

**Adopted Minutes
Spanish Fork City Council Meeting
October 14, 1997**

The meeting was called to order by Mayor Marie W. Huff at 7:00 pm. The pledge of allegiance was led by Alecia Roach.

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

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Gregory A. Comstock, City Planner; Dee Rosenbaum, Public Safety Director; Steven Money, Fairgrounds Manager; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Susan L. Romero, and Karen Payne, *Chamber of Commerce*; Arlene Olsen, Lant Olsen, Glenn James, Gary Nelson, Alecia Roach, Benson Bird, Greg Bird, Christy Ann Stephenson, Regan Jones, Sandra Fox, Maria Peterson, James DeMita, Kendall Robins, *Ensign-Bickford Company*; Jeff Curtis, Dave Olsen, Lil Shepherd, and Gordon Jones.

Minutes

Councilmember Barber made a **motion** to approve the minutes of the October 7, 1997, meeting of the Spanish Fork City Council with noted amendments. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

Agenda Request - Lant B. Olsen

Mr. Lant Olsen owns the Bella Via Reception Center located at 519 North Main Street. He recently purchased the vacant lot behind the reception center for use as a parking lot. The Olsen's installed a "Bella Via Parking" sign in the planter strip directly in front of the parking lot. Because the sign is in the City's right-of-way, and a building permit was not obtained prior to installation, the sign must be removed.

Mr. Olsen approached the Council with a request that the sign be allowed to remain. He stated the sign is not an embarrassment to the City, and the parking lot has helped eliminate vehicles parking on the street. Councilmember Shaw stated the sign is beautiful. She clarified the reason the sign must be moved is not because it is unsightly but because it is located in the City's right-of-way. Mr. Olsen asked why bus stop benches are allowed in the City right-of-way. Mr. Oyler answered it was the Council's opinion that the benches were a service to citizens, and did not count as signage. Mr. Comstock explained bus benches are considered a utility. Councilmember Shaw noted that had Mr. Olsen obtained a building permit, he would have been told the sign could not be placed in the City's right-of-way. Mr. Olsen stated he was not aware he had to acquire a building permit for the sign. He feels the sign will help his business as he is

competing against churches in the area that do not charge for their use. Members of the Council agreed that Mr. Olsen's business is a benefit to the City. Councilmember Huff explained that if Mr. Olsen's sign was allowed to stay, it would open the door for many other businesses to install other signs in the City's right-of-way. It was the consensus from the Council to follow City Ordinance and require removal of the Bella Via parking sign.

Suggestions were made as to where Mr. Olsen could legally place the parking sign. Councilmember Shaw asked if the City could help move the sign to a different place. City Engineer Richard Heap felt the City could provide assistance in preparing a new location for the sign, but he feels a release for damages will be needed if the City actually helps move the sign. Mr. Olsen wasn't sure if the sign could be moved, but he stated if it was cracked, it could be repaired. The Olsen's were directed to work with Mr. Heap in moving the sign.

Agenda Request - Santaquin Fire Department

Mr. Oyler explained Santaquin City has requested to purchase the City's surplus generator to be used by their Fire Department. Santaquin City asked if Spanish Fork City would be willing to donate the generator, but also stated they would be willing to pay up to \$500 for the generator if it was not donated.

Councilmember Woodhouse felt the Council owed it to taxpayers to collect some money on an item where funds were originally expended. He **moved** to sell the Fire Department's surplus generator to Santaquin City for the amount of \$400. Councilmember Barber **seconded** the motion, and it **carried** with a **majority** vote of 4:1. Councilmembers Barber, Huff, Swenson, and Woodhouse voted in favor; Councilmember Shaw was opposed, stating she felt the generator should be donated.

Ensign-Bickford Proposal on Secondary Irrigation

The Ensign-Bickford Company (formerly Trojan) has submitted a proposal to the City concerning their need to pump groundwater from the contaminated area near their plant. This would help flush contaminants from their ground. The water will be discharged to the river when the flow is great enough to dilute the nitrates below a level established by the State. Mr. Heap recommended to Mr. Kendall Robins from Ensign Bickford ("EBCo"), in earlier discussions that the water could be used in the City's secondary irrigation system during the irrigation season. Mr. Robins outlined many advantages the proposal would have to the City. He noted EBCo would be responsible for treatment of the water, and installing the wells for diversion of the water. The second phase of the proposal includes EBCo paying seventy-five percent (75%) of the cost to install this portion of the irrigation system. The design of the system would meet City standards. Mr. Robins stated he does not intend the City to spend any money on EBCo's behalf.

