



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 September 7, 2010.**

ADDENDUM

AGENDA ITEMS:

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

- a. Pledge, led by invitation
- b. Employee of the Quarter
- c. Fiesta Days Recognition

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. * [2011 FY Budget](#)
- b. * [Proposed Zoning Text Amendment](#) - The proposed Amendment would permit the construction of privately-owned wind turbines throughout the City.

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 – August 17, 2010](#)
- b. * [Wiggy Wash Connector's Agreement](#)
- c. * [HVAC Preventive Maintenance Contract](#)

6. NEW BUSINESS:

- a. * [Water Refunding Bond Update](#)
- b. [North Park Connector Trail #1](#)

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 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.



FY 2011

Budget – Revision 1

September 7, 2010

GENERAL FUND EXPENDITURES	ACT FY07	ACT FY08	ACT FY09	BudFY2011	FY2011 Rev 1	DIFFER
GENERAL GOVERNMENT	\$ 244,124	\$ 313,148	\$ 395,164	\$ 272,956	\$ 272,956	\$ 0
SENIOR CITIZEN	180,622	313,084	221,228	312,976	\$ 313,999	1,022
INFORMATION SERVICES	206,107	231,361	260,086	259,544	\$ 259,544	0
ADMINISTRATION	954,271	991,959	987,856	867,822	\$ 867,822	0
LEGAL	316,782	341,261	393,579	400,970	\$ 400,970	0
PLANNING	138,670	180,157	173,087	143,903	\$ 143,903	0
ENGINEERING	723,335	877,313	836,376	841,358	\$ 842,147	789
BUILDING INSPECTION	399,090	405,277	383,705	326,058	\$ 326,359	301
POLICE	2,808,382	3,198,854	3,203,083	3,499,352	\$ 3,510,217	10,864
FIRE	371,953	712,545	650,251	518,066	\$ 527,367	9,301
AMBULANCE	342,749	408,068	388,766	424,199	\$ 458,777	34,578
ANIMAL CONTROL	152,425	162,705	171,059	146,957	\$ 147,208	250
EMERGENCY PREPAREDNESS	108,835	110,872	127,871	130,716	\$ 130,866	150
STREETS	1,206,736	993,665	884,189	1,089,666	\$ 1,111,001	21,335
GENERAL BUILDINGS & GROUNDS	626,391	861,384	695,762	682,632	\$ 691,019	8,387
JUSTICE CENTER	\$ 0	\$ 0	\$ 73,307	\$ 127,433	\$ 127,433	\$ 0
PARKS	3,700,913	1,449,709	1,514,797	1,279,639	\$ 1,582,563	302,924
CEMETERY	246,637	261,338	259,060	220,748	\$ 222,037	1,289
LIBRARY	452,706	497,392	532,594	564,110	\$ 564,110	0
FAIRGROUNDS	266,367	438,702	324,746	247,322	\$ 248,457	1,135
RECREATION	733,751	866,284	865,130	896,724	\$ 896,921	197
SNACK SHACK	1,618	118,909	144,114	148,893	\$ 148,893	0
ARTS COUNCIL	\$ 62,594	\$ 88,480	\$ 93,525	\$ 109,073	\$ 109,073	\$ 0
SPECIAL EVENTS	\$ 322,368	\$ 438,174	\$ 524,957	\$ 562,696	\$ 562,696	\$ 0
TOTAL EXPENDITURES	\$ 14,567,426	\$ 14,260,639	\$ 14,104,291	\$ 14,073,813	\$ 14,466,336	\$ 392,523

ENTERPRISE FUNDS EXPENDITURE	ACT FY07	ACT FY08	ACT FY09	BudFY2011	FY2011 Rev 1	DIFFER
WATER	\$ 1,935,609	\$ 3,917,202	\$ 3,868,254	\$ 3,767,214	\$ 3,855,173	\$ 87,959
SEWER COLLECTION	851,763	910,493	821,296	\$ 2,148,397	\$ 2,301,089	\$ 152,693
WWT PLANT	2,710,814	1,286,615	957,118	\$ 1,348,804	\$ 1,387,878	\$ 39,074
ELECTRIC	14,534,723	17,431,588	15,763,359	\$ 17,116,031	\$ 17,128,786	\$ 12,754
GOLF COURSE MAINTENANCE	346,217	566,109	392,005	\$ 379,351	\$ 385,530	\$ 6,179
GOLF COURSE CLUBHOUSE	421,864	324,392	316,943	\$ 312,655	\$ 318,593	\$ 5,938
GOLF COURSE SNACK BAR	69,966	72,704	45,601	\$ 0	\$ 0	\$ 0
SWIMMING POOL	330,929	374,106	384,104	\$ 346,854	\$ 346,984	\$ 130
SOLID WASTE COLLECTION	835,155	889,259	897,938	\$ 1,164,867	\$ 1,171,026	\$ 6,158
STORM DRAINAGE	713,007	513,348	378,647	\$ 2,439,940	\$ 2,452,096	\$ 12,156
IRRIGATION	2,423,428	2,745,619	2,992,111	\$ 2,519,374	\$ 2,682,430	\$ 163,056
GUN CLUB	231,595	248,166	155,439	\$ 209,460	\$ 209,460	\$ 0
BROADBAND	3,623,387	3,917,474	4,251,325	\$ 5,345,223	\$ 5,349,816	\$ 4,594
TOTAL EXPENDITURES	\$ 29,028,457	\$ 33,197,076	\$ 31,224,138	\$ 37,098,170	\$ 37,588,860	\$ 490,691

REVENUE	ACT FY07	ACT FY08	ACT FY09	BudFY2011	FY2011 Rev 1	DIFFER
WATER	\$ 1,935,609	\$ 3,917,202	\$ 3,868,254	\$ 3,767,214	\$ 3,855,172	\$ 87,958
SEWER COLLECTION	2,033,424	2,118,339	1,665,847	\$ 2,685,100	\$ 2,665,546	-\$ 19,554
WWT PLANT	1,529,153	78,769	112,566	\$ 812,100	\$ 1,023,421	\$ 211,321
ELECTRIC	14,534,723	17,431,589	15,763,359	\$ 17,116,031	\$ 17,128,785	\$ 12,754
GOLF COURSE CLUBHOUSE	768,081	890,502	708,948	\$ 692,007	\$ 704,123	\$ 12,116
GOLF COURSE SNACK BAR	69,966	72,704	45,601	\$ 0	\$ 0	\$ 0
SWIMMING POOL	330,929	374,106	384,104	\$ 346,854	\$ 346,984	\$ 130
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REVENUE	\$ 29,028,457	\$ 33,197,076	\$ 31,224,138	\$ 37,098,170	\$ 37,588,860	\$ 490,690

BALANCE	\$ 0	\$ 0	\$ 0	\$ 1	\$ 0	\$ 0
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TEXT AMENDMENT

REPORT TO THE CITY COUNCIL SMALL WIND TURBINE TEXT AMENDMENT

Agenda Date: September 7, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee, Planning Commission.

Request: The attached ordinance would permit the construction and operation of privately owned wind turbines.

Zoning: City-wide.

General Plan: City-wide.

Project Size: City-wide.

Number of lots: Not applicable.

Location: Not applicable.

Background Discussion

The proposed text amendment would permit the construction and operation of small privately-owned wind turbines in Spanish Fork City. This ordinance would also establish provisions to regulate the construction of said turbines. The attached ordinance contains the details of the proposed regulations for these facilities. Concepts from a handful of cities have been incorporated into this proposal.

The Development Review Committee reviewed this proposal but was unable to even reach enough consensus for a motion to receive a second.

The Planning Commission reviewed this request and recommended that it be approved subject to the City changing the maximum permitted height from 45 to 55 feet.

Development Review Committee

The Development Review Committee reviewed this latest proposal on July 28, 2010 and made no recommendation. Draft minutes from that meeting read as follows:

Wind Power Test Facilities and Small Wind Turbine Development Requirements

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

Mr. Anderson explained the discussion between himself and Mr. Baker regarding wind towers. Mr. Baker said that he had a few items of discussion. He said that Alpine's ordinance set the height limit at 55 feet to the top of the blade, but that the individuals who had presented at the City Council had said that they could make it work at 45 feet, which is what is in Mr. Baker's ordinance. Mr. Anderson drew on the board indicating how a tower could theoretically be built on 9,000 square-foot lots. Mr. Baker said that

roof mounted units were currently not allowed but that this could be addressed when someone makes an application. Mr. Oyler asked why they weren't being considered. Aesthetics, safety and HOA regulations were discussed.

Mr. Oyler asked if, after someone had built a wind tower, a neighbor could later build a garage within the setback of the tower. Mr. Baker suggested striking garages from the ordinance. Mr. Thompson said to set towers back from neighboring building footprints so that it wouldn't restrict neighboring development. Mr. Perrins said to make the setback 30 feet from property lines. Net metering was discussed. Mr. Perrins suggested that towers should be a solid color. Additional discussion ensued relative to the visual impact wind turbines would have and the potential danger that may be associated with turbines.

Mr. Anderson **moved** to recommend to the City Council **approval** of the proposed changes to Title 15, with the following conditions:

Conditions

1. That §15.3.24.090(B.7) be changed read "solid, earth tone colors".
2. That §15.3.24.090(B.1) be changed to include language regarding the plans being stamped by a structural engineer licensed in the State of Utah.
3. That §15.3.24.090(B.2) be changed to read "and 25 feet from all property lines."

The motion died due to lack of a second.

Mr. Baker **moved** to send it to the Planning Commission without a recommendation due to the issues related to aesthetics and safety. Mr. Anderson **seconded** and the motion **passed** all in favor.

Planning Commission

The Planning Commission reviewed this request in their August 4, 2010 meeting and recommended that

it be approved. Minutes from that meeting read as follows:

Amendment to Title 15 - Small Windturbines

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

Mr. Anderson explained the background of the proposal, including the recent Net Metering Ordinance. He explained what had been approved in surrounding communities relative to these types of ordinances and how the staff had gathered information from these ordinances to assemble our own.

Commissioner Gonzales asked if there was a minimum lot size. Mr. Anderson said that there was not, and had Mr. Burdick bring up a PowerPoint presentation showing images of lots where turbines could or could not be placed. Mr. Munson walked the Commission through these images.

Mr. Anderson discussed the past discussions that the Planning Commission had held relative to this topic.

Commissioner Marshall asked if Mr. Anderson would call this proposal conservative. Mr. Anderson said that he would characterize it as such, although it is more liberal than some past proposals. Commissioner Marshall said that it was a good first step.

Commissioner Evans asked why the Development Review Committee (DRC) was unable to make a recommendation and what made the meeting so contentious. He said that he felt that this proposal was not too controversial. Mr. Anderson said that it was his impression that some members of staff don't believe that we should allow wind turbines at all. He explained that aesthetics were a major concern, and Commissioner Evans said that he didn't feel the turbines were any worse than power poles and other existing things in the community. Mr. Anderson also mentioned perceived or real safety threats.

Chairman Christianson opened for the meeting up for public comment.

Steve Painter

Mr. Painter said that he didn't understand why setbacks would be required from a person's own property. He explained Alpine's ordinance and how it differs from the proposal. Commissioner Marshall said that he read the ordinance as being twenty

vertical feet from fences instead of horizontal feet. Mr. Anderson said that the setbacks were not horizontal but actual distance. Commissioner Evans said that it was a property owner's responsibility to make sure their property was safe. Mr. Painter said that he had a concern with the 45-foot height limit and explained how many cities allowed up to 55 feet. Commissioner Marshall said that he was comfortable with specifying vertical feet for the setback. He said that it needed to be clarified.

Mr. Anderson explained the discussion that was held by the DRC relative to setbacks from property lines or neighboring structures. He explained that the DRC supported the setbacks from property lines because they didn't want the turbines to impact the development potential of neighboring properties.

Commissioner Cope asked if a provision should be included that allowed the setting up of a temporary structure for testing purposes. Mr. Painter explained that Spanish Fork has the best wind in the state and that, unless there were large trees nearby, testing would be virtually unnecessary.

Commissioner Gonzales asked if there was anything saying that it had to be installed by some sort of certified professional. Mr. Anderson said that the plans would have to be certified by a licensed structural engineer and that the City's inspectors would be checking to make sure the structure matches the plans.

Commissioner Marshall said that he would be comfortable removing the language relative to the height of 45 feet. Mr. Painter explained that standard towers are either 34 or 45 feet tall. Commissioner Evans said that he would rather change the number to 55 feet.

Commissioner Marshall **moved to approve** the proposed amendment to Title 15, with the following conditions:

Conditions

1. That the height limit be changed to 55 feet.

Commissioner Evans **seconded** and the motion **passed** all in favor.

Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

ORDINANCE NO. 17-10

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor</i> <i>(votes only in case of tie)</i>		
ROD DART <i>Council member</i>		
RICHARD M. DAVIS <i>Council member</i>		
STEVE LEIFSON <i>Council member</i>		
JENS P. NIELSON <i>Council member</i>		
KEIR A. SCUBES <i>Council member</i>		

I MOVE this ordinance be adopted: _____
I SECOND the foregoing motion _____

ORDINANCE No. 17-10

AN ORDINANCE ESTABLISHING ZONING CRITERIA FOR SMALL WIND TOWERS

WHEREAS, Spanish Fork City has recently adopted net metering standards which may include small wind turbines; and

WHEREAS, the height, noise, and coloring create potential problems for which special regulations are needed to protect adjacent property owners; and

WHEREAS, with the appropriate standards to protect the health, welfare, and general safety of the citizens of the City, small wind turbines are an acceptable form of alternative energy; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on

Wednesday the 4th day of August, 2010, where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 17th day of August, 2010, where additional public comment was received;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code §15.3.24.090 is amended and subparagraph (B), Small Wind Energy Systems, is hereby enacted as follows:

15.3.24.090 Supplementary Regulations

(H) Wind Turbines (WT)

It is the purpose of this section to promote the safe, effective, and efficient use of wind energy systems installed to provide electricity to utilities and consumers and to promote renewable energy resources.

A. Large Wind Energy Systems

1. ~ 16. [no change]

B. Small Wind Energy Systems

Customers who have been issued a net metering license agreement pursuant to Spanish Fork Municipal Code §13.44.095(F) may erect small wind turbines producing less than 100kw by meeting the following land use standards:

1. Pole mounted wind turbines are permitted in all zones upon issuance of a building permit and compliance with all applicable regulations, including the Spanish Fork City net metering standards (Municipal Code §13.44.095). An application must be accompanied by stamped plans from a structural engineer licensed in the State of Utah. No more than two (2) wind towers

are permitted per parcel.

2. The base of the tower must be set back from all property lines a minimum distance of thirty (30) feet and from overhead utility lines a distance equal to 110% of the height of the tower, plus the highest point of any blade.
3. The height of any tower, plus the highest point of any blade, may be a maximum height of forty-five (45) feet in a residential or commercial zone, or a maximum height of 120 feet in an industrial zone. Towers shall also comply with all FAA standards and requirements.
4. The tower may not encroach upon any recorded easement, nor any related equipment.
5. The closest point of the blade sweep shall be at least twenty feet from the ground, an accessory building, fence, or wall.
6. The tower shall be constructed so that it is not climbable from the exterior.
7. The wind tower shall be non-reflective and shall be of a solid earth tone color, as determined by the Community Development Department.
8. Sound from the wind turbine, at the property line, shall not exceed 55 decibels in residential zones nor 65 decibels in commercial or industrial zones.
9. Wind towers may not be roof mounted.
10. No advertising (signs, logos, etc..) may take place on a tower.
11. The tower shall be constructed as a monopole and shall be engineered so no guy wires are required.
12. No part of the wind tower shall be located in the area between the front of a residential structure and the front property line.

13. No wind tower shall be permitted that lacks an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, or excessive pressure on the tower structure, rotor blades, or turbine components.
14. If a small wind tower facility is not functional, operational, or maintained for a period of one (1) year, it shall be deemed abandoned. The owner, upon notification, shall immediately dismantle the wind tower.

II.

This Ordinance shall take effect 20 days passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 7th day of September, 2010.

G. WAYNE ANDERSEN, Mayor

Attest:

Kent R. Clark, City Recorder

Tentative Minutes
Spanish Fork City Council Meeting
August 17, 2010

Elected Officials Present: Mayor G. Wayne Andersen, Councilman Steve Leifson, Rod Dart, Richard M. Davis, Jens P. Nielson, Keir A. Scoubes.

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Richard Heap, Public Works Director; Dale Robinson, Park & Recreation Director; Dee Rosenbaum, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Mark J. Buffington, Scott Thompson, UDOT; Jason Richins, UDOT; Leah Jaramillo, I-15 Core; Lana Creer-Harris, Cary Hanks, Tim Shanto, Jared Ballard, Karen Thompson, Shane Marshall

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Councilman Nielson led in the pledge of allegiance.

PUBLIC COMMENTS:

Cary Hanks with the Spanish Fork/Salem Area Chamber of Commerce reminded everyone of the farmers market that is every Saturday 8:00a.m. - 1:00p.m. at the City Office parking lot.

Elaine Hansen invited everyone to the grand opening for the New North Park on Saturday, August 28th at 10:00a.m.

COUNCIL COMMENTS:

Mayor Andersen is excited for the New North Park Grand Opening.

Councilman Dart announced that the Senior Citizens Center is having their membership drive next week.

Councilman Scoubes stated that the Arts Council is already planning the activities for the Harvest Moon Hoorah that will be the first weekend in October.

Mayor Andersen announced that the Utah County Fair starts tomorrow and encourages everyone to come out and enjoy the festivities. Mayor Andersen stated that citizens may have seen the emergency preparedness commercials that have been on SFCN Channel 17. We are currently planning a city wide preparedness emergency drill in October. We will send out more information when it is ready. Mayor Andersen reminded the public from September 9th - September 13th the Vietnam Wall will be at the cemetery. He invited all to come to pay tribute and educate yourselves and your families. We are looking for volunteers to help locate names and other assistance duties. Mayor Andersen reported that there is a meeting every month with the ULCT legislative policy committee. An item that will be coming up is the question of liquor permits and how they affect the cities around the state. We are supporting the conversion of these 40

48 unused tavern permits to become restaurant permits. This will help bring restaurants to cities
49 that want them.

50

51 **CONSENT ITEMS:**

52 a. **Minutes of Spanish Fork City Council Meeting - August 3, 2010**

53 b. **Mountainland Association of Governments Contract for Aging Services**

54

55 Councilman Leifson made a **Motion** to approve the consent items.

56 Councilman Dart **Seconded** and the motion **Passed** all in favor.

57

58 **NEW BUSINESS:**

59 **Planning Commission Appointment**

60 Mayor Andersen thanked Shane Marshall for the term that he has served on the Planning
61 Commission. Mayor Andersen re-appointed Shane Marshall to the Planning Commission.

62

63 Councilman Dart made a **Motion** to approve the Mayor's appointment of Shane Marshall to the
64 Planning Commission for an additional three year term.

65 Councilman Nielson **Seconded** and the motion **Passed** all in favor.

66

67 **Public Works Director/City Engineer Appointment**

68 Mayor Andersen recognized that Richard Heap, the current Public Works Director/City Engineer
69 has served many years with us he is looking at retiring in the months to come.

70

71 Mayor Andersen appointed Chris Thompson as the Public Works Director/City Engineer
72 effective at the retirement of the current Public Works Director/City Engineer, Richard Heap.

73

74 Councilman Leifson made a **Motion** to approve the Mayor's appointment of Chris Thompson as
75 Public Works Director/City Engineer effective upon the retirement of Richard Heap.

76 Councilman Davis **Seconded** and the motion **Passed** by a roll call vote all in favor.

77

78 **Support of Military Families – 1LT Mark Buffington**

79 Mr. Buffington gave a presentation on the Community Covenant Program. This is a way for the
80 City to show their support of the military and their families.

81

82 Mayor Andersen stated that the Vietnam Wall Opening Ceremony will be on September 9th
83 around noon. He thinks this would be the best time to have the Covenant Signing Ceremony.

84

85 Councilman Davis would like to consult with the Vietnam Wall committee and a city
86 representative to help to get this covenant created and organized.

87

88 **I-15 Core Project Update – Leah Jaramillo**

89 Leah Jaramillo with I-15 Core gave a power point presentation update of the I-15 Core Project.

90

91 Mayor Andersen thanked Ms. Jaramillo and UDOT for the great job they are doing to get the
92 information to the citizens.

93

94 **Discovering Trails Program – Dale Robinson, Parks & Recreation Director**

95 Dale Robinson introduced Jared Ballard the Discovering Trails Program.

96

97 Mr. Ballard gave a power point presentation.

98

99 Mr. Ballard stated that this program provides informational signs that are placed along trails.
100 Our signs educate the community and the local business can sponsor a sign by paying an annual
101 advertising fee of \$1200.00.

102
103 Mayor Andersen would appreciate if Mr. Ballard would work with our Chamber of Commerce in
104 communicating with the businesses to learn of interest and to discuss the pricing model.

105
106 Councilman Nielson asked who owns the signs.

107
108 Mr. Ballard replied that Discovering Trails would own the signs and that they will keep the
109 maintenance on them as well.

110
111 Mayor Andersen would like to go over a few things in the contract. We will set up a meeting to
112 go over those few things and try to move forward with this program.

113
114 Councilman Davis asked if the fees are set.

115
116 Mr. Ballard replied that every community is different. Those are the numbers they have figured
117 to maintain the signs so those numbers are set.

118
119 Councilman Dart made a **Motion** to adjourn to Closed Session for Potential Purchase of Land and
120 Legal.

121 Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:01p.m.

122
123 **CLOSED SESSION:**

124
125 Councilman Dart made a **Motion** to adjourn the Closed Session.

126 Councilman Nielson **Seconded** and the motion **Passed** all in favor at 8:03 p.m.

127
128 **ADJOURN:**

129
130 **ADOPTED:**

131
132 _____
Angie Warner, Deputy Recorder



MEMO

To: Mayor and Council
From: S. Junior Baker
Date: 20 Aug 2010
Re: Wiggy Wash Connector's Agreement

On the Council agenda for September 7, is a connector's agreement for the new Wiggy Wash car wash business on south Main. They ran an electrical line from Volunteer Dr. to their location for three phase power. They are seeking pro-rata reimbursement for those other properties who connect to it. This is a standard connector's agreement and thus, appears on the consent agenda.

I understand that the Blake Barney project on the corner of Main and Volunteer Dr. has already paid their share of the cost, per this proposed agreement.



CONNECTOR'S AGREEMENT

This Connector's Agreement made this ____ day of September, 2010, by and between Spanish Fork City, hereinafter called City, and Wiggy Wash, LLC hereinafter called Developer.

RECITALS

WHEREAS, Developer is the owner of real property in Spanish Fork City; and,

WHEREAS, in order to develop that property, Developer has installed an off site electrical line from its property located at 794 S. Main south to Volunteer Drive, a distance of 422 feet, which line will also service those properties on the west side of Main Street which the line fronts; and

WHEREAS, Exhibit A, attached hereto and incorporated herein by this reference, identifies the line installed by Developer; and

WHEREAS, Developer has incurred expenses of \$19,749.66 in installing the off site electric line; and

WHEREAS, the cost per foot for the installation of the electrical line is \$46.80; and

WHEREAS, it is anticipated that other owners of adjacent property will, at some time in the future, desire develop their property; and

WHEREAS, those other property owners would have to install equivalent electrical facilities to develop their property, if not already installed by Developer; and

WHEREAS, City has determined that it is just and proper that owners of property who develop and attach to the electric line should reimburse Developer at the rate of \$46.80 per foot for the length of the property developed, provided a land owner who attaches merely for the purpose of extending the line shall not be responsible for the cost thereof;

NOW, THEREFORE, in consideration of ten dollars and other good and valuable

consideration paid by Developer to City, the parties agree as follows:

1. City will require the payment of \$46.80 per frontage foot of property developed and connecting to the electric line shown on Exhibit A as a condition of permitting any owner of property connecting to the electric line to develop their property.
2. That payment of the sum mentioned in the preceding paragraphs shall bear no interest from date hereof to date of payment.
3. That if a development application is made after twenty years from the date hereof, there shall be no payment required as a pre-condition of development approval.
4. That upon receipt of such sum, City agrees to remit said sum to Developer or its assignees.
5. That it shall be the responsibility of Developer or its assigns to advise City, in writing, of any impending development which likely would trigger the connector's fee. In no event shall City be liable for failure to make collection, it being understood and agreed that City will use it's best efforts to make such collection.

DATED this ____ day of September, 2010.

Wiggy Wash, LLC by:

SUSAN J. HAILSTONE, Manager

Spanish Fork City by:

G. WAYNE ANDERSEN, Mayor

Attest:

KENT R. CLARK, City Recorder

Wiggy Wash Connector's Agreement



1 Inch = 100 Feet

Legend

-  Connector's Agreements
-  Spanish Fork Boundary

8/23/2010



GEOGRAPHIC INFORMATION SYSTEMS
40 South Main Street
Spanish Fork, UT 84660
GIS Phone Numbers:
(801) 804-4571 (Administrator)
(801) 804-4570 (Interns)

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Staff Report to City Council

Agenda Date: September 7, 2010

Staff Contacts: Bill Bushman

Reviewed By: Dale Robinson

Subject: Preventive Maintenance Contract Approval for Selected SF City Facilities

Background Discussion: Spanish Fork City released an RFP to solicit proposals for a one-year contract to do preventive maintenance (PM) procedures on the heating and air conditioning (HVAC) systems at selected City facilities. Twenty-four contractors attended the pre-submission meeting and seven contractors provided proposals. We have reviewed the proposals and have extracted from them the pertinent information needed to make an informed decision that would best benefit the City.

1. This decision is based first on the total cost presented by each vendor on the preventive maintenance for one year.
2. Other factors also play a roll in the decision such as the hourly rate and the overtime rate the vendor charges to do repair work that may be discovered during the PM call but not covered within the scope of the preventive maintenance procedure.
3. Next, we reviewed the response time to an emergency call and the percentage of mark-up taken by the vendor on parts used in the repair.
4. Last, we considered references from commercial applications consistent with the size and scope of our facilities and our personal experience with the vendor. We also reviewed the vendor's response to the meet all the requirements of the RFP.

Recommendation: It is recommended that Spanish Fork City enter into a contract with two different vendors for the HVAC PM of the selected buildings in the RFP.

1. Hone's Temperature Control, Inc., primarily based on their low overall PM price, the scope of their experience closely matches our need and our trust in their references. Total contract amount: \$2,715.00.
2. Climate Central Temperature Control Service, based on their low overall price for the PM, the lowest hourly cost, lowest percentage of mark up on parts, the fastest emergency response time and 11 years past experience in servicing our needs. Total contract amount: \$3,594.00.

We have divided the city facilities between the two vendors based on the individual costs provided for each specific facility and the experience we have had with them servicing these facilities. The division is indicated in the contract documents.

Refer to attachment #1, pg. 2 for EXPLANATION OF PROPOSALS NOT RECOMMENDED:

Attachments:

1. Report to City Council on HVAC Scheduled PM Recommendation and Approval Request 9-1-10
2. HVAC Preventive Maintenance Proposal Tabulation 9-1-10
3. Preventive Maintenance and Repair Spanish Fork City Buildings Contract Hones 8-31-10
4. Preventive Maintenance and Repair Spanish Fork City Buildings Contract Climate Central 8-31-10

**DETAILED STAFF REPORT
SPANISH FORK CITY FACILITIES
HVAC PREVENTIVE MAINTENANCE CONTRACT RECOMMENDATIONS
9-1-10**

HVAC PREVENTIVE MAINTENANCE RFP RELEASE:

In April, 2010 we posted an RFP to get pricing proposals for selected Spanish Fork City facilities Heating, Ventilation and Air Conditioning (HVAC) scheduled Preventive Maintenance (PM) focused primarily on the cost of cooling and heating tune ups. We also asked the vendors to give us labor pricing on unscheduled repairs, parts' mark up and emergency response time estimates. (Often the vendor doing the PM is the one called on to do minor repairs at that facility if their verbal estimate is acceptable.) Depending on the urgency, the decision to determining the vendor used in major repairs, exceeding \$500.00, are subject to a review of a written cost estimate. To avoid complications it was our intention to choose no more than two vendors to provide this PM work. It seemed wise to have more than one contractor to call in case of urgent or emergent needs.

The proposals were due on May 11, 2010, physically handed into the engineering office. Despite the fact that we had 24 different vendors represented at the pre-submission conference and facility walk-through only seven vendors presented proposals. The RFP posted a date of June 10th for us to make a decision as to which vendor(s) we select and with which we subsequently negotiate a contract. The RFP specifically stated in Section M: *"It is the City's intent to make an award within thirty (30) calendar days of the proposal due date."* That did not work out. Personally, I have had many distractions in the months of June and July that delayed the decision and recommendation to the city council.

RFP REQUIREMENTS:

The RFP provided the following list of requirements for the proposal to be acceptable by the City, copied from the RFP:

DOCUMENTS REQUIRED TO BE SUBMITTED WITH THE VENDOR'S PROPOSAL. Please review the following checklist to make sure the documents are included in the two (2) copies of your proposal. The City reserves the right to reject proposals that do not contain the following items.

1. A summary of your proposal in letter form on your company's letterhead stationary. The letter must be **signed** by an officer of the vendor or a designated agent empowered to bind the firm in the contract offer. Acceptance or exception to the City's terms must be noted in the letter.
2. Certificate of Insurance with coverages indicated as required in SECTION II, E below.
3. A copy of the vendor's CFC Certification/License
4. A copy of the vendor's Contractor License
5. All state, county, and local licenses and/or certificates to prove the vendor's qualifications in heating, ventilation, and air conditioning maintenance, repair, and installation.
6. At least three (3) references that have contracted HVAC preventative maintenance and repair services with the proposer within the last twenty-four (24) months (**Section IV**). The City reserves the right to contact references as part of the evaluation and selection process. Spanish Fork City employees **will not** be accepted as a reference.
7. **Completed and signed** company information and price sheet (**Section V**).
8. **Completed and signed** HVAC Service Agreement Quote Sheet (**Section VI**).
9. A detailed list of the personnel that will be responsible for the contract with the City. The list must include the following information:
 - Employee's name
 - Employee's job title

- Employee's length of experience and length of time for each area
- Special training, licencing, certification for each employee
- Employee's CFC Licence
- Labor rate for each employee

DECISION CRITERIA:

We have read the proposals and have extracted from them the pertinent information needed to make an informed decision that would best benefit the city.

1. This decision is based first on the total cost presented by each vendor on the preventive maintenance for one year.
2. Other factors also play a roll in the decision such as the hourly rate and the overtime rate the vendor charges to do repair work that may be discovered during the PM call but not covered within the scope of the call.
3. Next, we reviewed the response time to an emergency call and the percentage of mark up taken by the vendor on parts used in the repair.
4. Last, we considered references from commercial applications consistent with the size and scope of our facilities and our personal experience with the vendor. We also reviewed the vendor's response to the meet all the requirements of the RFP.

(In the RFP, Section N, it is outlined that the evaluation process use a point system to determine the best choice. When writing the RFP it seemed like an equitable way to evaluate the proposals and determine the award recipient. However, in practice it became evident that the point system process placed to little weighted emphasis on the price of services. This evaluation process was abandoned because it became too cumbersome and inaccurate to use because much of the point allocation was based on subjective judgments.)

PROPOSAL RECOMMENDATIONS:

It is recommended that Spanish Fork City enter into a contract with two different vendors for the HVAC PM of the selected buildings in the RFP.

1. Hone's Temperature Control, Inc., primarily based on their low overall PM price, the scope of their experience closely matches our need and our trust in their references. Total contract amount: \$2,715.00.
2. Climate Central Temperature Control Service, based on their low overall price for the PM, the lowest hourly cost, lowest percentage of mark up on parts, the fastest emergency response time and 11 years past experience in servicing our needs. Total contract amount: \$3,594.00.

We divided the city facilities between the two vendors based on the individual costs provided for each specific facility and the experience we have had with them servicing these facilities. The division is indicated in the contract documents.

EXPLANATION OF PROPOSALS NOT RECOMMENDED:

The lowest price proposal, Central Valley Mechanical, is not recommended because it did not include many of the required documents listed above. One reference indicated that the vendor was too small to handle the scope of the work as the requirements expanded to include regional facilities. Another reference was in Fountain Green, more accessible to the vendor's Nephi head quarters and too far from Spanish Fork to respond effectively to our needs.

The third lowest price proposal, United Team Mechanical, is not recommended because of their distant proximity to Spanish Fork–Kaysville, Utah. The references indicated most of their work is in Northern Utah and Wyoming. We judge that Spanish Fork would be too far out of their way to respond effectively to our needs. Their overall pricing was just 3% below the forth lowest bid, Climate Central, a Utah County contractor with whom we have had 11 years positive experience including low prices, fast response and quality work.

The other three vendor's proposals reflected pricing above the four already discussed and were not considered for contract award. **Attached is the quote tabulation.**

CITY COUNCIL APPROVAL AND CONTRACT NEGOTIATION:

We will proceed with the contract negotiation phase with the city council's approval. The contracts will be presented for approval upon completion. **Attached is a draft of each contract.**

SCHEDULE OF FACILITIES AND EQUIPMENT:

Group	Location	Equipment	Heating Service	Cooling Service
A	Canyon View Park Caretaker Residence 3300 E Powerhouse Road. Janice Ottesen	1 furnace		
B	Cemetery 420 E 400 S Chad Daybell	1 furnace 1 condenser (roof)		
C	City Shops Vehicle Maintenance Shop 175 E 2160 N. Max Sabey	4 unit heaters (electric)		
D1	City Shops Motor pool, Streets, Water, Sewer Offices. 175 E 2160 N. Max Sabey	2 furnaces 2 condenser units		
D2	City Shops Streets, Water, Sewer Department Truck Shop. 175 E 2160 N. Dave Peay / Jamie Chappel	5 tube heaters		
E1	City Shops Electrical Department Offices 175 E 2160 N Tom Cooper	1 furnace 1 condenser unit 1 tube heater 1 unit heater		
E2	City Shops Electrical Department Truck Shop. 175 E 2160 N Tom Cooper	2 tube heaters		
F1	Fairgrounds High Chaparral 475 S Main Street Brent Shepherd	1 furnace 1 condenser unit		
F2	Fairgrounds Indoor Arena #1 475 S Main Street Brent Shepherd	5 radiant heaters		
F3	Fairgrounds Indoor Arena #3 475 S Main Street Brent Shepherd	6 tube heaters		
F4	Fairgrounds Indoor Tennis Court 475 S Main Street Brent Shepherd	10 tube heaters		
F5	Fairgrounds Maintenance Shp 475 S Main Street Brent Shepherd	1 unit heater		

F6	Fairgrounds Office Shop 475 S Main Street Brent Shepherd	1 furnace 1 condenser unit 1 tube heater		
G1	Golf Course Club House 3430 E Powerhouse Road Aaron Brown	1 electric air handler 2 condenser units		
G2	Golf Course Maintenance Shop 3300 E Powerhouse Road Aaron Brown	1 furnace		
H	Greenhouse 175 E 2160 N Sterling Johnson	5 unit heaters		
I	Gun Club Building 2445 Spanish Oaks Drive Bart Morrill	1 rooftop furnace/AC unit		
J	Library 49 E Main Street Pam Jackson	6 furnaces 6 condenser units (roof)		
K	Parks and Recreation Office 775 N Main Street Bill Bushman	3 furnaces 3 condenser units		
L	Public Safety Building 470 N Main Street Don Thomas	5 furnaces 5 condenser units 1 tube heater (long)		
M	Senior Citizen Center 167 W Center Street Joyce Webb	7 furnaces 4 condenser units		
N	Spanish Fork Community Network Building 65 S 630 W John Bowcut	10 furnaces 6 condenser units		
O	Sports Park Maintenance Shop 185 W Volunteer Drive Bart Morrill	1 furnace 1 condenser unit 3 tube heaters		
P	Sports Park Maint. Shop #2 185 W Volunteer Drive Cody Hanks	1 tube heater		
Q	Sports Park Snack Shack West 285 W Volunteer Drive Janice Ottesen	1 furnace (electric)		
R	Veteran's Memorial Building 390 N Main Bill Bushman	6 roof top furnace/AC units		
S	Waste Water Treatment Plant 175 E 2160 N Dennis Sorensen	2 furnaces 3 condenser units 7 tube heaters 4 unit heaters (gas)		

Spanish Fork City, Utah

\$5,890,000 Water Revenue Refunding Bonds

Series 2010

(Final Numbers)

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
06/01/2011	Serial Coupon	2.000%	0.450%	130,000.00	101.158%	131,505.40
06/01/2012	Serial Coupon	2.000%	0.650%	100,000.00	102.344%	102,344.00
06/01/2013	Serial Coupon	3.000%	1.000%	1,075,000.00	105.410%	1,133,157.50
06/01/2014	Serial Coupon	3.000%	1.100%	1,105,000.00	106.960%	1,181,908.00
06/01/2015	Serial Coupon	2.000%	1.500%	1,135,000.00	102.283%	1,160,912.05
06/01/2016	Serial Coupon	2.000%	1.820%	1,160,000.00	100.977%	1,171,333.20
06/01/2017	Serial Coupon	2.250%	2.050%	1,185,000.00	101.253%	1,199,848.05
Total	-	-	-	\$5,890,000.00	-	\$6,081,008.20

Bid Information

Par Amount of Bonds	\$5,890,000.00
Reoffering Premium or (Discount)	191,008.20
Gross Production	\$6,081,008.20
Total Underwriter's Discount (0.500%)	\$(29,450.00)
Bid (102.743%)	6,051,558.20
Total Purchase Price	\$6,051,558.20
Bond Year Dollars	\$27,432.50
Average Life	4.657 Years
Average Coupon	2.3317119%
Net Interest Cost (NIC)	1.7427820%
True Interest Cost (TIC)	1.7171190%

Spanish Fork City, Utah

\$5,890,000 Water Revenue Refunding Bonds

Series 2010

(Final Numbers)

Debt Service Schedule

New

Date	Principal	Coupon	Interest	Total P+i	Fiscal Total
09/01/2010	-	-	-	-	-
12/01/2010	-	-	35,640.63	35,640.63	-
06/01/2011	130,000.00	2.000%	71,281.25	201,281.25	236,921.88
12/01/2011	-	-	69,981.25	69,981.25	-
06/01/2012	100,000.00	2.000%	69,981.25	169,981.25	239,962.50
12/01/2012	-	-	68,981.25	68,981.25	-
06/01/2013	1,075,000.00	3.000%	68,981.25	1,143,981.25	1,212,962.50
12/01/2013	-	-	52,856.25	52,856.25	-
06/01/2014	1,105,000.00	3.000%	52,856.25	1,157,856.25	1,210,712.50
12/01/2014	-	-	36,281.25	36,281.25	-
06/01/2015	1,135,000.00	2.000%	36,281.25	1,171,281.25	1,207,562.50
12/01/2015	-	-	24,931.25	24,931.25	-
06/01/2016	1,160,000.00	2.000%	24,931.25	1,184,931.25	1,209,862.50
12/01/2016	-	-	13,331.25	13,331.25	-
06/01/2017	1,185,000.00	2.250%	13,331.25	1,198,331.25	1,211,662.50
Total	\$5,890,000.00	-	\$639,646.88	\$6,529,646.88	-

Yield Statistics

Bond Year Dollars	\$27,432.50
Average Life	4.657 Years
Average Coupon	2.3317119%
Net Interest Cost (NIC)	1.7427820%
True Interest Cost (TIC)	1.7171190%
Bond Yield for Arbitrage Purposes	1.7324146%
All Inclusive Cost (AIC)	2.0998242%

IRS Form 8038

Net Interest Cost	1.5923548%
Weighted Average Maturity	4.633 Years

Spanish Fork City, Utah

\$5,890,000 Water Revenue Refunding Bonds

Series 2010

(Final Numbers)

*Savings
per
year* ↓

Gross Debt Service Comparison

Date	Principal	Coupon	Interest	New D/S	OLD D/S	Savings	Fiscal Total
09/01/2010	-	-	-	-	-	-	-
12/01/2010	-	-	35,640.63	35,640.63	144,931.25	109,290.62	-
06/01/2011	130,000.00	2.000%	71,281.25	201,281.25	144,931.25	(56,350.00)	52,940.62
12/01/2011	-	-	69,981.25	69,981.25	144,931.25	74,950.00	-
06/01/2012	100,000.00	2.000%	69,981.25	169,981.25	144,931.25	(25,050.00)	49,900.00
12/01/2012	-	-	68,981.25	68,981.25	144,931.25	75,950.00	-
06/01/2013	1,075,000.00	3.000%	68,981.25	1,143,981.25	1,119,931.25	(24,050.00)	51,900.00
12/01/2013	-	-	52,856.25	52,856.25	119,337.50	66,481.25	-
06/01/2014	1,105,000.00	3.000%	52,856.25	1,157,856.25	1,144,337.50	(13,518.75)	52,962.50
12/01/2014	-	-	36,281.25	36,281.25	92,431.25	56,150.00	-
06/01/2015	1,135,000.00	2.000%	36,281.25	1,171,281.25	1,167,431.25	(3,850.00)	52,300.00
12/01/2015	-	-	24,931.25	24,931.25	64,212.50	39,281.25	-
06/01/2016	1,160,000.00	2.000%	24,931.25	1,184,931.25	1,199,212.50	14,281.25	53,562.50
12/01/2016	-	-	13,331.25	13,331.25	33,000.00	19,668.75	-
06/01/2017	1,185,000.00	2.250%	13,331.25	1,198,331.25	1,233,000.00	34,668.75	54,337.50
Total	\$5,890,000.00	-	\$639,646.88	\$6,529,646.88	\$6,897,550.00	\$367,903.12	-

PV Analysis Summary (Gross to Gross)

Gross PV Debt Service Savings	348,512.11
Contingency or Rounding Amount	3,761.76
Net Present Value Benefit	\$352,273.87
Net PV Benefit / \$5,410,000 Refunded Principal	6.512%
Net PV Benefit / \$5,890,000 Refunding Principal	5.981%

Refunding Bond Information

Refunding Dated Date	9/01/2010
Refunding Delivery Date	9/01/2010

Spanish Fork City, Utah

\$5,890,000 Water Revenue Refunding Bonds

Series 2010

(Final Numbers)

Sources & Uses

Dated 09/01/2010 | Delivered 09/01/2010

SOURCES OF FUNDS

Par Amount of Bonds	\$5,890,000.00
Reoffering Premium	191,008.20

TOTAL SOURCES **\$6,081,008.20**

USES OF FUNDS

Deposit to Net Cash Escrow Fund	5,947,288.72
Costs of Issuance	67,000.00
Total Underwriter's Discount (0.500%)	29,450.00
Surety Bond (3.25%)	19,142.50
Gross Bond Insurance Premium (22.0 bp)	14,365.22
Rounding Amount	3,761.76

TOTAL USES **\$6,081,008.20**