

Approved Minutes
Spanish Fork City Council Meeting
March 22, 2005

The meeting was called to order at 6:00 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Tyler Chipeski, a member of Boy Scout Troop 871.

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; Carl Johnston, Public Safety Lieutenant; John Bowcut, Information Services Director; Connie Swain, Deputy Recorder.

Citizens Present: Paul Voorhees, James Bradley, Max Livingston, Matthew Peterson, Riley Strong, Shane Zeyer, Trent Taylor, Justin Crandall, Talon Hone, Adam Keele, Louis O'Bryan, Samuel Barber, Ron Lowe, Kyle Lowe, Melanie Hunter, Lacey Sherrington, Grams Bates, Mary Allan, Garret Stirland, Shauna Stirland, Duane Hutchings, Richard A. Evans, Dallas Reid, Lew Thomas, Carlos Gimenez, Morgan Gasser, Cody Gammill, Jack Lipton, Gary Frisby, Michael Movies Jr., Christopher Allman, Ruth Allman, Andy Wylte, Pat Parkinson, Emily Hire, Russell Parkinson, Matt Bingham, Brent Bingham, Adam Berry, Dallin Christensen, Laken Stewart, John Allan, Benjamin Morgan, Matthew Duncan, Gregg Whitman, Ken A. Beatty, Christopher Banks, Tanner Grant, Kent Staheli, Eric Hatfield, Doug Ford, Mark Greenwood, Tanner Greenwood, Devin Johnson, Tanner Bowman, Matt Russell, Gage Carroll, Luke Olsen, Kyle Crofts, Denise Barney, Tyler Barney, Tresa Scott, Nathan Scott, Derrick Aitken, Melody Barber, Alicia Chappell, Ray Galt and Nathan Galt.

Minutes

Councilmember Barber made a **motion** to approve the minutes of the February 15, 2005 City Council meeting as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Jerry Hill Annexation Petition

Mr. Pierson said this is a request from Gerald Hill to annex 66.88 acres into Spanish Fork City. The property is located at 300 West 600 South Depot Road and is near P.D.M. Steel.

Mayor Barney asked if some of the residents in this area are already serviced by Spanish Fork City water.

Mr. Pierson said several of the residents in this area had wells which ran dry and requested to connect to city water services. Their requests were approved and they were connected to city water. The annexation is being requested to allow Mr. Hill to subdivide his property so his son can build a home on a portion of the property.

Mayor Barney asked why the requested zone is Rural Residential (R-R).

Mr. Pierson said he recommended the property be zoned R-R. Annexing the property into the R-R zone will avoid creating non-conforming areas.

Councilmember Sorensen asked if the property owners on the south end of the property have been notified.

Mr. Pierson said he has contacted some of the property owners. The petition is before the City Council for approval to begin or end the annexation process.

Councilmember Sorensen asked Mr. Hill if the other property owners are aware of the annexation request.

Mr. Hill said all but 2 of the property owners have signed the petition. There is a majority interest to annex into the city.

Councilmember Wadsworth asked Mr. Hill what he envisions the use of the property to be in the future.

Mr. Hill said he talked with representatives from the County and he talked with Mr. Pierson. The regulations for both entities appear to be the same regarding his property. He said his long range goal is to build homes for his family and continue his livestock operation on his property. He said he does not want to develop his property at this time.

Councilmember Christensen made a **motion** to approve the commencement of the annexation process regarding the Jerry Hill Annexation Petition. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Barber asked that the Planning Commission make this a priority to make sure this is what the city planned for this property.

