

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**August 1, 2000**

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. At 7:00 pm, the pledge of allegiance was led by Councilmember Roy L. Johns.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Glenn A. James, Roy L. Johns, Everett Kelepolo, and Lillian J. Shepherd.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Emil Pierson, City Planner; Kent R. Clark, Finance Director/Recorder; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; John Bowcut, IS Director; Jack Swenson, Parks and Recreation Director; Jeff Foster, Electric Superintendent; Nate Crow, GIS Specialist; Juan Garrido, Utility Tech I; Pat Nelson, Office Clerk; Janeen Thomas, Receptionist/Business License Clerk; Pam Bradley, Public Safety Secretary; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson and Janis Nielsen, Spanish Fork Press; John Mendenhall, Spanish Fork River Commissioner; Linda Hansen, Ron Davis, Lorraine Davis, Janet Johnson, J. Robert Johnson, Stephen Fish, Robert Serrine, Tyson Bradley and Mystère Sapia, Concrete Products Company; Russell Jensen, Jeff R. Mounteer, J. Rush Bowers, Bill Thompson, Chantal Thompson, Bill Beck, Carol Beck, Harold E. Davis, Deon Ludlow, Mary Isaac, Genevieve Larsen, Glen R. Larsen, Rex E. Larsen, John Hal Johnson, Betty Rae Larson, Ted W. Larson, Ron Beck, Renae Shepherd, Wade Shepherd, Danny Hansen, Scott Dansie, AT&T; Paul Prior, Robert Desmond, and Merlin Fish.

**New Employee Introductions**

The following new employees were welcomed by the Mayor and Council: Pam Bradley, full time Library Clerk; Janeen Thomas, Receptionist/Business License Clerk; Pat Nelson, Office Clerk; and Juan Garrido, Utility Technician.

**Citizen Recognition - Roxanna Johnson**

Roxanna Johnson has worked for the Spanish Fork Press for approximately four years and has attended Council meetings during that time. Ms. Johnson has recently accepted a position with the Nebo School District. The Mayor and Council recognized her for her service over the years. Janis Nielsen, the new reporter for the Press was introduced.

**Consider an appeal from Concrete Products Company (CPC) to grant a conditional use permit to allow a concrete batch plant in the Light Industrial (I-1) zone**

Councilmember Shepherd made a **motion** to open the public hearings at 7:09 pm. Councilmember

Johns **seconded**, and the motion **passed** with a unanimous vote.

Concrete Products Company (CPC) has submitted an application for conditional use to operate a concrete batch plant at 525 West Arrowhead Trail. The property, owned by H.E. Davis, is located in the Medium Industrial zone (I-2). The Planning Commission denied the request and CPC has appealed the decision to the City Council.

This request went before the Planning Commission on June 7, 2000, where it was tabled to July 5, 2000. Between the two meetings, the applicant determined to move to another site located on the property which was further from residents, and closer to Arrowhead Trail. Many issues were discussed at length during the Planning Commission on July 5. These issues surrounded air quality, dust, water pressure, and noise.

City Planner Emil Pierson reviewed the application with the Council. City Ordinance allows the manufacturing of concrete in the I-2 zone with a conditional use permit. Mr. Pierson noted there are 15 to 20 foot berms surrounding three sides of the proposed site. The batch plant will be located 800 feet from the closest resident. The plant will use City power which will be extended at the applicant's expense.

Prior to operations, a permit from the Division of Air Quality (UDAG) will need to be issued and the City given a copy. IHI Environmental reviewed a history with Ms. Susan Weisenberg of the UDAG. Ms. Weisenberg indicated there have been no air quality violations for CPC in Utah since 1989. CPC has proposed the following additional suggestions to mitigate the dust:

1. Asphalt installation at all ingress and egress routes to the project site;
2. On-site water truck to wet down the area;
3. Use of chemical dust suppressant if necessary (requires UDAG approval);
4. Street sweeping services will be contracted to clean the roads and site entrance as necessary;
5. The entrance area will be landscaped. Existing vegetation will be maintained.

