CITY COUNCIL MEETING

6:00 pm
Tuesday, April 6, 2004

Pledge of Allegiance
Minutes

I. RECOGNITIONS

A. Spanish Fork High School Wrestling Team - 1st place 2004 State Championship - Coach Layne Shepherd*
B. Spanish Fork Junior High School Wrestling Team - 1st place 2004 State Championship - Coach John Allan*
C. Spanish Fork Middle School Wrestling Team - 1st place 2004 State Championship - Coach John Allan*
D. Parks and Recreation Awards - Steve Carpenter - Utah Recreation and Parks Association*
E. Employee Recognition - Dee Rosenbaum - Police Chief of the Year Award for Mid-sized Cities*
F. Retirement Recognition - Larry Johnson, Ambulance Crew*

II. CITIZEN REQUESTS

A. Icelandic Association Presentation - Richard Johnson

III. PUBLIC HEARINGS

6:30 pm
A. **Ordinance No. 05-04** - Impact Fees Enactment
B. Boyack/Evans/Brockbank Annexation and Annexation Agreement - 400 North 1300 East (aka Wood Springs or Sunny Ridge Annexation)
C. River Cove Rezone (Hughes/Hill) - 900 South Del Monte Road
D. Pine Meadows Rezone (Cloward/Hales & Santos) - 1700 East 1400 South

CITIZEN REQUESTS - CONTINUED

B. Literacy Program Presentation - Leonard Ellis

(*) *indicates support information, if any, will follow at the Council meeting.*

The public is invited to participate in all Spanish Fork City Council Meetings. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 798-5000.

C. Agenda Request - Vic Deauvono - Spanish Trials Development Agreement
D. Agenda Request - DelRoy Anderson - Request for credit towards sewer line hook up fee
E. Agenda Request - Allen Evans - Request to proceed with Aspen Heights Subdivision

IV. STAFF REPORTS

A. Emil Pierson - Planning
   1. River Cover Preliminary Plat - 900 South Del Monte Road
   2. Pine Meadows Preliminary Plat - 1700 East 1400 South

B. Kent Clark - Finance
   1. Military Utility Abatement Program

C. Dale Robinson - Parks and Recreation
   A. Golf Cart Rental Rates

D. Richard Heap - Engineering
   1. Professional Services Agreement - Armstrong Consultants, Inc.
   2. Waste Water Treatment Plant Advisory Committee Appointments*
   3. Bid Tabulations - 500 East and 700 East Water Main Replacement Project
   4. Change Order - Waste Water Treatment Plant
   5. Change Order - Airport Landscape Project

E. Junior Baker - Legal
   A. **Resolution 04-04**: A Resolution Authorizing the Use of Spanish Fork City's 2004 Allocation of Home Funds and Community Housing Development Organization Funds to Assist in the Development of Affordable Housing Projects Located in Utah County
   B. **Ordinance 04-04**: An Ordinance Making Changes to the Employee Personnel System

V. OTHER BUSINESS

VI. EXECUTIVE SESSION

A. Legal and Land Issues

(*) *indicates support information, if any, will follow at the Council meeting.*

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Outdoor Icelandic Museum

(expansion concept)

Spanish Fork, Utah

The expansion project of the Icelandic Monument located at 300 South 800 East Spanish Fork, Utah is part of the Sesquicentennial Celebration, June 23-26, 2005, of the Icelandic Association of Utah, Inc. to honor those Icelanders who immigrated to Utah from 1855 to 1914. In September 1855 Samuel Bjarnason, his wife Margret and a mutual friend Helga Jonsdottir, were the first Icelandic pioneers to come to Utah and settle in Spanish Fork. This was the beginning of the first permanent settlement of Icelanders in North America.

The expansion project would make the property around the Icelandic Monument in Spanish Fork an Outdoor Museum. The project would include along with the existing Monument a "Wall of Honor", a large rock from Iceland and story plaques.

The "Wall of Honor" would be similar to the monument that was placed on the Westman Islands in Iceland in 2000 by the Icelandic Association of Utah, without the sculpture. All four hundred and ten Icelanders that came to Utah would have their name on the wall. A large rock from Iceland would be brought to Spanish Fork, most likely from the Westman Islands near the "Mormon Pond". The story plaques would tell the story of those Icelandic pioneers that heard the call to come to Utah and build Zion.

The retaining walls on the east and south sides of the monument would be replaced or faced with large landscape stones, creating more of seascape look. The entrance to the monument would be relocated to the east and the south sides. The east side would be a handicap entrance. The new landscape would have more of a hardscape appearance with walkways and benches less turf, but still have some flower beds.

The Outdoor Museum needs to be completed before June 1, 2005, so it can be dedicated as part of the Sesquicentennial Celebration, June 23-26, 2005. The Icelandic Association of Utah will be soliciting funds for this and other projects for the 2005 celebration.

ORDINANCE NO. 05-04

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY *(votes only in case of tie)*		
MATTHEW D. BARBER *Councilmember*		
PAUL M. CHRISTENSEN *Councilmember*		
EVERETT KELEPOLO *Councilmember*		
SETH V. SORENSEN *Councilmember*		
CHRIS C. WADSWORTH *Councilmember*		

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

ORDINANCE 05-04
IMPACT FEE ENACTMENT ORDINANCE

WHEREAS, Spanish Fork City continues to experience extremely rapid growth; and,

WHEREAS, new facilities are necessary to accommodate the growth; and

WHEREAS, it is fair and equitable that the entities responsible for the new facilities pay for the cost thereof; and

WHEREAS, impact fees are an appropriate mechanism to pay for facilities made necessary by rapid growth; and

WHEREAS, Spanish Fork City has prepared a capital facilities plan as part of its comprehensive general plan; and

WHEREAS, the capital facilities plan is regularly updated in order to remain current with

the growth and needs of the city; and

WHEREAS, an analysis has been prepared whereby the needs, costs, and equitable allocation of those costs has been determined and fairly apportioned; and

WHEREAS, the City has an immediate need for parks and recreation facilities to accommodate the new growth; and

WHEREAS, major improvements, including development of new sources of culinary water are necessary to accommodate the growth; and

WHEREAS, storm water facilities are needed in various areas of the City in order for those areas to develop and accommodate the growth; and

WHEREAS, a new electric sub-station and related upgrades are necessary to provide electric power to service all of the new growth; and

WHEREAS, upgrades to the sewer plant are necessary to increase the biological capacity necessary to accommodate new growth; and

WHEREAS, expansion of the pressure irrigation (secondary water) system is necessary to extend the life of the system and allow for growth demands; and

WHEREAS, it is fair and equitable that new residents pay their share of the buy-in cost of existing infrastructure, taking into account those factors identified in Utah Code Ann. §11-36-201; and

WHEREAS, all sources of revenue have been analyzed and considered by the City; and

WHEREAS, the City has previously adopted impact fees, which bases and analyses should be reviewed on a regular basis; and

WHEREAS, a written analysis dated March 22, 2004 has been prepared; and

WHEREAS, the written analysis has been available for public inspection for at least 14 days; and

WHEREAS, the analysis identifies the impact on improvements needed to the water system (both culinary and secondary), electric power system, sewer system, storm water facilities, and the recreation facilities required by the development activities; and

WHEREAS, the analysis demonstrates how those impacts on the improvements are related to the development activities; and

WHEREAS, the analysis makes a conservative estimate of the proportionate share of the cost of impacts on the system improvements that are reasonably related to the development activity; and

WHEREAS, the analysis identifies the amount of impact fee that could be imposed and how that fee was calculated; and

WHEREAS, the City has identified and analyzed, through the impact fee analysis, those criteria set forth in Utah Code Ann. §11-36-201(5)(b); and

WHEREAS, the impact fee proposed by this impact fee enactment does not exceed the highest fee justified by the impact fee analysis; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on the 6th day of April 2004, wherein public comment was received, not only from concerned citizens, but from developers involved in the current development within the City; and

WHEREAS, the impact fee enactment has been available for public inspection for at least 14 days preceding the public hearing; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City, it is necessary to impose an impact fee on new development to pay for the improvements made

necessary to the culinary water system, pressure irrigation (secondary water) system, sewer system, electric system, storm water facilities, and recreational facilities by that new development;

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

SECTION I.

1. The culinary water impact fee is hereby amended for each residential dwelling unit located in the City.

2. The amount of the impact fee for culinary water is $1,232.00 for each single family detached residence, and $904.00 for all other residential units.

3. The culinary water impact fee is hereby amended for each building in the City based upon the size of meter providing culinary water to the building.

4. The amount of the impact fee for culinary water for non-residential users is $1,232.00 for a one inch meter; $2,393.00 for a one and one-half (1½) inch meter; $3,827.00 for a two inch meter; $8,674.00 for a three inch meter; and $14,861.00 for a four inch meter. Fees for meters larger than four inches will be based on an annualized average day demand and the net capital cost per gallon of capacity.

5. The pressure irrigation impact fee is hereby amended for each building within the city.

6. The amount of the impact fee for each single family detached residential building is $501.00. For all other residential and non-residential buildings, the impact fee shall be calculated based on the capital cost per acre by type of development, less principal payment for each connection to the system.

7. The recreational facility impact fee is hereby amended for each residential dwelling in the

City.

8. The amount of the recreational facility impact fee is $2,208.00 per single family detached residential dwelling. All other residential dwellings shall pay an impact fee of $1,620.00 per unit.

9. The municipal power impact fee is hereby amended for each building in the City based upon the size of service.

10. The amount of the impact fee shall be as follows:

Single Phase Service Size (KVA)

24 (100A 120/240V)	$ 937.00
30 (125A 120/240V)	$ 1,152.00
36 (150A 120/240V)	$ 1,367.00
48 (200A 120/240V)	$ 1,797.00
54 (225A 120/240V)	$ 2,012.00
96 (400A 120/240V)	$ 3,518.00

Three Phase Service Size (KVA)

45.0	$ 1,690.00
75.0	$ 2,765.00
112.5	$ 4,109.00
150.0	$ 5,454.00
225.0	$ 8,142.00
300.0	$10,831.00
500.0	$18,000.00
750.0	$26,962.00
1000.0	$35,924.00
1500.0	$53,848.00

_____11. The sewer system impact fee is hereby amended for each building in the City based upon the size of water meter providing culinary water to the building.

12. The amount of the impact fee for sewer is $3,046.00 for single family detached residential

buildings, $2,235.00 for all other residential buildings. For nonresidential building, the impact fee shall be $3,046.00 for a one inch meter, $5,919.00 for a one and one-half (1½) inch meter, $9,463.00 for a two inch meter, $21,450.00 for a three inch meter, and $36,748.00 for a four inch meter. Meter sizes over four inches will pay an impact fee based upon the annualized day demand and the net capital cost per gallon of capacity.

13. There is hereby imposed a storm water facilities impact fee in those areas identified on the map attached as an addendum hereto. The impact fee is based upon a capital cost per acre determined by the estimated cost of the specific improvements required in the specific area identified. For nonresidential users, the impact fee will be based upon the gross floor area, in 1,000 square foot increments, determined by the estimated cost of the improvements in the specific area identified.

14. The amount of the impact fee for storm water facilities is as follows:

	SE Bench	NE Bench	Westfields
	Per Housing Unit	Per Housing Unit	Per Housing Unit
Single Family Detached	$375.00	$900.00	$402.00
All Other Residential	$287.00	na	323.00
	Per 1,000 Sq. Ft.	Per 1,000 Sq. Ft.	Per 1,000 Sq.Ft.
Commercial / Shpg Ctr	$386.00	na	$385.00
Office / Institutional	$265.00	na	$280.00
Light Industrial	na	na	$316.00

15. Impact fees for storm water facilities shall be collected prior to the recording of a final plat. Buildings not in a platted subdivision shall pay the impact fee as a condition of obtaining a building permit.

16. All other impact fees are due and payable when the building permit is obtained and shall be a condition precedent to the issuance of the building permit.

17. All impact fees are in addition to any other fees.

18. The impact fee shall be deposited into an interest bearing ledger account and may be only used for capital improvements to the capital facility system for which the fee was collected. These improvements may include analysis costs, the construction contract price, the cost of acquiring land, improvements, materials, and fixtures, the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements, the debt service charges incurred if the improvements are financed by bonds, notes, or other obligations carrying debt service charges, and for the cost of issuance of any such bonds, notes or other obligations.

SECTION II.

This ordinance shall not be part of the Municipal Code.

SECTION III.

This ordinance shall become effective immediately upon passage.

DATED this _____ of _____, 2004.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this _____ day of _____, 2004.

_____
DALE R. BARNEY, Mayor

ATTEST:

_____
KENT R. CLARK, City Recorder

F:\ORDBOOK\ORD\2004\Ord05-04

SPANISH FORK CITY
CITY COUNCIL
STAFF REPORT

To:	**City Council**		
From:	**Emil Pierson, City Planner**	**Property Size:**	**87.42 acres**
Date:	**April 6, 2004**	**General Plan:**	**Residential 2.5-3.5 u/a**
Subject:	**Sunny Ridge Annexation**	**Zoning:**	**R-R**
Location:	**400 North 1300 East**		

Background

The applicant(s), WoodSprings LLC Development Company (Dave Simpson), is requesting to annex approximately 87.42 acres on the east side of town into Spanish Fork City from Utah County (see attached map). Most of the area requesting to be annexed is located within the City Growth Boundary and also within our Policy Declaration Boundary but the south end is not within the Growth Boundary (see map). According to the Annexation Plan adopted on December 17, 2002 this area is to be annexed within the next 5-10 years.

The General Plan for this area is shown as Residential 2.5 to 3.5 units per acre which equates to an R-1-9 or R-1-12 zoning.

Analysis

As part of this annexation an agreement will be entered between the city and the developer as part of their annexation.

Property owners agreeing to annex include: Boyack, Evans, Grotegut, Bona, and Johnson. Joseph and Margaret Creer have not signed the petition but will need to be required as part of the annexation because if not they would create a County island which is not legal.

Utilities

Water, sewer, PI, and power are located in 400 North and were installed by the school district for the Rees elementary school. Water and PI is also located on Center street and will need to be looped to 400 North to provide better pressures.

A major north/south collector roadway will be required to facilitate better traffic flow from 400 North to Center street and to provide better access to Highway 6.

Development Review Committee

The DRC reviewed this annexation request on February 18th and again on the 25th.

DRC minutes from Feb. 18th

The petitioner discussed his request with staff and the item was table so staff could research a few items.

DRC minutes from February 25th

Mr. Baker said there is an existing roadway along the railroad which appears to be outside of the property boundaries. However, it would be a great addition to the trail system if possible. Mr. Nielson said the roadway can be maintained but not improved. Mr. Pierson said the developer should be required to fence between the trail and the railroad tracks. Mr. Baker said he cannot fence the area since it is owned by the railroad. Mr. Simpson said when he contacts the railroad concerning the boundary line agreement he will request to be allowed to fence between the roadway and the railroad tracks and be allowed to improve the roadway as part of the trail system in the future.

Mr. Nielson had a question concerning the storm drain. He presented an interim plan for the storm drain until other properties in the area develop.

Mr. Baker said the annexation agreement will include the right-of-way for the road to the cut bridge, the trail and road between 400 North and Center St., and participation in the cost to widen the bridge as determined by a traffic study.

Also, a portion of the development is outside of the city growth boundary. Mr. Pierson said he will make a motion to adjust the growth boundary.

Mr. Baker made a **motion** to recommend approval of the Wood Springs Annexation subject to the following conditions:

1. Deed a right-of-way for the major collector roadway between Center St. and 400 North within 120 days of the annexation with all back taxes paid,
2. Make arrangements with the railroad to fence between the existing roadway and the railroad tracks and receive permission to maintain the roadway as part of the trial system,
3. Require the future developer of the subdivision to install a trail over the existing roadway from Center St. to 400 North,
4. The growth boundary amendment and the lots approved will be subject to the available sewer capacity at the time the plat is brought in for vesting,
5. Pay a share of the costs to widen the bridge in accordance with the percent of impact as per a traffic study.

Mr. Pierson **seconded**, and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission reviewed this item at their March 3, 2004 meeting and recommended approval with the following conditions.

PC Draft Minutes March 3, 2004

Mr. Pierson reviewed the details in the agenda. This annexation is in agreement with the Annexation Plan adopted in December 2002. Mr. Pierson reviewed the DRC recommendations and conditions in the agenda. The sewer line will be moved if there is available capacity.

Commissioner Wadsworth asked how far the bridge would be expanded. Mr. Pierson replied that a traffic study is needed. Commissioner Robins asked where the trail system would be connected. Mr. Pierson said that staff needs to draft a plan to be reviewed by the Parks and Trails Committee.

Commissioner Robins asked if there are plans to connect trail across Highway 6. Mr. Pierson stated that to connect the trail over Highway 6 along 2550 East would likely be a multimillion-dollar project and in the future the city could look at other options, such as obtaining grants.

Commissioner Bradford stated there are multiple properties in the area to be annexed and possibly boundary problems. Mr. Pierson stated that there would need to be a free and clear title report to resolve discrepancies.

Commissioner Shaw stated that way the information in the packet is presented the Smith property will be included in the annexation. Mr. Pierson stated that the Smith's have not asked to be included and he will refer to the applicant.

Dave Simpson, representing WoodSprings LLC Development, stated that they contacted the Creers. They were not interested in the annexation, but the state statute requires that they be included. The City Council will need to review this property.

Chair Jensen asked if there were any other questions. Mr. Simpson stated that six property owners signed the annexation agreement and no one has protested

Chair Jensen asked for public comment. There was none.

Commissioner Shaw made a **motion** to approve the Sunny Ridge Annexation at 400 North 1300 East a positive recommendation to the City Council subject to the following condition(s):

1. Deed a right-of-way for the major collector roadway between Center St. and 400 North within 120 days of the annexation with all back taxes paid,
2. Make arrangements with the railroad to fence between the existing roadway and the railroad tracks and receive permission to maintain the roadway as part of the trail system.
3. Require the future developer of the subdivision to install a trail over the existing roadway from Center St. to 400 North,
4. The growth boundary amendment and the lots approved will be subject to the available sewer capacity at the time the plat is brought in for vesting,
5. Pay a share of the costs to widen the bridge in accordance with the percent of impact as per a traffic study.
6. The properties be zoned R-1-12 with a condition of the annexation that a preliminary plat be submitted and approved within six (6) months of the recordation of the annexation. If not, the properties revert to the R-R zoning designation.

Commissioner Scott **seconded** and the motion **passed** with a unanimous vote.

RECOMMENDATION

APPROVE:

Make a motion to APPROVE the Sunny Ridge Annexation at 400 North 1300 East subject to the following condition(s):

1. Deed a right-of-way for the major collector roadway between Center St. and 400 North within 120 days of the annexation with all back taxes paid,
2. Make arrangements with the railroad to fence between the existing roadway and the railroad tracks and receive permission to maintain the roadway as part of the trial system,
3. Require the future developer of the subdivision to install a trail over the existing roadway from Center St. to 400 North,
4. The growth boundary amendment and the lots approved will be subject to the available sewer capacity at the time the plat is brought in for vesting,
5. Pay a share of the costs to widen the bridge in accordance with the percent of impact as per a traffic study.
6. The properties be zoned R-1-12 with a condition of the annexation that a preliminary plat be submitted and approved within six (6) months of the recordation of the annexation if not the properties revert to the R-R zoning designation.

