

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**December 18, 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 led by Annalece Boothe, Park School Studentbody President.

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

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Kent R. Clark, Finance Director; Dee Rosenbaum, Public Safety Director; Steven Money, Fairgrounds Manager; and Gina Peterson, Deputy Recorder. City Planner Gregory A. Comstock arrived at 8:25 pm. City Attorney S. Junior Baker arrived at 8:30 pm.

Citizens Present: Merrill Hatch, Jered Johnson, Marianne Petersen, Cindy Bradford, Garth Bird, Stephanie Bird, James Demita, Todd E. Holt, Mark Dallin, Kim Peterson, Jessica Stone, Whitney Dahl, Shelley Emery, Annalece Boothe, Susan Boothe, Roger D. Dudley, Cris Child, Rodger Hardy, Deseret News; Roxanna Johnson, Spanish Fork Press; Vic Deauvono, Bruce Hall, and Doug Barber.

### **Minutes**

A **motion** was made by Councilmember Shaw to approve the minutes of the December 4, 1996, and December 11, 1996, meeting of the Spanish Fork City Council as presented. The **second** was made by Councilmember Barber and the motion **passed** with a unanimous vote.

### **Agenda Request - Shelley Emery - Park Elementary School**

Mrs. Shelley Emery, 5th grade teacher and studentbody advisor at the Park Elementary School discussed instigation of a literacy program at the Park School and in Spanish Fork City. Mrs. Emery explained the "mentorship" program at the Park School in which the 5th grade students read one-on-one with the 1st grade students. Student Body President Annalece Boothe addressed the council and expressed her desire to be involved in developing a literacy program. On behalf of the student body council and the teachers at the Park School, Ms. Boothe asked for the City Council's support in founding a literacy program. Additional discussion took place regarding the need for literacy programs, financing of programs, and training of volunteers. Councilmember Shaw expressed her feeling that literacy programs are a much needed service in communities. She stated in order to function in today's world, the ability to read is critical. Mayor Huff stated the Council would discuss the literacy program. She thanked Ms. Boothe and Mrs. Emery for their presentations and expressed the Council's support for the ideas presented.

### **Independent Auditor Approval**

Utah State law requires municipalities to have a yearly independent audit performed. Mr. Clark stated Mr. Greg Ogden, CPA, has been doing the Spanish Fork City audit for the past three years and has submitted a proposal to continue the audit for another three years. He explained the audit falls under the "professional services category" and therefore does not have to be put out to bid. Mr. Clark stated

in past years, the audit has usually been bid out when a contract expires. He explained this has helped to get a competitive price. The Council was asked their feeling on extending Mr. Ogden's contract or putting the audit out to bid. The advantages/disadvantages of keeping auditors for longer periods of time was discussed. Mr. Kim Peterson, Peterson and Associates, stated the City has re-bid every three years for the past twelve years. Mr. Peterson explained it is not unusual to re-appoint the same auditor after three years, but since the audit has been bid out every three years he felt it should continue to be re-bid. He explained the State will bid an audit for three years with the option to renew for another three years. He also stated based on the performance of the auditor, if the State is not satisfied, the contract can be terminated after the first year.

Councilmember Barber **motioned** to re-bid the annual City audit for a three-year contract with a three year renewal option based upon the auditor's performance and price. At the City's discretion, the contract may be terminated after the first year if work is not satisfactory. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Mr. Peterson asked the Council to give consideration to what the people at his firm give to the City. He noted various areas of civic service as well as paying taxes, utilities and wages in the City. Mr. Peterson feels because his firm has forced the bid for the last twelve years they have saved the City money by keeping bid prices competitive.

### **1997 Meeting Schedule**

Mr. Clark reviewed the proposed City Council meeting schedule for 1997. Councilmember Woodhouse expressed his desire to change Council meetings from the first three Wednesdays to the first three Tuesdays of each month. Discussion took place on the proposed change.

A **motion** was made by Councilmember Woodhouse to hold Spanish Fork City Council meetings as of January 1, 1997, on the first three Tuesdays of each month, pending holidays or scheduling conflicts. Councilmember Shaw **seconded**, and the motion **passed** unanimously.

### **Preliminary Plat - Kramer Subdivision**

Mr. Heap explained the proposed creation of a flag lot on Mr. Mark Dallin's property at approximately 500 North and 900 East. The proposed Lot 2 (flag lot) contains a duplex, and proposed Lot 1 would be a single family lot. Councilmember Shaw noted this would be the first flag lot under the new Spanish Fork City Zoning Ordinance. Mr. Heap stated both the Planning Commission and Development Review Committee recommend the Council's approval of the Kramer Subdivision.

Councilmember Barber made a **motion** to approve the Kramer Subdivision Preliminary Plat. Councilmember Shaw **seconded** and the motion **passed** with a unanimous vote.

### **Spyglass Business Park - Preliminary Plat**

Mr. Heap explained the Spyglass Business Park Preliminary to the Council. He stated the Development Review Committee and Planning Commission recommend approval of the Preliminary Plat.

A **motion** was made by Councilmember Swenson to approve the Spyglass Business Park Preliminary Plat. The **second** was made by Councilmember Shaw, and the motion **passed** unanimously.

## Bid - Fairgrounds Riding Arena Addition

Mr. Heap reviewed the bids for the Fairgrounds Riding Arena addition. Mr. Money explained the purpose of the addition is to keep the fairgrounds updated and in the competitive market. The addition will allow more room for future use and will include the installation of bucking shoots to make the arena a more useable indoor arena. Mr. Heap recommended the low bid of \$86,176 from RB Construction for the addition. The council discussed the riding arena addition. Councilmember Barber suggested that due to this being the third or fourth project over budget, future budgeting take place at the architectural stage.

*\*\*Note: City Planner, Gregory A. Comstock arrived at 8:25 pm.*

Councilmember Swenson stated he has received a lot of positive comments regarding the fairgrounds. He expressed the need to maintain the fairgrounds in order to have continued success. A **motion** was made by Councilmember Swenson to accept the bid of \$86,176 from RB Construction for the Fairgrounds Riding Arena Addition. Councilmember Woodhouse **seconded** the motion, and it **passed** with a unanimous vote.

Other bids received:

Dave Gashler	\$104,500
KBR Systems, Inc.	\$95,039
Star Building Systems	\$97,167
Larry Warren	\$111,111
Fish Construction	\$95,860
Bliss Construction	\$119,448

The Council discussed future fairground projects including parking issues and replacing the 50-60 year old grandstand.

*\*\*Note: City Attorney S. Junior Baker arrived at 8:30 pm.*

## Appointment of New Board and Committee Members

Councilmember Shaw made a **motion** to ratify the appointments of the new 1997 Board and Committee Members as recommended by Mayor Marie W. Huff, to take effect January 1, 1997. The **second** was made by Councilmember Huff, and the motion **passed** unanimously.

Appointments were ratified as follows:

AIRPORT BOARD	Ray L. Thomas, Spanish Fork Representative (RE)
ARTS COUNCIL	Councilmember Thora L. Shaw (RE)
BOARD OF ADJUSTMENT	Brad Tanner

	Susan Davis, Alternate
FIRE/AMBULANCE BOARD	Carol Davis, Ambulance L.D. Harrison, Fire Department
PLANNING/ZONING COMMISSION	Councilmember Matthew D. Barber Kevin Baadsgaard
SENIOR CITIZENS	Councilmember Clyde A. Swenson (RE)
LIBRARY BOARD	Councilmember Clyde A. Swenson

(RE) = Re-appointed

### DJ Elite Development Agreement

Mr. Oyler reviewed the concept of the Spanish Trails development and different aspects of the Development Agreement. Title insurance on the property was discussed. Attorney Baker, Mr. Heap and Mr. Deauvono were directed to work out final details on the title insurance. Mr. Comstock noted the zoning designation on the plat stated R-2 but should read R-1-8.

Mr. Oyler reviewed the remaining steps in the DJ Elite Development Agreement as follows:

1. The Development Agreement will be signed by the three parties of DJ Elite and the Mayor by Monday, December 23, 1996. If the signed Agreement is not received on or before the specified date, the project will be void.
2. Approved CC&R's will need to be received before closing. Problems in the CC&R's need to be corrected before closing or the project will be nullified.
3. Closing will take place on January 6, 1997. The project will cease if closing does not take place by January 6, 1997, (unless delay is caused by the title company).

Mr. Deauvono anticipated four model homes would be ready by the end of June. He also stated grading of the first phase would be completed by June. Mr. Deauvono committed to having an all purpose road ready before any building permits would be issued.

A **motion** was made by Councilmember Woodhouse to authorize Mayor Huff to enter into the Spanish Trails Development Agreement and Real Estate Purchase Agreement with DJ Elite Development subject to the signed Development Agreement being received on or before December 23, 1996, approved CC&R's being received by or before closing, and closing of the property taking place by January 6, 1997. The **second** was made by Councilmember Swenson, and the motion **carried** with **majority** vote of 4:1. Councilmembers Barber, Huff, Woodhouse and Swenson voted in favor of the motion, and Councilmember Shaw voted opposed.

Mr. Oyler explained to citizens present that due to the property for the Spanish Trails development being sold by the City, the procedure the City had gone through with DJ Elite was not typical of normal land development.

### **Adjournment**

Councilmember Shaw **motioned** to adjourn the regular session of the Spanish Fork City Council and convene the Executive Session at 9:25 pm. Councilmember Huff **seconded**, and the motion **passed** unanimously.