Information Presentation - SFCN

Mr. Bowcut reviewed a presentation containing the following:

- Average homes nationally - 15 percent had high speed internet
- Spanish Fork homes averaged about 0 percent in the past
- There were no internet choices
- Ad hoc committees were requesting help from the city - We had to do something
- Spanish Fork City Network was created - a resounding success
- Amazing penetration levels - 40 percent on our system compared with a 26 percent national average
- Competition helps the consumer - creates choices, lowers prices and improves services
- Spanish Fork City is a leader in the State and in the Country
- Spanish Fork City was selected as one of the top 18 progressive communities in the world
- Internet speeds are being increased - 4 new routers being added
- Contract with Nebo School District will allow us to obtain additional IP addresses

- Addresses will be leased to us for 10 years
- Static IP addresses will change soon
- The competition will not issue static IP address
- Improving the email system - increased capacity and new anti-spam anti-virus server
- Smart Parks - free wireless internet service at the city parks
- Computer game tournaments
- Fiber to the Premise - businesses are being connected

Mayor Barney asked concerning the program guide for cable TV.

Mr. Bowcut said this is a deal currently being brokered with the Daily Herald and Spanish Fork Press. This presentation will be given in 2 phases. The second phase will be presented during the next City Council meeting. Details regarding the TV guide may be available at that time.

Councilmember Barber asked Mr. Bowcut to explain the differences and similarities between our system and the Utopia system.

Mr. Bowcut said Utopia runs fiber to each home. We ran fiber to each neighborhood and they share a node. The cost to run fiber to each home would have been 3 times more. There is no service offered with their system that we cannot offer with our system. The Utopia systems are not provided by cities but are owned by private companies. Keeping the price down is more difficult with a Utopia system. Our system and the Utopia systems are community based.

Contract With Nebo School District for Use of IP Addresses

Mr. Bowcut said Nebo School District has been wonderful to work with. He said he started requesting additional IP addresses over a year ago from ARIN, the international company issuing IP addresses. He approached the school district and requested to purchase a portion of their IP addresses.

Councilmembers Kelepolo and Sorensen disclosed they are employees of Nebo School District.

Councilmember Wadsworth asked if the rate referred to in item 2 of the contract decreases, will the school also lower our rate.

Mr. Bowcut said he does not anticipate a rate decrease. He said if it did occur he is certain the school district would be willing to lower their fee. We are still entitled to IP addresses from ARIN "America Registry for Internet Names" and are still pursuing addresses from them.

Councilmember Barber made a **motion** to approve the contract with Nebo School District for the Use of IP Addresses as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Request for Proposals - Collection Agreement

Mr. Clark said for several years the city was using a company based in Denver to collect on bad checks issued to the city. A request for proposals (RFP) was issued and 3 proposals were

received and references were checked. The proposal with the lowest cost to the city was received from Mountain Land Collections, Inc. Mr. Clark recommended accepting the proposal received from Mountain Land Collections, Inc.

Councilmember Barber said he wanted to see if any local companies would qualify for the contract.

Mr. Clark said the other proposals were close.

Councilmember Barber asked concerning the collection rate.

Mr. Clark said both were above the national average. They range from a 31 percent fee to a 35 percent fee.

Councilmember Barber asked if some of the collections are resolved in-house.

Mr. Clark concurred and said we try to collect in-house as far as we can take it. The collections we cannot resolve are sent to the collection company.

Councilmember Wadsworth asked for the RFP information.

Mr. Clark presented the RFP documents to Councilmember Wadsworth for review.

Councilmember Christensen said the collection success depends on the progressiveness of the company we hire.

Mr. Clark concurred. Mountain Land Collections, Inc. provides collection services to Provo City and UVSC as well as others.

Councilmember Barber asked for the length of the contract.

Mr. Baker said the contract is terminable upon giving notice.

Councilmember Sorensen said he would like to read the contract.

Councilmember Wadsworth agreed.

Mr. Clark said the contract is available in the agenda packet.

