

**Adopted Minutes
Spanish Fork City Council Meeting
November 16, 1999**

The meeting was called to order at 6:30 pm for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led by Councilmember-Elect Glenn A. James.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Everett Kelepolo, Thora L. Shaw, Lillian J. Shepherd, and Clyde A. Swenson. Councilmembers-Elect Glenn A. James, and Roy L. Johns were also present.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Kent R. Clark, Finance Director/Recorder; Nate Crow, GIS Specialist; Max Sabey, Lead Mechanic; and Gina Peterson, Deputy Recorder.

Citizens Present: Nathan Tanner; Josh Anderson, Dustin Creer, Nate Anderson, Jon Anderson, Dave Olson, Tresa Ahlin, Karen Payne, Susan Romero, Ikani Vaitohi, Jason Binks, Cameron Ehlert, KC Santistevan, Jason Julander, M.C. Harding, Brad Jex, Andie Wiscombe, Devin Henderson, Nick Sidman, Scott Bingham, Clay Bingham, Vanessa Nass, Doug Nass, Mikel Harding, John Hadlock, Ashley Roach, Rebecca Hawkins, Kristen Morgan, Amberly Nielsen, Jeff Hughes, Kathy Jo Porter, Ben Probst, *Gilbert & Stewart*.

Minutes

Councilmember Shepherd made a **motion** to approve the minutes of October 19, 1999 as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Shaw made a **motion** to accept minutes of November 9, 1999 as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Chamber of Commerce

Susan Romero, Chair of the Winter Lights Festival sponsored by the Chamber of Commerce gave a brief overview of this year's activities. The Christmas Lights Parade will be November 26, 1999 at 7 pm.

Chamber President Tresa Ahlin noted UDOT has denied the request to install flags at various crosswalks in Utah County because they are not part of Federal Highway Standards. She indicated the Chamber would still like to pursue the flag concept. Mr. Oyler reviewed a concept where lights are triggered on a crosswalk by motion. Ms. Ahlin indicated the Chamber would like to be involved in any safety improvements to the City's crosswalks. She thanked the City for their help and support.

Change Order - K&P Plumbing

Attorney Baker reviewed the history on the change order for K&P Plumbing. K&P was given a 30 day extension on work contracted by the City. They went 74 days beyond the extension. The contract with K&P assessed liquidated damages of \$500 per day past the contract date. The Council previously approved this change order, but Horrocks Engineers, the construction managers for the project, feel only 54 1/4 days liquidated damages should be assessed. Attorney Baker recommended the Council approve the change order of liquidated damages for 54 1/4 days as it can be proved by Horrocks Engineers.

Mayor Barney stated his personal opinion that the 74 days was justified. He suggested for future situations requiring engineering service people to keep daily logs.

Councilmember Swenson made a **motion** to approve the change order for K & P plumbing for 54 1/4 days liquidated damages at \$500 per day. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

1999 Morley Annexation - Preliminary Approval

GIS Specialist Nate Crow reviewed the proposed Morley Annexation at 630 West 200 North. The eight acres property is vacant and lies within the City's growth management boundary. Mr. Crow indicated the property may be an integral piece in the City's transportation plan as it will complete 630 West. It was noted an annexation called the "Morley Annexation" was approved approximately one year ago. A name change for this annexation was requested.

Councilmember Huff made a **motion** to begin the annexation process for the Morley Annexation subject to the annexation being renamed. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Storm Drain Agreement - Wapiti and Parkside Estates

Attorney Baker reviewed the proposed Storm Drain Agreement for Wapiti and Parkside Estates. The agreement details improvements consisting of installation of 1.73 acre retention basin, including curb, gutter, sidewalk, and park amenities. The storm drainage will be reimbursed through impact fees as they are collected. He indicated staff will present itemized costs once the storm drainage is complete. The retention area will be used as a city-owned park.

Councilmember Shaw made a **motion** to accept the Storm Drain Agreement for Wapiti and Parkside Estates. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Bid - Jet Machine

Finance Director Kent Clark reviewed the bids for a jet machine. The bids came in over budget and therefore need Council approval. Mr. Clark indicated the jet machine is one of the most critical machines in the City next to public safety vehicles. He recommended approval of the low bid from AG Truck Body. It was noted the old jet machine will be kept in reserve until it is

not worth repairing.

Councilmember Swenson made a **motion** to accept the bid from AG Truck Body for the Jet Machine in the amount of \$197,841. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Bid - Golf Course Sand Rake

Mr. Clark present bids for a new sand rake at the golf course. The sand rake prepares the sand traps. \$9,000 was the budgeted amount for the rake, with the low bid coming in at \$9,285. This bid from Rocky Mountain Turf was the only bid to meet specs. The golf course currently has two sand rakes and will surplus one when the new rake is received.

Councilmember Kelepolo made a **motion** to accept the bid for a sand rake at the golf course from Rocky Mountain Turf in amount of \$9,285. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Spanish Trails Bond Extension

City Engineer Richard Heap reviewed the Spanish Trails bond extension issue. DJ Elite purchased property from the City for the Spanish Trail subdivision. They bonded for 200 feet of piping. 100 feet of the ditch piping has been completed by Wildflower Estates. Piping still needs to be complete for the Spanish Trail subdivision.

DJ Elite would like the bond extended as a legal matter. Mr. Vic Deauvono has stated reasons for delay as the irrigation company having too much water in the canal or the City holding them up in some way. In the past, the City Council has felt if the bond runs out and improvements are not done the City should take the bond to finish the improvements. The bonding entity Far West Bank, proposed to extend a letter of credit into February 2001. The bond may be collected or extended at the discretion of Council.

Attorney Baker indicated the City made demand for the money in July and it still has not been sent. Mr. Heap recommended the Council not extend the bond and have staff take care of the improvements. He feels the City has dealt with enough hassle regarding the situation. It was noted construction can still take place, the City would just be holding the bond money instead of the bank.

Mayor Barney feels the Council should be consistent in requiring developers to meet deadlines. Councilmember Shaw asked what the City would do if Far West Bank still doesn't release the bond. Attorney Baker stated the City would have to bring legal action against them.

Councilmember Shaw made a **motion** to deny the Spanish Trails bond extension. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Adjournment to Executive Session

Councilmember Huff made a **motion** to adjourn the regular session of the Spanish Fork City Council and convene the executive session at 7:59 pm to discuss legal issues. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Adjournment from Executive Session

Councilmember Huff made a **motion** to adjourn the executive sessions of the Spanish Fork City Council and reconvene the regular session at 8:21 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Independent Audit Report

Mr. Ben Probst from Gilbert & Stewart presented the Independent Audit Report for 1999 to the Mayor and Council. The report indicates the City is in good standing.

Councilmember Swenson made a **motion** to adopt the annual Audit Report given by Gilbert & Stewart. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Shaw made a **motion** to adjourn the meeting of the Spanish Fork City Council at 8:49 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.