Much discussion took place regarding the proposal. Councilmember Swenson asked what time parameters have been set for completion of the project. Mr. Robins stated they would like to install the wells during the Spring of 1998. After that time, they would coordinate the project

with the City's secondary irrigation schedule.

Mr. Oyler asked who would provide power to EBCo for pumping of the water, as part of the agreement might include using Spanish Fork City power. Mr. Robins explained they currently use Utah Power & Light. He noted UP&L has an interest in continuing to provide their power.

Discussion took place regarding facilities, including wells and pipes, to be installed. Mr. Robins stated when the contaminated area becomes clean, EBCo will no longer have use for the facilities. He feels the wells could potentially become City wells.

Mr. James DeMita asked about the possibility of the treatment process breaking down. He expressed concern that people might drink contaminated water. Mr. Robins explained the carbon treatment is the most effective way to treat contamination. He stated the treatment process has virtually no failure modes, unless a pipe were to burst. Mr. Oyler further explained the water would be used in the secondary irrigation system, which should not be used for drinking water, but for irrigation/watering purposes only.

Mr. Robins requested an agreement from the Council regarding their intentions of EBCo's proposal. He would like to present this agreement to the State at a meeting in November. It was suggested that a member of the City Council meet with Mr. Robins, Mr. Oyler, and Mr. Heap to further review the proposal and agreement. The item will be revisited at a later date.

Easement for the Bureau of Land Management on the Crab Creek Line

The Crab Creek pipeline, to be installed this fall and winter, will cross some Federal Government land administered by the Bureau of Land Management (BLM). Therefore, an easement is needed from the BLM. Mr. Heap explained they have agreed to the easement, but BLM has also requested a formal resolution from the City Council finalizing the easement request.

A **motion** was made by Councilmember Shaw to approve a resolution requesting an easement from the Bureau of Land Management for the Crab Creek pipeline. The motion was **seconded** by Councilmember Huff, and it **passed** with a unanimous vote.

***NOTE: The Resolution has been created as 97-21: A Resolution Requesting an Easement from the Bureau of Land Management.*

Resolution 97-13: A Resolution Authorizing Legal Action Against Strawberry Water Users

Spanish Fork City owns various amounts of water in the Strawberry area of the Central Utah Water Project. The Strawberry Water Users Association was created to assist in the delivery and distribution of this water, but even after repeated negotiations, the Association has refused to recognize certain transfers of the project water to Spanish Fork City. Strawberry Water has been issuing assessments to various property owners for this water. Mr. Heap explained the Department of Interior and the Bureau of Reclamation have agreed that the "1920 Act" should allow the water transfer to take place. He stated an initial agreement was previously reached between the City and Strawberry in 1983, but the agreement was soon withdrawn by Strawberry

Water. City staff feels it is time to push the water issue further and recommend approval of Resolution 97-13 to begin legal action.

Councilmember Swenson **moved** to authorize legal action against Strawberry Water Users by Resolution 97-13. Councilmember Woodhouse **seconded**, and the motion **passed** unanimously.

Bids for Bucking Chutes at the Fairgrounds

Mr. Oyler reviewed bids received for additional bucking chutes, corrals and gates at the Spanish Fork Fairgrounds. The budgeted amount for this addition is \$18,000. Mr. Oyler recommended the low bid from Ahlin Livestock in the amount of \$16,831. A **motion** was made by Councilmember Swenson to accept the bid from Ahlin Livestock in the amount of \$16,831 for additional bucking chutes, corrals, and gates at the Fairgrounds. The motion was **seconded** by Councilmember Woodhouse, and it **passed** with a unanimous vote.

