



CITY COUNCIL MEETING

6:00 pm
Tuesday, May 4, 2004

I. PRELIMINARY ACTIVITIES

- A. Pledge of Allegiance
- B. Minutes
- C. Employee Retirement Recognition - Ron Lake and Ed Acey
- D. Employee of the First Quarter 2004
- E. [Mayoral Proclamation Declaring Letter Carriers Food Drive](#)
- F. Recognition - City Youth Council

II. PUBLIC HEARINGS

- 6:30 pm
- A. [Ordinance No. ... - Zoning Ordinance Amendment](#) - Eliminate Height Restriction in Industrial Zones
 - B. [River Cove Rezone \(Hughes/Hill\)](#) - 900 South Del Monte

III. STAFF REPORTS

- A. Emil Pierson - Planning
 - 1. [River Cove Preliminary Plat](#)
- B. Dale Robinson - Parks and Recreation
 - 1. Golf Cart Rental Rates*
 - 2. [Bid Tabulations - Pool Splash Pad](#)
- C. Richard Heap - Engineering
 - 1. Easement - [Roy B. Bennion and Carol W. Bennion](#)
 - 2. Easement - Tyler Ward*
 - 3. Dave Tuttle - Utility Board Report*
- D. David Oyler - Administration
 - A. FY2005 Tentative budget*

IV. OTHER BUSINESS

(*) 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.



Utah AFL-CIO Community Services

April 9, 2004

The Honorable Dale Barney
P.O. Box 358
Spanish Fork, Utah 84660

Dear Mayor Barney,

Thank you for making the 2003 NALC Food Drive a great success. Letter Carriers around the state collected approximately 970,000 pounds of food from Utah residents last year. However, to meet the current and growing hunger needs in the state we are hoping to collect even more food for those in need in 2004.

Enclosed is the 2004 Letter Carriers Food Drive Proclamation for you to sign. We would appreciate your help by signing the 2004 Letter Carriers Food Drive Proclamation and forwarding it to your local post office.

We need your marketing skills and media contact to publicize the drive. Please announce the drive in city meetings, in local papers, bulletin boards and any media contacts you have.

The Letter Carriers need your support. Please help us **STAMP OUT HUNGER!**

Sincerely,

Michael Lester
Labor Liaison

PROCLAMATION

WHEREAS, the Letter Carriers in Utah have organized a food drive with the cooperation of our local U. S. Post Offices, AFL-CIO, AFL-CIO Community Services, and United Way; and

WHEREAS, The U.S. Postal Service and the Postmaster General have recognized this effective and unique door-to-door food drive and designated event, which began 12 years ago around the nation; and

WHEREAS, there are children, seniors and working poor, who are in need of emergency food supplies; and --

WHEREAS, hundreds of Utah Letter Carriers with the support of their U. S. Post Officers will mobilize on **Saturday, May 8, 2004**, to collect thousands of pounds of nonperishable food for the less fortunate in the State; and

WHEREAS, the Utah Letter Carriers will pick-up the nonperishable food donations left by postal customers as they deliver the mail and take the donations to a central postal station for redistribution to local food banks; and

WHEREAS, the Letter Carriers Food Drive is an example of how the private, governmental, non-profit and union sectors of our community can work together to help solve an immediate problem of hunger; and

WHEREAS, this tradition of caring, the Letter Carriers Food Drive, will now begin in communities around our State and across our Nation.

NOW, THEREFORE, I, Dale R.Barney, Mayor of Spanish Fork, do hereby proclaim May 8, 2004, to be "**Letter Carriers Food Drive Day**" in the City of Spanish Fork.

Signed and sealed this _____ day of 2004.

City of Spanish Fork

Mayor



Spanish Fork City Council Staff Report

To: City Council **ID#** **ZO** 04-01
From: Emil Pierson, City Planner
Date: May 4, 2004
Subject: Industrial Height
Location: City wide

Background

It has come to our attention through working with industrial developers and then researching other cities that we have a barrier to industrial development. This barrier is our height restrictions, for example a primary building can only be constructed to a height of 48 feet and if it adjacent or next to a residence or district 30-feet. The current heights standards would not allow the new Newway's office building in Springville to be built in the City.

Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards is as follows.

| Industrial Height Standards | | | |
|------------------------------------|------------------|---|--------------------|
| | Primary building | Primary building 50' from residential use or district | Accessory building |
| I-1 (light industrial) | 48' | 30' | 15-25' |
| I-2 (medium industrial) | 48' | N/A | 25' |
| I-3 (heavy industrial) | 48' | N/A | 25' |

DEVELOPMENT REVIEW COMMITTEE

Minutes from DRC

Mr. Baker said there is a company looking at coming into Spanish Fork which have 65-foot storage silos exceeding the zoning height limit. They are considered an accessory building. Mr. Nielson said the height limit in the I-1 zone is due to the airport in the area.

Mr. Baker said the FAA rules dictate the height requirements for areas near the airport. Mr. Baker said the zoning ordinance could be changed with no height limit subject to the FAA regulations.

DRC MOTION

Mr. Baker made a motion to recommend approval of the Zoning Ordinance amendment eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations. Mr. Nielson seconded, and the motion passed with a unanimous vote.

PLANNING COMMISSION

The Planning Commission reviewed this request by staff at their April 7th meeting and discussed the proposed changes to the industrial zones. The Planning Commission recommended changing Title 17.20 Table 2 to eliminate height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations.

RECOMMENDATION

Option One - APPROVE

Make a motion to Approve the amendments to the Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations.

Option Two - approve with changes

Make a motion to approve the amendments to the Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations with the following changes:

Option Three - TABLE

Make a motion to Table the amendments to the Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations for the following reason(s):

Option Four - DENY

Make a motion to Deny the amendments to the Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations for the following reason(s):

ORDINANCE NO. 07-04

ROLL CALL

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

I MOVE this ordinance be adopted: Councilmember

I SECOND the foregoing motion: Councilmember

ORDINANCE 07-04

AN ORDINANCE ELIMINATING HEIGHT RESTRICTIONS IN THE INDUSTRIAL ZONES OF THE COMPREHENSIVE ZONING ORDINANCE

WHEREAS, Spanish Fork City has adopted a Comprehensive Zoning Ordinance; and

WHEREAS, the Comprehensive Zoning Ordinance is intended to preserve property values to allow for compatible uses within similar districts and to protect the health, safety, and welfare of the residents of the City; and

WHEREAS, the Comprehensive Zoning Ordinance creates three industrial zones designed to promote industry and create a solid tax base for the City; and

WHEREAS, the industrial zones limit the height of both principal and accessory buildings; and

WHEREAS, in order to encourage business and industrial development, height restrictions should be removed; and

WHEREAS, the Development and Review Committee and Planning Commission have recommended that height restrictions in the industrial zones be removed; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on the 4th day of May, 2004 whereat public comment was received; and

WHEREAS, in order to protect the health, welfare, and safety of the residents of the City, it is appropriate to enact the changes proposed by the Planning Commission to the Comprehensive Zoning Ordinance relating to heights in the industrial zones;

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

I.

Height restrictions in the industrial zones are hereby eliminated for both principal and accessory buildings.

II.

Table 2 of the Comprehensive Zoning Ordinance is amended to show no height restrictions in the industrial zones, as indicated in Exhibit A, attached hereto and incorporated herein by this reference.

III.

This Ordinance shall become effective 20 days after passage and publication..

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,
UTAH, this 4th day of May, 2004.

DALE R. BARNEY, Mayor

ATTEST:

KENT R. CLARK, City Recorder

F:\ORDBOOK\ORD\2004\ORD03-04



Spanish Fork City Council Report

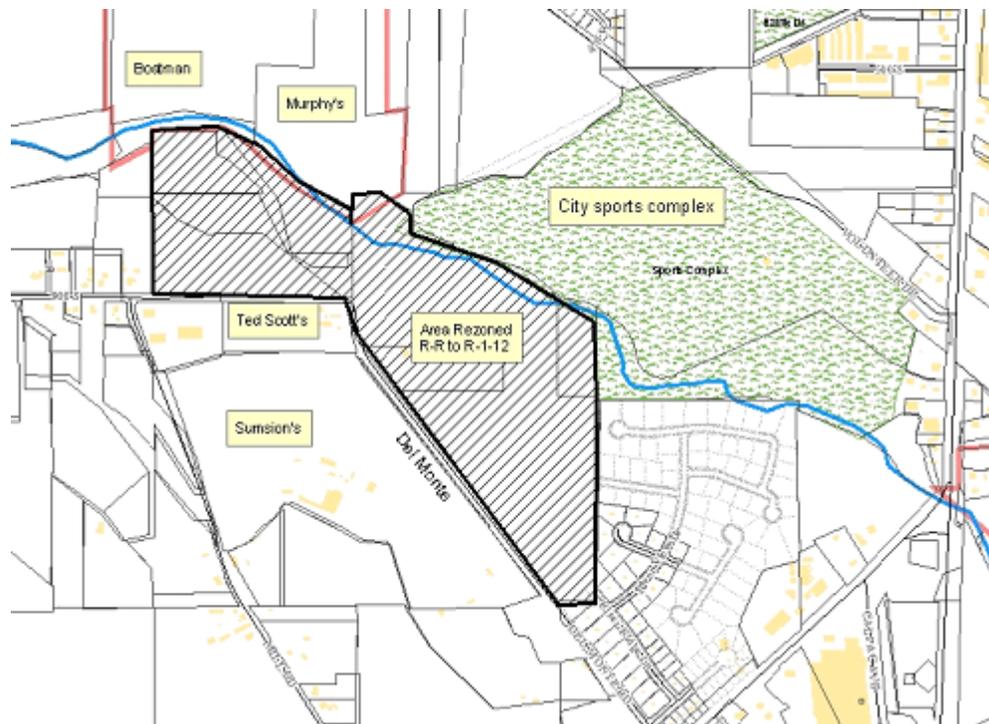
| | | | |
|------------------|--|------------------------|-------------------|
| To: | City Council | ID # | Zone 03-09 |
| From: | Emil Pierson, City Planner | Current Zoning | R-R |
| Date: | April 6, 2004 | Proposed Zoning | R-1-12 |
| Subject: | Hughes/Hill (River Cove) Rezone | Property Size | 80.37 |
| 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 bridge 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 trail 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):