Portable bathrooms and transportable culinary water will be used at the site. The project will also be using City water and must meet the Utah Division of Water Quality requirements. The site will have a 20,000 gallon tank on-site which will be used for the facility. The applicant has indicated their willingness to assist the City in bringing the Fritz Well on-line.

To mitigate noise during the early morning and evening hours, the applicant will install OSHA approved visual alarms (strobe lights) on loaders and other plant equipment. Backing beepers will be used during daytime hours.

Access issues were reviewed. Trucks will enter from Del Monte, then travel to Arrowhead Trail. No CPC trucks will be using Cal Pac Avenue for access.

A traffic study completed by Stantec Consulting concluded traffic generated by the proposed

development will slightly impact the intersection of Arrowhead Trail and Del Monte Road.

Major operations for the plant will go from March to November each year. The proposed hours of operation are 6 a.m. to 8 p.m. Monday through Friday; and 6 a.m. to 2 p.m. on Saturdays. No operation will take place on Sundays.

The Development Review Committee recommended approval of the permit subject to conditions. As previously stated, the Planning Commission's denial is being appealed to the City Council.

Mayor Barney explained the public hearing process and opened the meeting for public input.

Ms. Lorraine Davis, 1533 South Cal Pac Avenue, addressed the Council with concerns regarding air quality, hours of operation, and traffic conditions. She acknowledged the air quality and operation hours have been addressed, but requested the City conduct a traffic impact survey. This survey could then be compared to the survey commissioned by CPC.

Mr. Robert Johnson, 398 West Arrowhead Trail, distributed pictures of the location. He expressed concern with noise from trucks that do not have mufflers. He requested signage be installed that prohibits the use of jake brakes. Mr. Johnson questioned if H.E. Davis does not comply with air quality and noise ordinances, how will the City differentiate that CPC is in compliance.

Ms. Renae Shepherd, 365 West Arrowhead Trail, expressed support for the project. She does not experience problems with truck traffic in the area. Ms. Shepherd stated she is the closest resident to the area, and wanted the Council to realize not everyone is against the proposal.

Mr. Ron Davis, the self-proclaimed "water nut", spoke next. Mr. Davis resides at 1532 Cal Pac Avenue. He is worried bringing the Fritz Well online will not alleviate water pressure problems. He questioned how CPC will be charged for water, and if they will use culinary water to sprinkle the gravel pits.

Mr. Stephen Fish, 513 West Quail Run, also expressed concerns regarding water. He indicated he and other residents at the end of the water line are suffering from an extreme lack of water pressure. Mr. Fish asked if the City can continue to provide residents along Quail Run with water if CPC hooks-up to City water. Discussion took place regarding ownership of the line. Mr. Earl Davis stated CPC is only tapping off a 1½ inch line which should not negatively affect other areas. Mr. Heap stated he will run models to determine other possible recommendations. Mr. Fish indicated he is supportive of CPC coming to the area, particularly since the zone supports the use, his main concern is having water at his location.

Ms. Chantal Thompson, 7947 South Mill Road (County resident), stated she is the closest neighbor to the plant. She requested the Council reconsider the location because of water concerns, dust, and noise. She feels residents will still suffer from noise in spite of the berm. Ms. Thompson noted Santaquin City, and other cities, have turned down similar projects for the sake of residents. She feels

running the plant until 8 pm is unreasonable as residents should be able to have backyard activities without noise and other concerns.

Mr. Bill Thompson, 7947 South Mill Road (County resident), noted CPC has a batch plant near I-15 in American Fork. He visited residents near the American Fork plant who say the noise is not the worst issue, but dirt and dust create large problems. Mr. Thompson stated homes were in the area prior to any gravel operations taking place. He is against the negative impact CPC will bring.

Mr. Harold E. Davis, owner of the property, stated they have given many benefits to property owners in the area. They have run water lines which people have gained from, and they have complied with individual requests of neighbors. He does not feel the cement plant will create a major problem. Mr. Davis stated traffic may increase slightly, but overall there will be less dust, and more oiled roads in place of dusty roads. He noted his company employs approximately 200 people from the community, and they help with taxes and schools. Mr. Davis is not trying to create a problem, and is willing to handle the concerns of the residents.

