



## **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 June 6, 2006**.

### AGENDA ITEMS:

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

- a. Pledge
- b. Miss Spanish Fork Royalty
- c. Spanish Fork Dons 5A State Champions Baseball Team
- d. Spanish Fork Dons 5A State Champions Softball Team

#### **2. PUBLIC COMMENTS:**

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

#### **3. PUBLIC HEARINGS: 6:00 p.m.**

- a. [Ensign Bickford Zone Change](#)
- b. [Mapleton Bench Annexation](#)
- c. Public Hearing to receive comment with regard to the City's proposed issuance of Sales Tax Bonds in the approximate amount of \$14,000,000
- d. Fiscal Year 2007 Budget

#### **4. [ADJOURN TO RDA MEETING](#)**

#### **5. NEW BUSINESS:**

- a. Interlocal Agreement United States Housing and Urban Development
- b. [Thompson Annexation Petition](#)
- c. Staker Parsons Annexation Petition
- d. [Ordinance 05-06 - Amending Kennel Requirements](#)
- e. Resolution 06-11 - Adopting Animal Control Bail Schedule

#### **6. OTHER BUSINESS:**

- a. MAG Nebo Area Transportation Plan
- b. Work Session If Needed
- c. 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.

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**SPANISH FORK CITY  
CITY COUNCIL  
STAFF REPORT**

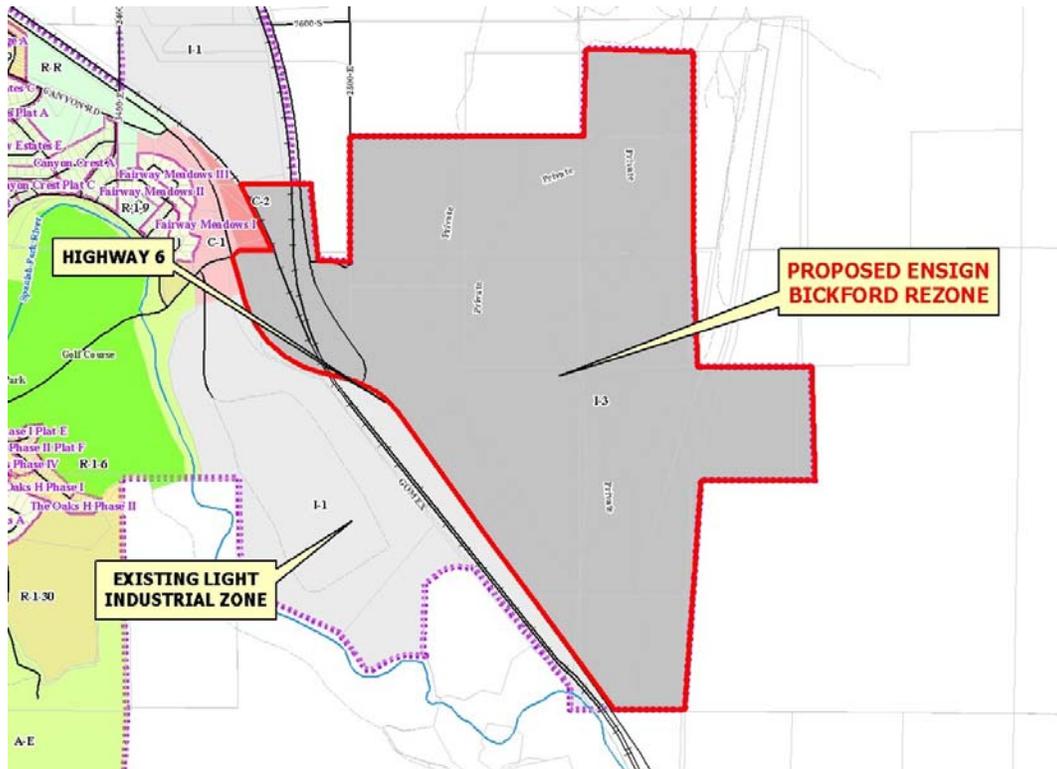


<b>To:</b>	City Council	<b>Zoning:</b>	I-3 to I-1
<b>From:</b>	Dave Anderson, Planning Director	<b>Property Size:</b>	575.95 acres
<b>Date:</b>	June 6, 2006	<b># Lots:</b>	N/A
<b>Subject:</b>	Ensign Bickford Rezone		
<b>Location:</b>	Approximately 1800 South Highway 6		

**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 proposed zone change is presented in order to keep the subject property in conformity with the City's ordinances. One of the currently proposed changes to the City's Land Use Ordinance would have the effect of eliminating the I-3 Zone. With that in mind, changing the current zoning on the Ensign Bickford property from I-3 to I-1 will maintain consistency with what staff anticipates will be the amended ordinance. The Ensign Bickford property is the only property in the City with the I-3 zoning designation.