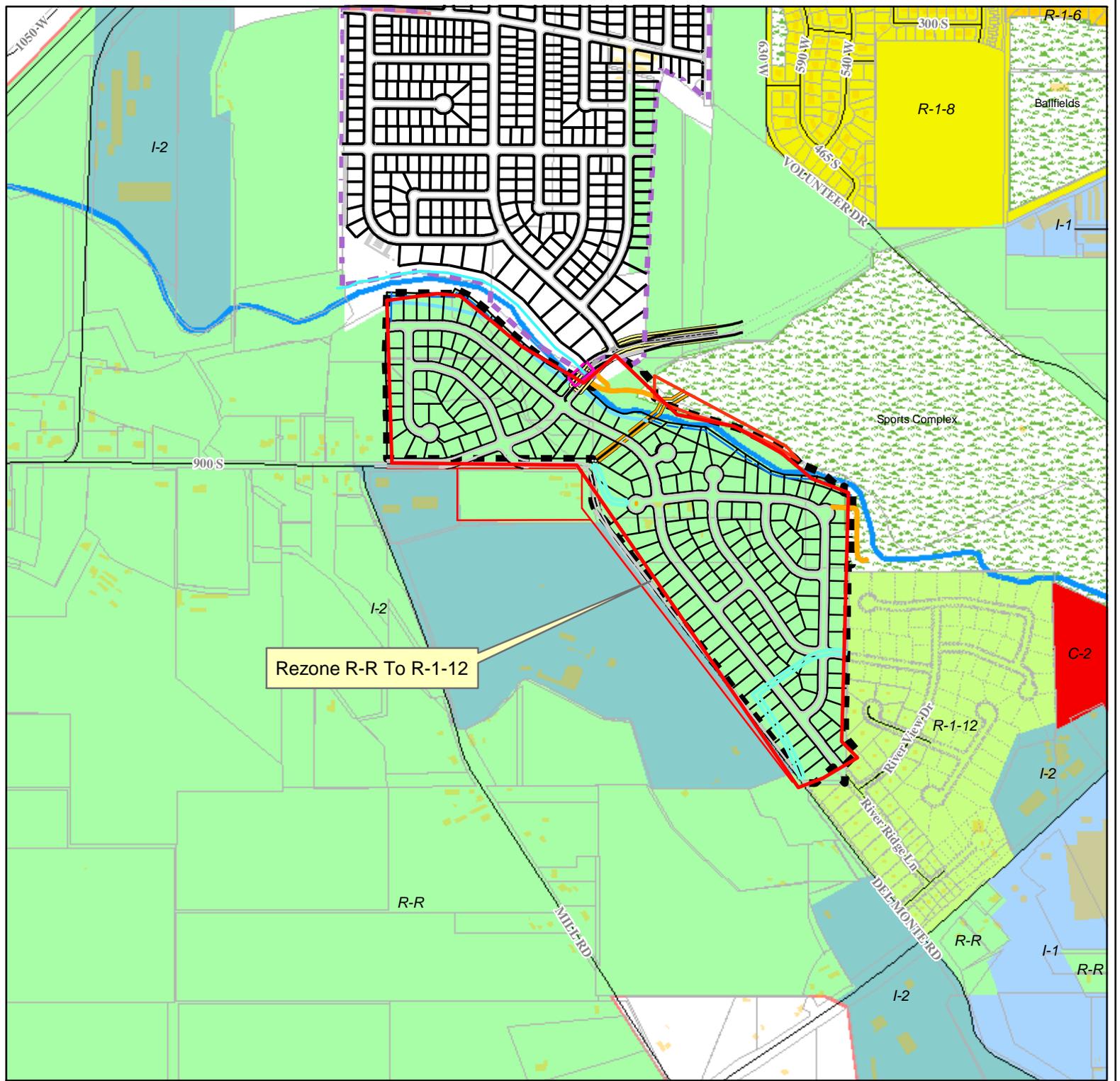
TABLE

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 Road
 - Rivers
- Parks**
- A-E
 - C-1
 - C-2
 - C-D
 - C-O
 - I-1
 - I-2
 - I-3
 - I-3
 - R-1-12
 - R-1-30
 - R-1-6
 - R-1-8
 - R-1-10
 - R-1-6
 - R-3
 - R-Q
 - R-R
 - S-C
 - U/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



Rezone R-R To R-1-12



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 Council Report

| | | | |
|------------------|------------------------------------|----------------------|---------------|
| To: | City Council | ID# PRE | 03-29 |
| From: | Emil Pierson, City Planner | Zoning | R-1-12 |
| Date: | May 4, 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

