

**Adopted Minutes
Spanish Fork City Council Meeting
August 16, 2005**

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

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; Kent R. Clark, Finance Director/Recorder; Seth J. Perrins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; Pam Jackson, Library Director; Connie Swain, Deputy Recorder.

Citizens: Robert Pittelli, Royden Hill, Ida Kay Slaymaker, Justin McKabe, Julie McKabe, Mary Isaac, Pat Parkinson, and Brian Redd.

Minutes

Councilmember Wadsworth made a **motion** to approve the July 19, 2005 minutes of City Council meeting as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Parks and Recreation Tournament Report

Mr. Robinson said a fast pitch tournament was held on August 4-6. The tournament was started six years ago. The tournament held this year hosted 70 teams from Nevada, Colorado, Idaho and Utah with an estimated 2,500 visitors to Spanish Fork this weekend. He said the staff did an excellent job and many great comments were received concerning our sports facilities and the town. This is one of the largest tournaments in the State.

Councilmember Wadsworth asked how the tournament is marketed.

Mr. Robinson said the American Softball Association placed an advertisement for the tournament in their magazine. People enjoy our facility and they share the information with others. The tournament has grown by word of mouth.

Councilmember Wadsworth asked how our city's teams did.

Mr. Robinson said our 16 years of age and under team took third place and our 14 years of age and under team won the tournament. Mr. Robinson also invited the City Council to attend the upcoming grand opening for the reservoir camp ground on Thursday, September 1 at 5:00 p.m.

The general public is also invited to attend the grand opening.

Mayor Bamey thanked Mr. Robinson for the report.

Evan-Nebo School District Annexation Petition - 2000 East 200 North

Mr. Pierson said this a request by Nebo School District to annex 21.55 acres located at 2000 East 200 North into the city. The property is outside of the Growth Boundary and within the Policy Declaration Boundary. There are other areas between the proposed annexation and the city line that the owner's of those properties will soon file a petition for annexation.

Councilmember Sorensen asked if an island will be created.

Mr. Pierson said not with the additional annexation petition to be received. He pointed out the possible annexation area to be received. The area included in the petition presented tonight is part of the future high school site.

Councilmember Wadsworth asked when they will break ground.

Councilmember Sorensen said in 2006.

Councilmember Kelepolo said the High School is planned for completion in 2009.

Councilmember Barber asked what the flag on the map indicates.

Mr. Pierson pointed out the area owned by the school and he pointed out the High School site.

Councilmember Barber asked why the School District is petitioning for annexation now.

Mr. Pierson said they want to begin school designs.

Councilmembers Kelepolo and Sorensen disclosed that they work for the school district.

Councilmember Christensen made a **motion** to approve the Evans/Nebo School District Annexation Petition for further study. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Roll call vote: Councilmembers Christensen, Kelepolo, Sorensen and Wadsworth voted aye. Councilmember Barber voted nay.

Charter Rezone Amendment Request - 1173 Del Monte Road

Councilmember Wadsworth said he would need to recuse himself due to his connection with the Charter School.

Mr. Pierson said this is a request by Charter One Development concerning the first condition of the Charter Rezone. Mr. Pierson said they are requesting one of three options. They would like the emergency access requirement removed or if a 66-foot roadway is required they want full access onto Mill Road with no restrictions or only a fire access be required instead of a full road.

Councilmember Sorensen asked if the difference between an access and a roadway is the width.

Mr. Pierson concurred. He said this item went before the Development Review Committee on July 7 and they recommend a roadway with unrestricted access to Mill Road based on the traffic study completed indicating Mill Road is capable of handling the increased traffic. The Planning Commission discussed this issue at length. They recommend removing the access completely with no access to Mill Road since another access is now available through the area where the Jack B. Parson's business was located.

Mayor Bamey said some day we will need access to Mill Road as the area develops and Mill Road is improved.

Councilmember Kelepolo said the original intent was to allow no access onto Mill Road except to insure adequate access for emergencies.

Mr. Pierson said the developer's first request is the same as the recommendation made by the Planning Commission.

Councilmember Kelepolo asked concerning the lots shown on the plans.

Mr. Pierson said no residential lots have been approved. The residential areas are concept plans only.

Councilmember Kelepolo asked Chief Rosenbaum of his concerns.

Chief Rosenbaum said not only is access needed for fire trucks but also for ambulances.

Councilmember Sorensen asked if there could be a gate on the west side of the property near the football field providing an emergency access when needed.

Chief Rosenbaum said that would be preferred rather than no access at that point. If there were an emergency, it would be difficult to get people out of the area and get emergency vehicles in with one access to the sports area.

Councilmember Kelepolo said his main concern is to make sure there is a fire road access to the area. He has no problem with reducing the width of the access from 66 feet. The question is where is the best location for the access.

Mr. Pierson said the grade would need to be adjusted substantially to construct the access in the area shown.

Councilmember Sorensen asked if the access could be next to the sports area and if it is closer to grade in that area.

Mr. Pierson said regardless of the emergency access location it may become blocked with cars and pedestrians. Also, the developer said during the Planning Commission meeting there are other alignment options for the emergency access and Mill Road. He proposed a meandering emergency access roadway/pedestrian walkway.

