

**Approved Minutes**  
**Spanish Fork City Council Meeting**  
**March 1, 2005**

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

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 Heap, Engineering/Public Works Director; Kent R. Clark, Finance Director; Seth J. Perrins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; Chris Thompson, Design Engineer; Bill Bushman, Buildings and Grounds Superintendent; Connie Swain, Deputy Recorder.

Citizens Present: Sherman Huff, Robert Pittelli, Jason Stites, Michael Clayton, Nic Thomas, Cord Olsen, Tucker Anderson, Garrett Galt, Phillip Thomas, Troy Thomas, David Krause, Bryson Banks, Jeff Banks, Duane Ware, Christopher Gardner, Nathan Hill, Gary Galt, Heather Stites, Doug Ford, Mel Kessinger, Jake Isaac, Mary Isaac, Jan Levi, Paige Levi, Nathan Pullman, Robison Rogers, Lisa Olsen, Andy Carson, Kelsey Huntsman, Tina Huntsman, Jeni Cowden, Estefania Pliego, Ray Morley, Braiden Scott, David Olson, Del Robins, David Eddington, Emily Golightly, Justine Ross, Andrea Hales, Colton Hickman, Chase Castleberry, Nelson Castleberry, Kris Lowe, Louis Petro, Marianne Smith, Kelsey Hansen, Eric Gracia, Shaina Krueger, Emily Spotten, Clyde Bradford, Eva Bradford, Clint Muhlestein, Pat Davis, David Isaac, Brenda Christensen and Stephanie Hanks.

**Request for Proposals - Concession's Operations**

Mr. Robinson said a request for proposals (R.F.P.) concerning the concession's operations was issued as directed by the City Council during the study session held in Midway, Utah. The R.F.P. was sent to all food businesses in town. Proposals were received from 3 businesses. Mr. Robinson said he reviewed the proposals along with a committee consisting of David Oyler, Seth Perrins, Kent Clark and Councilmember Paul Christensen. The proposals were passed to the Finance Committee and they recommended accepting the proposal received from Hogi Yogi. Jason Stites and Michael Clayton, representing Hogi Yogi, are present to answer any questions.

Mayor Barney asked if food services will be available to meet the needs of citizens participating in the horse shows at the fairgrounds. The previous food service provider supplied food services whenever activities were taking place.

Mr. Robinson said, as per the agreement with Hogi Yogi, they will provide concession operations whenever requested by the city. Jason Stites is the store manager of the Spanish Fork Hogi Yogi and lives in town.

Councilmember Kelepolo said a big issue is maintaining the same menu. He asked if hamburgers will still be offered at the ballpark concession stands.

Mr. Clayton said the existing menu will be preserved along with additional popular items.

Councilmember Wadsworth asked for the process in making menu changes.

Mr. Clayton said Hogi Yogi has extensive experience in concession stand operations throughout the State of Utah. They have an additional menu which is widely accepted by customers. They also consider suggestions from customers.

Councilmember Kelepolo said he is impressed with the proposal outlined by Hogi Yogi.

Mr. Barber asked for a review of the agreement with Hogi Yogi to give the citizens a general sense of the services to be provided.

Mr. Robinson read the highlights of the agreement relating to the concession stands at the water park, both ball parks, the fairgrounds and golf course. The exception to the agreement is the operation of the concession stands in association with the Fiesta Days Celebration. The city will control the operation of the concession stands during Fiesta Days. Hogi Yogi has agreed to maintain the equipment, provide staffing and an extensive staff training program, purchase supplies and pay the city 3 percent of the gross sales with a bonus if sales reach a certain level. Hogi Yogi will provide proof of liability insurance and have requested the option to extend the agreement for 3 years if they are successful. Hogi Yogi has agreed to maintain the current menu with additional items and to keep the concession stands clean as well as the surrounding areas. They will provide an independent cashier to collect the cash from the concession stands. Hogi Yogi also owns mobile trailers to provide food services to the indoor arena at the Fairgrounds.

Councilmember Kelepolo made a **motion** to accept the proposal from Hogi Yogi for the concession's operations as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

### **Worker's Compensation Contract**

Mr. Clark said the worker's compensation insurance policy covers an employee if they are hurt while at work. Requests for bids were issued and 2 bid offers were received as outlined in the agenda packet. Mr. Clark recommended approving the bid received from Utah Local Government Trust since the rates are substantially lower. Utah Local Government Trust provided the worker's compensation insurance policy last year.

Councilmember Barber asked Mr. Clark for last year's insurance policy rate.

Mr. Clark said the policy has a slight increase this year. This contract also adjusts the term of the policy to run during the calendar year. This will allow the current policy rate to be locked in for 9 months and the renewal period of 12 months when the calendar year begins.

Councilmember Christensen said in the last lines of the bid a reference is made to the terrorism act. Is this included in the policy?

Mr. Clark said this item is included in the rate amounts.

Councilmember Wadsworth asked in which line item coverage of the terrorism act is included.

Mr. Clark said there is a small amount for this coverage included in each line item.

Councilmember Sorensen made a **motion** to approve the Worker's Compensation Contract with Utah Local Government Trust as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Utility Fee Waiver to Deployed Military**

Mr. Clark said in the past the City Council reviewed the utility fee waiver program every April to determine if the program should be continued. The appropriate military offices provide verification to the city of activated military personnel. Those deployed military service men and women receive a \$100 credit each month toward their utility bill during their active duty period.

Mayor Barney said he has been contacted by many individuals expressing their appreciation for the program.

Mr. Clark said at this time there are 12 individuals in the community remaining on active duty. The city receives notification from the military sites when deployed military personnel return from active duty.

Councilmember Wadsworth asked if the program is limited to only those serving in Afghanistan.

Mr. Clark said the program applies to any military service members assigned to active duty in or out of the States.

Councilmember Kelepolo asked for the past number of residents receiving a fee waiver.

Mr. Clark said recently 26 individuals were receiving utility fee waivers. Many of those individuals have returned home. There are currently 12 residents remaining on active military duty and receiving the monthly utility fee waiver.

Councilmember Kelepolo asked if the program falls under the donation policy.

Mr. Clark said this a preestablished program and does not qualify since the program is before the City Council for renewal only.

