

**Adopted Minutes  
Spanish Fork City Council Meeting  
September 21, 2004**

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

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

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; 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, Justin Andrew, Jordan VanAusdal, Jenny Dunn, Kayla Christensen, Jade Argyle, Ashley Stubbs, Audrey Zohner, Marivene Zohner, Austin Leavitt, Blake Hunter, Trevor Pugh, Todd Hollingshead, Jordan Braginton, Ben Besendorfer, Jacqueline Gonzalez, Nichole Appel, Kaeley Fawcett, Pat Parkinson, Ryan James, Spencer Lamb, Kevin Harward, Eric Bushman, Tyler Olsen, Chase Bunker, Norman Smith, James Naylor and Aaron Tilton.

**Introduction - Aaron Tilton, House of Representative, District 65**

Mayor Barney introduced Aaron Tilton, the newly appointed District 65 Representative.

Mr. Tilton said he was appointed as a Representative on July 23 to fill a vacancy in District 65. District 65 includes Spanish Fork City and the surrounding areas. He has experience in the area of public utilities and technologies in the pharmacy market. He said he is available with respect to any other areas as needed and is currently assisting Mapleton City with an issue.

Mayor Barney thanked Mr. Tilton on behalf of the city council and the city.

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

Mr. Smiley nor Mr. Hall were present. This item was passed

**Agenda Request - Kari Wessman - Beer Sales on Sunday**

Kari Wessman was not present. This item was passed.

**Recreation Software Contract**

Mr. Robinson said two proposals were presented to the city council previously concerning the recreation software created by John Bowcut. The contract was created as requested by the city

council. The contract requires Joel Sturman to provide the city with 50% of the gross selling price until the sum of \$70,000 has been paid to the city, or the expiration of 3 years, whichever occurs first. The contract also includes any enhancements or upgrades to the software to be provided to the city at no additional cost.

Mayor Barney complimented Mr. Robinson and Mr. Baker for preparing the contract. He requested time to review the contract and asked if the other members of the city council had reviewed the contract.

Councilmember Kelepolo said the contract includes the same guidelines previously discussed with the city council.

Mr. Bowcut said the contract also includes the 5% of the gross selling price to the city as a royalty for 3 years from the time \$70,000 is paid as requested by the city council.

Councilmember Barber asked if Mr. Sturman helped prepare the contract.

Mr. Bowcut said the contract was taken from a proposed contract presented by Mr. Sturman.

Mr. Baker said Mr. Sturman proposed a contract, however, he is out of town and has not seen the finished contract.

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

### **Gun Club Shed Project**

Mr. Robinson said 4 bids were received for the Gun Club Shed Project. The shed will be used for gun club storage and reservoir maintenance. It has been dangerous transporting the trap up the hill from the current storage facility. The bids received came in under budget. The low bid was received from Steve Fish in the amount of \$24,780.

Councilmember Kelepolo asked for the location of the shed to be constructed.

Mr. Robinson said the shed will be constructed between the gun club building and the RV park. A forklift has been purchased to move the trap from the shed to the trap shooters. The trap distributor will deliver the trap directly to the shed.

Councilmember Barber disclosed that his business will probably issue the payment and performance bond if the Steve Fish contract is approved.

Mr. Baker asked Councilmember Barber if he wanted to recuse himself or just disclose the information.

Councilmember Barber said was disclosing the information and felt comfortable voting on this item.

Councilmember Sorensen made a **motion** to accept the Gun Club Shed Project bid received from Steve Fish in the amount of \$24,780. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

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

Mr. Hall said he was present on behalf of John Smiley. He said this is a continuation from the last city council meeting concerning the relocation of the pedestrian bridge. He said the bridge he proposed in the Quail Hollow subdivision was moved to the west. He said he is not opposed to the relocation of the bridge but requested some participation due to the increased cost with the longer bridge span. The cost of metal has also increased. In the first location the bridge would have been significantly shorter. All parties have agreed to a location to the west. He said the original bridge plan included a higher grade of steel which is rust proof and quite expensive. He proposed constructing the bridge in the original location or constructing the pedestrian bridge from regular steel. The regular steel would require periodic painting to prevent rust. If the bridge is approved at the west location, it will double the cost with the expensive product. With primer and sealer the bridge will look similar to the expensive product. However, it will require painting in the future to prevent rust. If the bridge is required in the west location with the rust proof steel, the adjacent developer would need to contribute significantly.

Mayor Barney asked Mr. Hall for the cost of the pedestrian bridge in the original proposed location.

Mr. Hall said the pedestrian bridge in the original location would cost approximately \$50,000 if constructed with regular steel.

Councilmember Sorensen said he is concerned with a center support required with the longer bridge span.

Mr. Hall said a center support will not be required. They plan to construct the bridge without a center support.

Councilmember Barber asked if the bridge can be constructed on the site.

Mr. Hall said if the bridge is approved at the west location they will request to construct the bridge on city property and relocate it to the site with the use of a crane.

Mr. Pierson pointed out the location of power lines in the area.

Mayor Barney said it is difficult to tie down the cost when the original bridge was proposed two years ago.

Mr. Hall said the cost of metal has increased significantly.

Mayor Barney asked Mr. Hall to make an offer and the city can try to obtain additional funds for the rust proof steel.

Mr. Hall said the problem is he made promises to the property owners in his subdivision that there would be a bridge in the original location.

Mr. Pierson said the city may need to pick up some of the cost. Richard Mendenhall, the adjacent developer, has already committed to install 284 feet of the trail. The city will need to pick up a possible 200 feet of the trail. He estimated the cost to be approximately \$5,000 or less.

