

Adopted Minutes
Spanish Fork City Council Meeting
July 17, 1996

The meeting was called to order at 6:30 pm by Mayor Marie W. Huff for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was lead by Councilmember Matthew D. Barber.

Elected Officials Present: Mayor Marie W. Huff, and Councilmember Matthew D. Barber, Sherman E. Huff, Thora L. Shaw, Rex Woodhouse, and Clyde A. Swenson.

Staff Members Present: David A. Oyler, City Manager; Kent R. Clark, Recorder/Finance Director; Richard J. Heap, Engineer/Public Works Director; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Greg Comstock, City Planner; Rick Olsen, Electrician; Jim Horrocks, Electrician; and Heather Frost, Deputy Recorder.

Citizens Present: Kelly Allan, John Allan, Abraham Allan, Karma Woffinden, Jed Woffinden, Justin Woffinden, Dana F. Robinson, Morris Simons, Luan Simons, Joseph L. Adams, Newman L. Bundy, Yvonne Bundy, John Towers, Darlene Barlow, Frank Johnson Sr., Frank Johnson Jr., Michael Watson, Rodger Hardy, Deseret News, and Leann Moody, Spanish Fork Press.

Minutes

Councilmember Shaw made a **motion** to approve the minutes of the July 3, 1996, meeting of the Spanish Fork City council. The **second** was made by Councilmember Barber, and the motion **passed** with a unanimous vote.

High Voltage Trailer Demonstration - Rick Olsen & Jim Horrocks

Rick Olsen and Jim Horrocks from the Spanish Fork Electric Department presented a demonstration simulating the danger of high voltage electrical wires. Mr. Olsen outlined the existing electric equipment, wires, and other facilities within the city. He explained the electric department will be using the high voltage trailer demonstration to make city employees and citizens aware of the dangers of injury or even death from electrocution. The demonstration will be presented for the public during the upcoming Fiesta Days Celebration.

Family Violence Program - Attorney General's Office - Ms. Charlene Barlow

Ms. Charlene Barlow informed the council and audience of the problem of domestic violence in Utah. She presented a video made by the Attorney General's Office on the subject of domestic violence. Ms. Barlow made information available on the resources available for victims of domestic violence. She then turned the time over to Chief Dee Rosenbaum for additional information.

Chief Rosenbaum informed those present of the way the public safety department has been instructed to deal with family violence situations in the past and present. He said the way in which these situations are handled has improved in the past few years. Chief Rosenbaum indicated there are now programs available for those involved in family violence. He then reviewed domestic violence statistics in Spanish Fork City over past years.

Orchard View Heights - Preliminary Plat

Mr. Heap reviewed the preliminary plat with the council. He indicated the developer has revised the plat according to the recommendations of the Development Review Committee and the Planning Commission. Mr. Heap indicated with those revisions, both bodies recommend approval of this plat.

Councilmember Woodhouse made a **motion** to approve the Orchard View Heights - Preliminary Plat. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Country Cove - Preliminary Plat

Mr. Heap pointed out the location of this plat. He explained Mr. Abraham Allen owns a 16-foot strip of property which is part of the proposed road for this development. He said the Development Review Committee and the Planning Commission recommend approval of Country Cove Preliminary Plat subject to the condition the final plat is not recorded until the 16-foot strip of property is dedicated as a city street.

A **motion** was made by Councilmember Swenson to approve the Country Cove - Preliminary Plat subject to the condition the final plat is not recorded until the 16-foot strip of property is dedicated as a city street. Councilmember Woodhouse **seconded** the motion, and it **passed** unanimously.

Road Striping Bids

Mr. Heap reviewed the striping list for the year 1996-1997. He then reviewed the bids received for road striping. Mr. Heap recommended the bid be awarded to the low bidder, Done Rite Striping, for the amount of \$7,988.82.

Councilmember Shaw made a **motion**, based upon the recommendation from the City Engineer, to award the road striping bid to Done Rite Striping for the amount of \$7,988.82. The **second** was made by Councilmember Huff, and the motion **passed** unanimously. Other bids received: Interstate Barricade - \$11,994.50; Peck Striping - \$12,905.28; and Organized Parking (Lonnie Gleave) - \$14,700.00.

Frank Johnson Connector's Agreement

Mr. Heap explained Frank Johnson installed water, sewer, and asphalt into his cul-de-sac development. Mr. Mike Watson is now developing a twin-home lot adjacent to the cul-de-sac. Mr. Johnson is requesting reimbursement for Mr. Watson's connection to the water and sewer lines and use of the asphalt. Mr. Heap informed the council from his calculations, Mr. Watson owes \$16,317.40 to Mr. Johnson for the connector agreement. Mr. Heap said the two parties cannot agree on an amount.

