



## **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 July 18, 2006**.

### AGENDA ITEMS:

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

- a. Pledge
- b. Roy Christensen Recognition

#### **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. Hughes Zone Change
- b. Title 5 and 15 Ordinance Text Amendment

#### **4. 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 – May 30, 2006, June 6, 2006, June 14, 2006
- b. Canyon View Park Caretaker Contract
- c. Community Housing Affordable Housing Funds Resolution
- d. S.U.V.P.S. Amended Interlocal Agreement

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

- a. Wasatch Wind Meteorological Tower Lease – Christine Mikell
- b. Land Exchange Along Spanish Fork River North of Quail Hollow Subdivision – Bruce Hall
- c. Allied Waste Contract Amendment – Fuel Surcharge
- d. Parks and Recreation Reservoir Pavilion – Dale Robinson
- e. Stubbs Subdivision – Preliminary Plat
- f. Ordinance Amending Sign Requirements
- g. Agreement for Professional Services for Electrical Substation Design

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

- a. Work Session If Needed
- 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.

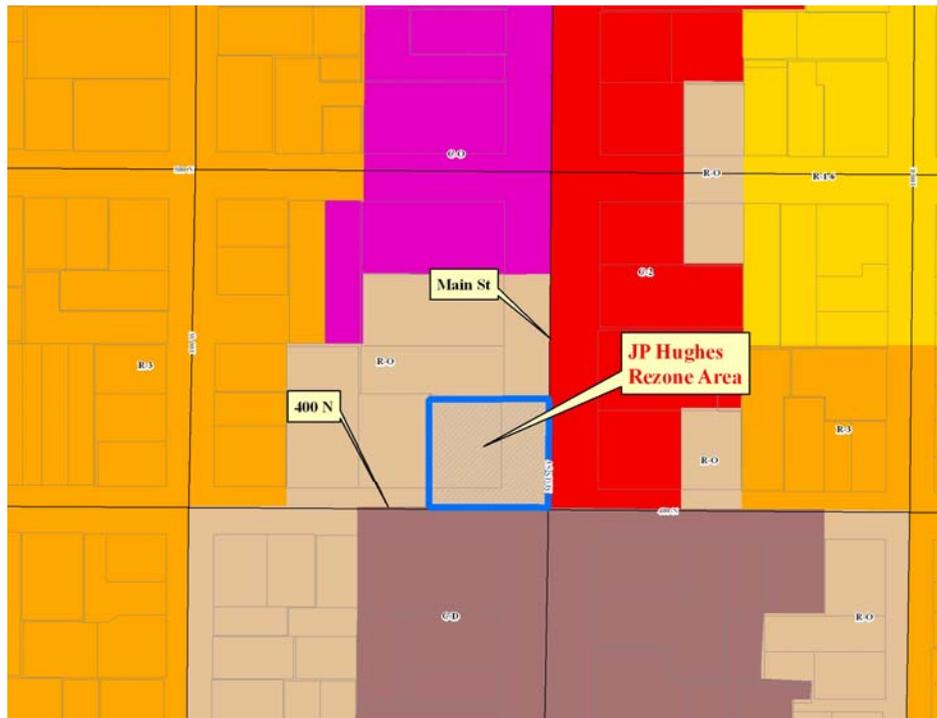
**SPANISH FORK CITY**  
**Staff Report to the City Council**



<b>Agenda Date:</b>	<b>July 18, 2006</b>
<b>Staff Contacts:</b>	<b>Dave Anderson, Planning Director</b>
<b>Reviewed By:</b>	<b>Development Review Committee and Planning Commission</b>
<b>Subject:</b>	<b>J.P Hughes Zone Change</b>

**Background Discussion:**

The applicant, J.P. Hughes, is requesting a Zone Change for a parcel located at 415 North Main Street. The current zoning of the property is Residential Office; the applicant has requested that the zoning be changed to Commercial Office. The General Plan designates the property Professional Office/Residential Office.



The General Plan describes the Residential Office and Professional Office Land Uses as follows:

**Residential Office:** These areas provide for low intensity professional office uses on a scale consistent with residential areas. They typically serve as a transition between more intense

commercial areas and residential land uses. They can also be used in certain areas to allow residential conversions to office use subject to site and architectural review criteria.

**Professional Office:** These areas provide for general office development. They may serve as a transition between residential and commercial uses, or may be designated as a concentration of similar uses intended as an employment center.

