

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**April 5, 2005**

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

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

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; Dee Rosenbaum, Public Safety Director; John Bowcut, Information Services Director; Marlo Smith, Engineering Secretary.

Citizens Present: Paul Hawker, Del Robins, Heidi Robins, Bradley Creer, Lacey Cherrington, Mica Talbot, Marqnelle Bogl, Cassandra McDonald, Jesse Koratch, Krystal Reed, Jonus Royeus, Sunni Rogers, Alison Greathouse, Laurel Greathouse, Matthew Champneys, Paul Christensen, Michael Christensen, Kristi Wayman, Beverly Fish, Sarah Fish, Jace Hardesty, Kade Harward, Dallin Christensen, Robert J. Pittelli, Richard Butter, Cris Child, Denise Butter and Andrea Vincent.

### **Minutes**

Councilmember Barber made a **motion** to approve the minutes of the March 1, 2005 City Council meeting with noted changes. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Wadsworth made a **motion** to approve the minutes of the March 22, 2005 City Council meeting with noted changes. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **County Road Closure**

Mayor Barney stated that Paul Hawker has been asked to address the City Council and the residents in regards to a road closure on the east side of Spanish Fork City. Paul Hawker is the Associate County Engineer for Utah County.

Mr. Hawker stated he is here at the recommendation of the County Commission, and the Mayor's request to discuss the closure of 2400 East and approximately 7200 South (County Address). The City address would be 3400 East. With the new street light that will be added at 2400 East and Highway 6 this would cause there to be two railroad crossings on 3400 East. Utah Department of Transportation (UDOT) and the Federal Railroad Administration has recommended closing the North crossing. UDOT also recommended closing the County Road at the north railroad

crossing and build a new road adjacent to the railroad tracks. The railroad crossing at Spanish Fork City's Center Street will be upgraded. Utah County is working with the landowners to purchase the property for the new County Road. Mr. Hawker said they are hoping to proceed with the project soon but the hold up is with the purchase of the property.

Councilmember Christensen said this road closure and railroad crossing upgrades will make this area much safer.

Mayor Barney asked Mr. Hawker where citizens could give their input on this project. Mr. Hawker stated the citizens may call the Utah County Public Works Department or could also access the Utah County website to email input.

Councilmember Barber asked what the time frame was for the project. Mr. Hawker stated the County would have liked to have started last summer, but hoping to start this summer or fall if land purchase is resolved. Mr. Hawker said the agreement for land purchase with Utah Power & Light is moving slowly.

## **Staff Reports**

Mayor Barney stated that the public hearings are not scheduled until 6:30 p.m. and therefore will continue with Staff Reports until 6:30 p.m.

## **Information Presentation - SFCN**

Mr. Bowcut said since the last council meeting there have been changes he will discuss on the upgrades on the Internet and also the Cable TV improvements.

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

- HDTV: Will include high definition broadcast channels which will make channels 2,4,5,7,11,13 add a #4 to the beginning, making them channels 402, 404, 405, 407, 411, 413. Others will be added because Spanish Fork City wants to have the best service, but also because contracts will require Spanish Fork City to add them. There will be an added charge for high definition but the rates will be discussed at the next city council meeting.
- What is HDTV (high resolution television)
- Customers will be required to have digital cable to access the HDTV Premium Tier.
- Additional charge for High Definition set top box. Some customers will already have HD capabilities, so the charge for the set top box rental should not be included in the monthly charge.
- Starz, Encore, Showtime, Cinemax and HBO in high definition will have different channel numbers than local because they will be kept in-line with the other premium channels.
- Personal video recorders have been a request from customers that would be similar to TIVO systems. The personal video recorders allow customers to pause, rewind, skip commercials, and record favorite programs.

- A new digital TV guide is now online for those with digital service, or it can be accessed through the SFCN website.

Councilmember Barber asked if we do the programming for the program guide. Mr. Bowcut stated it is upgraded through a satellite from TV Guide.

- Changes have been made to the Weather Channel. The new version is more graphically oriented.
- Channel 16 & 17 has more ability to program an entire day not just a 6-hour rotation which allows for better control of play times and frequencies.
- A printed TV guide will be available through the Daily Herald and the Spanish Fork Press.

Mayor Barney said he has had a lot of requests for a printed TV Guide. Discussion took place that the printed guide won't show digital channels programming only for analog channels, because anyone with digital cable has an on-screen guide. The price for the guide will be available at the next city council meeting.

- A UVSC and a PBS kids channel have been added to expanded basic cable.
- Channel 22 has the music back on. Some customers don't like the music.
- The future for video on demand will be discussed for the FY06 or FY07 budget. The video on demand is still immature and there are many problems, usually not enough movies available.