Councilmember Kelepolo made a **motion** to continue the utility fee waiver to deployed military personnel. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

## **Snow Pack Report**

Mr. Heap gave a report on the regional snow pack levels. We will start monitoring projected stream flows. Extreme flooding is not anticipated. He said they have been checking the river and river flows. For the past several years Mayor Bamey has been trying to get the County to provide consistent maintenance of the river. There have been meetings with the County, UDOT and the State Engineers and have proposed that the County establish a countywide flood control district and that the County have jurisdiction over all of the flood ways. The County would set up the funding mechanism for the proposal. There is a County Commissioner who is in favor of the proposal and 2 of the Commissioners are open to looking at the proposal. Mayor Bamey and other Mayors are encouraging the County to accept the proposal. Mr. Heap said it appears that progress is being made toward regular maintenance of the river and getting someone to take responsibility. The river capacity and flow is being monitored closely. The standards typically observed are based on a 100-year flood and the river will be ready for that.

Councilmember Wadsworth asked if the recreation appropriation received from the N.R.C.S. could be used as a buffer to the proposal. The appropriation is a river/trail appropriation.

Mr. Heap said while meeting with the State they will take the appropriation into account.

Mayor Barney said one entity should have jurisdiction over the river when it runs through several entities.

Mr. Heap said the County understands the consistency problem. It has been proposed that the County take responsibility for all river maintenance, establish a flood control district and the funding mechanism for maintenance. With pressure from Utah County Mayors, Mr. Heap believes the proposal will be accepted. The recent flooding in St. George and in other areas has helped reenforce the need for river maintenance. In 1983, there was a considerable amount of snow and warm rain which caused extensive flooding of the Spanish Fork River. In comparison to this year, high snow packs are not found and warm rains are not anticipated. There are too many factors to determine if flooding will occur this year. The projections right now do not indicate there will be flooding this year.

Mayor Bamey said when the grounds are open they absorb moisture but they can only handle so much saturation.

Mr. Heap said water runoff similar to the amount that occurred in 1983 is not anticipated.

## **Public Hearing - Warren Peterson Zoning Map Amendment**

Mayor Barney reviewed the procedures and rules of conduct for a public hearing.

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

Mr. Pierson said this is a request by Warren Peterson to amend the zone for .48 acres at 114 East 800 North from Medium High Urban Residential (R-1-6) to Commercial Office (C-O). The amendment meets the current General Plan. The surrounding properties are zoned R-O, R-1-6 and C-O. A site plan has not been submitted so the plan for this property is considered a concept plan. The Development Review Committee and the Planning Commission both recommended approval of the Warren Peterson request based on the findings that the zone change is consistent with the General Plan and the property meets the characteristics of the neighborhood and does not adversely impact the adjacent properties.

Mayor Barney opened the hearing for public comment. No public comments were given. Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Councilmember Wadsworth asked if the ingress/egress indicated on the proposed site plan are hard and fast.

Mr. Pierson said the plans submitted are concept plans. The site plan, when submitted, will be reviewed by the Development Review Committee. However, the area shown is adequate for traffic to travel in both directions.

Councilmember Wadsworth said when the rezone request was reviewed by the Planning Commission they felt comfortable with no ingress/egress on 100 East. Also, the citizens were more comfortable with this suggestion as well.

Mr. Pierson said based on the setback requirements the ingress/egress will most likely be as shown.

Councilmember Wadsworth asked how far the fence will extend and if it will taper down to a 3-foot height and not obscure the neighbor's view.

Mr. Pierson said the fence will meet the ordinance requirements.

Councilmember Sorensen asked when the site plan will be received for this property.

Mr. Pierson said he does not know when the site plan will be submitted.

Councilmember Kelepolo asked if a cinder block wall will be installed between the properties.

Mr. Pierson said the ordinance requires a block wall separating the property unless a waiver is signed by the adjacent property owner allowing a vinyl fence.

Councilmember Kelepolo asked if residents are concerned about the size of the building.

Mr. Pierson said the building referred to by Councilmember Kelepolo will be a 1-story office building and no concerns have been expressed by residents as to the size of the building.

Councilmember Barber asked Mr. Pierson to explain the good planning concept for not using that road as a buffer between commercial and residential areas and allowing commercial uses to exist on both sides of the road.

Mr. Pierson said the planning concept is based on transportation routes. On main commercial corridors commercial buildings are typically found on both sides of the road. As roads branch off from commercial corridors into residential areas, those roads are maintained as residential. He pointed out possible city blocks that could become entirely commercial areas in the future.

Councilmember Wadsworth asked if a crosswalk is needed in the area to allow for pedestrians to cross the road safely.

Mr. Heap said generally the traffic counts and speeds determine the need for crosswalks. This area may or may not qualify for a pedestrian crosswalk.

Councilmember Wadsworth made a **motion** to accept the Warren Peterson Zoning Map Amendment as presented amending the property at 114 East 800 North from Medium High Urban Residential (R-1-6) to Commercial Office (C-O). Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

### **Public Hearing - Valley/Charter General Plan Map Amendment - 1173 Del Monte Road**

Councilmember Wadsworth asked to recuse himself since he is involved in this development.

*6:48 p.m. - Councilmember Wadsworth was excused from this portion of the meeting.*

Mr. Pierson said this is a request by Charter One Development, represented by Ray Morley, to amend the zones shown on the General Plan Map for the property located at 1173 Del Monte Road. The original rezone request was changed as per recommendations by the Planning Commission. The property consists of 56.4 acres and the change requested is as follows:

- Middle/Valley Asphalt property to become Professional Office (P-O)
- Lower section of property zoned as Rural Residential (R-R) or Residential
- Ted Scott property to be included in the Residential zone of 2.5 to 3.5 u/a to match the River Cove Subdivision
- Center section of property to be zoned Commercial Office (C-O)

Mayor Barney opened the hearing for public comment. No public comments were given. Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Councilmember Kelepolo asked if the utility lines are within access to this development.

Mr. Heap said the utilities are in at the Quail Hollow Subdivision at the corner of the Valley/Charter development. The sewer line will be connected at the River Cove Subdivision.

Mr. Pierson said the sewer hookup at the River Cove Subdivision will work only if the grade is adequate to provide proper flow.

Councilmember Sorensen asked for the sewer connection option of the grade is not adequate.

Mr. Heap said everything is being done to insure the sewer line is deep enough to connect at the River Cove Subdivision. If not, we will need to approach Salem City for sewer services.

Mayor Barney asked concerning the irrigation ditches through the property.

