



CITY COUNCIL MEETING

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on April 4, 2006**.

ADDENDUM

AGENDA ITEMS:

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

- a. Pledge

2. CONSENT ITEMS:

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

- a. Minutes of Spanish Fork City Council Meeting – [December 26, 2005](#); [February 21, 2006](#)

3. PUBLIC COMMENTS:

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

4. PUBLIC HEARINGS: 6:30 p.m.

- a. [Michael Nelson General Plan Amendment](#) (tabled from March 7)
- b. [Michael Nelson Rezone](#) (tabled from March 7)

5. NEW BUSINESS:

- a. Malcom Spring Annexation Petition
- b. [Treatment Plant Bid](#)
- c. Utility Restriction
- d. Fire Chief and Ambulance Captain Appointment (change of ordinance)

6. OLD BUSINESS:

- a. RGM LC Proposal for consulting services for the golf course

7. OTHER BUSINESS:

- a. Work Session
 - i. Strawberry Water Users
 - ii. Future Work Session Schedule
 - iii. Other
- b. Executive Session If Needed – To be Announced in the Motion

ADJOURN:

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed executive meeting for any of the purposes identified in that Chapter.

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 798-5000.

**Tentative Minutes
Spanish Fork City Council Meeting
Work Session
December 26, 2005**

1 Elected Officials Present: Councilmembers Matthew D. Barber, Seth V. Sorensen, and
2 Chris C. Wadsworth.

3 Others Present: G. Wayne Andersen, Steve Leifson, and Joe L Thomas.

4 The meeting started at 6:04 p.m. to discuss boards, commissions, and committees.

5 Discussion of possibly forming an economical development committee. Discussion on
6 possible members and formation.

7 Discussion on term limits for commissions. Check with Junior on ordinance change to
8 accommodate any changes we might want to make.

9 Discussion on purpose of Youth Council and future structuring.

10 Discussion on other governmental agency boards & committees.

11 Mayor-elect Thomas reviewed discussion and restated any assignments given on calling
12 potential committee members with no commitment being given to them.

13 Discussion on flow and procedures of council meetings in the future. Mayor-elect
14 Thomas lead discussion.

15 **Adjournment**

16 Councilmember Wadsworth made a motion to adjourn at 7:34 p.m. Councilmember
17 Sorensen seconded and the motion passed with a unanimous vote.

18
19

Councilmember Matthew D. Barber

20 Approved:

**Tentative Minutes
Spanish Fork City Council Meeting
February 21, 2006**

1 Elected Officials Present: Mayor Joe L Thomas, Councilmembers G. Wayne Andersen, Steven
2 M. Leifson, Seth V. Sorensen, and Chris C. Wadsworth. Councilmember Matthew D. Barber was
3 excused.

4 Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Emil
5 Pierson, Planning Director; Richard J. Heap, City Engineer/Public Works Director; Seth J.
6 Perrins, Assistant City Manager; Kent R. Clark, Finance Director/City Recorder; and Marlo
7 Smith, Engineering Secretary.

8 Citizens Present: Ross Asay, Todd Huffman, Evan Huffman, Tyler Reynolds, Merrill Warnicle,
9 Joseph Felt, Travis Alm, Alice Sumsion, Kevin Sumsion, Hailey Brierley, Myrna Bagshaw,
10 Brittney Manwill, Brad Black, William Kendall, Ray Chapman, Mary Chapman, Richard
11 Spencer, Marshall Bare, Helen Fish, Chris Jackson, Kaisha Jackson, Karen K. Payne, Monyka
12 Arnoldus, Evan Burrows, Mike Klug, Kate Rauley, Sharlene Sacco, Mindy Madsen, Jessica
13 Johnson, Austin Wride, Kyle Olsen, Dakota Parker, Nicholas Than, CJ Lewis, Steven Tuckett,
14 Austin Copling, Paris Dunlap, Malae Sales, Audrey Adams, Phillip Lundgreen, Jessica Wright,
15 Breanna Bullock, Heather Rowley, Andrea Beardall, Brooke Patterson, Tammy Dustin, Jeffrey
16 Talley, Audrey Talley, Kathleen Anderson, Scott Hurst, Ron Hansen, Elaine Hansen, Kelley
17 Anderson, Cory Webb, Mitch Cortlane, Chad Haskell, Cory Greens, Meralyn Chipman, Cheryl
18 Call, Tamra Jensen, Suasha Herget, Ms. Davis, Paige Chesnut, Jason Chesnut, Aimee Sinclair,
19 Selina Way, Allison Falkner, Ryan Falkner, Sabrina Bagshaw, Adrena Sinclair, Kevin Lindholm,
20 David Vincent, Christine Baker, Andrew Stewart, David Pollei, Ali Durham, Laron Letzerich,
21 Glen Johnson, Gaylene M. Johnson, Keeley Wright, Shawn Eliot, Aaron Fisher, James Rees,
22 Karl Warnick, Philip Powlick, Tracy Livingston, Christine Watson Mikell, Dean Davis, David
23 Eddington, Katie Ashton, Shauna Warnick, Maribel Rees, Lucinda Berge, Tony Priego, Jolene
24 Parker, Carl Waeff, Virginia Waeff, Phillip K. Whitehead, Arie Noot Sr., Arie Noot Jr.,
25 Merilynn Westwater, James Westwater, Steve Wells, Sherry Wells, Jill Franklin, Stephen
26 Hadlock, Valene Hanson, Michael Courtlee, Paul Drockton, Dolores Richardson, Jeremy Rees,
27 Craig Saxby, Glenda Saxby, Janet L. McManus, Richard L. McManus, Kip Rasmussen, Taalin
28 Rasmussen, Robert J. Pittelli, Rebecca Creer, Leah Rasmussen, Leanna Thompson, Jaycee
29 Franklin, Ericka Felt, Dale Cressman, Jerry Huffman, Brett McInelly, Paul Jensen, Farrell
30 Badger, Pat Parkinson, Mikel Cressman, Dallin Congdon, Collin McInelly, Janae E. Lee, Jared
31 Lee, Sierra Lee, Shirley Hurst, Meagan Lawrence, Ashley Smith, Vanessa Beauchamp, Andrew
32 Mecham, William Wolfe, Chad Barlow, Kirk Sherrod, Vallan Sherrod, Richard Swan, Lamar
33 Farnsworth, Melanie Farnsworth, Rick Giles, Kelli Giles, Chery Hastings, Amberlie Hastings,
34 Ben Jacobson, Kevin Walker, Guy Conydon, Brianna, Buy, Teressa Burgi, Alissa Wright, Drew
35 Merrill, Cory Mendenhall, Aprel Mendenhall, Leah Mendenhall, John F. Mendenhall, Leanna
36 Mendenhall, Mike Mendenhall, Amber Mendenhall, Tyler Mendenhall, Amanda Jensen, Micah
37 Rees, Isaac Hawker, Troy Cressman, Breanna Bullock, Blaine Huffman, and Russell Wright.