### **Public Hearing - Ordinance No. 05-05 - Zoning Ordinance Amendments - Residential Treatment Center 17.28.050**

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

Mayor Barney reviewed the procedures for a public hearing.

Mr. Pierson said at the request of Councilmember Wadsworth and the Planning Commission to review the residential treatment center ordinance and determine what amendments could be made to make the ordinance more conducive to what the City would like to allow in this area.

Mr. Pierson reviewed the proposed changes contained in the residential treatment center ordinance. The Planning Commission has reviewed the changes and have made a positive recommendations for approval by city council.

Mayor Barney opened the meeting for public comment.

Pat Parkinson said the MSW is only a degree not a license. A CSW is a licensed social worker. She is concerned with requiring a certificate for every single patient who will be admitted into the residential treatment centers. She works for Wasatch Mental Health and it would not be feasible to have someone at a residential treatment facility supervise the facility 24 hours a day 7 days a week. She also is very concerned with the requirement of video monitoring. What is a

schizophrenic lived in this center, having the video monitoring would cause major problems with this person. The video monitoring would not allow the increased safety that the City thinks it would and it is very intrusive for the patients. Pat also questioned why certificates will be required on all patients at time of placement.

Mayor Barney closed the public portion of the hearing and opened to council discussion.

Councilmember Wadsworth said Paul Robinson didn't meet the current ordinance for a residential treatment center. Councilmember Wadsworth met with Dr. Weiderhold and his recommendations were to require cameras in common areas but not in bedrooms, etc.

Pat Parkinson stated that this requirement should be facility specific, not all treatment center populations would require that level of monitoring. It may be beneficial for certain youth programs but not for all populations. If this is required, it will keep facilities out of the City and she hopes that is not what the city is looking for.

Councilmember Wadsworth stated this ordinance is planning for the worst case scenario.

Pat Parkinson said that lumping all residential programs into one category should not be done. Not all are at the same level of risk, the nature of these people are at different levels.

Mayor Barney said he believes the intent of this ordinance is to protect the patients and the citizens.

Councilmember Wadsworth discussed the importance of the certification for each patient, if there is a violent past it should be known.

Pat Parkinson said that should be left up to the responsibility of the facility to accept the patients they are capable of handling and not accept the ones they aren't capable of handling. Utah State doesn't require Wasatch Mental Health to submit a certificate. If the City approves this ordinance then people will look elsewhere for facilities and Spanish Fork is a nice area where the patients would like to stay.

Councilmember Barber asked Councilmember Wadsworth if a MSW is only a degree and if a CSW should be listed instead. Councilmember Wadsworth stated he thought all of the required licenses listed in the ordinance changes are correct as per Dr. Weiderhold's suggestion.

Pat Parkinson suggested Councilmember Wadsworth check with Utah State's licensor department.

Discussion took place regarding the State Ordinance for owner occupied treatment centers.

Councilmember Barber asked Mr. Pierson if this ordinance would be enforced in the industrial zones also. Mr. Pierson concurred, in order to protect businesses and the surrounding area. Discussion took place regarding the State requirements for certificates and the staff time it would take to review every new certificate.

Councilmember Sorensen said he thinks requiring these certificates would step on peoples toes that have already been trained and are regulated by the State. We would not be putting our trust in the people hired and trained to do this job.

Councilmember Sorensen made a **motion** to close the public hearing and to table Ordinance No. 05-05 - Zoning Ordinance Amendment - Residential Treatment Center 17.28.050 until the next City Council meeting. Councilmember Barber **seconded** the motion. Mayor Barney asked for a **roll call vote**. Councilmembers Barber, Christensen and Sorensen were in favor of tabling the zoning ordinance amendment. Councilmember Wadsworth was opposed to the motion. The motion **passed** with a majority vote.

### **Public Hearing - Ordinance No. 04-05 - Zoning Ordinance Amendments - Sign Ordinance 17-28-010**

Mayor Barney reviewed the procedures for a public hearing.

Mr. Pierson said City Council requested that the Planning Commission and Staff review the Sign Ordinance and make a recommendation on amending the sign ordinance allowing government entities and nonprofit organizations to have temporary signage for civic functions and events.

Mr. Pierson reviewed the recommended changes for the Sign Ordinance. The Planning Commission reviewed this request on March 2, 2005 and recommended approval as it was presented.

Mayor Barney opens floor for public comment.

Matt Champneys said he is with the Spanish Fork Community Theater and expressed his support of the ordinance change. This will allow Spanish Fork Community Theater to have the opportunity to have the Planning Department review the signs to be placed for their productions.

Mayor Barney closed the public portion off and opened to council discussion.

Councilmember Sorensen thanked the staff and the Planning Commission for doing such a good job on the amendment to the Sign Ordinance.

Councilmember Wadsworth made a **motion** to approve the Zoning Ordinance Amendment - Sign Ordinance 17-28-010 as presented. Councilmember Sorensen **seconded** the motion, and the motion **passed** with a unanimous vote.

### **Solid Waste Collection Contract**

Mr. Clark said the waste collection service use to pick up the trash at the homes and dump at the old landfill behind K-Mart. The City then hired out the collection services to a professional collection agency.

Mr. Clark discussed the garbage collection RFPs that were presented. There are different fees for

the single or multi-day pickups. Mr. Clark reviewed the prices for the 1<sup>st</sup> and 2<sup>nd</sup> cans and the rate for call-backs. Recycling option was submitted with the option for mandatory or subscription service.

Mr. Clark recommends to City Council to accept BFI for waste collection services, because it is lowest cost to the City and for the City Council to ask the Utility Board to review and make a recommendation for a plan of action for recycling on a mandatory or subscription option.

Councilmember Wadsworth asked how many subscribers would be required for the recycling program. Mr. Clark answered that BFI would require 500 subscribers; BFI will work with us on that threshold but will operate on an every other week pick-up basis. If we allow for a subscription option BFI will provide the cans, if we require a mandatory option the City will buy the cans.

Councilmember Wadsworth asked Gordon Ray with BFI to discuss the multi-day versus the single day pickup rates.

Gordon Ray discussed that most cities contracted with BFI are on a single day pickup. At this time they will not move to a multi-day. The changes in the costs from the current contract are the increases in fuel prices. The current contract was bid more than 5 years ago and the proposed rates are more in the range with the market prices.

Councilmember Wadsworth asked for the representative from Waste Management to address the Council. Mayor Barney said it may be fine for Waste Managements representative to address the Council, but it was out of line. Waste Management was the 2<sup>nd</sup> lowest bidder and if the Council is going to have all representatives address the Council, the RFP practice should be thrown out. Councilmember Christensen agreed with Mayor Barney. Councilmember Wadsworth asked Junior Baker if it was allowed for Waste Management to address the Council. Mr. Baker stated that the City Council makes the rules, and the Mayor controls the meeting. Mayor Barney asked that the Waste Management not address the Council at this time.

Discussion took place regarding the acceptance of the low bid with a multi-day rate, but BFI will provide a single date pick up at this time. Mr. Clark stated that if the Council accepts the low bid at a multi-day rate but BFI would still provide a single-day service, if in the future BFI chooses to go to a multi-day pick-up then ample notice will be given so the whole town could be educated.

Councilmember Christensen made a **motion** to approve the Solid Waste Collection Contract with the multi-day pick-up rate. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote was taken and the unanimous vote was confirmed.

### **Request for Proposals - Collection Agreement**

Mr. Clark said the RFP for the collection agreement was tabled on March 22, 2005. Mr. Clark discussed that Mountainland Collections, Inc. had the highest percentages of collections but both companies were above the national average for success rates. Councilmember Wadsworth questioned the rate schedule. Mr. Clark stated it would vary on what collections they are successful with.

Councilmember Sorensen made a **motion** to accept the collection agreement with Mountainland Collections, Inc. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote was taken and the unanimous vote was confirmed.

### **Sale of Surplus Truck**

Mr. Clark said there is a surplus truck that is 21 years old and is scheduled to go to auction this weekend, but Mr. Clark received a request from Paragonah Town to purchase the truck for \$3,000.00. Mr. Clark stated this request was being presented to City Council because it is not included in the purchasing agreement. Mr. Clark explained that in the past the City has donated a fire truck and other equipment, but at this time Paragonah Town is requesting to purchase the truck.

Councilmember Wadsworth asked if this truck was sold at the auction what would be the approximate selling price. Mr. Clark stated a selling price at the auction does vary, but he feels it would be similar to the requested purchasing price.

Councilmember Barber made a **motion** to accept the proposed purchase of the 1984 Kodiak Dump Truck/snow plow by Paragonah Town in the amount of \$3,000.00. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote was taken and the unanimous vote was confirmed.

Clarification was given by Mr. Clark that this truck was not the truck involved in the accident with the train.

### **Report Management System Laptop Computers**

Mr. Rosenbaum discussed the new report management system that was purchased through the Homeland Security Grant. Since updating the system the current laptops will not run the new system. Mr. Rosenbaum is requesting to purchase nine lap top computers to replace the current computers. This was not anticipated last year when the budget was being reviewed.

Mr. Rosenbaum put letters in the City Council's boxes that shows the price information from the State Bidding Office, if additional information is needed he can provide it.

Mr. Rosenbaum has reviewed the specs for the new computers with in-house and other experts and is asking the City Council to approve a budget amendment for \$16, 146.54 for the needed nine laptop computers.

Mayor Barney asked if the old computers have any value. Mr. Rosenbaum said the computer experts say no.

Mayor Bamey stated he believes we are required to give our officers the best.

Councilmember Wadsworth and Mr. Bowcut discussed the current laptop computers are a Pentium with Windows 95.

Councilmember Barber asked if this gives everyone a laptop that is in need of one. Mr. Rosenbaum said it will give everyone in the patrol department one, but in the future the detectives will need one but the detectives are not in this request. Mr. Rosenbaum said every agency in the county is having this request presented. The laptops for the detectives will be presented in the FY06 budget.

Councilmember Wadsworth asked if the money from the Homeland Security Grant could be used to purchase the laptop computers. Mr. Rosenbaum said the money could be used, but there is no money left in the grant; the idea was to use this grant money but other needs in fire departments ate up the rest of the money. Mayor Barney asked if the Homeland security be asked for the funds to replace computers. Mr. Rosenbaum said they will try to get additional computers next year with the grant, but they cannot wait for the specified nine laptop computers until next year.

Councilmember Wadsworth said before other computer programs are purchased the City should find out if the hardware is acceptable. Mr. Bowcut said a portion of the money allocated from the grant was going to purchase new laptops, but the money ended up not being there. Mr. Rosenbaum stated that allocations were set aside for county-wide laptops but miscalculations with fire departments in the County that didn't have fiber and other issues ate up the money for lap tops. This issue has only surfaced within the last month.

Councilmember Barber made a **motion** to accept the request to purchase additional laptops in the amount of \$16,146.54. Councilmember Sorensen **seconded**, and the motion **passed** unanimously.

Councilmember Wadsworth recommended looking at parting out old laptops on e-Bay.

Councilmember Wadsworth made a **motion** for a five minute recess. Councilmember Christensen **seconded**, and the motion **passed** unanimously.

### **Trail Grant Approval**

Mr. Pierson asked for approval to apply for a State Trail Grant. It is a 50/50 grant, therefore we have \$61,000.00 set aside and we will be asking for \$60,000.00.

Councilmember Sorensen said residents that have already used the trail are very excited for it to be extended. They have commented on how beautiful the area is.

Councilmember Wadsworth made a **motion** to authorize Mayor Barney to sign the Utah Division of Parks and Recreation Fiscal Assistance Application. Councilmember Sorensen **seconded**, and the motion **passed** unanimously.

### **Quit Claim Deed to Charter One LLC**

Mr. Baker said Mike Morley asked for the City Council to table this quit claim until further notice.

Councilmember Sorensen made a **motion** to table the Quit Claim Deed to Charter One LLC. Councilmember Christensen **seconded**, and the motion **passed** unanimously.

**Resolution 05-02: A Resolution Expressing the Intent by the City Council to Repay Funds to the Electric Enterprise Fund**

Mr. Baker discussed that when SFCN was being developed the demand was much higher than anticipated, therefore the bond that was obtained was insufficient to complete the project and money was borrowed from the electrical enterprise fund to complete the build out of the telecommunications system.

Mr. Baker made the recommendation to City Council to repay the electric enterprise fund upon completion of the bond payments incurred by SFCN.

Councilmember Barber asked when the bond is callable? Mr. Baker said the bond is a 15-year bond that was started in 1999. Discussion took place on the option of paying the bond off early and binding future councils of the repayment. Mr. Oyler said it will be a City Council decision in 5 or 6 years.

Councilmember Barber made a **motion** to approve Resolution 05-02: A Resolution Expressing the Intent by the City Council to Repay Funds to the Electric Enterprise Fund, with the following condition:

1. Include the amount required for repayment to the Electric Enterprise Fund.

Councilmember Wadsworth **seconded**, and the motion **passed** unanimously. A roll call vote was taken and the unanimous vote was confirmed.

**Resolution 05-04: A Resolution Authorizing the Use of Spanish Fork City's 2005 Allocation of Home Funds and Community Housing Development Organization to Assist in the Development of Affordable Housing Project Located in Utah County.**

Mr. Baker discussed that Spanish Fork City is part of a regional entity to allocate housing funds from Department of Housing and Urban Development. Spanish Fork City's allocation of the UVCCC funds is \$47,006.49 and as its share of CHDO funds in the sum of \$9,401.30. All of the funds allocated from each member of the UVCCC are needed to cover the costs of all proposed projects.

Councilmember Wadsworth asked if the money pooled can be used in all parts of the County. Mr. Baker said the money is used in all the areas of the members and it has been used in the Spanish Fork area but it could be 5 or 6 years before it comes back to this area.

Councilmember Wadsworth asked if the restaurant tax is included into this pool of money. Mr. Baker said no, that the restaurant tax comes through MAG which is a different entity and therefore cannot be combined.

Councilmember Wadsworth asked if this could be done through the UHA. Mr. Baker said no. UHA is also a different entity.

Councilmember Christensen made a **motion** to approve Resolution 05-04: A Resolution Authorizing the Use of Spanish Fork City's 2005 Allocation of Home Funds and Community Housing Development Organization to Assist in the Development of Affordable Housing Project Located in Utah County as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote. A roll call vote was taken and the unanimous vote was confirmed.

### **Boyd Thomas and Allan Thomas Property Purchase Agreement**

Mr. Heap discussed the Engineering Department and Utah Department of Transportation has been working for some time to get the intersection of 2550 East and US 6 redesigned. UDOT came back with design they wanted but in order for the design to be done and the signal light installed it would cause the City to redo 2550 East. In order to redo 2550 East surrounding property was needed. The Engineering Department has been negotiating with the property owners for the purchase of the properties. The property will be zoned commercial. UDOT is hoping to install the signal light this summer, but because of the Rail Road the worst case scenario would be next summer before the signal light will be installed.

Mayor Barney said UDOT really needs to get the signal light installed for the safety of the residents.

Mr. Heap proposed the two contracts to the City Council for purchase of the Alan Thomas property in the amount of \$10,250.00 and for the purchase of the Boyd Thomas property in the amount of \$278,000.00.

Mr. Heap discussed that after the new road is built it will still leave more than one acre of property for commercial use in the future.

Mr. Heap discussed that there will not be a connector's agreement and that future development would be required to pay their cost of the road. Discussion took place regarding the signal light to be installed.

Mayor Barney said again the safety of the residents is very important; there was another major accident in this area recently.

Mr. Heap said he agrees with the need for this signal light, but there is no way to force the work to be done. Mr. Heap recommends approval of the Boyd and Allan Thomas property purchase.

Councilmember Barber made a **motion** to accept the Boyd Thomas Property Purchase Agreement in the amount of \$278,000.00 and the Allan Thomas Property Purchase Agreement in the amount of \$10,250.00. Councilmember Christensen **seconded**, and the motion **passed** unanimously. A roll call vote was taken and the unanimous vote was confirmed.

### **Lighting of the Jaycee Baseball Field**

Mr. Robinson discussed the formal bids received for the lighting of the Jaycee Baseball Field.

Councilmember Wadsworth asked if the City was going to be spending \$8,000.00. Mr. Robinson said the City would pay between \$3,000.00-\$8,000.00.

Councilmember Christensen asked how many lights would be installed. Mr. Robinson said there will be 4 light poles. There will be 2 behind the backstop and 2 out further in the outfields along first and third baselines. There will be 6 or 8 fixtures on each pole. Mr. Robinson said Richard Stoneman feels comfortable with the specs from Intermountain Electrical Sales.

Councilmember Sorensen made a **motion** to award the bid for the Lighting of the Jaycee Baseball Field to Intermountain Electrical Sales for the amount of \$20,360.00. Councilmember Christensen **seconded**, and the motion **passed** unanimously. A roll call vote was taken and the unanimous vote was confirmed.

### **Airport Board Report**

Mr. Cris Child discussed that Spanish Fork City is a partner with Springville City in the ownership of the airport. The airport is located in Spanish Fork City, but Springville City has much interest in the growth of the airport. A lot of townspeople don't even know an airport in Spanish Fork City even exists. The airport was established in 1941 and is currently run by Tom and Rex Woodhouse.

Mr. Child presented a slide show containing the following:

- Mission statement of the Spanish Fork/Springville Airport
- Aerial pictures of the airport
- Master plan for the airport and surrounding industrial area.
- Buildings too close to the runway on Main Street.
- Extension of runway and a new road where new veterinary clinic is located.
- Hangars are owned by individuals, but rent property from Airport.
- Future companies acquiring property in industrial area around the Airport.
- Security issues were discussed.

### **Adjourn to Executive Session**

Councilmember Sorensen made a **motion** to adjourn to Executive Session. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 9:00 p.m.

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Connie Swain, Deputy Recorder

Approved: May 17, 2005