<u>TABLE</u>
Make the motion that we TABLE the Sunny Ridge Annexation at 400 North 1300 East for the following reason(s):

<u>DENY:</u>
Make the motion to DENY the Sunny Ridge Annexation at 400 North 1300 East for the following reason(s):

Sunny Ridge Annex. Map

1 inch equals 933.9 feet

Legend

Roads

- Other Roads
- Not Paved
- Paved
- Railroad
- Rivers
- Schools
- A-E
- C-1
- C-2
- C-D
- C-O
- I-1
- I-2
- I-3
- R-1-12
- R-1-30
- R-1-6
- R-1-8
- R-1-9
- R-1-6
- R-3
- R-O
- R-R
- S-C
- UV-C
- Buildings
- Spanish Fork Boundary
- LineMeasurements
- Brockbank_Boyack_Evans

Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

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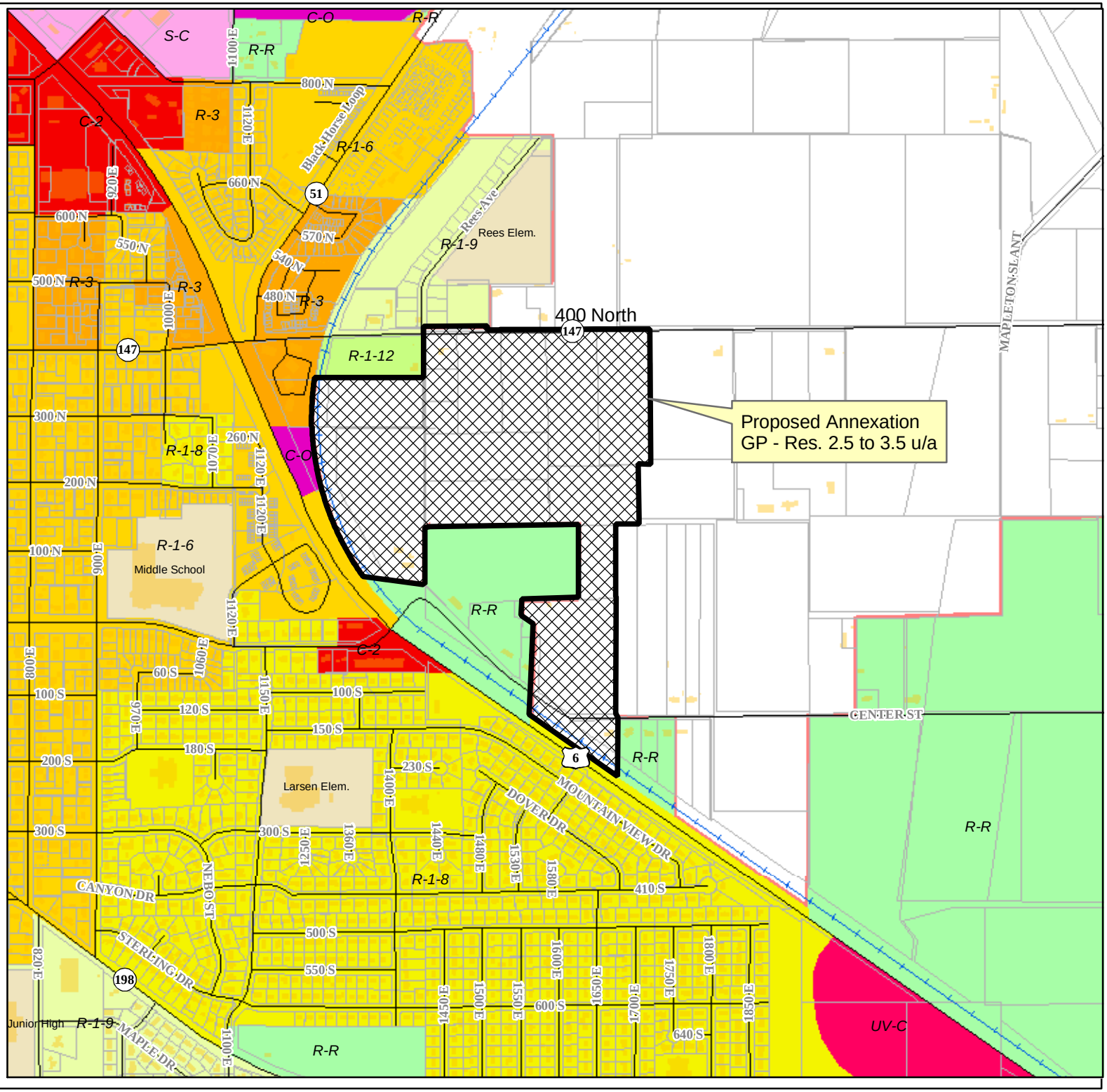
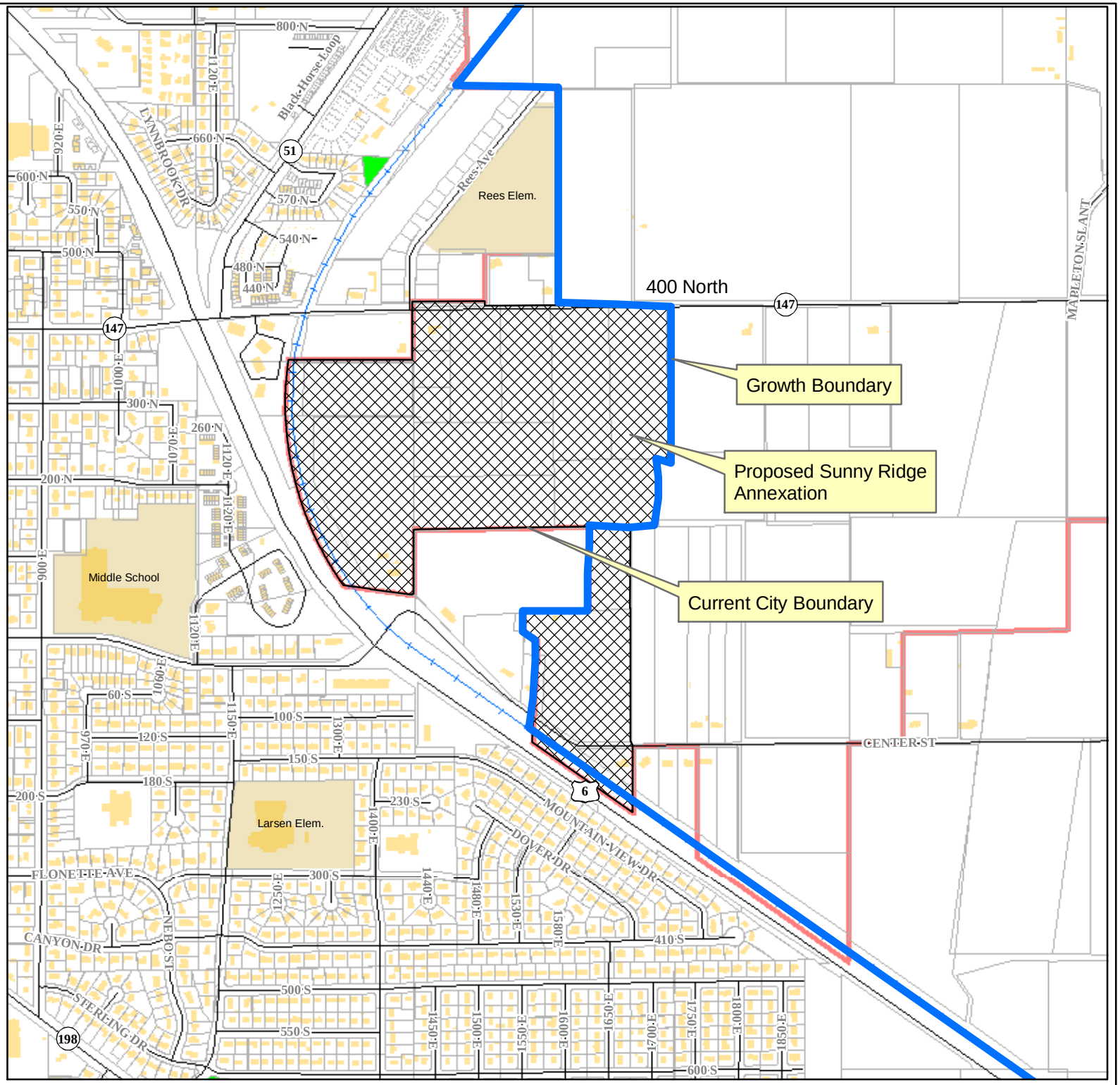


Sunny Ridge Annex. Map

1 inch equals 826.3 feet



Legend

Roads

- Other Roads
- Not Paved
- Paved
- Railroad
- Rivers
- Schools
- Parks
- Buildings
- Spanish Fork Boundary
- LineMeasurements
- GrowthBoundaryOutline
- Brockbank_Boyack_Evans

Spanish Fork Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
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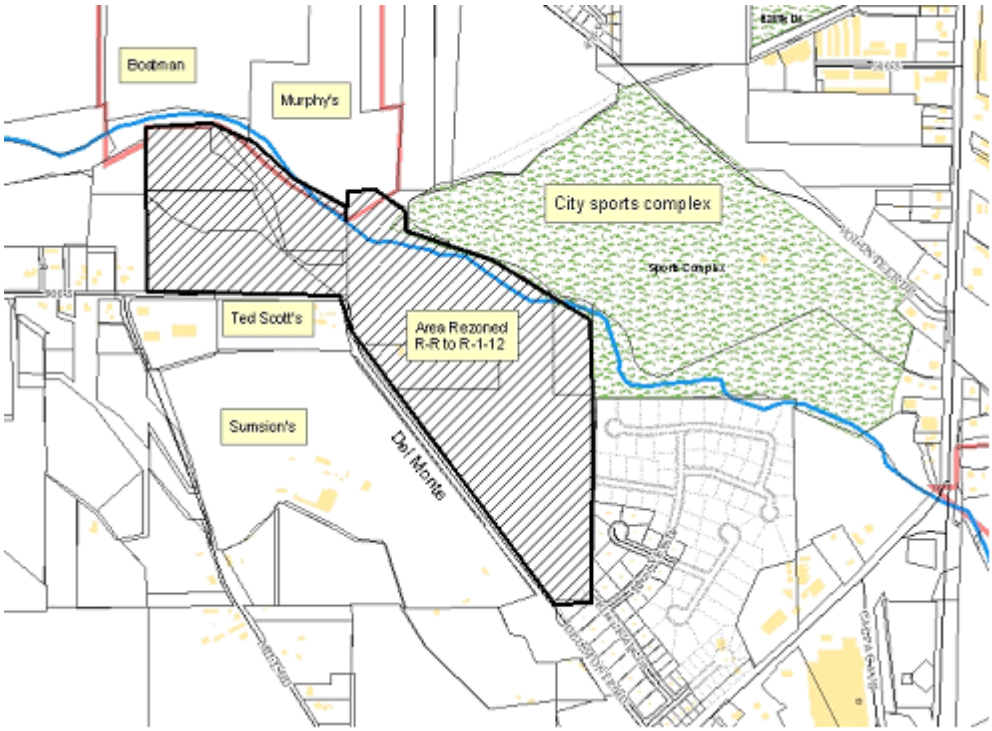
Spanish Fork City Council Report

To:	**City Council**	**ID #**	**Zone 03-09**
From:	**Emil Pierson, City Planner**	**Current Zoning**	**R-R**
Date:	**April 6, 2004**	**Proposed Zoning**	**R-1-12**
Subject:	**Hughes/Hill (River Cove) Rezone**	**Property Size**	**80.37**
Location:	**900 South Del Monte Road**		

BACKGROUND

The applicant(s), David Hughes and Gerald Hill with Westfield Development (Richard Mendenhall), is asking for rezone approval of approximately 80.37 acres from Rural Residential (R-R) to Low Urban Residential (R-1-12). If approved Westfield Development is planning to subdivide the property into a subdivision known as River Cove (see preliminary plat). This property is shown on the General Plan as Residential 2.5 to 3.5 u/a and the zoning requested follows the Plan.



ANALYSIS

The property is 80.37 acres in size and is currently being farmed. To the north is the Spanish Fork River and the sports complex owned by the city. To the east is Quail Hollow subdivision zoned R-1-12. To the south is Del Monte Road and JBP and the Teed Scott residence.

DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee reviewed this request at their January 21st and 28th meetings and recommended approval.

Minutes from January 21, 2004
This item was tabled along with the Preliminary Plat.

Minutes from January 28, 2004
Mr. Pierson said this item was tabled from last week. Mr. Thompson said the city has not received the study on the armor and flow capacity of the river. The study will need to be submitted and reviewed before the plat will be approved. Mr. Eskelson said he will give the study to Richard Heap today. He said he also brought a sample of the materials that could be use. He is not sure what the city wants as far as materials. Mr. Thompson said Mr. Heap wants a recommendation based on the engineering study and the city engineering department will review the recommendation. Mr. Mendenhall said at this time the banks are stable.

Mr. Baker said the concern is the condition of the river bank in the event of a substantial increase in the river flow. The city wants to insure the river channel will not change or erode. Mr. Eskelson said if there is vegetation growing in the river bed or on the river bank it will encroach on the flow of the river. Mr. Baker said there is a problem with vegetation, however, the county is unwilling to provide maintenance during the drought period. Mr. Thompson said the recommendation needs to be based on vegetation growth and increased river flow. If there is no way to safeguard the homes and lots from erosion then the plat will not be approved. Mr. Eskelson said they need to make sure the bridge is wide enough to accommodate increase river flow and the corners of the river banks are armored properly. Mr. Baker said the city wants to prevent lot erosion mostly.

Mr. Pierson said he needs to prepare a staff report tomorrow for the Planning Commission agenda packets and needs the river study information. Mr. Thompson said there is also an issue with the River Road alignment. Mr. Mendenhall presented a document to the Development Review Committee and reviewed it. Mr. Beecher said according to the most recent county records indicate an overlap in the Murphy and Hughes properties. Mr. Baker said the two property owners will need resolve the property ownership issue and the River Road alignment. Mr. Pierson said this matter will not be presented to the Planning Commission until the River Road alignment and property ownership issues are resolved.

Mr. Carlisle, from LEI, said they were presented information from the city concerning the road alignment and designed the Fieldstone Development road alignment accordingly. Mr. Thompson said the city provided the information from the Lew Christensen property and LEI designed the road to the river. The road from the Fieldstone property on the north side of the river and the road from the River Cover property on the south side of the river do not align. Mr. Mendenhall said this is where the alignment works best for the River Cove Development and the contours of the property. Mr. Pierson said the realignment on the north side of the river may require West Field, developer of the River Cover Development, to build a portion of River Road on the north side of the river.

Mr. Baker said the property owners and developers need to resolve the issue.

10:35 am - David Oyler arrived.

Mr. Mendenhall said they will meet with Fieldstone Development and LEI and resolve the issues. Mr. Pierson said a letter to the city will be required stating the issues have been resolved. Mr. Thompson said he has requested from LEI a right-of-way for the recording of the trail design. The property deed is for the roadway, trail, and park access. Mr. Pierson said another issue to be resolved is the area to be considered open space. The Recreation Committee would like the developer to work with the Shade Tree Commission in determining what trees are to remain. Removal of the unwanted trees and the clean up are to be paid for by the developer. Also, the developer is to complete the connection to the trail with an additional connection running underneath the bridge.

Mr. Eskelson asked if Fieldstone will pick up the trail at the property line near the bridge. Mr. Pierson affirmed. Mr. Thompson said there will also be a little bride across a stream within the park area. Westfield Development will

need to construct the bridge after the city has redirected the stream. Mr. Broadhead asked how the utilities will get across the river. Mr. Eskelson reviewed the utility design across the river. There will be a sewer lift station and then the sewer line will go under the river. Mr. Broadhead said he thought there was a pressurized irrigation line and loop.

11:00 am - Dave Hughes arrived
Mr. Eskelson said he was aware of the pressurized irrigation line and loop. They will put it in as well. Also the electric services will be brought across on the bridge and the water and pressurized irrigation will run under the bridge. Mr. Broadhead said the water lines should be buried to prevent freezing. Mr. Bagley said the phase three electric line will need to be in a casing. Mr. Baker said the design and construct of the bridge will need to be approved by Richard Heap. Mr. Pierson requested a review of the items included in the phases of the development.

Mr. Eskelson said the open space, the bridge, and the Delmonte Rd. connection will be included in phase one. The attaching housing will be in phase two. Phases one and two will be constructed concurrently. Phases three, four, and five will be completed consecutively in that order. Also, there will be a temporary access on the east side of the property.

Mr. Oyler asked who will clear an emergency access in case of snow. Mr. Banks said until the rezone is approved the city will not clear the access. Mr. Mendenhall said they are required to keep access to the Hughes home open and it will be used as an emergency access.

Mr. Baker said it may be best to wait on the trail until the proper alignment is determined. Set a deadline for the completion of the trial and the open space cleanup and allow the developer to complete it earlier if possible.

Mr. Pierson reviewed the bonus density spreadsheet as shown below. All of the Development Review Committee members agreed with the density matrix as presented. (This is in the Preliminary Plat Report)

Mr. Baker made a motion to recommend approval of the request to rezone the Hughs/Hill Property located at 975 South Del Monte Rd. from R-R to R-1-12 upon the finding the rezone meets the requirements of the General Plan. Mr. Broadhead seconded, and the motion passed with a unanimous vote.

PLANNING COMMISSION

Minutes from February 4, 2004

The Planning Commission reviewed the request to rezone the property and also reviewed the preliminary plat. The rezone request was tabled with the preliminary plat so additional information could be presented on the road alignment and the townhomes.

Minutes from March 3, 2004 (see minutes in PC report for Preliminary Plat)

Commissioner Bradford made a **motion** to give the City Council a positive recommendation on the Hughes/Hill (River Cove) Rezone of 80.37 acres at 900 South and Del Monte from Rural Residential (R-R) to Low Urban Residential (R-1-12) with the following findings and condition(s)**:**
Findings
That the zone change is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan; and the General Plan shows this property as Residential 2.5 to 3.5 u/a and the R-1-12 is within that density.
That consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.
Conditions(s):
1. That the developer consider mitigation measures to reduce flooding on the property.

Commissioner Shaw stated that a comment was made by Commissioner Wadsworth regarding the findings. Mr. Pierson stated that comment was given in addition to the findings and that Commissioner Wadsworth noted that the condition address this. Commissioner Shaw **seconded** and the motion **passed** unanimously.