38 **CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS**

39 **Call to Order**

40 The meeting was called to order at 6:00 p.m. by Mayor Joe L Thomas.

41 **Pledge of Allegiance**

42 The pledge of allegiance was led by Councilmember Leifson.

43 **PUBLIC COMMENTS**

44 **Pat Parkinson**

45 Ms. Parkinson said at the last council meeting there was discussion regarding liquor license
46 distance restrictions that would affect future economic development. Mr. Baker had indicated
47 that the distance restriction could not be reduced, but would have to be eliminated. Ms.
48 Parkinson said there is an alternative option from the Utah Department of Beverage Control to
49 authorize a variance for alternative locations that would allow alcohol consumption within the
50 distance restrictions which would require a public hearing on this issue and allow for the City to
51 choose. Ms. Parkinson said if the distance restriction is eliminated it will increase problems. It
52 is as easy to get drunk in a tavern as a restaurant. There is nothing to regulate this and does pose
53 a threat to the community. Ms. Parkinson asked the council not to change the current ordinance
54 but perhaps create pockets in a commercial or industrial zone to allow for alcohol consumption.

55 Mayor Thomas thanked Ms. Parkinson for her comments.

56 Ms. Parkinson asked why the council feels it is necessary to eliminate the distance restriction
57 when the state law allows for a variance with the State's approval. If the variance is proposed,
58 the State will still require a hearing to allow approval of the liquor license. If the distance
59 restriction is eliminated, it will not require a public hearing for the variance which is not keeping
60 to the community standard.

61 Councilmember Andersen said there are laws that require food be served to patrons with alcohol
62 in restaurants.

63 Ms. Parkinson said the patrons do not have to eat the food and can still get drunk. Many
64 restaurants have a bar like atmosphere.

65 Councilmember Sorensen said restaurants such as Outback also have a tavern license.

66 Councilmember Wadsworth said the argument is well founded and hinges on the morals of the
67 community. The intent of Utah's liquor laws is to provide protection of the public health, peace,
68 safety, welfare, and morals. The moral issue is who's morality philosophy of the laws is
69 controlling to reflect the safety and lifestyle interests of the majority who do not drink, while
70 reasonably accommodating those who wish to drink. Blanding City is a completely dry city.
71 Councilmember Wadsworth said he hopes that his colleagues can see the moral issue because in
72 the past eight years the alcohol standards have loosened.

73 Ms. Parkinson said she has a personal disdain for alcohol, but is not asking the council to make a
74 dry city, just to still have some control and standard.

75 Mayor Thomas again thanked Ms. Parkinson for her comments. He said he is not in 100%
76 agreement but has researched and feels a decision will be made that is best for the public.

77 **Chief Scott Finlayson**

78 Chief Finlayson said he would like to make a presentation to Chief Rosenbaum. Chief
79 Rosenbaum has reached a high milestone as a member of the National Association of Police
80 Chiefs for twenty years of service which allows him to become a lifetime member. Chief
81 Finlayson commended Chief Rosenbaum for his years of service and presented him with a
82 certification from National Association of Police Chiefs. A round of applause was given.

83 **Paul Drockton**

84 Mr. Drockton said he was cited for having his boat parked on the street. When he called the
85 police department to let them know he had no way of moving the boat due to an accident he was
86 in that didn't allow him to drive, Officer Adams offered to move the boat for him. Mr. Drockton
87 said he is amazed at the help offered from this officer and just wanted the council to hear
88 something positive.

89 **CONSENT ITEMS**

- 90 a. **Minutes of Spanish Fork City Council Meeting - January 3, 2006**
91 b. **Resolution 06-05 Authorizing the use of 2006 Allocation of Home Funds and**
92 **Community Housing Development Organization to assist in the development of**
93 **affordable housing projects located in Utah County.**
94 c. **Discover Card Contract**

95
96 Councilmember Sorensen made a **motion** to accept the consent items as presented.
97 Councilmember Andersen **seconded** the motion and the motion **passed** with a unanimous vote.

98 **NEW BUSINESS**

99 **Nebo Transportation Study Presentation - Shawn Elliott, Mountainland Association of**
100 **Governments**

101 Mr. Elliot said he is with Mountainland Association of Governments and is here to discuss the
102 future transportation plan.

103 Mr. Elliot gave a presentation containing the following information:

- 104 • The initiated project
105 • Study map areas
106 • Study goals and objectives
107 • Identified the needs through 2030.

108 Mr. Elliot turned the time over to Mr. Matt Rifkin.

- 109 Mr. Rifkin gave a presentation containing the following information:
- 110 • The long range plan looking to the future
 - 111 • Regional density from 1993-2030.
 - 112 • Development patterns in South Utah County
 - 113 • Future population projections.
 - 114 • Travel conditions of today, may be traffic congestions in the future.
 - 115 • Study different access to Highway 6, I-15 and Main Street.
 - 116 • Keeping Main Street preservation.
 - 117 • Putting traffic problems into perspective
 - 118 • A prioritized transportation plan and a prioritized corridor preservation project
 - 119 • I-15 reconstruction projects.