At the request of the applicant, this request was continued from your June 20 meeting. At that time, it was anticipated that the Planning Commission would act on a change to the General Plan Map which the Commission had initiated. The Commission reviewed that proposal in their July 5, 2006 meeting and recommended that the proposed General Plan Map Amendment be denied. Minutes of the Commission's discussion in the July 5 meeting are provided below. I also note that the Commission concluded in that meeting that the proposed Commercial Office zoning is most appropriate for the subject property.

### **Development Review Committee**

The Development Review Committee reviewed this request in their May 24, 2006 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

#### **J.P. Hughes Zone Change**

Mr. Anderson explained they had met with Mr. Hughes' brother regarding the Zone Change. If the zoning was Commercial Office the General Plan would not have to be changed.

Mr. Anderson stated any automotive repair usage will not be allowed and the applicant understands that.

Mr. Baker stated he feels the Zone Change for the property should be fine.

Mr. Baker made a **motion** to approve the zone change for J.P. Hughes located at 415 North Main Street, to Commercial Office subject to the following findings:

1. That they find it consistent with the General Plan.

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

### **Planning Commission**

The Planning Commission recommended in their June 7, 2006 meeting that Downtown zoning, rather than the request Commercial Office zoning, be assigned to the subject property. However, the Commission also discussed the zoning and General Plan designation of the property in their July 5 meeting and concluded that Commercial Office zoning is most appropriate for the subject property. Minutes from the June 7 meeting and tentative minutes from the July 5 meeting are provided below.

#### **June 7, 2006 Minutes**

##### **JP Hughes Zone Change**

Mr. Anderson explained the change is located at 415 North Main Street. It was used in the past as a glass repair shop and they are now requesting a Zone Change from Residential Office to Commercial Office. He explained staff feels the two zoning districts that are appropriate are Residential Office and Commercial Office. The Development Review Committee found that the Commercial Office Zone works best and recommends approval of the Zone Change.

Discussion was made regarding the parking requirements.

Commissioner Miya asked if the property was for sale.

Mr. Anderson stated he believes it is for sale.

Dave Hughes

Mr. Hughes said his brother owns the property. They have a problem with the parking requirements in the current zone. Their idea is to build a building like the one constructed to the south of the property.

Commissioner Huff stated he had spoken with Mr. Preston Hughes and they want to move the buildable area to the front of the property with parking in the back.

Mr. Hughes stated they want the zone changed and they hope it will help the sale of the property.

Mr. Anderson stated that the proposed Zone Change would not allow for the same setbacks as the building to the south zoned Commercial Downtown.

Commissioner Robins asked for clarification regarding the property access and the roads.

Mr. Nielson explained that UDOT will require the parking in the back of the property.

Ms. Johnson stated that if the General Plan will need to be changed the Commission has to notice it before they make a decision.

Mr. Hughes stated they were happy with the Commercial Downtown choice for the Zone Change and feels it is the best for the property.

Ms. Johnson does not see a problem making an alternative zone recommendation they just cannot amend the General Plan at this time.

Mr. Hughes stated the people interested in purchasing the property would like to look at buying the home adjacent. They are drawing up plans and would like to be able to move the building as close to the street as they can.

Commissioner Huff asked if the Commission could change the recommendation from what was noticed for this meeting.

Ms. Johnson feels the Commission can recommend the Zone Change to Commercial Downtown. They are only recommending a change to the zoning. The Commission can provide the City Council their recommendation.

Commissioner Robins made a **motion** to recommend the Zone Change to a Commercial Downtown zoning to be consistent with the property around it. Commissioner Lewis **seconded** the motion **passed** by a roll call vote all in favor.

Commissioner Robins made a **motion** that staff initiate changing the General Plan for the entire block to Downtown Commercial from 400 North to 500 North. Commissioner Miya **seconded** and the motion **passed** all in favor.

### **July 5, 2006 Tentative Minutes**

#### **Amendment to the General Plan Map** (between 400 North and 500 North Main)

Mr. Anderson explained the background and reasoning for the proposed changes. His understanding is the Commission wanted it changed due to the front setback requirement. The other significant difference between Commercial Downtown and Commercial Office zoning is the off street parking requirement.

Staff is concerned with the parking requirement for the Commercial Downtown district.

Commissioner Miya asked what the Commercial Downtown parking requirements were.

Mr. Anderson explained the parking requirements.

