

**Adopted Minutes  
Spanish Fork City Council Meeting  
September 7, 2004**

The meeting was called to order at 6:00 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Jeremy Maciel, a member of the Boy Scouts

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

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

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Robert Pittelli, Aden Andrus, Daniel Hoffman, Farley Eskelson, Jeremy Maciel, Justin Brierley, Troyal Smith, Robin Brierley, Tami George, Diane Maciel, Nichole Appel, Jacqueline Gonzalez, Sherman E. Huff, Bruce Hall, John Smiley, Liz Pedro, David Lewis, Rebecca Lewis, Shelby Stone and Cindy Stone.

**Minutes**

Councilmember Barber made a **motion** to approve the minutes of the August 3, 2004 city council meeting with changes as noted. Councilmember Kelepolo **seconded** and the motion **passes** unanimously.

Councilmember Kelepolo made a **motion** to approve the minutes of the August 17, 2004 city council meeting with changes as noted. Councilmember Sorensen **seconded** and the motion **passes** unanimously.

**Recognition - Sharisa Nay - First Place in the Utah League of Cities and Towns Essay Contest**

Mayor Barney recognized Sharisa Nay, a Middle School Student, for winning the League of Cities and Towns Essay Contest. Ms. Nay was unable to attend the city council meeting, however, will be present during the Utah League of Cities and Towns Convention this month during which she will be recognized.

At the request of Mayor Barney, Councilmember Barber read the essay written by Ms. Nay.

Mayor Barney reported that Councilmember Paul Christensen underwent surgery last Friday and is doing well.

**Agenda Request - Richard Mendenhall - River Cove Rear Yard Setback Amendment Request**

Mr. Farley Eskelson, with Dominion Engineering, said during the approval process of the River Cove Subdivision, 25-foot rear yard setbacks were required. With this requirement 5 of the lots are unbuildable. Mr. Eskelson said the city council had the opportunity to view the area last week and he was present to request the city council consider requiring no rear yard setbacks. With the berm and extra fill installed to raise the road and the areas of future home, the possible flood areas are reduced. The homes will be set high enough to create water drainage away from homes in both the front and rear areas of the homes along the river. Also, a 20-foot maintenance easement was requested. Mr. Eskelson said he met with Richard Heap and Richard Nielson to create the area of the maintenance easement. The garages for homes along the river will be 4 feet above the flood plain and the main level of homes will be 2 or 3 feet above the garage floor levels.

Councilmember Kelepolo said there were also concerns with the flooding of homes closer to the bridge area.

Mayor Barney said the berm in the area was built in 1952.

Councilmember Kelepolo said in an earlier meeting a film was presented by a citizen showing flooding along the area. It was later discovered the film indicated flood situations further down the river stream.

Mayor Barney said with the 20-foot berm the River Cove area is the best section along the Spanish Fork River. However, the large river birch within the river bed requires maintenance. He is also concerned with areas around bends in the river.

Mr. Eskelson said they were required to submit a bank stabilization report. Since that time they have determined it would be best to clear the areas within the 50-year flood plain rather than clearing the entire area. This will create a clear flow for the river without damaging the appearance of the area. Also, the Covenants, Codes, and Restrictions for the subdivision will require the property owners to maintain their section of the river.

Councilmember Kelepolo asked how the area is possibly in the flood plain with the berm.

Mr. Eskelson said the elevation of the flood flow on the opposite side of the river could be a possible reason why the area is in the flood plain. When the existing bridge to the west is corrected the backward flow will be reduced. Also, they will be installing a bridge with a 90-foot span and will bring in 2 feet of fill along the river banks in the bridge area.

Councilmember Barber asked how the homeowners will be required to maintain the river.

Mr. Eskelson said with the assistance of city staff they will establish the appropriate language within the Covenants, Codes, and Restrictions for all property owners along the river to maintain the area.

Councilmember Wadsworth asked Mr. Pierson to explain why lots are shown as 1 and 1A.

Mr. Pierson said property owners will be able to obtain homeowner's insurance for the buildable lots shown as 1, 2, 3, etc. The property owners will also own and maintain the corresponding lots shown as 1A, 2A, 3A, etc. If the area is limited, the homes may come to the lot line of the buildable lot and up to the FEMA flood plain line.

Councilmember Kelepolo made a **motion** to approve the River Cove rear yard set back request as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Agenda Request - Liz Pedro - Survey Proposal**

Mayor Barney briefly passed this item.

### **Agenda Request - Robert Pittelli - Spanish Oaks Sidewalk**

Mr. Pittelli said he represents the residents of the Oaks Subdivision and they are requesting a sidewalk from the subdivision to the school bus stop on Powerhouse Road. He said he measured the distance. The bus stop is .3 miles from the subdivision. The road to the bus stop is not wide enough to allow the children to walk safely to the bus stop. It is one of the most dangerous roads in Spanish Fork. Spanish Fork created additional traffic with improvements to the gun club and the new pressurized irrigation reservoir. The city has created a liability. There is only one entrance and one exit to the area.

Councilmember Kelepolo asked Mr. Pittelli if he has viewed the plans for the proposed sidewalk.