Councilmember Sorensen made a **motion** to table the Collection Agreement until the April 5, 2005 City Council meeting. Councilmember Wadsworth **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. Clark and Mr. Nielson reviewed a presentation containing the following information:

- Contracts with Mapleton City

- One or both cities can participate in the upgrade to receive the capacity created based on the upgrade participation
- Today's capacity
- Next sewer plant upgrade project - \$3.5 to \$4.2 million in cost
- Options - do nothing or finance the upgrade with a revenue bond, a general obligation bond, conventional loan or by borrowing from city reserves
- Impact fees will pay all or part of the debt service
- Impact fees - project financing and loan amortization schedules were reviewed
 1. Initial philosophy - fees paid as construction occurs causing a fluctuation in fees
 2. Current philosophy - fees calculated over the life of the plant with more constant fee amounts requiring project costs to be fronted by the city at times with high project costs

Councilmember Barber asked for this information to be made available on the city web site.

Mr. Oyler said the impact fees will probably need to be reviewed and increased. The current fees do not take into consideration the increased cost for projects. The city staff will also be reviewing the impact fees.

Councilmember Kelepolo said the committee should also reconvene and review impact fees.

Mr. Clark reviewed the time line for the impact fee fund balance.

Councilmember Sorensen said we have no choice but to review impact fees. There are increased costs and they need to be covered.

Councilmember Kelepolo said if we decide not to participate in the upgrade now it will cost us more in the future when we are required to upgrade or to purchase capacity.

Councilmember Wadsworth said it was appropriately pointed out by Councilmember Kelepolo that other cities stand to benefit more from a financial standpoint with the regional sewer plant than does Spanish Fork City.

Mayor Barney said the regional plant may not be available for 15 to 20 years.

Councilmember Sorensen said depending on the results of legislation we may need additional capacity in the near future.

Mayor Barney said Mapleton City needs to know if we are going to participate in the upgrade.

Councilmember Wadsworth asked concerning the retirement contributions. If we had only contributed the state required amounts, where would that put us for the next couple of years.

Mayor Barney said these are 2 different issues.

Councilmember Wadsworth asked if the funds being put into the State retirement could not be put into the sewer treatment plant.

Councilmember Sorensen said then we would be taking money from residents who are already here to fund the upgrade of the facility. The residents who are already here should not have to pay for the upgrade. The impact fees we are collecting were designed to pay for the upgrade.

Mr. Clark asked Councilmember Wadsworth if he is asking not to use impact fees to upgrade the water treatment plant.

Councilmember Wadsworth said he is asking if the funds being paid to retirement benefits could be used for the upgrade.

Mr. Oyler said the city funds can be used for whatever the City Council directs. If the City Council is not going to use the impact fees to fund the upgrade, do you want to use another source to fund the project.

Councilmember Kelepolo said by the time this whole project is built by impact fee funds, whatever is used out of the reserves will be paid back through impact fees to be collected.

Councilmember Wadsworth said his concern is we are draining the reserves.

Councilmember Sorensen said the reserves are put there for these types of projects. The reserves are there to protect our current residents.

Councilmember Kelepolo said we need to make it very clear that these funds for this project are coming out of impact fees. The retirement benefit is a different issue.

Mayor Barney said using impact fees is the most fair way to complete the upgrade project. It is unfair to tax the current residents for the upgrade.

Mr. Clark said the reserves provide an opportunity for the city to use it's own money to front the project and pay the money back to ourselves with interest as impact fees are collected.

Councilmember Kelepolo said we need to make a decision.

Councilmember Wadsworth said we need to protect our assets.

Mr. Oyler suggested giving direction to staff to proceed or not proceed with the upgrade process. The first issue is funding the project with impact fees.

Councilmember Wadsworth asked if \$672,000 is the amount we will be short in impact fees.

Mr. Oyler concurred. The first decision to be made is if Spanish Fork City is going to participate in the upgrade or allow the capacity to go to Mapleton City.

No objections were expressed to participation in the water treatment plant upgrade.

Mr. Oyler said the next decision is how the upgrade is to be financed. The \$672,000 is an estimation and not an actual cost.

Councilmember Kelepolo said we should move forward with the upgrade and finance the project through impact fees as presented.