120 Councilmember Wadsworth asked about the long range plans for upgrading Highway 6 in
121 regards to the accidents.

122 Discussion took place regarding the money the legislature has funded for different projects
123 including Highway 6.

124 Mayor Thomas thanked Mr. Rifkin and Mr. Elliot for their presentations and said the
125 information would be posted to the Spanish Fork City website.

126 **Appointment of Boards, Committees & City Officers**

127 Mayor Thomas said all of the appointment of boards, committees have not been finalized. They
128 will be brought back to the next council meeting.

129 Mayor Thomas presented the Arts Council Board as follows:

130 Arts Council Executive Board:

- 131 Bjorn Pendleton, President
- 132 Meg Grierson, Vice President, Operations & Grants
- 133 Dana Robinson, Vice President, Public Relations
- 134 Jeanne Delaney, Secretary/Treasurer

135 General Board:

- 136 Joe Thomas, Mayor/City Council Representative, Karen Payne, Lana Creer-Harris, Char' Ree
- 137 Reynolds, Anna Murdock, Tia Trimble, Melanie Fillmore, Jennie Creer-King, Kara Morris,
- 138 Brent Bingham, Janice Nielsen, James Rees, Rich Harris, and Mary Jex.

139 Councilmember Sorensen made a **motion** to approve the Arts Council Board Members as
140 presented. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

141 Mayor Thomas said he has the power of appointment for City Officers with the Council
142 approval. The appointment should have been made at the first of the month, but there were
143 challenges he wanted to overcome. As the new mayor he wanted to appoint a new Financial
144 Director to achieve new goals and have easier access to financial information. The council saw

145 it differently and he supports the council and values the process even though the outcome wasn't
146 what he wanted.

147 Mayor Thomas made the following appointments:

- 148 • Kent R. Clark as Director of Finance and City Recorder,
- 149 • Claire White as City Treasurer

150 Councilmember Andersen made a **motion** to approve the appointments of Kent R. Clark and
151 Claire B. White as presented. Councilmember Leifson **seconded** and the motion **passed** with a
152 unanimous vote.

153 **Ordinance 02-06 - An Ordinance Defining a Significant Parcel of Real Property**

154
155 Mr. Baker said the council asked staff to define a significant parcel of real property. Basically it
156 comes down to where the property is located, the zone, and the size of the property affect the
157 value. Mr. Baker used the direction of a tier approach including everything down to the value of
158 the property to simplify and create an ordinance to define value. Mr. Baker said some
159 possibilities were included in the agenda packet.

160 Mr. Baker discussed the optional paragraph E and discussed the amounts other cities are using.
161 Mr. Baker is recommending the amount of \$100,000.00 be used. He feels that \$500,000.00 is
162 too high. Even though \$100,000.00 is quite a bit, it is still reasonable for consideration. Mr.
163 Baker said he recommends the reasonable publishing notice in a newspaper of local circulation
164 to be fourteen days prior to a public hearing.

165 Councilmember Wadsworth asked how Mr. Baker decided on the \$100,000.00.

166 Mr. Baker said it was up to the council's discretion to name the dollar amount.

167 Councilmember Wadsworth asked why not make it \$20,000.00.

168 Mr. Baker said the State considers an insignificant parcel that would tie up resources, but if
169 significant needs public input. The dollar amount used is up to the council to decide.

170 Mayor Thomas said an example of this is the property that was an electric substation. The
171 property was landlocked. The adjacent property owners agreed to divide up the property.
172 Mayor Thomas said he feels \$20,000.00 is too low. Mayor Thomas would like to see the public
173 hearing noticed pushed to thirty days.

174 Councilmember Andersen asked Councilmember Leifson if this was reasonable.

175 Councilmember Leifson said he felt it was reasonable especially due to land values.

176 Mr. Baker said the public hearing notice needs to be long enough for people to arrange their
177 schedules, but not too long that people forget when the hearing is to take place.

178 Discussion took place regarding the \$20,000.00 amount is not relevant and anything more than
179 \$100,000.00 should go to the citizens for public input.

180 Mr. Baker said a notice could be posted on the property thirty days prior to the public hearing.

181 Mayor Thomas said he was favorable of the thirty-day property posting.

182 Councilmember Leifson made a **motion** to approve Ordinance 02-06 - An Ordinance Defining a
183 Significant Parcel of Real Property with the following corrections:

- 184 1. The value used be equal to or greater than \$100,000.00,
- 185 2. The notice is published in the newspaper fourteen days prior to a public hearing, and
- 186 3. A notice is posted on the property thirty days prior to a public hearing.

187 Councilmember Sorensen **seconded** and the motion **passed** with a unanimous vote.

188 **Agenda Request - Moratorium of construction of wind turbines - Karl Warnick et.al.**

189 Mayor Thomas said Mr. Aaron Fisher will make a presentation and asked that all in attendance
190 be understandable of time, he understands there is a lot of emotion, but to please have respect for
191 all properties involved.

192 **Aaron Fisher**

193 Mr. Fisher said he would like to express his gratitude and thank the community for their support.
194 He said the majority of the people are not opposed to green energy and considers himself to be a
195 conservationalist. Mr. Fisher said he lives in the neighborhood that would be closer to the
196 windmills than most. He feels it will dominate the landscaping.

197 Mr. Fisher gave a power point presentation including the following:

- 198 • What is the perceived or stated benefits of wind farms
- 199 • Wasatch Winds public statements that list benefits
- 200 • Public comments in support from the council meeting minutes were reviewed
- 201 • City Council's comments in support of the wind farm
- 202 • What is the actual benefits
- 203 • Why is the City so supportive
- 204 • Visual impact - 490 feet tall
- 205 • Guidelines of best practice guidelines for Wind Energy Development
- 206 • Photos
- 207 • Were visual impacts considered
- 208 • Property values that will be affected
- 209 • Wind farms are too new, appraisers do not know what impact they may have
- 210 • Property values on homes are the primary long term investment of a family
- 211 • Reason for requesting a moratorium.

212 **Karl Warnick**

213 Mr. Karl Warnick said he is an electrical engineer and the following presentation is not only as a
214 resident but his professional opinion.

- 215 Mr. Warnick gave a presentation including the following:
- 216 • Points all support of green energy
 - 217 • First major wind farm in Utah should be done correctly
 - 218 • Serious problems could affect Utah
 - 219 • Distance to residential zones of 500 feet is extremely low
 - 220 • Noise disagreement as if it will bother people, the turbines produce a thumping sound
 - 221 • Noise mitigation, white and nonwhite noise
 - 222 • Wind shadowing
 - 223 • Property line setbacks
 - 224 • Other setback to distance of public roads, rail lines and high voltage transmission lines
 - 225 • Property rights and values
 - 226 • View obstruction
 - 227 • Decommissioning and removal
 - 228 • Other requirements such as liability insurance and lighting specifications
 - 229 • Concluding with a good ordinance helps protect residents and those who were not
 - 230 properly notified.

231 Mayor Thomas said the presentations were very professional without any negativity and would
232 like Wasatch Wind to have the same opportunity to present their concerns.

233 Discussion took place regarding the mailers that were sent out, the majority of the citizens
234 present said they did not receive the mailer.

235 **Tracy Livingston**

236 Mr. Livingston said he is the CEO of Wasatch Wind based out of Heber City. Mr. Livingston
237 said the presentations that were just done were very well presented and wanted to clarify that he
238 had a half a day notice to prepare his presentation. Mr. Livingston said he feels that some issues
239 in the presentations made were misleading such as property values. He said he wondered where
240 these residents were eight months ago.

241 Mr. Livingston gave a presentation including the following:

- 242 • Typical setbacks that were approved in June 2005
- 243 • Spanish Fork wind farm proposed plan
- 244 • Prior to City Council approval a letter was sent in April to everyone within a mile
245 regarding a special town meeting.

246 Mr. Livingston presented receipts from the post office regarding more than 1200 mailings that
247 were sent.

- 248 • The nine newspaper articles that were published in local newspapers
- 249 • The city's public meeting that were held and televised

250 Mr. Livingston said he finds it hard to understand that with ample media coverage that people
251 weren't aware of the wind farm.

- 252 • Other wind farms in residential areas
- 253 • Photos of the other wind farms in residential areas
- 254 • Benefits to Spanish Fork City
- 255 • Noise studies conducted by an independent third party

256 Mr. Livingston said he is concerned that he has never been contacted by this protest group and
257 hopes the council will keep in mind the imbalance of concern.

258 Mr. Livingston said he has a lot of money already invested and a delay could make him lose the
259 project.

260 **Philip Powlick**

261 Mr. Powlick said he is with the State of Utah. He is an Energy Professional and is also
262 representing the State. The State of Utah supports the wind farms and feels it helps with the
263 electrical grid. He said they support Wasatch Wind and believe this project to provide benefit to
264 the State of Utah and local governments. He encourages that this project happens. The cost of
265 wind power is declining more and more making it more economical.

266 Discussion took place regarding green tags.

267 Councilmember Wadsworth said he had a discussion with Leon Paxton of UMPA. Mr. Paxton
268 said UMPA buys coal power at a very low cost. In twenty years though, UMPA may be
269 interested in purchasing power from Wasatch Wind.

270 Discussion took place regarding first right of refusal.

271 Mr. Livingston said in twenty years the power is open for purchase.

272 Mayor Thomas said he doesn't feel anyone opposes the turbines above the Fingerhut building.
273 He said other option should be explored.

274 **Paul Drockton**

275 Mr. Drockton said he had a personal experience with windmills in Wisconsin that did
276 depreciated land value.

277 **Melanie Farnsworth**

278 Ms. Farnsworth said she lives in the County and did not receive any notice. She would have
279 liked to have input and asked if the County or Mapleton residents were notified. She said if the
280 project doesn't go through the company can write off the loss.

281 **Shauna Warnick**

282 Ms. Warnick said she would appreciate Wasatch Wind to follow a six-month moratorium not to
283 make him lose money, but it is important to be responsible. She thought the test windmills were
284 fine and then when she found out they weren't the windmills approved, she was discouraged to
285 think the proposed windmills would tower over the community.

286 **Rick Giles**

287 Mr. Giles said you can't put a price on children and if the windmills bring a lot of traffic there
288 are not sidewalks in the County area.

289 **Jeff Talley**

290 Mr. Talley said he is a resident on Riverbottoms Road. There are several new buildings in the
291 area that residents have moved in after the windmills were approved. Many of the new residents
292 are not either aware of the windmills because they are too new to the area or many were not
293 notified.

294 **Arie Noot**

295 Mr. Noot said he came from Holland where they started building these windmills. The
296 windmills were too ugly and are not being built close to residential areas anymore.

297 **Mike Klug**

298 Mr. Klug said he is involved in real estate and the most productive are in Spanish Fork at this
299 time is the southeast bench. A lot of people are requesting homes in this area with understanding
300 the power lines, gun club, railroad, highway and the wind. It is a bargain they are willing to deal
301 with because if they look in their backyard they are not seeing a lot of these things unlike the
302 windmills. Mr. Klug said he thinks the windmills will affect resale value.

303 **Kip Rasmussen**

304 Mr. Rasmussen said he voiced his concerns in June regarding the size and how many windmills
305 they are proposing.

306 **Dean Davis**

307 Mr. Davis said he is a Covered Bridge Canyon resident and for the past eleven years his property
308 values have not increased as much as he thinks they should. He said because of the poor
309 development that allows for the suburbia cookie cutter type homes is what keeps property values
310 down. He said he thinks the wind turbines are a positive thing and will attach something else to
311 Spanish Fork other than the suburban sprawl. Mr. Davis said this is a progressive thing that will
312 happen.

313 **Ashley Smith**

314 Ms. Smith said she is a student from BYU and thinks the wind turbines will build character.
315 They are an alternative energy to help reduce fossil fuels that have a long term effect. This will
316 allow for a healthier environment.

317 Councilmember Wadsworth said to Mr. Davis that the city is pro-actively trying to allow for
318 larger lots and larger homes. He said the City Planner is doing a very good job at planning for
319 better subdivisions to help increase property values. Councilmember Wadsworth asked Mr.
320 Davis to spend some time driving around Spanish Fork to see the better subdivisions that are
321 currently being developed.

322 Mayor Thomas asked Mr. Livingston if other lands could be used for the windmills. Mr.
323 Livingston said he doesn't know that the other options have not been looked at.

324 Mayor Thomas said he and the council need a few minutes to check into some facts.

325 Councilmember Leifson made a **motion** to adjourn into Executive Session to discuss legal
326 issues. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

327 The executive session started at 8:33 p.m.

328 The regular session of City Council meeting was reconvened at 9:12 p.m.

329 Mayor Thomas asked if Mr. Fisher, Mr. Warnick and Mr. James could be representatives for the
330 citizens and help work with Wasatch Wind and the City to explore other options for the
331 windmills. Everyone was in agreement.

332 Mayor Thomas said a moratorium is not being placed at this time. There will be other
333 alternatives looked at. Mayor Thomas asked everyone to be open minded to other options.

334 **Ordinance 01-06 An Ordinance Allowing Restaurants with Liquor Licenses to Operate**
335 **within Two Hundred Feet of Schools, Churches, and Public Libraries, Playgrounds, or**
336 **Parks.**

337 Councilmember Sorensen made a **motion** to approve Ordinance 01-06 An Ordinance Allowing
338 Restaurants with Liquor Licenses to Operate within Two Hundred Feet of Schools, Churches,
339 and Public Libraries, Playgrounds, or Parks as presented. Councilmember Leifson **seconded** the
340 motion and the motion **passed** with a majority vote. A roll call vote was taken Councilmembers
341 Leifson, Sorensen, and Andersen voted in favor of the motion. Councilmember Wadsworth was
342 opposed to the motion.

343 **ADJOURN TO REDEVELOPMENT AGENCY**

344 Councilmember Andersen made a **motion** to move into the Redevelopment Agency (RDA)
345 meeting. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

346 **Reconvene City Council Meeting**

347 Councilmember Sorensen made a **motion** to move out of the Redevelopment Agency meeting
348 and reconvene the City Council meeting. Councilmember Wadsworth **seconded** and the motion
349 **passed** with a unanimous vote.

350 **OTHER BUSINESS**

351 There was no other business.

352 **Adjourn to Executive Session**

353 Councilmember Sorensen made a **motion** to adjourn to Executive Session to discuss land purchase
354 and sales. Councilmember Andersen **seconded**, and the motion **passed** with a unanimous vote.
355 The meeting adjourned at 9:30 p.m.

356

357

Marlo Smith, Engineering Secretary

358 Approved:

**SPANISH FORK CITY
CITY COUNCIL
STAFF REPORT**



To: City Council
From: Emil Pierson, City Planner
Date: March 7, 2006
Subject: General Plan Amendment – Public Hearing
Location: 115 East 300 North
Noticed: General Plan: All properties within 300 feet of the property

Zoning: R-3
Property Size: .22 acres
Lots: N/A

Background

Michael Nelson, is requesting to Amend the General Plan for the property at 115 East 300 North. Currently the property is General Planned for Residential 5-12 unit per acre and the applicant is requesting to Amend the General Plan at this location to Residential 5-12 u/a and Residential Office.

If the General Plan Amendment is approved the applicant would also like to rezone the property from the R-3 zoning designation to Residential Office. The applicant is planning on remodeling the single family home to build an office.



Analysis

To the north and east is single family homes which are General Planned as Residential 5-12 u/a. To the south is 300 North and a home that has a beauty salon in it. To the west is property General Planned as Residential 5-12 u/a and Residential Office. The property is .22 acre or 9,498 square feet in size.

General Plan, page 40 G. Commercial Goals and Policies, Goal Two.

Policy d. Allow limited retail, service commercial, office, and other similar uses in those portions of Main Street, which are currently residential, subject to strict design review standards to maintain a residential character consistent with the area. Allow the same uses along the east side of 100 West and along the west side of 100 East between 100 North and 300 North.

Development Review Committee

The Development Review Committee reviewed this request at their January 25, 2006 meeting and recommended denial of the General Plan Amendment for the following reasons:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.
2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
3. Concerns with the parking and the sight triangle
4. Is the use an office or a medical use which requires additional parking

DRC Minutes from January 25, 2006

Mr. Baker made a **motion** to recommend to the Planning Commission denial of the Michael Nelson General Plan Amendment, Zoning Text Amendment and Rezone located at 115 East 300 North. Mr. Nielson **seconded** and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission reviewed this request on February 1, 2006. They discussed the General Plan amendments that need to take place to make this work and also they reviews that took place over the last 8 months. After much discussion they recommended denial of the General Plan Amendment.

PC minutes from Feb. 1, 2006

Mr. Pierson presented the following information to the Planning Commission regarding a request by Mr. Michael Nelson regarding an amendment to the General Plan at 115 East 300 North to rezone from Residential 5-12 to Residential 5 -12 u/a and Residential Office.

Michael Nelson, is requesting to Amend the General Plan for the property at 115 East 300 North. Currently the property is General Planned for Residential 5-12 unit per acre and the applicant is requesting to Amend the General Plan at this location to Residential 5-12 u/a and Residential Office.

If the General Plan Amendment is approved the applicant would also like to rezone the property from the R-3 zoning designation to Residential Office. The applicant is planning on remodeling the single family home to build an office.

Analysis

To the north and east is single family homes which are General Planned as Residential 5-12 u/a. To the south is 300 North and a home that has a beauty salon in it. To the west is property General Planned as Residential 5-12 u/a and Residential Office. The property is .22 acre or 9,498 square feet in size.

General Plan, page 40 G. Commercial Goals and Policies, Goal Two.

Policy d. Allow limited retail, service commercial, office, and other similar uses in those portions of Main Street, which are currently residential, subject to strict design review standards to maintain a residential character consistent with the area. Allow the same uses along the east side of 100 West and along the west side of 100 East between 100 North and 300 North.

