

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**May 17, 2005**

The meeting was called to order at 6:02 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Emil Pierson.

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; S. Junior Baker, City Attorney; Emil Pierson, Planning Director; Richard Heap, Engineering/Public Works Director; Richard Nielson, Assistant Public Works Director; Kent R. Clark, Finance Director; Seth J. Perins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; John Bowcut, Information Services Director; Jeff Foster, Electric Department Superintendent; Jamie Chappel, Fire Chief; Connie Swain, Deputy Recorder.

Citizens: Norman Smith, Nicole Wilson, Josilyn Robinson, Vic Deauvo no, Ray Morley.

**Minutes**

Councilmember Sorensen made a **motion** to approve the minutes of the April 5, 2005 City Council meeting with changes as noted. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

**Pleasant Grove Strawberry Days Royalty**

Nicole Wilson, Pleasant Grove Queen, and Josilyn Robinson, First Attendant, were present. Ms. Wilson invited members of the City Council to attend the upcoming Pleasant Grove Strawberry Days Celebration from June 13-18. A strawberry cheese cake was presented to the City Council.

Mayor Barney thanked the Pleasant Grove Royalty for the invitation. A round of applause was given.

**Agenda Request - Norman Smith - Retired and Senior Volunteer Program Report**

Mr. Smith referred to the Retired and Senior Volunteer Program (R.S.V.P.) report contained in the agenda packets. He said the seniors are extremely dependable people. More than 18,566 hours were donated to Spanish Fork City through R.S.V.P. and 65 of the members received service pins. The seniors provide volunteer services to Nebo School District, Spanish Fork City, the Family Literacy Center and others. They are looking for additional volunteers to assist with a new Safety Net Mentor Program.

Mayor Barney commended Mr. Smith for his leadership and encouragement which make the program successful.

Councilmember Christensen said Mr. Smith leads by example and according to the report he provided more than 500 hours of volunteer service himself.

### **Agenda Request - Ray Morley - Mill Road Traffic Study**

Mr. Morley was not present. This item was passed.

### **Mapleton City Sewer Contract Addendum**

Mr. Baker said the City Council is aware of the contract with Mapleton City to share the waste water treatment plant. At this time an upgrade is needed for the waste water treatment plant. Mapleton City is more financially able to proceed with the upgrade than we are. The final agreement was reviewed. The agreement spells out the new limits of each city's capacity once the project is completed. The cost of the project will be divided between the cities. Spanish Fork City will be responsible for 77 percent of the cost and Mapleton City will be responsible for 23 percent. Each city will receive the upgraded capacity amounts according to the percentage of cost paid.

Councilmember Kelepolo asked for the anticipated completion date.

Mr. Nielson said they anticipate the project to be completed in 18 months.

Councilmember Barber asked how the upgrade will affect the current utility restriction in place for Spanish Fork.

Mr. Baker said when the new plant is functioning there will no longer be a need for the restriction. The City Council will need to decide when the restriction will be lifted. The restriction could be lifted now or wait until the projected is completed.

Councilmember Sorensen made a **motion** to approve the Mapleton City Sewer Contract as presented. Councilmember Christensen **seconded** the motion.

Councilmember Kelepolo said the city has been dealing with this issue for a while. The contract states that either city can decide to proceed with the upgrade and receive the additional capacity according to their percentage of participation. He said it is a wise decision to proceed at this time.

Mayor Barney asked for a **roll call vote**. Councilmembers Wadsworth, Sorensen, Kelepolo, Christensen and Barber were in favor of approving the Mapleton City Sewer Contract. The motion **passed** with a unanimous vote.

### **Spanish Trails Amended Preliminary Plat**

Mr. Pierson said this is a request by Vic Deauvono to amend and reapprove the Spanish Trails preliminary plat to develop an additional 29 lots and 120 single-family home pad sites. The plat was originally approved on May 20, 1997.

Mayor Barney said he thought the plat was originally approved in 1996.

Mr. Pierson said the property is currently zoned R-1-8. The homes being proposed are similar to the homes in the earlier phases. Access into the project will be from 100 South and from Volunteer Drive. The Development Review Committee reviewed the request and recommended approval subject to the 4 conditions listed. The Planning Commission reviewed the request and also recommended approval. Mr. Pierson said residents from the area have contacted him and members of the City Council expressing concerns with the request. A number of residents and Mr. Deauvono are present to answer any questions. The main concern of the city staff is that conditions 3 and 4 of the original preliminary plat approval have not been met.