Mr. Pittelli said he saw the sidewalk plans and he is aware the sidewalk will not follow the road and that the sidewalk will run up and over the hill. He said he contacted the property owner where the sidewalk is planned and the canal owners. He said both have agreed to sign an agreement allowing the sidewalk.

Mr. Heap reviewed the plans for the sidewalk.

Mr. Pittelli said when the subdivision was approved no sidewalks were included in the plans and there were a few homes in the area. Currently, there are 50 homes in the area with children and grandchildren.

Mayor Barney said the issue of safety should be paramount.

Mr. Pittelli said parents walk their children to the bus stop, however, some areas of the road are too narrow for cars to pass while pedestrians walk down or up the road. The school district will not allow the buses to drive up or down the hill to pick up the children in the subdivision. Also, the postal carriers will not drive up or down the hill. Mr. Pittelli indicated the points for measuring the .3 miles from the bus stop to the subdivision.

Councilmember Kelepolo asked Mr. Heap if the proposed sidewalk will use the full sidewalk replacement budget for the year.

Mr. Heap concurred. If the city council approves the Oaks Subdivision sidewalk to the bus stop, Mr. Heap asked for a commitment from the residents that the children will use the sidewalk. The sidewalk will be a longer distance to the subdivision and he is concerned the funds will be expended and the sidewalk will receive limited use.

Councilmember Wadsworth asked for the location of the sidewalks throughout the city on the replacement list.

Mr. Heap said replacements are scheduled all over town. The replacement list changes as replacement requests are received. When a request is received, the area is rated based on the location, use, and the extent of the trip hazard. The highest priority areas are replaced first.

Councilmember Wadsworth asked how many children live in the Oaks Subdivision.

Mr. Pittelli said there are 25 children in the subdivision.

Councilmember Wadsworth said speeding both up and down the hill is an issue.

Mr. Pittelli said some of the residents speed, however, there are many visitors to the gun club and reservoir speeding through the area.

Councilmember Barber asked for history of the subdivision and why there are no sidewalks.

Mr. Heap said it was a Planned Unit Development (P.U.D.) based on the access to the gun club. In the late 1970's when the P.U.D. was proposed, more narrow roads were required. It was not anticipated that the school district would not drive into the subdivision to pick up children. At that time the Construction and Development Standards were just being proposed and the Planning and Development Committee felt sidewalks were not used. Since that time they have discovered more pedestrians are using sidewalks than in the past. The philosophy and design standards have changed.

Councilmember Wadsworth asked if Mr. Heap was aware of the large cracks in the retaining wall on the hill.

Mr. Heap said he is aware of the cracks, however, the wall is reinforced and will hold. They may need to fill the cracks to prevent drainage through the cracks.

Mayor Barney said the sidewalk could be considered a trail and a portion of the trail funds could be used to construct the sidewalk.

Mr. Heap said it would be better if the sidewalk replacement funds were not used to construct the Oaks Subdivision sidewalk.

#### **Agenda Request - John Smiley - Water Service Request**

Mr. Smiley said currently they are looking at a project west of the golf course zoned in the county

with .3 to .5 acre lots. In order to supply water to the development there are two alternatives. The first alternative would be to create a water user's association, build a water tank, create a water purification system and purchase water from a water source in the area. The second alternative would be to hook up to Spanish Fork City water and use the water association funds to improve the city's water system. They would like the city council to consider the pros and cons of both options.

Mayor Barney asked concerning sewer services for the development.

Mr. Smiley said since the development is in the county they will use septic systems.

Councilmember Barber asked if the development is within the city's growth boundary.

Mr. Pierson said the development will be within the city's Policy Declaration Boundary and outside of the city's Growth Boundary.

Mr. Hall said the reason for the request is that eventually the development will be annexed into the city. Rather than drill a well and build a water tank, they could enlarge the city's water tank and/or other improvements to city services. He said this could be a benefit to both parties. They would also like access to the city sewer services if possible.

Councilmember Barber asked why the area is not being annexed into the city now.

Mr. Hall said they have been trying for 12 years to annex the area into the city.

Mayor Barney said a previous developer wanted to extend the golf course.

Mr. Hall said this is the same developer. The city did not want to be required by state law to provide services to the area if the area was annexed.

Councilmember Barber asked Mr. Hall for the planned improvements to Powerhouse Road.

Mr. Hall said the improvements along Powerhouse Road from the golf course to the development would be too expensive.

Mr. Baker said the city's ordinance does not allow the city to provide services to areas outside of the city unless there is an emergency. An example of an emergency would be a well running dry which provides service to an existing dwelling.

Councilmember Kelepolo asked if the ordinance would need to be changed before this request could be approved.

Mr. Baker concurred. At this time the staff needs direction from the city council if they would like to consider the possibility of allowing city water services outside of the city limits.

Councilmember Sorensen said it would not hurt to look at the possibilities and reviewed the

ramifications.

Councilmember Barber asked how many developments in the river bottoms could develop their own water system.

Mr. Pierson said separate water systems could be created in any area of the river bottoms and portions of the Leland area.

Councilmember Barber said he would hate to see the areas around the development annexed into the city and exclude the development Mr. Smiley and Mr. Hall are developing.

Mr. Heap said an annexation cannot create an island.

Mr. Hall said the sewer system was designed to handle development of the river bottom's area.

Councilmember Barber said if the request is reviewed a time frame should be established since these types of requests are proposed and are never seen again.

Mr. Baker said the request could be reviewed during the first city council meeting in October.

Mr. Heap asked if the Planning Commission should review the request.

Mr. Baker said the city council would need to reconsider the request during the second meeting in October if the Planning Commission is required to also review the request.

Mr. Oyler said the Planning Commission is the citizens' advisory board. He said he assumed the city council would want them to review the request.

Mr. Smiley said the water system and the ordinance are the first and foremost issues. The actual develop is a secondary issue.

Mr. Hall said they do not want to waste the city's time if they are opposed to the request. They would rather not create their own water system if there is a possibility the city would approve the request.

Mayor Barney said it is worthwhile to examine the request.

Councilmember Barber asked if they plan to build \$500,000 homes.

Mr. Hall concurred.

Councilmember Barber asked if the Planning Commission should review the request and make recommendations to the city council.

Mayor Barney said the city staff could examine the request and make a recommendation to the city council.

Councilmember Barber concurred.

Councilmember Wadsworth asked for the action to be taken on Mr. Pittelli's agenda request.

Mayor Barney said the city council needs to decide if the request is to be approved. If the Oaks Subdivision sidewalk is approved, the city council needs to decide if the sidewalk replacement funds or trail funds are to be used to complete the project.

Councilmember Barber asked for the time frame if the sidewalk is approved and if it should be reviewed again in October or during the January retreat for discussion.

Mr. Heap said a request for bids could be advertised in a couple of weeks and construction could begin during the middle of October. Most of the design work is completed.

Councilmember Kelepolo said he would like to review the sidewalk areas currently scheduled to be replaced. Also, the city council and/or staff needs to talk with the residents of the Oaks Subdivision to get a commitment to use the sidewalk.

Mr. Heap said agreements are still required from the canal company and property owners. The agreements could take some time to acquire.

Councilmember Wadsworth would like to review the sidewalk replacement list and reconsider this item during the first city council meeting in October.

Mayor Barney said there is no way the agreements and the sidewalk can be completed this fall.

Councilmember Barber said projects which provide the greatest amount of good for the entire city should be a priority.

Councilmember Wadsworth said public safety is paramount.

Mr. Oyler said the Risk Management Committee could consider the request and make a recommendation.

Councilmember Barber and Councilmember Wadsworth agreed.

Mr. Oyler said the Risk Management Committee could meet in two weeks.

Councilmember Barber asked Mayor Barney if this item could be tabled until the city council meeting on October 5.

Mayor Barney concurred.

Councilmember Kelepolo asked when Mr. Smiley's water service issue will be rescheduled.

Councilmember Barber said the Utility Board can review the request and make a recommendation to the city council during the meeting on October 5.

## **Agenda Request - John Smiley - Quail Hollow Pedestrian Bridge**

Mr. Smiley said the pedestrian bridge they proposed for the Quail Hollow Subdivision was offered by them as an access to the city sports park for the residents in their development. The plan was to install the bridge in the same location as the utility crossing. At his proposed location the span of the bridge would be 70 feet. Later when the utility crossing was relocated to the west, the pedestrian bridge was also relocated. At the current location of the bridge the cost to install the bridge doubles and the required span of the bridge will be 140 feet. With the longer span a center support in the flood plain would be required. The Army Corps of Engineers denied the bridge at the current location.

Mayor Barney said the issue is more than the cost. There will be problems with the bridge on the bend in the river.

Mr. Smiley said the bridge is designed as a breakaway bridge since there is also a curve in the river near the original bridge location.

Mr. Hall said when he submitted the drawings for the bridge the Army Corps of Engineers rejected the design. They relocated the bridge to another location which was also rejected due to a large amount of foliage to be removed. The Army Corps of Engineers prefers the original bridge location.

Mayor Barney agreed the original bridge location is preferable.

Mr. Pierson said the bridge was relocated due to a 12-foot driveway for a utility access as the more logical choice allowing access to the bridge from both Rock Cove Subdivision and Quail Hollow Subdivision. The 12-foot driveway would be owned and maintained by the city which allows maintenance access to the area. Also, it was determined if the river ever washed out the bank due to the bend in the river, the property would be owned by the city. For this reason the bridge was relocated a second time. They considered the entire area not just one development. Mr. Pierson said staff felt the third location of the bridge better served the entire area. He said the staff could discuss the location with the Army Corps of Engineers to seek approval of the design and location.

Mr. Hall said he talked with Chuck at the Army Corps of Engineers recently on the phone. They do not want the bridge in the current proposed location. He has reservations with the bridge located at the bend in the river.

Mr. Pierson said that is not what he proposed.

Councilmember Wadsworth asked concerning the homes in the area of the river and bridge access.

