

**Adopted Minutes  
Spanish Fork City Council Meeting  
February 15, 2005**

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

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

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Emil Pierson, Planning Director; Richard Nielson, Assistant Public Works Director; Kent R. Clark, Finance Director; Seth J. Perrins, Assistant City Manager; Bill Bushman, Building and Grounds Superintendent; Christopher Swenson, Building Inspector; Connie Swain, Deputy Recorder.

Citizens Present: Sherman Huff, Robert Pittelli, Kerey Walker, Pat Parkinson, Bob Terragno, Shawn Elliott, Joseph Santos, Marilyn Cope, Vanessa Sackett, Tricia Christensen, Parker Peterson, Harriet Peterson, Tina R. Huntsman, Kelsey Huntsman, David Simpson, Barbara Peterson, Rebecca Jeppsen, Nykki Rowley, Jonathan Dewsthrop, Jessica Nielson, Colby Seigmiller, Emily Ruth Spotten, Jenifer Cowden, Royden Hill, Justine Ross, Josh Steenstra, Robbie Haskell, Golden Money, Brent Money, Chris Sanborn, Mike Sanborn, David Mathis, Colton Hickman, Tom S. Soffe, Natalie Waite, Treece Johnson, Roxanne Johnson, Katelyn Daniels and Erika Taylor.

**Minutes**

Councilmember Barber made a **motion** to approve the minutes of the January 4, 2005 City Council meeting with changes as noted. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to approve the minutes of the February 1, 2005 City Council meeting with changes as noted. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Wadsworth made a **motion** to approve the minutes of the January 28, 2005 City Council meeting as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Sorensen made a **motion** to approve the minutes of the January 29, 2005 City Council meeting as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

**Envision Utah - Bob Terragno**

Shawn Elliott from Mountainland Association of Governments said as a regional agency they

provide services for aging, air quality, water quality, community development, C.D.V.G. grants and transportation planning for communities in Utah County. He began the Envision Utah presentation covering the following information:

- How do we provide the best transportation service?
- Provide guidelines for highways, public transportation and bikeways
- New Features: safety, homeland security and advanced economic planning
- New Approach: growth principles and strategies, recognize land use/transportation interaction
- Envision Utah invited to facilitate the visioning process

Bob Terragno of Envision Utah continued the presentation as follows:

- The visioning process is a broad-based, grassroots, public process. It consisted of 12 sub-regional public workshops, comparison scenarios of the future, guidelines and local control of land use.
- Conventional approach involved a one-way communication, land use plans will change
- Wasatch Choices involves a two-way dialogue
- Evaluation of future scenarios pertaining to job creation, air quality, water use, open spaces, housing opportunities, miles of driving, land consumption and traffic
- Stakeholder workshops involving local officials and residents

Mayor Barney said we are already feeling the effects of growth and the resulting transportation needs.

#### **Employee of the 4<sup>th</sup> Quarter 2004**

Mayor Barney introduced Chris Swenson as the Employee of the 4<sup>th</sup> Quarter for 2004. Mr. Swenson provides many services for both the Building Inspection and Buildings and Grounds Departments. A round of applause was given.

#### **Agenda Request - Trisha Christensen - Donation to Jr. Miss Program**

Ms. Christensen thanked the City Council for the opportunity to speak. She turned the time to Marilyn Cope, Co-chairman of the Jr. Miss Committee.

Ms. Cope presented a Jr. Miss brochure to the members of the council and thanked them for the \$1,000 donation received last year. The funds provided an opportunity for the girls to pursue a college education. The current Jr. Miss, Vanessa Williams, was also involved in the recent production of "Seven Brides for Seven Brothers." Ms. Cope requested a \$2,000 donation to the Jr. Miss Program from the city for the 2005 Program. She said this is a very worthwhile program providing a service to the community involving hundreds of service hours. The girls participating in the program visit local schools and encourage the students to be their best selves. This program does not compete with the Miss Spanish Fork Pageant. The Jr. Miss Pageant provides another opportunity for the girls to participate in a program.

Councilmember Kelepolo asked for the ages of the girls who participate in the Jr. Miss Pageant.

Ms. Cope said the Jr. Miss Program consists of Juniors from Spanish Fork High School only.