Mr. Joe Adams, previous owner of the Michael Watson property, explained upon development of Mr. Johnson's cul-de-sac, Mr. Johnson filled in Mr. Adams' irrigation ditch. Mr. Adams said Mr. Johnson agreed in lieu of restoring the irrigation ditch, he would not charge Mr. Adams for the connectors agreement at the time Mr. Adams developed his property, with that verbal agreement, Mr. Adams agreed to leave the filled in irrigation ditch. Mr. Mike Watson, current owner of the property, approached the council. He stated his feeling the water issue between Mr. Adams and Mr. Johnson has not been resolved. He distributed information packets to the council. Attorney Baker interjected the fact that the water issue has not been resolved, however, it is a civil matter, which should be handled between the two parties or as a civil matter before a judge.

A lengthy discussion was held regarding the irrigation ditch, the amount Mr. Johnson is requesting, and Mr. Heap's calculations for the connector's agreement.

Councilmember Woodhouse made a **motion** to approve Mr. Frank Johnson's connectors agreement in the amount of \$16,317.40 with the stipulation Mr. Johnson restores the irrigation ditch to the original delivery

point on Mr. Watson's property. The **second** was made by Councilmember Swenson, and the motion **passed** with a **majority** vote of 4:1; with Councilmembers Woodhouse, Swenson, Barber, and Huff voting in favor of the motion, and Councilmember Shaw voting opposed.

Mr. Watson stated his opposition to the council's decision.

Installation of Curb & Gutter, Sidewalk, and Combination Bid

Mr. Heap reviewed the bids for the installation of curb, gutter, sidewalk, and combination on 900 East Center Street and around the new ballpark near the cemetery. He recommended the bid of Bliss Construction for the amounts of \$24,767.30 for 900 East Center Street and \$50,166.60 for the concrete work at the new ballpark near the cemetery. He noted the two were bid as a project, so the bids cannot be separated.

Councilmember Woodhouse made a **motion** to award the bid to Bliss Construction for the installation of curb & gutter, sidewalk, and combination for the amounts of \$24,767.30 and \$50,166.60. The **second** was made by Councilmember Barber, and the motion **passed** with a unanimous vote. Other bids received: RB Construction - \$47,355.00 and \$49,562.50.

Asphalt Placement Bid

Mr. Heap reviewed the bids from Staker Paving with the council. He explained these were bid as one project as follows: Bid #1: Center Street - \$45,186.00; Alternate Bid - 900 East - \$17,556.50; and, Bid #2 - Cemetery Ballpark - \$30,344.49.

A **motion** was made by Councilmember Barber to award the bid for asphalt replacement to Staker Paving for the amounts of \$45,186; \$17,556.50; and 30,344.49. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote. No other bids were received.

Non-Agenda Item - Waterline Project - Mr. N.L. Bundy

Mr. N.L. Bundy was present at the council meeting to protest the outcome of a bid opening recently held and awarded on the east Center Street waterline project. Mr. Bundy explained he attended the bid opening, was the apparent low bidder at the opening, and anticipated doing the job for Spanish Fork City. Mr. Bundy informed the council weeks later he was informed a bid from Grant Hone was later found, opened, and was lower than his bid. Grant Hone was awarded the bid. Mr. Bundy listed his concerns with the situation as follows: 1) Mr. Hone's bid was not delivered to the appropriate office; 2) Mr. Hone's bid was not read aloud in a public bid opening; and 3) Mr. Bundy left the meeting as the apparent low bidder and expected to do the job. He said the city had not contacted him to inform him otherwise.

The council discussed the situation. Councilmember Barber disclosed a conflict of interest, stating he is the bonding agent for Mr. Grant Hone.

Mr. Heap was directed by Mayor Huff and the city council not to execute the bid on the Center Street waterline with Mr. Grant Hone due to questions and concerns regarding the initial bidding process. The council scheduled a special meeting to address this item as a formal agenda item.

Lease Agreement - Spanish Fork City and Smith Auto

Mr. Oyler reviewed the proposed lease agreement between Spanish Fork City and Smith Auto regarding property between the public safety building and Smith Auto's building.

Councilmember Swenson made a **motion** to authorize Mayor Huff to execute the lease between Spanish Fork City and Smith Auto. The **second** was made by Councilmember Huff, and the motion **passed** with a unanimous vote.

General Plan Update

Mr. Comstock updated the council on the status of the general plan. He reviewed the input received at the previous night's planning commission public hearing. Mr. Comstock informed the council of the planning commission's plans to hold a work session to discuss information received at the public hearing, after which, at their next meeting they plan to make a recommendation to the council.

Miscellaneous Item

Councilmember Shaw recently returned from a trip to Iceland, where she invited Vestmannyjar, Iceland, to be a sister city of Spanish Fork. She reported on events which took place during her trip.

Adjournment

Councilmember Barber made a **motion** to adjourn the regular session of the Spanish Fork City council and convene the executive session of the meeting at 10:45 pm. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.