All of the City Council agreed and directed staff to proceed with the process to begin the water treatment plant upgrade.

Parks and Recreation Committee Report on Facility Analysis

Mr. Robinson gave a summary of the presentation he made during the previous City Council meeting on March 1, 2005.

- The youth baseball/softball programs have reached capacity
- North Park and Centennial Park parking is used at over capacity
- Use of school district facilities - not maintained, only used for practices

Mr. Robinson said in talking with Mr. Maughan he was told it may be possible to use the Larson School facility during the summer with city maintenance of the area.

Councilmember Christensen asked if school facilities are not an option for scheduled games.

Mr. Robinson concurred.

Councilmember Christensen asked why we are allowing our children to play on those fields if there are liability issues.

Councilmember Sorensen said children are not using the fields for baseball games. The children are using the fields for running around.

Councilmember Christensen said he is concerned that the school district needs to upgrade their fields or children are going to get hurt.

Mr. Robinson concurred.

Councilmember Kelepolo said we cannot mandate the school's facilities.

Councilmember Barber said the same tax payers pay for both city and school facilities. We can educate the citizens to put pressure on the school district to maintain their facilities.

Councilmember Wadsworth said if we can find a solution we can help leverage the tax payers funds to help better maintain the facilities.

Councilmember Kelepolo said with the new High School and other new properties eventually we are going to be out of the district. With the cooperation of the school district both entities use the city's and school district's facilities. We are using their facilities now but in the future we may not be allowed to use their facilities.

Mr. Robinson said we have been trading use of facilities with the school district and a study has been completed. This study is used by the school district as an example for other cities.

Councilmember Wadsworth asked what if we did this for a year and leveraged the resource at the Larsen School and made improvements such as lighting the J.C. fields with the Utah County restaurant tax funds. He said he hopes we will be receiving the restaurant tax funds because he did not see Spanish Fork listed in a related article in the Daily Herald. Postponing this for 1 year would allow us to see usage patterns and see more accurate data.

Mr. Robinson continued his presentation.

- Options/solutions
 1. Lights on the J.C. fields allow late games - this is based on Utah County restaurant tax funds and additional funding
 2. Have city upgrade and maintain the 3 t-ball fields at Larsen Elementary School (\$1,500 per year)
 3. If these items are implemented this year we can avoid Monday play
 4. In 2008 we are out of space

Councilmember Wadsworth said previously Councilmember Christensen brought up the fact that there are adults playing on more the 1 team. If participation is limited to 1 team, would this help meet the needs.

Mr. Robinson said the analysis does not include the adult program's impact. Adult players are paying to play on both teams. Limiting the participation to 1 team will not impact the capacity very much. If construction on the new 4-plex begins now, the fields will not be ready for play until 2007. Recreation impact fees were established so that as the city grew there would be resources available to build additional facilities and thus maintain the same level of service. The impact fees will cover the construction of the new facility but will not cover the operation and maintenance costs. The annual maintenance costs including labor, utilities and supplies will be \$34,288. The equipment costs will be \$24,000 annually.

Mr. Clark reviewed the recreation project funding report. He reviewed the past impact fee projects and fees collected. The projected cost will be \$1.5 million for a new 4-plex. The project will be completed in phases and Mr. Clark reviewed the time line for the funds needed. He presented a spreadsheet indicating the expenses, revenue, reserves and deficit for the recreation expansion project from 2005 through 2010.

Councilmember Barber asked for a sheet showing the balance in the reserves.

Mr. Clark reviewed the amounts in the reserves. He felt confident that there are adequate funds to cover both the sewer and the recreation projects.

Mayor Barney asked if Mr. Robinson researched the cost estimate.

Mr. Robinson said the estimated cost is based on additional research involving the Engineering Department. The estimate is based on the worst case scenario. The prices of supplies and fuel are affecting the estimated amount. There are possible areas where the cost can be reduced.