Mr. Bill Beck, Leland, asked what was the original use of the Fritzi Well. He indicated there are many water users downstream that use the same aquifer as the Fritzi Well. The well his parents use for drinking water has a 2" line and is very fragile. He asked if past history of the Fritzi Well has affected water users downstream by drying their wells.

Mr. Rex Larson, 7605 South 1600 West, noted he had two wells at his feed yards dry up this summer. He asked the Council to consider the original intent of the Fritzi Well. Mr. Larson also expressed concerns regarding increased traffic and enforcing the requirements put on the CPC batch plant.

Mr. John Hal Johnson, 6975 South 2700 West, Benjamin, requested the City do what is possible to keep water available to all residents. He expressed concerns with wells drying out.

Mr. Paul Prior, 1295 South Main, Springville, spoke in favor of following uses for which an area is zoned. He feels the roads and water situation will be improved if CPC is approved. He also stated people have choice of where they live and purchase property.

City Planner Emil Pierson read a letter from Mr. Robert Desmond of Jones Lang LaSalle on behalf of Fritzi Realty. The letter indicates Fritzi Realty is opposed to the conditional use because of the potential negative impact on the residential community. They have asked for additional information, including an environmental impact report.

Mr. Merlin Fish, 474 West Quail Run, expressed concerns with water. He suggested water pressure may be increased if the water line was looped. Mr. Fish does not feel noise will be a concern.

Mr. Ty Bradley, Sales Manager for CPC reviewed items discussed by the residents. Traffic has been alleviated from Cal Pac by truck traffic going from Del Monte Road to Arrowhead Trail. A traffic study completed by CPC has indicated the traffic impact will be minimal. Mr. Bradley stated CPC

operates five batch plants and seven crusher facilities in Utah, all of which are required to comply with all city and State ordinances. He noted CPC has not had any violations. A road will be installed to the site that will not need to be watered, and sweeping companies will be contracted to sweep the roads. Mr. Bradley stated there will be no dirt tracked onto Del Monte.

CPC had originally requested water be brought in by water trucks. Councilmember Johns asked if this was still a viable option. Mr. Bradley stated yes.

Mystère Sapia, Environmental Permit Manager for CPC, stated her job is to obtain State permits and manage compliance, including training of site staff and record keeping. She noted some of the conditions being required are above what the State requires. She stated the plant does not need to operate past 6 pm. Ms. Sapia asked the Council to consider allowing plant operations to begin at 3 am during the summer months because it is difficult to pour concrete in afternoon heat.

Regarding water issues, Ms. Sapia stated their original intent was to truck water in. She does not feel the permit should be denied because of water issues, as CPC has a very viable water source outside of Spanish Fork. Ms. Sapia noted the extra testing being required by the City, for which CPC will be required to pay. Attorney Baker indicated the City Council should determine if water pressure and availability is a CPC issue or really a City issue. He stated the City has the opportunity for CPC to contribute a significant sum for something the City needs--bringing the Fritzi Well on-line. Mr. Oyler indicated if the Well is never going to be used, it needs to be written off the City system as a water source.

Mayor Barney closed the public input portion of the CPC appeal and opened the issue to Council discussion.

Councilmember Shepherd asked if CPC has the same type of operation in American Fork.

Mr. Bradley indicated it is the same operation, but no one can verify where the dust comes from. He noted there are several empty fields, a cement plant and junk yard are in the area as well. Operations in Spanish Fork would decrease some of demand from the American Fork plant. Councilmember Shepherd asked if the Spanish Fork plant would create new jobs. Mr. Bradley indicated they are always looking for truck drivers.

Water issues were discussed in depth. Mr. Heap indicated Engineering has anticipated looping the water lines. Two of the three Fritzi Wells have been capped and will never be used. The City has always anticipated bringing the Fritzi Well on-line as growth progressed to the south. Mayor Barney indicated it has been an extremely dry year and many springs have dried up. He also noted the problem is not unique to Spanish Fork. Attorney Baker stated wells over seventy years old may not be big enough or deep enough to continue to supply water. The City is not liable or responsible to maintain water in private wells.

Councilmember Johns asked if the Fritzi Well would be needed at this time if not for CPC. Mr. Heap stated the well was equipped five years ago, but the City was required to go through a study and determine a source protection plan before the well could be brought on line. If EPA regulations had not

changed, the well may have been in use four or five years ago.

Councilmember James questioned if documentation can be provided which indicates a well has dried out because another well is brought on-line. Mr. Heap indicated it would be hard to argue that there is not some interference. The State guarantees the water is there, but they do not guarantee the level of the water. State law mandates water should be put to the most beneficial use.

Councilmember James stated many of the citizens emotions are due to past history of the area and environmental/natural causes. He stated everyone gets dust when the wind blows and it is not easy to pinpoint where dust comes from. Councilmember James feels the City and residents can work together to solve problems in the area.

Discussion took place regarding the hours of operation. Several Councilmembers expressed opposition to beginning operations at 3 am during the summer. Mr. Steve Fish is a contractor and stated it is not feasible to pour concrete past 1 pm in the summer. Ms. Sapia noted there will be no noise from the trucks as the backing beepers will be turned to strobe lights. She stated the start time of 3 am would only be used in emergency situations or for unusually large jobs. Attorney Baker indicated CPC will still have to meet all City requirements regardless of the time of day their operations begin. After additional discussion, it was determined the plant should open at 6 am with a reevaluation of the operation hours next year.

It was noted if the permit is approved, operation could begin in approximately three weeks.

Mayor Barney stated he agrees with a comment made previously by Paul Prior regarding zoning. The area is zoned for industrial use. Mayor Barney stated the Council needs to act according to the laws of the City and State. He concluded if the Council does not do their job, CPC can take other courses of action.

Councilmember Kelepolo made a **motion** to grant a Conditional Use Permit to Concrete Products Company (CPC) to allow a concrete batch plant in the Light Industrial zone (I-1) at 525 West Arrowhead Trail. The Council makes the following findings with regard to granting the conditional use:

1. The proposed use is consistent with the General Plan. The I-2 zoning designation in the Spanish Fork City Zoning Ordinance allows for a concrete batch plant with approval of a conditional use permit;
2. The use will not be materially detrimental to the health, safety or welfare of the residents because of the conditions to be placed on the use as part of the permit;
3. The site is adequate in size and shape to accommodate the batch plant. The setbacks and earth berm will act as a buffer to adjacent residents;
4. A traffic study completed by Stantec indicates traffic generated by this use will only slightly impact the intersection of Arrowhead Trail and Del Monte Road. CPC states they will not use Cal Pac Avenue;
5. Conditions placed on the permit to operate the CPC batch plant should resolve any anticipated detrimental effects from the plant with regard to air quality, noise, water issues,

and traffic.

The approval will be subject to the following conditions:

1. Hours of operation for the concrete plant will be 6:00 a.m. to 6:00 p.m. Monday through Friday; and 6:00 a.m. to 2:00 p.m. on Saturdays. No operation will take place on Sundays. An amendment to the hours of operation must be reviewed and approved by the Planning Commission.
2. The site, including all buildings, must meet building codes.
3. The applicants will connect to City power at the applicant's expense.
4. The site will connect to the City water system and install a 20,000 gallon water tank to be used for the concrete batch plant, and if needed, for fire emergency purposes, at the expense of the applicant. Filling and draining of the tank is contingent upon the direction of the Engineering Department.
5. The applicant will participate in the cost of equipment for the Fritzi Well to an amount of \$40,000; the City will install and maintain the well.
6. Roads into and out of the concrete plant operation will be sprinkled by water trucks to control dust. A road shall be installed and maintained from the entrance around the batch plant area. This road will either be asphalted or layered with asphalt grindings for dust control. No dirt or mud shall be tracked onto public streets. Concrete plant operations shall use the east entrance only.
7. To ensure the Spanish Fork Fugitive Dust and Emissions Ordinance (Chapter 9.36) is met for the site, the site owner shall be in compliance with this section. This includes, but is not limited to the following portions of this Chapter highlighted below:
  - a) As per 9.36.010(2), The site owner shall control the site in order to keep dust and other types of particulates to a minimum by such measures as wetting down, covering, landscaping, paving, treating, or by other reasonable terms.
  - b) As per 9.36.010(4), The applicant shall maintain control of the establishment premises or plant premises and establishment or plant owner, lease, or controlled access roads by paving, oil treatment, or other suitable measure. (This condition will be met with the completion of the paved road stipulated in Condition 5).
  - c) As per 9.36.010(5), The applicant shall not cause, suffer, allow or permit operations likely to give rise to airborne dust without taking the following precautions to prevent particulate matter from becoming airborne:
    - 1) All unpaved roads and other unpaved operational areas, which are used by mobile equipment, shall be water sprayed as needed because of the weather and/or chemically treated to substantially reduce fugitive dust. Records of treatment shall be made available upon request and shall include a period of two years ending with the date of the request.
    - 2) The truck haul road shall be paved and shall be periodically swept or water sprayed clean as dry conditions warrant. Records of cleaning of paved roads shall be made available upon request and shall include a period of two (2) years prior to the date of request.
    - 3) Water sprays or chemical dust suppression spray shall be installed at the following points to control fugitive emissions: all conveyor transfer points. The spray shall

- operate whenever dry conditions warrant.
- 4) Storage piles shall be watered or chemically treated to minimize generation of fugitive dust as dry conditions warrant.
- d) As per 9.36.010(7), The applicant shall not, after the topsoil has been disturbed or the natural cover removed, allow the same to remain unoccupied, unused, vacant, or undeveloped, without taking all reasonable precautions to prevent fugitive dust from becoming airborne.
8. To ensure that the Spanish Fork Fugitive Dust and Emissions Ordinance (Chapter 9.36) is met by the proposed concrete plant operations, the site owner and operator shall be in compliance with the fugitive emissions and fugitive dust standards as set by the Utah Air Quality Board. To ensure this, the following is required:
- a) A current Division of Air Quality (DAQ) Approval Order shall be maintained by the operation at all times. A copy shall be at the site during operation.
- b) The operator must maintain compliance with the conditions of the Approval Order. A violation of the Division of Air Quality regulations will result in revocation of the Conditional Use Permit.
- c) In order to confirm compliance with the visible emission levels stipulated in the DAQ Approval Order, the operator shall conduct visible emission (opacity) readings on a regular basis, and as requested and approved by the City at the expense of the applicant. At a minimum, these readings shall include weekly observations for the first four (4) weeks of concrete operations, and thereafter twice a year during operations. Opacity observations of emission from stationary sources shall be conducted according to 40 CFR 60, Appendix A, Method 9 and Method 22. Testing documentation shall be submitted to the City for review.
9. An initial visible emission observation (VEO) compliance inspection shall be performed on the concrete plant within 60 calendar days of the start up of the plant equipment at the project site. The testing for VEO's will follow EPA 40 CFR Part 60, Appendix A, Method 9. A copy of the testing shall be submitted to the City for review.
10. As per the operator's Division of Air Quality Approval Order, visible fugitive dust emission from haul-road traffic and mobile equipment in operational areas shall not exceed 20% opacity. Visible emissions observations for traffic sources shall use procedures similar to Method 9. The normal requirement for observations to be made at 15-second intervals over a six-minute period, however, shall not apply. Six points, distributed along the length of the haul road or in the operational areas, shall be used. An opacity reading shall be made at each point when a vehicle passes the selected points. Opacity readings shall be made  $\frac{1}{2}$  vehicle length or greater behind the vehicle and at approximately  $\frac{1}{2}$  the height of the vehicle or greater. The accumulated six readings shall be averaged for the compliance value. These six readings shall make up a single report.
- a) A single report for visible emissions observations of the traffic source of the concrete plant operations shall be conducted on a daily basis for the first two weeks of operations. Thereafter, a report will be required two times by year. All report documentation will be submitted to the City for review.
11. To ensure that the Spanish Fork Noise Ordinance (Chapter 9.32) is met for the site, noise

measurements will be taken for one week prior to operations; then for two weeks after operations have begun; then once a month for six months; then two times a year until the end of operations. A violation of the City Noise Ordinance will result in the revocation of the Conditional Use Permit.