Mayor Barney said the City Council will need to determine if those conditions have been met satisfactorily.

Councilmember Kelepolo asked for our time line in requiring the conditions to be met.

Mr. Heap said typically the conditions or drawings are required before the plans are presented to the City Council.

Councilmember Kelepolo asked why the conditions were not met in 1997.

Mr. Pierson said our files indicate that no landscaping or playground equipment plans have been submitted.

Mr. Heap said the developer has also failed to provide a letter from Westfield Irrigation Company concerning Mill Race.

Councilmember Barber asked if the condition is referring to the east and west ditch.

Mayor Barney said an approval from the irrigation company is required on any development containing irrigation ditches.

Councilmember Barber said he cannot remember requiring Mr. Deauvono to bring in the letter from the irrigation company.

Mr. Heap said originally the developer was developing to the ditch so the letter may not have been required at that time. However, at this time the letter is required before the matter comes before the City Council. The City Council can decide if we proceed with the request at this time.

Councilmember Sorensen said he would like to see the conditions met prior to approval.

Councilmember Christensen agreed.

Councilmember Barber asked why the request has gotten to this point without the conditions being met. He asked why the Development Review Committee and the Planning Commission approved the request without the conditions being met.

Mr. Heap said the request was approved subject to the conditions being met.

Mr. Pierson said the conditions set by the Planning Commission and Development Review Committee were to be met prior to approval by the City Council. He reviewed the minutes of the 1997 meeting requiring piping of the irrigation ditch and plans for phasing the project. The conditions set at that time have not been met. To be consistent the conditions should be met prior to approval to treat this issue as others have been treated.

Councilmember Kelepolo asked Mr. Deauvono to state his understanding of the situation.

Mr. Deauvono said they have the right to move the ditch to align with the road during the 3rd phase of the development. The proposal concerning the Mill Race ditch is to just put a fence up. They were never going to pipe it. He said right now we are just talking about phase 1. He has Westfield Irrigation shares and can get the approval letter. He did not bring the letter tonight because he thought the requirements were needed with each corresponding phase. The irrigation ditch is not in phase 1.

Mr. Heap said Mill Race is a 5-stream ditch and fencing is allowed if approved by the irrigation company. We need a letter from the irrigation company to insure they are comfortable with fencing. The City Council can approve a fence as long as the irrigation company prepares a letter of approval and it is presented to the city.

Mayor Bamey said he cannot understand why the City Council would make a decision on this issue without conditions being met.

Mr. Deauvono described the plans for developing the property. This proposal includes all single-family homes.

Councilmember Kelepolo asked what is classified as a single-family home.

Mr. Deauvono said some will be single-family cottages. Each unit will own limited common areas and the pressurized irrigation to maintain the area. He said someone prepared a letter and sent it to home owners concerning the creation of more common areas. This letter misinformed the residents in the development. Upgrades to the development are costing an additional 5 million dollars. They are removing some common areas and giving more ownership to the property owners. When they sold property, each purchaser signed an agreement to pay \$15 per month in Homeowner's Association (H.O.A.) dues. The title companies may not have notified the later home buyers of the required H.O.A. dues.

Councilmember Kelepolo asked if the city has jurisdiction over the H.O.A.

Mr. Baker said the city can require an H.O.A. but does not have jurisdiction over the association.

Mr. Deauvono read the minutes requiring the H.O.A.

Mr. Pierson said this is the first time he has heard of the limited common areas being proposed

by Mr. Deauvono. Prior to this meeting Mr. Deauvono had just mentioned individual pad sites. The plans would be shown differently if limited common areas had been proposed previously. He asked why not just separate the areas into lots.

Mayor Barney said there are enough unresolved issues to require further investigation.

Mr. Deauvono said he had a letter from the irrigation company in 1996 or 1997.

Councilmember Kelepolo said there are still issues to be resolved. He is more worried about the liability for the city. Another question is concerning requests for 1-car garages.

Mr. Deauvono said there is a rendering showing a home with a 1-car garage. There are only 20 homes with a 1-car garage.

Councilmember Kelepolo said there are still unresolved issues.

Mr. Deauvono said he will meet with the irrigation company and the city planner to resolve the issues.

Councilmember Sorensen asked Mr. Pierson if the request should go back to the Planning Commission.

Mr. Pierson said this is a big issue and the request should go back to the Development Review Committee before going back to the Planning Commission. The plans presented tonight by Mr. Deauvono have changed significantly.

Councilmember Kelepolo said the approval process needs to be done properly. This should go back through the process. He asked if the city has control over the type of playground equipment to be installed.

