

**Approved Minutes**  
**Spanish Fork City Council Meeting**  
**October 4, 2005**

The meeting was called to order at 6:00 p.m. by Councilmember Everett Kelepolo. The pledge of allegiance was led by Councilmember Wadsworth.

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

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Emil Pierson, Planning Director; Richard J. Heap, Engineering/Public Works Director; Kent R. Clark, Finance Director/Recorder; Seth J. Perrins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; John Bowcut, Information Services Director; Connie Swain, Deputy Recorder.

Citizens Present: Pat Parkinson, Royden Hill, Wyatt McGregor, Sherman Huff, Kevin Creer, Jessica Kayler, Amy Johnson, Ritch Harward, Britney Murray, Philip Harding, Austin Teasdale, Matthew Reese, Tyler Koyle, Jorge E. Trujillo, Jon Lyon, Heather Hill, Kaitlyn Grotegut, Brady Christensen, Tyson Auger, Nico Chaperro, Brenda Brown, April Whatcott, Jennifer Harward, Lyndsey Walters, Alyssa Muirbrook, Casey Cozzens, Niki Cook, Kathy Perrins, Brad Rasmussen and Craig E. Simpson.

Councilmember Kelepolo encouraged residents to vote in the Primary Election today.

### **Minutes**

Councilmember Barber made a **motion** to approve the September 6, 2005 minutes of City Council meeting as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Barber made a **motion** to approve the September 12, 2005 minutes of City Council meeting as presented. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

### **Agenda Request - David A. Aust - Business Incubation Model**

Mr. Aust said he is a resident of Spanish Fork and the President and C.E.O. of Millennial Foundation, Inc. This business incubation model is unique. Mr. Aust reviewed the structure of the incubation model. This model takes various business service sectors and brings them together to help qualify their clientele and prepare a business plan. As a business plan is created they help the business acquire financing. He asked the City Council to assist him in getting a building in Spanish Fork to begin these services. He presented a letter of exception and

the bylaws.

Councilmember Kelepolo asked Mr. Aust for more specifics.

Mr. Aust said his company will help recruit small businesses to Spanish Fork and increase sales tax revenues. He asked for help to get a building. Businesses seeking services will pay fees which will help cover some operation costs after they get going. Mr. Aust said he is asking for assistance from city management and economic development. He said he would also help create an environment in which larger businesses can thrive in Spanish Fork. He wants to help create more jobs and strengthen our economy.

Councilmember Wadsworth thanked Mr. Aust for presenting this information to the City Council. He asked if this program is similar to what is offered at the Larry H. Miller Entrepreneur Center at the Salt Lake Community College.

Mr. Aust concurred. He said he is trying to create something similar in Spanish Fork. They also have programs at Novell and the Center for Economic Development in Orem. His program is different in that he will assist businesses to create a business plan.

Councilmember Wadsworth asked how successful the other groups such as his have been. He said the Larry H. Miller program has changed hands due to problems. Some of the businesses that were being promoted never came about.

Mr. Aust said right now the Larry H. Miller program allows multiple organizations to participate. Before businesses are considered for the incubation model in Salt Lake City they must have a business plan. Mr. Aust said with his organization he will help those businesses create a business plan. He has some of the best services available for the participants.

Councilmember Wadsworth asked Mr. Aust if this type of business group is up and running in any other communities.

Mr. Aust said the program is not operating in any location yet. This is a full process included in his incubation model. He said he desires to help create more jobs in Spanish Fork. Eventually he wants to work with other members of the city in helping improve the economy.

Councilmember Sorensen said he can see if the Chamber of Commerce would have an interest in partnering with this type of group to serve the existing and new business community.

Mr. Aust said he desires to help build these businesses.

Councilmember Barber said we should do whatever we can to help anyone who desires to increase businesses in Spanish Fork. He agreed that the Chamber of Commerce would be best party to help with this type of program. He said it is not the job of the City Council to assist Mr. Aust financially.

Councilmember Wadsworth asked if possible space is available in the Chamber of Commerce

building.

Councilmember Sorensen said much of the space is being utilized by the Chamber of Commerce.

Councilmember Barber said some businesses that are members of the Chamber of Commerce may have space available.

Mr. Aust requested 5,000 square feet for a reception area and training rooms. He said he might ask the city to make rent payments or purchase the space.

Councilmember Sorensen asked if the training facility could be owned by another company but made available to Mr. Aust when needed.

Mr. Aust said the use of another company's facilities would be workable.

Councilmember Kelepolo thanked Mr. Aust. He suggested Mr. Aust meet with members of the Chamber of Commerce to discuss the matter further.

**Ordinance 10-05 - An Ordinance Repealing and Re-enacting Title 8, Chapter 20 Concerning Abatement of Weeds, Garbage and Refuse (Tabled from September 6, 2005)**

Mr. Baker said this ordinance came before the City Council last month. He said he met with Officer Mark Byers, Richard Heap and the recreation department. It was determined that the four-inch maximum height would be changed to a maximum height of six inches. This is the only change made to the ordinance presented.

Officer Byers asked if there were any questions.

Councilmember Wadsworth asked why the height maximum was changed.

Officer Byers said the tractor mower blades used to clear problem areas are set at 6 inches.

Councilmember Barber asked if there is a list of noxious weeds available for residents.

Officer Byers said Utah County will provide a list of noxious weeds.

Councilmember Sorensen made a **motion** to accept Ordinance 10-05, An Ordinance Repealing and Re-enacting Title 8, Chapter 20 Concerning Abatement of Weeds, Garbage and Refuse with the change from a maximum height of four inches to a maximum height of six inches as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

## **Contract for Legal Services**

Mr. Baker said Craig Hall of Chapman and Cutler LLP has already appeared during the special meeting of the City Council held on September 12, 2005. Also, Mr. Hall will be providing assistance in further recommendations regarding the ordinance. This is a standard agreement for legal services.

Councilmember Wadsworth asked Mr. Baker to explain the section dealing with conflicts.

Mr. Baker said in the law we have a strict conflict of interest restriction. He explained the meaning of the section referred to and gave an example of a conflicting circumstance.

Councilmember Sorensen made a **motion** to approve the Contract for Legal Service with Chapman and Cutler LLP as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

## **Airport Access Agreement with Rocky Mountain Composites**

Mr. Baker said Rocky Mountain Composites is a local business located west of the National Guard Armory and adjacent to the airport. They are on the verge of expanding their business. More information concerning the expansion will soon follow. Rocky Mountain Composites need access to the runway for the expansion. We cannot sign the agreement until the Federal Aviation Administration (FAA) approves the agreement. Mr. Baker reviewed the access area and the agreement relating to the access. This is a great benefit to the businesses which will join the airport. The funds collected will also help offset the subsidy the city gives to the airport. He encouraged the City Council to approve this agreement

Councilmember Kelepolo said Rocky Mountain Composites has been an excellent company to work with. This is a great opportunity to help our airport.

Mr. Baker said this helps an existing company to grow and increase jobs in Spanish Fork.

Councilmember Kelepolo said this is one of the first big businesses we have had near the airport. It will help our economic development.

Councilmember Sorensen said the possible opportunities are worth the effort.

Councilmember Wadsworth asked what is driving the expansion and how many additional employees there will be.

Mr. Baker said they cannot give a lot of information at this time.

Craig Simpson from Rocky Mountain Composites was present. He said his company has been in Spanish Fork for almost five years. Spanish Fork has been great to work with. He said currently Rocky Mountain Composites employs 50 people. They are undergoing certification for an aircraft to progress the project they are currently working on. They hope to expand within the

next few months. The expansion and project will double the staff and in approximately three to five years they anticipate expanding to 300 or 400 employees.

*6:28 a.m. - Councilmember Paul Christensen arrived*

Councilmember Kelepolo asked concerning the access and the fill material needed.

Mr. Simpson said over the past several months Rocky Mountain Composites has worked with the city to understand the needs and have been able to have much of the fill work completed to help meet the fill requirements. All the fill needed is already in place. They cannot access the area until the city approves the agreement. This is something that needs to be reviewed in relation to other future business in the area also. If the agreement is approved by the City Council and FAA shortly, Rocky Mountain Composites will meet their construction schedule.

Mr. Baker said the FAA is in the process of reviewing the agreement.

Councilmember Barber made a **motion** to accept the Airport Access Agreement with Rocky Mountain Composites as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

**Resolution No. 05-08 - A Resolution Establishing a Right of Access Policy to Allow the City to Obtain Criminal History Information for Background Checks Prior to Hiring an Employee or Acceptance of a Volunteer**

Mr. Perrins said this is before the City Council due to encouragement from the recreation department staff to allow individual background checks for coaches or other volunteers and employees working with the youth. Utah Risk Mutual Management Association (URMMA) has worked diligently to investigate the possibilities. This process will allow the city affordable access to background checks. The background checks will be done in-house and will be free of charge. Background checks will be completed for coaches, fire and ambulance personnel and any others who might work with minors. It is needed to give to bureau of investigation to have on file.

Councilmember Sorensen said completing background checks was stressed at the recent recreation conference addressing child safety and liability issues.

Mr. Perrins said a few cities have implemented background check programs. At first the cost for acquiring backgrounds checks was too high. As a result of work by URMMA, this program has been established at no cost to the city.

Councilmember Wadsworth asked what is being done with fingerprinting.

Mr. Perrins said the fingerprinting process would take up to six weeks and there would also be fees. One option was to send coaches to the fingerprinting office in Salt Lake. Fingerprinting will no longer be needed for background checks. The proposed process checks nine states and the area may be broadened.

Councilmember Wadsworth asked when the process becomes effective.

Mr. Perrins said as soon as the paperwork is in place with the State. There will also be training for employees. With approval by the City Council it will be in place immediately.

Councilmember Sorensen made a **motion** to approve Resolution No. 05-08 - A Resolution Establishing a Right of Access Policy to Allow the City to Obtain Criminal History Information for Background Checks Prior to Hiring an Employee or Acceptance of a Volunteer. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

### **Southeast Well and Water Rights Purchase**

Councilmember Sorensen made a **motion** to table the Southeast Well and Water Rights Purchase. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Waste Water Treatment Plant**

Mr. Heap said he was assigned to update the City Council concerning the Waste Water Treatment Plant (WWTP). There are 125 miles of sewer lines in the city. He reviewed a map of the sewer system. There are 276 blocks of sewer lines in the old part of town still needing replacement. To date we have replaced 60 blocks of lines. The cost to replace sewer lines in each block is approximately \$54,000. There have been problems in a few areas related to high infiltration levels. These areas were replaced first. A video showing the interior of old and new lines was reviewed. He asked residents to limit the amount of grease they pore into sinks and disposals. The old lines are coated with grease. A video of a new line was also shown. The PVC pipe acquires less build up than the old pipes. He said the plant is operated very efficiently by Dennis Sorensen, the plant manager, and his two employees. In 1983, before Mr. Sorensen was hired, the WWTP was upgraded. The State tried to get the city to hire five full-time employees to operate the WWTP. For 22 years we have been operating with three employees. The State requirements are high and the plant has and continues to run well. If it did not, we would be fined excessively.

Mr. Sorensen said in 1930 there was no treatment plant. The pipes drained into dry creek and then Utah Lake. At that time mother nature was capable of handling the capacity. In 1958 an upgrade was made to filter the water. He reviewed the filtration process. In 1983 a larger digester was added. The temperature of the digester is critical. If the temperature changes after hours, Mr. Sorensen receives notification at home. He continued reviewing the process of cleaning the waste water, including the biological processes and mechanical processes. Aerotors were added to the process and help disinfect the water and lowered the cost of chlorine usage. He said when he first started working at the WWTP there were problems with chlorine levels in Dry Creek. At that time it was classified as a natural stream. The State would not change the classification and additional equipment was required. The Environmental Protection Agency finally changed the classification of Dry Creek to a man-made ditch. If the plant failed to meet State standards the fines imposed would be extremely high. The aerators have decreased the chlorine levels greatly. Other chemicals have also been eliminated which save costs. Mr. Sorensen said he and his staff work hard to insure the plant is run as efficiently as possible.

Councilmember Wadsworth asked Mr. Sorensen to talk about TDML and phosphorus.

Mr. Sorensen said TDML is the total daily maximum load of material discharged into dry creek. There has been an ongoing study of the effects of phosphorus on Utah Lake. Phosphorus is a byproduct of soaps and other items used in homes. Allowed levels of phosphorus may be lowered. Mr. Sorensen said he has also completed some independent testing. If they determine we are not meeting the requirements, as the allowed levels continue to drop, the cost to meet those standards will be too high. At that point it will be in the best interest of the cities in Utah Valley to participate in a regional waste water treatment plant. He said there are also problems associated with garbage disposals in homes creating a higher load on the plant. He encouraged residents to use their garbage disposals for just the rinse of dishes, vegetables and other items rather than disposing of large amounts of food or other materials through the disposal. Everything thrown down the sink, such as chemicals, food, etc. can impact the plant.

Councilmember Wadsworth asked if there could be a list provided for residents indicating what to avoid putting into the waste water lines.

Mr. Sorensen said they have a NPED permit with a list of testing scores. He reviewed the testing required. He can trace those discharged substances that are harmful to the plant and are illegal back to the location of the discharge.

Councilmember Kelepolo said we all need to “slow the flow.”

Mr. Sorensen said the digesters needed cleaning. When they entered the tank they found an 18-foot wall of materials causing the digesters to work less efficiently. The wall consisted of materials such as egg shells and other non-biodegradable items. This process is very time consuming and could be reduced by limiting those types of items being flushed down toilets and washed down sinks.

Councilmember Christensen said Mr. Sorensen and his crew do a great job. Mr. Sorensen is very conscientious and his knowledge is amazing.

Councilmember Sorensen said he served on the Utility Board and Water Board. Mr. Sorensen and his staff are well known and are some of the most qualified workers in the State and possibly the Nation. They have saved the city hundreds of thousands of dollars.

Councilmember Wadsworth asked if tours of the facility are available.

Mr. Sorensen said tours are open to anyone.

Brad Rasmussen, of Aqua Engineering, said he was asked to talk about the history of the plant and where we are going with the plant in the future. He said several years ago the site of the plant was studied to determine the maximum capacity of the facility. The site is capable of much more capacity with future upgrades. He said he works with many cities and complimented Spanish Fork City for having vision and doing upgrades before problems and fines occur. He discussed possible equipment options and the future equipment to be implemented and the possible time line. He reviewed the planned upgrade equipment, the existing equipment and the

space available for new equipment in the current project. The upgrade cost estimates were reviewed.

Mr. Heap asked Mr. Rasmussen if the bids should then come in under the estimated amount.

Mr. Rasmussen concurred.

Councilmember Christensen said the City Council enjoys receiving information concerning a cost savings.

Councilmember Kelepolo thanked Mr. Heap, Mr. Sorensen and Mr. Rasmussen for the update concerning the WWTP.

*7:30 p.m - Brief recess*

### **Appeal Authority Training**

*The following is a brief overview of the appeal authority training provided by Mr. Baker and Mr. Pierson:*

Mr. Baker said Title 15 made the City Council the appeal authority and eliminated the Board of Adjustments. Mr. Baker said since the City Council is now the appeal authority some training is appropriate. He reviewed the section of the City Code and the Utah Code addressing the appeal authority.

Mr. Pierson said the City Council is obligated to follow the law. There are five criteria that must be met, by evidence provided by the applicant of a variance request, in order for the variance to be granted. The City Council must state findings regarding each of the criteria. If the variance is to be granted, the hardships cannot be self-imposed. If the City Council wants to grant a variance, they must determine if the variance will change the intended use of the property. The answer must be “no”.

Mr. Baker shared several cases addressing variances. Two of those cases involved Spanish Fork. The burden for evidence lies upon the applicant

Mr. Pierson said there will be an upcoming variance request that may be a difficult determination to make. Mr. Pierson said he will provide the City Council with possible findings when a variance request is being discussed.

### **Other Business - Council Report on Assignments**

Councilmember Barber thanked Councilmember Christensen and the Harvest Moon Hurrah Committee for the activities planned this weekend. He encouraged everyone to attempt to be there. He also thanked them for the time and effort towards the Sesquicentennial Celebration this year.

Councilmember Christensen said the celebration starts this Saturday at 4 p.m. in the library park.

He asked everyone to come and enjoy this event. This committee has gone above and beyond any expectations.

Councilmember Wadsworth thanked Councilmember Christensen and the committee for the presentation made during the prior City Council meeting.

Councilmember Kelepolo reminded everyone of the airport social on October 11 at 6:30 p.m. He also asked to clarify information being given regarding our city manager's salary and the governor's salary. Our city manager does not make more than the governor. The governor's salary is set by the legislature. The governor receives additional benefits such as housing, household staff and security staff, household expenses including food and utilities and more. He provided a list of State employees making more than the governor. Also, regarding the salary survey, information is gathered from like cities and based on the information an average salary is determined.

Councilmember Wadsworth said those candidates saying they are not comparing total compensation but just salaries, total compensation is different. He encouraged Councilmember Kelepolo to talk with those giving the information.

Councilmember Wadsworth said he was cut off when called in for the meeting on October 4. He said he cannot remember the City Council approving the 4-10 work schedule. He asked when we received the final report regarding the survey.

Mr. Perrins said the final report was received in August.

Councilmember Kelepolo said two weeks ago he made comments concerning the 4-10 work week. He meant to say that no action has been taken by the City Council to change the current work schedule.

### **Adjournment to Executive Session**

Councilmember Wadsworth made a **motion** to adjourn to an executive session to discuss property acquisition. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:18 p.m.

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Connie Swain, Deputy Recorder

Approved: November 1, 2005