Councilmember Barber asked for the cities in which the girls live who participate in the Jr. Miss Program.

Ms. Cope said only girls from Spanish Fork and Salem are allowed to participate.

Mayor Bamey asked if the Finance Committee reviewed this donation request.

Councilmember Kelepolo, a member of the Finance Committee, said this donation request was recently reviewed by the Finance Committee in accordance with the new donation policy. The donation policy recently adopted is based on State guidelines invoked last year. Since funds being donated belong to the citizens, the State created guidelines to prevent any misuse of funds. The city currently sponsors the Miss Spanish Fork Pageant and the Finance Committee determined that the Jr. Miss Pageant is a competing program. Therefore, the donation request received from the Jr. Miss Committee was denied. Granting this request could encourage other competing programs.

Councilmember Wadsworth said the Finance Committee is concerned with the sizable number of donation requests. The funds being requested are part of the public treasury. The City Council needs to be fiscally responsible. One of the reasons constraints are in place is due to the many requests from schools and other public organizations. Information has been received concerning a possible request for a donation to a proposed Mr. Spanish Fork Program. Councilmember Wadsworth asked where the line is to be drawn.

Ms. Cope said her committee is only asking for \$2,000. There are many talented young women participating in the Jr. Miss Program and they need an education.

Councilmember Kelepolo said the city is currently sponsoring the Miss Spanish Fork Pageant. The City Council has to justify the number of programs we are to support.

Councilmember Wadsworth said other city resources could be utilized. He suggested promoting the Jr. Miss Pageant by asking citizens to donate to the program. He said he would prefer to allow the citizens to donate voluntarily.

Mayor Bamey said other programs have entered into contracts provide services to the city in exchange for donations.

Councilmember Kelepolo explained that some approved donations are allowed in exchange for providing a service to the community.

Ms. Cope asked if the City Council did not feel it was important for the girls go to the local schools and promote education and being our best selves. She said with the city's multimillion dollar budget could they not squeeze out \$2,000. She said the Jr. Miss Program is already saving money by having a preparatory program in place, which may in the future be required by the Miss Utah Committee.

Councilmember Wadsworth said the City Council and the Finance Committee is not discounting the value of the Jr. Miss Program. The donation policy is based on the principle of protecting the public treasury. Currently, the City Council is in the process of cutting expenditures. He said the citizens need to be allowed to voluntarily donate funds.

Ms. Cope said she hopes citizens will donate to the Jr. Miss program. The girls give many hours of service to the community. These young women need to be educated. Ms. Cope said she hopes the City Council will reconsider the request.

Councilmember Christensen said he serves on the Miss Spanish Fork Committee. He said he personally knows how much good the girls provide to the community. He said he knows many of the girls and knows of their outstanding character. He said the request is pulling at his heart because he knows how much good is done through the program. He was prepared to suggest \$1,000 but said he supports the decision made by the Finance Committee. He said he also sees the value of the Jr. Miss Program.

Ms. Cope asked the Finance Committee to donate \$1,000.

Councilmember Kelepolo said the Finance Committee is also part of the city organization.

Mayor Bamey pledged \$100 to the Jr. Miss Program.

Councilmember Wadsworth also pledged \$100.

Harriet Peterson said she served on the Miss Spanish Fork Committee when the program began and she knows the cost involved and the funds that were raised. At that time funds were raised and they broke even. She said the cost has gone up. She said the city donated triple this amount to the Miss Spanish Fork Program. She suggested splitting the funds between the Jr. Miss Program and the Miss Spanish Fork Program.

Mayor Barney said the City Council has decided to deny the donation request and ask the citizens to voluntarily donate to the Jr. Miss Program. In his opinion the funds can be raised.

Ms. Christensen said she was a past Miss Spanish Fork and would have loved the opportunity to participate in the Jr. Miss Program to help her prepare for the Miss Spanish Fork Pageant. Both are worthwhile programs.

Councilmember Christensen said his wife was a past Miss Spanish Fork. Therefore, he is very supportive of the programs. He directed Ms. Christensen and Ms. Cope to meet with Dana Robinson, SFCN Advertising Coordinator, to create an advertisement requesting that citizens donate to the Jr. Miss Program.

