

**Adopted Minutes
Spanish Fork City Council Meeting
December 10, 2002**

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

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Everett Kelepolo, Glenn A. James, Roy L. Johns, and Paul M. Christensen.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Kent Clark, Finance Director/Recorder; Richard Heap, Engineering and Public Works Director; Dee Rosenbaum, Public Safety Director; Claire White, Treasurer; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Ben Probst, *Gilbert and Stewart*, William Gray, Lawrence Gray, Jeff Diamond, Jesse Christopher, Jessica Sadowski, Mariah Cowley, Jason Hutchings, John Hawkins, Ginger Christopher, Fawn Christopher, Lynnette Diamond, Gary Cowley, Joshua Cowley, Taylor Cowley, Mark Cowley, Gregory Jensen, Pat Christianson, Frank Christianson, Whitney Swain, and Carlie Carlton.

Minutes

Councilmember Huff made a **motion** to approve the minutes of the December 3, 2002, city council meeting with changes as noted. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Spanish Fork High School Marching Band

Mayor Barney recognized the Spanish Fork High School Marching Band. Mr. Hawkins introduced Mariah Cowley, the Drum Major, and had the band members stand. Mr. Hawkins also introduced Larry and William Gray, the Band Co-Presidents, and Pat Christianson, the Band Booster President. The band won ten trophies, with four belonging to the drum line. The band won the last two championships participated in and claimed the title of Utah State Marching Band Champions in their class.

Mayor Barney commended the Spanish Fork High School Marching Band for their progress and for the trophies they have won. He thanked the members of the band and their parents for the service to the community by representing Spanish Fork High School and Spanish Fork City.

Members of the High School Band are as follows: John Hawkins, *Band Director*; Pat Christianson, *Band Booster President*; Larry and William Gray, *Band Co-President*; Josh Johnson and Danny Smith, *Drum Line Instructors*; Mariah Cowley, *Drum Major*; Keriann Bailey, Jeni

Broderick, Alex Hale, Tiffany Roberts, Jessica Sadowski, Natasha Broadhead, Alene Davis, Amy Porter, Julie Sabey, Jenny Ames, Eric Baker, Becky Tasker, Kaleb Astle, Amanda Harding, Sam Wheeler, Daniel Carter, Craig Hutchings, Megan Bingham, Adam Hill, Jason Hutchings, Logan Pulsipher, Laurie Tranchell, Christine Whatcott, Jeanette Laflamme, Brian Taylor, Kyle Weatherspoon, Jeff Baker, Larry Gray, Becky Johnson, Kyle Olsen, Jeff Diamond, Nic Jensen, Ammon Morgan, Tyler Warren, Steffanie Byers, Carlie Carleton, Kevin Cannon, William Gray, Colin Hill, Trevor Burns, Sean Lefevre, Bobby Hale, Brad Allred, Wesley Warren, Jesse Christopher, Nik Halverson, Gabe Bonnell, Tyler Lewis, Kelly Anderson, Mike Davis, Julie Lane, Curtis Heaton, Whitney Swain, Laurie Couey, Jace Adams, Allison Dillman, Joel Adams, *Band Members*; Emily Bell, Jamie Grace, Taylor Thorpe, Melissa Christensen, Melyssa Ottesen, and Cyndi Whiting, *Flags*.

Appointment of Boards, Committees, and Officers

Mayor Barney stated the appointment of Boards, Committees, and Officers will be postponed until the December 17, 2002 council meeting.

Independent Audit Report

Mr. Clark said an independent audit report was prepared by Gilbert and Stewart as required by the State Code. Ben Probst from Gilbert and Stewart is present to review the audit and answer any questions from the city council.

Mr. Probst reviewed the independent audit report.

Mayor Barney commended staff for their dedication and hard work and thanked Mr. Probst for presenting the independent audit report.

Councilmember Huff made a **motion** to approve the independent audit report prepared by Gilbert and Stewart for the fiscal year ending 2002. Councilmember Kelepolo **seconded**, and the motion passed with a unanimous vote.

Resolution 02-15 - A Resolution Approving Changes to the Cafeteria Plan

Mr. Clark defined the IRS Flexible Plan, also known as the Cafeteria Plan. Due to the changes with IRS regulations the city's cafeteria plan needed to be updated. Mr. Clark then reviewed the purpose of the cafeteria plan.

Councilmember Kelepolo made a **motion** to adopt Resolution No. 02-15 approving the changes to the Cafeteria Plan. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Utility Easement - Independence LLD, Ray Allen Swenson and Mary Carol Swenson Family Trust, and Strawberry Water Users

Mr. Heap said the Independence LLD easement is located behind K-mart. When the adjacent property owner began to develop it was determined the easement and the power lines were in different locations. Mr. Heap recommended the existing easement be vacated and a new easement approved. There will be no money exchanges concerning the Independence LLD easement

Councilmember Kelepolo made a **motion** to vacate the existing Independence LLD easement and acquire a new easement from Independent LLD Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Mr. Heap said the Ray Allen and Mary Carol Swenson Family Trust easement is for an easement from the Woodhouse Substation to the new Drycreek Substation in Springville. Mr. Heap said the city has a final agreement with one property owner, Ray Allen and Mary Carol Swenson Family Trust, to acquire an easement for their portion of the property. The value of the property was appraised at \$19,300.00.

Councilmember Johns made a **motion** to accept the easement agreement with Ray Allen and Mary Carol Swenson Family Trust for an easement in the amount of \$19,300.00. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Mr. Heap said the third easement is located at The Oaks and the property is owned by Strawberry Water Users. At the time the easement was put in place it was never recorded. At this time Strawberry Water Users have agreed to grant the easement at a cost of \$37,400.00

Councilmember Huff made a **motion** to accept the easement from Strawberry Water Users in the amount of \$37,400.00. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Revision to Hearthstone Development Agreement

Mr. Heap said in 1998 and 1999 Hearthstone wanted to continue to develop in the East Bench. A main transmission sewer line was installed and cost fronted by Hearthstone Development with an agreement to refund a portion of those costs through impact fees. A change order was requested in an amount over \$300,000.00. When the contractor proposed the change order the city found some of the items were justified and some items on the change order were questionable. The change order has been in litigation between Hearthstone Development and the contractor for two years. The contractor has agreed to accept \$84,700.00 as a settlement. The additional \$84,700.00 will be paid back to the contractor through impact fees. Mr. Heap recommended modifying the Hearthstone Development Agreement, increasing the amount by \$84,700.00.

Councilmember Huff made a **motion** to approve modifying the Hearthstone Development Agreement in the amount of \$84,700.00 for the bottoms sewer trunk line. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Other Business

None

Adjournment

Councilmember Kelepolo made a **motion** to adjourn. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 7:50 pm.

Approved: December 17, 2002

Connie Swain, Deputy Recorder