Mr. Pierson said only opened fencing will be allowed for properties along the access driveway and the trail. Staff does not object to moving the bridge to an area that will not create maintenance issues for the city. He is more than happy to discuss the location of the bridge with Chuck at the Army Corps of Engineers.

Councilmember Wadsworth asked if the walkway will be similar to the walkway behind Gardner's home near Canyon Elementary.

Mr. Pierson concurred.

Mr. Smiley said a bridge access walkway width of 6 feet was discussed with the Development Review Committee.

Mr. Pierson said the developer received a density bonus for the pedestrian bridge. This is a master planned development. The final proposed bridge location better serves all of the citizens.

Mr. Hall said the proposed bridge was located in a central location to the Quail Hollow Subdivision as an extra amenity for their subdivision. There was not a density bonus given for the bridge.

Councilmember Barber asked if the developers received any density bonus.

Mr. Hall said twinhome lots were approved as a density bonus.

Mr. Pierson said the developer was also approved for some lots less than 12,000 square feet.

Mr. Hall said they proposed a walkway from the River Cove Subdivision to the bridge in the Quail Hollow Subdivision as access for both developments.

Mayor Barney said the city council needs to decide where the bridge should be located.

Mr. Heap recommended the bridge in a location without the need for a center column in the flood plain. Center columns catch debris from the river.

Councilmember Kelepolo said he would like to view both sites before making a decision.

Councilmember Wadsworth concurred.

Councilmember Sorensen said he also wants to view both areas.

Councilmember Wadsworth said he can make a decision tonight.

Mr. Pierson said the middle location was approved. Then it came back to the Development Review Committee to move to a third location.

Councilmember Wadsworth made a **motion** to table the Quail Hollow Pedestrian Bridge location request until such time as it can be viewed by the city council. Councilmember Sorensen **seconded** and the motion **passed** unanimously.

Mr. Hall asked if Mr. Pierson could contact Chuck at the Army Corps of Engineers concerning their approved location for the bridge.

## **Agenda Request - Liz Pedro - Survey Proposal**

Ms. Pedro said she is starting a business called Pedro Consulting. She became interested when she participated in a Spanish Fork City web forum. There were many discussions concerning different issues. She suggested more information be gathered and a survey completed. She has reviewed all of the meeting minutes since January. She has reviewed newspaper articles. She lives in Somerset Village and has lived in the city for two years. She thanked the city council for their time. The following highlights were presented concerning the survey.

- Residents concerns
  - 80 percent will not share their concerns with the city government
  - 20 percent will tell the city government
- Proposed resident surveys
- Survey objectives
  - Measure resident ratings
  - Gather information
  - Measure performance of city government
  - Solicit feedback on strategic topics
  - Collect comments from residents
- Types of survey questions
- Resident survey benefits
- Pedro Consulting provided services
- Why Pedro Consulting
- Questions

Councilmember Kelepolo asked Ms. Pedro how often she would propose completing a survey.

Ms. Pedro said a survey should be completed yearly. Also, questions regarding important issues could be posted periodically on the city web page. She suggested the first survey include questioning a member of each household. She estimated approximately 6,500 households would be involved. The subsequent surveys would include 20 percent of the households.

Councilmember Wadsworth asked if a fee schedule was available.

Ms. Pedro said based on 20 percent of the residents responding to the survey and a 20 percent response from the city web page the cost would be approximately \$10,000.

Councilmember Barber asked if the surveys will be included with city bills or as a separate mailing.

Ms. Pedro said the surveys would be sent as a separate mailing.

Councilmember Barber said the city council will review Ms. Pedro's proposal request and contact her at a later date.

## **BYU MPA Study and Services - Rex Facer**

Professor Facer said he is a member of the faculty at the Romney Institute at Brigham Young

University (BYU) in a Master's Program (MPA). He oversees the government track of studies and teaches government related studies. He has been at BYU for three years and previously was at the University of Georgia as full-time researcher. When he came to Utah, one of the things he implemented was contacting City Managers throughout the State of Utah concerning the internship opportunities and class project opportunities offered by the Masters Program at BYU. He said he is also a resident of Spanish Fork City, however, he is here representing the school projects. He is currently teaching local government management courses. The students in the program recently completed reports on research information gathered concerning the proposed Pioneer School District. The students have had a lot of practical experience. The faculty oversees the project. Mr. Oyler contacted Mr. Facer last month at the request of the city council to inquire if the students were available to complete a survey of the city's 4-10's work schedule. He and Professor Wheeler are available to oversee this project which will include preparing the survey questions. Professor Facer said he has read about alternative work schedules but is unsure what will be found as a result of a survey. The survey will help provide useful information to assist in the determination to continue or restructure the office hours. The survey will be completed professionally and analytically.

Councilmember Barber asked what experience the students have had.

Professor Facer said last year students completed projects for Alpine School District, Utah State Department of Health and several other projects which were all overseen by the faculty.

Councilmember Kelepolo asked for the time line.

Professor Facer said they would start immediately to present the project to the institution review board for approval. Their goal would be to deliver the results in December. The results could be presented to the city council in December or January.