## Analysis

As the I-1 zone is a more restrictive zone than the I-3 zone, staff is confident that the proposed rezone will not result in the subject property being used for more intense or obnoxious uses than what the historic use has been.

## Development Review Committee

The Development Review Committee reviewed the proposed code revisions in their April 12, 2006 meeting. The need to change the zoning of the subject property was discussed in connection with the proposed revisions.

## Minutes from April 12, 2006

### Municipal Code Update

Mr. Baker explained the proposed code revision changes.

It was proposed to eliminate the I-3 zone. Mr. Baker suggested zoning the Ensign Bickford property to an I-1 zone instead.

Mr. Heap stated he felt the I-3 zone will need to be dropped completely as a zoning option.

Discussion was made regarding an amendment to the zoning table, adding footnotes 9, 10, and 11, changing the required frontages, the height of the flag poles, and the distance of the fire hydrant placement.

Mr. Heap added he would like to see that the driveway/fire hydrants meet the fire code standards.

Mr. Baker made a **motion** to give a positive recommendation to the Planning Commission to adopt the proposed Code updates with the changes as presented.

1. Rezone the I-3 property to an I-1 light industrial zone.
2. Direct Mr. Beecher to post the property.
3. Direct Ms. Smith to make sure published notice is given.
4. Any other changes given in a timely manner will be considered.

Mr. Foster **seconded** and the motion **passed** all in favor.

## Planning Commission

The Planning Commission reviewed this request in their May 3, 2006 meeting. Draft minutes from that meeting are as follows:

### Ensign Bickford Zone Change

Mr. Anderson explained the proposed zone change eliminating the I-3 zone completely, and zoning the current property designated as an I-3 zone to I-1 zoning.

Commissioner Robins made a **motion** to resume the public hearing at 7:22 p.m. Commissioner Lewis **seconded** and the motion **passed** all in favor.

Mr. Anderson explained the zone change would less variety of uses for the property. He also stated it was staff's intent to initiate a General Plan amendment along with this zone change for the area.

Mr. Barnett, general manager of Ensign Bickford Company, stated they support the zone change and the change in the general plan and look forward to working with the City.

Commissioner Robins asked how long they would be continuing to handle explosives on the property.

Mr. Barnett replied they will be conducting business through Memorial Day and then they will work with the state to meet the closure requirements.

Commissioner Robins expressed his concern that changing the zoning designation would hinder the company's work.

Mr. Barnett replied if the change will hinder their work they would like the City to hold the zone change until they get the clean up and decontamination process completed.

Commissioner Huff asked why the Commission couldn't eliminate the I-3 zone and make it a non-conforming use in the I-1 zone.

Mr. Anderson noted any legal, operating uses, would be allowed to continue.

Commissioner Huff questioned the elimination of the I-3 zone, allowing Ensign Bickford to finish the clean up until completed.

Commissioner Lewis agreed to eliminate the I-3 zone, as long as Ensign Bickford is able to take care of what they need to.

Commissioner Miya agreed the City should allow them to finish what they started. She feels if changing the zoning will be a problem the Commission should continue this proposal until Ensign Bickford is ready for the change to take place.

Mr. Anderson stated the Commission would not need to take any specific action in their motion allowing Ensign Bickford to be a non-conforming use.

Commissioner Robins made a **motion** to give the City Council positive recommendation for the Ensign Bickford property located at approximately 1800 South Highway 6, subject to the following findings and conditions:

1. Elimination of the I-3 zone aligning this property with the future general plan and it would not detrimentally impact the surrounding areas or companies during clean up efforts.

Commissioner Huff **seconded** and the motion **passed** with a roll call vote all in favor.