Mr. Pierson said requirements concerning the playground equipment are up to the City Council. The City Council required the developer of Davencourt to receive approval of the playground equipment from the H.O.A.

Councilmember Wadsworth asked what happens if the homeowners fail to pay their H.O.A. dues.

Mr. Deauvono said first a lien is placed on the property and the property owner can be prosecuted. Under State law if the property owner is delinquent for more than 30 days they forfeit their ability to vote as part of the association. He said the monthly H.O.A. due is only \$15.00 and he does not understand why they would not want to participate. The playground equipment is all sealed and a commercial grade.

Councilmember Wadsworth suggested considering the creation of a separate H.O.A. with this phase of Spanish Trails.

Mr. Deauvono said unfortunately someone sent a letter to all the property owners. They could have been made aware that the developer has the right to make adjustments.

Councilmember Wadsworth asked when this issue could be brought back to the Development Review Committee.

Mr. Pierson said the request can be brought before the Development Review Committee as soon as Mr. Deauvono's designers can provide the new design to the city. Mr. Pierson will meet with Mr. Deauvono to discuss the details.

Councilmember Kelepolo made a **motion** to table the Spanish Trails Preliminary Plat. Councilmember Sorensen **seconded** the motion.

Councilmember Barber asked for the length of time the issue is tabled.

Councilmember Kelepolo said when the plans are submitted and reviewed by the Development Review Committee.

Mr. Deauvono said limited common areas were presented to the Planning Commission and he asked if the minutes are reviewed and it is found that the information was presented does the request need to go back through the entire process.

Councilmember Kelepolo said it sounds like everyone attending the meeting was not clear.

Councilmember Wadsworth asked Councilmember Kelepolo if the information is in the minutes can the request move forward or referred back through the process.

Councilmember Kelepolo said he wants to make sure the proper process is followed and said the request should go back to the Development Review Committee.

Councilmember Kelepolo made an amended **motion** to table the Spanish Trails Preliminary Plat request with the direction to return to the Development Review Committee and the Planning Commission. Councilmember Sorensen **seconded**, and the motion **passed** with a majority vote. Councilmembers Wadsworth and Barber were **opposed** to the motion.

Councilmember Barber said he is opposed to the motion because he feels it does not need to go back to the Development Review Committee.

Councilmember Wadsworth said he wants to review the notes of the previous Planning Commission meeting.

### **Bid Tabulation - Rescue Truck**

Mr. Clark presented a copy of the bid summary for the purchase of a rescue truck. Two bids were received. The low bid was over the budgeted amount of \$175,000.

Jamie Chappel said this truck is strictly for rescues and designed to respond to automobile wrecks. Last year 497 automobile accidents were responded to. This truck will have all that is needed to respond to automobile accidents. This is the first year this type of truck has been produced with 4-wheel drive.

Mr. Clark asked for the build time.

Mr. Chappel said the build time is 150 working days after the arrival of the chassis.

Councilmember Christensen made a **motion** to accept the bid receiving from American LaFrance for the purchase of a rescue truck in the amount of \$178,357. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

### **Agenda Request - Ray Morley, Charter One Development - Mill Road Traffic Study**

Mr. Morley said originally when discussing the charter school he was told a traffic study was to be created by Horrocks Engineering to determine the increase in traffic with the Charter School and the impact on roads in the area. Mr. Morley said he understood Ron Mortimer would be present to review the traffic study with the City Council. He was not sure if the City Council wanted him to proceed without Mr. Mortimer.

Councilmember Kelepolo said he is comfortable tabling this item until Mr. Mortimer is present.

Mr. Morley agreed. He updated the City Council on the progress of the Charter One Development.

Councilmember Kelepolo asked Mr. Morley to let the city know when this item is to be rescheduled.

Councilmember Barber asked if the city or Charter One Development ordered the traffic study.

Mr. Morley said the city requested the traffic study and he assumed Charter One Development will be billed for the study. He also said the Jack B. Parson Company will be relocated within 60 days.

Councilmember Kelepolo made a **motion** to table the agenda request from Ray Morley to review the Mill Road traffic study. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Bid Tabulation - Chip Seal**

Mr. Nielson said the chip seal bid consists of 3 separate bid requests. The first item listed are the rocks and 3 bids were received with Staker Paving being the lowest bid at \$81,900. The second item includes spreading and transport charges and 1 bid was received from R-n-M Transportation in the amount of \$36,319. The last item includes the liquid asphalt and 1 bid was

received from Peak Asphalt in the amount of \$195,800.