Councilmember Barber asked concerning the three pronged approach.

Professor Facer said they would survey citizens, employees and looking at other municipalities. Each would be a separate task. Once the three separate tasks are received, the city council can make the determination to maintain the current office hours or make an adjustment. The survey project will only provide the information gathered.

Mayor Barney said the important issue is what is best for the citizens. He asked Professor Facer for the fee involved.

Professor Facer said there are no fees involved. They ask that the city cover all of the hard costs such as copies and mailings.

Councilmember Barber asked Professor Facer whom he would coordinate the project with.

Professor Facer said he usually works with the city manager. Once the students are informed they will meet with the city council to discuss the important questions to ask. They want to insure the key question is answered.

Mayor Barney said a decision should be made tonight. He recommended approving the survey from BYU.

Councilmember Kelepolo said the big issue is the timing.

Professor Facer said the services offered by Pedro Consulting are fundamentally different providing long term information on a continuing basis. The service offered by BYU allows the city council to address a one time policy or management issue.

Councilmember Kelepolo said he is in favor of an immediate survey through BYU addressing the current work schedule and later looking at Pedro Consulting for long term surveys.

Councilmember Sorensen said the items are two separate issues. The services offered by BYU will address an issue now.

Councilmember Barber asked if the main focus of the BYU survey would be the 4-10's work schedule.

Professor Facer concurred. As a fourth prong to the survey they could research for other surveys in other cities.

Councilmember Kelepolo made a **motion** to allow the BYU MPA 4-10's work schedule study through Professor Rex Facer as presented with a planning meeting prior to the survey to discuss issues. Councilmember Sorensen **seconded** the motion. Councilmember Barber and Councilmember Wadsworth were **opposed** to the motion. Mayor Barney cast the deciding vote in favor of the BYU MPA study. The motion **passed** with a majority vote.

Councilmember Wadsworth made a **motion** to recess for 5 minutes. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

*8:10 p.m. - Recess*

Councilmember Kelepolo made a **motion** to reconvene the regular session of the city council meeting. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

*8:15 p.m. - Reconvene*

### **Ordinance 11-04 - An Ordinance Creating a New Chapter of the Municipal Code Addressing Park and Recreation Facilities**

Mr. Baker said this is a proposed ordinance addressing the recreational use of the reservoir. There are concerns during the winter months if individuals use the reservoir area for play and accidentally fall through thin ice. The Department of Wildlife Resources has been contacted and they have no objections to closing the reservoir during the winter months. The proposed ordinance states the area will be closed from December 1 to March 1. The ordinance also provides for the temporary closing of other recreational facilities during an emergency situation. The ordinance protects the health and safety of the public. Individuals violating the ordinance

can be charged with a class C misdemeanor punishable by a fine of up to \$700 and up to 90 days in jail. Mr. Baker estimated the average fine to be \$200 to \$350 and no jail time unless the individual had an extensive criminal history.

Councilmember Wadsworth asked for the roles of the city council and the city staff in establishing ordinances. He referred to the second paragraph of the ordinance concerning the city manager and also later in the ordinance. He asked if the city council creates the ordinances.

Mr. Baker said the city council creates the ordinances or the laws. The policies are part of the administration of the ordinances and laws and the policies may be created by the city manager.

Councilmember Sorensen made a **motion** to accept Ordinance 11-04, An Ordinance Creating a New Chapter of the Municipal Code Addressing Park and Recreation Facilities. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Concert and Dance Policy**

Mr. Baker said the Special Events Policy addresses the issue of allowing concerts or dances on city property. The Fairground is the only property large enough to handle such events. Mr. Baker reviewed the background causing the city to allow no dances or concerts including the past occurrence of a large concert creating a fair amount of controversy. To address the concerns of the residents, law enforcement agencies were included to provide assistance the day of the event. Fortunately, they were not needed. As a result the city researched the law and determined if the city allows a concert or dance to be held on city property they must allow all parties access to the property. The city determined it would be best not to allow dances or concerts to eliminate the possibility of another controversial concert. Since that time the city has been contacted by groups to hold concerts or dances. Many of the requests came from groups requesting events such as fund raising activities. The draft policy was presented to allow the city council to review the policy and determine if it should be adopted. The policy includes usage fees and other costs if applicable. The policy also requires a cash deposit to be posted to cover any possible damage to the facility.

Councilmember Wadsworth asked what happens if an event is cancelled.

Mr. Baker said a portion of the deposit could be held to cover any incurred costs.

Councilmember Wadsworth asked Mr. Baker to add language to the draft policy addressing a portion of the deposit to be held to cover any costs incurred if an event is cancelled.

Mr. Baker concurred and continued reviewing the draft policy.

Councilmember Kelepolo asked if the draft policy would eliminate concerts which do not fit in with our social environment.

Mr. Baker said the law states the city cannot pick and choose which concerts to allow. A policy could set the conditions of the event such as prohibiting alcohol.

Councilmember Wadsworth said the alcohol ban will give a disincentive for certain types of groups.

Mr. Baker said the policy does not assure who will be discouraged from leasing the facility. Mr. Baker said the policy must be legal. The city council can help determine the deposits amount, rental fees, and other fees if the policy is adopted. There are always traffic control issues regardless of the event.

Chief Rosenbaum said the traffic would be similar to the rodeo traffic. The actions of the participants are usually the greatest concern during large events.

Mr. Baker said many fears were blown out of proportion. During the past controversial event there was some issues, however, this policy would have resolved those issues.

Councilmember Sorensen said the Rotary Club was looking at a benefit's concert. He was not sure if they are still considering it.

Mr. Baker asked the city council to review the policy and contact him with any changes by the end of this week. This item will be continued to an upcoming city council agenda.

### **Bona Property Contract**

Mr. Baker said the Bona property is located at 87 East 300 North. Based on direction given to staff from the city council, a property purchase contract was prepared and signed by Mayor Barney for the purchase of the Bona property. Mr. Baker requested the city council ratify the Mayor's signature.

Councilmember Barber made a **motion** to ratify the signing of the Bona Property Contract by Mayor Barney. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Quest Telephone Contract**

Mr. Clark said the Quest Contract consists of 85 phone lines throughout the city. The previous 84 month contract has lapsed. This contract will renew the previous contract. The previous contract was a centrex plus package and the new contract will be a centrex prime package. The only change in the amount of the contract is reduced by \$100.00.

Councilmember Wadsworth asked for the features of the package.

Mr. Clark said it depends on the building the lines are in. Under the new contract there will be additional features.

Councilmember Wadsworth asked if bids were received from competitors.

Mr. Clark said there were two other comparable bids received from **ComNet and Silec**.

Councilmember Wadsworth asked if any other brokers were superior. He presented information to Mr. Clark.

Mr. Clark said he has an agent gather the information presented in the bids. The research information is reviewed in selecting a contract.

Councilmember Barber asked if we can get out of the contract.

Mr. Clark said we can get out of 20 percent of the contract per year.

Councilmember Wadsworth said five years is a very long time. He asked if we have looked at other contracts.

Mr. Clark said this is the best price available. He reviewed the costs if other contracts were chosen. The price varied from \$2,300 to \$2,800 per month.

Councilmember Kelepolo made a **motion** to authorize the Mayor to sign the contract with Quest Telephone as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a majority vote. Councilmember Wadsworth was **opposed** to the motion.

### **Bid Tabulations - Golf Course Equipment**

Mr. Clark said when this piece of equipment was budgeted it was to replace an existing piece of equipment. Doug Adams reviewed the information he received and requested to upgrade the piece of equipment. The new piece of equipment requested exceeds the budgeted amount, however, it would greatly reduce the golf course maintenance time. Mr. Clark said the Motor Pool would purchase the equipment and he reviewed the process.

Councilmember Barber asked if the smaller piece of equipment is purchased would it be the same size as the piece of equipment currently used.

Mr. Clark concurred.

Mayor Barney asked how often the equipment is used.

Mr. Oyler said the equipment is used 2 or 3 times per year.

Councilmember Barber said the golf course is closed while the equipment aerates the soil. It is an advantage to reduce the maintenance time.

Councilmember Wadsworth asked if the proposed equipment would aerate 4 inches deeper and with additional density.

Mr. Clark concurred.

Councilmember Kelepolo made a **motion** to accept the bid received from Turf Equipment in the amount of \$16,290.00 for a golf course aerator. Councilmember Wadsworth **seconded**, and the

motion **passed** with a unanimous vote.

### **Bid Tabulations - Water Park Pool Resurfacing**

Mr. Heap said the water park resurfacing is a project Mr. Robinson reviewed during the last city council meeting. This project needs to be completed during the season while the water park is closed. This project is not in the budget but is needed now. The lowest bid was received from C.E.M. in the amount of \$53,700. The estimate for the project was between \$60,000 and \$80,000. Mr. Heap recommended accepting the bid received from C.E.M.

Councilmember Barber said this is a good price compared to the portion completed during the summer.

Councilmember Barber made a **motion** to accept the bid for the Water Park Pool Resurfacing Project received from C.E.M. in the amount of \$53,700. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Ordinance 12-04 - An Ordinance Authorizing the Execution and Delivery of a Petition to the Central Utah Water Conservancy District for Allotment of Water for Municipal and Industrial Use**

Mr. Heap said during the last meeting a brief review of the petition was presented. There have been a few minor changes to the petition. The only change which will affect the city is applying the usage from 1995 as our base usage. Mr. Heap did not think it will have a big effect on the outcome. The city has experienced almost an 11 percent water usage savings over the last year. The petition is a long term decision affecting water over the next 20 or 30 years.

Councilmember Wadsworth asked Mr. Baker concerning the legal risks to the city with respect to giving up rights.

Mr. Baker said he has worked with water issues for some time. He said he is pleased with the petition. The Water Conservancy District is not trying to take advantage of the cities.

Councilmember Barber asked if the water is paid for when it is used.

Mr. Heap said they will issue block notices when the water is available. He said the payment could be delayed as late as 2026 if needed.

Councilmember Kelepolo made a **motion** to adopt Ordinance 12-04, An Ordinance Authorizing the Execution and Delivery of a Petition to the Central Utah Water Conservancy District for Allotment of Water for Municipal and Industrial Use. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Change Order #1 - Sports Park Trail Project**

Mr. Heap said this contract change order is based on a request from Morgan Construction for the

Sports Park Trail Project. The supplier of the weed barrier fabric originally recommended fabric under only the edges of the trail. After experiencing the cost and maintenance involved in preventing weeds and alfalfa from growing through other areas of asphalt in the city it was determined it would be beneficial to install weed barrier fabric under the entire trail system at the sports park. Mr. Heap met with the contractor and he can install weed barrier fabric under the entire portion of the trail at an increased cost of \$3,008.52. Also, with some grading already completed the cost of the project can be reduced \$3,000 by eliminating the need for a drain pipe. The Recreation Department has also evaluated the number of picnic tables proposed for the area. They have eliminated a portion of the tables which also reduces the project cost by \$980. With the proposed changes the Sports Park Trail Project cost is reduced \$971.48.

Councilmember Barber made a **motion** to approve the Sports Park Trail Project change order reduction in the amount of \$971.48 with a total project cost of \$139,156.52. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Police Vehicle Policy**

Chief Rosenbaum said he presented to the city council last month a draft policy addressing the personal use of police vehicles. He asked if the city council had reviewed the policy or if they had any questions.

Councilmember Wadsworth said the key points have been addressed.

Chief Rosenbaum said he has received only positive comments from citizens. Citizens have approached him without solicitation indicating they felt it would be a benefit to the community. One key issue is allowing family members and others in the police vehicles. The feedback from officers is they would mostly use the police vehicles during personal time to drop kids off or pick them up from school or other activities. They would not be interested in taking them shopping etc.

Mayor Barney asked how officers would deal with passengers in the police vehicle during personal time when an incident occurred in which they needed to respond.

Chief Rosenbaum said the officer would not be able to respond to the incident until the passengers were out of the vehicle safely.

Councilmember Sorensen asked if the additional use would cause extra wear on the police vehicles.

Chief Rosenbaum said at this time the police vehicles are replaced after seven years. There are approximately 75,000 miles on the police vehicles when they are replaced. He estimated an additional 500 to 1,000 miles per year if the police vehicles are used around town for personal use. He could not see a significant impact on the police vehicle replacement schedule. He estimated up to an additional \$3,000 per vehicle each year if a high level of personal usage was included.

Councilmember Kelepolo said he talked with other cities who have adopted this policy. The officers were in favor of the policy and said they did not use the police vehicles often for personal use. Liability was also a concern Councilmember Kelepolo had. He said it helps having vehicles visible throughout the city reminding others that an officer is in the area.

Chief Rosenbaum said it provides an additional sense of security and more opportunities for community policing by officer.

Councilmember Sorensen said each vehicle is also equipment with a defibrillator and may provide additional health benefits to the community by providing increased opportunities to use this equipment.

Mayor Barney said in his opinion it is not a good idea to use a company or city vehicle for personal use. Whether it is a safety or awareness benefit, it is not worth giving up the principal of not using equipment owned by someone else.

Councilmember Wadsworth said if the security, safety, and other benefits can be documented he is in favor of the policy allowing police officers to use police vehicles for personal use.

Chief Rosenbaum said it is difficult to measure whether having a police vehicle visible decreases crime.

Councilmember Sorensen said the public perception may also cause concerns for the city council.

Mayor Barney said the study has been presented. A decision should be made by the city council at some point.

Councilmember Sorensen said everyone agrees the police department is doing a great job and we want to support them. He said he still has reservation concerning the policy.

Councilmember Wadsworth asked how we can propose evaluation crime prevention, traffic control and safety issues with respect to the police vehicle policy.

Chief Rosenbaum said part of the effectiveness of the policy includes the public perception. How can you measure the increased traffic control? From personal experience, when he is driving and sees an officer he checks his speed and makes sure he is driving carefully and becomes more aware of how he is operating his vehicle. The same concept holds true if a person is going to shoplift or to an activity and may have been drinking. When they see an officer, it will be a deterrent.

Councilmember Barber said his brother works for a city with a similar policy. His brother has been able to assist in several arrests while driving his vehicle on personal time.

Councilmember Wadsworth said there must be similar data available.

Chief Rosenbaum said there may be data available. If the policy is approved, the Police

Department could provide tracking information for one year if the city council requests it.

Councilmember Kelepolo said if the policy is approved it could be removed or reconsidered at a later date.

Chief Rosenbaum concurred.

Councilmember Barber made a **motion** to approve the proposed police vehicle policy as presented. Councilmember Kelepolo **seconded** the motion with the understanding that the policy can be changed or removed at any time. Councilmember Sorensen and Mayor Barney were **opposed** to the motion. The motion **passed** with a majority vote.

Councilmember Wadsworth asked Chief Rosenbaum how he intends to monitor the policy.

Chief Rosenbaum said one critical issue will be the public perception. He will create a method for monitor the effectiveness of the policy.

#### **Other Business - Council Report on Assignments**

Councilmember Wadsworth said the library reading programs were very successful and experienced high participation. Also, the lighting concerns around the library park will soon be resolved. The Risk Management Committee will be meeting within the next couple of weeks. Last week the Planning Commission discussed proposed changes to Title 17 and the General Plan. He asked Mr. Pierson to review the proposed changes.

Mr. Pierson said the Planning Commission's proposed changes to the General Plan and the Zoning Ordinance included creating and organizing neighborhood groups. He said if changes are made to the General Plan extensive research should be involved including input from neighborhood groups.

Mayor Barney said if neighborhood committees are created it should allow all residents and property owners to be involved.

Mr. Pierson concurred.

Councilmember Wadsworth said there has been a lot of great work put into the current General Plan. The proposed changes are minor including some procedural changes. He asked for direction from the city council. He asked Mayor Barney if he would like a member of the Planning Commission to present the information to the city council.

Mayor and council concurred.

Mr. Pierson said there should be a lot of research completed prior to changing the General Plan or the Zoning Ordinance.

Councilmember Sorensen had no information to present at this time.

Councilmember Kelepolo said he met with Councilmember Wadsworth and Mr. Oyler to discuss the conference training schedule for the city council. He reviewed the schedule and the following bullet points added to the schedule.

- Elected officials desiring to attend additional conferences can submit their request to the Finance Committee and City Council for review and approval.
- Elected officials may be reimbursed for meals provided to them and others for special city meetings pertinent to the assignment of the elected official at a rate consistent with the city per diem.

He also discussed the bonding issues for facilities such as the sports park and SFCN.

Councilmember Barber said he brought up the bonding issue due to questions he is receiving concerning the ball park. There is no way to quantify the work and effort put into building the ball park. An issue came up concerning the funding. He asked what the costs are to maintain the facility and what is the city's philosophy concerning the level of service the residents want the city to provide.

Councilmember Kelepolo said Mr. Oyler can better address the bonding issue.

Mr. Oyler said all of the parks are budgeted together. The parks' division provides the maintenance for the parks.

Councilmember Barber said the reality of the level of service is the maintenance. There would be no maintenance requirements if there were no recreation program.

Mr. Oyler said if you eliminate a park you reduce the level of service to the community.

Mayor Barney said the recreation program and the parks provide children in the area with worthwhile activities and helps keep them from playing in the streets.

Councilmember Barber said he wants to look at the level of service from here forward. He asked if the residents want to maintain the current level of service.

Mr. Oyler said there are program costs and maintenance costs. The impact fees are based on the capital or the original construction of the facility and include no maintenance. SFCN is different. It is an enterprise fund.

Councilmember Barber said the citizen sees the cost, the budget and they see subsidizing. He asked how we change the public perception.

Mr. Oyler said the budget is on the web page. This is the first full year with the bulk of the customers receiving cable and internet services and the facility is built. Also, the SFCN rate structure will be reviewed on a calendar basis and may change depending on the channel lineup costs.

Councilmember Kelepolo said the airport annual gathering is this Thursday night. Also, Ron Crafts has been appointed by Mayor Barney to serve on the Airport Board replacing Stan

Meyrick.

Mayor Barney asked the city council to approve the appointment.

Councilmember Kelepolo made a **motion** to approve the appointment of Ron Crafts as a member of the Airport Board. Councilmember Barber **seconded** and the motion **passed** unanimously.

Councilmember Kelepolo asked the city council concerning the annual retreat usually held in January.

Mayor Barney said the Council of Governments and Mountainlands have been discussing funding. The Personnel Committee interviewed and selected a very qualified individual, Seth Perrins, to be the Assistant City Manager. The Solid Waste District will be closing on the sale of the Elberta Facility. Also, he serves on SUVPS and there will be some changes. Strawberry Water and Strawberry Power have separated. Strawberry Water will no longer be serving SUVPS. There are ongoing discussions. Public Safety is also his direct responsibility and he expressed appreciation for the opportunity to work with the Public Safety Department. He also spends a lot of time working with the Engineering Department and enjoys working with them

Councilmember Barber said he serves on the Utah Municipal Power Board and it has been a great experience. In the near future they will be making a presentation to the city council concerning the impact of the drought. He said he also serves on the Historical Committee and asked for assistance with suggested members for the Committee. During a recent city council meeting he was asked by Mayor Barney to research the Freedom Gallery's offer for patriotic artwork. He provided information for the city council to review concerning the cost of the artwork offered by the Freedom Gallery and other sources in the area. The Fiesta Days Committee will be providing a dinner or luncheon to thank those who served on the committee this year and assisted with the celebration. He also wished Councilmember Christensen well due to his recent surgery.

Mayor Barney gave an update on Councilmember Christensen's progress.

### **Adjournment to Executive Session**

Councilmember Kelepolo made a **motion** to adjourn to an executive session of city council meeting to discuss land issues. Councilmember Barber **seconded**, the motion **passed** unanimously, and the meeting adjourned at 10:00 p.m.

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Connie Swain, Deputy Recorder

Approved: October 5, 2004