Mr. Anderson suggested to impose a condition of approval on the Zone Change. The recommendation is a concern to the Development Review Committee and Junior Baker suggested that the Planning Commission give some thought to how expansive they want the downtown area to be and the type of development they want to see beyond what is zoned Commercial Downtown. If the Planning Commission's intent is to have more Commercial Downtown than he feels what would make the most sense would be to write in the ordinance that they do not need to meet City off street parking requirements. Any future developments would need to meet the off street parking requirements. For the Commercial Office zone the easiest way would be to change the set back requirements.

Chairman Bradford clarified the parking requirements.

Mr. Anderson stated the proper noticing has been done for the properties and he did receive one letter from a property owner by the name of Brett Sorenson (copy on file).

Commissioner Miya clarified the Commission's goal was to be able to accommodate parking behind the buildings.

Commissioner Robins said he felt the usage for this block was more consistent with parking behind the buildings.

Commissioner Miya asked what the procedure was for changing the setbacks and if all they are proposing to change are the front setback requirements.

Mr. Anderson agreed that it was a minor change and stated the impact of the change would be greater or lesser depending on how it is written. The change can be initiated and set to be on the Planning Commission agenda in August.

Commissioner Christianson asked if this was only applicable to the existing properties.

Mr. Anderson explained that for a change of use the applicant would have to meet the current standards. The use can continue unless the owner wanted to change it.

Discussion was made regarding the difference in the parking requirements.

J.P. Hughes said that they would be tearing down the existing building. He feels what has been recommended is the best thing to happen to the property and it benefits the adjacent property as well. He is grateful for the process and the work that has been done.

Discussion was made regarding the right of way to the adjacent property.

Discussion was made regarding the ingress and egress of the property.

Commissioner Huff asked if there was anything in the downtown or commercial zone that requires parking in relation to the size of the building; and if so, what is the advantage or disadvantage for it to be zoned either way. He then asked if the zone can be approved and still provide off street parking.

Mr. Anderson stated it would be easier to change the setbacks requirements.

Commissioner Huff is concerned with the off street parking requirements.

Mr. Anderson stated that depending on which zone that they choose either parking is the issue or the setback is the issue.

Commissioner Christianson asked if they change the setback will they still have control of parking.

Mr. Anderson replied yes.

Commissioner Robins asked what they see the future of downtown becoming. He asked for public comment on how they see the future of this street.

Commissioner Christianson asked if they would require the building to be demolished for a new business in order to meet the requirements.

Commissioner Miya said she liked the idea of just changing the setback requirements. She likes the small town feel with the big trees out front.

Commissioner Robins asked if they expect more commercial business in the long term. He feels the need for more commercial business for tax base purposes.

Commissioner Huff said if they are seeing small strip malls in the future, the downtown commercial can stay as it is.

Commissioner Robins said he feels that Commercial Downtown is not the best zoning.

Commissioner Miya stated she would like to maintain the old feel of the downtown area.

Commissioner Christianson said he doesn't think the setback change will affect future commercial development.

Mr. Anderson stated there is more than one way to maintain the downtown feel and he feels commercial development will come whether it is zoned or not. He thinks the developments that come will be commercial or multi-family developments. The market will drive what does or does not come before the Commission for review.

Commissioner Christianson is in favor of preserving the green aspect of the downtown.

Commissioner Bradford feels they will need to look at developments on an individual basis.

Commissioner Robins feels requests in the future will be for Commercial Offices.

Commissioner Miya asked what the major difference between the Commercial Office and residential zones were.

Mr. Anderson explained the differences.

Commissioner Miya said she loves the big trees and feels it gives Spanish Fork City character. She would hate to see it lost and feels Commercial Office is an appropriate use for that area.

Ms. Johnson commented that the amendment to the General plan was only for that block.

Discussion was made regarding noticing requirements for the setback requirement changes.

Mr. Anderson explained the difference between Commercial Office and Residential Office zones. He said the biggest difference is the parking requirements.

Commissioner Robins said he felt the Commission need only address the General Plan Amendment.

Commissioner Miya feels the most prudent course at this time is to change the zoning to Commercial Office, decrease the minimum setback, and not to change the general plan.

Commissioner Huff agreed with Commissioner Miya and said he would hate for them not to consider the full plan and discussion should be related to the general plan map as proposed. He would like the Commercial Office zone assigned to the property. He feels the setback requirement issues should be addressed through some code changes.

Commissioner Robins asked if they needed to vote on this.

Commissioner Christianson asked if staff could offer the Commission some options.