Mr. Heap said he met with the South Field Irrigation Company and the developer has been directed to work with the irrigation company to determine the desired irrigation canal design. The irrigation company will use a consultant to determine how the canal is to be dealt with. The city will make sure the water is delivered and will require a letter of approval from the irrigation company. We do not want to set the standards with which they supply the water to their users.

Councilmember Kelepolo asked if the equipment on the property has been removed.

Mr. Pierson said there are a few buildings and structures still remaining on the property. The batch plant and related materials have been removed.

Councilmember Kelepolo said environmental issues are a major concern and he asked Mr. Morley to review what has been done to address these issues.

Ray Morley said the previous owner, Scott Sumsion, has provided Charter One Development with drawings of all underground utilities. These service lines will be staked and marked, including a 4-inch gas line servicing the Jack Parson's property. There are also 2 wells on the site not being used at this time. He pointed out the location of the wells. At this time the main work will be in the areas he indicated on the map. The power needs to be brought into the development. He reviewed the grading of the area. He said he is confident the grade will accommodate the sewer design to connect at the River Cove Subdivision.

Councilmember Kelepolo asked if there will be a lot of backfill required.

Mr. Morley said they would like to complete the project without hauling any fill materials in or out of the area.

Councilmember Kelepolo asked concerning berms on the property.

Mr. Morley reviewed the berm locations and the plans to re-grade the area. He said they have submitted the irrigation ditch plans to the South Field Irrigation Company and the plans are currently being reviewed. The developers understand the deadline for the piping of the irrigation ditch is April 1. He reviewed the proposed piping of the irrigation ditch and said they are waiting for the irrigation company to respond to the plans submitted.

Councilmember Kelepolo asked concerning the traffic in and out of the development.

Mr. Morley said the Planning Commission does not want traffic to exit onto Mill Road. The developers are currently working on relocating Jack Parson's Company. A parcel has been located and is currently being discussed but has not been finalized. He reviewed the access to the development until Jack Parson's Company has been relocated.

Councilmember Kelepolo said everyone is aware of the concerns related to Mill Road. He asked Mr. Heap if Mill Road can handle the traffic increase.

Mr. Heap said the traffic study results are not available yet.

Councilmember Kelepolo asked if the traffic study results are needed before a decision can be made.

Mr. Heap said this issue addresses the General Plan amendment only.

Councilmember Christensen asked Mr. Morley, as the developer, how this development is being funded and if the State is funding this project.

Mr. Morley said Charter One Development is purchasing the Sumsions' property. He said he has been hired by Charter One Development and they are acquiring the funding for this project through a commercial lender. The State will not be funding this project. It will be a public school. The State will fund the teacher's salaries and the supplies for the school only. Charter One Development will build the building.

Councilmember Kelepolo said one part of the environment study indicated suspicious and contaminated soil on the property. He asked Mr. Morley to further explain the findings.

Mr. Morley said the developers were aware of the lead contamination history prior to acquiring the property. They read the 2001 contamination report. There were 8 concerns and 6 of those dealt with old tires, caustic materials stored in buildings and buried in tanks. All but 2 of the issues were easily resolved. The 2 difficult issues were related to the water and soil contamination. The Sumsions ordered an environmental study. In January and February, I.H.I. Environmental Studies came in and completed numerous tests all over the site. The soil collected was sent for testing. They conducted tests for 2 days consisting of boring 40 feet to obtain soil and water samples for testing. A letter has been received from the State of Utah indicating that the soil is clean. The letter was delivered to David Oyler. All of the boring tests were clean with the exception of one. A small pool area was found to be contaminated. They found the pool to be stagnant and containing high levels of diesel oil. They also found that the pool did not drain anywhere. They again bored around the pool and found each of the boring tests around the pool area to be clean. The State determined the small pool was not contaminating any other areas. They also found a large underground tank below the floor of the shop. The tank was removed and found to contain 8 inches of water and sludge. Under the direction of the State Board of Health officials, the tank was cleaned and filled with a sand solution. Following the cleanup process they again bored around the tank and found no contamination of land around the tank. The State Board of Health issued a letter stating the site is clean.

Councilmember Christensen asked where they disposed of the contaminated soils.

Mr. Morley said the contaminants were burned out of the soil and it was reused under the direction of the State.

Councilmember Kelepolo asked if no other concerns were expressed by the Planning Commission.

Mr. Pierson the Planning Commission had no other concerns related to the General Plan amendment. The city will require a letter from the State Board of Health when the site plan is reviewed for approval.

Mayor Barney said the city has received a letter from the State Board of Health and any future problems will be dealt with by the State and the developers.

Councilmember Barber asked Mr. Baker to explain the city's responsibility regarding State-funded schools.

Mr. Baker said this issue applies more to the zone change request. When public schools are built, the State has taken away from the cities the ability to dictate the conditions of the development. No building permits or inspections are required from the city. The school district has a certified building inspector or they may use a municipal inspector. They can use another certified inspector if they are supervised by the school district inspector or the municipal inspector. We cannot control landscaping or in which zone the school is to be built. We are trumped by State law.

Councilmember Kelepolo made a **motion** to approve the Valley/Charter General Plan Map Amendment. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

### **Public Hearing - Valley/Charter Zoning Map Amendment**

Mr. Pierson said this is a request from Charter One Development to amend the Zoning Map relating to the property located at 1173 Del Monte Road consisting of 56.4 acres. They are requesting to rezone the property from Medium Industrial (I-2) and Rural Residential (R-R) to Very Low Urban Residential (R-1-30), Low Urban Residential (R-1-12), Business Park (B-P) and Neighborhood Commercial (C-1). A portion of the rezone will allow the developer to create a residential area in the future when the utility restriction is removed. The Jack B. Parson's property is being left in the I-2 Zone based on the fact they are currently conforming. If the zone is changed, the Jack B. Parson's property would become non-conforming. The properties surrounding the Valley/Charter property are zoned as I-2, R-1-12 and R-R. The requested zone would allow them to build a Mountainland Applied Technology College (M.A.T.C.) and commercial offices on a portion of the property. If the area zoned as R-1-30 is not developed into a public school, it would become single family homes in the future. The Development Review Committee and the Planning Commission recommended approval of the rezone request with a condition by the Planning Commission that access onto Mill Road be for emergency

purposes only. Many residents were present during the Planning Commission meeting and expressed concerns regarding the uses and access onto Mill Road.

Mayor Barney opened the public comment portion of the hearing.

Lisa Olsen asked when the sewer line into the River Cove Subdivision will be available.

Mayor Barney said the sewer line into the River Cove Subdivision is available now and can be accessed if the grading of the Valley/Charter development is adequate.

Lisa Olsen asked if the sewer line will run along the property boundary line and what the other option is if they cannot access the sewer line at the River Cove Subdivision.

Mayor Barney said the other option is to approach Salem City for sewer services.

Lisa Olsen said she assumed the M.A.T.C. was coming into the development but it sounds like that is not going to happen. She also said residents in the area do not want additional traffic on Mill Road.

Pat Davis asked who is involved with the I.H.I. Company and if they are local or backed by the Sumsions. She said she had a pregnancy in 1976 and lost the baby. She then had 2 sons each born with terminal diseases. She said at the same time the Sumsions were in the area and pouring contaminants into the ground. Also, Jed Morley said a traffic study was done on Mill Road. She questioned if they did the traffic study and the section of road included in the study. The school buses stop on the road. The road is very narrow at the bridge. She also said there is a culvert on the west side of the bridge. There is an old pipe going to the Davis' property in the area. If Mill Road is opened up the pipe will be crushed.

Mary Isaac said, as she told the Planning Commission, her property is located on Mill Road and the bulk trucks pull into the loading dock and after loading they pull out onto Mill Road causing a traffic hazard. She said she observed 7 school buses between 7:00 a.m. and 5:00 p.m. along with semi trucks driving on Mill Road. The area is too dangerous to open to additional traffic except for emergency vehicles. At the Planning Commission meeting it was mentioned that there are no residents on Del Monte Road. Providing access from Del Monte Road is more safe.

Gary Galt, President of the South Field Irrigation Company, said currently they are reviewing the irrigation canal plans received from Charter One Development and have hired an engineering firm to review the plans. He said the company's current policy will not allow the water system to be diverted during the irrigation season which is April to October. There will be some changes and issues related to the plans which will need to be resolved.

Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Councilmember Sorensen said he agrees that Mill Road is not a good access option. We need to keep commuter traffic off of Mill Road.

Councilmember Kelepolo asked how access onto Mill Road can be limited to emergency traffic only. Would it require a gate?

Mr. Morley said they plan to do as directed by the city with respect to the emergency access. In other projects they have installed a gate and provided keys to emergency personnel.

Councilmember Kelepolo asked Mrs. Davis to clarify her question concerning I.H.I.

Mrs. Davis said she understood that the Federal Environmental Protection Agency (E.P.A.) was going to do the drilling and testing. She wants to know if I.H.I. is associated with the Sumsions and if so she would question the results.

Mr. Morley said he never indicated that the E.P.A. would be performing tests on the property. He said I.H.I. is an environmental engineering firm in Salt Lake City and they have no ties to the Sumsions or the developers. They test environmental issues throughout the State of Utah and the inter-mountain west. He said he is not sure why I.H.I. was selected to do the testing. The developers did not make the selection.

Councilmember Kelepolo said environmental issues are a major concern since the city dealt with this issue at other locations.

Mr. Heap said the State Board of Health has cleared the property of contaminants.

Councilmember Christensen asked if the city is released from liability if there are environmental issues in the future.

Mr. Baker concurred.

Councilmember Barber asked Mr. Heap concerning the future plans for Mill Road.

Mr. Heap said Mill Road will need to be looked at in the future as property on the road is developed. Mill Road has not been Master Planned. The Mill and Mrs. Isaac have dedicated Mill Road and will provide the width necessary to make it a collector road in the future. Mrs. Isaac has agreed to dedicate the needed land when the road improvements are made. The improvements will not be made at this time. This will discourage additional traffic on Mill Road. Mill Road will be a minor collector road in the distant future. It will probably be 20 to 30 years before the south end of the road will be improved. This will require homes to be removed.

Councilmember Kelepolo asked Mrs. Davis where her home is located.

Mrs. Davis pointed out the location of her home on the map.

Mayor Barney asked Mr. Clark for the sales tax amount generated by Jack B. Parson's Company.

Mr. Clark said this information is not public.

Councilmember Kelepolo said the Mill Road situation is a concern with a development this large. He asked what options are available. Does the gate create other problems for emergency access? Does the Del Monte Road access meet the ingress/egress needs?

Mr. Heap said keeping traffic increases on Del Monte Road magnifies the need for a traffic light at that intersection. A traffic light will draw traffic to that intersection. He reviewed the possible traffic flow to and from the Valley/Charter development. Hopefully the proposed access through Jack B. Parson's property will be available in the near future. The traffic on 900 South will increase regardless of the measures taken.

Councilmember Kelepolo asked if the traffic study results are needed to address this issue.

Mr. Heap said Arrowhead Trail and Del Monte are good roads to handle the traffic. Regardless of the zone, traffic in the area will increase when this property develops.

Councilmember Kelepolo asked how developing the property impacts the irrigation company.

Mr. Heap said the ordinance requires the canal to be fenced or piped. Our policy indicates the irrigation company is to determine the appropriate irrigation fencing or piping plans since they have to maintain the system and provide water to their customers. Approval from the irrigation company will be required before the site plan is approved.

Mayor Bamey asked who the principle individuals are in the Valley/Charter development.

Mr. Morley said the managing partners of Charter One Development are Glen Way and five other individuals. He said it is a matter of public record but he does not know who the other individuals are. He corrected his previous statement by saying his son, Mike Morley, has some relationship to the development but he does not know to what extent.

Councilmember Kelepolo asked if issues related to traffic will be resolved with the site plan approval.

Mr. Pierson said the site plan will go through staff review. Also, any residential development in the future will come before the Development Review Committee and the Planning Commission. The next step in the process will be a site plan submitted by the developers. The school site plan will be reviewed by the Development Review Committee and the Planning Commission. The City Council can set conditions related to the rezone addressing the Mill Road issue.

Councilmember Sorensen asked if the recommendation relating to the emergency access only onto Mill Road is the only recommendation made by the Planning Commission.

Mr. Pierson concurred.

Councilmember Kelepolo asked if we can govern the access.

Mr. Pierson said the condition can be made part of the site plan approval. For example, the

Diamond Fork Apartment development including special landscaping which also provides emergency access onto 400 North. He said the city can approve the Valley/Charter development with those kinds of conditions. There are also drive-thru fences available.

Councilmember Kelepolo asked for the impact on Del Monte Road or Arrowhead Trail with this type of development.

Mr. Heap said when the traffic study was done for the bridge allocations, they took into account this area also. They anticipated the types of developments such as industrial and residential.