Ms. Cope said since citizens of Spanish Fork are currently watching this City Council meeting she directed citizens to contact, Christy Roach, Harriet Peterson or herself, Marilyn Cope, concerning donations and the Jr. Miss Program.

## **Sunny Ridge Amended Preliminary Plat - 400 North 1300 East**

Mr. Pierson said Woodsprings Development is requesting to amend the Sunny Ridge preliminary plat by increasing the units within the subdivision from 183 to 197 units. The additional units were made possible since Woodsprings Development was allowed to purchase Mr. Johnson's adjacent property. Mr. Pierson expressed his approval of the amendment. The trail and improvements along 400 North will be completed. All units will be required to meet the original conditions. The Planning Commission reviewed this request and recommended approval of the amendment subject to the 6 conditions listed.

Councilmember Wadsworth asked Mr. Pierson to further explain the change in lot numbers from 183 to 197.

Mr. Pierson said the allowed lots are increased to 197. However, the developer has building rights to only 183 of the units. At this time the developer can only build on 183 out of the 197 lots in the subdivision.

Councilmember Kelepolo asked if the approval of the amendment should be subject to the 6 conditions recommended by the Planning Commission as well as the original 12 conditions.

Mr. Pierson said the 6 conditions include the requirement to meet the original conditions.

Councilmember Sorensen asked if the access at the northwest corner of the subdivision will be a problem in the future.

Mr. Pierson said requirements for the access will eliminate potential problems.

Councilmember Barber asked Mr. Nielson if he had met with the Beckstrom family and reached an agreement.

Mr. Nielson said Mr. Simpson met with the Beckstrom family.

Mr. Simpson reviewed the agreement with the Beckstrom family. He also said he will donate \$100 to the Jr. Miss Program

Councilmember Christensen asked what will separate the trail and the railroad tracks.

Mr. Simpson said there will be a black vinyl-coated chainlink fence separating the trail and the railroad tracks.

Councilmember Wadsworth made a **motion** to approve the Sunny Ridge preliminary plat amendments subject to the following conditions:

1. Meet any previous conditions imposed including the installment of a wall separating the existing homes as required,
2. Contain the detention basin within a vinyl-coated chain link fence,

3. Extend the trail to 400 North,
4. Building on no more than 183 of the lots as per the number of building rights granted,
5. Receive approval from the Engineering Department for the amended utility design,
6. Install sidewalks and receive approval of the railroad crossing from the Engineering Department.

Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. The vote was confirmed by a roll call vote.

### **SUVPS Amended Interlocal Agreement**

Mr. Baker said when South Utah Valley Power System (SUVPS) was created Strawberry Water and Strawberry Electric were considered one entity. Recently, Strawberry Water and Strawberry Electric separated into individual entities. The SUVPS Amended Interlocal Agreement includes an agreement with SUVPS, Spanish Fork, Springville, Salem and Payson. Strawberry Water and Strawberry Electric have been removed from the board. Strawberry Electric meets the requirements to continue serving on the board. However, due to unresolved issues between Strawberry Water and Strawberry Electric they will not be on the board at this time. SUVPS administers the operations of 2 substations and deals with moving power between the cities.

Councilmember Wadsworth asked concerning the length of the agreement.

Mr. Baker said the agreement length is the maximum as set by the legislature.

Councilmember Barber asked if there are costs related to the amended agreement.

Mr. Baker said are no costs related to this amendment agreement. However, there are costs associated with the original agreement with SUVPS.

Mayor Barney said the amended agreement cleans up the organization.

Councilmember Kelepolo made a **motion** to approve the SUVPS Interlocal Agreement as presented. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

### **Ordinance 02-05 - An Ordinance Amending the Provision of the Municipal Code Concerning Sidewalks**

Mr. Baker said during the recent City Council retreat a discussion took place concerning the ordinance requiring homeowners to remove snow and ice from sidewalks on their property. As directed by the City Council Mr. Baker presented Ordinance 02-05 which eliminates the requirement regarding the removal of snow and ice only.

Councilmember Wadsworth asked Mr. Baker to restate the logic prompting the decision.

Mr. Baker said the city owns a number of properties containing many miles of sidewalks. The city does not possess the equipment or man power needed to clear the sidewalks in a timely

manner. The city does not enforce the ordinance. The City Council indicated the ordinance should be repealed if it is not enforced.

