Notice that Spanish Fork City Will not Accept Preliminary Plat Applications Effective Upon Reaching Sewer Capacity.

Mr. Heap reviewed the future phases of utility improvements to increase capacity.

Mr. Baker said during the initial agreement with Mapleton City it was discovered Mapleton City had exceeded their capacity. In the current agreement with Mapleton City an extensive penalty has been included in the agreement. There are also penalties with the EPA if Resolution No. 04-06 is not approved.

Councilmember Barber expressed concerns.

Mr. Pierson reviewed the past discussion concerning the capacity available. The moratorium is required by ordinance.

Councilmember Kelepolo made a **motion** to approve Resolution No. 04-06, a Resolution Giving Notice that Spanish Fork City Will not Accept Preliminary Plat Applications Effective Upon Reaching Sewer Capacity. Councilmember Sorensen **seconded**, and the motion **passed** with a majority vote. Councilmember Barber was **opposed** to the motion.

Resolution 04-04 - A Resolution Authorizing the Use of Spanish Fork City's 2004 Allocation of Home Funds and Community Housing Development Organization Funds to Assist in the Development of Affordable Housing Project Located in Utah County (tabled from April 6, 2004)

Mr. Baker said as a city we receive a certain amount of federal funds to be used toward affordable housing. The funds are minimal, therefore, cities in Utah County combine their funds to allow for a larger impact in providing affordable housing in the County.

Councilmember Wadsworth asked what restrictions are placed on the use of the funds and if Spanish Fork City has a Women and Children's Facility.

Mr. Baker said Spanish Fork City does not have a Women and Children's Facility.

Councilmember Wadsworth made a **motion** to accept Resolution 04-04 - A Resolution Authorizing the Use of Spanish Fork City's 2004 Allocation of Home Funds and Community Housing Development Organization Funds to Assist in the Development of Affordable Housing Project Located in Utah County. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

Ordinance 04-04 - An Ordinance Making Changes to the Employee Personnel System (tabled from April 6, 2004)

Mr. Baker said due to a change in State law this change is required. He reviewed the proposed changes to the Employee Personnel System. He said this is a beneficial change.

Councilmember Kelepolo made a **motion** to approve Ordinance 04-04, An Ordinance Making Changes to the Employee Personnel System. Councilmember Sorensen **seconded**, and the motion **passed** with a majority. Councilmember Wadsworth was **opposed** to the motion.

Ordinance 06-04 - An Ordinance Making Minor Changes to Title 14 of the Spanish Fork Municipal Code

Mr. Baker reviewed the proposed changes to Title 14.

Councilmember Sorensen made a **motion** to accept Ordinance 06-04 - An Ordinance Making Minor Changes to Title 14 of the Spanish Fork Municipal Code. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

First West Brokerage Services Contract

Mr. Baker reviewed the brokerage services contract with First West and said they have worked with the city for more than ten years. Recently, it was discovered the contract with First West had expired and a renewal contract was needed. The current R.F.P. being considered may replace this contract and a 90-day notice allowance is included in the contract.

Councilmember Christensen made a **motion** to accept the First West Brokerage Services Contract as presented. Councilmember Wadsworth **seconded** the motion, and the motion **passed** with a unanimous vote.

Change Order - Waste Water Treatment Plant (tabled from April 6, 2004)

Mr. Heap said the project for the waste water treatment plant consisted of a gate with a control panel. It was discovered the control panel required three phase breaker lines. He recommended approval of the change order for the Waste Water Treatment Plant Project in the amount of \$1,675.55.

Councilmember Sorensen asked for the advantages to the change.

Mr. Heap said the determining factor for the change required was cost.

Councilmember Kelepolo made a **motion** to accept the Change Order for the Waste Water Treatment Plant Project as presented in the amount of \$1,675.55. Councilmember Wadsworth **seconded** the motion, and the motion **passed** with a unanimous vote.

Change Order - Airport Landscaping Project (tabled from April 6, 2004)

Mr. Heap said there are three phases in the change order consisting of barricades, additional time and additional equipment, and an additional gate. He reviewed the staff memo. He recommended approval of the Airport Landscaping Project change order in the amount of \$4,045.00.

Councilmember Kelepolo said he was concerned with Springville City's share of the costs.

Mayor Barney asked for the contractor's responsibility in determining extra work required to be included in their bid.

Mr. Heap said at the time the bids were presented the ground was not saturated with water. The ground was dry. The change order will be presented to Springville City for approval.

Councilmember Wadsworth asked for the results if Springville City will not approve the change order.

Mr. Heap said the approval of any additional hangers at the airport will be discontinued.

Councilmember Kelepolo made a **motion** to approve the Change Order for the Airport Landscaping Project in the amount of \$4,045.00 as presented. Councilmember Christensen **seconded** the motion, and the motion **passed** with a unanimous vote.

Easement - Flonette Farms, Inc. and E.S.A.D. Investments, L.C.

Easement - Stephen Warren Dutton and E.S.A.D. Investments, L.C.

Easement - Snell and Ruth W. Swenson and E.S.A.D. Investments, L.C.

Mr. Heap said the following three easements are connected with the storm drain line on the east bench. The developer, Dave Adams, has been working on the easements for the past three months. Three property owners have agreed to the easement.

Councilmember Kelepolo made a **motion** to approve the Flonette Farms Easement, Snell and Ruth W. Swenson Easement, and Stephen Warren Dutton Easement as presented.

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

Other Business

None

Adjournment

Councilmember Kelepolo made a **motion** to move into Executive Session to discuss legal and land issues. Councilmember Christensen **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 8:45 p.m.

Connie Swain, Deputy Recorder

Approved: May 4, 2004