Mayor Barney asked if the chip sealer is shared by other cities as in past years.

Mr. Nielson concurred.

Councilmember Barber asked if the chip seal cost comes out of the B and C Fund.

Mr. Nelson concurred. Spanish Fork City's share for the entire project is \$77,000.

Councilmember Wadsworth asked for the areas to be chip sealed.

Mr. Nielson said the majority of the work will be in the old blocks of town. He said \$75,000 has been budgeted and they will do as much of the work as the funds will cover.

Councilmember Kelepolo made a **motion** to approve the 3 chip seal item bids received from Staker Paving in the amount of \$81,900, R-n-M Transportation in the amount of \$36,619 and Peak Asphalt in the amount of \$195,800 for a total cost of \$314,319. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Council Report on Assignments**

Councilmember Barber said the Historical Committee will meet again tomorrow. A parade chairman was found for the Fiesta Days Committee. There will be new activities related to Fiesta Days this year. The volunteer efforts are great. The power costs will be consistent again this year. The Risk Management Committee has not met yet.

Councilmember Christensen noted that 90 percent of the staff are wearing their Sesquicentennial pins. He thanked them for their support and asked to see City Council wearing pins at the next meeting. He also said the Senior Citizens Committee is doing a great job.

Mayor Barney said there have been some requests from residents for recycling. There is an ongoing investigation into recycling but as long as we can bury the garbage at 1/3 the cost of recycling we will continue to bury the garbage. However, the possibility is being discussed. The Council of Governments has been experiencing problems with the Senior and Aging Programs which they are trying to resolve.

Councilmember Kelepolo said he has been impressed with the Airport Board. With the improvements being made, at some point the airport will be able to support itself. The Finance Committee and Personnel Committee have a few issues such as the reservoir camp ground they are working on. He said our city volunteers provide a tremendous service to the community.

Councilmember Sorensen said the new parade float design has been selected. The Rotary Club scholarships were presented recently.

Councilmember Wadsworth said there will be some changes with the Planning Commission soon. They are still working on the General Plan. The Finance Committee is discussing employee benefits. The Risk Management Committee meets quarterly. The Library Board's summer reading programs are getting ramped up.

Councilmember Kelepolo made a **motion** to move into the Redevelopment Agency meeting. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

At the conclusion of the Redevelopment Agency meeting Councilmember Christensen made **motion** to reconvene into the City Council work session with 10-minute recess prior to the work session. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Work Session - Title 15 - Land Use Ordinance**

Mr. Baker reviewed the changes to State Law which will not be incorporated in the proposed ordinance. One aspect of the State Law requires public hearings before the Planning Commission and does not require public hearings before the City Council. The proposed ordinance will require public hearings before both the Planning Commission and the City Council. Mr. Baker said there will be few procedural changes. Mr. Baker also reviewed the conditional use requirements including exactions being proportional to the size of the development. We have always required exactions and we need to make sure they are proportional. He also discussed the rebuild request changes to be made to assist with determining if the request will be granted. An Appeal Authority will be created and the Board of Adjustments will be eliminated. This forces us to remove a member of City Council serving on the Planning Commission. Mr. Baker recommends appointing a new member to the Planning Commission during the first meeting of the City Council in July. Mr. Baker reviewed the highlights of the changes included in the proposed Land Use Ordinance. The noticing area was discussed.

Mr. Pierson said cost is an issue when increasing the noticing requirement area to 500 feet as suggested by Councilmember Wadsworth. He will probably need to hire an assistant soon. Many of the addresses and properties to be noticed must be investigated.

Mr. Baker returned to the review of the Land Use Ordinance while Mr. Pierson created an example of a 500-foot noticing area. The terms to be served by each member of the Planning Commission were discussed since now 6 members will be appointed.

Mr. Pierson presented the examples of a 300-foot and 500-foot noticing area. A 500-foot noticing area substantially increases the number of properties to receive notice.

Mr. Baker continued reviewing the proposed Land Use Ordinance.

Mr. Pierson reviewed the Master Planned Development Analysis for the various zones. He reviewed the zoning density ranges and house-size requirement tables included in the proposed ordinance.

Mr. Baker continued with the proposed ordinance review.

*9:10 p.m. - Recess*

*9:15 p.m. - Reconvene*

### **Work Session - Fiscal Year 2006 Budget Discussion**

Mr. Oyler said the discussion tonight focuses on the broader budget issues such as the level of service to be provided and the funding for the services. He asked for any broader budget issues of concern to be addressed tonight. The purpose of the discussion is to allow the City Council to talk over issues.