This request was table at the April 6th City Council meeting so the developer, staff and the neighbors could look at different alternatives pertaining to the bridge and 900 South road connection. The developer and staff met to discuss the alternatives and staff member Richard Heap met with residents.

A work session was held by the City Council on April 27th to review the issue and discuss alternatives.

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.

ADD:

30.

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 508.3 feet

Legend

- Roads**
- Other Roads
 - Not Paved
 - Paved
 - Rivers
- Parks**
- Parks
- Buildings**
- Buildings
- Spanish Fork Boundary**
- 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

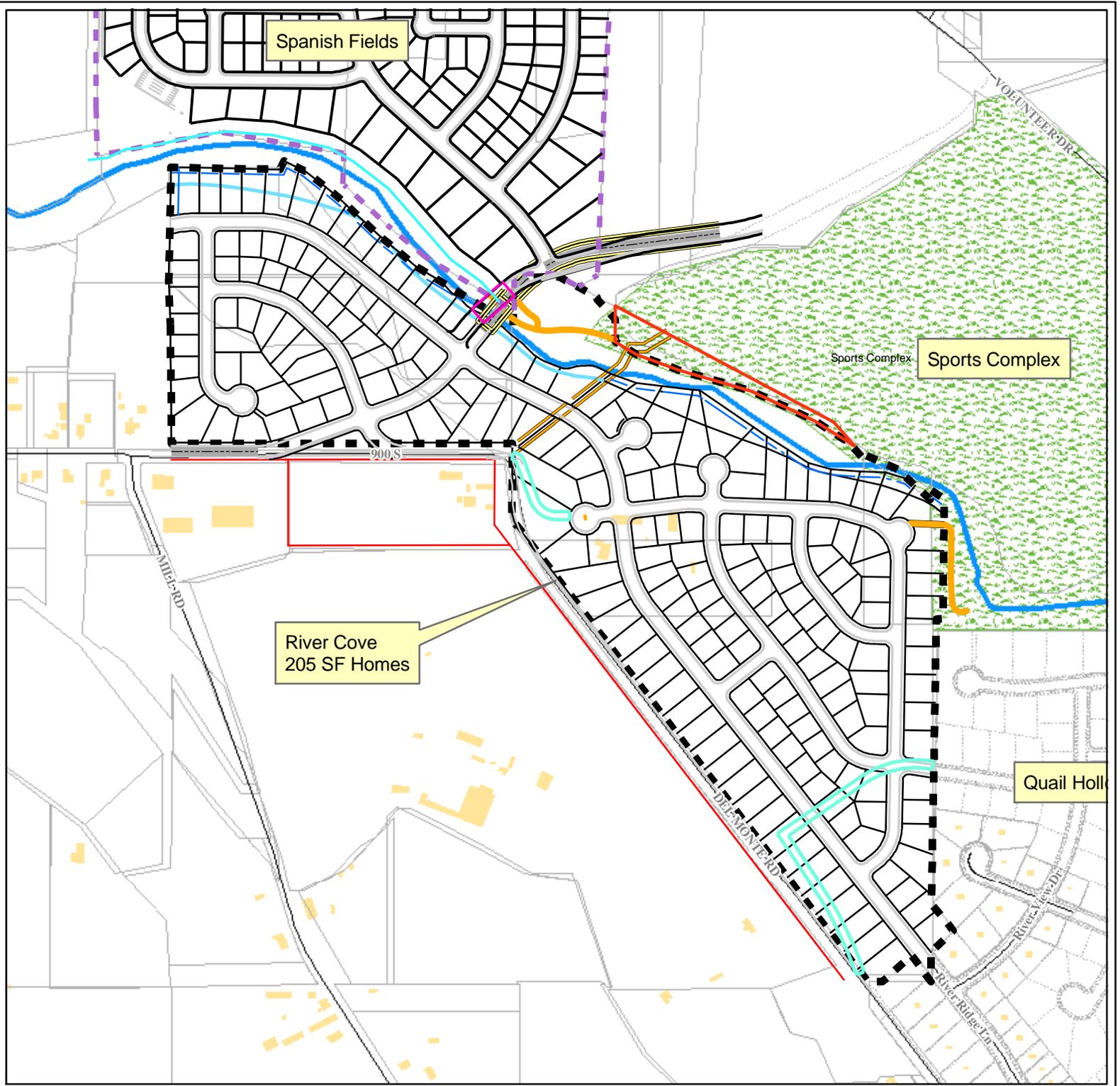
- Subdivision Boundary
- Curb and Gutter
- Edge of Asphalt
- Existing Buildings
- FEMA Line
- Lot Lines
- New Bridge