RECOMMENDATION

APPROVE
Make a motion to **APPROVE** rezoning the property located at 900 South Del Monte Road known as the Hughes/Hill (River Cove) Rezone from Rural Residential (R-R) to Low Urban Residential (R-1-12) with the following condition(s):

1. That the developer consider mitigation measures to reduce flooding on the property.

DENY
Make a motion to **DENY** rezoning the property located at 900 South Del Monte Road known as the Hughes/HIll (River Cove) Rezone for the following reason(s):

TABLE
Make a motion to **TABLE** rezoning the property located at 900 South Del Monte Road known as the Hughes/HIll (River Cove) Rezone for the following reason(s):

River Cove Rezone Map

1 inch equals 843.7 feet

Legend

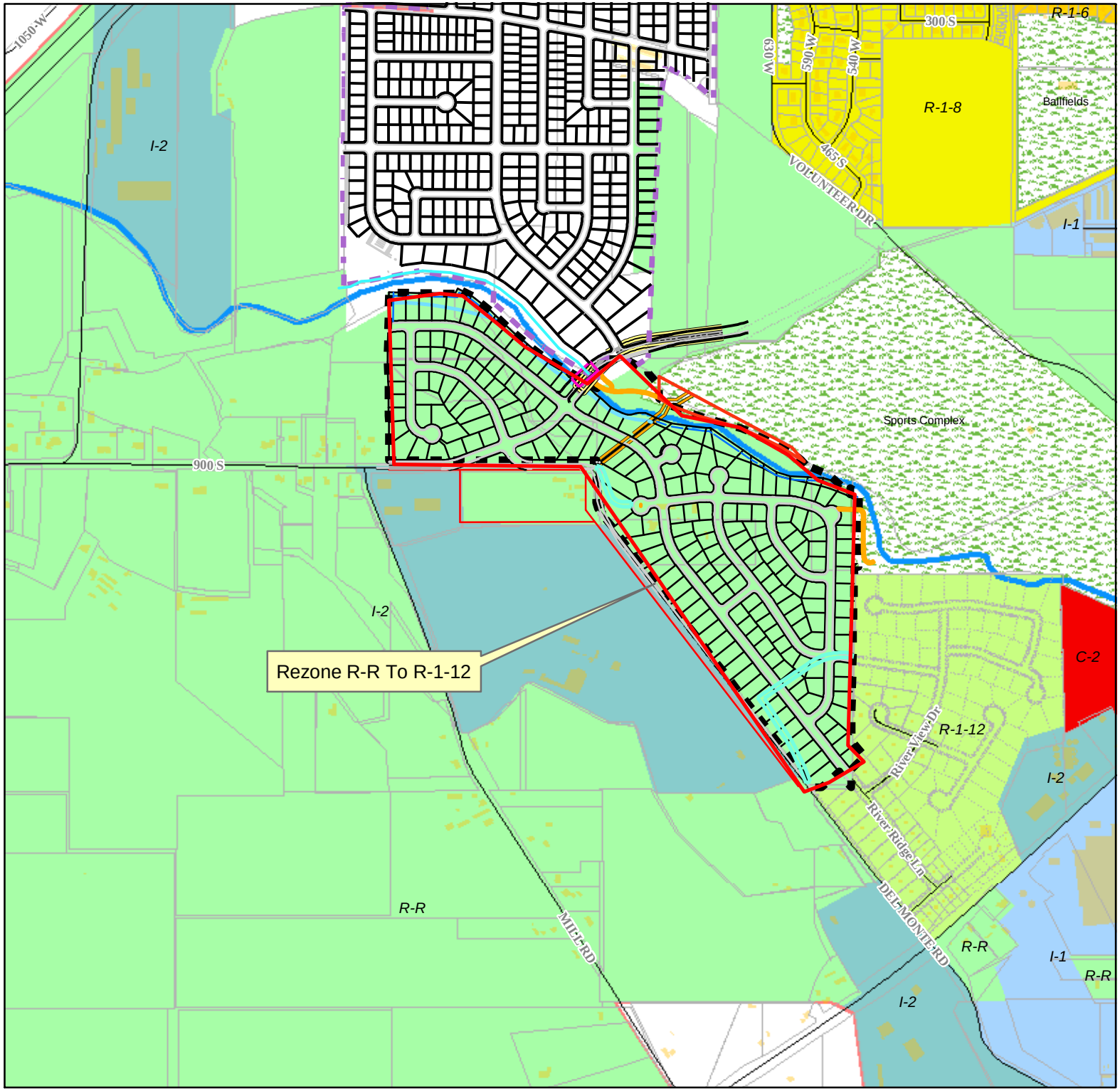
Roads

- Other Roads
- Not Paved
- Paved
- Rivers
- Parks
- A-E
- C-1
- C-2
- C-D
- C-O
- I-1
- I-2
- I-3
- R-1-12
- R-1-30
- R-1-6
- R-1-8
- R-1-9
- R-1-6
- R-3
- R-O
- R-R
- S-C
- UV-C
- Buildings
- Spanish Fork Boundary
- LineMeasurements
- Subdivision Boundary
- Lot Lines
- Lot ROW
- Curb & Gutter
- Paths
- Deed To Spanish Fork
- Scott Deed
- River Easement
- EOA
- Prop. Bridge Ln CL
- Prop. Bridge Ln EOA
- FEMA Line
- Temp. Secondary Access
- Gas Easement

SpanishFields_3rdVersion

Layer

- Subdivision Boundary
- Curb and Gutter
- Edge of Asphalt
- Existing Buildings
- FEMA Line
- Lot Lines
- New Bridge



Spanish Fork Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

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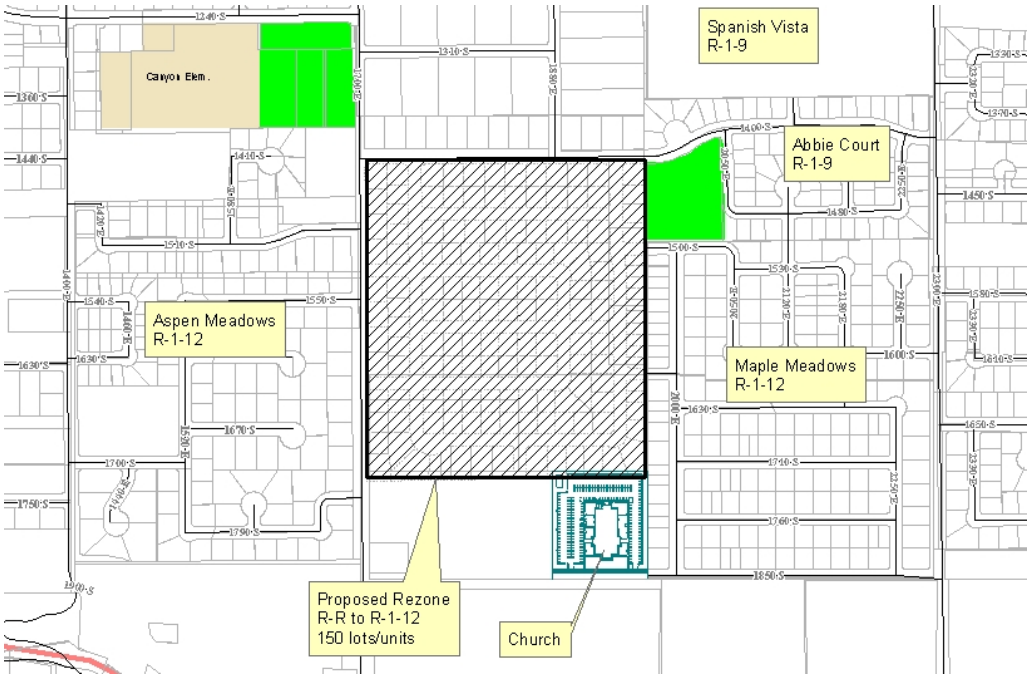
SPANISH FORK CITY
CITY COUNCIL
STAFF REPORT

To:	**City Council**		
From:	**Emil Pierson, City Planner**	**Zoning:**	**R-R to R-1-12**
Date:	**April 6, 2004**	**Property Size:**	**43 acres**
Subject:	**Cloward/Hales & Santos "Pine Meadows" Rezone**	**# Lots:**	**N/A**
Location:	**1700 East 1400 South**		

Public Hearing: Noticed of the public hearing as well as being published in the Daily Herald 14 days prior to the meeting.

Background

The applicant(s), Dave Cloward/Cliff Hales & Frank Santos, is asking for rezone approval of approximately 43 acres from Rural Residential (R-R) to Low Urban Residential (R-1-12). If approved they are planning to subdivide the property into a subdivision known as Pine Meadows (see preliminary plat). This property is shown on the General Plan as Residential 2.5 to 3.5 u/a and the zoning requested follows the Plan.



Analysis

The property is 43+ acres in size and is currently being farmed. To the north is the Purnell Estate subdivision zoned R-1-9. To the east is Maple Meadows subdivision zoned R-1-12. To the south is property owned by the Vincents' which is being farmed and to the west is the Fox Run and Aspen Meadows subdivisions zoned R-1-12.

Development Review Committee

The Development Review Committee reviewed this request at their February 18th and 25th meetings and recommended approval.

Minutes from February 18, 2004

This item was tabled along with the Preliminary Plat.

Minutes from February 25, 2004

Mr. Santos reviewed the density bonus matrix. For the landscaping bonus he will require the home builder to install front yard landscaping and sprinkling system.

Mr. Pierson said suggests 3.5 bonus points for the landscaping as stated by Mr. Santos. There will be no certificate of occupancy granted until the landscaping is in or bonded for. A review of the density bonus matrix continued.

Mr. Pierson asked if the developer had plans to deed the four lots at the south east corner of the property for a park. Mr. Hales said since there is an existing park located in the adjacent subdivision there would be no need for another park. Mr. Robinson said there is an advantage to expanding the existing park for future use and since the four lots are connected to the park it would allow for the expansion.

Mr. Pierson said there is also a property line issue. There is a small strip of land between the two subdivisions.

Mr. Santos said the county property line is the official property line. Mr. Heap said the property line issues need to be resolved in the title report. Mr. Robinson would like the four lots to expand the park.

Mr. Pierson said he would like the twinhomes near the large lots to be relocated near the twinhomes in the adjacent subdivision. Mr. Santos said also there will be no siding with 25 percent of the homes all home stucco or stone.

Mr. Pierson said the park with give the developer additional density bonus points for the lots used to expand the park. The developer can donate four lots for the park or donate to the parks and trails account in the same amount it would cost to develop the property as a park.

Mr. Heap said the cost to develop the park would be $50,000. A discussion took place and the amount was lowered to $45,000. Mr. Hales said they will donate $45,000 to the city parks and trails account in order to receive the density bonus points. The amount will be paid when 50 percent of the lots are ready to record.

Mr. Santos held a neighborhood meeting. He mailed 117 notices and had three residents attend the meeting.

Mr. Pierson said the four lots backing the park property are to be fenced with matching fencing material and a mulch strip underneath. Mr. Heap said a bond will need to be posted for the offsite storm and the easements will need to be obtained before any plats are recorded.

Mr. Nielson said along 1700 East and 1400 South there will be many utility cuts. Therefore, the one inch overlay will need to be the full width of the street. He may share the costs with the developer on the other half of the street in areas being developed. Mr. Hales said all of 1700 East will be completed with phase one.

Mr. Nielson said a 5-foot parkstrip will be needed along the 6-foot sidewalk.

Mr. Pierson made a **motion** to recommend approval of the Santos and Hales Rezone of 43.856 acres located at 1700 East 1400 South, from Rural Residential (R-R) to Low Urban Residential (R-1-12). Mr. Nielson **seconded**, and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission discussed this request as part of the preliminary plat for the property. They recommended approval.

PC Tentative Minutes from March 3, 2004 (for complete minutes see the Preliminary Plat Report)

Commissioner Shaw made a **motion** to give the City Council a positive recommendation on the Cloward/Hales and Santos (Pine Meadows) Rezone of 43 acres at 1700 East 1400 South from Rural Residential (R-R) to Low Urban

Residential (R-1-12) on the rezone. Commissioner Scott seconded and the motion passed with a unanimous vote.

RECOMMENDATION

APPROVE

Make a motion to **APPROVE** the Cloward/Hales and Santos (Pine Meadows) Rezone of 43 acres at 1700 East 1400 South from Rural Residential (R-R) to Low Urban Residential (R-1-12) **with the following findings and condition(s)**:

Condition(s):

None

DENY

Make the motion to **DENY** the Cloward/Hales and Santos (Pine Meadows) Rezone of 43 acres at 1700 East 1400 South from Rural Residential (R-R) to Low Urban Residential (R-1-12) for the follow reason(s):

TABLE

Make the motion to **TABLE** the Cloward/Hales and Santos (Pine Meadows) Rezone of 43 acres at 1700 East 1400 South from Rural Residential (R-R) to Low Urban Residential (R-1-12) for the follow reason(s):

The Family Literacy Center

"Literacy is the key that unlocks the world of employment - - books - - the Information Superhighway - - and the rewards of full participation in family and community life."

Richard Riley, Secretary of Education

FAMILY LITERACY

LINKING A LEGACY OF LEARNING

Family Literacy Centers, Inc.

MISSION STATEMENT

The goal of Family Literacy Centers, Inc. is to offer effective one-on-one literacy training to help families and individuals develop the necessary literacy skills to thrive in society, finding value and happiness in their work, in their educational experience, and in their personal lives.

Family Literacy Centers, Inc. are non profit service organizations, relying upon volunteers for success in the literacy effort.

SPANISH FORK

AGENDA REQUEST FORM

Date of Meeting Requested to Attend: April 6, 2004

All forms must be completed and returned by NOON the Thursday before the Council Meeting requested. (Return no later than: April 1, 2004) Thank you.

Name DJJ Elite Dev. Phone Number

Address

Please list the subject and detailed information regarding your request:

Spanish Trails Development Agreement + Letter from Junior Baker 2/04.

Signature

Date 3/29/04

SPANISH FORK CITY

AGENDA REQUEST FORM

Date of Meeting Requested to Attend:

All forms must be completed and returned by NOON the Wednesday before the Council Meeting requested. (Return no later than:_____) Thank you.

Name Del Roy Anderson

Phone Number

Address

Please list the subject and detailed information regarding your request:

I bought the home at 91 N 100 West Next to My home at 81 N 100 W in 1972 I have paid the Sewer fees for thos thirty Some years and found out Last week we were Not hooked up to the Sewer but were still on Septic tank System. It Cost Me $5,000 to tear up Concrete drive way and hook to City Sewer on 1st North. I would like to have fees that I have paid over those years refunded and applied toward that $5,000.

Del Roy G. Anderson

Signature

3-31-04

Date

SPANISH FORK CITY

AGENDA REQUEST FORM

Date of Meeting Requested to Attend: April 6th 04

All forms must be completed and returned by NOON the Wednesday before the Council Meeting requested. (Return no later than:_____) Thank you.

Name Allen Evans	Phone Number
Address	

Please list the subject and detailed information regarding your request:

Permission from the Council to go ahead with Aspen Heights Sub Division

1895 1700E Sp. Fork

Allen Evans

Signature

3-31-04

Date

Spanish Fork City Council Report

To:	**City Council**	**ID#**	
From:	**Emil Pierson, City Planner**	**Zoning**	**R-1-12**
Date:	**April 6, 2004**	**Property Size**	**80.37**
Subject:	**River Cove Preliminary Plat**	**# Lots/Units**	**205**
Location:	**900 South Del Monte Road**	**Units/Acre**	**2.55**

Background

The applicant(s), WestField Development (Richard Mendenhall), is requesting preliminary plat approval in order to develop a 205 single family lot subdivision. The property is shown in the General Plan as Residential 2.5 to 3.5 u/a. The applicant is requesting to rezone the property to R-1-12. The property is 80.37 acres in size and is currently being farmed. To the north is the Spanish Fork River, to the east is property zoned R-1-12 and is known as the Quail Hollow by the River subdivision. To the south is property zoned R-R (Scott's, Isaac) and I-2 (Jack B. Parson's/ Valley Asphalt). West of the proposed development is property owned by the Warner's zoned R-R.

Analysis

See attached packet provided by the developer. *Lot Sizes:* The single family lots range from 8,100 to 37,000 square feet with most of the lots exceeding 10,000 square feet.

Homes: The developer is proposing custom homes with upgraded exteriors and roof lines.

Access: Access into the subdivision is shown from a new road that would be constructed from 900 South to Volunteer Drive (Fieldstone is constructing). Another access into the subdivision will come from the south through the Quail Hollow on the River Subdivision along the hill side. The developer is also required to participate in the construction of a vehicle and pedestrian bridge across the river.

Density: The General Plan designates this property as Residential 2.5-3.5 u/a. The developer is proposing this subdivision at 3.09 u/a. If the developer does not want to do the Master Planned Development (MPD) concept he would be required to have all of the lots over 12,000 square feet respectively. The developer, on the other hand, has decided to do a MPD and include town homes and lots under the required size.

Amenities

1. 5.26 acres of open space on the north side of the Spanish Fork river be deeded to the City
2. Constructing the river trail on the north side of the river
3. Cleaning up the fallen trees on the north side of the river.
4. Construct the trail under the bridge which will require the trail to be of concrete
5. Construct the trail between lots 50 & 51 and connect to city trail and Quail Hollow trail
6. Widening the sidewalk to 6 feet coming from 900 South to the river bridge (trail)

Because they dropped the townhomes and the density decreased the following amenities were dropped:

* Higher quality homes with brick, stone, and masonry products
* Roof lines will be a minimum of 7/12 pitch
* Landscaping being required within one year of the home being constructed.

** remember no requirements can be placed on the subdivision if they are not asking for a density increase.

General Plan – Findings of Facts

The River Cove Preliminary Plat follows and supports the General Plan by meeting the following Goals and Policies:

General Land Use Goals and Policies

Goal One: To maintain the high quality physical and social environment in Spanish Fork.

Policies:

- Require new development to respect the character of the surrounding area.
- Require that all implementing ordinances (i.e., zoning and subdivision regulations) be consistent with the General Plan.
- Allow development to occur only in areas where adequate streets, public facilities, and services exist or where the developer will provide them

Residential Policies:

Goal One: To provide high quality, stable residential neighborhoods.

Policies:

- Encourage the creation of neighborhood or homeowners' associations to help maintain the quality of neighborhoods.
- Design local streets in residential areas with discontinuous patterns to discourage through traffic.

Goal Two: To provide a range of housing types and price levels in all areas of the City.

Policies:

- Allow a variety of lot sizes and housing types in all "Urban Residential" areas.
- Develop an architectural theme that integrates different housing types in mixed-use projects
- Allow residential development projects that provide superior design features and amenities to be developed at the high end of the density ranges as shown on the General Plan Map.

Goal Three: To ensure that adequate open space, buffering, and landscaped areas are provided in new developments.

Policies:

- Develop an overall landscape concept for all common areas of the project including, entries, street plantings, reverse frontage streets, and park and retention areas.

- Select plant materials that are suited for their proposed use.
- Install street landscaping in significant lengths to develop the desired character and maintain continuity in the project.
- Develop parks within ½ mile of all residences.

Transportation Goals and Policies

Goal One: Provide a safe, convenient, and efficient system for transporting both people and goods.

Policies:

- Develop intersections to obtain Level of Service C or better during peak-hour traffic periods. Reduce the intensity of proposed projects or require traffic improvements to maintain or achieve Level of Service C or better.
- Require new developments to have or to develop appropriate access for the intensity of the development.
- Obtain needed street rights-of-way through property dedication when subdivisions, conditional use permits, rezonings, or design review plans are approved.
- Base street system planning on traffic generated from planned uses. Changes in planned uses are to be accompanied by an analysis of traffic impacts created by those land use changes and what improvements are needed to deal with these impacts.
- Design sidewalks along new streets to be set back from the traveled roadway, thereby providing a safer walking area.
- Design local residential streets with discontinuous patterns to discourage through traffic.
- Discourage partial width streets (half streets) for new, local streets.

Goal Two: Provide pleasant, safe, and functional non-motorized transportation routes.

Policies:

- Prepare a more extensive bikeway and trails plan that identifies which parts of the system should be paths, routes, or lanes, and what types of non-motorized transportation should occur in each area. Develop detailed design guidelines for each component of the system.
- Require pedestrian walkways between sidewalks along public streets and developments adjacent to those streets. Pedestrians should not have to use driveways or parking lots as the only access points to buildings.

Development Review Committee

The Development Review Committee reviewed this request at their January 21st and January 28, 2004 meetings.

Minutes from January 21st

The preliminary plat was discussed and tabled until the open space issue could be resolved along with the bridge, road alignment, river channel and capacity, and property lines.

Minutes from January 28, 2004

Mr. Pierson said this item was tabled from last week. Mr. Thompson said the city has not received the study on the armor and flow capacity of the river. The study will need to be submitted and reviewed before the plat will be approved. Mr. Eskelson said he will give the study to Richard Heap today. He said he also brought a sample of the materials that could be use. He is not sure what the city wants as far as materials. Mr. Thompson said Mr. Heap wants a recommendation based on the engineering study and the city engineering department will review the recommendation. Mr. Mendenhall said at this time the banks are stable.

Mr. Baker said the concern is the condition of the river bank in the event of a substantial increase in the river flow. The city wants to insure the river channel will not change or erode. Mr. Eskelson said if there is vegetation growing in the river bed or on the river bank it will encroach on the flow of the river. Mr. Baker said there is a problem with vegetation; however, the county is unwilling to provide maintenance during the drought period. Mr. Thompson said the recommendation needs to be based on vegetation growth and increased river flow. If there is no way to safeguard the homes and lots from erosion then the plat will not be approved. Mr. Eskelson said they need to make

sure the bridge is wide enough to accommodate increase river flow and the corners of the river banks are armored properly. Mr. Baker said the city wants to prevent lot erosion mostly.

