

**Adopted Minutes  
Spanish Fork City Council Meeting  
March 11, 1997**

The meeting was called to order at 7:00 pm by Mayor Marie W. Huff. The pledge of allegiance was led by local student Trent Anderson.

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; Mary-Clare Maslyn, Assistant City Manager; Gregory A. Comstock, City Planner; Richard J. Nielson, Assistant Public Works Director; Dee Rosenbaum, Public Works Director; Kent R. Clark, Recorder/Finance Director; Jeff Foster, Electric Department Superintendent; Steven Money, Fairgrounds Manager; and Gina Peterson, Deputy Recorder.

Citizens Present: Dustin Anderson, Michael Ramirez, Devin Anderson, Matt Atchison, Mark Ramirez, Dennis Wolfley, Dean Wolf, Greg Ogden, Carol Ogden, Karen Payne, Chamber of Commerce; Kim Peterson, Kevin Madson, Trent Anderson, Paul Bliss, and Stacy Bliss.

### **Minutes**

Councilmember Shaw made a **motion** to approve the minutes February 18, 1997 meeting of the Spanish Fork City Council as presented. Councilmember Barber **seconded** the motion, and it **passed** unanimously.

### **Citizen Recognition**

Mr. Trent Anderson was recently award the Prudential "Spirit of Community" award for the State of Utah. Mr. Anderson talked about the 12'x14' memorial he built in Benjamin. This memorial explains the history of Benjamin. He won \$1,000 and a chance to compete on the National level. The Mayor presented Mr. Anderson with a certificate of recognition. Trent attends middle school in Spanish Fork.

### **Miscellaneous**

Councilmember Swenson discussed water and flooding problems at the Senior Citizens Center. Mr. Nielson stated this problem was in the process of being fixed.

### **Resolution 97-02: A Resolution Proclaiming March 1997 Red Cross Month**

The Mayor stated the Red Cross organization is celebrating it's eightieth year in Utah County and as such would like to proclaim March 1997 as Red Cross Month.

A **motion** was made by Councilmember Shaw to adopt Resolution 97-02: A Resolution Proclaiming March 1997 Red Cross Month. The motion was **seconded** by Councilmember Huff, and it **passed** with a unanimous vote.

**1997 Stall Bids**

Mr. Clark reviewed bids received for construction of fifty stalls at the Spanish Fork Fairgrounds. Thirty stalls will be constructed in the small indoor arena with the remaining twenty stalls going in the dairy barn. Mr. Money stated the proposed stalls will be installed in the next six weeks. Mr. Clark recommended the low bid of \$25,000 from John Robertson of W-W Livestock in Springville.

Councilmember Swenson **motioned** to accept the bid from John Robertson in the amount of \$25,000 for construction of fifty stalls at the Fairgrounds. Councilmember Woodhouse **seconded**, and the motion **passed** with a unanimous vote.

Stall Bids Received:

BIDDER	Front Panel	Side Panel	Other	TOTAL
Sundowner Trailers; Springville	\$ 293.00	\$ 325.00	\$98.00 (Connector columns, plates, & bolts for each front piece)	\$ 48,475.00
Powder River; Provo	\$ 282.00	\$ 218.00	\$400.00 (Shipping)	\$ 33,902.00
Eddie Alan Livestock; Santaquin	\$ 225.00	\$ 180.00		\$ 27,250.00
John Robertson; Springville	\$ 190.00	\$ 175.00		\$ 25,000.00

**Independent Audit Bids**

The Council recently requested bids for the yearly audit. Mr. Clark stated four bids were received with the low bid of \$8,485 per year for three years from Gilbert & Stewart in Provo. The three year audit contract has the option to terminate after the first year if the audit is performed unsatisfactorily. Councilmember Barber noted a conflict of interest in that his place of employment writes all insurance for Gilbert & Stewart. Councilmember Swenson asked if certain cities give a five to ten percent preference over the low bid to bids from local businesses. Mr. Clark stated he only knew of two cities with that policy, but Spanish Fork City's policy is the award of a bid goes to the lowest responsible bidder.

A **motion** was made by Councilmember Woodhouse to accept the bid from Gilbert & Stewart in the amount of \$8,485 for the FY 97 audit. The **second** was made by Councilmember Swenson, and the motion **passed** with a **majority** vote of 3:1. Councilmembers Swenson, Woodhouse, and Huff voted in favor of the motion; and Councilmember Shaw was opposed. Councilmember Barber abstained from voting due to conflict of interest.

*\*\*Note: The previous motion was rescinded in action taken later in the meeting. Refer to line number 141.*

**Audit Bids Received:**

AUDIT FIRM	FY 1997	FY 1998	FY 1999	TOTAL
Squire & Company	13,500	13,500	13,500	40,500
Kim Peterson & Associates	9,750	9,900	10,000	29,650
Greg Ogden, CPA	9,200	9,400	9,600	28,200
Gilbert & Stewart	8,485	8,485	8,485	25,455

**Ordinance 04-97: An Ordinance Rating Contractors**

Mr. Nielson reviewed Ordinance 04-97 with the Council. He explained in light of recent problems the City has had with some contractors, this ordinance would allow the City to rate a contractor based upon their job performance. To ensure a fair rating each job will be rated by two separate people. Out of the 100 points possible, seventy-five is the lowest satisfactory score. If a contractor has two projects rated under seventy points within a five year period, that contractor will not be allowed to bid until the five year period has passed. Mr. Nielson discussed the evaluation form to be used in the rating process. This form will be reviewed with the contractor in a preconstruction meeting, as well as after any project. The contractor will also be required to sign the evaluation form. The Council discussed hypothetical situations. Councilmember Huff suggested reviewing a contractor's progress mid-way through the project. Councilmember Swenson asked if the rating system was in place in other cities. Mr. Nielson is not aware of any cities using this procedure yet. He stated it was derived from a program UDOT uses to rate their contractors. Councilmember Huff noted various areas on the ordinance he felt should be worded differently.

After further discussion, Councilmember Huff made a **motion** to adopt Ordinance 04-97: An Ordinance Rating Contractors, to be effective immediately with noted verbiage changes. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

**Discussion on Resolution 97-03: A Resolution Adopting Utah Municipal Power Agency's Integrated Resource Plan**

Mr. Foster addressed Resolution 97-03. He noted the ordinance would not be formally adopted

until March 18, 1997. The Mayor asked Mr. Foster if anything could be done to minimize escalated utility costs. Mr. Foster stated an energy audit could be performed on an individual home. The energy audits are available to all residents and assess what areas energy could be saved to decrease utility costs. Various energy saving solutions were discussed. The Mayor and Council thanked Mr. Foster for his time spent on this ordinance.

### **Discussion of Impact Fees Study**

Mr. Oyler gave a brief history on why impact fee studies are now required. The Council discussed the latest version of Spanish Fork City's Impact Fee Study from Tischler and Associates. The Impact Fee Study will be discussed in detail at the public hearing scheduled for March 18, 1997.

### **Other Business**

Mr. Paul Bliss was present to protest the Council's recent decision regarding the Library change orders. The City Council had previously approved the change orders subject to the architect, Kevin Madson's revisions. Mr. Bliss is in disagreement with Mr. Madson's revision to change order #1 regarding the de-watering of the elevator shaft. Mr. Bliss feels the 4" pump at a total pumping cost of \$8,549 was necessary to pump groundwater from the elevator. Mr. Madson had recommended the Council's approval of a 2" pump at a total pumping cost of \$855. Due to Mr. Heap's absence, Mr. Oyler suggested Mr. Bliss meet with certain City Councilmembers, Mr. Heap, and Mr. Madson. A member of the Council could then present a summary to the entire City Council at a later meeting.

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Chief Rosenbaum discussed ways to reduce underage alcohol sales. He suggested the Council consider an ordinance which would prohibit the sale of alcoholic beverages through drive-up windows. Many cities throughout Utah are adopting similar ordinances in an effort to reduce underage alcohol sales. Concern with underage smoking was also discussed. The City Council directed Attorney Baker and Chief Rosenbaum to create an ordinance for adoption regarding the alcohol issue. Chief Rosenbaum stated he would communicate with local businesses that sell beer to get their opinions.

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Councilmember Shaw reported on the Miss Spanish Fork Pageant held on March 8, 1997. Mandi S. Morley, daughter of Ray and Sandy Morley was crowned the new Miss Spanish Fork. Attending Miss Spanish Fork are Christina Leigh Butler (first attendant), daughter of Brent and Janet Butler; and Marianne Powers (second attendant), daughter of John and Jean Powers. Councilmember Shaw stated the pageant was very well attended and was a superb display of the exceptional talent in Spanish Fork City.

Councilmember Shaw gave a summary of the recent Arts Council Writers Workshop. The workshop went very well with approximately 140 people in attendance.

## **Adjournment**

Councilmember Shaw made a **motion** to adjourn the regular session of the Spanish Fork City Council and convene the executive session at 8:50 pm to discuss the purchase of property. The **second** was made by Councilmember Huff, and the motion **passed** unanimously.

## **Adjournment of Executive Session**

A **motion** was made by Councilmember Swenson to adjourn the executive session of the Spanish Fork City Council and reconvene the regular session at 10:35 pm. Councilmember Barber **seconded** the motion, and it **passed** with a unanimous vote.

## **Independent Audit Bids**

Mr. Clark reviewed the proposed audit contract with the Council. The contract states the audit will be granted for three years subject to an annual evaluation and possible termination if the audit is not performed satisfactorily. After three years, the audit may be extended to subsequent years if approved by the City Council.

Councilmember Woodhouse **motioned** to **rescind** his previous motion regarding the award of the annual audit to Gilbert and Stewart for FY 97. Councilmember Swenson **seconded** the rescind and the motion **passed** with a unanimous vote.

A **motion** was made by Councilmember Woodhouse to accept the bid from Gilbert and Stewart in the amount of \$25,455 for the annual audit as per the audit proposal for three subsequent years subject to annual evaluations. The **second** was made by Councilmember Swenson, and the motion **passed** unanimously. Due to previously stated conflict of interest, Councilmember Barber abstained from all voting regarding the audit bids.

## **Adjournment**

Councilmember Shaw made a **motion** to adjourn the meeting of the Spanish Fork City Council at 10:43 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.