Commissioner Robins made a **motion** to deny the amendment to the General Plan map between 400 North and 500 North Main subject to the following finding:

1. Off street parking will not be sufficient for the proposed usage.

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

Commissioner Miya made a **motion** that staff prepares a proposal to change the minimum setback in a Commercial Office zone to zero. Commissioner Huff **seconded** and the motion **passed** all in favor by a role call vote. Commissioner Robins voted nay. He feels the role of the Planning Commission is to discuss long term usage for properties before they initiate code changes to the usage of one property. Commissioner Christianson voted nay. He feels the need to have setbacks that provide a buffer on landscape.

Commissioner Robins made a **motion** to ask staff to set up a work session to deal with the usage of this section of town. Commissioner Huff **seconded** and the **motioned** passed all in favor.

Mr. Anderson will set that up and provide detailed maps of downtown area.

### **Budgetary Impact:**

The budgetary impact of the proposed Zone Change is inconsequential. One potential impact would come with the simple difference in property tax if the properties were developed residentially under the existing Residential Office zoning as opposed to being developed in the Commercial Office district which precludes residential uses. In that case, revenue generated via property tax would likely be greater with the Commercial Office zoning. At the same time, the Residential Office district allows for more retail uses than does the Commercial Office district. As such, should the property develop to house retail uses, it's conceivable that the revenue generated through sales tax would be greater if the property were to remain zoned Residential Office. All in all, given the size of the

property and the variety of uses allowed in each district, staff believes there will likely not be a great disparity between Residential Office and Commercial Office in terms of revenue and cost to the City.

**Alternatives:**

The City maintains considerable discretion with respect to approving or denying Zone Change requests. Given the General Plan Designation, Professional Office/Residential Office, staff believes that either the Residential Office or Commercial Office zoning districts are appropriate at this location. Assigning other zoning to the subject property would first require a General Plan Map Amendment.

**Recommendation:**

Staff recommends that the City Council approve the proposed J.P. Hughes Zone Change Request, changing the zoning at 415 North Main Street to Commercial Office, based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the Professional Office General Plan designation.

**SPANISH FORK CITY  
Staff Report to the City Council**



<b>Agenda Date:</b>	<b>July 18, 2006</b>
<b>Staff Contacts:</b>	<b>Dave Anderson, Planning Director</b>
<b>Reviewed By:</b>	<b>Development Review Committee and Planning Commission</b>
<b>Subject:</b>	<b>Proposed Amendments to Titles 5 and 15 of the Municipal Code</b>

**Background Discussion:**

For the past several months, staff has been working on some changes to Titles 5 and 15 of the Municipal Code. The proposed changes address a number of different requirements and staff anticipates providing a review of the proposed changes in your July 18, 2006 meeting. As changes to Title 15 require a public hearing, proper notice has been provided and a hearing is scheduled for your meeting this evening. Both a clean and redline copy of the proposed changes accompany this memorandum.

**Planning Commission**

The Planning Commission reviewed the proposed changes in their June 7 and July 5 meetings and recommended that they be approved, subject to a few specific modifications.

First, the Planning Commission felt that allowing four offsite directional signs for development advertising is appropriate. The Development Review Committee has recommended that two offsite signs for development advertising be allowed.

Second, the Planning Commission felt that the proposed changes relating to the regulation of wind turbines are not appropriate and recommended that they not be approved.

Third, the Commission recommended that some additional language be added to the Residential Development Standards Table clarifying that the maximum distance that any part of a building can be from a fire hydrant is 250 feet.

Minutes and Tentative Minutes from their meetings are as follows:

**Minutes from the Planning Commission's June 7, 2006 Meeting**

**Amendments to Titles 5 and 15 of the Municipal Code**

Ms. Johnson asked that the sexually oriented business changes have action taken on them this evening by the Commission.

Mr. Anderson then reviewed the proposed changes to the Code.

Chairman Bradford asked if the business license changes would negatively affect the businesses.

Mr. Anderson explained that this change would not affect the businesses that are currently in good standing with the City and maintain their business licenses.

Ms. Robinson explained that the business license fees are very low in comparison to other municipalities.

Commissioner Robins asked why they feel the need to limit people to two offsite signs.

Mr. Anderson said part of the reason is to avoid sign clutter and pointed out that the Code currently allows for no offsite signage.

Commissioner Robins said he understands the worry for the clutter but he does not understand why the Code needs to be so restrictive.

Mr. