

Adopted Minutes
Spanish Fork City Council Meeting
April 3, 2001

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led by local boy scout Sam Wheeler from Troupe 80.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Glenn A. James, Roy L. Johns, Everett Kelepolo, and Lillian J. Shepherd.

Staff Members Present: MaryClare Maslyn, Assistant City Manager; Richard J. Heap, Engineer/Public Works Director; Kent R. Clark, Finance Director/Recorder; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Emil Pierson, City Planner; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Cameron Brown, Bob Moore, Kris Wren, Laurel Butenbaugh, Kerri Cosby, Patrick Van Wagner, Roxanne R. Clark, Sherman V. Bearnson, Beverly B. Bearnson, Fawn Christopher, Paul Beck, Randall Allen, Cary Webb, Rebecca Williams, Chris Williams, Donald Nay, David E. Lewis, Carl Bowcut, Suanne Bowcut, Andrea Allen, Phil Allen, Mark Dallin, David Hunt, Justin Warner, Gale Gardner, Corey Webb, Kevin J. Reid, Brandy Carter, T. Jackson, Sam Wheeler, David Kington, Isaac Wheeler, Michele Anderson, Jenna Anderson, Ed Wilson, Teresa Wilson, Ezra Owen, Sam Eyre, Melinda George, Andy George, Kenneth Hall, Logan Oates, Eric Reynolds, Allan Reynolds, Justin Andrew, Rod Andrew, Garrett Anderson, and Daniel Barron.

Minutes

Councilmember Kelepolo made a **motion** to approve the minutes of March 13, 2001 meeting of the Spanish Fork city Council as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Employee of the Quarter

Mayor Barney and the City Council presented Mr. Russell Durtschi with the employee of the quarter award for the 1st Quarter of 2001. Mr. Durtschi is the City's Computer Technician. He was commended for his excellent work.

Introduction of New Employees

Ms. Connie Swain was introduced as the City's new Office Clerk. She will work in the Finance/ Utility Office. Mr. Paul Beck was introduced as the new Parks and Recreation Leadworker at the Golf Course.

Agenda Request - Spanish Fork City Arts Council

Members of the Spanish Fork City Arts Council were present to outline programs for the coming year. Janice Nielsen is the Arts Council president. The presentation included proposed activities to highlight the 2002 Olympics.

Agenda Request - Esther Ridge, LC

Attorney Randall Allen spoke on behalf of Esther Ridge, LC. Developers are in process of developing phase B of the Esther Ridge subdivision. There has been a dispute between Esther Ridge and Hearthstone Development regarding the costs of developing 2300 East. Hearthstone has sued Esther Ridge hoping to recoup the costs of the development of 2300 East. Mr. Allen indicated his hopes that the lawsuit will remain between the two parties, without involvement from the City. Mr. Allen expressed concern that when the Development Review Committee approved the Esther Ridge Final Plat B, the only condition placed on approval was that a bond for the plat be posted. This bond was posted for not only Plat B, but Plats C, D, and E as well. The City has now indicated they will not record Plat B due to the dispute over the fees between Esther Ridge and Hearthstone. Mr. Allen indicated the City has acknowledged the 2300 East Connectors Agreement was not originally addressed during Final Plat B approval. He expressed concerns that the City is backtracking, and jeopardizing the rights of Esther Ridge. He requested the City follow through with recording the plat as the original conditions have been met. Mr. Allen indicated if the plat isn't recorded, Esther Ridge will have no other option than to file suit against Spanish Fork City.

Mayor Barney asked Attorney Baker to address the issue.