Commissioner Robins made a **motion** to recess the public hearing at 7:36 p.m., until later in the meeting. Commissioner Miya **seconded** and the motion **passed** all in favor.

**Required Action**

**Approve**

Move to approve the Ensign Bickford Rezone of 575.95 acres at approximately 1800 South Highway 6 from I-3 to I-1.

**Deny**

Move to deny the proposed Ensign Bickford Rezone of 575.95 acres at approximately 1800 South Highway 6 from I-3 to I-1 based on the following findings:

**Continue**

Move to continue the Ensign Bickford Rezone of 575.95 acres at approximately 1800 South Highway 6 from I-3 to I-1 based on the following findings:

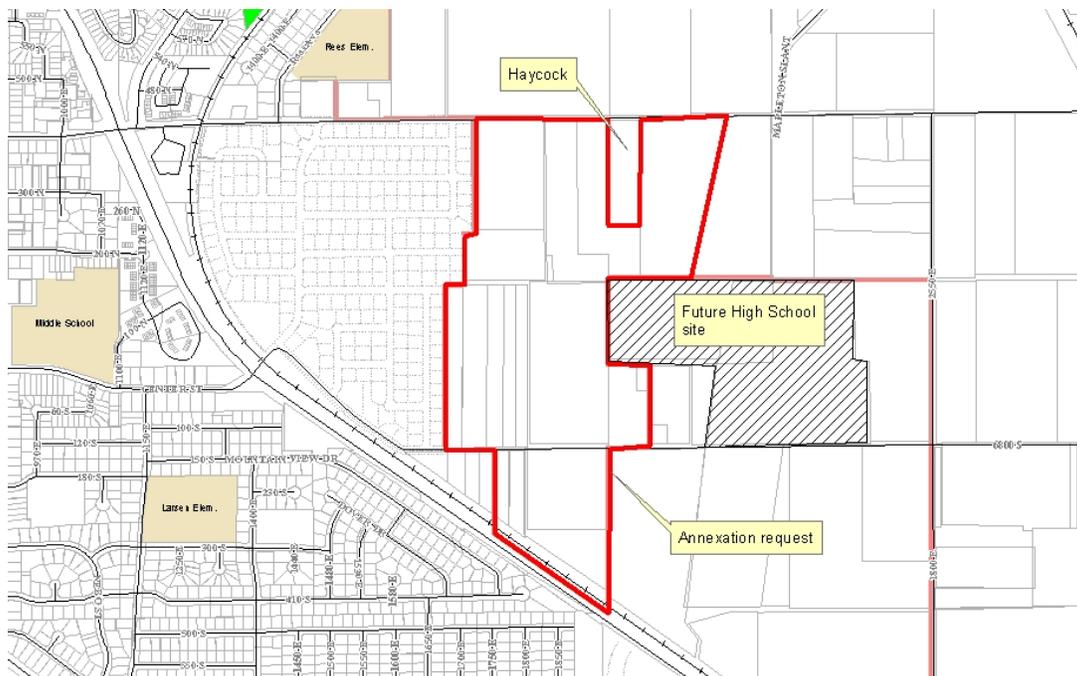
**SPANISH FORK CITY  
CITY COUNCIL  
STAFF REPORT**



<b>To:</b> City Council	<b>Property Size:</b> 126.78 acres
<b>From:</b> Dave Anderson, Planning Director	<b>General Plan:</b> Residential 2.5-3.5 u/a
<b>Date:</b> June 6, 2006	<b>Zoning:</b> County - 5 acres, Proposed - R-1-12
<b>Subject:</b> Mapleton Bench Annexation	
<b>Location:</b> Approximately 2000 East 400 North	

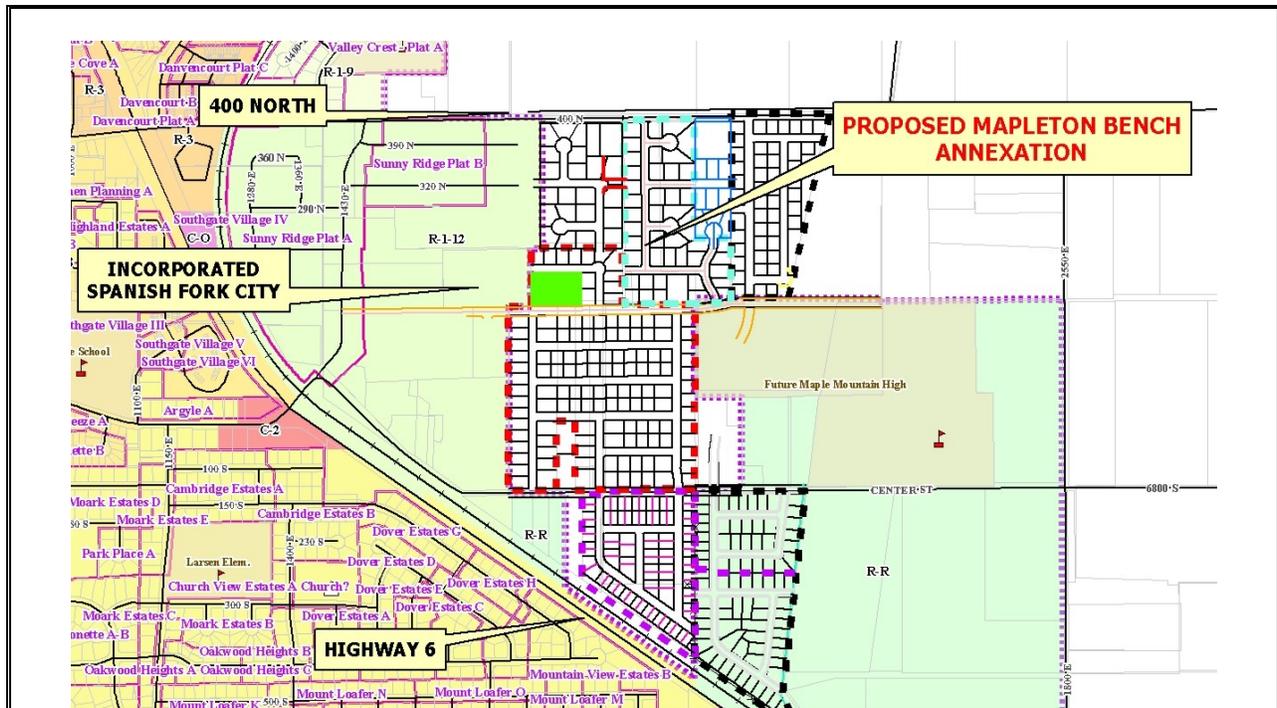
**Background**

The applicants, Wood Springs, LLC and Ivory Homes, are requesting to annex 126.78 acres into Spanish Fork City from Utah County.



**Analysis**

The City Boundary is to the west, east and south of the properties. The properties are within Spanish Fork City's policy declaration boundary and inside of the current growth boundary. The General Plan currently shows the parcels as Residential 2.5 to 3.5. Staff is unaware of any protests that have been filed on the proposed annexation during the formal protest period. The proposal to have the subject property zoned R-1-12 is consistent with the General Plan. Staff has also received conceptual layouts for the parcels in the proposed area which have been assembled in the image presented below.



## Development Review Committee

### Mapleton Bench Annexation

Discussion was made regarding the trails and distance from the railroad.

One of the conditions Mr. Baker wants is that the trail be built and that 130 North be constructed within the next two years.

Discussion was made regarding the master plan development and where the utilities will enter from.

Mr. Baker stated he does not see any problems with the development because it is within the growth boundary and meets the requirements of the City.

Mr. Baker made a **motion** to give positive recommendation to the Planning Commission for the Mapleton Bench Annexation located at approximately 2000 East 400 North, subject to the following and conditions:

#### CONDITIONS:

1. That the development meets the construction and development standards.
2. That the master planned trails be constructed with the development.
3. That 130 North be constructed within two years.
4. Zone the property R-1-12.

Mr. Perrins **seconded** and the motion **passed** all in favor.

## **Planning Commission Review**

The Planning Commission reviewed the proposed annexation in their May 3, 2006 meeting. Draft minutes from that meeting are as follows:

### **Mapleton Bench Annexation**

Mr. Anderson explained there are many different properties involved with this annexation. Staff's direction is to make a positive recommendation for the annexation and zoning for the Mapleton Bench Annexation.