Mayor Barney asked if the traffic study is ongoing.

Mr. Heap said he is referring to the traffic study in connection with the allocation for the bridge. With this new school they will be fine-tuning the traffic study.

Mayor Barney asked for the results if the traffic study shows these plans are not feasible.

Mr. Heap said the traffic study will not show a lot of difference in traffic with the school being developed rather than residential areas.

Mr. Pierson concurred. He said in his opinion an industrial development would create more traffic.

Mr. Heap said there will be periods of time with intense traffic depending on the development.

Councilmember Barber asked Mr. Morley if this will be a year-round school.

Mr. Morley said the school will operate on a 9-month schedule.

Councilmember Barber asked for the proposed location of the school.

Mr. Pierson reviewed the location of the proposed school and Applied Technical College. If Jack B. Parson's Company leaves the site, he reviewed the proposed access location.

Councilmember Barber asked for the result if the school is not built and the property remains in the R-1-30 Zone.

Mr. Pierson said the R-1-30 Zone matches the General Plan for the property. The property will remain in the R-1-30 Zone unless an amendment request is received and approved by the City Council. He said a great question to ask concerns the results of the development if the school fails and is closed.

Mr. Morley said the proposed site plan consists of school buildings, a football field, a baseball field, parking and more. If the school fails, there will be a nice facility for the city to use.

Councilmember Kelepolo said he approves of the amount of open space shown on the proposed

plan. He said we should work to retain as much open space as possible.

Councilmember Barber asked if citizens had any more comments.

Mrs. Davis asked where the people attending school will live. She said she thinks there will be apartments for housing the students near this property. She asked if the building could become a facility for prisoners or handicapped individuals if the school fails.

Councilmember Barber stated that if the school fails any reuse proposal will come before the City Council.

Mr. Baker said the City Council controls the zoning.

Mr. Pierson said if the school in the R-1-30 Zone fails, the property is under the jurisdiction of the State Code. If the developments in the B-P Zone or R-R Zone fail, the City Council controls the future proposed uses. The R-R Zone will most likely become a residential subdivision. An apartment complex could not be built in this area without approval from the City Council.

Mr. Morley said Charter One Development has purchased the ground. A portion of the property is being purchased by the State. A portion of the buildings will be financed by the State of Utah.

Mayor Barney asked who will be constructing those buildings for the State of Utah.

Mr. Morley said M-13 Construction has been contracted to construct those buildings.

Mayor Barney asked why the project was not put out to bid if it is financed by the State.

Mr. Morley said this was a negotiated offer between the State of Utah and M.A.T.C.

Mayor Barney said the buildings are being constructed with public funds and he cannot understand why bids were not requested.

Mr. Morley said M.A.T.C. was working with Nebo School District to locate a site. When the contract with Nebo School District expired M.A.T.C. approached Charter One Development and asked to join the development.

Mayor Barney said he wants answers as to why bids were not requested.

Councilmember Christensen said he talked with Mr. Maughan from the school district and was told the project must be put out for bids if public funds are being utilized. He asked for the members of the Charter School Board.

Mr. Morley said the State has a policy outlining how a Charter School Board is created. A board of trustees and a school board will be appointed for the purpose of selecting a director and hiring staff. At that point the parents of students will be elected to serve on the school board.

Mayor Bamey said he is still concerned with the issue regarding public funds.

Mr. Morley said he has no answers for Mayor Barney's question.

Councilmember Kelepolo asked if the buildings are built and if for some reason another entity acquires the property, does the city have jurisdiction over the use.

Mr. Baker said if the school buildings are built and the school fails, there are few uses for the buildings in the R-1-30 Zone. The City Council will need to make a decision if the property is requested to be converted to something other than a public school.

Councilmember Sorensen asked for the capacity of the Charter School.

Councilmember Wadsworth said full capacity of the school is 1,275 students.

Councilmember Sorensen said the traffic will have a substantial impact on the area during peak times.

Mr. Heap said these concerns will be addressed with the site plan review. The start times for the schools will stagger.

Councilmember Barber called on Clyde Bradford to speak.

Clyde Bradford said when they met with Mr. Morley they understood the development was funded only by private funds. He said he is confused as to the funding. He said he also understands the traffic will be coming from all directions. The 1,200 plus students coming into the area will highly impact 900 South. What will happen if Jack B. Parson's Company is not relocated. There will be a batch plant next to a school. He said he read an article indicating that students are signing up for school. It appears this is a done deal.

Councilmember Kelepolo asked Mr. Baker to address the rezone and the Jack B. Parson's property.

Mr. Baker said the school is mandated by State law and can be built on the property regardless of the zone. The designated use of the property is residential. Jack B. Parson's property does not affect the school and can be changed from the I-2 Zone if the batch plant is relocated.

Councilmember Barber said the school is basically a done deal.

Mr. Baker said the city cannot deny the request to build a public school on the property.

Councilmember Kelepolo said the proposed zoning is more acceptable than the current industrial zone. He asked if specific conditions need to be set for the emergency access.

Councilmember Christensen said the city will still need to maintain the emergency access in the winter.

Mr. Pierson said the City Council needs to trust the city staff to insure the emergency access is not accessible to the general public.

Mr. Oyler reminded the City Council that in projects with Nebo School District they were cooperative in meeting requests by the city. The city does not have the authority to mandate public schools. The State controls the requirements for a public school. We can control the access to the property but not requirements such as landscaping. Our goal is to work in cooperation with the Charter School to meet the needs of the community and to help insure both entities are happy. Both parties want to insure that adequate services are provided.

Mayor Bamey asked Mr. Morley to address the City Council.

Mr. Morley said State Law is set up in such a way that this project did not get approved until the end of January and the students are required to be in the school this year. He said they would like more time to complete the project but they are mandated by State Law.

Councilmember Kelepolo made a **motion** to accept the Valley/Charter Zoning Map Amendment as shown on the map presented with the following condition:

1. The access onto Mill Road from the proposed development is to be used as an emergency access only.

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

Mayor Barney called for a roll call vote. Councilmembers Sorensen, Kelepolo, Christensen and Barber unanimously voted in favor of the motion.

Councilmember Barber expressed his frustration in the fact that the city's hands are tied.

*Councilmember Wadsworth rejoined the meeting.*

### **Public Hearing - Construction and Development Standards 2005 Revision**

Mr. Thompson said as stated in the memo included in the agenda packet the Engineering Department has been working on revising the Construction and Development Standards. The revision process has included input from contractors. Contractors have requested that construction standards be more consistent from city to city. To assist with this request the American Public Works Association (APWA) created a construction standard which can be adopted entirely or in part by other agencies. The APWA standards have been closely reviewed by the Engineering Department and most have been adopted within the revision. Recently, the Federal Handicapped Association has come out with handicapped requirements as per the American's With Disability Act (ADA).

Councilmember Christensen said there are areas which need handicapped improvements. He said he observed a boy in a motorized chair who was unable to clear the curb at the corner of Barry's Drive-thru on Main Street.

Mr. Heap said the Utah Department of Transportation (UDOT) has studied areas throughout the city and has found 1,500 sites needing corrections as per the ADA. As we do overlays in those areas, we need to include the curb and gutter replacement to meet the ADA requirements. UDOT will do the same for State roads. Mr. Heap said UDOT is in the process of identifying these areas and he said he will notify UDOT of the areas observed by Councilmember Christensen to see if they can expedite the curb replacements in these areas.

Mr. Thompson continued reviewing the Construction and Development Standards revision. With these changes it will help insure new areas will not have these types of problems. The trail standards and guidelines are also included in the revision. A section dealing with storm, land and ground water drains has also been included in this revision. Other general changes were related to inspections, electric facilities, utilities brought into lots, soil classification tables and driveway standards.

Mayor Bamey opened the meeting for public comments.

Pat Parkinson asked if these changes and standards impact when developments are vested.

Mr. Baker said this document deals with construction standards only and does not state when a development becomes vested.

Ms. Parkinson suggested reopening the public comment portion of the hearing after the City Council's discussion. She said she feels like the public is cut off. She knows there are rules of procedure to be followed but it is frustrating for the public.

Mayor Bamey said an additional interaction process is for the public to discuss the issues with the City Council prior to the meeting.

Mayor Bamey closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Councilmember Barber told Ms. Parkinson that he sensed the public's frustration and this is why he asked if citizens had comments due to the fact that the public comment portion of the meeting had been closed. Procedural changes can be made and the City Council is willing to consider these changes.

Ms. Parkinson said the problem is that this does not occur at every public hearing.

Councilmember Barber asked for the cost involved in air pressure testing of storm drains.

Mr. Thompson said the cost for air pressure testing of storm drains is low. A contractor can test the storm drain while the city is there conducting inspections. It is a minimal added cost.

Councilmember Barber said the Engineering Department and Mr. Thompson have been working on this revision for many months. The standards have also been sent to other developers and

contractors not listed as per Councilmember Barber's request. He said he has received many positive comments and approvals from developers and contractors. He expressed appreciation for the time and effort Mr. Thompson has put into standardizing our city's Construction and Development Standards.

Mr. Thompson said the city also serves on a committee with the APWA to develop and set the standards.

Councilmember Kelepolo asked if the City Council needs to act on the revision tonight.

Mr. Baker said the current Construction and Development Standards are in place and the City Council is not required to act on the revision tonight. He recommended the City Council close the public hearing and continue the discussion if they do not act on the revision tonight.

Councilmember Kelepolo asked Mr. Thompson at what point in the process are the standards imposed.

Mr. Thompson said when a final plat is approved the developers are required to meet the current standards. He suggested requiring a developer to meet the previous standards if the revision is adopted between separate plat approvals in an ongoing development.

Mr. Baker concurred and said we want to be consistent.

Councilmember Barber made a **motion** to adopt the Construction and Development Standards as outlined. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote confirmed the unanimous vote.

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

### **Parks and Recreation Committee Report and Facility Analysis**

Doug Ford said on behalf of the Parks and Recreation Committee Dale Robinson is going to present a slide show of the recreation facility utilization and capacity analysis as a continuation of a discussion with the City Council at the Midway, Utah work session.

Mr. Robinson presented a slide show containing the following information:

- Baseball and softball programs have reached capacity
- Issues to be considered
  1. Monday play
  2. Friday play - family activities make it difficult
  3. Parking
  4. Field recovery time
  5. School district facilities are heavily used - maintenance liabilities raise concerns

- When will we need additional facilities?
- Projected growth - 2004-2007 projections are based on numbers from Nebo School District and the city.
- Possible solutions 2005
  1. Grant application to light the J.C. field allowing later play times on 3 fields.
  2. Add a t-ball field at Spanish Oaks Elementary or Abbey Court.
  3. Continue playing on Fridays
- Options 2006
  1. Create a 2<sup>nd</sup> t-ball field
  2. Will need additional little league fields
- Options 2007
  1. Need new fields
- Options 2008
  1. Need new facilities
- Cannot limit use as long as we collect impact fees
- Limit service or cut programs
- Monday play only leaves 1 day recovery time for turf
- This analysis includes just youth softball and baseball
- Analysis does not include any of the fall programs which are approaching capacity
- Constructing a new 4-plex - turf on new fields need a full year to become established and ready for play
- Need new facilities available by 2007 to continue providing the programs
- Recreation impact fees are marked for recreation services
- By June 30, 2005, it is estimated there will be a total of \$600,000 to \$700,000 available in recreation impact fees

Mr. Clark reviewed the Parks and Recreation projects funded by impact fees and the funds collected and paid toward projects. The total paid over the last 9 years is 4.7 million dollars on recreation impact fee projects. The city has had to front the funds for impact fee projects and anticipated being reimbursed through impact fees. At the current time there is a balance of \$800,000 remaining to be reimbursed and is anticipated to be paid back within the next year. To construct the new 4-plex the city would need to front the funds and the funds would be paid back to the city through impact fees.

Mr. Robinson continued the slide show.

- Future considerations - need to purchase land to preserve open space and areas for parks.

Mr. Ford said lengthy discussions have taken place concerning this issue. As a result 2 priorities were set. They are to acquire land for future open space and the construction of another baseball 4-plex. After studying the projected increases in the programs it was determining if we do not take the steps to match the growth we will be so far behind we will never catch up. The Parks and Recreation Committee unanimously decided that the priority was to construct the baseball 4-plex with city funding and to reimburse the city through recreation impact fees. There are expectations along with the collection of recreation impact fees. Cutting programs or limiting play is not an option.

Councilmember Wadsworth said currently we are not using school facilities.

Mr. Robinson said currently we are not using school facilities for organized games. Due to concerns with the condition of school fields, the school facilities are used for practices only. There are liability hazards due to watering and maintenance resulting in holes, long grass etc. In the past we approached the school district and requested to take over the maintenance of some of their fields. The city was able to bring those fields up to our standards. However, we cannot control the watering of the fields and the fields again became unusable for organized games.

Councilmember Wadsworth suggested a written contract with the school district.

Mr. Robinson said we have only had verbal agreements with the school district.

Councilmember Wadsworth said the citizens are already paying a lot of money for these facilities. The school facilities are the ideal solution to increase the capacity. He suggested contracting with the school district to maintain their facilities. He said the residents pay for public schools and the facilities. If they could be maintained, the facilities could increase the capacity for the programs and meet the needs.

Mayor Barney said the city and the school district serve the same people and he is sure something can be worked out.

Mr. Robinson said, as he stated before, the school facilities are being used heavily for practices already by many different teams. If the school facilities are used for games, there are no fields and open space for practices.

Councilmember Kelepolo said the school facilities are already used heavily. He said from the school district's standpoint he is not sure how they will provide the needed maintenance without hiring additional staff at the schools. These funds are not available. The city has always had a good relationship with the school district.

Councilmember Wadsworth said some fields are more adaptable to certain types of sports.

Mr. Robinson said the different youth sports programs have anywhere from 60 to 90 teams and the fields are already heavily used. The additional facilities are necessary in order to continue the programs. This is the purpose of recreation impact fees.

Councilmember Kelepolo said if a new couple purchases a home at a time when they do not have children, they expect to have these services available when they have children. It is a "Catch 22." What types of service are we going to maintain?

Mr. Clark said he has coached in various recreation programs for many years and he has utilized the school facilities for practices. At times there are no areas available for practices. There is not enough room to accommodate the programs.

Mayor Barney said the city faced the same situation 7 years ago. We had a bond for the additional money at that time. The bond was voted down and most of the project was done with volunteer labor. This time we are in better shape by having money available to start with. We need to look to the future. He said if he had to vote on the issue he would not be prepared to make a decision tonight.

Mr. Robinson said public misconceptions took place when the new baseball fields were built.

Mr. Clark said after the City Council decided the new sports park was needed, a funding mechanism was needed. The funding issue was taken to the citizens to decide by vote if the project would be completed all at once or if funded during project phases. The bond was rejected and the city enlisted volunteers and impact fees to construct the new sports park.

Mr. Ford said the Parks and Recreation Committee agree the city recreation programs and facilities are great and that other cities look up to us when preparing their own facilities. We need to maintain the quality reputation we have created.

Councilmember Christensen asked if there are players playing on more than 1 team. He said he knows of some players participating on 3 teams. He also said that Canyon View Park has 3 baseball fields which are not being utilized.

Mr. Robinson said the players that Councilmember Christensen is referring to are participating in the adult programs. The only programs included in the analysis at this time are youth programs. Mr. Robinson said these are 2 separate issues that need to be discussed by the City Council.

Councilmember Wadsworth said the south end of Centennial Park is not being utilized.

Mr. Robinson said there are 2 new fields already being used at Centennial Park. He said Canyon View Park areas can be considered. However, the pavilions at Canyon View Park are highly used and parking issues would prohibit the use of pavilions and ball fields concurrently.

Mr. Ford said all the options mentioned by the City Council are good and should be looked at. These options are just going to prolong the issue and provide little relief to the problem. If we don't act now, we will not be able to keep up with growth. There are options to look at in addition to the major solution needed. The committee wondered if we should try to restrict play or let people play as much as they want. He said he was heavily involved in sports as a youth and this set a personal standard for his future endeavors. The committee determined that it would be preferable to let people play as much as they want.

Councilmember Christensen said he agrees the new facility is needed but said there are options.

Councilmember Wadsworth asked why Park Side is not being used.

Mr. Robinson said with the way the park is structured games are played too close to parking and residential areas. He said there are some possible uses for the park. This study addresses the

issues related to the youth programs only. We have not even begun to address the issues related to the adult program's capacity.

Mayor Barney said there is another tender subject which maybe should not be brought up at this time. The subject he referred to is limiting participation in our recreation programs to Spanish Fork City residents only.

Councilmember Wadsworth said Salem City residents have access to church fields with lights.

Councilmember Christensen asked concerning Monday and Friday play times.

Mr. Robinson said Monday play is taking place for adult leagues. Friday play times are offered but is not desired by residents.

Mr. Ford said there is a point when these options will not meet the needs. Residents do not want to play on Fridays but it is available. These types of options will only postpone the capacity issue. The infrastructure for the 4-plex is already there.

Mr. Clark asked if the concern with the additional 4-plex is related to funding, when to build it or to build it at all. If the 4-plex is not built, we need to reduce impact fees.

Mayor Barney said the City Council is receiving a lot of information and need to decide if we should move forward or cut the level of service. The funding is in place.

Mr. Robinson said we have already put patches on the problem. Construction of the 4-plex will need to take place immediately to be available for play in 2007.

Mayor Barney asked the City Council if they are ready to vote on the issue.

Councilmember Wadsworth said he wants more data. He wants a report on the facilities in the city and current use of those facilities.

Mayor Barney said we should utilize all of our facilities.

Councilmember Wadsworth asked if we can use the impact fees to maintain our current facilities.

Mr. Baker said this would be an illegal use of impact fees.

Councilmember Kelepolo said the City Council should strongly consider the recommendation made by the Recreation Committee. They have put a lot of time and effort into studying this issue and making a recommendation to the City Council.

Councilmember Barber asked concerning the cost to build a 4-plex.

Mr. Robinson said the recent increase in the price of steel changed the most recent calculations.

Payson City just constructed a new facility at a cost of \$1.5 million.

Mayor Barney said an approximate cost can be provided but he said we need to move forward. He said the outside piping is already complete.

Mr. Robinson said without the design work it is difficult to determine the exact cost.

Mayor Barney suggested the engineering of the new facility be completed in-house.

Mr. Robinson agreed.

Councilmember Sorensen said the programs are not just for the current residents but also for future residents and for our children. He said he moved to Spanish Fork because of the quality of life and the programs offered. We are obligated to move forward with the new facility.

Mr. Robinson said we need to build the new 4-plex or discontinue recreation impact fees.

Mayor Barney asked if the cost can be available before the next City Council meeting.

Mr. Robinson said even if the cost of the new 4-plex is \$1.5 million, the impact fees will pay for it. He said his department is working on the cost numbers and will make them available to the City Council when they are completed.

