

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**February 3, 2004**

The meeting was called to order at 6:04 pm by Mayor Dale R. Barney. The pledge of allegiance was led by Sam Geslison.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Paul M. Christensen, Everett Kelepolo, Seth V. Sorensen, and Chris C. Wadsworth. Councilmember Matthew D. Barber was excused.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Richard J. Heap, Engineering/Public Works Director; Emil Pierson, Planning Director; Kent R. Clark, Recorder/Finance Director; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; Guy Chang, Electric Meter Technician; and Connie Swain, Deputy Recorder.

Citizens Present: Janice Nielsen, *Spanish Fork Press*, Caleb Warnock, *Daily Herald*, David Adams, *Spanish Vista*, Robert J. Pittelli, Monica Stamm, David Olson, Brian Y. Clark, Cameron J. Peterson, Chad Wilkinson, Amos Sterns, and Russell Fox.

### **Minutes**

Councilmember Kelepolo made a **motion** to approve the minutes of the January 20, 2004, city council meeting as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **New Employee Introduction**

Mayor Barney introduced Guy Chang, the new Electric Meter Technician for the city and welcomed him to the city family. Mr. Chang started working for the city on December 1, 2003.

### **Agenda Request - Frank Santos**

Mr. Santos said he is asking the city council to allow him to proceed with the approval process of the Pine Meadows Subdivision. He is part of the group posting the bond for the drain line. He asked to be treated similar to David Adams and the Spanish Vista Subdivision.

Mr. Adams said from the beginning of his subdivision proposal he advised city staff of another developer who would join him in posting the bond and installing the storm drain line. He said Mr. Santos should be allowed to also proceed with the approval process of his proposed plat with the understanding the recording of the plat and construction will remain on hold until the storm drain bond is posted.

Mayor Barney asked for the current status of the storm drain easements.

Mr. Adams said he has been meeting with property owners and they are moving forward.

Councilmember Christensen asked Mr. Santos for the portion of the storm drain he will be responsible for installing.

Mr. Santos said his and Mr. Adams' portion of the storm drain bond is based on the percent of lots each developer has within his development.

Mr. Pierson said there is one storm drain bond agreed to by Mr. Adams and any arrangements made with Mr. Santos are between him and Mr. Adams. If Mr. Santos is allowed to proceed with the approval process, the earliest his subdivision will be presented to the Planning Commission will be in March. The plat will not be recorded until the storm drain bond is posted.

Mr. Santos said he is prepared to pay for his portion of the storm drain line at this time. Other developers in the area will pay through the connector's agreement after the storm drain is completed.

Mr. Pierson said the city has an obligation to Mr. Adams only.

Councilmember Wadsworth said he has received no information concerning the Pine Meadows Subdivision. He said there are problems with the Master Plan prepared in 1996 and it needs to be updated.

Mr. Baker said any subdivisions submitted with fees paid are vested and will be submitted under the current ordinance.

Councilmember Wadsworth asked how many subdivisions are vested at this time.

Mr. Pierson said there are approximately six subdivisions on the east bench and eight other subdivisions throughout the city, all of which are vested. He also said the General Plan is reviewed and updated every year.

Councilmember Christensen made a **motion** to accept the request by Frank Santos to move forward with the approval process of the Pine Meadows Subdivision. Councilmember Kelepolo **seconded**, and the motion **passed**. Councilmember Wadsworth **opposed** the motion.

### **Proclamation Declaring Marriage Week USA**

Mayor Barney said he received a request from Governor Walker for approval of the Declaration of Marriage Week USA, declaring the week of February 7, 2004, Marriage Week. Mayor Barney read the declaration.

Councilmember Christensen made a **motion** to approve the Declaration of Marriage Week USA, declaring the week of February 7, 2004 as Marriage Week. Councilmember Wadsworth

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

Councilmember Kelepolo made a **motion** to move into the public hearing portion of the meeting. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

**Resolution No. 04-03 - A Resolution Adopting and Approving an Interlocal Agreement Between the Utah Transit Authority (UTA) and Spanish Fork City Expressly Authorizing a Waiver of Fees Pursuant to Section 10-8-2 U.C.A.**

Mayor Bamey reviewed the public hearing procedures.

Mr. Baker said UTA is proposing a light rail line from Brigham City to Payson City. Part of the proposal includes acquiring a corridor impacting 41 entities between Brigham City and Payson City. The public hearing is required due to the request for a waiver of impact, and possibly building fees.

Mayor Barney opened the meeting for public comment. None was given. The public comment portion of the meeting was closed and the meeting was opened for city council discussion.

Mayor Bamey asked if a station is built in Spanish Fork will the city have the ability to impose requirements.

Mr. Baker said since the station would be outside of the corridor, the city could impose requirements such as landscaping.

Councilmember Wadsworth asked if UTA would be responsible for the cost of the station and landscaping.

Mr. Baker said UTA will be responsible for building the station and meeting other requirements as directed by the city. However, currently a station is planned for Payson City and not in Spanish Fork City. He said the city would like a station here, however, there will be many years to negotiate the issue before the light rail system reaches our area. By approving the resolution the city will be showing their support for the light rail system and only building and impact fees will be waived.

Councilmember Kelepolo made a **motion** to adopt Resolution No. 04-03, a Resolution Adopting and Approving an Interlocal Agreement Between the Utah Transit Authority (UTA) and Spanish Fork City Expressly Authorizing a Waiver of Fees Pursuant to Section 10-8-2 U.C.A. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to move out of the public hearing and reconvene the regular session of city council meeting. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

**Easement Agreement - Thomas Property**

Mr. Heap said our Storm Drain Master Plan includes piping and a detention basin in the west side of the city. A section of the line was required to be installed by the LDS Church. Due to a hold up with approval of a railroad crossing the city took over the project and the church is still responsible for a portion of the line. There remains one required easement for Jay and Leon Thomas' property.

Councilmember Christensen suggested taking pictures of fencing in the area before and after the project.

Mr. Heap said as part of the project pictures will be taken.

Councilmember Wadsworth asked Councilmember Kelepolo if he recalled this project on the budget recently.

Councilmember Kelepolo said this item would have been included in last year's budget.

Mr. Heap said the cost for the project will be funded by the church and will be reimbursed through impact fees.

Councilmember Christensen made a **motion** to approve the Thomas Property Easement Agreement as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Bid Award - Storm Drain Project - I-15, 100 South to 100 North**

Mr. Heap said this bid includes connecting into the existing drain at 100 South and I-15 with a 36" pipe installed by the developer of the Wild Flower Subdivision. The line will then run north approximately 1600 feet and include one railroad crossing. The low bid was received from Harper Construction in the amount of \$161,528.90. West Valley City and Salt Lake City have both worked with Harper Construction on substantial projects and they gave positive recommendations. Mr. Heap recommended awarding the bid to Harper Construction.

Mr. Baker said if the bid award is accepted it should be subject to the recording of the Thomas Property Easement.

Mayor Barney said the bid from Harper Construction looks like a fair bid.

Councilmember Wadsworth asked if the city has worked with Harper Construction.

Mr. Heap said his department contacted West Valley and Salt Lake due to the fact they have worked with the contractor and Spanish Fork City has not.

Mayor Barney said Harper Construction is a bonded contractor. Problems with the US 6 main water line were related to engineering. He said the project completed by Harper Construction for West Valley City was a seven million-dollar project and they were pleased with the work. Also, the bid Harper Construction has submitted is fair.

Councilmember Christensen asked Mr. Heap if the project will be monitored.

Mr. Heap said the project will be monitored on a continuous basis.

Councilmember Kelepolo made a **motion** to accept the I-15, 100 South to 100 North, Storm Drain Project Bid Award from Harper Construction in the amount of \$161,528.90, conditional upon the recording of the Thomas Property Easement. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

### **Bid Award - Volunteer Park Center Parking Lot Project**

Mr. Heap said this bid award is for a parking lot between the tennis courts and the existing fourplex at the Sports Park. The original plans for a parking lot were expanded after reviewing the parking demands at the Sports Park. The low bid for this project was received from Staker and Parsons in the amount of \$441,886.32. The city has been pleased with work provided by Staker and Parsons. Mr. Heap recommended accepting the bid from Staker and Parsons as presented.

Mr. Oyler said since the parking lot is substantially larger this budget item will need to be adjusted.

Mr. Robinson reviewed the plans for the area including soccer fields, play areas, and future fourplex locations.

Councilmember Wadsworth asked Mr. Oyler for the increase amount of the larger parking lot.

Mr. Oyler said \$180,000.00 was budgeted for this project originally. However, this is an impact project and the impact fees are used to pay the additional costs.

Councilmember Kelepolo made a **motion** to approve the bid award for the Volunteer Park Center Parking Lot Project to Staker and Parsons in the amount of \$441,886.32. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Cooperative Agreement with UDOT for Flags at Pedestrian Crossing**

Mr. Heap said the Cooperative Agreement with UDOT allows the city to keep the pedestrian flags located at 100 North Main St. Mr. Baker has reviewed the contract.

Councilmember Kelepolo asked concerning the current agreement with UDOT.

Mr. Heap said when the flags were proposed to UDOT a verbal agreement was made allowing the flags on a trial basis. The flags are located in UDOT's right-of-way.

Councilmember Sorensen made a **motion** to accept the Cooperative Agreement with UDOT for

the Pedestrian Crossing Flags located at 100 North Main St. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Change Order - STM Aerotor Basin Addition**

Mr. Heap said upon draining the clarifier at the city water reclamation facility, corrosion of the structural steel was discovered. The corroded areas must be replaced to insure the integrity of the mechanism. The proposed change order is in the amount of \$2,300.00 to Absolute Constructors.

Councilmember Kelepolo made a **motion** to approve the change order for the STM Aerotor Basin Addition Project in the amount of \$2,300.00 to Absolute Constructors. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney said the Mapleton Interlocal Agreement was moved to allow Mr. Baker to present this item.

### **Mapleton Interlocal Agreement - Waste Water Treatment Facility**

Mr. Baker said the original Mapleton Interlocal Agreement was approved several months ago. In order to allow Mapleton City to receive funding for their contribution to the Spanish Fork Treatment Facility the State is requesting several amendments to the agreement. Mr. Baker said the changes are minor and he recommended approval of the amended agreement. Spanish Fork City is selling Mapleton City the use of the facility only. The amendment will not change any amounts to be paid.

Councilmember Kelepolo said the most significant change in the agreement relates to the trunk line. He asked why the trunk line is no longer part of the facility.

Mr. Baker said the original trunk line was owned jointly by both cities. The amendment works to our benefit in that Mapleton City will be responsible for a greater portion of the trunk line, including repairs and maintenance.

Mr. Heap said before the treatment facility was expanded and capacity for the facility was reaching limits it was discovered that Mapleton City's usage was higher than current testing methods were indicating. A study by Aqua Engineering indicated both Mapleton City and Spanish Fork City had reached capacity and upgrades to the system were needed. The state funds received on behalf of Mapleton City will come directly to Spanish Fork City.

Mr. Baker said no penalties were imposed to Mapleton City since higher state testing requirements adjusted the results and no penalties were written into the original agreement. He also said a regional water treatment plant is currently being discussed in 15 years or more. At that time Mapleton City may choose to access the regional facility.

Councilmember Christensen made a **motion** to accept the Mapleton City Interlocal Agreement for Construction, Use, and Maintenance of Joint Wastewater Facility. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

## **Amendment to Water Contract with EsNet and Acceptance of the Assignment of Water Contract with EsNet**

Mr. Baker said in 1996 an initial agreement with EsNet was entered into since they were one of the key sources of culinary water. At that time the land involved was no longer needed by the city, it was sold, and the water rights were retained. EsNet had planned to develop the property, however, their plans changed. At this time EsNet is interested in selling the property to a company located in Georgia. EsNet has asked for an amendment to the original contract allowing the property to be sold in the future without prior approval from the city and the water contract is to be connected to the property.

Mayor Barney asked Mr. Baker to review the situation initiating the water agreement.

Mr. Baker said in the event the property is developed the city will deliver raw untreated water to the property approved, up to 150 connections. The property owner or developer will be required to treat the water and the usage will be metered at the main water connection. The billing will be based on a nonresident rate. EsNet needs approval from the city to sell the property with an amendment to the contract allowing the property to be sold in the future without approval from the city.

Councilmember Kelepolo made a **motion** to approve the Amendment to the Water Contract with EsNet as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Sorensen made a **motion** to accept the Assignment of the Water Contract with EsNet as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Other Business**

At the request of the city council the work session scheduled to begin Friday, February 6, 2004 will begin earlier at 4:00 pm.

### **Adjournment**

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

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Connie Swain, Deputy Recorder

Approved: February 17, 2004