



CITY COUNCIL AGENDA

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on October 20, 2009**.

AGENDA ITEMS:

1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:

- a. Pledge
- b. Youth Council

2. PUBLIC COMMENTS:

Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines.

3. COUNCIL COMMENTS:

4. PUBLIC HEARING:

- a. * [Proposed Amendments to the Transportation Element of the General Plan](#)
- b. * [Salary Range Adjustment for All City Employee's](#)

5. CONSENT ITEMS:

These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.

- a. * [Minutes of Spanish Fork City Council Meeting – October 6, 2009](#)
- b. * [Dennis Stone Infrastructure Agreement](#)
- c. * [Utility Cost Management Consultants Audit](#)

6. NEW BUSINESS:

- a. Don Thomas – H1N1 Presentation
- b. Second Amended Development Agreement Concerning North Park and Supplement
- c. * [First Amendment Spanish Fork Wind Park Agreement](#)
- d. Presentation for the Municipal General Election on Tuesday, November 3, 2009.
- e. Acceptance of Alternate Election Poll Worker List
- f. Board Appointments - Fiesta Day's Vice Chairman, Mike & Amber Mendenhall
- Library Board

ADJOURN:

* Supporting documentation is available on the City's website www.spanishfork.org

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed executive meeting for any of the purposes identified in that Chapter.
- This agenda is also available on the City's webpage at www.spanishfork.org

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 804-4530.

SPANISH FORK

MEMORANDUM

TO: Spanish Fork City Mayor and City Council
FROM: Dave Anderson, Community Development Director
DATE: October 14, 2009
RE: Proposed Amendments to the Transportation Element of the General Plan

Staff has been working for the past few months on some revisions to the City's Transportation Element of the General Plan. The changes that are proposed at this time involve four modifications to the 2030 Transportation Master Plan Map and revisions to the cross-sections that describe how streets in Spanish Fork are to be constructed. Both the Map and the revised cross-sections are attached to this report.

The Development Review Committee reviewed this request in their September 23, 2009 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

**Amendment to Transportation Element of the General Plan
Transportation Element**

Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide

Discussion was held regarding 1100 East, Cal Pac Avenue, and the change to road planned to cross the Ray Allen Swenson property.

Mr. Thompson **moved** to **recommend approval** of the Amendment to the Transportation Element with the recommendation that we remove the requirement that churches be located on a collector street and that 1850 South be designated as a local road instead of a collector road. Mr. Swenson **seconded** and the motion **passed** all in favor.

The Planning Commission reviewed this request in their October 7, 2009 meeting and recommended that it be approved subject to making a few modifications to the cross sections. Staff has completed the modifications suggested by the Planning Commission and those changes are reflected in the cross sections that accompany this memorandum. I anticipate having draft minutes from that meeting available for presentation in your meeting.

attachments: 2030 Transportation Master Plan Map, proposed cross sections

2030 Transportation Master Plan 2009



1" = 4,185 Ft

Legend

2009 Proposed New Alignment

- Urban Interstate
- Urban Other Principal Arterial
- Major Arterial
- Minor Arterial (5 Lanes)
- Minor Arterial (3 Lanes)
- Collector (3 Lanes)
- Commercial Local (2 Lanes)
- Residential Local (2 Lanes)

2009 Improvements Required

- 2009 Improvements Required

2009 UDOT Functional Classification

- Urban Interstate
- Urban Other Principal Arterial
- Rural Other Principal Arterial
- Urban Minor Arterial
- Urban Collector

2009 Spanish Fork Functional Classification

- Major Arterial
- Minor Arterial (5 Lanes)
- Minor Arterial (3 Lanes)
- Collector (3 Lanes)
- Commercial Local (2 Lanes)
- Residential Local (2 Lanes)
- Rural Local (2 Lanes)

Major Roads

- Ballroad
- Spur
- Maglev
- Opave
- Solar
- Hydroville
- Special Feat. Boundary

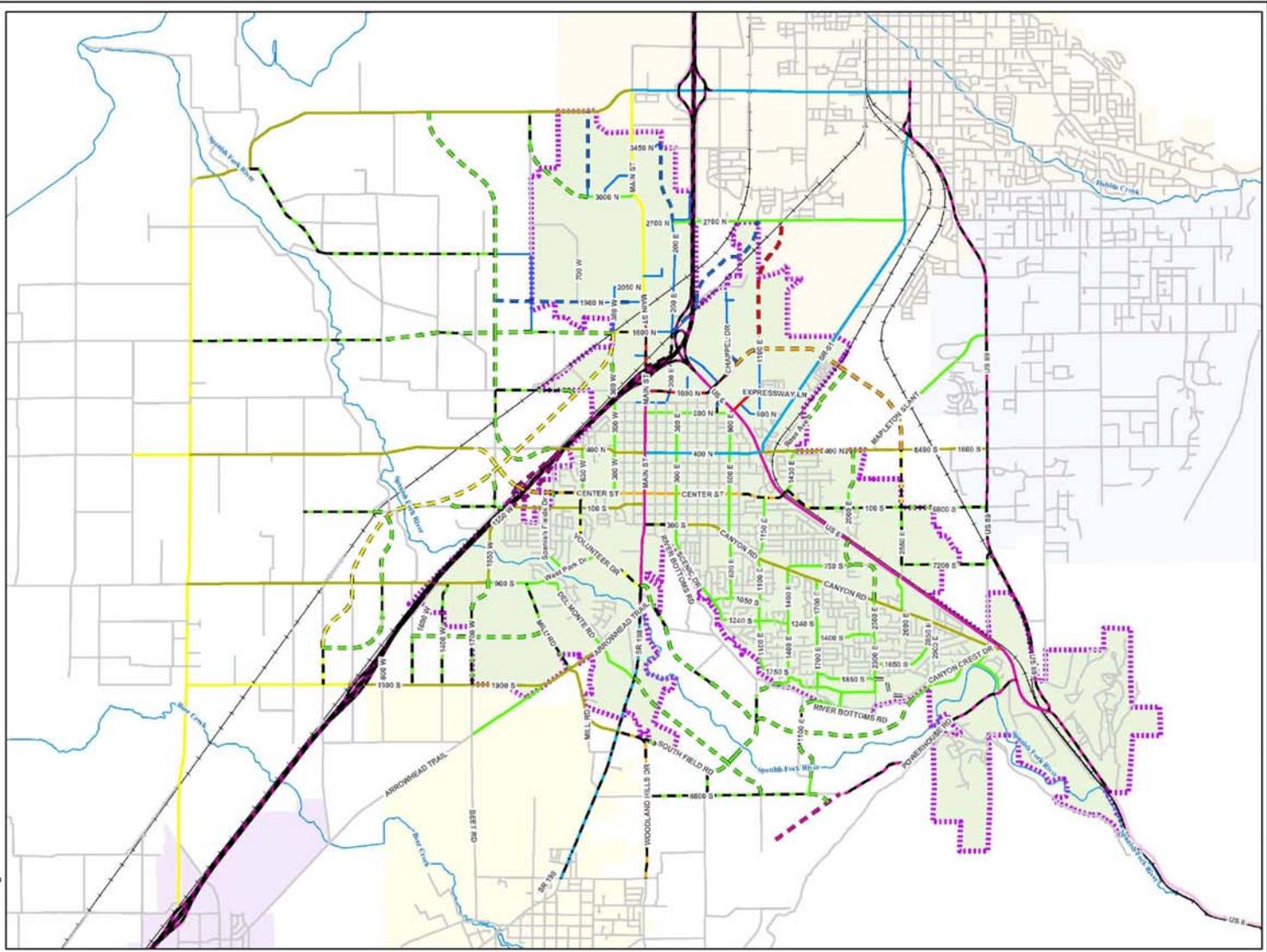
9/15/2009



Geographic Information Systems

Spanish Fork City GIS
40 South Main St
Spanish Fork, UT 84660
GIS Phone Numbers;
(801) 804-4571 (Administrator)
(801) 804-4570 (Interns)

Disclaimer: Spanish Fork City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Spanish Fork City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental uses, but may not be resold.



40 South Main Street, Spanish Fork, Utah
Phone 801.804.4580 · facsimile 801.798.5005

DRAWN RWR
 DESIGN CMT
 CHECK CMT
 DATE 10/15/09



SPANISH FORK CITY
 40 SOUTH MAIN STREET
 SPANISH FORK, UT 84660
 (801) 798-5000

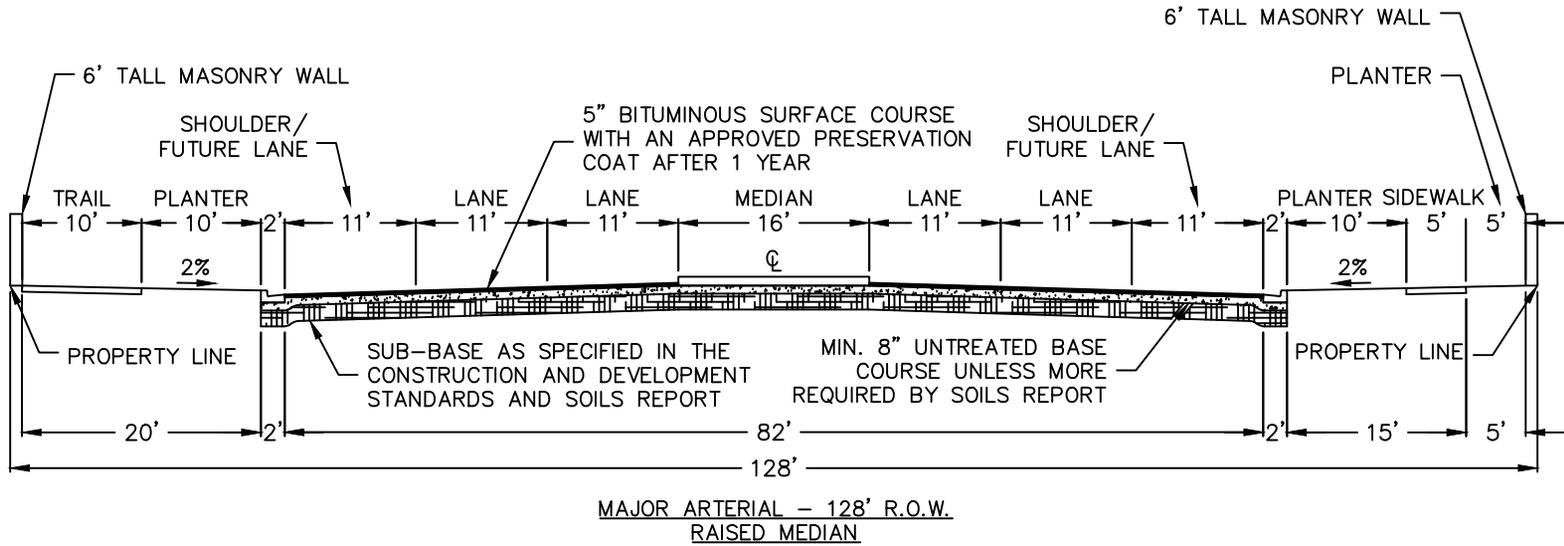
REVISION
 DRAFT FOR CITY COUNCIL

DATE

BY

STANDARD DRAWING
 MAJOR ARTERIAL
 CROSS SECTION

SCALE
 1" = 16'



NOTES:

1. WALL MAY BE ELIMINATED BY THE CITY ENGINEER

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CHECK	CMT
DATE	10/15/09

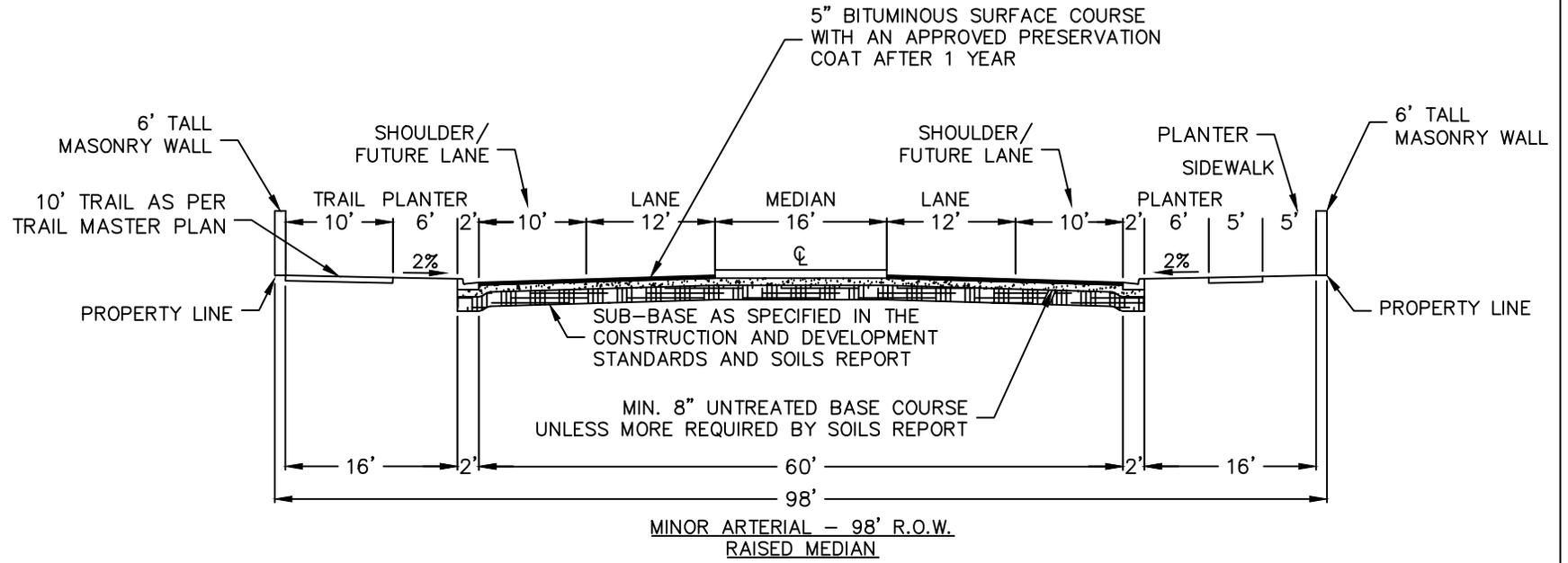


SPANISH FORK CITY
 40 SOUTH MAIN STREET
 SPANISH FORK, UT 84660
 (801) 798-5000

REVISION	DATE	BY
DRAFT FOR CITY COUNCIL		

STANDARD DRAWING
 MINOR ARTERIAL
 CROSS SECTION

SCALE
 1" = 16'



NOTES:
 1. WALL MAY BE ELIMINATED BY THE CITY ENGINEER

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 CHECK CMT
 DATE 10/15/09



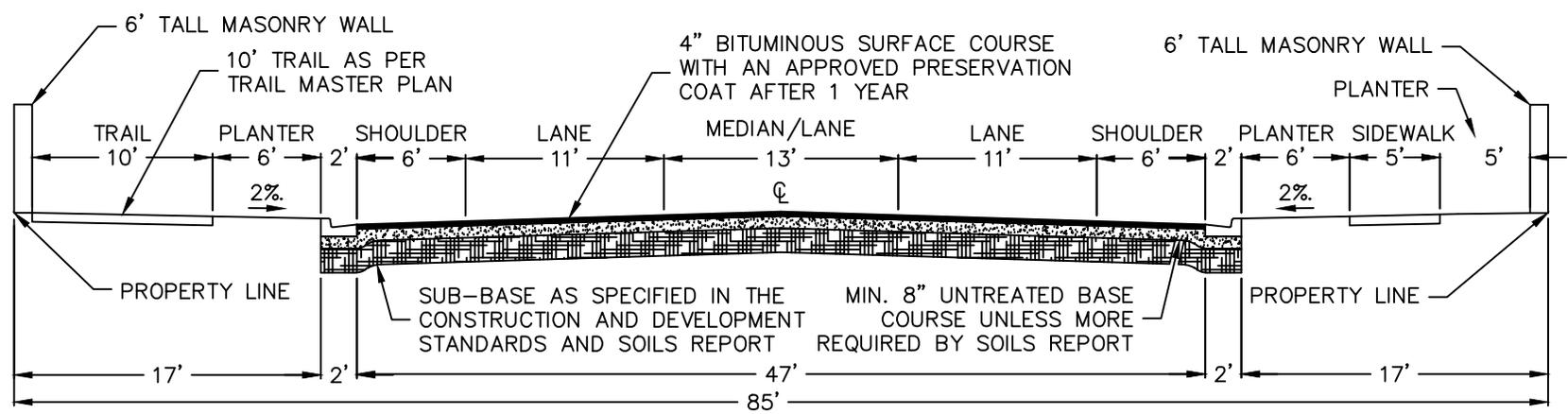
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 40 SOUTH MAIN STREET
 SPANISH FORK, UT 84660
 (801) 798-5000

REVISION
 DRAFT FOR CITY COUNCIL

DATE
 BY

STANDARD DRAWING
 COLLECTOR
 CROSS SECTION

SCALE
 1" = 10'



COLLECTOR - 85' R.O.W.

NOTES:
 1. WALL MAY BE ELIMINATED BY THE CITY ENGINEER

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CHECK	CMT
DATE	10/15/09

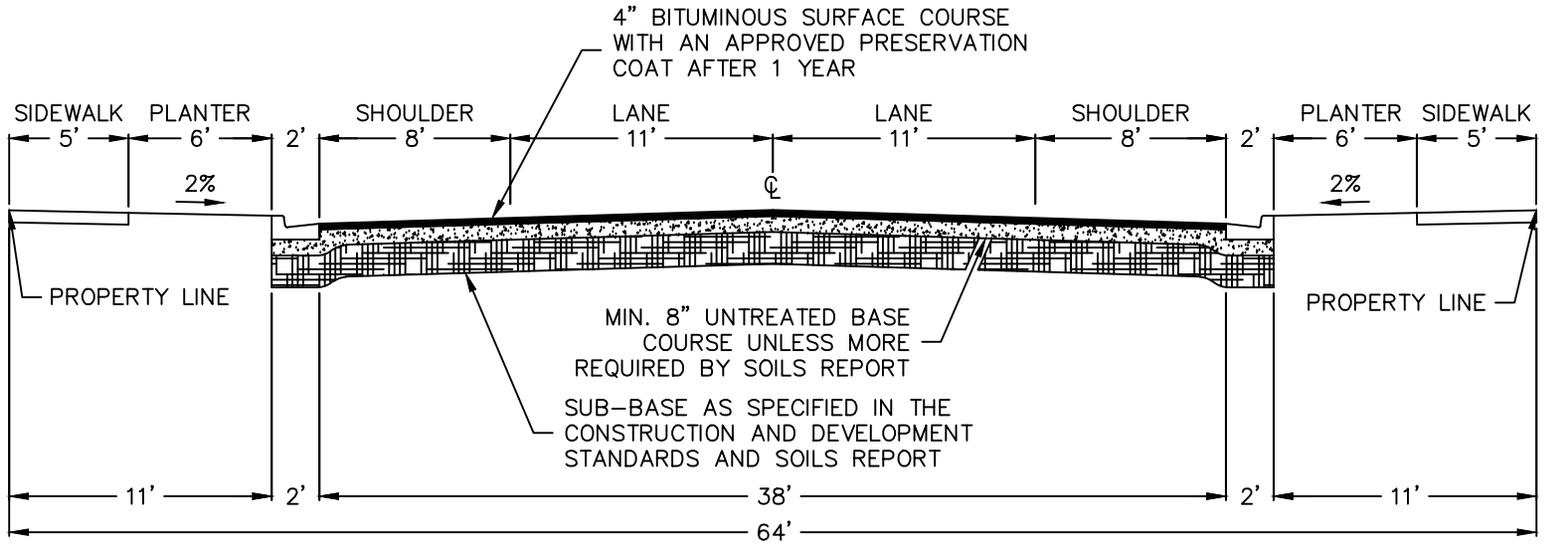


SPANISH FORK CITY
 40 SOUTH MAIN STREET
 SPANISH FORK, UT 84660
 (801) 798-5000

REVISION	DATE	BY
DRAFT FOR CITY COUNCIL		

STANDARD DRAWING
 COMMERCIAL LOCAL
 CROSS SECTION

SCALE
 1" = 8'



COMMERCIAL LOCAL ROADS - 64' R.O.W.

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CHECK	CMT
DATE	10/15/09

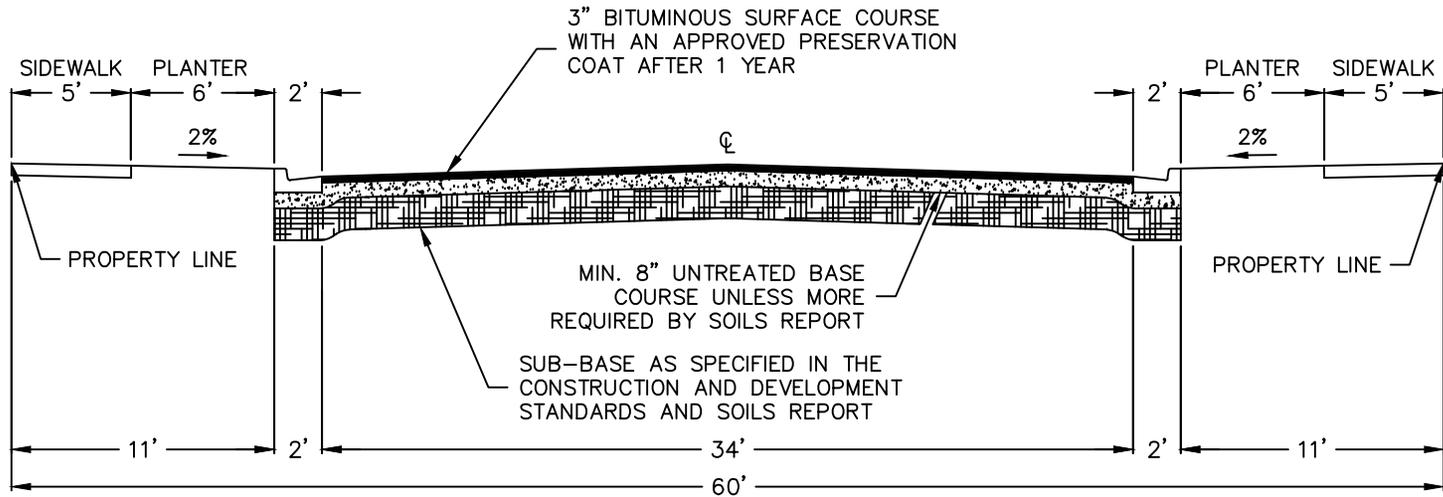


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 (801) 798-5000

REVISION	DATE	BY
DRAFT FOR CITY COUNCIL		

STANDARD DRAWING
 RESIDENTIAL LOCAL
 CROSS SECTION

SCALE
 1" = 8'



RESIDENTIAL LOCAL ROADS - 60' R.O.W.

DRAWN RWR
 DESIGN CMT
 CHECK CMT
 DATE 10/15/09



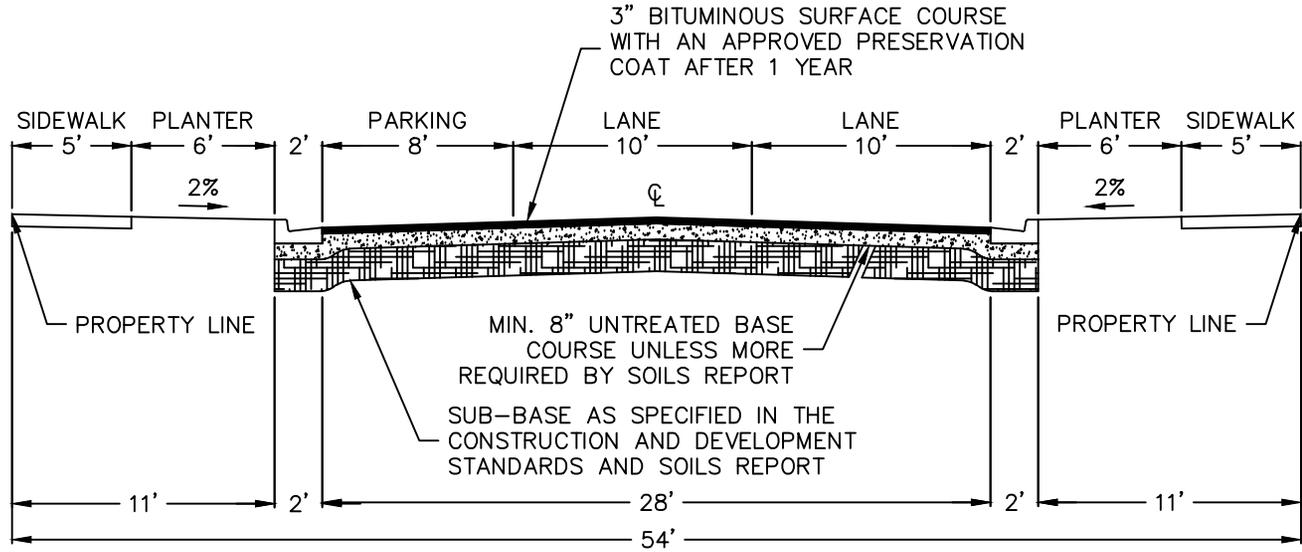
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REVISION
 DRAFT FOR CITY COUNCIL

DATE
 BY

STANDARD DRAWING
 RESIDENTIAL SUB-LOCAL
 CROSS SECTION

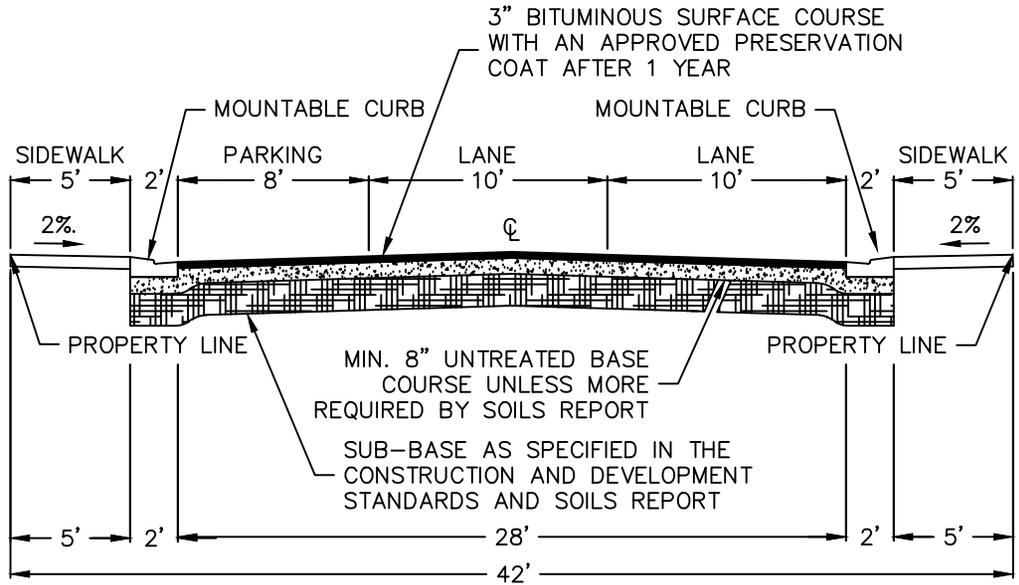
SCALE
 1" = 8'



RESIDENTIAL SUBLOCAL ROAD - 54' R.O.W.

NOTES:

1. 54' R.O.W. ONLY APPROVED FOR STREETS THAT ARE LESS THAN 800 FT. IN LENGTH AND LESS THAN 400 ANTICIPATED ADT.
2. 42' R.O.W. ONLY APPROVED FOR STREETS THAT ARE LESS THAN 600 FT. IN LENGTH AND LESS THAN 300 ANTICIPATED ADT.
3. A SUB-LOCAL STREET MAY NOT INTERSECT WITH ANOTHER SUB-LOCAL STREET.
4. 42' R.O.W. MAY ONLY BE USED IN MULTI-FAMILY DEVELOPMENTS AND IS SUBJECT TO THE APPROVAL OF THE CITY ENGINEER OR HIS/HER DESIGNEE.
5. THE CITY COUNCIL MAY WAIVE THE REQUIRED PARKSTIRP AND SIDEWALK ON ONE SIDE OF THE STREET.



RESIDENTIAL SUBLOCAL ROAD - 42' R.O.W.

SPANISH FORK CITY
Staff Report to City Council



Agenda Date:	October 20, 2009
Staff Contacts:	Seth Perrins, Assistant City Manager
Reviewed By:	Sue Shea, Hay Consultant; Dave Oyler, City Manager
Subject:	Salary Range Adjustments for All City Employees

Background Discussion:

In 2006, after much discussion and debate, the Spanish Fork City Council unanimously adopted a new compensation philosophy as recommend by the nationally-renown Hay Group. Every year since then, we have had our Hay Consultant go back to the same data sources to update the salary ranges for all city employees. These sources include the following Utah Cities: American Fork, Lehi, Midvale, Riverton, South Jordan, Springville, Murray, Brigham City, Orem, Provo, West Jordan and West Valley.

In addition to these cities, the Hay Group also pulls data from the Bureau of Labor Statistics. This data can be found on the internet in various reports that the US Department of Labor provides each year. The data used from these reports adds a very uniform blend of private sector data. This national data is then adjusted to Utah's compensation market using generally accepted geographic indices that localize national data.

Based on this research, our Hay Consultant recommends the following adjustments to the Salary Ranges:

- Hold the management pay ranges at current levels for the coming fiscal year
- Increase grades 7-11 by 1.5% at range midpoint
- Increase grades 1-6 by 1% at range midpoints

In 2008, the Spanish Fork City Council, following the recommendation of the Personnel Committee, limited salary range increase to 2%. Furthermore, employees were not allowed to receive an increase greater than 2%, unless they received a promotion in their positions.

As staff reviewed the budget this year, raises were not included due to the decreases in revenues and the economic conditions with which we are all familiar. Knowing that there would not be funds for raises this year, staff discussed whether or not we should update the ranges. It was decided that ranges should be updated so that the City's salary ranges would remain competitive, **however, no cost of living raises or merit (performance) raises will be given to employees this year.**

I stress this point because I want the Council and the public to understand that these adjustments are occurring in range only. Individual salaries will not be increasing this year with the ranges, either for a Cost of Living or for performance. While this is a difficult decision to make and may be a hardship on some employees, it is a very responsible one. This is one way City Employees can be a part of the solution to the increasing strains placed on the budget. We are hopeful that the economy will turn around, that the general job market will improve and the many people around the City, the State, and the Nation that are without work will be able to find a job soon. Until that time, City employees are committed to continuing to work as hard as they always have done – and sometimes harder because of fewer resources – to continue to provide our residents with a high level of service.

Budgetary Impact:

The budgetary impact of this adjustment is minimal at this time because there will be no merit adjustment or cost of living adjustments for City employees. However, as the ranges are moving up, we may hire new employees at a higher rate than before, based on the new ranges.

Alternatives:

The City Council may choose to adjust ranges by some other amount, not at all, or they may even choose to decrease the ranges.

Recommendation:

It is the staff's recommendation that the City continue to follow the recommendations as given by the Hay Group to raise the ranges as specified in their report. This will keep our ranges current. It is also staff's recommendation that employee raises for cost of living or performance be frozen this fiscal year.

Attachments:

I have attached several items for your consideration: (1) a letter provided by the Hay Group with the proposed numbers; (2) a break down of the grades and their ranges; (3) a budget sheet containing all positions by department, title and their respective ranges.

September 29, 2009

Mr. Seth Perrins
Assistant City Manager
Spanish Fork City
40 S. Main Street
Spanish Fork, UT 84660

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www.haygroup.com

RE: Recommended 2009-10 Pay Ranges

Dear Seth:

As per your request, I prepared recommended pay range updates for use by Spanish Fork City (SFC) in the 2009-10 fiscal year.

I reviewed the data sources used in previous years for SFC. Specifically, I reviewed:

- 2008 Bureau of Labor Statistics (BLS) data for the local geographic area (which provides data on non-exempt and select professional-exempt positions). This data was aged, using accepted compensation practices, to October, 2009.
- Wasatch Survey data. Data for positions below grade 11 are American Fork, Lehi, Midvale, Riverton, S. Jordan, Springville, and Murray. Cities used for grades 11 and above are those previously mentioned PLUS Brigham City, Orem, Provo, W. Jordan, and W. Valley.
- Data from the Economic Research Institute's Geographic Assessor database for the local geographic area. (Rather than providing data on specific jobs, this database provides geographic differential data at different base salary levels, and is an effective tool to use in "localizing" data from national sources.) The data shows the following geographic differentials for the area:

-	Salt Lake City, UT	97.5% of national average
-	Spanish Fork, UT	96.1% of national average
-	Orem, UT	95.5% of national average

Given the data from these sources, and general information available to Hay Group from clients around the country, I recommend that SFC:

- Hold its management pay ranges at their current levels for the coming fiscal year.
- Increase grades 7 – 11 by 1.5% at range midpoints.
- Increase grades 1 – 6 by 1% at range midpoints.

A spreadsheet reflecting these recommendations is attached.

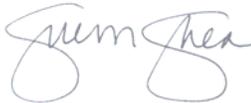
You asked about grades for two positions:

- 3rd level of Inspector/Plans Examiner – I recommend that SFC place this position at a grade 9.
- Foreman of the Electrician/substation crew – I recommend that SFC place this position at a grade 11M.

Please give these recommendations your consideration. If you have questions, give a call. Once the City decides its plan for FY 09-10, let me know where things end up.

Thank you for the opportunity to be of service, Seth.

Sincerely,



Sue M. Shea
Consultant

ATTACHMENT

Spanish Fork City Recommended Ranges 2009-2010

As of October, 2009

Non-Management

GRADE	Grade Midpoint	2008-09 Adopted Range Minimum	2008-09 Adopted Range Midpoint	2008-09 Adopted Range Maximum	2009-10 Recommended Range Minimum	2009-10 Recommended Range Midpoint	2009-10 Recommended Range Maximum
1	94		not used			not used	
2	108		not used			not used	
3	124	\$25,388	\$31,735	\$38,082	\$25,642	\$32,052	\$38,463
4	142	\$26,770	\$33,462	\$40,154	\$27,037	\$33,797	\$40,556
5	170	\$28,919	\$36,149	\$43,379	\$29,208	\$36,510	\$43,813
6	204	\$31,530	\$39,413	\$47,296	\$31,846	\$39,807	\$47,769
7	244	\$34,762	\$43,452	\$52,142	\$35,283	\$44,104	\$52,925
8	292	\$38,441	\$48,051	\$57,661	\$39,017	\$48,772	\$58,526
9	350	\$42,741	\$53,426	\$64,111	\$43,382	\$54,227	\$65,073
10	420	\$48,116	\$60,145	\$72,174	\$48,838	\$61,047	\$73,257
11	504	\$54,566	\$68,207	\$81,848	\$55,384	\$69,230	\$83,076

Management

GRADE	Grade Midpoint	2008-09 Adopted Range Minimum	2008-09 Adopted Range Midpoint	2008-09 Adopted Range Maximum	2009-10 Recommended Range Minimum	2009-10 Recommended Range Midpoint	2009-10 Recommended Range Maximum
10	420	\$54,158	\$67,698	\$81,238	\$54,158	\$67,698	\$81,238
11	504	\$57,738	\$72,172	\$86,606	\$57,738	\$72,172	\$86,606
12	604	\$61,998	\$77,497	\$92,996	\$61,998	\$77,497	\$92,996
13	725	\$67,153	\$83,941	\$100,729	\$67,153	\$83,941	\$100,729
14	870	\$73,334	\$91,667	\$110,000	\$73,334	\$91,667	\$110,000
15	1044	\$80,743	\$100,929	\$121,115	\$80,743	\$100,929	\$121,115
16	CM	\$93,260	\$116,575	\$139,890	\$93,260	\$116,575	\$139,890

Salary Ranges
Effective October 2009 to September 2010

Position Title	Annual Minimum	Annual Midpoint	Annual Maximum	Hourly Minimum	Hourly Midpoint	Hourly Maximum
City Manager	\$93,261	\$116,576	\$139,891	\$44.84	\$56.05	\$67.26
Finance Director	\$73,334	\$91,667	\$110,001	\$35.26	\$44.07	\$52.89
Assistant City Manager	\$67,153	\$83,941	\$100,729	\$32.28	\$40.36	\$48.43
Accountant	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Accounting Technician	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Billing Technician	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Customer Service Supervisor	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
City Recorder	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Office Clerk	\$25,642	\$32,052	\$38,462	\$12.33	\$15.41	\$18.49
Treasurer	\$54,159	\$67,698	\$81,238	\$26.04	\$32.55	\$39.06
City Attorney	\$80,743	\$100,929	\$121,115	\$38.82	\$48.52	\$58.23
Assistant City Attorney	\$67,153	\$83,941	\$100,729	\$32.28	\$40.36	\$48.43
Secretary – Legal	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Library Director	\$54,159	\$67,698	\$81,238	\$26.04	\$32.55	\$39.06
Children's Librarian	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Librarian	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Library Clerk	\$25,642	\$32,052	\$38,462	\$12.33	\$15.41	\$18.49
Library Systems Coordinator	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Community Development Director	\$61,998	\$77,498	\$92,997	\$29.81	\$37.26	\$44.71
Secretary – Planning	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Building Inspector I	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Building Inspector II	\$35,121	\$43,901	\$52,682	\$16.89	\$21.11	\$25.33
Chief Building Official	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Secretary – Building Inspection	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Parks and Recreation Director	\$73,334	\$91,667	\$110,001	\$35.26	\$44.07	\$52.89
Assistant Parks & Recreation Director	\$57,738	\$72,172	\$86,607	\$27.76	\$34.70	\$41.64
Building & Grounds Maintenance Spvr.	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Cemetery Sexton	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Concessions Manager	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Facilities Maintenance Technician	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Golf Course Operations Assistant	\$27,038	\$33,797	\$40,556	\$13.00	\$16.25	\$19.50
Golf Professional	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Greens Superintendent	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Gun Club Manager	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Leadworker	\$35,121	\$43,901	\$52,682	\$16.89	\$21.11	\$25.33
Maintenance Worker	\$25,642	\$32,052	\$38,462	\$12.33	\$15.41	\$18.49
Parks Maintenance Supervisor	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Recreation Program Coordinator	\$25,642	\$32,052	\$38,462	\$12.33	\$15.41	\$18.49
Recreation Program Supervisor	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Special Events Coordinator	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Public Safety Director	\$73,334	\$91,667	\$110,001	\$35.26	\$44.07	\$52.89
Animal Control Officer	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Emergency Preparedness Officer	\$57,738	\$72,172	\$86,607	\$27.76	\$34.70	\$41.64
Patrol Officer I	\$35,121	\$43,901	\$52,682	\$16.89	\$21.11	\$25.33
Patrol Officer II	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Lieutenant	\$57,738	\$72,172	\$86,607	\$27.76	\$34.70	\$41.64
Sergeant	\$48,838	\$61,047	\$73,257	\$23.48	\$29.35	\$35.22
Secretary – Public Safety	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Public Works Director	\$80,743	\$100,929	\$121,115	\$38.82	\$48.52	\$58.23
Apprentice Lineworker	\$35,121	\$43,901	\$52,682	\$16.89	\$21.11	\$25.33
Assistant City Engineer	\$57,738	\$72,172	\$86,607	\$27.76	\$34.70	\$41.64
Assistant Public Works Director	\$61,998	\$77,498	\$92,997	\$29.81	\$37.26	\$44.71
Assistant Treatment Plant Manager	\$35,121	\$43,901	\$52,682	\$16.89	\$21.11	\$25.33
Blue Stake Technician	\$35,121	\$43,901	\$52,682	\$16.89	\$21.11	\$25.33
City Surveyor	\$48,838	\$61,047	\$73,257	\$23.48	\$29.35	\$35.22
Design Engineer	\$48,838	\$61,047	\$73,257	\$23.48	\$29.35	\$35.22
Electric Operations Dispatcher	\$35,121	\$43,901	\$52,682	\$16.89	\$21.11	\$25.33
Electric Groundman Equipment Operator	\$27,038	\$33,797	\$40,556	\$13.00	\$16.25	\$19.50
Electric Meter Technician	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Electric Superintendent	\$67,153	\$83,941	\$100,729	\$32.28	\$40.36	\$48.43

Position Title	Annual Minimum	Annual Midpoint	Annual Maximum	Hourly Minimum	Hourly Midpoint	Hourly Maximum
Electric Utility Planner	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
GIS Administrator	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
GPS Operator	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Journey Electrician	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Journey Lineworker	\$48,838	\$61,047	\$73,257	\$23.48	\$29.35	\$35.22
Journey Lineworker/Substation Tech	\$55,385	\$69,231	\$83,077	\$26.63	\$33.28	\$39.94
Journey Mechanic	\$35,121	\$43,901	\$52,682	\$16.89	\$21.11	\$25.33
Lead Lineworker Operations	\$55,385	\$69,231	\$83,077	\$26.63	\$33.28	\$39.94
Lead Lineworker Overhead	\$55,385	\$69,231	\$83,077	\$26.63	\$33.28	\$39.94
Lead Lineworker Underground	\$55,385	\$69,231	\$83,077	\$26.63	\$33.28	\$39.94
Lead Lineworker/Substation Tech	\$57,738	\$72,172	\$86,607	\$27.76	\$34.70	\$41.64
Lead Mechanic	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Lead Surveyor	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Public Works Inspector I	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Public Works Inspector II	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Secretary – Public Works	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Survey/Engineering Technician	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Treatment Plant Manager	\$48,838	\$61,047	\$73,257	\$23.48	\$29.35	\$35.22
Treatment Plant Operator	\$27,038	\$33,797	\$40,556	\$13.00	\$16.25	\$19.50
Utility Foreman	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Utility Superintendent	\$48,838	\$61,047	\$73,257	\$23.48	\$29.35	\$35.22
Utility Technician I	\$27,038	\$33,797	\$40,556	\$13.00	\$16.25	\$19.50
Utility Technician II	\$29,209	\$36,511	\$43,814	\$14.04	\$17.55	\$21.06
Utility Assistant Foreman	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
IS/SFCN Director	\$80,743	\$100,929	\$121,115	\$38.82	\$48.52	\$58.23
Cable Channel Coordinator	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Cable Installer	\$27,038	\$33,797	\$40,556	\$13.00	\$16.25	\$19.50
Cable Technician	\$31,846	\$39,807	\$47,769	\$15.31	\$19.14	\$22.97
Information Systems Technician	\$39,018	\$48,772	\$58,527	\$18.76	\$23.45	\$28.14
Lead Cable/Headend Technician	\$43,382	\$54,228	\$65,074	\$20.86	\$26.07	\$31.29
Programmer Analyst	\$48,838	\$61,047	\$73,257	\$23.48	\$29.35	\$35.22
Systems Analyst	\$55,385	\$69,231	\$83,077	\$26.63	\$33.28	\$39.94

ELECTED, PART-TIME & SEASONAL

SEASONAL PART-TIME Maximum 1,560 hours per year	Per Hour	Per Hour
SUMMER PART-TIME (Non Management) - labor at ballparks, golf course, snack shacks, etc.	\$7.25	\$11.00
SUMMER PART-TIME (Management) - leadworkers, pool mgt, snack shack mgt., etc.	\$8.50	\$12.00
SPECIALTY POSITIONS - Interns, meter readers, computer techs, etc.	\$9.00	\$14.00
SPECIAL EVENTS - Ticket takers rodeo & festival of lights (Holiday pay \$12- \$15/ Hr.)	\$7.50	\$12.50

YEAR ROUND PART-TIME (with benefits)

All positions in this category are paid the equivalent hourly rate of the full time position

YEAR ROUND MONTHLY	Per Month
Mayor	\$1,175
City Council	\$765
Senior Citizen Ceramics Instructor	\$300
Fire Chief, Ambulance Captain	\$450
Assistant Fire Chief	\$350
Chief Engineer Fire	\$250
All Other Fire & Ambulance Officers	\$150
Canyon View Park Caretaker	\$500 Rent & Utilities deducted from salary Salary \$670
Fairgrounds Caretaker	\$400 Rent & Utilities deducted from salary Salary \$670
Pool Manager	Off Season \$10 - \$12/hr Jun, Jul, Aug \$2,500 to \$2,800

AMBULANCE	Main/hr	Backup/hr
EMT Intermediate	\$1.50	\$0.90
EMT	\$1.00	\$0.60
Rescue Truck	\$0.25	\$0.25

FIRE	Per Hour
Training & Answering calls	\$5.00
Fighting Fires /hour	\$7.00
Fighting Fires-Fireman-I/hour	\$10.00

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Tentative Minutes
Spanish Fork City Council Meeting
October 6, 2009

Elected Officials Present: Mayor Pro Tem G. Wayne Andersen, Councilmember's Steven M. Leifson, Jens P. Nielson, Richard M. Davis, Rod Dart

Staff Present: Dave A., Kent, Seth, Dave O., Dee Rosenbaum, Junior Baker, John Bowcut, Chris Thompson, Kimberly Robinson

Citizens Present: Kamala Poulsen, Matt McEwen, Keir Scoubes, Steven Money, Dave Peay, Baylee Pulham, Trevor Nelson, Jared Nelson, Lana Creer Harris, Jen Allen, Hal Jaussi, Jack Evans, Candi Higley, Nate Leckie, Anthony Wisner, Mason Wisner, Jason Werner, Andrew Werner, Brian Carter, Carol Harmer

CALL TO ORDER, PLEDGE:

Mayor Pro Tem Andersen called the meeting to order at 6:00 p.m.

Scout Bryan Carter led in the pledge of allegiance.

Employee of the Quarter

Mr. Seth Perrins explained the employee of the quarter and what great things they do for the City. He then presented John Little as the Employee of the Quarter Award.

Mr. Dave Anderson noted Mr. Little is a pleasure to work with, he has a great attitude and truly acts as a professional.

PUBLIC COMMENT:

There was no public comment at this time.

COUNCIL COMMENTS:

Councilman Davis thanked the Arts Council for all they did with the Harvest Moon Hurrah. He feels it was a fantastic event. He also personally thanked all the employers in the community that help to make Spanish Fork better.

Councilman Leifson thanked the individual that turned in the lost wallet. It was returned with everything still inside money and all. He stated this is just another example of what great people we have in Spanish Fork.

Councilman Dart attended the Library Board meeting. He explained that circulation from August to August it has increased by 12%. He added they now have new library cards, the kind that fit on your key chain.

48 Mayor Pro Tem Andersen recognized a family in our community that has given much. He
49 would like to honor and recognize the Dale Barney Family for all their contributions to the
50 city. He thanked them for their service to the community and is sorry for the loss of their
51 daughter this week. He then encouraged everyone in the community to take some time
52 and consider the Election issues. He asks that everyone use their right and get to the
53 polls and vote on November 3, 2009.

54
55 Ms. Kimberly Robinson explained they have made it even easier to vote. Early voting
56 runs October 20 through 30, from 1:00 p.m. – 5:00 p.m. at the City offices.

57
58 **CONSENT ITEMS:**

- 59
60 a. **Minutes of Spanish Fork City Council Meeting – September 15, 2009**
61 b. **Janitorial Contract Renewal for the Justice Center**
62 c. **Acceptance of an Interlocal Agreement with Nebo School District for the**
63 **Maple Mountain High School Resource Officer**
64 d. **Adoption of a Resolution #09-10 for the Municipal Wastewater Planning**
65 **Program Evaluating the City’s Sanitary Sewer and Waste Water Treatment**
66 **Plant System**

67
68 Councilman Leifson made a **Motion** to approve the consent items. Councilman Dart
69 **Seconded** and the motion **Passed** all in favor.

70
71 **PUBLIC HEARING:**

72
73 Councilman Dart made a **Motion** to open the public hearing. Councilman Nielson
74 **Seconded** and the motion **Passed** all in favor at 6:11 p.m.

75
76 **First Revision of the 2010 FY Budget**

77
78 Mr. Kent Clark explained the budget revision and the process. He noted projects not
79 completed from the last fiscal year roll into this next year. He reviewed the areas that are
80 being revised.

81
82 This item was opened for public comment.

83
84 Mathew McEwen

85 Mr. McEwen asked about the broadband expense. He is wondering if there has been an
86 R.O.I. done and is that information open to the public. He also asked regarding the
87 general fund increases and where they are being charged.

88
89 Mr. John Bowcut explained they have done an R.O.I, but are still waiting for the results
90 of a bid to come in. Mr. Bowcut added that the information will be public.

91
92 Mr. Clark explained the indirect services and how they are charged.

93
94 Keir Scoubes

95 Mr. Scoubes asked about the Washington Lobbyist funds. He would like to know if there
96 is a special project they are working on to warrant the added funds.

97
98 Mr. Dave Oyler stated the lobbyist was a zero budget item. The Council then chose to
99 keep the lobbyist contracted so the amount was added back into the budget. The
100 amount budgeted was not in addition to the other funds.

101
102 Councilman Nielson explained the lobbyists are working on the interchange. The Council
103 felt it was worth spending some money to do all we can to get that interchange taken
104 care of.

105
106 Councilman Leifson made a **Motion** to close the public hearings at 6:22 p.m.
107 Councilman Davis **Seconded** and the motion **Passed** all in favor.

108
109 Councilman Davis made a **Motion** to accept the FY 2010 Budget Revision 1.
110 Councilman Nielson **Seconded** and the motion **Passed** all in favor by a roll call vote.

111
112 **NEW BUSINESS:**

113
114 **Utah County Fair**

115
116 Mayor Pro Tem Andersen stated there was a presentation that was supposed to be
117 given a few meetings ago. He apologized for not letting them (Carol & Jay Harmer) know
118 the meeting had been changed.

119
120 Ms. Harmer thanked the residents for helping with the fair and especially the Council for
121 bringing it back to Spanish Fork. They awarded Mr. Dave Peay with a trophy for winning
122 the equipment rodeo on behalf of the County Fair.

123
124 Councilman Andersen explained the activities that are done in the equipment rodeo
125 event.

126
127 **UDOT I-15 Corridor Update & Presentation**

128
129 **Dal Hawks**

130 Mr. Hawks is the manager for the I-15 Corridor Project
131 He then gave a presentation regarding the I-15 projects.

132
133 Mayor Pro Tem Andersen thanked Mr. Hawks for the work he has done, he added we as
134 a city are hoping for the best to get our interchanges fixed.

135
136 Councilman Nielson asked if the projects need to be contiguous as they are done.

137
138 Mr. Hawks stated they would stick with the projects and order they are currently working
139 on for now.

140
141 **Adoption of a Resolution for the proposed adjustment of the Mapleton City**
142 **Boundary with Spanish Fork City on the South of Mapleton to Highway 6.**

143
144 Mr. Junior Baker explained this agenda item, why it is there and the process to follow to
145 see it through. They will transfer 535 acres of property from Spanish Fork to Mapleton,
146 currently owned by Ensign Bickford. This will make the property easier to service with
147 infrastructure. If the motion is adopted, notice of a public hearing will be given once a
148 week for three weeks. The public Hearing will be December 15th only property owners
149 within the property to be adjusted can file a formal protest. Tonight is the first step in the
150 process to adopt the resolution of intent. He noted if they approve this they will have to
151 create a change to the contract for sewer capacity, which will be an item on the agenda
152 before the public hearing in December.

153
154 Councilman Dart made a **Motion** to adopt Resolution 09-10 a resolution of intent to
155 transfer the Ensign Bickford property to Mapleton. Councilman Nielson **Seconded** and
156 the motion **Passed** all in favor by a roll call vote.

157 158 **Interlocal Agreement with Utah County Concerning CDBG Grant Funds**

159
160 Mr. Chris Thompson explained what CDBG grant money is allocated for. He then
161 explained Utah County has become large enough they can join with additional
162 communities to receive a specific amount of funds each year. He stated this is a positive
163 thing for Utah County and Spanish Fork.

164
165 Councilman Leifson made a **Motion** to accept the Interlocal agreement with Utah County
166 Concerning CDBG Grant Funds, Agreement 2009.
167 Councilman Nielson **Seconded** and the motion **Passed** by a roll call vote.

168 169 **Argyle Boundary Adjustment and Easement**

170
171 Mr. Thompson stated they are working on a project to build an additional siphon for the
172 wastewater treatment plant. They need some more property to do so and instead of
173 purchasing the land outright from Argyle's. They have agreed to curb and gutter the
174 Argyle property fronting 200 East to handle some of the drainage issues.

175
176 Councilman Nielson made a **Motion** to approve the Argyle Real Estate Exchange and
177 Easement Agreement. Councilman Davis **Seconded** and the motion **Passed** all in favor
178 by a roll call vote.

179 180 **TJ Business Park Preliminary Plat – Request for Approval of Extension**

181
182 Mr. Anderson explained that last year the City Council had approved a preliminary plat
183 for the TJ Business Park and that is set to expire. He noted the ordinance allows the
184 Council to grant a six month extension. The DRC recommended that one six month
185 extension be granted. He added that the DRC recommend's only one six month
186 extension for this project. The DRC feels they would not like to have vested projects
187 lingering under old development and construction standards since they will be working
188 on the new standards soon.

189

190 Mayor Pro Tem Andersen asked since this is an industrial area wouldn't they like to have
191 projects come into it built to the latest standards.

192
193 Mr. Thompson explained the standards, he noted when a final plat is approved whatever
194 standard is in place will apply. He explained with the changes to the standards it could
195 potentially make it less expensive and he does not feel the standards are an issue.

196
197 Councilman Nielson made a **Motion** to grant the TJ Business Park Preliminary Plat
198 Extension for six months. Councilman Dart **Seconded**.

199
200 Discussion was made regarding the voting.

201
202 Councilman Leifson explained if they are going to change the standards and there is
203 nothing already pending it would not be a big deal to have him resubmit when he is
204 ready. He has gone a year with nothing done on the property, and in Mr. Leifson's
205 opinion with the economy, nothing will be done within the next six months.

206
207 Councilman Davis feels he needs to upgrade the project to meet the standards on what
208 he is doing. He has waited a year and hasn't done anything, it will not hurt him to submit
209 under the most current guidelines.

210
211 Councilman Dart and Councilman Nielson voted Aye.
212 Councilman Davis and Councilman Leifson voted Nay.
213 Mayor Pro Tem Andersen then had the tie breaking vote.

214
215 Mayor Pro Tem Andersen voted Aye, because the applicant can come in and submit
216 under the current standards tomorrow. He did not feel it should be granted when he
217 came tonight but based on the information, it seems to him it is common sense to grant
218 it.

219
220 The motion **Passed** by a 3 - 2 roll call vote.

221
222 **Contract to Provide Legal Services to the Dispatch Service District**

223
224 Mr. Oyler explained who and what the Dispatch Special Services District are. The City is
225 offering to provide legal services to the District at a rate of \$125 per hour.

226
227 Councilman Leifson made a **Motion** to approve the Contract to provide Legal Services
228 for the Utah Valley Dispatch Special Services District. Councilman Davis **Seconded** and
229 the motion **Passed** by roll call vote all in favor.

230
231 **2009 Election Poll Worker Approval**

232
233 Ms. Robinson said they had many people volunteer for the poll worker positions. The
234 ones in bold letters are the counting judges and the alternates are indicated in a
235 separate list.

236
237 Mr. Nielsen expressed his gratitude for those that give their time.

238
239 Councilman Davis made a **Motion** to approve the 2009 Election Poll Worker List.
240 Councilman Nielson **Seconded** and the motion **Passed** all in favor.

241
242 **Board Appointments – Library**

243
244 This item was moved to a later meeting.

245
246 **ADJOURN:**

247
248 Councilman Dart made a **Motion** to adjourn to executive session for Pending or
249 Imminent Litigation, Real Property Exchange, and Discussion of the Character,
250 Professional Competence or Physical or Mental Health of an Individual. Councilman
251 Davis **Seconded** and the motion **Passed** all in favor at 7:28 p.m.

252
253 ADOPTED:

254
255 _____
256 Kimberly Robinson, City Recorder

DRAFT

MEMO

To: Mayor and Council
From: S. Junior Baker
Date: 12 October 2009
Re: Dennis Stone Illegal Subdivision

On the City Council agenda, for October 20, is an item to approve infrastructure improvement agreements with Dennis Stone. Mr. Stone purchased the back portion of the old Wyman property at 2675 E. Canyon Road. Another party, Dale Larsson, purchased the home. This split, without City approval, is an illegal subdivision. This has led to litigation between Mr. Stone and Mr. Larsson. The City has been involved to try and help settle the matter and hosted a mediation session with the State Property Rights Ombudsman. As part of that session, the City offered to asphalt between the curb and gutter and the existing asphalt if the parties would put in those improvements. The engineering department felt this was appropriate, since Canyon Road is a UDOT highway.

Several months later, I received a call from Mr. Stone wanting to know if the City was still willing to install the asphalt. I reviewed the matter with Richard Heap, who felt that was still a good idea. I let Mr. Stone know and he wanted to prepare the agreements, which basically state that if he puts in the curb, gutter, and sidewalk, the City will complete the asphalt and recognize the Larsson parcel as a legal conforming lot.

Both Richard Heap and Dave Anderson have reviewed the agreements and find them acceptable. I recommend we approve the agreements to resolve an illegal subdivision issue and get the needed improvements installed.

This is basically what would be required if the parties had applied for subdivision approval.

INFRASTRUCTURE AGREEMENT

1. Dale Larsson owns the parcel identified on Exhibit B (Parcel B).
2. There has been a dispute with respect to whether Parcel B is in compliance with applicable zoning and land use laws.
3. In order to resolve the dispute, J. Dennis Stone (Stone) and Spanish Fork City (City) agree as follows:
 - a. If Stone causes to be installed curb, gutter and sidewalk (in substantial compliance with UDOT standards) on Canyon Road, along the southerly property line of Parcel B, City shall:
 - i. pave the entire area between the above referenced gutter and the existing paved portion of Canyon Road, and
 - ii. recognize and accept Parcel B as a legal lot in conformance with all applicable land use and zoning ordinances, and Parcel B shall not be deemed an illegal subdivision.
4. The curb, gutter and sidewalk shall be installed within 60 days of the execution of this agreement, provided, however, that the installation time may be extended by a reasonable period if poor weather makes it impractical to comply with the 60 day period.
5. Dale Larsson and the Wyman Family Trust U/A/D June 15, 1999 are third party beneficiaries of this agreement.

J. Dennis Stone

date

Spanish Fork City

date

By:_____

Exhibit B

Beginning at a point South 2266.56 feet and West 888.66 feet from the North Quarter Corner of Section 28, Township 8 South, Range 3 East Salt Lake Base and Meridian; thence North $70^{\circ}09'54''$ West 159.36 feet; thence North $13^{\circ}43'41''$ East 158.62 feet; thence North $0^{\circ}29'16''$ West 23.97 feet; thence South $62^{\circ}39'34''$ East 155.06 feet; thence South $8^{\circ}55'38''$ West 162.89 feet to the point of beginning.

Tax serial no. 27:038:0270

Located at about 2675 E Canyon Road

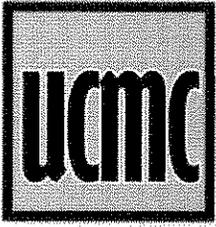
Memo:

To: Spanish Fork City Council & Mayor
From: Kent Clark, Finance Director
RE: Utility Cost Management Consultants (UCMC)

We are recommending hiring this consulting firm to review some of our utility providers billing to the city. We would have them review the Phone (Cell and Landline) billing and the Gas billings. This agreement would pay them 40% of any refund of a past billing and 35% of any future savings for 3 years. If they find no savings they would get nothing. If they find some billing savings we would get 60 to 65 % of the savings.

UCMC is doing this same service for the State of Utah and other major cities in the state.

They are an Utility "Audit" consulting firm that knows of some errant billing practices by the big utility billing companies and believe they can save the city some money.



Utility Cost Management Consultants

"Specializing in the Reduction of Utility Costs"

Utility Audit Process

1. Sign Formal agreement.
2. Gather Data, copies of client's utility bills.
3. UCMC analyzes data / Prepares initial recommendations.
4. Client reviews recommendations & approves (or rejects). Rejection = no cost for UCMC service.
5. *If approved*; Client receives refunds/credits/savings
6. After quantifying and verifying step five, UCMC invoices client based upon contract percentage.

Utility Check List

Please provide our firm, Utility Cost Management Consultants,
copies of the utility bill information listed below.

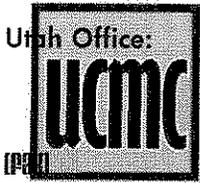
GAS BILLS: Please provide the most recent **twelve** months. Please include any other information that accompanied your bill.

TELEPHONE: Please provide only **One** Monthly Bill, preferably the most recent month showing all Local and Long Distance bills. Also, **One** monthly mobile/cell phone bill.

Southern Utah Office: P.O. BOX 1340 / ST. G. 400 N. SUITE 20, CEDAR CITY, UT 84721 / (OFFICE) (435) 867 1882 (FAX) (435) 867 1511

Northern Utah Office: 8842 W. 9720 N., HIGHLAND, UT 84003 / (FAX) (801) 763 5466

www.ucmc.usa.com



Utility Cost Management Consultants
 "Specializing in the Reduction of Utility Costs"

Southern Utah Office: Northern

P.O. BOX 1840 6642 W. 9720 N.
 ST. GEORGE UT 84763-0184 HIGHLAND, UT 84003
 (801) 766 8466

(435) 867 1882 (office)
 (435) 867 1511 (cell)

WWW.UCMC

USA.COM

AGREEMENT

Company or Organization: Spanish Fork City, Utah Telephone: 801-804-4520
 Address: 40 South Main Street Contact: Kent Clark
 City, State, Zip: Spanish Fork, UT 84660 Email: kent@spanishfork.org

This agreement is further clarifying the terms of the contract provided by the state of Utah. Please reference MA953. The undersigned authorizes *Utility Cost Management Consultants* (UCMC) to review the following utility accounts and to recover and correct all overcharges caused by errors, misclassifications or other factors, current and future.

Telephone/Cell Phone X Water/Sewer Electric Gas X Propane

We, the undersigned, understand and agree to the following:

1. UCMC will audit the utilities indicated above for all of our locations to identify opportunities to reduce costs. All recommendations shall be made in writing and are subject to our approval. When any recommendation is implemented, either by us or by UCMC, it shall be considered approved.
2. If UCMC is unsuccessful in obtaining refunds/credits or cost reductions, there shall be no further commitment or fee due to UCMC.
3. To pay UCMC forty percent (40%) of all refunds or credit adjustments and thirty-five percent (35%) of any continuing savings that occur from approved recommendations for a period of thirty-six months from the time savings first appear on utility bills.
4. To authorize UCMC to have access to the said utilities for auditing purposes for a period of twelve months. To sign "Letter of Authorization" allowing UCMC to obtain billing copies and access other required account data directly from utility providers. To send utility billing copies to UCMC upon request. To have the option of four annual renewals, where by additional monthly audits may be performed according to the terms of this contract. Upon renewal, new authorizations will be provided by the client.
5. Billing from UCMC may be made each month and any savings will be payable during that billing cycle upon the receipt of an invoice setting forth in detail all savings.
6. If we receive refunds and savings and fail to pay UCMC in a timely manner we understand we may be charged a monthly late fee of 1.0% of any unpaid balance. Payments to be Net-10 late fee after 30 days.
7. In the event of default, attorney fees along with court and collection costs may be charged. This agreement is binding on successors or assignees. This agreement is the complete agreement. Spanish Fork may terminate this audit if at any time they feel it is not in their best interest; UCMC would then continue billing only for approved items.

As an authorized agent of the listed company or organization, I accept the forgoing agreement,

 Name

 UCMC Signature
 Bruce F. Rigby, Consultant

FIRST AMENDMENT TO LEASE AGREEMENT

This FIRST AMENDMENT TO LEASE AGREEMENT (the "Amendment") is made and entered into as of the 19th day of September, 2009 by and between SPANISH FORK WIND PARK 2, LLC, a Utah limited liability company ("Lessee"), as successor to Wasatch Wind, LLC, a Utah limited liability company ("Original Lessee"), and SPANISH FORK CITY, a Utah municipality ("Lessor").

RECITALS:

A. Original Lessee and Lessor are parties to that certain Lease Agreement, dated January 3, 2006 (the "Lease"), a memorandum of which was recorded March 22, 2007 as Entry No. 42008:2007 in the records of Utah County, Utah (the "Official Records"), pursuant to which Lessor leased to Original Lessee certain property in Utah County, Utah, as more particularly described on Exhibit A attached hereto (the "Property").

B. Original Lessee and Lessor are parties to that certain Assignment and Assumption Agreement, dated May 21, 2008, which was recorded June 5, 2008 as Entry No. 65836:2008 of the Official Records) pursuant to which Lessee assumed the Lease from Original Lessee.

C. Lessee and Lessor wish to extend the term of the Lease and restate provisions relating to Early Termination and Rent.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Lessee and Lessor agree as follows:

TERMS:

1. Section 4 of the Lease shall be deleted and replaced in its entirety as follows:

"4. Term. The original term of this Lease shall be thirty six (36) months commencing on the 19th day of September, 2006 and continuing through September 19 (the "Original Term"), 2009. The term of the Lease shall be and hereby is extended to continue through July 31, 2028 (the "Extended Term")."

2. Section 5 of the Lease is hereby amended and restated it in its entirety to read as follows:

5. Early Termination. Either Lessor or Lessee may terminate the Lease prior to the end of the Extended Term, upon sixty (60) days notice to the other party. However, if such notice is given by Lessor in connection with a proposed sale of the Property, Lessor and any actual or potential buyer may access the Property at any time and make preparations for future site work, so long as such access/preparation does not interfere with Lessee's tower or guy wires. In such case, Lessor and Lessee agree to cooperate in access/preparation issues. If the Lease is terminated early, prepaid rent for the year of termination shall be prorated and a refund returned to Lessee with, or promptly upon receipt of, the termination notice, as applicable.

3. Section 6 of the Lease shall be deleted and replaced in its entirety as follows:

6. Rent. Upon execution of this Lease, Lessee shall pay Lessor, as rent, the sum of Five Hundred dollars (\$500.00) for the Original Term. Rent for the Extended Term, commencing on September 20, 2009, shall be Five Hundred dollars (\$500.00) per year, with a five percent (5%) increase every three years thereafter, not to exceed Six Hundred Seventy dollars and five cents (\$670.05), per year, as set forth below:

<u>Lease Year(s)</u>	<u>Annual Rent</u>
9/20/09-9/19/12	\$500.00
9/20/12-9/19/15	\$525.00
9/20/15-9/19/18	\$551.25
9/20/18-9/19/21	\$578.81
9/20/21-9/19/24	\$607.75
9/20/24-9/19/27	\$638.14
9/20/27-7/31/28	\$581.44*

*As prorated for 316 days.

4. Except as specifically modified by this Amendment, all of the remaining terms and conditions set forth in the Lease shall remain unchanged and in full force and effect.

5. In connection with the execution of this Amendment, Lessor and Lessee shall executed an Amended Memorandum of Lease in the form attached hereto as Exhibit B and Lessee shall record such Amended Memorandum in the Official Records. Landlord hereby consents to such recordation.

6. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same original.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first above written.

LESSOR:

LESSEE:

SPANISH FORK CITY, a Utah municipality

SPANISH FORK WIND PARK 2, LLC, a Utah limited liability company

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

EXHIBIT A
TO
AMENDMENT TO LEASE AGREEMENT

DESCRIPTION OF PROPERTY

A circular parcel of land located in Sections 2 and 3, Township 9 South, Range 3 East SLB&M, with the center point of said circular parcel located 202.8 feet south and 106.0 feet east of the Southeast Corner of Section 34, Township 8 South, Range 3 East SLB&M, and the boundary of said circular parcel located a radial distance of 166 feet from the center point of the circular parcel. 2.0 acres, more or less.

Utah County, Utah
Located within Tax Parcel No. 290470009

After Recording Return To:

Janet H. Littlefield
Hogan & Hartson
1200 17th St., Suite 1500
Denver, CO 80202

EXHIBIT B

FORM OF
AMENDED MEMORANDUM OF LEASE

THIS AMENDED MEMORANDUM OF LEASE ("Memorandum"), is made and entered into as of the 19th day of September, 2009 by and between SPANISH FORK WIND PARK 2, LLC, a Utah limited liability company ("Lessee"), as successor to Wasatch Wind, LLC, a Utah limited liability company ("Original Lessee"), and SPANISH FORK CITY, a Utah municipality ("Lessor").

RECITALS:

A. Original Lessee and Lessor are parties to that certain Lease Agreement, dated January 3, 2006 (the "Original Lease"), a memorandum of which was recorded March 22, 2007 as Entry No. 42008:2007 in the records of Utah County, Utah (the "Official Records"), pursuant to which Lessor leased to Original Lessee certain property in Utah County, Utah, as more particularly described on Exhibit A attached hereto (the "Property").

B. Original Lessee and Lessee are parties to that certain Assignment and Assumption Agreement, dated May 21, 2008, which was recorded June 5, 2008 as Entry No. 65836:2008 of the Official Records) pursuant to which Lessee assumed the Original Lease from Original Lessee.

C. Lessor and Lessee are parties to a certain First Amendment of Lease, dated as of September 19, 2009 (the "First Amendment", and together with the Original Lease, the "Lease"), which amends certain provisions of the Original Lease.

D. Pursuant to provisions of the First Amendment, Lessee and Lessor desire to give record notice of the extension the term (the "Term") of the Lease.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Lessee and Lessor agree as follows:

MEMORANDUM

1. Term. The Term of the Lease has been extended, and will expire on July 31, 2028 (the "Extended Term").

2. Early Termination. Lessor or Lessee may terminate the Lease prior to the end of the Extended Term, upon sixty (60) days notice to the other party.

3. Effect of Memorandum. This Memorandum, and the rights and obligations of the parties hereunder, are subject to all of the terms and conditions of the Lease. The Lease is hereby incorporated by reference as if fully set forth herein. This Memorandum does not add to, supersede, replace, amend, or otherwise affect the Lease. To the extent of any conflict or inconsistency between any provisions of this Memorandum and the provisions of the Lease shall govern and control.

EXHIBIT A
TO
AMENDED MEMORANDUM OF LEASE

DESCRIPTION OF PROPERTY

A circular parcel of land located in Sections 2 and 3, Township 9 South, Range 3 East SLB&M, with the center point of said circular parcel located 202.8 feet south and 106.0 feet east of the Southeast Corner of Section 34, Township 8 South, Range 3 East SLB&M, and the boundary of said circular parcel located a radial distance of 166 feet from the center point of the circular parcel. 2.0 acres, more or less.

Utah County, Utah
Located within Tax Parcel No. 290470009