

**Adopted Minutes  
Spanish Fork City Council Meeting  
November 2, 2004**

The meeting was called to order at 6:00 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Jarvis Pace.

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; Kent Clark, Finance Director/Recorder; Seth J. Perrins, Assistant City Manager; Richard Heap, Engineering/Public Works Director; Emil Pierson, Planning Director; Connie Swain, Deputy Recorder.

Citizens Present: Robert Pittelli, Royden Hill, Ryan James, Jennifer Dunn, Kayla Christensen, Jade Argyle, Steve Blanthorn, Tanner Blanthorn, Trieste Bills, Trevor Pugh, Justin Andrew, Dustin Carr, Jay Baughman, Brian Miele, Trevor Riggs, Karlene Riggs, Larry Przbycien, Kaitlyn White, Jarvis Pace, Brian Kingery, Aden Andrus, Pat Parkinson, and Tyna-Minet Ernst.

### **Minutes**

Councilmember Wadsworth requested to view the video tape to verify some of his comments contained in the October 5, 2004 city council meeting minutes. He said he will view the tape by the end of next week.

Councilmember Wadsworth made a **motion** to table the minutes of the October 5, 2004 city council meeting until such time as he can review the tape to clarify comments he made during the meeting. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Barber made a **motion** to approve the minutes of the October 19, 2004 city council meeting with changes as noted. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Agenda Request - Tracy Livingston - Conditional Use Permit for Wind Meteorological Tower**

Tracy Livingston said he came before the city council approximately 1 month ago concerning the installation of a temporary meteorological tower. The tower would measure wind speeds near the mouth of Spanish Fork Canyon. The city council was concerned with the proposed site due to a well located on the property. Another possible property owned by the city was suggested. Mr. Livingston said they researched the suggested property which is adjacent to the gravel pit owned by Spanish Fork Associates. Perry Frandsen of Spanish Fork Associates gave his approval of a testing tower on the suggested property. The testing tower would be adjacent to the

pond area on the city property. The testing tower will be in place for approximately 1 year and no permanent structures will be constructed at this time. Mr. Livingston said they are not asking for a conditional use permit at this time.

Mr. Heap said he can see no problem with a testing tower on the proposed site as long as the structure is temporary. Also, they will need to construct the temporary tower away from all water lines.

Councilmember Barber asked if zoning restrictions exist which would prohibit a wind testing tower on the proposed site.

Mr. Pierson said the area is in an industrial zone and there are no height restrictions. If the testing tower results in a request for a wind turbine on the site, a zoning ordinance change will need to be drafted for approval.

Councilmember Kelepolo asked if the railroad company would need to approve a testing tower on property adjacent to the railroad tracks.

Mr. Pierson said the railroad company would have no issues with a wind testing tower. He said he talked with Mr. Livingston and Mr. Baker concerning the request and the possibility of wind turbine towers in the future. He said he also met with the Utah Municipal Power Agency (UMPA) concerning the possibilities for wind power resources. Mr. Pierson said wind resource possibilities should be researched.

Mr. Baker reminded the city council of the State law now requiring a public hearing before any fees can be waived.

Mr. Livingston invited any members of city council and city staff to view the Evanston Wyoming wind turbine project if they desired. He said his company will sponsor a trip if it is requested. He said viewing the project will help educate the city council and city staff concerning the possible resource and the products available at this time for such projects. He also suggested viewing the information available at [www.awea.org](http://www.awea.org).

Councilmember Barber asked how the wind towers at the Evanston Wyoming project compare with the wind towers at Camp Williams.

Mr. Livingston said the wind towers at Camp Williams are larger in size and much older. The industry has progressed greatly.

Councilmember Wadsworth asked Mr. Livingston if he has met with UMPA concerning the project.

Mayor Barney said this is just a testing phase.

Mr. Livingston said his company has met with UMPA twice but no specifics have been discussed. After the testing phase is complete, they will again meet with UMPA to discuss

specific project information. He said his company will most likely sell the power generated to PacifiCorp. The power will then be available to UMPA to purchase through green tags. Green tags are created when renewable power is generated. Wind generated power is a renewable resource.

Councilmember Sorensen said he is concerned since the wind generated resource peaks during low electric demand periods.

Mr. Livingston said the fact that the highest wind speeds occur during low demand is a challenge, however, there is value due to the high wind source. The wind power offsets coal produced power. Both gas and coal prices continue to increase. A test tower is the first step of the project.

Mr. Baker said if the city council chooses to move forward with investigating wind resources, the city staff can take the steps to begin the process.

Mayor Barney said any additional power resource possibilities should be researched.

Councilmember Kelepolo said he agrees with Mayor Barney and said he is in favor of a wind testing tower.

Councilmembers Sorensen, Barber and Wadsworth concurred.

### **Patriotic Artwork - Matt Barber**

Councilmember Barber said at the request of Mayor Barney he gathered information concerning patriotic artwork available for purchase. Councilmember Barber provided information concerning art work available and pricing. He also presented samples of pictures he purchased personally for his office.

Councilmember Wadsworth asked if the “freedom papers” could be a potential eagle project.

Councilmember Barber said the pictures would enhance the city office. He suggested continuing this item to determine the possible locations for artwork within the city offices.

Councilmember Sorensen said he agreed with Councilmember Wadsworth in that the “freedom papers” could be an eagle project. He said the other art items would enhance the city office.

Councilmember Kelepolo agreed, however, he also said wall space in the city office appears to be limited. He suggested visiting with city staff concerning possible locations for artwork in the building.

Councilmember Wadsworth concurred.

This item was continued until the next city council meeting.

### **Donation Policy**

Mr. Clark said a recent change in the State law requires the city to hold a public hearing prior to the waiver of any fees or any city donations. The public is to be notified when public funds are to be donated. In the past there have been annual donations. The Finance Committee consists of Mr. Oyler, Mr. Baker, Councilmember Kelepolo, Councilmember Wadsworth and himself. They have been drafting a possible donation policy. At this time the formal policy is incomplete.

Councilmember Wadsworth asked if it would be premature to discuss the Rotary Club's request for a waiver of fees concerning the new concession stand at the high school football field.

Councilmember Kelepolo said the policy should be presented before a decision is made concerning the concession stand.

Mr. Clark concurred. He said the policy will be discussed during a public hearing schedule for the next city council meeting on November 16, 2004.

Councilmember Kelepolo said the donation policy is near completion.

### **Aspen Meadows Connector's Agreement**

Mr. Baker said this connector's agreement is being requested by the developers of the Aspen Meadows Subdivision. It is a standard 10-year agreement with no interest. The agreement information was reviewed by Richard Nielson and approved by him.

Councilmember Barber asked if the agreement contained the actual cost and was it approved by the city.

Mr. Baker concurred.

Councilmember Barber asked Mr. Heap who inspected the project.

Mr. Heap said he was not sure who completed the inspection, however, the number of feet for the project is accurate.

Councilmember Barber asked if the cost in the agreement is the actual storm drain cost.

Mr. Heap said the cost is just for that section of the street.

Councilmember Sorensen pointed out grammatical changes.

Councilmember Wadsworth asked if Bruce Hall will also sign the agreement.

Mr. Baker concurred.

Allan Evans said he does not agree with the footage and cost per foot indicated in the agreement.

Councilmember Barber asked if the differences are significant.

Mr. Heap said the footage indicated in the agreement is the actual footage for the entire project not just Mr. Evans' portion.

Mr. Baker said Mr. Evans is concerned with his section of the footage. The agreement will lock in the cost. Mr. Evans' portion of the footage is negotiable.

Mr. Evans said he is just concerned with the footage. He also said he is doing a similar project and the cost indicated in the agreement appears to be high. He said he does not want to delay the project. There may have been additional costs involved in the Aspen Meadow's project. He said he thinks they can work it out.

Councilmember Barber said if the connector's agreement is approved tonight Mr. Evans will be locked into the price per foot indicated in the agreement. He asked Mr. Heap how many developments will connect to the project.

Mr. Heap said there are possibly 3 or 4 developments to hook into this project. The Engineering Department reviewed and approved the numbers. He said there were some circumstances requiring additional cost. He said he did not have the details and suggested tabling this item until the details are available and provided to Mr. Evans.

Councilmember Barber made a **motion** to table the Aspen Meadows Connector's Agreement until the November 16, 2004 city council meeting. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Interlocal Agreement - Council of Governments**

Mr. Baker reviewed the draft for the Interlocal Agreement with the Council of Governments. The Council of Governments is an advisory group and not an additional entity. Mr. Baker said by approving this agreement the city will not give up any jurisdiction or sovereignty.

Councilmember Sorensen made a **motion** to accept the Interlocal Agreement with the Council of Governments as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Ratification of Snyder Property Purchase**

Mr. Baker said the city council authorized the city staff to purchase the property owned by Sharon Snyder. The property purchased has closed in the amount of \$121,000 and he asked the city council to ratify the purchase contract. The property has been improved and is in good condition. Mr. Baker said the city council may want to consider leasing the home until the entire property is utilized or developed.

Councilmember Sorensen made a **motion** to ratify the Snyder Property Purchase in the amount of \$121,000. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

## **Ratification of Hill Property Purchase**

Mr. Baker said he is also seeking ratification of the Gerald Hill property purchase in the amount of \$57,000 per acre. The property will contain a portion of the proposed road from the river to Volunteer Drive. There were two deeds on the property and only one parcel. There is an unresolved title dispute. The funds for the purchase will be held in escrow until the dispute is resolved. The property will include some conservation easements. The city has also agreed to pay the rollback taxes and title insurance costs. Mr. Hill authorized the construction of the road to begin and the work has begun.

Councilmember Wadsworth asked when the title dispute will be resolved.

Mr. Baker said it was to be resolved last week. The title company is optimistic and said it will be resolved, however, they do not want to push the issue.

Councilmember Kelepolo made a **motion** to ratify the Gerald Hill property purchase as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

## **Other Business**

Councilmember Kelepolo said the Recreation Committee will meet on the first Monday in December to discuss the Special Events Policy and will be prepared to present the policy to the city council during the December 21, 2004 city council meeting.

Mr. Heap requested all members of the city council attend a meeting scheduled on November 11, 2004 at 11:00 a.m. in Mapleton to discuss water issues.

Mayor Barney also encouraged the city council to attend.

## **Adjournment**

Councilmember Kelepolo made a **motion** to adjourn the city council meeting. 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: December 7, 2004