Mr. Pierson said he needs to prepare a staff report tomorrow for the Planning Commission agenda packets and needs the river study information.

Mr. Thompson said there is also an issue with the River Road alignment. Mr. Mendenhall presented a document to the Development Review Committee and reviewed it. Mr. Beecher said according to the most recent county records indicate an overlap in the Murphy and Hughes properties. Mr. Baker said the two property owners will need resolve the property ownership issue and the River Road alignment. Mr. Pierson said this matter will not be presented to the Planning Commission until the River Road alignment and property ownership issues are resolved.

Mr. Carlisle, from LEI, said they were presented information from the city concerning the road alignment and designed the Fieldstone Development road alignment accordingly. Mr. Thompson said the city provided the information from the Lew Christensen property and LEI designed the road to the river. The road from the Fieldstone property on the north side of the river and the road from the River Cover property on the south side of the river do not align. Mr. Mendenhall said this is where the alignment works best for the River Cove Development and the contours of the property. Mr. Pierson said the realignment on the north side of the river may require West Field, developer of the River Cover Development, to build a portion of River Road on the north side of the river.

Mr. Baker said the property owners and developers need to resolve the issue.

10:35 am - David Oyler arrived.

Mr. Mendenhall said they will meet with Fieldstone Development and LEI and resolve the issues. Mr. Pierson said a letter to the city will be required stating the issues have been resolved. Mr. Thompson said he has requested from LEI a right-of-way for the recording of the trail design. The property deed is for the roadway, trail, and park access.

Mr. Pierson said another issue to be resolved is the area to be considered open space. The Recreation Committee would like the developer to work with the Shade Tree Commission in determining what trees are to remain. Removal of the unwanted trees and the clean up are to be paid for by the developer. Also, the developer is to complete the connection to the trail with an additional connection running underneath the bridge.

Mr. Eskelson asked if Fieldstone will pick up the trail at the property line near the bridge. Mr. Pierson affirmed. Mr. Thompson said there will also be a little bride across a stream within the park area. Westfield Development will need to construct the bridge after the city has redirected the stream. Mr. Broadhead asked how the utilities will get across the river. Mr. Eskelson reviewed the utility design across the river. There will be a sewer lift station and then the sewer line will go under the river. Mr. Broadhead said he thought there was a pressurized irrigation line and loop.

11:00 am - Dave Hughes arrived

Mr. Eskelson said he was aware of the pressurized irrigation line and loop. They will put it in as well. Also the electric services will be brought across on the bridge and the water and pressurized irrigation will run under the bridge. Mr. Broadhead said the water lines should be buried to prevent freezing. Mr. Bagley said the phase three electric line will need to be in a casing. Mr. Baker said the design and construct of the bridge will need to be approved by Richard Heap. Mr. Pierson requested a review of the items included in the phases of the development.

Mr. Eskelson said the open space, the bridge, and the Del Monte Rd. connection will be included in phase one. The attaching housing will be in phase two. Phases one and two will be constructed concurrently. Phases three, four, and five will be completed consecutively in that order. Also, there will be a temporary access on the east side of the property.

Mr. Oyler asked who will clear an emergency access in case of snow. Mr. Banks said until the rezone is approved

the city will not clear the access. Mr. Mendenhall said they are required to keep access to the Hughes home open and it will be used as an emergency access.

Mr. Baker said it may be best to wait on the trail until the proper alignment is determined. Set a deadline for the completion of the trial and the open space cleanup and allow the developer to complete it earlier if possible.

Mr. Pierson reviewed the bonus density spreadsheet as shown below. All of the Development Review Committee members agreed with the density matrix as presented. (This is in the Preliminary Plat Report)

Mr. Baker made a motion to recommend approval of the request to rezone the Hughes/Hill Property located at 975 South Del Monte Rd. from R-R to R-1-12 upon the finding the rezone meets the requirements of the General Plan. Mr. Broadhead seconded, and the motion passed with a unanimous vote.

Mr. Pierson made a motion to recommend approval of the River Cove Preliminary Plat located at 975 South Del Monte Rd. on the following condition(s):

1. Install improvements along Del Monte Rd., with the exception of the sidewalk,
2. No hill area excavation is to take place without approval from the city engineer,
3. Provide a flood plain update and a wetlands report to the city,
4. Upon development of 50 percent of the lots, a 14-foot asphalted pedestrian access between lots 50 and 51 connecting to the city trail is to be bonded for and installed at the developer's expense,
5. Submit covenants, codes and restrictions for the development to the city,
6. The developer is to sign off on all house plans in the subdivision,
7. Provide the city with a title report for all of the property and work out all boundary issues prior to going to the City Council,
8. The project is to meet all of the construction and development standards,
9. The developer of the Butlers' property is to participate in the cost of constructing a pedestrian/vehicle bridge over the Spanish Fork River; to the percent indicated by an updated traffic study,
10. Construct the River Cove Project as per the preliminary plan document contained in the packet,
11. The developer is to provide an engineering study of the stability of the existing river rip rap,
12. No duplicate homes are to be constructed within 120 feet of each other,
13. Receive approval of the electrical design for the development from Jeff Foster of the Electrical Department,
14. Construct 50% of the homes with at least 25% stone, brick, or masonry surface,
15. Side entry garages are strongly recommended on homes located on corner lots, especially on 66-foot right-of-ways,
16. The project is to contain not more than 249 units as contained in the development packet,
17. Irrigation ditches in the development are to be piped or eliminated and provide a letter of approval from the Irrigation Company,
18. Have a 20-foot access easement along the south side of the river for maintenance purposes,
19. Point system is approved as shown on the attached sheet,
20. All open space areas are to be deeded to the city as part of the 1st plat
21. Any grading of the hillside is to be re-vegetated,
22. Feeder power line is to come off the hill at lot 1 and follow along River Ridge Lane,
23. Meet with the US Post Office concerning the location of the post office boxes,
24. Construct a 10-foot pedestrian and equestrian trail along the river as per the Spanish Fork City standards,
25. The developer is required to work with the city Shade Tree Commission to determine which trees need to be removed and pay the cost of "removing of the trees and cleaning up" of the park area on the north side of the river,
26. The developer is to pay the cost of connecting the trail through the "park area" on the north side of the river as well as constructing the trail under the proposed bridge,
27. Provide a right-of-way description to the City Engineering Department prior to the City Council meeting.

Mr. Baker seconded, and the motion passed with a unanimous vote.

Planning Commission

This request went before the Planning Commission first on February 4th and then again on March 3rd. After the first PC meeting the Planning Commissioners requested that the developer meet with the adjacent neighbors and review the roadway coming off of the hill. They met with staff and the adjacent property owners about the roadway and came up with the best alternative which they have submitted. To resolve other concerns they have removed the townhomes from the proposed project. By removing the townhomes the density has dropped as well as the amenities in the project.

Minutes from March 3, 2004 PC meeting

Commissioner Scott stated that he has a conflict of interest as the development borders his property and it is in the best interest to step down from hearing this item.

Chair Jensen stated that this item was tabled from February 4. Mr. Pierson stated that it was tabled due to the concerns over River Road and to give the developer time to meet with the neighbors. He will skip the staff report and turn the time over to the developer.

Mr. Mendenhall stated there were two primary concerns, the first being the town homes. These were eliminated in favor of single-family dwellings. This will minimize the number of driveways on River Road. Of 205 lots, four will have direct access to River Road. Mr. Mendenhall stated that he feels Westfield has addressed the concerns regarding the town homes.

The second concern was the design of River Road. Westfield has spoken with all of the residents in the area or has attempted to do so by sending letters inviting them to have a meeting and by making phone calls. Westfield met with both the Scott's and staff and the alignment as presented was acceptable.

Mr. Eskelson stated that they tried to minimize the grade, making it safe for truck traffic and going up to the intersection. Many alternatives were discussed and this is the most safe and equitable solution. Mr. Mendenhall stated that the Scott's were concerned with the flow of irrigation water. A berm, curbing and a storm drain system will be used as a backup. A curb cut will be put in for a private lane access for the Scott property and another one to the north for Leland Mills.

The alignment of River Road includes a 90-degree corner for the Mills' traffic on a 66-foot roadway. There will be one more turns that are less difficult to negotiate for the trucks. The design has left turn lanes and other accommodations to facilitate the commercial trucks. In discussions with staff regarding Del Monte to Arrowhead, there are no significant concerns. Future traffic studies may have different conclusions.

Commissioner Robins asked the applicants to clarify the grades of River Road. The downgrade is 3.5%. The uphill grade is 2.5%. More fill will be needed. Overall, there is a grade of less than 6%.

Commissioner Wadsworth addressed a question of property being deeded to the city to Mr. Eskelson. Mr. Eskelson stated that in the future, the city might find alternate uses for the triangular piece of property along the abandoned section of road. Mr. Pierson stated that there are some constraints on the usage due to the high-pressure gas line.

Chair Jensen stated that Mr. Isaac, owner of Leland Mills, would still have trucks using the road and this design will be better. He asked Mr. Mendenhall if he spoke with Mr. Isaac. Mr. Mendenhall stated that he did speak with Mr. Isaac, who stated that the traffic flow will be better.

Mr. Pierson stated that this road is in the Master General Plan as a collector and is wide enough for future Leland traffic. Commissioner Shaw asked if the stop signs would be left on River Road. Mr. Eskelson stated that staff does want them left for now.

Chair Jensen asked if there were any other questions. Commissioner Robins asked how the quality of the development would be affected due to the removal of the town homes and lower density. Mr. Mendenhall stated that the CC&Rs and design standards are not being changed. The same materials will be used and the quality is not affected.

Mr. Mendenhall stated they can require owners to landscape within a reasonable amount of time. Mr. Pierson asked that if the project were sold and the next developer wanted to change the CC&Rs, could there be a condition added that the fronts be100% masonry. Mr. Mendenhall asked if they were not 100% masonry now. Mr. Pierson replied that they are not, but a condition could be made to specify that they would be. Mr. Mendenhall does not object to a condition stating this.

Commissioner Shaw stated that the density matrix had been revised and there is a reduction of 30 units. Mr. Mendenhall stated that this was true. The community was concerned about the density and the plans were modified. Mr. Mendenhall asked if there were any other questions.

Commissioner Robins stated that he wanted the public to comment. Chair Jensen agreed. Mr. Pierson stated that the Public Hearing was still open.

Dave Olson-1942 East Canyon Road-has been a customer of Leland Mills for 35 years. Closing the section of River Road is an inconvenience for everyone. He feels that the road needs to be left open to convenience the business and customers and not adjusted to accommodate the developer. Commissioner Robins asked Mr. Olson if he had any suggestions. Mr. Olson stated that the burden is on the developer. Commissioner Robins asked Mr. Olson if he would approve of the changes if Mr. Isaac approves of them. Mr. Olson replied that he would not. Many developments have come in to the city, but none has been an inconvenience as this one has.

Commissioner Bradford asked Mr. Olson what type of vehicle he drives. Mr. Olson drives a truck and causing the commercial trucks to divert their route is wrong. Commissioner Wadsworth stated that the neighbors near the Mill met with the developer and do not feel inconvenienced. Commissioner Wadsworth asked Mr. Olson if his concern lies with other residents and customers, not with the residents in that area. Mr. Olsen responded that it is.

Mr. Pierson clarified the situation. Although a change may inconvenience some, it will also be positive. A new road may bring more traffic to the business. The residents will also have faster access to other areas. New growth brings opportunities.

Commissioner Wadsworth stated that decisions are made according to the greatest good for the greatest number. He asked Mr. Pierson and the developer how they determined the best solution.

Mr. Eskelson stated that a traffic study was done to decide what would best serve the area. The ball park, trail system, current and new residences were considered. The grade of various city roads compared to this one and safety were reviewed. They also examined the turning radius of the commercial trucks and the lots that would be facing River Road. Staff previously discussed alternatives to the alignment. There were constraints that would adversely affect some of the resident's properties.

Eliminating the town homes will minimize the impact to the current residents. After carefully reviewing the pros and cons of each alternative, staff decided that this road alignment and intersection design is the best.

Commissioner Wadsworth asked Mr. Olson to address the Planning Commission and clarify what he means by inconvenience. Mr. Olson stated that the inconvenience is to the established homes and the business. This development is the most inconvenient because it requires a new road. When a road is cut off so the developer can make money, the project should not be allowed, even though the residents do not object. Commissioner Wadsworth asked if the issue were that the road would be cut off. Mr. Olson said it is. Commissioner Robins stated he wanted to hear from the residents and Mr. Isaac.

Mr. Isaac stated that he talked with the developer. Last month he was concerned but no longer is. He agrees the city looked at all the options and made the best decision. He is not satisfied with staff's plans for 900 South and wants the city to commit to the residents that the road will be widened and the telephone poles moved. He is also concerned about the irrigation water that services the Warner's and Olsen's. Mr. Eskelson stated that the irrigation that will go under the road would be piped. Mr. Pierson asked Mr. Eskelson to estimate the cost to widening the road. He estimated it to be approximately $200,000.

Ted Scott stated that there is a canal going to Mayor Barney's property as well. Mr. Pierson estimated the cost to pipe it at $200.00 per foot.

Mr. Mendenhall praised staff for their intuitive response to the traffic needs of the community traffic. He shares Mr. Isaac's concerns regarding the widening of the road. He also stated that the issue needs to be kept in perspective as the current traffic needs are not heavy and will be dealt with in due time as needed. He feels that staff has addressed any inconveniences and the majority will find it easier access to town. Westfield's analysis is that this is a good solution and a solid foundation for future planning. Mr. Mendenhall asked Mr. Pierson if he concurs. Mr. Pierson stated that he does.

Commissioner Wadsworth asked Mr. Pierson to address the concerns about the telephone poles on 900 South. Mr. Pierson stated that decisions regarding the improvements are left to the City Council as funding needs to be considered. 900 South is shown as a future collector road and the City Council will need to evaluate the utilities and growth boundary. The residents will ultimately decide what happens in the area. If they don't want development, they won't sell land to developers.

Mr. Scott stated that the telephone lines belong to Strawberry Power. Commissioner Shaw stated that if the poles needed to be moved, the city would have to do the work and bear the cost. If the poles are on ground owned by the developer, the developer would pay the cost. All improvements depend upon the budget.

Lisa Olsen-1208 West 900 South- is concerned about small children and the high traffic on 900 South now, which is narrow. If the development is approved the road construction needs to happen now. IFA is around the corner and grain and cement trucks also use 900 South. A new road will automatically bring more traffic. She does not want the area to change.

Commissioner Bradford asked Mrs. Olsen which road she would use. Mrs. Olsen usually uses 900 South and not Del Monte. She also uses 900 South as a walking path, which is dangerous for kids. Mr. Pierson stated that 900 South currently is 20-feet wide asphalt and in the future it will be 66-feet. Mr. Eskelson stated that sidewalks would connect to the future trail system and the sports park, providing ample walking paths.

Howard Creer-91 East 200 North-is a property owner in the area. He wants the bridge to be completed before the homes are started and is opposed to changing the road. The trucks using the road are not safe vehicles. His past experience tells him that residents who moved into this area don't want development. The Planning Commission needs to consider that the development will impact land values. The developer needs to have a development with the quality that the current residents want.

Mr. Creer asked who would pay for the improvements, as the developer should incur all the costs. Commissioner Bradford stated that the city will own and maintain the bridge and therefore, the developer must meet city standards. Mr. Pierson stated that the developers will pay the costs and the bridge will be built in the first phase. Each developer will pay Mr. Mendenhall, who will design and construct the bridge.

Commissioner Robbins asked Mr. Creer his opinion regarding the river riprap and if he has seen any of the engineering plans. Mr. Creer responded that the same methods used to stabilize the river in the past couldn't be used now, such as boulders. He has kept records of all the communications he has had with the Army Corps of Engineers and Utah County, both of whom will now not maintain the river. The bank is weak and the flow cannot be predicted. This must be addressed now.

Chair Jensen asked what portion of the land the county owns. Mr. Creer replied that the county owns none of it. The citizens own the property and everyone else tells them what has to be done, yet no one will help with maintenance. Chair Jensen asked how the county could call in the ACOE to help if the county does not own it. Mr. Creer stated that originally the county committed to maintaining a portion of the river and now won't. There are procedures that have to be followed to obtain permits and the agencies are slow to act on the permits.

Mr. Pierson asked Mr. Eskelson to address the concerns about the permits. Mr. Eskelson has filed the necessary permits with the state, Division of Wildlife Fish and Game and the ACOE. It is a one-stop permit that will be processed though all the necessary agencies. The sewer line would be on a separate permit. The bridge will be wide enough to accommodate future traffic. Commissioner Robbins asked if the improvements would be added as the development is constructed. Mr. Eskelson stated that they are required to analyze the stability now and this is what they are doing. Chair Jensen asked if there are any other questions.

Clyde Bradford-1514 West 900 South-said there is considerable concern about the intersection. Was consideration given to having the road run along the river to the main highway, leaving the current road as is for now? Mr. Pierson stated that it was considered. Staff reviewed future traffic needs and safety concerns. It is easier to close the road now than in the future. The current Leland residents will use the new road, as it will provide easy access to town. If the present bridge becomes inaccessible there will be no access road without the change. Further, if the road is changed now, the developer will bear the cost. If the road is changed in the future, the city and taxpayers will bear the cost.

Pat Parkinson-1778 E 1310 South-asked why the road couldn't be left open with a different design. Mr. Pierson stated that the traffic flow and safety are the reasons for the design.

Commissioner Shaw asked if the grade of River Road is similar to 700 East Center. She also asked if a stop sign could be added and the road left open. Mr. Eskelson stated that this would defeat the purpose in making a smooth transition to Volunteer Drive. The design is based on future traffic flow and safety. On a wide road, drivers tend to slow down and look for traffic, not stop. The new intersection will force drivers to stop and look for traffic coming up the hill

Commissioner Shaw stated that she appreciates the consideration given to the road and inquired as to how the island will be utilized. Mr. Eskelson replied that the city would have the option to utilize it as they see fit. Mr. Isaac agrees that this design is more favorable and stated that the stop sign at 400 North under Highway 6 is a bad idea.

William Barth-1168 West 900 South-sees semi trucks going to Leland Mill each morning and it is not safe. Drivers currently can get to town using other roads. Trucks speed on 900 South as well. He is concerned that a child will be killed there before the danger is addressed.

Chair Jensen stated that Commissioner Wadsworth needs to be excused and asked him if he has any questions or comments. Commissioner Wadsworth asked if it was appropriate to make a motion at this time, as there are other issues he has not had time to research. Mr. Pierson stated that Commissioner Wadsworth might address his concerns to the developer first.

Commissioner Wadsworth asked the developer if he has done his due diligence in following up with the residents. Chair Jensen stated there has been much discussion and the developer has answered most of the questions. Commissioner Wadsworth stated that speeding and the quality and types of vehicles on the road are something the developer cannot control. Mr. Pierson stated that as a City Council member, Commissioner Wadsworth could direct the police to patrol the area and cite speeders.

Commissioner Wadsworth also asked Mr. Mendenhall to address the river stability concerns voiced by Mr. Creer. Mr. Mendenhall stated it is not his intent to diminish the concerns and that the developer hires competent people to address them. The issues are addresses within the scope of Spanish Fork City Development Standards and information and suggestions from staff, the county and the state. The bottom line is that the bridge must comply with

the standards set by the city.

Commissioner Wadsworth commended the developer for meeting with residents and addressing concerns. Mr. Mendenhall asked if there is any concerns that are different from the ones brought in February. Commissioner Wadsworth stated that he wants the bridge to be constructed first and has already been addressed. Mr. Mendenhall asked Mr. Pierson if there was anything else to address. Mr. Pierson stated there was not.

Commissioner Wadsworth stated that the truck traffic is a major issue as is the quality of the farm trucks and the speeding. Mr. Pierson replied that the Police Department is the agency to address the speeding concerns. The State DMV addresses the safety of the actual vehicles through the vehicle registration process. Mr. Mendenhall asked what the correlation is between the development and these issues. Commissioner Wadsworth stated that Mr. Creer gave the correlation. Mr. Mendenhall asked if the developer has control over the quality of the vehicles traveling the road. Commissioner Wadsworth stated that they do not. This new road alignment is the safest route for trucks according to Mr. Heap and Mr. Richard Nielson.

Commissioner Wadsworth stated that the developer also has no control over the type of traffic. Mr. Mendenhall stated that the citizens concerns are valid and the development is not causing these concerns. The unsafe conditions already exist and the road alignment will diminish the problems.

Mr. Creer asked Mr. Scott to state the purpose of the concrete barricades on his property. Mr. Scott stated they are to keep drivers from knocking down his fence and the Strawberry Power poles. Mr. Creer stated that he has lived here his entire life and now a developer comes in, makes money and leaves. The new residents are not going to be living in the new development.

Chair Jensen stated that density needs to be addressed. Mr. Pierson stated they could review it now if they like.

Jeff Warner addressed the Commission. He has parents who reside in the area. He said the existing residents can use the current road and the new road should go along the river. The current road narrows and is dangerous for passing wants improvements. No one is complaining about not having a faster access to town. Speeding is a concern and the police will not be able to control all of the traffic. He agrees with Mr. Creer's concerns about the river.

Kevin Baadsgaard-1215 West 900 South-stated that the traffic pattern will change and a new road encourages use by virtue of the fact that it is new. 900 South is dangerous and the intersection will be dangerous. The intersection by the Bradford residence needs to be revised if the traffic pattern is changed. A stop sign would prohibit drivers from taking the curve too fast. Mr. Pierson stated that closing the road would be best to prevent this and mitigate the dangers. Commissioner Wadsworth left at 8:44 p.m.

Mr. Scott stated that he has met with engineers and staff and the current road alignment has to be changed. The developer has done a good job of meeting with residents.

Commissioner Robins asked if the Planning Commission could give a recommendation to the City Council as well as to the developer. Mr. Pierson stated that this is purpose of the Commission. The Commission is to note areas of concern for City Council review. This is also the purpose of Councilman Wadsworth's seat on the Commission.

Chair Jensen asked if the Commission needs to go out of Public Hearing to review density. Mr. Pierson stated that is not necessary. Chair Jensen stated that the density matrix would be reviewed and the updated copy is in the agenda.

Commissioner Shaw stated that she has reviewed the changes. Commissioner Robins stated that he does not see a need for any changes to the matrix as presented. Chair Jensen asked if the Commissioners were in agreement and if there were any other comments or questions.

Commissioner Robins made a **motion** recommending to the City Council that they investigate the traffic safety concerns on 900 South as well as the adjacent roadway, including the possible widening of the road, signs, speeding

problems, and the location of telephone poles. Commissioner Shaw **seconded** and the motion **passed** with a unanimous vote.

Commissioner Robins commented that Mr. Mendenhall has designed a very nice subdivision that will benefit Spanish Fork and will raise the value of the existing homes. Although he is concerned about the intersection, the developer has addressed the concerns and done can be done. Commissioner Robins asked if the other Commission members had any comment. Chair Jensen stated that the concerns and comments were discussed at the February 4 meeting and that the presentation was well prepared.

Commissioner Shaw made a **motion** giving a positive recommendation on the Preliminary Plat based on the conditions listed in the agenda. (See conditions listed at end of report) Commissioner Bradford **seconded** and the motion **passed** with a unanimous vote.

RECOMMENDATION

Approve

Make the motion to give the River Cove Preliminary Plat located at 900 South Del Monte Road a POSITIVE recommendation to the City Council subject to the following condition(s):

1. Install improvements along Del Monte Rd., with the exception of the sidewalk,
2. No hill area excavation is to take place without approval from the city engineer,
3. Provide a flood plain update and a wetlands report to the city,
4. Upon development of 50 percent of the lots, a 14-foot asphalted pedestrian access between lots 50 and 51 connecting to the city trail is to be bonded for and installed at the developer's expense,
5. Submit covenants, codes and restrictions (CC&Rs) for the development to the city,
6. The developer is to sign off on all house plans in the subdivision,
7. Provide the city with a title report for all of the property and work out all boundary issues prior to going to the City Council,
8. The project is to meet all of the construction and development standards,
9. The developer of the Butlers' property is to participate in the cost of constructing a pedestrian/vehicle bridge over the Spanish Fork River; to the percent indicated by an updated traffic study,
10. Construct the River Cove Project as per the preliminary plan document contained in the packet,
11. The developer is to provide an engineering study of the stability of the existing river rip rap,
12. No duplicate homes are to be constructed within 120 feet of each other,
13. Receive approval of the electrical design for the development from Jeff Foster of the Electrical Department,
14. Side entry garages with t-driveways are strongly recommended on homes located on corner lots, especially on 66-foot right-of-ways and is required on the road from Volunteer to 900 South,
15. The project is to contain not more than 205 units,

16. Irrigation ditches in the development are to be piped or eliminated and provide a letter of approval from the Irrigation Company,
17. Have a 20-foot access easement along the south side of the river for maintenance purposes,
18. Point system is approved as shown on the updated attached sheet,
19. All open space areas are to be deeded to the city as part of the 1st plat
20. Any grading of the hillside is to be re-vegetated,
21. Feeder power line is to come off the hill at lot 1 and follow along River Ridge Lane,
22. Meet with the US Post Office concerning the location of the post office boxes,
23. Construct a 10-foot pedestrian and equestrian trail on the north side of the river as per the Spanish Fork City standards,
24. The developer is required to work with the city Shade Tree Commission to determine which trees need to be removed and pay the cost of "removing of the trees and cleaning up" of the park area on the north side of the river,
25. The developer is to pay the cost of connecting the trail through the "park area" on the north side of the river as well as constructing the trail under the proposed bridge
26. Provide a right-of-way description to the City Engineering Department prior to the City Council meeting for the River Bridge Roadway,
27. The property owners sign a disclosure acknowledging that the area has flooded in the past and holding the city harmless of any flood damage and that the wording be worked out between the developer and the City Attorney,
28. All single family homes must follow the homes size according to the R-1-12 zoning (1,400 sq. ft. on ramblers and 1,000 sq. ft on main level for 2-story)
29. The homes will be built with high quality materials, at least a 5/12 roof, landscaping within one year, and masonry on front elevations as stated in the CC&Rs.

Deny
Make the motion to **DENY** the River Cove Preliminary Plat located at 900 South Del Monte Road for the follow reason(s):

Table
Make the motion to **TABLE** the River Cove Preliminary Plat located at 900 South Del Monte Road for the follow reason(s):

_____

River Cove Prelim. Map

1 inch equals 843.7 feet

Legend

Roads

- Other Roads
- Not Paved
- Paved
- Rivers
- Parks
- Buildings
- Spanish Fork Boundary
- LineMeasurements
- Subdivision Boundary
- Lot Lines
- Lot ROW
- Curb & Gutter
- Paths
- Deed To Spanish Fork
- Scott Deed
- River Easement
- EOA
- Prop. Bridge Ln CL
- Prop. Bridge Ln EOA
- FEMA Line
- Temp. Secondary Access
- Gas Easement

SpanishFields_3rdVersion Layer

- Subdivision Boundary
- Curb and Gutter
- Edge of Asphalt
- Existing Buildings
- FEMA Line
- Lot Lines
- New Bridge

Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

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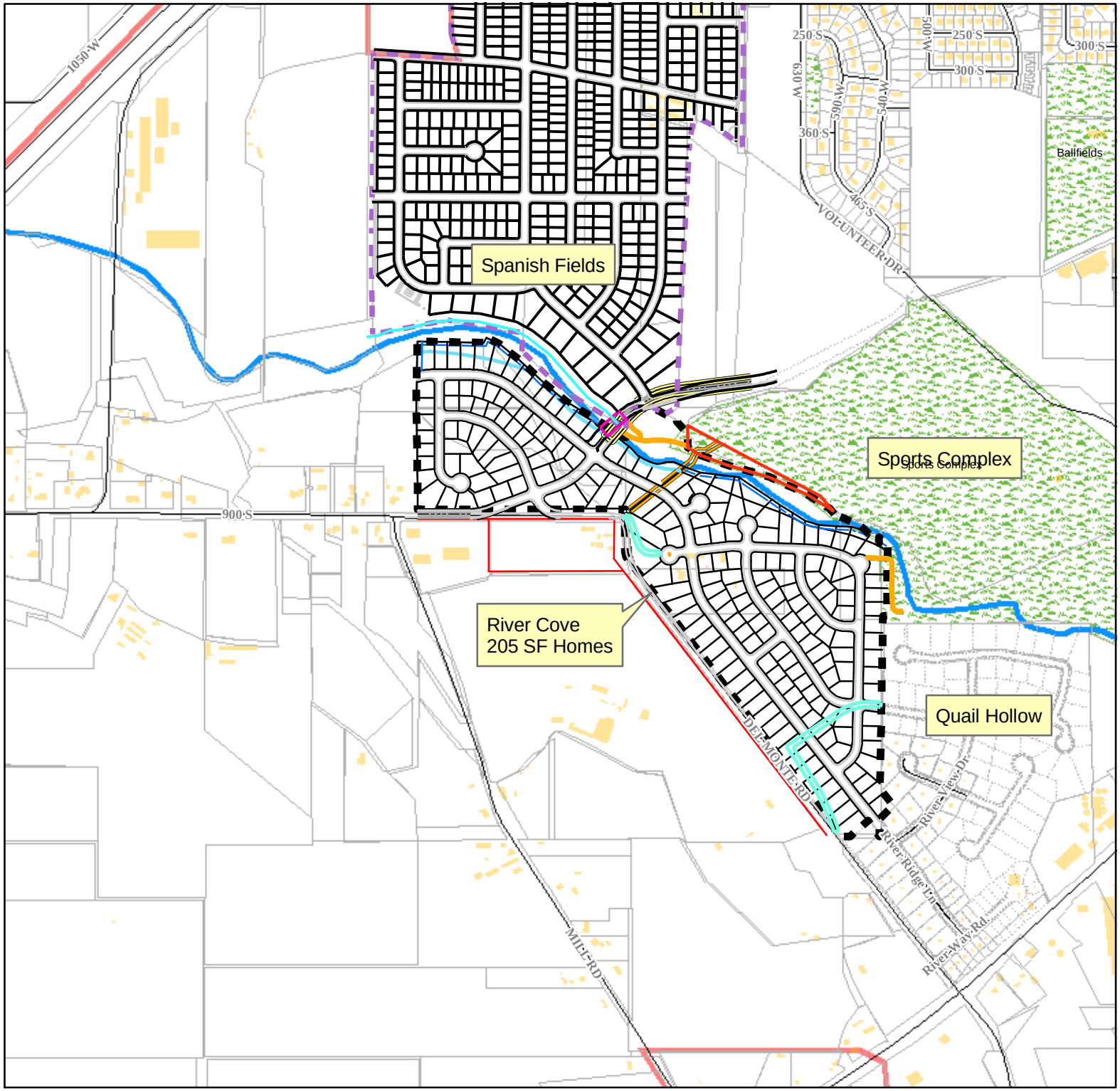

River Cove Prelim. Map

1 inch equals 508.3 feet

Legend

Roads

- Other Roads
- Not Paved
- Paved
- Rivers
- Parks
- Buildings
- Spanish Fork Boundary
- LineMeasurements
- Subdivision Boundary
- Lot Lines
- Lot ROW
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SpanishFields_3rdVersion Layer

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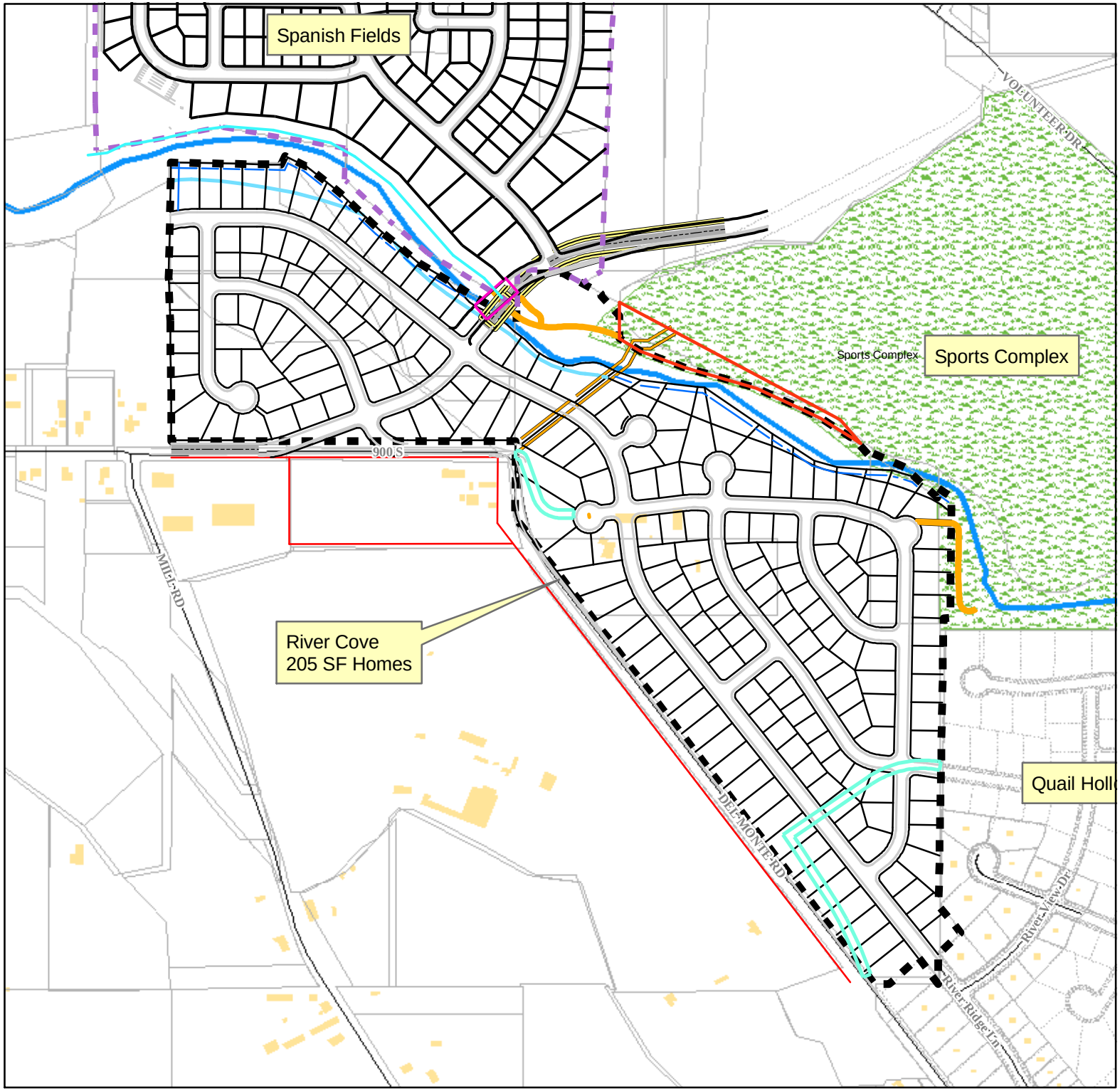


Project Name:	**River Cove Preliminary Plat**	****Without townhomes****			
Total Acres	**80.37**				
Low End Density	**2.5**	**U/A**	**200.925**	**Units**	
High End Density	**3.5**	**U/A**	**281.295**	**Units**	
Zoning	**R-1-12**				
House size (main level) req'd	**1,400**	**sq. ft.**	**20%**	**1,680**	sq. ft.
Townhouse size req'd	**1,000**	**sq. ft.**	**20%**	**1,200**	sq. ft.

Overall Project Request					
S.F. Homes	**205**				
Townhomes	**0**				
Total Units	**205**				
Density	**2.55**		**Total OS**		**Ordinance**
Open Space	**5.26**	**1.53**	**6.79**	**8.30%**	**3.32 acres**

Density Bonus	**Percent Allowed**	**Actual Given**	**Units**	**Running Total**	**Items provided**
Active recreation	***10%***	3.00%	6.03	207	**Trails, Widening Sidewalk**
Common buildings	***10%***	0.00%	0.00	207	
Fencing	***5%***	0.00%	0.00	207	
Front setback variation	***3%***	0.00%	0.00	207	
Garage - three car	***3%***	0.00%	0.00	207	
Garage - setback	***3%***	0.00%	0.00	207	
Open space	***5%***	5.00%	10.35	217	**5.26 acres, Cleaning up the open space**
Landscaping	***7%***	0.00%	0.00	217	
Lot size variation	***3%***	1.00%	2.17	219	
Materials on front façade	***5%***	0.00%	0.00	219	
Mixture of housing types	***5%***	0.00%	0.00	219	
Off-setting lots	***3%***	2.00%	4.39	224	
Roof pitch start 5/12	***3%***	0.00%	0.00	224	
Home sizes	***7%***	0.00%	0.00	224	
Miscellaneous	***7%***	0.00%	0.00	224	
		Total Units		**224**	

SPANISH FORK CITY
CITY COUNCIL
STAFF REPORT

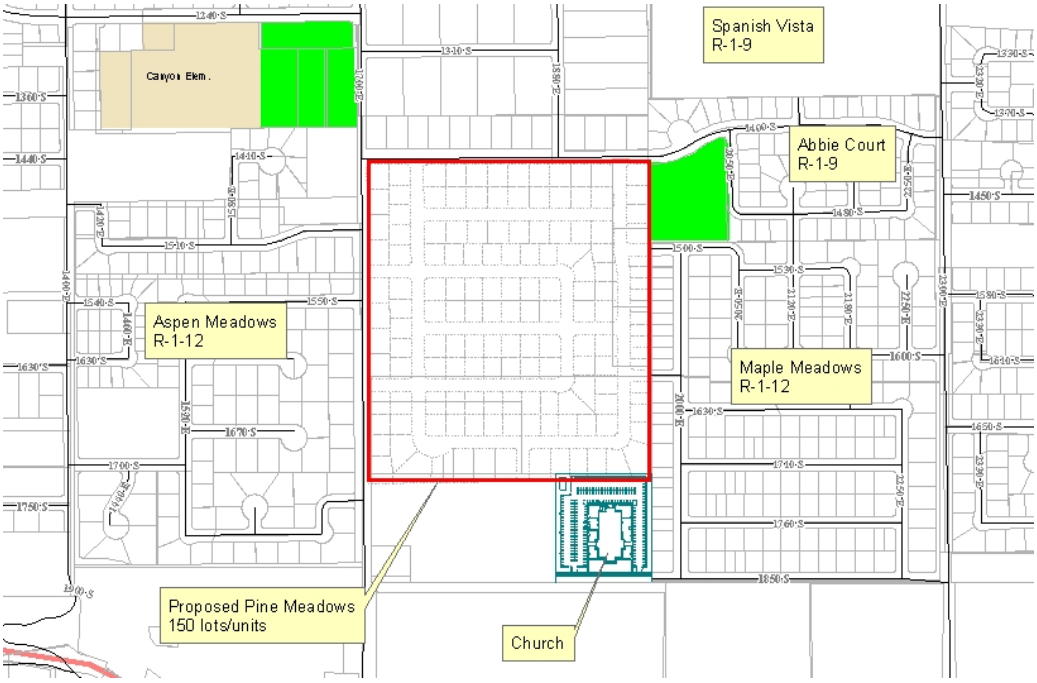
To:	**City Council**		
From:	**Emil Pierson, City Planner**	**Zoning:**	**R-1-12**
Date:	**April 6, 2004**	**Property Size:**	**43 acres**
Subject:	**Pine Meadows Plat**	**# Lots/Units:**	**150**
Location:	**1700 East 1400 South**	**Units/Acre**	**3.44**

Background

The applicant(s), Dave Cloward, Cliff Hales, and Frank Santos, is requesting preliminary plat approval in order to develop a 150 lot/unit subdivision which consists of 136 single family lots and 14 twinhomes. The property is shown in the General Plan as Residential 2.5 to 3.5 u/a. The applicant is requesting to rezone the property to R-1-12. The property is 43.856 acres in size and is currently being farmed. To the north is the Purnell Estates subdivision, to the east is the Maple Meadows subdivision zoned R-1-12. To the south is property owned and farmed by the Vincents' zoned Rural Residential (holding zone) and to the west is the Fox Run and Aspen Meadows subdivisions

Analysis

The applicant is proposing 150 lots of which 136 lots are planned single family homes and 14 as twinhomes. (see attached packet)



Lot Sizes

The single family lots range from 8,600 to 19,096 square feet with most of the lots exceeding 9,000 square feet.