Geographic Information Systems

Spanish Fork City GIS
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MEMO

To: City Council

From: Dale Robinson

RE: Splash Pad Bid

Only one bid was received at the bid opening for the Splash Pad Project. The bid came from a qualified bidder. The bid amount was \$182,777.00. We are currently negotiating areas where we can possibly reduce the price.

The original estimate on the project was \$175,000.00, based on a study done 4 years ago. Apparently, this estimate was based on installation in a stand-alone park setting. After talking recently with the designers we concluded that the \$175,000.00 estimate was still valid not accounting for increased costs based on installation in an existing water park setting.

Because of installation in an existing water park setting, attaching to existing equipment and because of adherence to health regulations associated with installation with the existing water park the final cost became higher.

Spanish Fork City has already purchased the water park surface components totaling \$61,894.00.

We feel that the bid is valid and the bidder is qualified. We recommend that the bid be accepted.

The difference between the original estimate amount and the current bid amount will be covered by Impact Fee funds.

When recorded, return to:
SPANISH FORK CITY
40 SOUTH MAIN
SPANISH FORK UT 84660

PUBLIC UTILITY EASEMENT

The Grantor(s), Roy B. and Carol W. Bennion; hereby gives and grants unto SPANISH FORK CITY, a municipal corporation, Grantee, a RIGHT-OF-WAY and EASEMENT for the construction and continued operation, maintenance, repair, alteration, inspection, and replacement of a storm water drainage line, over, on, and across the following premises belonging to Grantor(s), in Spanish Fork City, Utah County, State of Utah as described below:

Legal Description Attached As Exhibit A:

IN WITNESS WHEREOF, Grantor(s) has set his hand this _____ day of _____, 2004

Roy B Bennion _____ 19 Apr 2004
Name Title Date

Carol W Bennion _____ 19 Apr 2004
Name Title Date

STATE OF UTAH)
SS.)
COUNTY OF UTAH)

On the 19th day of April, 2004 personally appeared before me,

acknowledged to me that said Individual(s) executed the same.



Connie Swain
NOTARY PUBLIC

EXHIBIT A

Description for Storm Drainage Easement Rivers Bottom Road to 1100 East (7 April 2004 Hansen)

Description for a parcel of land in Spanish Fork, Utah County, located in the Southeast Quarter of Section 30, Township 8 South, Range 3 East, Salt Lake Base and Meridian. The basis of bearing for said parcel is N 00E23'35" W, along the East Section Line between the Southeast Section Corner and the East Quarter Corner of said Section 30.

A 12.00 foot wide permanent easement for storm drainage lying 6.00 feet on each side of the following described centerline:

Beginning at a point which is the approximate centerline of River Bottoms Road, which point is located N 00E23'35" W, 52.98 feet along the section line and West, 155.39 feet from the Southeast Corner of Section 30, Township 8 South, Range 3 East, Salt Lake Base and Meridian and running thence N 00E51'11" E, 18.83 feet; thence N 06°12'44" E, 52.60 feet; thence N 33°16'51" W, 91.30 feet; thence N 02°52'50" E, 225.91 feet; thence N 38°15'54" E, 182.30 feet; thence N 10°50'05" E, 201.27 feet; thence N 47°21'45" E, 53.14 feet; thence N 23°21'23" W, 32.10 feet; to an existing storm drain sump.

The boundary lines of said easement shall be prolonged and/or shortened to begin and end on, and conform to the Grantor's property lines.