Development Review Committee

The Development Review Committee reviewed this request at their January 25, 2006 meeting and recommended denial of the General Plan Amendment for the following reasons:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.
2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and

- front of the building.
3. Concerns with the parking and the sight triangle
4. Is the use an office or a medical use which requires additional parking

Mr. Richard Bean said he attended the Development Review Committee meeting on Wednesday to get input. He does not want the general plan map amended to encumber just one lot. He said this rezone is not wanted there and that it has been a residential neighborhood years. Rather just keep it looking at the zone it is good planning residential is zoned for buffering if adjusted back to R3 nothing to stop whole area being developed. He wants to maintain the area as a residential neighborhood. Mr. Bean presented petition from his neighbors to the Planning Commission regarding opposition to the rezone.

Mr. Bean also said the only way he can see the area able to be re zoned is to tear down homes. In his opinion is not worth the rezone on the general plan. Commercial is already set up for West side of 100 East and the East side of 100 West and should keep that way as far as the general plan is concerned.

Ms. Diane Anderson who lives at 170 East 300 North said there are a lot of families and a lot of traffic in this area already. She pointed out that parking 300 North and 100 East is already difficult. She does not want to see it the property rezoned because it would affect a lot of families in that area and to preserve current architecture in the neighborhood. She also stated once you start changing there, where do you stop.

Mr. Pierson presented to the commission the information that he received two phone calls from citizens regarding the rezone. Ms. Laverne Hunt would like to recommend approval. Also, one phone call from Mercedes to recommend approval.

There was discussion regarding parking and changing the General Amendment for one property.

Commissioner Miya made a **motion to deny** for the following reasons:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of other R - O zone.
2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
3. Concerns with the parking on the sight triangle.
4. Office use is medical which would require additional parking.

Commissioner Scott **seconded the motion** Roll call was taken and the voting was **unanimous**.

Recommendations

Approve

Make a motion to **APPROVE** the Michael Nelson General Plan Map Amendment at 115 East 300 North from Residential 5-12 u/a to Residential 5-12 u/a & Residential Office.

Table

Make a motion to **TABLE** the Michael Nelson General Plan Map Amendments at 115 East 300 North for the following reasons:

Deny

Make a motion to **DENY** the Michael Nelson General Plan Map Amendments at 115 East 300 North for the following reasons:

GP Map

1 Inch equals 188 Feet



Legend

- Roads
 - Not Paved
 - Paved
 - Railroad
- Rivers
- Buildings
- Property Lines
- County_SF_Parcel
- Spanish Fork Boundary
- 1 U/40 Acres
- 1 U/5+ Acres
- 1 U/5+ Acres / 0.5-1.5 U/A
- 1 U/5+ Acres / 1.5-2.5 U/A
- 1 U/5+ Acres / 2.5-3.5 U/A
- 1 U/5+ Acres / 3.5-4.5 U/A
- 1 U/5+ Acres / 4.5-5.5 U/A
- 1 U/5+ Acres / 5.5-8 U/A
- 1 U/5+ Acres / Business Park
- 1 U/5+ Acres/General Commercial
- 1 U/5+ Acres/Light Industrial
- 1 U/5-12 Acres / Residential Office
- 1.5-2.5 U/A
- 2.5-3.5 U/A
- 3.5-4.5 U/A
- 3.5-4.5 U/A / Professional Office
- 3.5-4.5 U/A / General Commercial
- 4.5-5.5 U/A
- 4.5-5.5 U/A / General Commercial
- 5.5-8 U/A
- 5.5-8 U/A / Professional Office
- 5.5-8 U/A / Residential Office
- 5.5-8 U/A / General Commercial
- 9-12 U/A
- 9-12 U/A / General Commercial
- Downtown
- Professional Office
- Professional Office / Residential Office
- Shopping Center
- General Commercial
- General Commercial / Business Park
- Light Industrial
- Light Industrial / 3.5-4.5 U/A
- Light Industrial / Commercial
- Light Industrial / Business Park
- Light Industrial / Public Facilities
- Medium Industrial
- Heavy Industrial
- Public Facilities
- Public Facilities / General Commercial
- Recreation

9/29/2004



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 | Zoning: R-3 to R-0 |
| From: Emil Pierson, City Planner | Property Size: .22 acres |
| Date: March 1, 2006 | # Lots: N/A |
| Subject: Michael Nelson Rezone | |
| Location: 115 East 300 North | |

Public Hearing: Everyone within 300 feet of the property was noticed of the public hearing as well as being posted on the property 10 days prior to the meeting.

Background

The applicant(s), Michael Nelson, is requesting to rezone approximately .22 acres or 9,498 square feet from the R-3 to the R-O (Residential Office zoning designation. If approved the applicant is planning to construct a podiatrist office in the existing single family home. This property is shown on the General Plan as Residential 5 to 12 u/a and the General Plan would need to be changed prior to the zoning request so it conforms with the General Plan.



Analysis

The property is .22 acres in size and currently has a single family home on the property. To the north and east of the property is two single family homes. To the south is 300 North and a single family home on the corner which also has a beauty salon. To the west is property owned by the City zoned for Residential Office.

The purpose of the Residential Office zoning designation is defined in 15.3.16.040.
This district is intended to allow low intensity professional office uses on a scale consistent with residential areas. Strict architectural and site plan review will be required to ensure compatibility with adjoining residential areas. This district serves as a transition between more intense commercial areas and residential land uses, or is

located along busier streets where limited office use is being introduced. Residential and office use of the same structure is allowed. Some limited commercial use may also be allowed in selective locations.

Issues on the Rezone: These are items that need to be changed in the Land Use Code to remodel the home into an office.

A. Permitted Uses....

The following uses will only be allowed on properties between 100 West and 100 East: **(Concern): when reviewing the General Plan is states only on the west side of 100 East and on the east side of 100 West.**

3. Personal services businesses

H. Parking

No parking will be allowed in front of the principal structure for non-residential uses.

Development Review Committee

The Development Review Committee reviewed this request at their January 25, 2006 meeting and recommended denial of the General Plan Amendment and then the Rezone. The DRC recommended denial for:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.
2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
3. Concerns with the parking and the sight triangle
4. Is the use an office or a medical use which requires additional parking

Minutes from January 25, 2006

Mr. Baker made a **motion** to recommend to the Planning Commission denial of the Michael Nelson General Plan Amendment, Zoning Text Amendment and Rezone located at 115 East 300 North. Mr. Nielson **seconded** and the motion **passed** with a unanimous vote.