Councilmember Barber asked Mr. Nielson how many miles of sidewalks are on city property.

Mr. Nielson said approximately 9 miles of sidewalks are on city property. This also includes lots with double frontage on which the city is responsible for maintenance. Throughout the entire city there are approximately 200 miles of sidewalks.

Councilmember Wadsworth asked Mr. Nielson to also review the problems associated with snow removal equipment.

Mr. Nielson said the width of snow blowing or plowing attachments are too wide and will cause damage to landscaping, sprinkling systems and the sidewalks themselves. Although the attachments would assist with clearing snow and ice from sidewalks in a timely manner, the possible damage costs are high.

Councilmember Kelepolo encouraged all citizens to continue to take the time to clear ice and snow from sidewalks.

Mr. Nielson said the Parks Department does an outstanding job clearing the city sidewalks with the most impact on the public.

Councilmember Barber made a **motion** to accept Ordinance 02-05, An Ordinance Amending the Provisions of the City Code Concerning Sidewalks. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

#### **Lease Agreement - Rick Olsen**

Mr. Baker said the Airport Board met and approved of the lease agreement with Rick Olsen. The property to be leased to Mr. Olsen was purchased for the future airport expansion. Mr. Olsen requested to lease the property until it is needed by the airport. He requested a 10-year lease with a credit for repairing, building and replacing fencing. The rent will be due annually. When the property is needed, the city has the option of terminating the lease upon a 60-day notice. Mr. Baker pointed out the location of the property included in the lease. This agreement allows the property to be utilized until needed which helps control weeds on the property.

Councilmember Barber asked if an incremental increase in rent should be included in the agreement and he asked how the rental amount was determined.

Mr. Baker said the airport board approved the amount based on information provided by Mr. Olsen.

Councilmember Wadsworth asked for the water allowances included with the property for both land and livestock.

Mr. Nielson reviewed the livestock and land watering allowances. He also stated that natural water occurs on the property.

Councilmember Wadsworth asked if Mr. Olsen can request culinary water on the property.

Mr. Baker said the city does not provide any water to the property.

Councilmember Kelepolo made a **motion** to approve the lease agreement with Rick Olsen as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

#### **Bid Tabulation - 2005 House Demolition - 87 East 300 North**

Mr. Nielson referred to the amended bid tabulation provided in the agenda addendum. As contained in the amended bid tabulation the low bid was received from Conexco in the amount of \$8,700. Mr. Nielson recommended approval of the low bid.

Councilmember Wadsworth asked concerning the plans for the property and if the demolition plans for the home are premature.

Mayor Barney said the house will become a hazard if not demolished.

Mr. Oyler recalled the City Council's decision to purchase and not rent out the home. If the home on the property is left as it is, it becomes a hazard and an eyesore. In this year's budget process the plans for the property will be reviewed. The estimated cost to redo the existing asphalt is \$25,000 and the estimated cost to asphalt the entire area will cost \$75,000. The City Council will need to determine if this is a priority.

Councilmember Kelepolo made a **motion** to approve the house demolition bid received from Conexco in the amount of \$8,700. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

#### **Bid Tabulation - Inspection and Testing**

Mr. Nielson said in the last couple of months the city has contracted for inspection and testing services. The services have been used on city-funded projects and other projects. Epic Engineering has assisted the city for many years. A portion of the testing is performed by the city. Several firms have submitted bids for the inspection and testing services. Most bids were fairly comparable. A committee consisting of Mayor Barney, Councilmember Sorensen and others reviewed the bids received. Based on the qualifications Mr. Nielson said the committee recommended approval of the bid received from Epic Engineering for both the inspections and testing.

Councilmember Wadsworth asked if the companies submitted bids for both inspection and testing services together.

Councilmember Sorensen said the companies submitted the bids based on both services.

Mr. Nielson said the Request for Proposals (R.F.P.) went to firms. One R.F.P. was for testing and another R.F.P. was for inspections. The firms could combine the proposal for both services or submit a bid for the services separately.

Mayor Barney said the committee felt they would receive better continuity with one company providing both services. Mayor Barney said Epic Engineering only provides services to municipalities.

Councilmember Wadsworth asked concerning Earth Tech.

Mr. Nielson said the city has used Earth Tech in the past.

Councilmember Christensen asked which companies the city contracted with for testing and inspections this past year.

Mr. Nielson said Earth Tech provided testing services and Epic Engineering provided inspection services.

Councilmember Christensen said he received information from a developer that they had trouble getting inspections done.

Mr. Nielson said he is not aware of any delays in inspections. He asked to receive the information and he said he will address the problem. Depending on the demand, Epic Engineering will be on call for the city and they are willing to bill the city on hourly rates only when needed by the city.

Councilmember Barber asked to explain the process once the service is handed over to Epic Engineering.

Mr. Nielson said the city calculates the bond based on the plans submitted. An inspection fee is charged based on 5 percent of the bond. As work is completed on the project, bills for inspection work are submitted. If a portion of the inspection fee remains unused at the end of the project, it is refunded to the developer. If the development goes over the inspection amount, the developer receives a bill. The inspection costs accrued are based on the development. The trip charge is fixed. Mr. Nielson explained the need for 2 trip charge schedules. The majority of the inspections are scheduled depending on the demand. Some projects require continuous inspections.

Councilmember Barber asked if a project requires continuous inspections, do the inspectors work directly with the developer.

Mr. Nielson concurred.

Councilmember Barber asked who is liable if there are problems.

Mr. Baker said it would depend on the problem. If it is an inspection problem, the liability falls on the inspector.

Councilmember Barber asked for the process if the developer has a complaint.

Mr. Nielson said when an inspector is assigned to a project that inspector is the developer's first point of contact. Mr. Nielson said he is then contacted if the problem is not resolved.

Councilmember Wadsworth asked if the city is required to give Epic Engineering a minimum number of hours.

Mr. Nielson said the services are on an as needed basis only and no minimum hours are required.

Councilmember Sorensen made a **motion** to accept the bid received from Epic Engineering for inspection and testing services as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Information Report - Drinking Water**

Mr. Nielson said the following presentation was prepared concerning culinary water based on a request by the City Council:

Water system history -

- The first water system was developed around the turn of the century
- Malcolm Springs - developed about 1903
- Cold springs - developed about 1953
- Crab Creek Springs - developed in 1994
- Pipe network - distributes water from the springs to users
- Where does the water come from?
  - Crab Creek 43%
  - Cold Springs 19%
  - Malcolm Springs 38%
  - Cemetery #1 Well
  - Ed Clark Well
- Pictures of the following were presented: Upper Crab Creek and Lower Crab Creek Springs, Cold Springs pumphouse, pipeline from Crab Creek - constructed in 1998, 3 million gallon reservoir - upper, 2 million gallon reservoir - lower
- How much water do we use each year?
  - 1,161,472,000 gallons of culinary water used in 2004
  - Averages more than 2,200 gallons per minutes for every minute of the year!
  - About 80 percent of culinary water is used in homes
  - 125,564 gallons per home each year on average
- Treatment of water
- Water testing
  - Bacteria testing monthly, lead and copper (30 every 3 years)
  - Disinfectants by-products (quarterly)
- No fluoride added to the water - a small amount of fluoride occurs naturally

- How hard is the water in Spanish Fork City? Our water has a hardness of 17-21 grains or 362 mg per liter. The water is classified as very hard.
- How much water pressure is available to the homes?
- Pressure zones
- What if you have low water pressure? Check with your neighbors and check your pressure regulator.
- On city web site, [www.spanishfork.org](http://www.spanishfork.org), information is provided concerning water pressure.
- Water Line Replacement

Councilmember Wadsworth asked if the information presented is available to the public and if tours of facilities are available.

Mr. Nielson said the information presented can be provided on the city website. Tours of some facilities can be made available upon request.

Councilmember Christensen asked concerning the possibility of using gray water.

Mr. Nielson said the use of gray water has not hit the main stream yet. At this time the State requirements on water reuse make the possibility of using gray water cost prohibitive. Over time this may change and will be considered in the future.

### **Other Business**

None

### **Adjourn to Executive Session**

Councilmember Kelepolo made a **motion** to adjourn to Executive Session to discuss land acquisition. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:09 p.m.

---

Connie Swain, Deputy Recorder

Approved: March 22, 2005