Mayor Barney said residents expect to continue to participate in the same level of service.

Mr. Oyler said the impact fees were also established for the purchase of land for future parks. Another consideration when reviewing impact fees is that the fees are based on land purchase prices of \$25,000 per acre. The current land prices have increased substantially and need to be considered.

Mr. Robinson said at the rate we are growing he estimates the project will be paid off sooner than presented. The Recreation Committee has put in a lot of time and effort discussing this and other issues. They unanimously recommended proceeding with the new 4-plex project.

Councilmember Christensen said the estimate includes \$4,000 for each of the score boards. He asked if this item is not generally donated.

Mr. Robinson said it is possible to ask for the score boards to be donated but it is more difficult to do. The previous score boards were donated by Coca-Cola in exchange for only selling coke products at the ball park.

Councilmember Barber asked for the size of the new park.

Mr. Robinson said this 4-plex was master planned to contain 3 full-sized adult softball fields and a full-sized adult baseball field. This expands our opportunity to use the fields for all kinds of play. The soccer and football programs are also growing and these fields could be used for all types of play.

Councilmember Barber asked why not build the little 4-plex now since the immediate need is in the youth programs.

Mr. Robinson said all programs are reaching capacity. It makes more sense to build the larger 4-plex and allow the opportunity to schedule the fields for other types of sports during the year.

Councilmember Barber asked for the cost of the smaller 4-plex.

Mr. Robinson said the infrastructure is the same and the cost will be similar.

Mayor Barney said our in-house people will create the design.

Councilmember Barber asked if we can put aside the convenience and the master plan, build the smaller 4-plex and put grass on the remaining area for use in the recreation programs.

Mr. Robinson said we have already built the parking lot near the larger facility. Building the smaller 4-plex first would create parking issues. We cannot set aside the master planning.

Councilmember Barber asked concerning the purchase of ground on the east side of town for parks. What is the plan to fund this issue?

Mr. Robinson said the Recreation Committee addressed both issues. Impact fees are not sufficient to purchase land at the current prices. They considered building the 4-plex or purchasing land for parks. He said we have other avenues to purchase and create parks through new development. However, impact fees need to be adjusted to allow future park property to be purchased. Purchasing land for open space is also a priority.

Councilmember Barber said he appreciates the time donated by the members of the Recreation Committee. All impact fees need to be looked at in all areas. We will be pushing impacts fees to \$20,000 per home to maintain the level of service in all areas. There are so many areas to consider. These are all issues that need to be looked at.

Councilmember Kelepolo said it is similar to saving money to purchase a new car. By the time the money is saved the prices have increased. Costs in all areas are increasing and will continue to increase.

Mr. Robinson said costs increase, however, we still have one of the lowest property taxes in the county.

Councilmember Christensen said he is not against building the ball fields. He just feels there may be areas that could be utilized more efficiently. He suggested holding practices early in the morning, using Canyon View Park on Tuesdays, Wednesdays and Thursdays when the pavilions are not being heavily used, better utilize all park areas, new lighted fields, shorten game times, force adults to play on Fridays, water every night if needed and leave the grass longer when trimming. He said these are just suggestions. He fully supports and loves sports. He said we are not looking at all of the options to increase the capacity.

Mr. Robinson said the fields mentioned are not used for machine pitch games. There are some areas such as the Don's field which could possibly be better utilized. He said these options can help with some programs but will not solve the youth program's capacity. The adults are going to be playing on Fridays. He said the suggestions given by Councilmember Christensen are good and will be looked at.

Councilmember Sorensen said there is no better investment than investing in our youth. The recreation programs allow them to participate in productive activities.

Councilmember Kelepolo made a **motion** to approve the new 4-plex and begin the construction process. Councilmember Sorensen **seconded**, and the motion **passed** with a majority vote of 3 in favor and 2 against.

Mayor Barney asked for a roll call vote.

Councilmember Barber said he was elected to help facilitate how we educate citizens and how we take input. The citizens want the current level of service now but may not want it if they realize the cost. He wants to make decisions that reflect the views of the citizens. He quoted Thomas Jefferson. "Truth will always prevail unless man squelches the debate." He does not think it would hurt to wait a year. Councilmember Barber was opposed to the motion.

Councilmembers Christensen, Kelepolo and Sorensen voted in favor of the motion.

Councilmember Wadsworth was opposed to the motion.

Councilmember Wadsworth made a **motion** to take a 5 minute recess. Mayor Barney agreed and a 5 minute recess followed.

8:16 p.m. - Break

8:21 p.m. - Reconvene

Resolution 05-03 - Waste Water Assessment Form Approval

Mr. Nielson said in the addendum packet there is a Self-Assessment Municipal Wastewater Planning Report concerning the entire water treatment facility. The State requires the report annually and requires the report to be presented to the City Council for review and approval. The treatment plant operators are certified and we meet all of the State requirements.

Mayor Barney asked if a score of 84 is good or bad.

Mr. Nielson said the score we received is good.

Councilmember Wadsworth referred to the section regarding training. He asked if we have a written policy outlining the training requirements.

Mr. Nielson said we do not have a written policy but we do require the training and certification outlined by the State.

Councilmember Wadsworth asked how the score of 84 compares with other cities.

Mr. Nielson said he has not seen the current year's scores. In the past we are always in the mid-top range of the scores.

Councilmember Kelepolo made a **motion** to approve the Municipal Wastewater Planning Program Resolution No. 05-03 as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Bid Tabulation - 200 North 200 East Sewer Replacement Project

Mr. Nielson said as stated in the memo this is a 2-block project. The main reason for the replacement is a reoccurring maintenance and sewer back-up problem. He recommended excepting the low bid received from Kriser Excavation, Inc. in the amount of \$104,700.

Councilmember Kelepolo asked if this is the first time we have used Kriser Excavation, Inc.

Mr. Nielson concurred. He said they are located in Payson and Chris Thompson contacted them

and their references. The reference reports were favorable.

Mayor Barney said the contract looks good.

Mr. Nielson said prices for this type of project will be increasing.

Councilmember Wadsworth asked if this is the sewer line area with the most infiltration.

Mr. Nielson said the sewer line being replaced has the most backup problems.

Councilmember Barber asked how many areas need replacement.

Mr. Nielson said the city has about 275 city blocks in the old part of town and out of these blocks approximately 30 percent of those areas need some sort of immediate attention. He said this is only a guess. The area being discussed is the only area to be replaced this year based on the budget. The project will be inspected during construction.

Councilmember Sorensen made a **motion** to accept the bid received from Kriser Excavation, Inc. in the amount of \$140,700 for the sewer line replacement project at 200 North and 200 East. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Bid Tabulation - Transformer Oil Containment Building

Mr. Nielson reviewed the memo and bid tabulation related to the transformer oil containment building. This building is needed by the Electric Department for transformer oil and other equipment containing insulating oil. The EPA requires a facility like this so that any leaking of insulating oil may be contained and properly removed. The Electric Department recommends approval of the lowest bid received from Fish Construction in the amount of \$58,238.

Councilmember Barber asked what is done with the equipment after the oil is drained.

Mr. Nielson said it depends on the damage or possible repairs needed on the equipment.

Councilmember Barber asked if the transformer oil work could be outsourced. He disclosed that his company does the bonding for Fish Construction.

Mr. Nielson said he does not know if the work could be outsourced.

Councilmember Wadsworth also asked if this can be outsourced rather than done by the city.

Councilmember Kelepolo said there are also storage needs to be considered.

Councilmember Kelepolo made a **motion** to approve the bid for the transformer oil containment building received from Fish Construction in the amount of \$58,238. Councilmember Sorensen seconded the motion **passed** with a majority vote. Councilmember Barber was **opposed** to the motion.

Quit Claim Deed to Charter One LLC

Mr. Nielson said in the Leland area next to the Parson's property there is a strip of land found to be in the city's name. This occurred many years ago to protect the canal.

Mr. Baker said it could be a liability for the city to own the canal property. With the Charter One development the canal is being rerouted.

Councilmember Wadsworth asked to recuse himself from this issue since he serves on the board for the school.

Councilmember Kelepolo asked if we should be asking for something in exchange for the property.

Mr. Nielson said we are releasing any claims we have to the section of land in question.

Councilmember Kelepolo asked Mr. Baker concerning giving up property without compensation.

Mr. Baker said a quit claim deed just transfers the title and does not indicate we own the property. The title needs to be cleaned up. This happened so long ago no one realized we owned this section of land. With a canal on the property it creates some liability. The City Council can donate the property by going through the public hearing process.

Councilmember Kelepolo said it would probably work out better for Charter One if the land is just donated.

Mayor Barney said the land will not provide a need for the city.

Councilmember Christensen asked if there is a need for infrastructure in the area.

Mr. Baker said he cannot see a need for any infrastructure in the area in question. When there is a need for infrastructure the developer donates the needed section of property to the city.

Councilmember Sorensen asked if the Parsons would be interested in the property.

Mr. Baker said he does not know if Parsons would be interested in the ditch.

Mr. Morley said the property line falls in the middle of the ditch.

Mr. Baker said he thinks Charter One is the party of interest concerning the section of property owned by the city.

Mayor Barney said he needs to clear something up. During our meeting of March 1, 2005 he had the impression that Charter One was going to build the Applied Technology School and sell the property to the state. He received the correct information the next day.

Councilmember Barber asked if we gave a piece of land at Volunteer Drive to the school district.

Mr. Baker concurred. He said the section near Volunteer Drive was vacated as per State statute.

Councilmember Kelepolo said there are issues relating to setting a precedent or if we are creating a donation situation.

Mr. Baker said either way a public hearing is not required. The developers are anxious to move forward and we are anxious to have them move forward.

Councilmember Barber asked if the price could be set at \$1.

Mr. Baker said there should be a equal value if the property is to be sold.

Councilmember Kelepolo said it works better overall to release the property but he is concerned with the size of the property in question.

Mr. Pierson said he assumes a portion of the property in question is already claimed by Jack B. Parson and Mr. Morley is correct in stating that the property in question consists of 1.459 acres.

Mr. Baker said the staff will need to discuss this issue with the developer.

Councilmember Kelepolo asked to have staff work through negotiations and ask for appropriate considerations.

Mr. Baker said the considerations can be made available before the next City Council meeting.

All of the City Council agreed to have the staff proceed as suggested by Councilmember Kelepolo.

Airport Board Report

Chris Child was not present.

Councilmember Kelepolo made a **motion** to table the Airport Board Report. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Council Report on Assignments

Councilmember Barber said the Historical Committee finally met. He has submitted several names to Mayor Barney to expand the committee. They are excited and he expects to see some notable improvements in this area. The Fiesta Days Committee has met several times. With the ongoing Sesquicentennial Celebration he expects this to be the best Fiesta Days Celebration ever. He said he also attended the UMPA Conference in St. George and the information presented was great. There is a lot of things happening with energy. The association our city has with UMPA will save the city an untold amount of money.

Councilmember Christensen said he enjoyed the UMPA presentation and said they are a great organization. At the Utah Water Users Workshop in St George he attended the Utah Water Law

session. Water is a big issue and it is getting bigger. Legislators are backing water conservation. Bear River drainage looks poor, Uinta Basin water levels look good, Schofield Reservoir will not fill up this year and the water levels at Lake Powell will come up slightly this year. Water conservation is a big issue and is being pushed for all communities. The Arts Council is overseeing the ongoing Sesquicentennial Celebration. Special celebration pins will be available for purchase at the city's utility office next week. Advertising banners have been placed in areas around town advertising the Celebration Program on April 1 at the High School. Tickets are required to get into the program.

Mayor Barney said he was impressed with the UPMA Conference. He learned that 1/3 of our country's oil resources are located in Utah. New technology allows the resource to be feasibly withdrawn. The Utah County Mayors met with the Utah Association of Governments. There is a need for county flood control and it sounds like the county is going to step up and take responsibility. Last week we hosted visitors from Europe as part of the Marshall Fellowship Program. The visitors spent several days with local farm families. Mayor Barney thanked the city staff for making the arrangements for a successful program.

Councilmember Kelepolo said the Airport Board met last week while he attend the UMPA Conference. The Airport Board is dealing with issues related to the county road at the airport. They are trying to develop the footprint and protect the area for the future airport expansion project. The Parks and Recreation Committee has been meeting to discuss the information presented tonight. He said he also attended the Envision Utah presentation and it was very informative.

Councilmember Sorensen said the Miss Spanish Fork Pageant concluded this past weekend. The Chamber of Commerce held the Rotary Golf Tournament and will be presenting the Nebo Economic Summit next week.

Councilmember Wadsworth said the Finance Committee will met tomorrow. The Library Board met tonight and made assignments for the reading program this summer. They are also requesting donations. He had nothing to report for the Risk Management Committee. He read the following memo he prepared for the City Council:

I wanted to brief you on my recent trip to Washington, DC to lobby Utah's Congressional delegation in behalf of Spanish Fork City's river reclamation/trail project.

While last year's trip helped net Spanish Fork City \$33,000 - some \$3,000 of which went to the Natural Resources Conservation Service (NRCS) of the USDA to assist in designing the project - based on comments by various staffers, key influencers, decision-makers, and lobbyists I met with, our city should fare much better this year in securing the requested \$3.7MM inasmuch as:

- *Our project was initiated last year and should be continued over the next few years until it is completed, as long as we continue to make application every year and sufficient funding remains available.*
- *We have properly engaged and are working with the local NRCS representative.*
- *The recent flooding and consequential home damage in St. George, UT has been foremost on everyone's mind and our delegation wishes to take steps to prevent this from*

happening elsewhere in Utah.

- *There are fewer projects in other Utah cities vying for limited agricultural appropriation money this year.*
- *Senator Bennett, Senator Hatch, and Congressman Cannon are all very supportive of these kinds of initiatives. Hence, a concerted voice in behalf of our project in both the House and the Senate places far greater weight behind it.*

In my respective meetings with chiefs of staff, legislative directors, and legislative assistants, along with the application I provided each a hardcopy of a presentation that Emil Pierson and Shawn Beecher had so professionally crafted. (I also included a CD with softcopies of the documents in case they need to make changes to either for their deliberations.) The presentation clearly does our project justice since it illustrates the need for preserving open space around the river, reclaiming the river, taking important measures to preclude future potential flooding, and integrating a trail system that benefits the entire community.

In sum, I believe the trip proved to be successful and am grateful for your support in this continued endeavor. We should know the total FY06 appropriation amount in the next seven months.

Mayor Barney thanked Councilmember Wadsworth for the time he spent away from his family.

Councilmember Christensen said last Wednesday the Bureau of Reclamation met and all entities participated in a signing ceremony. The petition signed provides SUMWA with perpetuity. He said perpetuity is a wonderful word and water is a great commodity needed everywhere.

Mayor Barney thanked each of the councilmembers for serving on their various assignments.

Councilmember Barber said the Fiesta Days Committee is searching for a parade chairman.

Other Business

None

Adjourn to Executive Session

Councilmember Kelepolo made a **motion** to adjourn to Executive Session to discuss land acquisition issues. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 9:10 p.m.

Connie Swain, Deputy Recorder

Approved: April 5, 2005