12. If the site owner intends on operating the concrete operations at the project site after December 2003, the applicant shall be required to go through the City's site plan review process. This will include meeting all building codes and health codes for permanent operations.
13. The sight triangle from Del Monte into the site be increased per Engineering Department specifications.
14. Signs for the concrete operation must be approved by the City Planner and a sign permit must be obtained from the City.
15. All testing required by the City shall be at the expense of the applicant with the selection of the testing firms at the sole discretion of the City.
16. The conditional use permit will be reviewed annually to ensure all conditions are being met.

Councilmember Shepherd **seconded**, and the motion **passed** with a **majority** vote of 3:1.

*Councilmembers Huff, Kelepolo and Shepherd were in favor of the motion; Councilmember Johns was opposed; Councilmember James abstained from voting.*

Councilmember Huff made a **motion** to exit the public hearing at 9:00 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Bid - Street Striping Services**

Mr. Heap reviewed and recommended approval on a bid for street striping services for the City's fall street striping program. Only one bid was received from Done Rite Striping in the amount of \$9,000.

Councilmember Huff made a **motion** to accept the bid from Done Rite Striping for the fall street striping program in the amount of \$9,000. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Connectors Agreement with Hearthstone Development for a Sewer Line along the River Bottoms Road**

### **Connectors Agreement with Hearthstone Development for a Storm Drain System**

Attorney Baker reviewed two proposed connectors agreements with Hearthstone Development. One agreement is for a sewer line from Main Street to the old gravel pit on the East Bench. The other is regarding a storm drain line being installed by Hearthstone. Attorney Baker indicated the City has entered into similar agreements with other developers. These services will benefit other areas of the City as they develop. These properties include the upper part of the Spanish Oaks subdivision, the Canyon Crest subdivision, Nebo School District and Harry Davis property on the east bench, as well as Hearthstone's property. The term of the agreement is ten years.

Councilmember Huff made a **motion** to authorize Mayor Barney to enter into a connectors agreement with Hearthstone Development for a sewer line along the River Bottoms Road. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to authorize Mayor Barney to enter into a connectors agreement with Hearthstone Development for a storm drain line. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Interlocal Agreement with Nebo School District Regarding Tennis Courts**

The City is building six lighted tennis courts as part of the new sports complex. The City has offered the School District use of the facilities for the Spanish Fork High School tennis program. In return for this use, the School District will contribute \$150,000 to help construct the courts. Attorney Baker reviewed the interlocal agreement with Nebo School District which spells out details of the transaction.

Councilmember Kelepolo made a **motion** to authorize Mayor Barney to enter into an agreement with Nebo School District regarding the tennis courts at the new sports complex. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Bid - Tennis Courts at the New Sports Complex**

Tennis courts, to be located at the new sports complex, were not part of the original plan of the complex. Since the School District no longer has an area near the high school to build tennis courts, changes were made by the architects ASWN to include them at the sports complex. The tennis courts are planned to go directly west of the present baseball complex.

The estimated cost of the tennis courts was \$272,000. The City budgeted \$122,000, and the School District committed to providing \$150,000. The courts will be constructed of post tension concrete. Parks and Recreation Director Jack Swenson indicated this is a state of the art method for building tennis courts. Bids were opened for the tennis courts today. Only one bid was received in the amount of \$259,998. Mr. Swenson indicated with architectural and design fees the bid amount is \$12,000 over budget. After meeting with the bidding company, Edman Construction, it was found \$12,000 could be cut from construction costs by eliminating various things. Councilmember Huff asked if the changes would be acceptable to the School District. Mr. Swenson stated the changes will not drastically impact the courts.

Mayor Barney stated he understood when the first phase of the sports complex was complete, ASWN Architects would no longer be part of the project. He feels the architectural and design fees have been extremely excessive. Mr. Heap noted City staff is not experienced enough in this area to design the sports complex and tennis courts. Mr. Swenson stated the standard rate of 10% for the architects was included with the bid. Councilmember Kelepolo feels in order to develop quality tennis courts the design and engineering of a professional is needed.

Mr. Oyler stated the City Council hired ASWN to do the entire project. The Mayor feels the City has paid ASWN too much money already.