Other Bids Received: W.W. Livestock Systems - \$20,178.30

Bids for Extension of Fairgrounds Indoor Arena

Mr. Oyler explained the bid for the thirty foot extension to the Fairgrounds indoor arena was rejected on September 16, 1997, by the Council because it was over budget. The bid has been reviewed by the City and C&A Construction to eliminate some items that can be provided by the City, such as electrical power, and demolition. The elimination of these items reduces the bid amount by \$18,250 bringing the contract within budget for a total of \$102,967.

Councilmember Woodhouse **motioned** to rescind his motion from September 16, 1997, rejecting the bids for the extension of the Fairgrounds arena. Councilmember Swenson **seconded** and the motion **passed** unanimously.

Councilmember Barber **moved** to accept the bid from C&A Construction for addition of the fairgrounds indoor arena with changes as outlined by C&A bringing the total cost of the project to \$102,967. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Approval of Architect Contract for New Outdoor Recreation Complex

An Agreement for Professional Services in relation to the architectural services for the new City recreation complex was presented to the Council. The City has been working with Allred, Soffe, Wilkinson & Nichols (ASWN) for the design of the project. The agreement lists architectural fees as 6.5% of contract price for design work and 3% of the contract price for construction management. Mr. Oyler requested approval of the agreement in order for ASWN to have schematics ready for the informational meetings scheduled in November.

A citizen, Mr. Gordon Jones, expressed opposition to the agreement. He explained he was representing a group of landscape architects who felt the estimated \$389,800 for the design fee was excessive. Mr. Jones did not feel the fee was justified if the Spanish Fork facility was to be

patterned after facilities in other cities. He explained the action as “reinventing the wheel”. Mr. Jones estimated the group he represented could do the project for approximately \$200,000, which he noted would be a substantial savings of taxpayers dollars. Mr. Jones stated he understood the rush to get the project started, but asked what the process would be to revisit negotiations. Councilmember Huff explained the board assigned to evaluate the project looked at a number of architectural firms. He stated John Maas from ASWN was chosen because the City had worked with him before with good results. Councilmember Huff noted fees from the other architectural firms were comparable to those from ASWN. Mr. Jones explained his feeling that if the City could save approximately \$200,000, the issue should be revisited.

A lengthy discussion ensued in which cost and delay of the project were addressed. Mr. Jones listed Dennis Chapman, Melvin Love, Steve Sandstrom, and Ken Harris as those who would be involved in the design of the project. Councilmember Huff stated he would not be objectionable to looking at a bid from Mr. Jones group, but he did not want to delay the project any further. It was Mr. Oyler’s feeling that the bid process could not be opened again for one group, but would have to reopened to all.

Councilmember Huff **moved** to enter into the contract with John Maas of Allred, Soffe, Wilkinson & Nichols. Councilmember Woodhouse **seconded**, and the motion **carried** with a **majority** vote of 4:1. Councilmembers Huff, Shaw, Swenson, and Woodhouse voted in favor of the motion; Councilmember Barber was opposed stating he was not comfortable approving the agreement until he had reviewed it further.

Resolution 97-12: Proclaiming October 1997 as Breast Cancer Awareness Month

A **motion** was made by Councilmember Shaw to approve Resolution 97-12: A Resolution Proclaiming October 1997 as Breast Cancer Awareness Month. The **second** was made by Councilmember Barber, and the motion **passed** with a unanimous vote.

Appointment of Taxing Agency Committee Representatives from Spanish Fork City

Mr. Oyler noted the previous representatives from the Council serving on the Taxing Agency Committee were Kim Peterson and Clyde Swenson. Previous Committee meetings took place during the creation of the Canyon EDA. Mr. Oyler recommended the Council appoint two new representatives due to Councilmember Swenson’s conflict of interest, and the fact that Mr. Kim Peterson was no longer a member of the Council. Councilmember Woodhouse **moved** to appoint Councilmembers Sherman Huff, and Thora Shaw to represent Spanish Fork City on the Taxing Agency Committee. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Shaw made a **motion** to adjourn the regular session of the Spanish Fork City Council and convene the Executive Session at 9:02 pm to review legal issues. Councilmember Huff **seconded** the motion, and it **passed** unanimously.