Planning Commission

The Planning Commission discussed this item at their February 1, 2006 meeting and recommended denial. See the minutes below.

Tentative PC minutes from February 1, 2006

The applicant(s), Michael Nelson, is requesting to rezone approximately .22 acres or 9,498 square feet from the R-3 to the R-O (Residential Office zoning designation. If approved the applicant is planning to construct a podiatrist office in the existing single family home. This property is shown on the General Plan as Residential 5 to 12 u/a and the General Plan would need to be changed prior to the zoning request so it conforms with the General Plan.

Analysis

The property is .22 acres in size and currently has a single family home on the property. To the north and east of the property is two single family homes. To the south is 300 North and a single family home on the corner which also has a beauty salon. To the west is property owned by the City zoned for Residential Office.

The purpose of the Residential Office zoning designation is defined in 15.3.16.040.

This district is intended to allow low intensity professional office uses on a scale consistent with residential areas. Strict architectural and site plan review will be required to ensure compatibility with adjoining residential areas. This district serves as a transition between more intense commercial areas and

residential land uses, or is located along busier streets where limited office use is being introduced. Residential and office use of the same structure is allowed. Some limited commercial use may also be allowed in selective locations.

Issues on the Rezone: These are items that need to be changed in the Land Use Code to remodel the home into an office.

Permitted Uses....

The following uses will only be allowed on properties between 100 West and 100 East: ***(Concern): when reviewing the General Plan is states only on the west side of 100 East and on the east side of 100 West.***

3. Personal services businesses

H. Parking

No parking will be allowed in front of the principal structure for non-residential uses.

Development Review Committee

The Development Review Committee reviewed this request at their January 25, 2006 meeting and recommended denial of the General Plan Amendment and then the Rezone. The DRC recommended denial for:

- I. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.
- II. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
- III. Concerns with the parking and the sight triangle
- IV. Is the use an office or a medical use

Mr. David Nelson questioned Emil regarding the general plan and the number of parking spaces needed for the square footage.

Mr. Pierson explained that it depends on what it would be used for regarding office space. Medical or personal offices.

Mr. Nelson interpreted this needing 29 parking spots and pointed out there is no way for enough parking spots. He said that it is zoned residential and would like to see it kept residential.

Mr. Richard Bean pointed out that on the zoning that even if you only needed 8 spaces there is not enough space. He has to have a 10 foot landscape setback and then at least another 10 feet for a parking stall. Not enough square footage. As far as the neighborhood goes. The look of that then makes it a commercial building, not residential. The issue of whether it is a medical or dental office should not be an issue. It would be a medical office. With the looks of the neighborhood. Mr. Bean described the neighbors and the neighborhood. Homes are beautiful and fully landscaped and would like to see neighborhood stay the same. He would like to see someone in the home to keep the home up. It is a beautiful home and ideal circumstance on a corner lot have a family come in and keep up neighborhood. It does not make sense to change the zoning.

Nadine Johnson who operates a beauty salon across the street from proposed property discussed her problems in the past with parking at the proposed rezone.

There was discussion of regarding the previous use of the property. Commissioner Robbins stated that the parking would be an issue and there is no reason to approve in this area.

*Commissioner Robbins motion to deny for the following reasons:

1. The parking must be in front of the building and on the side of it therefore not meeting the requirements of the R-O zone.

2. The office (home) wouldn't fit in with the neighborhood character with parking on the side and front of the building.
3. Concerns with the parking and the sight triangle
4. consistent zoning of residential office does not have the space for parking and would be inconsistent and would be a negative impact upon area.

Commissioner Huff seconded the motion. Roll call was taken and voting was unanimous.

RECOMMENDATION

Approve

Make a motion to **APPROVE** the Michael Nelson Rezone of .22 acres at 115 East 300 North from R-3 to R-O **with the following findings and condition(s)**:

Deny

Make the motion to **DENY** the Michael Nelson Rezone of .22 acres at 115 East 300 North from R-3 to R-O follow reason(s):

Table

Make the motion to **TABLE** the Michael Nelson Rezone of .22 acres at 115 East 300 North from R-3 to R-O for the follow reason(s):