Attorney Baker stated if the Council wants to proceed with the tennis courts, they can approve the bid as as presented, or conditioned upon bringing the bid into budget.

Councilmember Huff made a **motion** to approve the bid from Edman Construction for tennis courts at the new sports complex subject to adjustments being made to bring the project within the budgeted amount of \$272,000. Councilmember Kelepolo **seconded**, and the motion **carried** with a **majority** vote of 4:1. *Councilmembers Huff, Kelepolo, Johns, and Shepherd voted in favor of the motion; Councilmember James was opposed.*

### **Engineering Design of an HFC Plant for the Cable System**

City staff met with Peregrine Communications and CCS regarding the engineering design of an HFC Plant for the cable system. Mr. Oyler recommend the City Council authorize the Mayor to enter in contract with Peregrine for the design. The price for the design is based on a per mile basis. The original proposal submitted is based on 90 miles.

Councilmember Huff made a **motion** to authorize Mayor Barney to enter into a contract with Peregrine Communications and CCS for the engineering design of an HFC Plant for the cable system. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Engineering Design, Purchase, and Installation of Head End Equipment for the Cable System**

Mr. Oyler discussed the engineering design, purchase and installation of equipment for the head end of the cable system facility. Staff recommends entering into a contract with Peregrine Communications for this service. The contract will be based on the price per unit of each item. The figure may be adjusted depending on entire design of the project. Mr. Bowcut indicated the contract includes all dishes, but the building itself is a separate issue.

Councilmember Johns made a **motion** to authorize Mayor Barney to enter into a contract with Peregrine Communications for the engineering design, purchase and installation of head end equipment for the cable system. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Non-Agenda Item - Water Issues**

Mr. Heap addressed the Council regarding impending water issues. Critical water issues and shortages are occurring throughout the State. The City will end up 448 acre feet short of water from the Spanish Fork River through the end of September if the water use stays constant. The river flows this year are at least half of normal. Mr. Heap gave the following options to maintain water to the residents:

ONE:     •     Rent CUP water on a temporary basis @ \$215 an acre foot (448 acre feet) for a total

of \$96,320.

- TWO:
- Pump the Shop Well at the Fairgrounds to get 120 acre feet over next two months;
  - Rent 328 acre feet of CUP water on a temporary basis for a total of \$70,520.
- THREE:
- Pump the Shop Well to get 120 acre feet over the next two months;
  - Work with citizens to get 10% conservation (an article would be published in the Press requesting citizens decrease water use by 15%);
  - Rent 208 acre feet of CUP water on a temporary basis for a total of \$44,720.
- FOUR:
- Pump the Shop Well to get 120 acre feet over the next two months;
  - 10% conservation from citizens;
  - Cut off surface irrigation and save 201 acre feet to almost make up the needed amount. (The City has 496 irrigation users on 138 acres for a total of 777 acre feet being used.)
- FIVE:
- Pray for a lot of rain.

Spanish Fork River Commissioner, John Mendenhall stressed the gravity of the situation. He stated it is important the City not only clear the issue on a temporary basis for this year, but take steps so water shortage does not continue in future years. He stated change applications for water rights need to be obtained permanently through the State Engineers Office. Mr. Mendenhall noted this problem is not unique to Spanish Fork City. He stated the issue is not growth related, but related to weather and environment.

Discussion took place regarding abolishing surface irrigation, especially if the impact on the culinary system was not greatly elevated. Mr. Heap stated that may be a recommendation given after additional study.

The Council feels if the public is made aware a real problem exists, they will take action through conservation. Mr. Oyler stated the cemetery, golf course and parks may begin to look drier than normal, but the public will understand it is a drought situation.

Councilmember Huff made a **motion** to proceed with the fourth option to obtain additional water with the inclusion that irrigation users will be given one more water turn, and if necessary the City will spend \$10,000 to rent some water from CUP. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

It was noted some irrigation users may request a refund of their money. The Council indicated no refunds will be given.

## **Adjournment**

Councilmember Kelepolo made a **motion** to adjourn the meeting of the Spanish Fork City Council at 10:20 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.