Councilmember Kelepolo said he does not believe we should cut the level of service but said we should strive to reduce the overall cost for residence.

Councilmember Sorensen said when you purchase property in Spanish Fork you are investing in the level of service provided. Property values may drop if the level of service offered by the city drops.

Councilmember Barber asked for the master planned time frame for the Leland/I-15 interchange area.

Mr. Pierson estimated the area to be master planned within the next 5 to 10 years.

Mr. Nielson said the cost to provide sewer services to the area depends on the direction of flow.

Mr. Foster said electrical service ends at 900 South near I-15.

Mr. Oyler said the issue is increasing our economic base to generate funds.

Councilmember Kelepolo said retail outlets offer opportunities but we do not want to rely on just 1 entity to generate the majority of funds.

Mr. Pierson said it would be nice to offer packets containing the information needed to attract businesses considering Spanish Fork as a future location.

Councilmember Barber said we need to make sure we are prepared when the south highway exit is needed.

Mayor Barney said until someone really has a need to come into this area how much are we willing to give away.

Councilmember Kelepolo said we do not want to hurt the existing businesses but we do want to attract economic development.

Councilmember Christensen said businesses such as Costco and Target would bring in sales tax

revenue and jobs.

Mr. Oyler said the State Legislature may also be changing the tax structure in the near future. The City Council needs to feel comfortable with the amount in the General Fund.

Mayor Barney said increasing property taxes has been discussed.

Councilmember Kelepolo said funds need to be generated. Utility usage generated funds are less of a burden to residents since it allows them to conserve if needed to reduce their cost.

Councilmember Wadsworth said he does not think we should be paying the employees the retirement contribution amounts currently being paid. He realizes we are trying to be fair to the employees but he asked if the amount being paid to employees is fair to the citizens.

Councilmember Kelepolo said the city is run with a lean amount of employees and a low turnover rate. There are costs associated with high turnover and low productivity rates. He asked if we get better employees with lower costs since more is offered.

Councilmember Wadsworth said Councilmember Kelepolo is assuming if we do not pay the retirement amount, employees will leave.

Councilmember Kelepolo said they may not leave immediately but they will leave over time. It is difficult to compare apples to oranges when each city differs so much. We need to be competitive to retain the quality of employees.

Councilmember Wadsworth said he is struggling because citizens do not receive the same types of benefits. He would like to see a citizen advisory committee to address these types of issues. He said there are State employees complaining that they do not receive similar benefits.

Councilmember Kelepolo said if there is a better way he would like to find it. There is a value received that needs to be maintained. We do not want to lose good employees.

Councilmember Wadsworth agreed we have good employees he just wants to be fair with the citizens.

Councilmember Kelepolo said he believes we save a lot of money with our current philosophy but he is always willing to look for a better fit if it is out there.

Mr. Clark asked if there would be added costs if the retirement benefits were cut.

Councilmember Wadsworth said right now our turnover rate is 0. A healthy turnover rate is 5 to 7 percent.

Mr. Perrins stated that several employees have left the city this past year.

Mayor Bamey said we were all elected to represent the people. As a democracy the majority

rules.

Mr. Oyler asked if any other members of the City Council had salary or benefit issues.

Councilmember Barber said we need to watch employee costs. If costs continue to rise there are some important issues to be addressed at some point. It is either increase property tax, spend every dollar in town, increase utility rates or cut services. He asked for the reason for the 2 large transfers to the General Fund.

Mr. Oyler said we try to budget conservatively. In the past year's budget there was a substantial increase in the Public Safety Department due to the new officers. An assistant city attorney was added to the payroll. As the city continues to grow there is a dilemma. Hopefully, the city generates increased sales and property taxes. Through the years our city has been very conservative with the number of full-time employees.

Councilmember Kelepolo said we need to ask better questions. We should ask how we can draw an adequate amount of economic development.

Mr. Oyler asked if there is a service or program that should be cut to maintain the level of service in other areas. There are essential services such as power, sewer and water which must be maintained. There are services such as SFCN which will fund themselves and should not be cut. The challenge is in the General Fund, the services being maintained and if there is a better way to generate funds. If there are issues, they should be discussed with staff prior to the public hearing.

### **Other Business**

None

### **Adjourn to Executive Session**

Councilmember Kelepolo made a **motion** to adjourn to Executive Session to discuss litigation and land purchase issues. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 10:05 p.m.

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Connie Swain, Deputy Recorder

Approved: June 7, 2005