Councilmember Wadsworth made a **motion** to table the recreation facility analysis issue until March 15, 2005. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Barber asked for detailed information concerning the cost since the city will be fronting the funds.

Councilmember Wadsworth made a **motion** to take a 10-minute recess. Councilmember Kelepolo **seconded**, and the motion **passed** with a majority vote. Councilmembers Christensen and Barber were **opposed** to the motion.

### **Waste Water Treatment Plant Expansion - Financing**

Mr. Heap reviewed the background of the city's sewer system. In 1958, the first water treatment plant was built. In 1983, the facility reached capacity and an upgrade took place. In 1995, the flow of the plant was around .25 million gallons per day (mgd) or half of the hydraulic capacity. In 1995, Mapleton City was being pressed by the State of Utah to create a sewer system. Mapleton City and Spanish Fork City entered into an agreement allowing Mapleton City to use our sewer treatment plant. Mapleton City purchased 11.8 percent of plant capacity. In 1998, the State changed the water treatment standards and the facility was governed by a biological capacity due to the new standards. State or Federal regulations can change the capacity of the plant at any time. He reviewed the capacity before and after the new standards. In May of 2003,

the first utility restriction was lifted. After the city approved 1,900 residential units the second utility restriction was issued and is still in place today. All of the new growth happening today is based on units already approved.

Mr. Pierson said the impact of growth reflects only the portion of the 1,900 units which have been built.

Mr. Heap said currently building permits are being issued and he estimated 30 percent of the units are ready to be built in the near future.

Mr. Baker said in the contract with Mapleton City it states that in the event one of the cities desires to upgrade the water treatment plant for additional capacity, then the other city has the option of participating in the upgrade at the same ratio that is currently in place. If one of the cities desires not to participate, then the city proceeding can pay for all of the upgrade and also receive the entire capacity increase created. Today the treatment plant can handle 4.9 mgd. This allows Spanish Fork City to grow to a population of 34,006. The proposed upgrade would take the plant to 6.4 mgd and growth to 44,000 in population. This is all subject to State or Federal regulations not being changed. The limit is based on funding. If growth is stopped, it must be done legally. If we have the space and ability, we cannot stop growth according to the courts. We can slow the growth based on financing for the next upgrade. The options are to do nothing, finance the upgrade through a revenue bond, finance the upgrade through a general obligation bond, finance the upgrade through a conventional loan or finance through borrowing from city reserves. Impact fees would be used to pay part or all of the debt service. The important discussion item is related to impact fees. The initial impact fee philosophy was to pay for the construction as it occurred. This caused a fluctuation in fees based on the current project costs. The current philosophy is to calculate impact fees over the life of the plant allowing for fees to be constant. At the point of high project costs the city needs to front the project costs and receive reimbursement through impact fees. Currently, our funding is short and the City Council needs to determine the funding option desired. Spanish Fork City's and Mapleton City's elected officials met and Mapleton City offered to pay \$1.75 million of the project costs, which represents their share plus a portion of Spanish Fork City's share of the project cost. Spanish Fork City will need to repay Mapleton City for fronting a portion of our cost. Mr. Baker reviewed each of the financing options. The upgrade would allow the utility restriction to be lifted immediately, lifted when upgrades are designed and more accurate, lifted when the project is bid or lifted when the upgrade is completed.

Mr. Heap said some individuals have asked why we sold some of our capacity to Mapleton City. When the plant was built in 1983, we received a grant for the upgrade. One requirement of the grant was that we would not restrict other entities from using the facility if needed. Mr. Heap also said he looked at the total cost since the upgrade and compared it with the funds received from Mapleton City and said we would have been at almost the same point we are at today with or without allowing Mapleton City to purchase a portion of the treatment facility's capacity. We also need to look forward to additional State restrictions, not knowing the impact this will have on the capacity.

Mayor Barney said rather than go to the citizens to bond for the upgrade we should use other

financing options.

Mr. Heap reviewed the impact fees collected and to be collected. He asked the City Council to consider the point at which we want to increase our capacity. Do we wait until there are only 50 lots left? At that point what is the price for those lots?

Councilmember Barber said we did not foresee fronting the amount needed at the time the impact fees were set. He asked concerning the biological capacity. At what point did Mapleton City start using more than their capacity?

Mr. Heap said capacity at the Water Treatment Plant was not a problem until the State required the new biological standard in 1998. Improvements were made and a new contract with Mapleton City was entered into in 2003.

Councilmember Barber asked for the results if Mapleton City moves forward with the next upgrade without participation by Spanish Fork City. At some point we will need to buy additional capacity and he asked if we can buy a portion of the capacity just as Mapleton City did in the past.

Mr. Baker said the contract now says when the standards change and impact the capacity, we both have to participate in the upgrade based on the ownership value of each entity.

Mr. Pierson said our sewer capacity is now at a population of 34,000. If Mapleton City pays for the entire upgrade and in the future our capacity is reduced based on new State restriction, then do we have to buy capacity from Mapleton City?

Mr. Oyler said if the State requirements change and reduce our capacity then the facility will need to be upgraded.

Mr. Baker said when the utility restriction is lifted the collection of impact fees needs to be balanced with the cost of upgrades and new building permits.

Councilmember Barber said he would like to see the projected impact fees.

Mr. Oyler asked for the information requested by the City Council to make the decision.

Councilmember Barber said the information provided allows the citizens to see the options and give input to the City Council.

Councilmember Wadsworth said he sent Mr. Oyler and Claire White an email and asked Mr. Oyler if he had received it. He said the email requested the amount paid by the city toward employee 401K plans above the state-required amount over the past 20 years. He asked if the city had not made these additional contributions, would there be plenty of money to front the funds for needed projects.

Mr. Oyler said he has received the email from Councilmember Wadsworth and the information is

being gathered.

Councilmember Wadsworth asked Mr. Oyler if he could estimate the numbers.

Mr. Oyler said this would require him to estimate the budgeted employee's salaries for the past 20 years and the percentages paid to their 401K plans. He said he cannot estimate these numbers off the top of his head and said this information will be provided to Councilmember Wadsworth when it is gathered.

Councilmember Sorensen said there is money in the reserves to front the needed projects.

### **Other Business**

None

### **Adjourn to Executive Session**

Councilmember Kelepolo made a **motion** to adjourn to Executive Session to discuss land purchase issues. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 10:29 p.m.

---

Connie Swain, Deputy Recorder

Approved: April 5, 2005