One reason for the annexation deals with future construction of the high school. The properties are located within the growth boundaries and are consistent with the general plan. The proposed annexation has met all requirements for annexation. The City has not received any comments dealing with this annexation. It is proposed to be annexed with an R-1-12 zoning designation.

Mr. Anderson stated the concept plans show single family lots and the only formal application received so far has been a preliminary plat.

Mr. Anderson asked that upon annexation, completion of the three trails should be included in the agreement.

Discussion was made regarding the location and completion of the access roads to the high school.

Commissioner Robins stated he feels the high school is in trouble if this property is not annexed.

Commissioner Lewis supports this annexation as long as the trails and road requirements are met.

Commissioner Huff said the property will eventually develop and as a Commission they need to stay ahead of the development.

Commissioner Lewis requested a change in the requirements adding language stating trails and roads will be completed within two years.

Chris Thompson stated the trails will need to be constructed along with the street development.

Commissioner Miya asked why they want to impose a timeline on the trails construction.

Commissioner Lewis stated he would like to see a timeline set for completion of roads and trails.

Commissioner Miya directed that no time requirement be designated for the trails completion as long as it is built in accordance with the development of the properties.

Mr. Simpson explained the reasoning for zoning it an R-1-12 designation. They may develop townhomes on the north side of the property.

Mr. Anderson discussed the options available in the R-1-12 zoning as the applicant has requested, or the Commission may require a different zoning designation if they choose.

Discussion was made regarding the different zoning designations that allow town homes and twin homes to be constructed.

Commissioner Huff offered an alternative option with the trails system, requiring property for the trails systems to be deeded to the city as part of the annexation to ensure trails system completion.

Discussion was made concerning the ownership of the properties.

Mr. Anderson noted an annexation agreement will be created for this annexation.

Commissioner Lewis expressed his concern deeding trails to the City and that the City could end up building the trails at their expense in the end.

Mr. Simpson said the trail system will be completed with the development of the properties. He can see no need to deed the trail the property to the City.

Commissioner Huff said he doesn't want the city to put infrastructure in until the development is complete.

Commissioner Lewis said he wants the trails completed before the school is done.

Commissioner Miya said she agrees about the concerns expressed wanting to ensure the trails are installed before the high school is in operation.

Commissioner Robins feels these are all good points and concerns but he does not think they can add stipulations on the trails until the development is presented.

Commissioner Huff cautioned that in the past the City has had to purchase property to install the trail systems.

Commissioner Robins asked how tabling this item would affect the development. Mr. Simpson said it would cause a problem setting back the development. He requested the Commission move this to the City Council enabling the project to move forward.

Commissioner Huff said his concern in the future he doesn't want to have problems with the trails.

Commissioner Lewis feels if they are willing to install trails at time of development that would be sufficient. He does not want to require a time frame for trail completion prior to development of the properties.

Commissioner Huff requested to forward the recommendation to the City Council and in the mean time recommend Option "A" and include "with the City Council considering having the property deeded based on the advise of legal council".

Mr. Grotegut explained his property will be surrounded with development, he does not have the cash or time to develop and he feels he does not want to commit himself to install trails on the property until he is ready to develop. Mr. Grotegut plans to develop after development has already been created around him.

Mr. Anderson reminded the Commission the City is not obligated to annex properties, if the owners are unwilling to meet the requirements.

Commissioner Miya said she feels the fair and reasonable requirement is to require a trail to be completed when development occurs.

Commissioner Robins made a **motion** to recommend that the City Council approve the proposed Mapleton Bench Annexation with an R-1-12 zoning designation subject to the following conditions:

1. That the development meets the City's construction and development standards.
2. That the master planned trails be constructed with the development of the properties.
3. That 130 north be constructed within two years.

Commissioner Miya **seconded** and the motion **passed** by a roll call vote all in favor.