Homes:

The developer is proposing homes with upgraded exteriors and roof lines.

Access:
Access into the subdivision is shown from two points on 1700 East and from 1400 South. Two connections to Maple Meadows is shown as well as a new road going south into a proposed subdivision that will be on the Evans property.

Density
The General Plan designates this property as Residential 2.5-3.5 u/a. The developer is proposing this subdivision at 3.44 u/a. If the developer does not want to do the Master Planned Development (MPD) concept he would be required to have all of the lots over 12,000 square feet respectively. The developer, on the other hand, has decided to do a MPD and have twinhomes and lots under the required size.

Amenities:
The developer is proposing the following amenities:

- Install front yard landscaping which includes: two 2-inch caliper trees, sod, and sprinkler system
- 100% brick or stone on front elevation (stucco as minor material)
- Donate $45,000 to park fund for open space requirements
- Six (6) foot sidewalk along 1700 East (trail) with a 5-foot parkstrip
- Lot size variation
- 6/12 roof
- 25% of all homes will have stucco on home
- 60% of homes will have side-entry or 3-car garages

General Plan – Findings of Facts
#1
The Pine Meadows Preliminary Plat follows and supports the General Plan by meeting the following Goals and Policies:

General Land Use Goals and Policies
Goal One: To maintain the high quality physical and social environment in Spanish Fork.
Policies:

- Require new development to respect the character of the surrounding area.
- Require that all implementing ordinances (i.e., zoning and subdivision regulations) be consistent with the General Plan.
- Allow development to occur only in areas where adequate streets, public facilities, and services exist or where the developer will provide them

Residential Policies:
Goal One: To provide high quality, stable residential neighborhoods.

Policies:

- Encourage the creation of neighborhood or homeowners' associations to help maintain the quality of neighborhoods.
- Design local streets in residential areas with discontinuous patterns to discourage through traffic.

Goal Two: To provide a range of housing types and price levels in all areas of the City.

Policies:

- Allow a variety of lot sizes and housing types in all "Urban Residential" areas.
- Develop an architectural theme that integrates different housing types in mixed-use projects
- Allow residential development projects that provide superior design features and amenities to be developed at the high end of the density ranges as shown on the General Plan Map.

Goal Three: To ensure that adequate open space, buffering, and landscaped areas are provided in new developments.

Policies:

- Develop an overall landscape concept for all common areas of the project including, entries, street plantings, reverse frontage streets, and park and retention areas.
- Select plant materials that are suited for their proposed use.
- Install street landscaping in significant lengths to develop the desired character and maintain continuity in the project.

Transportation Goals and Policies

Goal One: Provide a safe, convenient, and efficient system for transporting both people and goods.

Policies:

- Develop intersections to obtain Level of Service C or better during peak-hour traffic periods. Reduce the intensity of proposed projects or require traffic improvements to maintain or achieve Level of Service C or better.
- Require new developments to have or to develop appropriate access for the intensity of the development.
- Obtain needed street rights-of-way through property dedication when subdivisions, conditional use permits, rezonings, or design review plans are approved.
- Base street system planning on traffic generated from planned uses. Changes in planned uses are to be accompanied by an analysis of traffic impacts created by those land use changes and what improvements are needed to deal with these impacts.
- Design sidewalks along new streets to be set back from the traveled roadway, thereby providing a safer walking area.
- Design local residential streets with discontinuous patterns to discourage through traffic.
- Discourage partial width streets (half streets) for new, local streets.

Goal Two: Provide pleasant, safe, and functional non-motorized transportation routes.

Policies:

- Prepare a more extensive bikeway and trails plan that identifies which parts of the system should be paths, routes, or lanes, and what types of non-motorized transportation should occur in each area. Develop detailed design guidelines for each component of the system.

Development Review Committee

The Development Review Committee reviewed this request at their February 18th and February 25, 2004 meetings.

Draft Minutes from February 18, 2004

The preliminary plat was discussed and tabled until the staff had more time to review the density and park issues.

Draft Minutes from February 25, 2004

Mr. Santos reviewed the density bonus matrix. For the landscaping bonus he will require the home builder to install front yard landscaping and sprinkling system.

Mr. Pierson said suggests 3.5 bonus points for the landscaping as stated by Mr. Santos. There will be no certificate of occupancy granted until the landscaping is in or bonded for. A review of the density bonus matrix continued.

Mr. Pierson asked if the developer had plans to deed the four lots at the south east corner of the property for a park.

Mr. Hales said since there is an existing park located in the adjacent subdivision there would be no need for another park. Mr. Robinson said there is an advantage to expanding the existing park for future use and since the four lots are connected to the park it would allow for the expansion.

Mr. Pierson said there is also a property line issue. There is a small strip of land between the two subdivisions.

Mr. Santos said the county property line is the official property line. Mr. Heap said the property line issues need to be resolved in the title report. Mr. Robinson would like the four lots to expand the park.

Mr. Pierson said he would like the twinhomes near the large lots to be relocated near the twinhomes in the adjacent subdivision. Mr. Santos said also there will be no siding with 25 percent of the homes all home stucco or stone.

Mr. Pierson said the park with give the developer additional density bonus points for the lots used to expand the park. The developer can donate four lots for the park or donate to the parks and trails account in the same amount it would cost to develop the property as a park.

Mr. Heap said the cost to develop the park would be $50,000. A discussion took place and the amount was lowered to $45,000. Mr. Hales said they will donate $45,000 to the city parks and trails account in order to receive the density bonus points. The amount will be paid when 50 percent of the lots are ready to record.

Mr. Santos held a neighborhood meeting. He mailed 117 notices and had three residents attend the meeting.

Mr. Pierson said the four lots backing the park property are to be fenced with matching fencing material and a mulch strip underneath. Mr. Heap said a bond will need to be posted for the offsite storm and the easements will need to be obtained before any plats are recorded.

Mr. Nielson said along 1700 East and 1400 South there will be many utility cuts. Therefore, the one inch overlay will need to be the full width of the street. He may share the costs with the developer on the other half of the street in areas being developed. Mr. Hales said all of 1700 East will be completed with phase one.

Mr. Nielson said a 5-foot parkstrip will be needed along the 6-foot sidewalk.

Mr. Pierson made a **motion** to recommend approval of the Santos and Hales Rezone of 43.856 acres located at 1700 East 1400 South, from Rural Residential (R-R) to Low Urban Residential (R-1-12). Mr. Nielson **seconded**, and the motion **passed** with a unanimous vote.

Mr. Pierson made a **motion** to approve the Pine Meadows Preliminary Plat subject to the following conditions:

1. Lifting of the utility restriction will take place when the storm drain line is:
   a. bonded with a completion time frame of 120 days,
   b. the rights-of-way are acquired and deeded to the city,
   c. designed and approved by the city,
   d. installed and functional prior to the issuance of any building permits and/or the paving of roads,
2. Install a six-foot sidewalk along 1700 East with a five-foot parkstrip,
3. Sign off, by the developer, of all single family home plans in the subdivision,
4. Provide to the city a clear title report for all properties included in the development,
5. Construct all homes with 100 percent masonry fronts with stone and brick accents,
6. Construct all homes located on corners lots with 100 percent masonry on street facing side and fronts with stone and brick accents,
7. Install front yard, and street facing side yards on corner lots, with two 2-inch caliper trees, sod, and sprinkler systems,
8. Receive approval of the density (150 lots/units) as shown on the attached density bonus matrix,
9. Provide setbacks for each home according to the R-1-12 standards,
10. Receive approval of the electrical design for the development from Jeff Foster of the Electric Department,
11. Meet all of the construction and development standards,
12. Provide to the city an approved plan for the irrigation ditches signed by the East Bench Irrigation Company

or a letter of abandonment signed by the ditch owners,

13. Construct all lots along 1700 East with side entry garages and t-driveways and all corner lots along 1700 East are to access from the side streets,
14. Construct all single family homes and twinhomes according to the R-1-12 zoning standards (1,400 square feet on ramblers and 1,000 square feet on the main level for two-story homes),
15. Construct no duplicate homes within 200 feet of the other,
16. Construct no more than 150 units as contained in the development packet,
17. Construct all single family homes and twinhomes with basements and a minimum of a 2-car garage,
18. Construct side entry garages on all corner lots if possible,
19. Install a matching 6-foot fence with a 12-inch mow strip along the Abbie Court park (lots 98-101),
20. Pay $45,000 to the park fund when 50 percent of the lots are ready to record,
21. Complete all of 1700 East in phase one of the development,
22. Install a full street overlay of 1700 East and 1400 South, sharing the costs in areas with adjacent developers.

Ms. Maslyn **seconded**, and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission discussed this request at their March 3rd meeting and recommended approval.

PC Tentative Minutes – March 3, 2004

Mr. Pierson reviewed the details in the agenda. The applicants are the property owners. Notification was given according to the proper ordinance. The Preliminary Plat and Rezone will be heard together as this is a Mater Planned Development. Mr. Pierson also reminded the Planning Commission to review the home sizes.

All staff reports and information given to the Planning Commission regarding the Preliminary Plat is on the web site.
Units along 1700 East are required to have side entry garage and t-driveway. The lot sizes and facades are equal to those in Maple Meadows.

Dave Cloward addressed the Planning Commission. He stated that he believes he and Mr. Santos they are the first development in the city to hold a town meeting. The hired a title company to compile a list of residents to invite and sent the invitations, a copy of which is in the agenda. Three residents attended. According to the applicant's this was indicative of the development and the fact that it is not controversial.

Mr. Cloward reviewed the development and then addressed any questions. They incorporated a trail concept connecting to the trail provided by Spanish Vista.

Mr. Cloward reviewed the conditions and CC&Rs and stated that the size of the homes is appropriate for zoning. The developer has agreed to do storm drain development off-site and interconnecting to 1500 E, down hill and across a portion of the farmland, and disposing of the water in the Spanish Fork River. The estimated storm drain cost is $350,000. The developers to the north have agreed to help with funding this. Mr. Cloward further stated that they are not asking for a high-density development.

Commissioner Robins thanked the applicants for the holding the town meeting and asked them to address the concerns brought at the meeting. Mr. Cloward stated that the resident who attended are present. The only concern brought to them was that the new homes have appropriate facades and masonry for the area.

Mr. Cloward asked if there were any other questions. Commissioner Robins asked if there were any boundary issues associated with the Abbie Court Park. Mr. Pierson stated that this has been discussed and if a boundary agreement is needed it will taken care of. In Maple Meadows, when the lot is purchased the owners also buy the legal description of the property. By doing this, any boundary issues are resolved at the time of purchased. Mr. Cloward stated that there are no boundary disputes in relation to the park.

Chair Jensen asked the Mr. Cloward if they are donating money to the park. Mr. Cloward stated that they are donating to the general recreation fund.

Chair Jensen invited the public to comment.

Pat Parkinson- attended both the City Council and town meetings. She thought the town meeting was only for the neighbors. Mrs. Parkinson suggested this and the fact that the invitation did not state that the developers were presenting the meeting were the reasons for low attendance. The attendees requested that the facades of the Pine Meadows homes along 1400 South match those of the existing homes. Mr. Santos previously stated that 25 percent of the homes will be all stucco or stone. Mrs. Parkinson wants the row of homes along 1400 South to be in this 25 percent. She felt this was a reasonable request that was not well received. There were no other real concerns with the development.

Rich Wyman—as well as his father and brother live on 1400 East on adjoining lots. He discussed the masonry in Maple Meadows and approves of the brick, stucco and stone. He agreed with Mrs. Parkinson that the facades match. Installing siding on the sides of the homes lessens the home value as it can be seen from the front. He is concerned about the wind affecting the siding.
He approves of the town homes in Maple Meadows. His CC&Rs prohibit chain link fencing and wants to know if there are similar restrictions here, as he wants his property values maintained.

Kelly Montague-six single homes and future twin homes will face his home. He disapproves of the use of siding. There have been vacant lots in his neighborhood from homes that wouldn't sell and expressed concerns with the watering of the landscapes. He does not feel the present irrigation ditch is needed. He is concerned with the grade of the land and having to install fences.

Commissioner Robins asked Mr. Cloward to address the concerns. Mr. Cloward stated that the ditch would be abandoned. There is not a significant elevation difference near the Montague's property and it is relatively flat. Mr. Pierson stated that if there is a grade difference, the property owners must work it out if they are putting in fences.

Commissioner Robins asked if a retaining wall would be installed near the irrigation ditch along the mow strip. Mr. Cloward stated that there is no elevation difference and no need for the wall. Mr. Hales stated that the purpose of the ditch is to provide water to the applicant's land if needed. Commissioner Robins also asked how the applicant feels about the condition that homes facing 1400 South be of brick and stucco and stated that a Condition 23 could be added. Mr. Cloward stated that the Wyman residence is all stucco except for a strip of stone. He does not object to matching it, but the other residents may not feel that is the most attractive. Individual owners may want to have a choice on the side and back. He will mandate the materials to be used in the front.

Commissioner Robins inquired about the material to be used on lots 18-27. Mr. Pierson stated that the ordinance requires all brick and stone. Minor elements are stucco. He stated that the developer is going above and beyond the ordinance requirements. Corner lots must be stone on two sides. Mr. Pierson clarified that in Maple Meadows the units were required to have a one-car garage. In Pine Meadows, two-car garages are required.

Rich Wyman stated that he is concerned about the fencing. Mr. Cloward stated that he likes chain link, as landscaping can be used to cover it and it is low maintenance. He believes that the property owners need to make their own choice as opinions differ.

Commissioner Robins stated that 1700 East is now a minor collector and asked what peak traffic it can handle. Mr. Pierson stated that he is not the person make the determination on the traffic. One possibility is to remove the street parking, although this may not be necessary. Commissioner Robins is a neighbor of this proposed development and is concerned with increased traffic and school crossings. Mr. Pierson stated that the right-of-way could easily handle the traffic. At the time the road was planned, future traffic was accounted for. There are other traffic problems on 1700 East that already exist. There are drives that back onto the road. The density decreases closer the Canyon Road. Because 1700 East is an access road to Canyon Road, traffic speeds are minimized. Drivers will naturally take an alternate route if traffic is to slow.

Commissioner Robins stated that presently, there is a 3-way stop on 1700 East. Once Spanish Vista comes in will there be a 4-way instead? Mr. Pierson replied that there would not be. Commissioner Robins asked if a traffic study was one on Spanish Vista. Mr. Pierson replied that there was. The traffic engineer will take into consideration any future traffic.

Chair Jensen asked if there were nay other questions. Commissioner Shaw stated that these developments are assets to the community and the density matrix shows a reduction in higher density development.

Mr. Pierson detailed the density matrix, as there was not one available in the agenda. 20% of the homes will have a 3-car or side-entry garage. The open space is equivalent to a one-acre park. The landscaping is required by ordinance. The lots range from 5,000 square feet for twin homes to 19,000 square feet for the larger single-family homes.

Commissioner Robins stated that the intention of the mix in housing types is to have both ends of the spectrum. He inquired as to the way the housing types are weighted in the matrix. Mr. Pierson replied that in 1996 the General Plan required certain diversity in housing and he reviewed various subdivisions. The applicants could have located the twin homes anywhere within the development, but chose to located them adjacent to the Maple Meadow twin homes. Commissioner Robins asked if the 5% bonus is standard. Mr. Pierson responded that it is, but it is up to the Planning Commission to decide.

Chair Jensen asked if there were any other questions. Commissioner Robins is concerned that the density bonus is too high. Commissioner Shaw has no concerns.

Commissioner Shaw made a **motion** to give the City Council a positive recommendation on the Cloward/Hales and Santos (Pine Meadows) Rezone of 43 acres at 1700 East 1400 South from Rural Residential (R-R) to Low Urban Residential (R-1-12) on the rezone. Commissioner Scott seconded and the motion passed with a unanimous vote.

Commissioner Shaw made a motion to give the Pine Meadows PP located at 1700 East 1400 South a positive recommendation to the CC subject to the following conditions: (see CC recommendation)

Commissioner Shaw stated that she is not including a Condition 23. Commissioner Scott **seconded** and the motion **passed** with a unanimous vote.

RECOMMENDATION

APPROVE

Make the motion to APPROVE the Pine Meadows Preliminary Plat located at 1700 East 1400 South subject to the following condition(s):

1. Lifting of the utility restriction will take place when the storm drain line is:
   a. bonded with a completion time frame of 120 days,
   b. the rights-of-way are acquired and deeded to the city,
   c. designed and approved by the city,
   d. installed and functional prior to the issuance of any building permits and/or the paving of roads,
2. Install a six-foot sidewalk along 1700 East with a five-foot parkstrip,
3. Sign off, by the developer, of all single family home plans in the subdivision,
4. Provide to the city a clear title report for all properties included in the development,
5. Construct all homes with 100 percent masonry fronts with stone and brick accents,
6. Construct all homes located on corners lots with 100 percent masonry on street facing side and fronts with stone and brick accents,

7. Install front yard, and street facing side yards on corner lots, with two 2-inch caliper trees, sod, and sprinkler systems,
8. Receive approval of the density (150 lots/units) as shown on the attached density bonus matrix,
9. Provide setbacks for each home according to the R-1-12 standards,
10. Receive approval of the electrical design for the development from Jeff Foster of the Electric Department,
11. Meet all of the construction and development standards,
12. Provide to the city an approved plan for the irrigation ditches signed by the East Bench Irrigation Company or a letter of abandonment signed by the ditch owners,
13. Construct all lots along 1700 East with side entry garages and t-driveways and all corner lots along 1700 East are to access from the side streets,
14. Construct all single family homes and twinhomes according to the R-1-12 zoning standards (1,400 square feet on ramblers and 1,000 square feet on the main level for two-story homes),
15. Construct no duplicate homes within 200 feet of the other,
16. Construct no more than 150 units as contained in the development packet,
17. Construct all single family homes and twinhomes with basements and a minimum of a 2-car garage,
18. Construct side entry garages on all corner lots if possible,
19. Install a matching 6-foot fence with a 12-inch mow strip along the Abbie Court park (lots 98-101),
20. Pay $45,000 to the park fund when 50 percent of the lots are ready to record,
21. Complete all of 1700 East in phase one of the development,
22. Install a full street overlay of 1700 East and 1400 South, sharing the costs in areas with adjacent developers.

DENY
Make the motion to DENY the Pine Meadows Preliminary Plat located at 1700 East 1400 South for the follow reason(s):

TABLE
Make the motion to TABLE the Pine Meadows Preliminary Plat located at 1700 East 1400 South for the follow reason(s):

Project Name:	**Pine Meadows**			
Acres	**28.916**	**WH**		
Low End Density	**2.5**	**U/A**	**72.29**	**Units**
High End Density	**3.5**	**U/A**	**101.206**	**Units**
Acres	**14.751**	**Santos**		
Low End Density	**2.5**	**U/A**	**36.8775**	**Units**
High End Density	**3.5**	**U/A**	**51.6285**	**Units**
Total Acres Project	**43.667**			
Total Density Low			**109.2**	**Units**
Total Density High			**152.8**	**Units**
U/A	**3.44**			

Overall Project Request

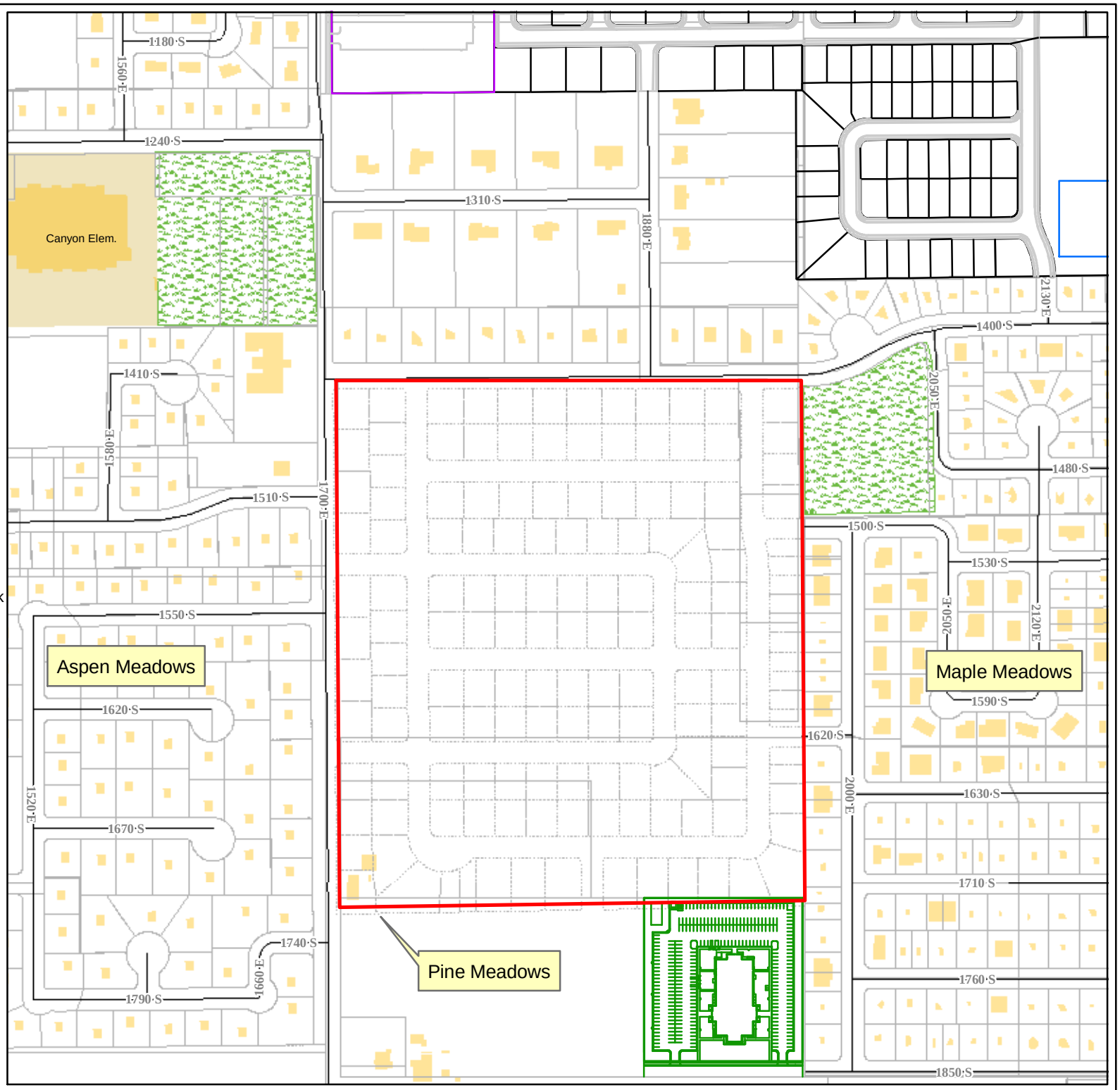
S.F. Homes	**136**			
Twinhomes	**14**			
Total Units	**150**	**% OS**	**1 ac per 75 units**	
Open Space	**0.00**	**0.00%**	**2**	**acres**

Density Bonus	**Percent Allowed**	**Percent Given**	**Cloward 2.5-3.5 Units**	**Total Units**	**Santos 2.5-3.5 Units**	**Total Units**	**Running Total**	
Active recreation	***10%***	0.50%	0.36	73	0.18	37	**110**	6' Sidewalk
Common buildings	***10%***	0.00%	0.00	73	0.00	37	**110**	
Fencing	***5%***	0.00%	0.00	73	0.00	37	**110**	
Front setback variation	***3%***	3.00%	2.18	75	1.11	38	**113**	5 foot minimum
Garage - three car	***3%***	1.00%	0.75	76	0.38	39	**114**	60% of homes to have 3 car or side entry garages
Garage - setback	***3%***	0.00%	0.00	76	0.00	39	**114**	
Open space	***5%***	2.50%	1.89	77	0.96	40	**117**	Equivalent of one Acre in Cash - $45
Landscaping	***7%***	3.50%	2.71	80	1.38	41	**121**	require all builders to put in landscaping
Lot size variation	***3%***	3.00%	2.41	83	1.23	42	**125**	5,000 to 19,096
Materials on front façade	***5%***	5.00%	4.13	87	2.11	44	**131**	100% brick, stone
Mixture of housing types	***5%***	5.00%	4.34	91	2.21	46	**137**	14 twin home lots
Off-setting lots	***3%***	3.00%	2.73	94	1.39	48	**142**	
Roof pitch start 6/12	***3%***	1.00%	0.94	95	0.48	48	**143**	6/12 roofs minimum
Home sizes	***7%***	0.00%	0.00	95	0.00	48	**143**	
Miscellaneous	***7%***	5.00%	4.74	99	2.42	51	**150**	25% homes will have 100% brick, rock, or stucco

Total Units **150**

Pine Meadows Prelim. Map

1 inch equals 375 feet



Legend

Roads

- Other Roads
- Not Paved
- Paved
- Schools
- Parks
- Buildings
- LineMeasurements
- Lots
- Town Homes
- Trail
- Curb, Gutter & Sidewalk
- Detention Area
- Existing Homes
- Church Property
- School
- east_stake_center

Spanish Fork Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

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.

MEMO
SPANISH FORK CITY
PARKS & RECREATION
DEPARTMENT

DATE: **April 1, 2004**

TO: **Mayor Barney and Spanish Fork City Council**

FROM: **Dale Robinson, Parks and Recreation Director**

RE: **Golf Cart Rates**

The Payson and Springville Golf Courses have increased their golf cart rental rates from $10.00 to $11.00. We would like to increase the Spanish Oaks golf cart rental rates to $11.00 at the beginning of the season.

MEMO
SPANISH FORK CITY
PUBLIC WORKS DEPARTMENT

DATE: April 6, 2004

MEMO TO: Mayor and City council

FROM: Richard J. Heap, Public Works Director

Re: Airport Professional Services Agreement

For the last five years Armstrong Consultants have been under contract to do the Airport work. That contract is up this year. The Airport Board recently sent out RFP's and reviewed the proposals submitted. I believe they received three proposals. After reviewing these proposals they recommend that we contract with Armstrong for the Airport work as indicated in the attached contract.

PROFESSIONAL SERVICES
AGREEMENT
BETWEEN
OWNER AND ENGINEER

THIS IS AN AGREEMENT made as of January _____, 2004 between the **CITIES OF SPANISH FORK AND SPRINGVILLE, UTAH (OWNER)** and **ARMSTRONG CONSULTANTS, INC. (ENGINEER).** OWNER intends to improve the Spanish Fork / Springville Airport (hereinafter called the Project). The Project may include, but not be limited to, the following items:

1. Construct apron expansion and taxilanes
2. Land acquisition
3. Taxiway and apron rehabilitation
4. Wetland mitigation
5. Runway shift and extension
6. Access road and other road improvements
7. Runway rehabilitation
8. Construct Parallel Taxiway
9. Update Airport Layout Plan
10. Provide Airport Planning, Engineering, Environmental and Miscellaneous Airport Consulting Services As May Be Required

OWNER and ENGINEER in consideration of their mutual covenants herein agree in respect of the performance of professional services by ENGINEER and the payment for those services by OWNER as set forth below.

ENGINEER shall provide professional services for OWNER in all phases of the Project to which this Agreement applies, serve as OWNER's professional representative for the Project as set forth below and shall give professional consultation and advice to OWNER during the performance of services hereunder.

SECTION 1-- SERVICES OF ENGINEER (Some of the Following May Not Apply)

1.1 Preparation or revision of the State and Federal Aviation Administration (FAA) grant applications;

1.2 Consult/Coordinate with Owner, Airport Users, FAA, State Aeronautics, Airport Staff, and other interested parties;

1.3 Complete Design Engineering in accordance with the Attachments(s) entitled "Further Description of Professional Services";

1.4 Complete construction period services in accordance with Attachments(s) entitled "Further Description of Professional Services";

1.5 Complete Planning and Environmental Services in accordance with Attachment(s) entitled "Further Description of Professional Services";

1.6 Perform miscellaneous engineering services as requested by Owner;

1.7 Perform all services in conformance with applicable rules and regulations of the FAA.

SECTION 2--OWNER'S RESPONSIBILITIES

OWNER shall:

2.1 Provide all criteria and full information as to OWNER's requirements for the Project, including design objectives and constraints, and any budgetary limitations.

2.2 Assist ENGINEER by placing at his disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project.

2.3 Arrange for access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform his services.

2.4 Examine all studies, reports, sketches, Drawings, Specifications, proposals and other documents presented by ENGINEER, obtain advice of an attorney, insurance counselor and other consultants as OWNER deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of ENGINEER.

2.5 Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.

2.6 Provide all accounting, legal, independent cost estimating and insurance counseling services as may be required for the Project.

2.7 Designate in writing a person to act as OWNER's representative with respect to the services to be rendered under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define OWNER's policies and decisions with respect to materials, equipment, elements and systems pertinent to ENGINEER's services.

2.8 Give prompt written notice to ENGINEER whenever OWNER observes or otherwise becomes aware of any development that affects the scope or timing of ENGINEER's services, or any defect in the work of Contractor(s).

2.9 Bear all costs incident to compliance with the requirements of this Section 2.

SECTION 3--PERIOD OF SERVICE

3.1 This Agreement will be valid for a period of five years from the date signed unless terminated in accordance with Section 7.9 and subject to annual appropriation of funds by the OWNER for services described.

SECTION 4--PAYMENTS TO ENGINEER

4.1 OWNER shall pay ENGINEER for Services rendered as agreed by Attachments entitled "Further Description of Professional Engineering Services".

4.2 ENGINEER shall submit monthly statements. The statements will be based upon ENGINEER's estimate of the proportion of the total services actually completed at the time of billing. OWNER shall make prompt payments in response to ENGINEER's monthly statements.

4.3 If OWNER fails to make any payment due ENGINEER for services and expenses within 30 days following submittal of a statement in accordance with Article 4.2.1, the amounts due ENGINEER shall include a charge at the rate of 1 1/2% per month from said due date, and in addition, ENGINEER may, after giving seven days' written notice to OWNER, suspend services under this Agreement until he has been paid in full all amounts due him for services and expenses.

SECTION 5--OPINIONS OF COST

5.1 Since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, his development of an Engineer's Estimate provided for herein is to be made on the basis of his experience and qualifications and represent his best judgment as an experienced and qualified professional, familiar with the construction industry; but ENGINEER cannot and does not guarantee that bids will not vary from opinions of cost prepared by him. If OWNER wishes greater assurance as to Construction Cost he shall employ an independent cost estimator as provided in paragraph 2.6.

5.2 If the lowest bid exceeds the Engineer's Estimate, OWNER shall (1) give written approval to increase such estimate, (2) authorize negotiating or rebidding the Project within a reasonable time, or (3) cooperate in revising the Project's extent or quality. In the case of (2) and/or (3) ENGINEER shall, without additional charge, modify the Contract Documents. The providing of such service will be the limit of ENGINEER's responsibility in this regard and, having done so, ENGINEER shall be entitled to payment for his services in accordance with this agreement.

SECTION 6--GENERAL CONSIDERATIONS

6.1 Reuse of Documents. All documents including Drawings and Specifications prepared by ENGINEER pursuant to this Agreement are instruments of service in respect of the Project. They are not intended or represented to be suitable for reuse by OWNER or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER; and OWNER shall indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses, including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle ENGINEER to further compensation at rates to be agreed upon by OWNER and ENGINEER.

6.2 Controlling Law. This Agreement is to be governed by the law of the principal place of business of OWNER.

6.3 Successors and Assigns.

6.3.1 OWNER and ENGINEER each binds himself and his partners, successors, executors, administrators, assigns and legal representatives to the other party to this Agreement and to the partners, successors, executors, administrators, assigns and legal representatives of such other party, in respect to all covenants, agreements and obligations of this Agreement.

6.3.2 Neither OWNER nor ENGINEER shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except as stated in paragraph 6.3.1 and except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent ENGINEER from employing such independent consultants, associates and subcontractors as he may deem appropriate to assist him in the performance of services hereunder.

6.4 Insurance. The ENGINEER shall acquire and maintain statutory workmen's compensation insurance coverage, employer's liability and comprehensive general liability insurance coverage.

6.5 Indemnification.

6.5.1 The OWNER hereby indemnifies and holds harmless the Engineer from any and all claims, damages, losses and expenses (including attorneys' fees) arising out of the performance of this Agreement, except when such claims, damages, losses and expenses are caused by the negligent acts, errors or omissions of the Engineer.

6.5.2 The ENGINEER hereby indemnifies and holds harmless the Owner from any and all claims, damages, losses and expenses (including attorneys' fees) arising out of the performance of this Agreement, except when such claims, damages, losses and expenses are caused by the negligent acts, errors or omissions of the Owner.

6.6 Changes. All Change Orders, Contract Extensions, Supplemental Agreements and/or Amendments are subject to FAA and State Aeronautics approval prior to their execution.

SECTION 7--REQUIRED FEDERAL CLAUSES

7.1 Civil Rights Act of 1964, Title VI - 49 CFR Part 21 Contractual Requirements (Version 1, 1/5/90)

7.1.1 Compliance with Regulations. During the performance of this contract, the Engineer, for itself, its assignees and successors in interest (hereinafter referred to as the "Engineer") agrees as follows:

The Engineer shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21), as they may be amended from time to time, (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this contract.

7.1.2 Nondiscrimination. The Engineer, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Engineer shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

7.1.3 Solicitations for Subcontracts, including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the Engineer for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Engineer of the Engineer's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

7.1.4 Information and Reports. The Engineer shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Owner or the FAA to be pertinent to ascertain compliance with such Regulations, orders, and instruction. Where any information required of Engineer is in the exclusive possession of another who fails or refuses to furnish this information, the Engineer shall so certify to the Owner or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

7.1.5 Sanctions for Noncompliance. In the event of the Engineer's noncompliance with the nondiscrimination provisions of this contract, the Owner shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:

Withholding of payments to the Engineer under the contract until the Engineer complies, and/or,

Cancellation, termination, or suspension of the contract, in whole or in part.

7.1.6 Incorporation of Provisions. The Engineer shall include the provisions of the preceding paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or directives issued pursuant thereto. The Engineer shall take action with respect to any subcontract or procurement as the Owner or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that, in the event Engineer becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Engineer may request the Owner to enter into such litigation to protect the interests of the Owner and, in addition, the Engineer may request the United States to enter into such litigation to protect the interests of the United States.

7.2 Airport and Airway Improvement Act of 1982, Section 520 General Civil Rights Provisions (Version 1, 1/5/90) The Engineer assures that it will comply with pertinent statutes, Executive orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance.

7.3 Inspection of Records 49 CFR Part 18 (Version 1, 1/5/90) The Engineer shall maintain an acceptable cost accounting system. The Owner, the FAA, and the Comptroller General of the United States shall have access to any books, documents, paper, and records of the Engineer which are directly pertinent to the specific contract for the purposes of making an audit, examination, excerpts, and transcriptions. The Engineer shall maintain all required records for five years after the Owner makes final payment and all other pending matters are closed.

7.4 Rights to Inventions - 49 CFR Part 18 (Version 1, 1/5/90) All rights to inventions and materials generated under this contract are subject to regulations issued by the FAA and the Owner of the Federal grant under which this contract is executed. Information regarding these rights is available from the FAA and the Owner.

7.5 Breach of Contract Terms Sanctions - 49 CFR Part 128 (Version 1, 1/5/90) Any violation or breach of this contract on the part of the Engineer or subcontractor may result in the suspension or termination of this contract or such other action which may be necessary to enforce the rights of the parties of this Agreement.

7.6 DBE Required Statements - 49 CFR Part 26

Policy. It is the policy of the Department of Transportation that Disadvantaged Business Enterprises as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.

DBE Obligation. The Engineer agrees to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, all Engineers shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that Disadvantaged Business Enterprises have the maximum opportunity to compete for and perform contracts. Engineers shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT assisted contracts.

7.7 Trade Restriction Clause - 49 CFR Part 30 (Version 1, 1/5/90)

The Engineer or subcontractor, by submission of an offer and/or execution of a contract, certifies that it:

a. is not owned or controlled by one or more citizens or nationals of a foreign country included in the list of countries that discriminate against U.S. firms published by the Office of the United States Trade Representative (USTR);

b. has not knowingly entered into any contract or subcontract for this project with a contractor that is a citizen or national of a foreign country on said list, or is owned or controlled directly or indirectly by one or more citizens or nationals of a foreign country on said list.

c. has not procured any product nor subcontracted for the supply of any product for use on the project that is produced in a foreign country on said list.

Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR 30.17, no contract shall be awarded to an Engineer or subcontractor who is unable to certify to the above. If the Engineer knowingly procures or subcontracts for the supply of any product or service of a foreign country on said list the Federal Aviation Administration may direct through the Owner, cancellation of the contract or subcontract for default at no cost to the Government.

Further, the Engineer agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in each contract and in all lower tier subcontracts. The Engineer may rely upon the certification of a prospective subcontractor unless it has knowledge that the certification is erroneous.

The Engineer shall provide immediate written notice to the Owner if the Engineer learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The subcontractor agrees to provide immediate written notice to the Engineer, if at any time it learns that its certification was erroneous by reason of changed circumstances.

This certification is a material representation of fact upon which reliance was placed when making the award. If it is later determined that the Engineer or subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration may direct, through the Owner, cancellation of the contract or subcontract for default at no cost to the Government.

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of an Engineer is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 17, United States Code, Section 1001.

7.8 Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - 49 CFR Part 29 (Version 1, 1/5/90) The bidder/offeror certifies, by submission of this proposal or acceptance of this contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the bidder/offeror/Contractor or any lower tier participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

7.9 Termination of Contract - 49 CFR Part 18 (Version 1, 1/5/90)

7.9.1 Either the Owner or Engineer may, by written notice, terminate this contract in whole or in part at any time, either for convenience or because of failure to fulfill the contract obligations. Upon receipt of such notice, services shall be immediately discontinued (unless the notice directs otherwise) and all materials accumulated in performing this contract, whether completed or in progress, delivered to the Owner and payment for work performed made to the Engineer.

7.9.2 If the termination is for the convenience of the Owner, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

7.9.3 If the termination is due to failure to fulfill the Engineer's obligations, the Owner may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Engineer shall be liable to the Owner for any additional cost occasioned to the Owner thereby.

7.9.4 If, after notice of termination for failure to fulfill contract obligations, it is determined that the Engineer had not so failed, the termination shall be deemed to have been effected for the convenience of the Owner. In such event, adjustment in the contract price shall be made as provided in paragraph 2 of this clause.

The rights and remedies of the Owner provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

SECTION 8 –SPECIAL PROVISIONS, ATTACHMENTS & SCHEDULES

8.1 This Agreement is subject to the following special provisions.

8.1.1 This Agreement is supported by an OWNER'S resolution stipulating that Armstrong Consultants, Inc. is authorized to perform the services as outlined in Attachments to this contract.

8.1.2 The OWNER'S obligation to make payment under this Agreement is wholly conditional on the funding of the project, including all engineering services, by the U.S. Department of Transportation. This Agreement shall, upon such funding, be supported by an OWNER'S Resolution appropriating the funds to pay for the services to be rendered by ENGINEER. However, if the FAA is willing to fund the project and the OWNER decides to abandon or postpone the project, the monies owed the ENGINEER shall be due and payable by the OWNER within 30 days of the above decision.

8.2. This Agreement, together with the Attachments and schedules identified above constitute the entire agreement between OWNER and ENGINEER and supersede all prior written or oral understandings.

This Agreement and said Attachment(s) and schedules may only be amended, supplemented, modified or canceled by a duly executed written instrument.

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

OWNERS:

SPRINGVILLE CITY

E. Fritz Boyer, Mayor

ATTEST: Jo Evans, City Recorder

SPANISH FORK CITY

Dale R. Barney, Mayor

ENGINEER:

ARMSTRONG CONSULTANTS, INC.

Edward A. Armstrong, President

MEMO
SPANISH FORK CITY
PUBLIC WORKS DEPARTMENT

DATE: **March 31, 2004**

TO: **Mayor Barney and Spanish Fork City Council**

FROM: **Chris Thompson, Design Engineer**

RE: **500 East and 700 East Water Main Replacement Project - Bid Award**

The engineer's estimate for this project was $121,646. Eight contractors bid the project with High Peaks Contractors being the lowest bid at $100,132. The average bid for the project was $137,830. We found that the line item prices for each bid item were reasonable for the quantities bid.

The contractor gave Bluffdale, Lindon City and Alpine City as references. All three cities recommended him without reservations. With this in mind we recommend that the City Council award High Peaks Contractors the contract for the project at $100,132.

SPANISH FORK CITY

500 East and 700 East Water Replacement Project

Bid Tabulation

NO.	ITEM	UNIT	QTY	Engineer's Estimate UNIT PRICE	Engineer's Estimate TOTAL PRICE	Lowest Bid High Peaks Contractors UNIT PRICE	Lowest Bid High Peaks Contractors TOTAL PRICE	2nd Lowest Bid JLS Construction UNIT PRICE	2nd Lowest Bid JLS Construction TOTAL PRICE	Average UNIT PRICE	Average TOTAL PRICE
1	4" C900 PVC Water Main	LN FT	5	$ 25.00	$ 125.00	$ 50.00	$ 250.00	$ 23.63	$ 118.15	$ 91.17	$ 455.83
2	6" C900 PVC Water Main	LN FT	99	$ 19.00	$ 1,881.00	$ 30.00	$ 2,970.00	$ 25.89	$ 2,563.11	$ 39.11	$ 3,872.01
3	8" C900 PVC Water Main	LN FT	2,694	$ 24.00	$ 64,656.00	$ 20.65	$ 55,631.10	$ 20.79	$ 56,008.26	$ 27.83	$ 74,984.12
4	8" Gate Valve	EACH	8	$ 750.00	$ 6,000.00	$ 828.40	$ 6,627.20	$ 1,168.21	$ 9,345.68	$ 938.61	$ 7,508.87
5	Abandon Existing Valve Box	EACH	3	$ 100.00	$ 300.00	$ 50.00	$ 150.00	$ 125.00	$ 375.00	$ 185.33	$ 555.98
6	Fire Hydrant	EACH	4	$ 2,250.00	$ 9,000.00	$ 1,869.19	$ 7,476.76	$ 2,303.14	$ 9,212.56	$ 2,429.98	$ 9,719.92
7	Remove Fire Hydrant	EACH	1	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 200.00	$ 352.50	$ 352.50
8	1" Water Meter	EACH	23	$ 450.00	$ 10,350.00	$ 307.06	$ 7,062.38	$ 309.34	$ 7,114.82	$ 492.57	$ 11,329.20
9	1" Water Meter with Traffic Rated Box	EACH	6	$ 650.00	$ 3,900.00	$ 400.00	$ 2,400.00	$ 342.08	$ 2,052.48	$ 605.89	$ 3,635.31
10	1" Water Service Line	LN FT	1,131	$ 14.00	$ 15,834.00	$ 7.96	$ 9,002.76	$ 13.96	$ 15,788.76	$ 11.41	$ 12,900.47
11	Connect Water Service to Proposed Main	EACH	47	$ 200.00	$ 9,400.00	$ 177.91	$ 8,361.77	$ 312.50	$ 14,687.50	$ 266.30	$ 12,516.16
				SUBTOTAL:	$ 121,646.00	**SUBTOTAL:**	$ 100,131.97	**SUBTOTAL:**	$ 117,466.32	**SUBTOTAL:**	$ 137,830.36

NO.	ITEM	UNIT	QTY	3rd Lowest Bid K&P Plumbing UNIT PRICE	3rd Lowest Bid K&P Plumbing TOTAL PRICE	4th Lowest Bid Vancon Inc. UNIT PRICE	4th Lowest Bid Vancon Inc. TOTAL PRICE	5th Lowest Bid Kriser Excavation, Inc UNIT PRICE	5th Lowest Bid Kriser Excavation, Inc TOTAL PRICE	6th Lowest Bid Claw Construction UNIT PRICE	6th Lowest Bid Claw Construction TOTAL PRICE
1	4" C900 PVC Water Main	LN FT	5	$ 100.00	$ 500.00	$ 200.00	$ 1,000.00	$ 80.00	$ 400.00	$ 150.00	$ 750.00
2	6" C900 PVC Water Main	LN FT	99	$ 50.00	$ 4,950.00	$ 48.00	$ 4,752.00	$ 35.00	$ 3,465.00	$ 50.00	$ 4,950.00
3	8" C900 PVC Water Main	LN FT	2,694	$ 27.00	$ 72,738.00	$ 30.00	$ 80,820.00	$ 27.00	$ 72,738.00	$ 30.00	$ 80,820.00
4	8" Gate Valve	EACH	8	$ 850.00	$ 6,800.00	$ 700.00	$ 5,600.00	$ 1,400.00	$ 11,200.00	$ 860.00	$ 6,880.00
5	Abandon Existing Valve Box	EACH	3	$ 100.00	$ 300.00	$ 25.00	$ 75.00	$ 200.00	$ 600.00	$ 250.00	$ 750.00
6	Fire Hydrant	EACH	4	$ 2,000.00	$ 8,000.00	$ 1,850.00	$ 7,400.00	$ 3,000.00	$ 12,000.00	$ 2,900.00	$ 11,600.00
7	Remove Fire Hydrant	EACH	1	$ 200.00	$ 200.00	$ 100.00	$ 100.00	$ 300.00	$ 300.00	$ 500.00	$ 500.00
8	1" Water Meter	EACH	23	$ 530.00	$ 12,190.00	$ 400.00	$ 9,200.00	$ 450.00	$ 10,350.00	$ 500.00	$ 11,500.00
9	1" Water Meter with Traffic Rated Box	EACH	6	$ 530.00	$ 3,180.00	$ 600.00	$ 3,600.00	$ 475.00	$ 2,850.00	$ 600.00	$ 3,600.00
10	1" Water Service Line	LN FT	1,131	$ 7.00	$ 7,917.00	$ 9.00	$ 10,179.00	$ 16.00	$ 18,096.00	$ 14.00	$ 15,834.00
11	Connect Water Service to Proposed Main	EACH	47	$ 200.00	$ 9,400.00	$ 150.00	$ 7,050.00	$ 300.00	$ 14,100.00	$ 200.00	$ 9,400.00
				SUBTOTAL:	$ 126,175.00	**SUBTOTAL:**	$ 129,776.00	**SUBTOTAL:**	$ 146,099.00	**SUBTOTAL:**	$ 146,584.00

NO.	ITEM	UNIT	QTY	7th Lowest Bid Christensen Brothers UNIT PRICE	7th Lowest Bid Christensen Brothers TOTAL PRICE	8th Lowest Bid Dwight Peterson & Sons UNIT PRICE	8th Lowest Bid Dwight Peterson & Sons TOTAL PRICE
1	4" C900 PVC Water Main	LN FT	5	$ 46.80	$ 234.00	$ 78.90	$ 394.50
2	6" C900 PVC Water Main	LN FT	99	$ 35.10	$ 3,474.90	$ 38.90	$ 3,851.10
3	8" C900 PVC Water Main	LN FT	2,694	$ 24.09	$ 64,898.46	$ 43.14	$ 116,219.16
4	8" Gate Valve	EACH	8	$ 1,027.26	$ 8,218.08	$ 675.00	$ 5,400.00
5	Abandon Existing Valve Box	EACH	3	$ 702.00	$ 2,106.00	$ 30.60	$ 91.80
6	Fire Hydrant	EACH	4	$ 3,217.50	$ 12,870.00	$ 2,300.00	$ 9,200.00
7	Remove Fire Hydrant	EACH	1	$ 1,170.00	$ 1,170.00	$ 150.00	$ 150.00
8	1" Water Meter	EACH	23	$ 710.19	$ 16,334.37	$ 734.00	$ 16,882.00
9	1" Water Meter with Traffic Rated Box	EACH	6	$ 1,000.00	$ 6,000.00	$ 900.00	$ 5,400.00
10	1" Water Service Line	LN FT	1,131	$ 9.36	$ 10,586.16	$ 13.97	$ 15,800.07
11	Connect Water Service to Proposed Main	EACH	47	$ 468.00	$ 21,996.00	$ 322.00	$ 15,134.00
				SUBTOTAL:	$ 147,887.97	**SUBTOTAL:**	$ 188,522.63

MEMO
SPANISH FORK CITY
PUBLIC WORKS DEPARTMENT

DATE: April 6, 2004

MEMO TO: Mayor and City council

FROM: Richard J. Heap, Public Works Director

Re: Change Order on WWTP project

There are some flow control gates on the new equipment at the WWTP are electric operated and regulate the return flow of the activated sludge from the Aerotors. The electric panel spec didn't indicate otherwise and so was installed as single phase service for these gate controllers. When the gates arrived they were actually 3phase. A new breaker panel had to be ordered.

AQUA ENGINEERING, INC.
533 W. 2600 S., SUITE 275 BOUNTIFUL, UT 84010

CONTRACT CHANGE ORDER

CHANGE ORDER NO. 5

ISSUED TO: Absolute Constructors,

DATE: 02/19/04

PROJECT:

Spanish Fork Water Reclamation Facility - STM Acrotor Basin Addition

This Change Order covers changes to the subject contract as described herein. The Contractor shall contract, furnish and install all equipment and materials, and perform all work as necessary or required to complete the Change Order items for the price agreed upon.

Description of Changes:

1. Add Stand alone breaker panel tapped into the MCC, with all breakers, disconnects, conduit, wiring and misc. materials and all labor necessary to provide power to Gates M-FC-1 and M-FC-3. The power feed for the gate operators was not shown on the contract drawings. $1,675.55

NET CHANGE IN CONTRACT PRICE INCREASE (OR DECREASE). $1,675.55

FINANCIAL INFORMATION

1. AMOUNT OF THIS CHANGE ORDER	2. AMOUNT OF PRIOR CHANGE ORDERS	3. AMOUNT OF ORIGINAL CONTRACT	4. ADJUSTED CONTRACT AMOUNT (1,2,3)
$1,675.55	$19,720.00	$1,291,360.00	$1,312,755.55

ACCEPTANCE

We, the undersigned, have given careful consideration to the change proposed, and hereby agree; if this proposal is approved, that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work specified, and will accept as full payment therefor the fees or prices shown above. By reason of this proposed change, the contract time will be:

No Change
(increased or decreased)
calendar days

Accepted: Absolute Constructors

SIGNATURE: [signature]

TITLE: President

Date: 2/22/04

ENDORSEMENTS

Requested: By: Date

Recommended: Aqua Engineering, Kevin Allcott By: [signature] Date 2/19/04

Approved: By: [signature] Date 3-5-04

Approved and Accepted, Spanish Fork City By: Date

MEMO
SPANISH FORK CITY
PUBLIC WORKS DEPARTMENT

DATE: **March 30, 2004**

TO: **Mayor Barney and Spanish Fork City Council**
Mayor Boyer and Springville City Council

FROM: **Richard J. Nielson, Assistant Public Works Director**

RE: **2003 Airport Landscape Project Change Order**

Commander Concrete, the contractor working on the curb and gutter project at the airport, has requested a change order on the project. The change order involves three items. The first item involves a request by the Spanish Fork City Engineering Department to stop work on the project for approximately two weeks to let the soil dry out. The soil is very wet and is not holding the equipment being used for the project. It is the opinion of the Engineering Department that by allowing the soil to dry we will avoid the need for further excavation and structural fill. The change order for this involves maintaining traffic control for the two weeks and re-mobilization of the grader crew. The estimate for this portion of the change is $1220.00.

The second part of the change order involves excavation around existing buried fiber optics boxes along the project. There are three fiber optic boxes near the west end of the project and this portion of the project cannot be excavated with a grader. The change would involve use of a trackhoe, dump truck, and skid steer loader to excavate the existing material and place road base for the project. The estimated cost for this portion of the change order is $1275.00.

These cost are estimated because they are hourly or daily rates and the time is estimated.

The third item is an additional gate and concrete driveway located near the east end of the hangers. This gate would be used for emergency access only and would not be for general use. These two items are part of the original bid as line item #5 and #7 and would result in an additional cost of $1550.00.

I would recommend that the city councils approve the proposed change order for Commander Concrete in the estimated amount of $4045.00.

Spanish Fork City

Contract Change Order

Change Order Number: **1**

Contract for Airport Landscape Project

Owner Spanish Fork City/ Springville City

To Commander Concrete

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	Decrease in Contract Price	Increase in Contract Price
1. Barricades and signs @ $45/ day (est. 14 days)		$ 630.00
2. Barricade maintainance @ $10/ day (est. 14 days)		$ 140.00
3. Re-mobilization of grader crew		$ 450.00
4. Trackhoe @ $135/ hour (est. 5 hours)		$ 675.00
5. Dump Truck @ $65/ hour (est 5 hours)		$ 325.00
6. Skid Steer Loader @ $55/ hour (est. 5 hours)		$ 275.00
7. Additonal 20 foot gate (line item # 7)		$ 350.00
8. Additional Concrete Driveway (line item #5)		$ 1,200.00
TOTALS :		$ 4,045.00
NET CHANGE IN CONTRACT PRICE :		$ 4,045.00

JUSTIFICATION

See Attached Memo

The amount of the contract will be increased by the sum of : FOUR THOUSAND FORTY FIVE

Dollars $ 4,045.00

The contract total including this and previous change orders will be : FIFTY TWO THOUSAND FOUR HUNDRED SIXTY FIVE

Dollars $ 52,465.00

This document will become a supplement to the contract and all provisions will apply herein.

Requested: _____ (Owner) Date: _____

Recommended: _____ (Owner's Architect/Engineer) Date: _____

Accepted: _____ (Contractor) Date: _____

RESOLUTION NO. 04-04

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY *(votes only in case of tie)*		
MATT D. BARBER *Councilmember*		
PAUL M. CHRISTENSEN *Councilmember*		
EVERETT KELEPOLO *Councilmember*		
SETH V. SORENSEN *Councilmember*		
CHRIS C. WADSWORTH *Councilmember*		

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

RESOLUTION 04-04

A RESOLUTION AUTHORIZING THE USE OF SPANISH FORK CITY'S 2004 ALLOCATION OF HOME FUNDS AND COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS TO ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS LOCATED IN UTAH COUNTY

WHEREAS, The Utah Valley Consortium of Cities and County ("UVCCC") receives an annual formula allocation of HOME funds from the Department of Housing and Urban Development for the purpose of addressing homelessness and expanding the supply of affordable housing, and

WHEREAS, UVCCC receives an annual allocation of Community Housing Development Organization (CHDO) funds for the purpose of addressing homelessness and expanding the supply of affordable housing, and

WHEREAS, Spanish Fork City is a member of the UVCCC and is eligible to receive as its share of 2004 HOME funds the sum of $49,662.53, and as its share of CHDO funds the sum of $9,932.51; and

WHEREAS, HOME funds from each member of the UVCCC will be needed to cover the costs of all proposed projects.

NOW, THEREFORE, be it resolved that the Spanish Fork City Council authorizes Spanish Fork City's share of the 2004 HOME funds in the amount of $49,662.53, and its share of CHDO funds the sum of $9,932.51 used in the development of any of the following project(s):

- *Center for Women & Children in Crisis*
- *Utah Alcoholism Foundation*
- *Rural Housing Development Corporation*
- *Housing Authority of Utah County*
- *NHS of Provo*

This resolution adopted this day 6th of April, 2004, by the City Council of Spanish Fork City, Utah.

_____
DALE R. BARNEY, Mayor

ATTEST:

_____
KENT R. CLARK, City Recorder

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ORDINANCE NO. 04-04

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY *(votes only in case of tie)*		
MATTHEW D. BARBER *Councilmember*		
PAUL M. CHRISTENSEN *Councilmember*		
EVERETT KELEPOLO *Councilmember*		
SETH V. SORENSEN *Councilmember*		
CHRIS C. WADSWORTH *Councilmember*		

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

ORDINANCE 04-04

AN ORDINANCE MAKING CHANGES TO THE
EMPLOYEE PERSONNEL SYSTEM

WHEREAS, Spanish Fork City has created a personnel system for the benefit of its employees and to comply with state law; and

WHEREAS, changes in the state law require some modification to the City Ordinance;

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

I.

Section 4.04.010 (definitions) of the Spanish Fork Municipal Code is hereby repealed.

II.

Section 4.04.030 of the Spanish Fork Municipal Code is hereby amended to read as follows:

4.04.030 Merit Service

Except for those employees set forth in the state law (Utah Code Ann. §10-3-1105(2)), each employee of Spanish Fork City shall hold employment without limitation of time. Discharge (termination), involuntary transfer to a position with less remuneration (demotion), or suspension of over two days without pay may occur only for cause and in compliance with state law and in accordance with the procedures set forth in the Spanish Fork City Personnel Policy Manual. All other grievance and/or disciplinary matters shall be handled as set forth in the Personnel Policy Manual.

III.

Section 4.04.045 of the Spanish Fork Municipal Code is hereby created to read as follows:

4.04.045 Appeal Board.

A. There is hereby created an Appeal Board, which shall consist of the Mayor and the City Council and which will be chaired by the Mayor.

B. Any employee afforded merit protection under the law(Utah Code Ann. §10-3-1105) shall be entitled to appeal discharge (termination), involuntary transfer to another position with less remuneration (demotion), or suspension without pay for more than two days, to the Appeal Board. The procedures for an appeal shall be set forth in the Spanish Fork City Personnel Policy Manual. Exhaustion of all appeal procedures set forth in the Personnel Policy Manual shall be a prerequisite to filing an appeal with the Appeal Board, including meeting all time deadlines.

DATED this _____ of _____, 2004.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this _____ day of _____, 2004.

_____
DALE R. BARNEY, Mayor

ATTEST:

_____
KENT R. CLARK, City Recorder

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