Property Map

1 Inch equals 188 Feet



Legend

Roads

- Not Paved
- Paved
- + Railroad
- Rivers

- Buildings
- Property Lines
- County_SF_Parcels
- Spanish Fork Boundary

- A-E
- BP
- 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

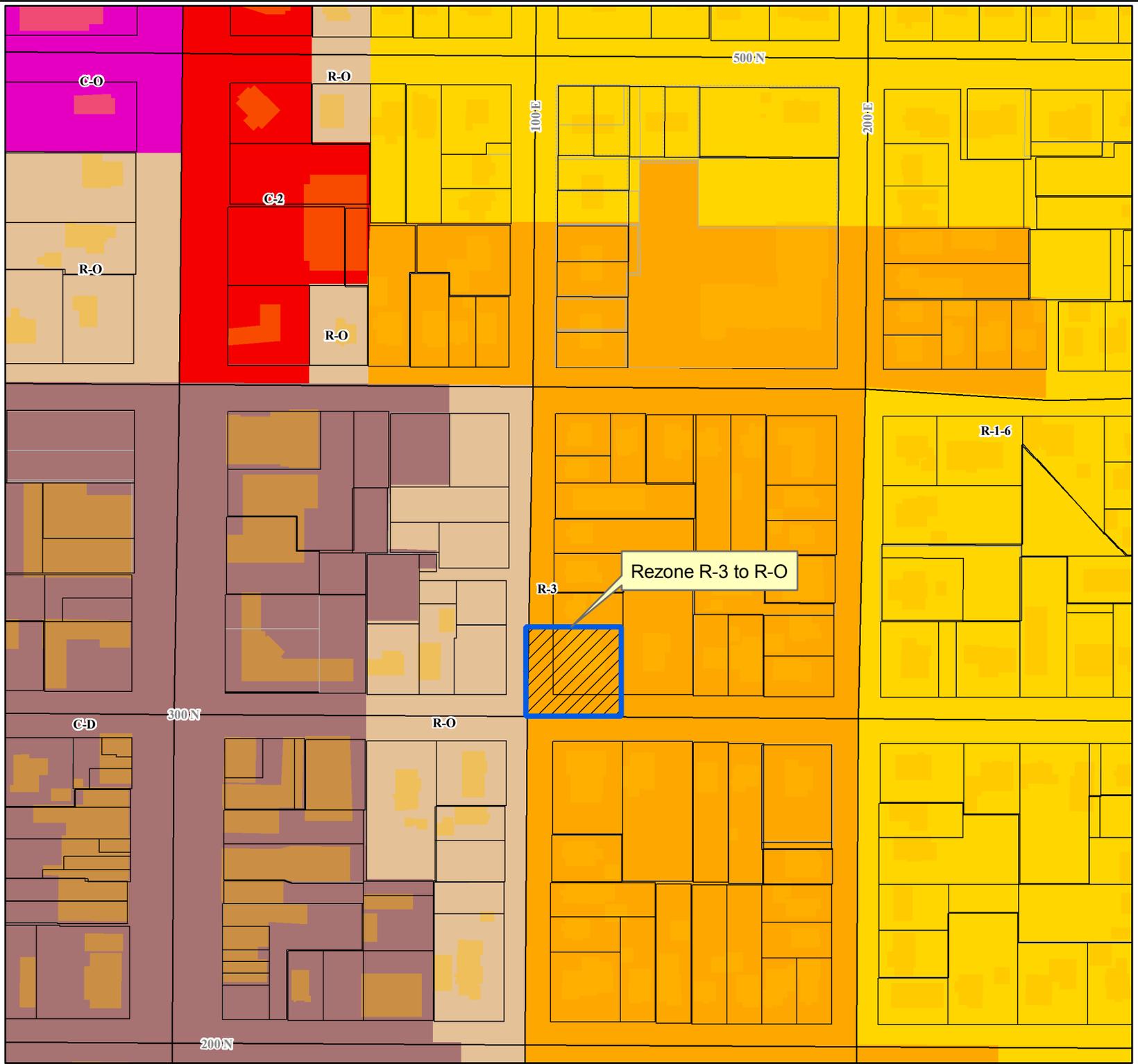
9/29/2004



Geographic Information Systems

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MEMO
SPANISH FORK CITY
PUBLIC WORKS DEPARTMENT

DATE: March 29, 2006

TO: Mayor Joe Thomas
CC to City Council

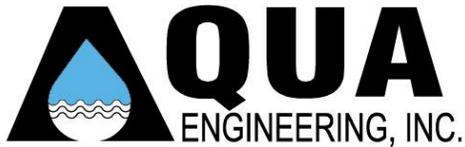
FROM: Richard J. Heap, Public Works Director

RE: WWTP Expansion Bid

The bids for the expansion of the Waste Water Treatment Plant were submitted and opened on Tuesday, March 28, 2006. I have attached a copy of a letter from Brad Rasmussen of Aqua Engineering showing the bid tabulation and giving his recommendation.

The memo sent to the Mayor and City Council on November 30, 2006 (prepared for the December 6, 2006 City Council Meeting) estimated the cost of the project at \$3,368,250 with Spanish Fork City's share at \$2,595,000. With the bids now in the low bidder is Nelson Brothers Construction with a bid of \$2,915,200. Spanish Fork City's share would then be \$2,244,704. With what is already collected from impact fees, what we expect to collect by the time the project is complete and the loan from Mapleton we should not have to borrow any money from reserves to pay for this project. We recommend approval of the Nelson Brothers Construction bid of \$2,915,200. This project will take about one year to complete.

At the December 6, 2006, City Council Meeting the Council authorized a conditional lifting of the utility restriction for new development. New preliminary plats could be reviewed by staff, go through DRC and Planning Commission. However, they cannot go to the City Council for approval. The concern was what the cost would be for the treatment plant expansion. Now we know, does the City Council want to lift the restriction completely?



March 29, 2006

Richard Heap
40 South Main Street
Spanish Fork, UT 84660

RE: Spanish Fork City 2006 Facility Upgrade Recommendation.

Dear Richard:

The bids were opened for the Spanish Fork Water Reclamation Facility 2006 Upgrade. The project had two alternatives one included a new headworks building and the other included a pump station that would not require the new headworks building. It was anticipated that the pump station option would be about \$200,000 under the headworks option. The operations at the facility would be easier with the pump station alternative because the screenings and grit would be collected at one location. The power costs with the pump station alternative will be slightly higher than the pump station alternative. My recommendation is to select the pump station alternative. Bids were received from six contractors and a summary of the pump station alternative is listed below.

| Contractor | Base Bid | Pump Station | Total With Pump Station |
|------------------------------|-----------------|---------------------|--------------------------------|
| Nelson Brothers Construction | \$ 2,710,600 | \$ 204,600 | \$ 2,915,200 |
| Hills Construction | \$ 2,755,842 | \$ 215,000 | \$ 2,970,842 |
| Absolute Constructors | \$ 2,705,806 | \$ 394,737 | \$ 3,100,543 |
| Weyher Construction | \$ 2,917,000 | \$ 217,000 | \$ 3,134,000 |
| Peck Ormsby Construction | \$ 2,906,000 | \$ 276,000 | \$ 3,182,000 |
| ABCO Construction | \$ 4,841,192 | \$ 187,283 | \$ 5,028,475 |

The majority of the bids were between \$2.9 and \$3.2 Million which is within our budget amount. Nelson Brothers Construction is the low bidder. Based on the contract documents they appear to be a qualified bidder. They did the upgrade at the plant in 1984 and they also did the chlorine contact basin several years ago. My recommendation is to award to the bid to Nelson Brothers Construction in the amount of \$2,915,200.

If you have questions please feel free to contact me.

Sincerely,

Brad Rasmussen, P.E.
cc Dennis Sorensen