#### **City Council Options**

- A. Approve the proposed Mapleton Bench Annexation with R-1-12 zoning subject to the following conditions:
  - 1.) That the development meets the City's construction and development standards.
  - 2.) That the master planned trails be constructed with the development of the properties.
  - 3.) That 130 North be constructed within two years.
- B. Approve the proposed Mapleton Bench Annexation with alternate zoning subject to the following conditions:
  - 1.) That the development meets the City's construction and development standards.
  - 2.) That the master planned trails be constructed with the development of the properties.
  - 3.) That 130 North be constructed within two years.
- C. Deny the proposed Mapleton Bench Annexation based on the following findings:



## **REDEVELOPMENT AGENCY MEETING**

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

AGENDA ITEMS:

**1. CALL TO ORDER & ROLL CALL**

**2. NEW BUSINESS:**

- a. Fiscal Year RDA Budget

**3. OTHER BUSINESS**

ADJOURN:

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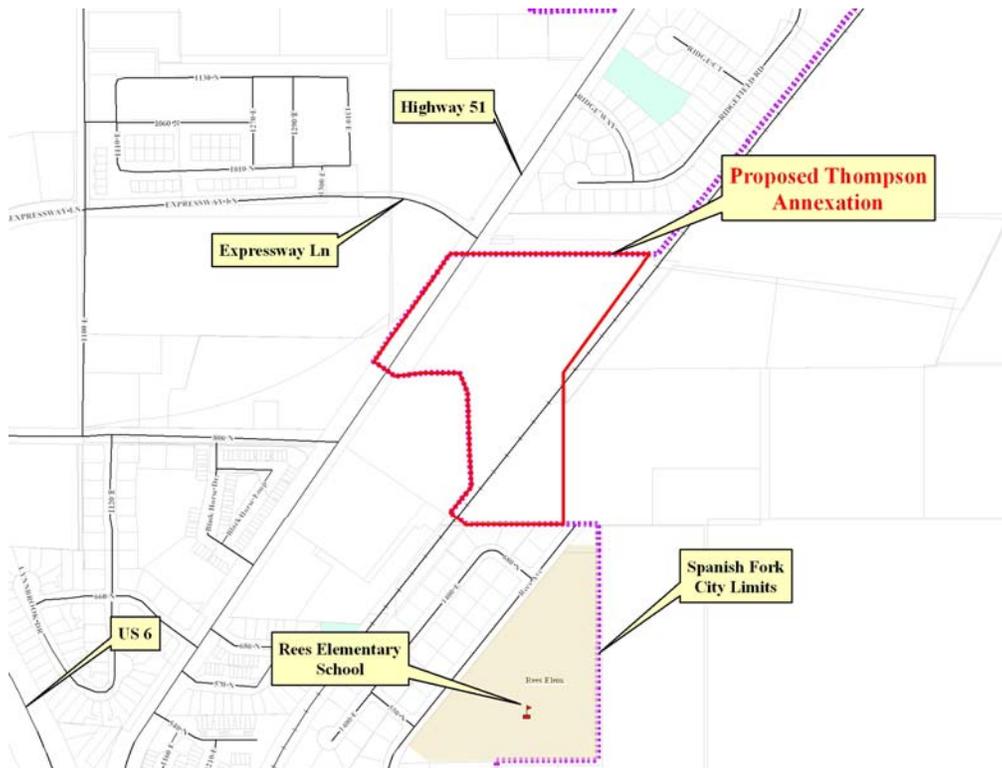


MEMORANDUM

**TO:** Honorable Mayor and City Council  
**FROM:** Dave Anderson, Planning Director  
**DATE:** June 6, 2006  
**RE:** Thompson Annexation Petition

The City has received an Annexation Petition for property located at approximately 850 North State Road 51. The Development Review Committee reviewed the request in the May 17 meeting and found the petition to be ready for consideration. Should the City Council accept the petition, the formal review of the proposed Annexation would commence. Accepting the petition does not approve the Annexation, which approval can only be granted by the City Council after the required protest period and public hearing have been completed.

It is staff's recommendation that the City Council accept the petition for the proposed Thompson Annexation.