Mr. Hall said the additional cost of the rust proof metal does not justify the benefits.

Councilmember Kelepolo said he is in favor of the west bridge location.

Mayor Barney concurred.

Councilmember Sorensen said he is in favor of the west location as long as a center support is not needed.

Councilmember Barber asked if a breakaway bridge is still planned.

Mr. Hall said they will construct the bridge as directed by the city. Mr. Hall said he feels the channel is wide enough to handle the flow. He said he is concerned with the west location and who owns the property. The city should be responsible to make sure this is city property.

Mr. Pierson said if the property is not owned by the city the city will obtain an easement for the bridge. The bridge will probably be built next year.

Mr. Hall said he would like to construct the bridge no later than next spring.

Councilmember Kelepolo asked if we need to wait until the property owner is determined.

Mr. Pierson said the city council can approve the location of the bridge, instruct staff to determine who owns the property and acquire easements if needed.

Councilmember Sorensen said he is concerned with the portion of the trail to be required of the city.

Mr. Hall said he would like the trail built to his subdivision to allow the resident access to the bridge. Also, he will need to reapply to the Stream Alteration Department for the construction of the bridge at the west location.

Councilmember Sorensen made a **motion** to approve the bridge constructed of regular steel at the west location and the city obtain all necessary easements for the trail and construct any portion of the trail not required by other developers. The approval is contingent upon the acceptance of the bridge construction permits and the city assist with the expedition of the permits if needed.

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

## **Retired and Senior Volunteer Program Agreement**

Mr. Baker reviewed the Retired and Senior Volunteer Program Agreement. This program is an arm of Mountainlands. The agreement is a basis for the senior volunteer program. He reviewed the obligations required of the city as part of the agreement. Other than the obligations required of the city the program is very beneficial to the city. Mr. Baker agrees with the agreement. He said Norman Smith was present if the city council had questions.

Councilmember Barber made a **motion** to authorize the mayor to sign the Retired and Senior Volunteer Program Agreement. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Consent for Assignment of Lease Agreement from Qwest Wireless to Verizon Wireless**

Mr. Baker said the city has agreements with wireless companies in connection with several wireless towers throughout the city. The city entered into an agreement with Qwest Wireless in 1999. Qwest Wireless is selling their wireless agreements to Verizon Wireless. Mr. Baker said both companies are reputable and he had no objections to the consent to assign the agreements as requested.

Councilmember Kelepolo made a **motion** to approve the Consent Assignment of Lease Agreement from Qwest Wireless to Verizon Wireless. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

### **Annexation Agreement - Spanish Fork Associates**

Mr. Baker said the Spanish Fork Associates Annexation was approved subject to an annexation agreement. The agreement has been created and Mr. Baker reviewed the section of the agreement prohibiting gravel extraction on the property. Also, he reviewed the section requiring the developer to present a railroad crossing realignment with the first phase of the property development. They are also to work with Strawberry Electric to transfer service of the city well to city electric services.

Councilmember Sorensen said it appears the agreement covers everything discussed.

Mayor Barney said the dust related to gravel extraction was a big concern.

Councilmember Sorensen made a **motion** to authorize the mayor to sign the Spanish Fork Associates Annexation Agreement. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Hamilton Estates Preliminary Plat Subdivision - 1800 South 1400 East**

Mr. Pierson said Blair Hamilton was unable to attend this meeting but said he would send Kevin from Cole Surveying as a representative. Mr. Pierson said this is an 11-lot straight up subdivision located at 1800 South 1400 East. The property is zoned R-1-12 and meets the

requirements of the R-1-12 Zone. The Development Review Committee approved the subdivision with 4 conditions. The Planning Commission approved the development with 5 conditions adding lots 9, 10 and 11 to have side entry garages and T-shaped driveways.

Councilmember Barber asked if a soils report was received.

Mr. Pierson said the soils report was provided to the Engineering Department as required.

Councilmember Barber asked why the 3 lots on 1400 East already had improvements.

Mr. Hall said the improvements were put in, with the exception of the driveways, while the road was excavated for the Aspen Meadows Subdivision.

Councilmember Barber said the road narrows when approaching the hill and access to the south lot is dangerous.

Mr. Pierson provided the contours of the area and the hill.

Councilmember Barber asked if there are other options for the design.

Mr. Hall said the Master Plan shows a road realignment design in the future from the old cemetery area to the river bottoms. The road will not be constructed until the property around the cemetery develops. The current road will remain open until the property develops.

Mayor Barney said there are water problems in the hill where the future road is planned.

Mr. Hall said the water in the hill will make it difficult to construct a road.

Mr. Pierson said Mr. Hamilton resolved the water problem with respect to his property.

Councilmember Kelepolo made a **motion** to approve the Hamilton Estates Preliminary Plat Subdivision subject to the following conditions:

1. Obtain and submit a soil's report addressing ground water and drains, if not already done,
2. Receive a sign-off on all home designs from the Engineering Department,
3. Meet all of the requirements of the R-1-12 Zone,
4. Meet all of the Construction and Development Standards, including the America's With Disabilities Act requirements for the sidewalks and the conduit size and wiring requirements for meter reading,
5. Construct side entry garages and T-driveways on lots 9-11 along 1400 East.

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

Kari Wessman was still not present.

### **Other Business**

None

### **Adjournment to Executive Session**

Councilmember Kelepolo made a **motion** to adjourn to an executive session of city council meeting to discuss land issues. Councilmember Sorensen **seconded**, the motion **passed** unanimously, and the meeting adjourned at 6:55 p.m.

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Connie Swain, Deputy Recorder

Approved: October 5, 2004