Chief Rosenbaum said this would be fine as long as road base is sufficient in width and resistance to handle the large pumper trucks when needed.

Mr. Pierson said the City Council could require the access with some flexibility as far as the alignment and materials to accommodate the grade of the land and the weight and size of the emergency vehicles.

Councilmember Barber asked if an easement is required.

Mr. Pierson said the property owner can retain the access area but needs to provide and maintain the access. He also said if the access is left open for pedestrians, vehicles will park along Mill Road during sporting events or other activities in the area.

Councilmember Christensen asked Chief Rosenbaum if parking can be limited in the area.

Chief Rosenbaum said no parking along Mill Road can be imposed.

Councilmember Kelepolo said he prefers an emergency access of adequate materials and width for the size and weight of the emergency vehicles.

Councilmember Sorensen said there is no need for a full roadway but an emergency access is needed.

Councilmember Christensen concurred.

Councilmember Kelepolo made a **motion** to approve Charter Rezone Amendment by removing conditions number one and requiring a fire access only as per the specifications determined by the staff concerning the design and materials to accommodate the emergency vehicles.

Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. Following a roll call the unanimous vote was confirmed. Councilmember Wadsworth abstained from the vote.

Utah County Interlocal Agreement

Mr. Baker reviewed the Interlocal Agreement requested by the Utah County Department of Substance Abuse. This is a one year agreement with an out provision.

Councilmember Wadsworth asked concerning the reimbursement referred to on Page 4.

Mr. Baker said the only reimbursement would be related to office expenses and we may not have any office expenses or any out of pocket expenses.

Councilmember Wadsworth asked for the frequency of alcohol compliance checks.

Mr. Baker said there will be a minimum of four alcohol compliance checks per year but there may be more.

Councilmember Sorensen made a **motion** to accept the Interlocal Agreement with Utah County as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

South Utah Valley Municipal Water Association Amended Agreement for Joint Co-Operation Action

Mr. Baker said South Utah Valley Municipal Water Association (SUVMWA) is a separate entity with the purpose of assisting ten of the South Utah County Cities with issues related to water rights and resources. The association has been very successfully. Recently SUVMWA was involved in water studies. A question was raised concerning their ability to participate. With the upcoming and ongoing issues related to water this agreement expands their abilities.

Mayor Bamey said a \$70,000 grant had already been received due to our involvement with SUVMWA.

Councilmember Kelepolo asked if the amendment could force us to participate in the future regional plant.

Mr. Baker said the amendment allows for the ability to participate in the study and then to participate in the regional plant only if it is determined to be a benefit to the cities. At that point each city can determine if they will participate in the regional plant project or not to participate. Collectively the cities created SUVMWA to increase our political power but still have individual options to participate or not.

Councilmember Wadsworth said we have already made a commitment to our own water treatment plant with the recent upgrade. When our next upgrade becomes necessary, the cost will be less than the most recent upgrade. Would the regional plant or the upgrades to our own facility create the most capacity at a lower cost?

Mr. Heap said there are a lot of unanswered questions. Also, the State requirements for water treatment plants may change.

Mayor Bamey said there will be some point when we will outgrow our water treatment facility and we will want to participate in the regional plant.

Mr. Heap said we may maintain our own plant for some of our water treatment needs and use the regional plant to meet the more strict State standards if the time comes when we outgrow our plant.

Councilmember Barber asked if it specifies that the Board of Directors must consist of elected officials.

Mr. Baker said it is left to the discretion of the City Council who represents the city.

Mr. Heap recommended to the City Council that the director be an elected official.

Councilmember Wadsworth asked what is the process if we decide not to participate in the regional plant and in the future decide to join the project.

Mr. Baker said it may or may not be possible to join the project at that point. It depends on the financing arrangements but most likely as long as we agree to pay our share of the project we could join the project.

Councilmember Kelepolo agreed with Councilmember Wadsworth in expanding the verbiage to allow more flexibility.

Councilmember Barber said this interlocal agreement has been advantageous to the city.

Mr. Baker concurred.

Councilmember Christensen said SUVMWA is a good deal for the city and we in turn help other cities.

Councilmember Kelepolo made a **motion** to accept the South Utah Valley Municipal Water Association Amended Agreement for Joint and Co-Operative Action. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote. Following a roll call vote the unanimous vote was confirmed.

Other Business

Councilmember Sorensen said last week during the Parks and Recreation portion of the discussion it seemed as if we were saying the individuals in that department are not putting in the time and not concerned with losses. He apologized and said they have really been working hard to resolve and address these issues.

Councilmember Christensen presented the following names of individuals he would like appointed to serve on the Senior Citizen Board. They are Joan James and Joy Nelson. No objections were stated and Mayor Barney approved the appointment.

Councilmember Christensen commended UDOT for the quick action taken to reopen Highway 6 following the explosion that took place up Spanish Fork Canyon.

Councilmember Wadsworth also commended Mayor Barney and Blake Barney for the 33 hours they donated to complete the project.

Mr. Baker also said it was our fire and ambulance people who responded to the emergency.

Adjournment to Executive Session

Councilmember Sorensen made a **motion** to adjourn to Executive Session to discuss land issues. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 7:25 p.m.

Connie Swain, Deputy Recorder

Approved: September 6, 2005