City Attorney Junior Baker acknowledged that Esther Ridge was originally informed there would be no additional costs for Plat B. When this area of the East Bench began to develop, 2300 East needed to be improved, including installation of pressurized irrigation, culinary water lines, and some sewer. Hearthstone Development completed this work, and as is typical, the City granted a connectors agreement for the improvements at Hearthstone's request. The agreement took some time to finalize. Hearthstone notified the City they had a connectors agreement in place that needed to be paid for Esther Ridge Plat B. Attorney Baker reviewed a portion of the agreement that states:

“Hearthstone shall be responsible to inform the City to assess the fees if it notices the intent, need, or attempt to connect to the improvements. City will use its best efforts to properly assess the fees set forth herein, but shall incur no liability for its failure to do so unless the failure is due to intentional misconduct.”

The City is honoring its contract with Hearthstone Development. Attorney Baker stated if the City has to pick its litigation, it would rather pick it with Esther Ridge than Hearthstone Development which, according to the agreement, they know they would lose.

Attorney Randall Allen clarified there is currently no litigation pending against the City.

Agenda Request - Roxanne Clark, American Cancer Society's Relay for Life

Patrick Van Wagner from the Provo office of the American Cancer Society, and Roxanne Clark, Co-Chair of the South Utah County Relay for Life addressed the Council. They gave information regarding the history of the American Cancer Society. Events for the Relay for Life fund raiser were detailed.

Last year, during the Relay for Life \$150 million was raised for cancer research. Teams are put together by members of the community with each team consisting of 10-12 people. Each member is asked to raise \$100. This year's event is scheduled for June 15 and 16 at Payson High School. Ms. Clark stated the goal of the Relay for Life is to promote the realization that people with cancer have it 24 hours a day, 7 days a week, 365 days of the year.

Agenda Request - Mark Dallin

The Development Review Committee has recently reviewed issues regarding the development of the Mark Dallin subdivision along 1400 East, near Aspen Meadows. Mr. Dallin would like to begin Plat B (the north phase) of the Dallin Subdivision. This part of the development would go out to 1400 East. The Committee is requesting clarification of the Council's original condition #3 from the Dallin Subdivision Preliminary Plat approval. Condition #3 states:

"No lots east of Lots 1-6 may receive final plat approval until 1630 South and 1750 South are extended to 1400 East, and 1400 East is improved to Canyon Road with a minimum pavement width of 24 feet with 6 foot gravel shoulders."

Mr. Heap indicated the Committee was not sure if both the north and south roads going out to 1400 East had to be completed prior to additional lots being developed. They are questioning if the north road could be developed with the south road to be done at a later time.

Councilmember James indicated he was not on the City Council when the Preliminary Plat was approved, although he feels the condition states clearly that both roads must be complete. Councilmember Huff asked if the Committee is questioning the minutes or requesting permission for what Mr. Dallin wants to do.

Mr. Heap stated the agenda request was to get the original intent of the condition, and also see if it is okay to complete just 1630 South in order to begin Plat B. It was noted developers have one year to complete site improvements, and due to other subdivisions being constructed in the area, 1400 East will be widened by the end of the summer.

Consensus from the Council was the intent of the condition was to have both roads completed, although Mr. Dallin does have a year to complete site improvements.

Public Hearing - Consider Adoption of the 2000 East Zone Change from R-R, Rural Residential to S-C, Shopping Center Commercial, R-3, High Residential, and R-1-8, Medium Residential

Councilmember Johns made a **motion** to open the public hearing at 7:50 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the procedures for the public hearing

City Planner Emil Pierson reviewed a proposed zone change initiated by the City at 2000 East 500 South. It is planned to change the zone on approximately 60 acres from R-R, Rural Residential, to S-C, Shopping Center Commercial, R-3, High Residential, and R-1-8, Medium Residential. The General Plan, as of October 2000, shows the area as Shopping Center Commercial and Residential 5 to 12 units per acre. Property to the west is zoned R-1-8, to the east is 2550 East and a new church which is under construction. South of the property are long narrow lots zoned R-R, and to the north is U.S. Highway 6.

Mr. Pierson indicated staff would like to rezone the property at this time for the following reasons:

1. Zoning the area at this time will resolve concerns with a commercial/residential mix for future residents as the commercial zoning will be in place prior to future residents;
2. To make developers and residents aware there will be a connecting road from Highway 6 to 2300 East, and to maintain a clear corridor for the major collector road;
3. The property will have access and good views from U.S. Highway 6;
4. To implement the General Plan which has identified these properties to be commercial and residential, and encourage the commercial development;

The Development Review Committee reviewed this zone change on December 20, 2000 and recommended approval.

The Planning Commission reviewed this issue at their January and February meetings. Several issues were discussed during their review including, the overall amount of commercial properties, shopping center demographics, and the residents concerns.

Commercial Properties: The Planning Commission has indicated concern about the total amount of commercially zoned properties within the City. Mr. Pierson reviewed the following chart comparing the commercial areas for the East Bench in the 1996 General Plan and the 2000 General Plan. The chart shows the current General Plan actually decreased the amount of commercial property by 28.37 acres on the East Bench.

**A Comparison of the Commercial Areas on the East Bench
from the 1996 General Plan and 2000 General Plan**

Commercial properties	1996 Plan		2000 Plan		Difference
	Sq. ft.	Acres	Sq. ft.	Acres	Acres
2000 East (large cir.)	1,462,796	33.5812	2,118,513	48.6344	15.05
1400 East (Canyon)	192,680	4.42332	0	0	(4.42)
1700 East (Canyon)	298,802	6.85955	94,931	2.17932	(4.68)
2300 East (Canyon)	242,830	5.57461	0	0	(5.57)
East end of Canyon Road	1,896,556	43.5389	644,386	14.7931	(28.75)
	Total (ac)	93.9776	Total (ac)	65.6067	(28.37)

Shopping Center Land Use Designation: The Shopping Center Land Use Map Designation in the General Plan states:

“Shopping Center: These areas provide retail uses, service oriented businesses, offices and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Centers will typically be 5-15 acres in size.” (page 46 in the Spanish Fork General Plan)

While the General Plan suggests that a shopping center be 5-15 acres, there are no requirements for a development to fit into that size category. The Macey’s and Cal Ranch shopping centers are a combined area of 24.8 acres, the Shopko area is 19.3 acres, and the K-mart area including Wendy’s is 75 acres. All the S-C zoning east of Highway 6 is over 107 acres in size. Mr. Pierson indicated the proposed commercial area is approximately 48 acres, although it could be built as a number of different shopping centers, all having the same design characteristics.

Resident’s Concerns: A primary concern to the residents in the vicinity is they were not aware of the General Plan designation for this area. There are two adjacent subdivisions, Mount Loafer Plats S and Q, both on 1850 East. Plat Q was recorded in late 1994 with homes being built in 1995-1997. Plat S was recorded in November of 1998 with most of the homes built in 1998 and 1999. The 1996 General Plan was being written and adopted during the development of Plat Q and prior to Mount Loafer Plat S being recorded. The recent General Plan update included public hearings for the Planning Commission and City Council prior to its adoption in October 2000.

Questions arose from residents regarding whether a major development will occur in the near future. Currently, there are no developers talking to the City about future projects on the proposed commercial area. City staff is trying to plan ahead for future roadway corridors and commercial areas in order to eliminate the need to purchase rights-of-way to widen roads or have commercial developers removing homes for new large scale developments.

Mr. Pierson reviewed specific requests from the Planning Commission as follows:

1. Sample layout of various building footprints to determine if the area is sufficient in size or needs to be decreased;
2. Population base that would be needed to support a commercial area this size;
3. Possible conditions to mitigate adverse impacts of commercial against residential. Buffering along the Jex subdivision was of primary concern;
4. Possible conditions to mitigate adverse impacts of increased traffic (especially along 750 South);
5. Experiences of past property acquisitions by the City.

Mr. Pierson gave an analysis of each of the Commissions concerns.

Request #1 - Sample layout of various building footprints to determine if the area is sufficient in size or needs to be decreased

Maps were given to the Planning Commission and City Council showing the potential of how the area could be developed commercially. Until an actual proposal is submitted by a developer, the area will remain vacant. The City is not planning to develop the 2000 East connection at this time. It is likely the roadway will not be constructed until development happens.

A rough guess of gross leasable space for this area would be 539,658 square feet. The remaining 989,298 square feet would be used for parking and roadways. Mr. Pierson noted this is a very rough estimate since the City does not know exactly when or how this area will develop.

Request #2 - Population base that would be needed to support a commercial area this size

Currently the City has 286 acres of developed commercial use. This represents 65% percent of the total 444 acres that are zoned commercial. The four zoning designations for commercial properties include: Commercial Office (C-O), Neighborhood Commercial (C-1), General Commercial (C-2), and Shopping Center (S-C).

Spanish Fork City can be considered a regional shopping area since residents from Mapleton, Woodland Hills, Salem, Elk Ridge, Payson, Santaquin, Nephi, Benjamin, Lakeshore, Birds Eye, and even people from Helper and Price shop in Spanish Fork.

A recent study completed by Lindon City states:

- A neighborhood commercial area, which is 40,000 square feet of leasable space, would require support from at least 5,000 people, and could serve up to 40,000 people. The radius of the service area would be 2 miles [this encompasses all of Spanish Fork City].
- A community shopping center, with an average leasable area of 150,000 square feet, requires support from 40,000 to 150,000 people. The service area for a community shopping center has a radius of approximately 4 miles [this encompasses all of Spanish Fork, Mapleton, and into Springville, Salem and Woodland Hills].

- The largest type of shopping center, the regional shopping center, generally consumes 30-50 acres of land, with an average gross leasable area of 400,000 square feet [encompassing the southern end of Utah County].

A comparison of different size cities shows how commercial uses could be needed in the future.

City	Population	Total commercial (acres)	Size of city (acres)	% in commercial
Spanish Fork	20,700	444	8,432	5.27%
Layton	60,294	1,136	13,209	8.60%
Orem City	91,000	3,360	11,610	28.94%
Sandy City	102,544	2,265	14,566	18.30%
Provo City	114,900	3,651	27,520	13.27%

* Also consider other cities constraints (i.e. demographics, topography, proximity to surrounding cities etc.)

An area this large would draw shoppers from south Utah County and beyond. When considering the population growth in this City and neighboring communities, it makes sense for the City to plan ahead. In the Nebo Community Vision study area, which encompasses the ten Utah County cities south of Provo, the population is expected to nearly double in the next 20 years from 74,882 to 139,027. Spanish Fork is expected to increase to 32,098 residents in the next 20 years, and the City's current population is 20,246, according to the 2000 Census.

City	1990 Population U.S. Census	2000 Population U.S. Census	2020 Projected Population (Nebo Vision Project)
Elk Ridge	771	1838	4711
Genola	803	965	1837
Goshen	578	874	1075
Mapleton	3572	5809	9186
Payson	9510	12716	27021
Salem	2284	4372	8371
Santaquin	2386	4834	9466
Spanish Fork	11272	20246	32098
Springville	13950	20424	29820
Woodland Hills	301	941	2868
Unincorporated Southern Utah County		8639 est. Nebo Vision	12574 est. Nebo Vision
Totals		83658	141047

Requests #3 and #4 - Possible conditions to mitigate adverse impacts of commercial against residential. Buffering along the Jex subdivision was of primary concern. Possible conditions to mitigate adverse impacts of increased traffic (especially along 750 South)

Buffering between the commercial and residential developments might include:

- Construction of townhomes on the west side of 2000 East. This would require a small driveway and parking area behind the buildings. Ten feet of landscaping and a wall would be required.
- Small neighborhood commercial uses along with ten feet of landscaping and a masonry wall. This use would be similar to the Jim Nielsen Commercial Center where World Gym and Domino's Pizza are located.
- Mixed use development - small commercial uses on the bottom level with multi-family uses on the upper levels creating a walkable community.
- Additional landscaping - 25 feet with a berm instead of ten feet.
- 2000 East could be required to have an island with trees in the middle of the street to reduce the amount of light leaving the site.

Because the City is unsure about the specific development to take place at the site, it is difficult to consider the best buffering for residential homes at this time. If the site develops as a strip mall as anticipated, the parking area would be closest to the residential homes.

Mr. Pierson felt another buffer for the site could be to create a walkable community with buildings built along 2000 East. He cited examples such as the Riverwoods Shopping Center in Provo. Buildings would be constructed close to the road with landscaping on the outside and parking located in the middle.

Concerns regarding buffering of 750 South were also addressed. The General Plan considers 750 South a minor collector similar to 1100 East, 1400 East, and 1700 East. These existing streets have homes fronting the road with no additional buffering. A possible example to buffer 750 South might include construction of an island in the middle of the roadway. This would buffer the residents from half of the roadway. A roundabout would also be encouraged at the intersection of 750 South and 2000 East.

Request #5 - Experiences of past property acquisitions by the City

The City takes the following steps when purchasing property:

1. The property owner is notified of the City's interest in purchasing the property;
2. Two separate appraisals are conducted on the property. The City and the property owner each have an appraisal done;
3. After appraisals are reviewed, the City and the property owner reach an agreement of how much the property is worth and a fair price is paid;

4. Eminent domain is only used when property is needed by the City for the betterment of the community and the property owner is unwilling to discuss terms of the sale. Situations could include obtaining easements and rights-of-way. Fair market value is still paid for the property.

Examples of recently purchased property are the Community Network Building site purchased from the Simonsen's, and two residential homes purchased for use by the Public Safety Building from James & Carolyn Laird; and Gwen Lance.

After their review, the Planning Commission recommended the City Council approve the zone change subject to conditions.

Mayor Barney opened the meeting for public input, limiting comments to eight minutes each.

Mr. Bob Moore, 677 South 1850 East, indicated he is the City Planner for Orem City and is a member of both the American Planning Association and the American Institute of Certified Planners. He feels that commercial and medium density residential development on the property would not have a negative impact on the surrounding neighborhoods, especially if the development occurs with the visioning of the City Planner. Mr. Moore recommended the City Council delay action on the request. He suggested an ad hoc committee be formed consisting of five to seven residents, City staff, and a member of the Planning Commission. The ad hoc committee can formulate either a development agreement or draft specific development criteria to be adopted as a part of a current commercial zone or a new zone. This would ensure the Council and adjacent property owners the confidence in the vision of the City Planner. Mr. Moore noted successes he has seen with citizen involvement in Orem.

Mr. David Lewis, 627 South 1850 East, indicated he is a General Contractor and member of Spanish Fork City Planning Commission. He shares Mr. Moore's feeling that the commercial and residential development would not negatively impact the surrounding area if the development is done properly with strict guidelines put in place. Mr. Lewis believes the vision exists, but the strict guidelines do not. He reviewed uses permitted in the S-C zone, including those that require a conditional use permit. He then reviewed specific businesses, including pictures, that might locate on the property under the existing S-C zone. Some of these businesses may not be desirable in this area. Mr. Lewis feels the City will lose most of their control over design elements and layout if the zone change takes place without a specific development in mind. Mr. Lewis asked if there was a past zoning decision the Council wished they had spent more time reviewing. He noted Spanish Fork Ranch as one development he wished he had reviewed more closely as a member of the Planning Commission. He requested the Council spend more time on the issue before making a decision.

Mr. Carl Bowcut spoke representing Darwin and Beverly Thomas. He is currently living in their home. Mr. Bowcut understands the need for additional commercial use, although he expressed concern that if the zone is changed now, it cannot be changed back. He suggested the General Plan designation be the signal to developers that the area will be commercial in the future. He also requested an ad hoc committee be created.

Mr. Donald Nay, 714 South 1500 East, agreed with comments about the need for community involvement. Mr. Nay indicated he is opposed to the zone change as he believes it would be detrimental to the entire City including the existing retail base. Utah County is severely over saturated with commercial use. Mr. Nay feels the City should seek ways to promote other commercial developments. He stated that Spanish Fork City is in a unique position to attract clean industries and hi-tech companies that will bring revenue to the City and a substantial number of high paying jobs not available with retail positions.

Ms. Luella Farnworth indicated the Planning Commission determined not to include her property in the zone change. She stated she is opposed to the commercial area. She does not feel a walkable commercial area would do well on the East Bench with the strong winds. Ms. Farnworth reviewed road plans from Mountainland Association of Governments which involve the 20th East connection.

Ms. Amy Jensen stated a lot of what the citizens are presenting is to help the Council realize the importance of a careful, deliberate decision. She is not opposed to growth, but feels there are many alternatives that haven't been examined. Ms. Jensen expressed concern with the size of proposed zone change. She suggested the City focus on further development of existing shopping centers such as K-mart. Ms. Jensen requested an ad hoc committee be created to review the issue.

Mr. Pierson clarified that the City does encourage development in existing commercial areas. Many areas in the K-mart shopping center are not attractive to developers because the properties behind K-mart are hidden from a major road. The area also has poor access.

Ms. Jensen continued with her concerns stating public safety issues have not been addressed. The most recent traffic study done for the area is six years old and invalid. Ms. Jensen also indicated UDOT told her they discourage three way intersections as proposed on the 20th East connection, and they would prefer to use existing roads. She asked the Council to make a deliberate decision.

Mr. Bryan Jex indicated he has lived in Spanish Fork nearly all his life. His family has been a merchant in Spanish Fork since 1902. He has seen Spanish Fork change over the years and feels growth is inevitable. Mr. Jex owns a portion of the property in the proposed rezone. He indicated there is some interest in the ground, but he has not sold it because he is interested in what happens to Spanish Fork. He does not feel Spanish Fork City or himself would allow something detrimental to happen on the East Bench. Mr. Jex noted he would rather his entire parcel be zoned commercial, rather than commercial with small strips zoned residential.

Mr. Sherman Bearnson owns eight acres of property adjacent to Bryan Jex. He expressed his feeling that the residents believe he will get more money for his property if it is zoned commercial. He stated he doesn't think he will live to see the day this property is developed commercially. Mr. Bearnson feels the 20th East connection is an absolute necessity.

Mr. Gary Warner from Salem stated his mother lives on 2300 East and Canyon Road. His mother has lived there for nearly 40 years and would like to stay. He thanked the Mayor for talking to his mother

and calming her regarding the issue. Mayor Barney indicated, regarding Ms. Betty Hone's property, he told her he doesn't recall when the City has condemned property, and he does not think it needs to happen in this instance.

No further public comments were received. Mayor Barney closed the public input portion of the meeting and entertained questions from the Council.

Councilmember Kelepolo asked for clarification regarding the 20th East connection. Mr. Heap stated the City has reviewed several different layouts for this connection. A major connection is needed between the 2550 East and Center Street connections. The new connection will significantly decrease the traffic in these areas.

Councilmember Huff noted his appreciation for the amount of time that was spent on the 1996 and 2000 versions of the General Plan, however, he is in favor of the development of an ad hoc committee consisting of professional people, staff and some citizens to look at zoning ordinance and conditions and uses of the S-C zone. He feels the uses allowed in the S-C zone are rather broad. He stated when the University Mall was created, no one would have anticipated the need for another shopping center in south Provo. Councilmember Huff feels in the future, 20-25 years, there will be major shopping center south of Provo. If the City doesn't look ahead and prepare, who will?

Councilmember Kelepolo agreed with Councilmember Huff, and stated forming an ad hoc will be an important part of this development. He expressed appreciation to Mr. Pierson and the citizens for their comments and work on the issue.

Attorney Baker suggested the issue could be referred back to the Planning Commission to use citizen involvement and address the possibility of a new zone or another concept.

Mr. Pierson asked for clarification on the amount of the zone change. Councilmember Huff doesn't feel size has much justification until a recommendation is received from an ad hoc Committee and the Planning Commission. The S-C zone and size could be reviewed by this committee.

Councilmember James concurred with comments from other Councilmembers. He stated the three criteria he used when looking for areas to start new Associated Foods store were location, location, location. He feels the City currently has commercial areas that are handicapped because of their location and access.

Councilmember Kelepolo asked how the Ad Hoc Committee could be used. Mr. Pierson stated they could address issues including, whether the property is too large or small, the current zoning ordinance, creating a new zone or entering into a development agreement, or hiring a private consultant to have a study done.

Mr. Moore feels the suggestion to hire a private consultant is extremely important. He feels citizens in that area are reasonable. Since the General Plan designation is already in place, the Committee could look at how commercial development can side itself with the residential development already there.

Councilmember Huff made a **motion** to remand the 2000 East Zone Change back to the Planning Commission with the recommendation that an Ad Hoc Committee be formed, comprised of citizens, professionals, City staff and if necessary that a consultant be employed. Selection of the committee members will come from recommendations of the Planning Commission and staff to include a selection of interested citizens both inside and outside the area in question. The committee will come together over an eight week period following the next Planning Commission meeting and be prepared to present the City Council their findings after that time. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Shepherd made a **motion** to close the public hearing regarding the 2000 East zone change at 9:10 pm. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Robinson Annexation - Approval to Begin the Annexation Process

Paul Robinson and Nina Child have requested to annex their property located at 700 North and Highway 51. The annexation contains 23.14 acres, and the properties are within the City's growth boundary. The General Plan designates the Robinson parcel for commercial office use, and the Child's parcel as residential 5-8 units per acre. If annexed, it is requested the general plan be amended to designate the Child's property as General Commercial. Two homes are located on the Robinson parcel.

Mr. Pierson stated this annexation will compensate for lost commercial areas and the loss of potential revenues from WalMart opening in Springville. He stated commercial development makes the City money, and residential development loses money.

It was noted the pond in the middle of the property would have to be addressed upon development.

Councilmember Kelepolo made a **motion** to authorize the proposed Robinson Annexation to begin the annexation process. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Southern Utah Valley Power Systems - Agreement for Joint and Cooperative Action

Attorney Baker reviewed the proposed Southern Utah Valley Power Systems (SUVPS) Interlocal Agreement. The agreement will be entered into with the neighboring cities of Springville, Salem, and Payson. SUVPS will transform high voltage power to power the City can use. Currently, there is a need for another substation that reduces the power. Attorney Baker sees the agreement as a good opportunity. SUVPS will become an entity similar to Utah Municipal Power Agency.

Councilmember Huff asked what organization would manage SUVPS. Attorney Baker indicated one advantage is Strawberry Electric Service District will be handling the books and records. Southern Utah Valley Power Project (SUVPP) will be done away with once assets are transferred to SUVPS.

Councilmember Huff asked if SUVPS will become an independent entity that can issue bonds. Attorney Baker answered in the affirmative. He stated that Springville City's power bonding is maxed, and likely SUVPS will become the agent for them to bond for the new Dry Creek substation. Attorney Baker indicated the bonding liability will then fall to SUVPS and the City's liability and bond rating will not be affected.

The City Council will be required to designate a board member for the new entity.

Councilmember Huff made a **motion** to authorize the City to enter into the Southern Utah Valley Power Systems Agreement for Joint and Cooperative Action and authorize Mayor Barney to sign the document. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Kelepolo made a **motion** to adjourn the meeting of the Spanish Fork City Council at 9:25 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.