**ORDINANCE 05-06**

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>		
MATTHEW D. BARBER <i>Councilmember</i>		
STEVE LEIFSON <i>Councilmember</i>		
SETH V. SORENSEN <i>Councilmember</i>		
CHRIS C. WADSWORTH <i>Councilmember</i>		

I MOVE this ordinance be adopted: \_\_\_\_\_

I SECOND the foregoing motion: \_\_\_\_\_

**ORDINANCE NO. 05-06**

**ORDINANCE AMENDING THE MUNICIPAL CODE  
CONCERNING KENNEL PERMITS**

WHEREAS, law enforcement receives numerous complaints regarding residents who maintain excessive dogs and cats in residential areas; and

WHEREAS, current land use regulations permit residents to maintain an increased number of other domestic animals based upon lot size; and

WHEREAS, residents have communicated a request to the Spanish Fork City Council to modify current animal regulations to permit the maintenance of dogs and cats, or a combination thereof, based upon lot size;

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

**I.**

Spanish Fork City Municipal Code §6.04.010 is hereby amended to repeal the definition of “Kennel” and to create two new definitions of “Commercial Kennel” and Residential Kennel” as follows:

**6.04.010. Definitions.**

“**Commercial Kennel**” means any premises wherein any person or entity engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats. Commercial Kennels must be located in Industrial Zones, pursuant to the requirements of Title 15.

“**Residential Kennel**” means any premises located within a residential zone on a parcel of one-half (0.5) acre or larger where more than two dogs or cats, or combination thereof, are raised, kept, housed, or boarded. Residential kennels may be permitted for a maximum of four animals.

**II.**

Spanish Fork City Municipal Code §6.08.010(D) is hereby amended to read as follows:

**6.08.010. Licensing.**

D. Removal of Collar and Registration Tag. It is unlawful for any person other than the owner, a veterinarian, or an animal control officer, to remove the collar from any dog to which collar has been attached the metallic registration tag herein required, or to remove said metallic registration tag from the collar to which it has been attached.

**III.**

Spanish Fork City Municipal Code §§6.16.010 and .020 are hereby amended to read as follows:

**6.16.010 Allowable Number of Dogs and Cats**

Except as otherwise provided in this chapter, no more than two (2) dogs or cats, or combination thereof, which are three (3) months of age or older shall be kept at any residence or commercial establishment at any time. This provision shall not apply to permitted commercial or residential kennels, grooming parlors, or veterinary clinics.

**6.16.020 Residential and Commercial Kennel Permits.**

(1) Permit required. No person shall operate or maintain a residential or commercial kennel without first obtaining a permit from the division of animal control. Commercial kennels must also maintain a current business license pursuant to the requirements of Title 5.

(2) Application. All applications for permits to operate or maintain a commercial or residential kennel, shall be submitted in writing upon printed forms provided for such purposes by the city. The application shall first be referred to the city animal control officer. Upon approval, the city shall issue the permit upon payment of the fee herein provided.

(3) Before the permit can be issued the following conditions concerning the location of the kennel must be met.

a. For residential kennels:

- i. The location of where the dogs or are kept, raised, housed, or boarded must be 100 feet away from any neighboring house, and;
- ii. Must be 50 feet from any road.

b. For commercial kennels:

- i. The location of where the dogs or are kept, raised, housed, or boarded must be 200 feet away from any neighboring house, and;
- ii. Must be 150 feet from any road.

**IV.**

This ordinance shall become effective July 1, 2006.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL  
OF SPANISH FORK, UTAH, this 6th day of June, 2006.

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JOE L THOMAS, Mayor

ATTEST:

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KENT R. CLARK, City Recorder



## **ADDENDUM 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 June 6, 2006**.

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- b. [Mapleton Bench Annexation](#)
- c. Public Hearing to receive comment with regard to the City's proposed issuance of Sales Tax Bonds in the approximate amount of \$14,000,000
- d. Fiscal Year 2007 Budget

#### **4. ADJOURN TO RDA MEETING**

#### **5. CONSENT ITEMS:**

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

- a. [Minutes of Spanish Fork City Council Meeting – April 18, 2006](#)
- b. [Dairy Barn Lease Agreement](#)
- c. Fiesta Days Contracts - Daily Herald Sponsorship and Open Air Cinema

#### **6. NEW BUSINESS:**

- a. Interlocal Agreement United States Housing and Urban Development
- b. [Thompson Annexation Petition](#)
- c. Staker Parsons Annexation Petition
- d. [Ordinance 05-06 - Amending Kennel Requirements](#)
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#### **7. OTHER BUSINESS:**

- a. MAG Nebo Area Transportation Plan

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- b. Work Session If Needed
- c. Executive Session If Needed – To be Announced in the Motion

ADJOURN: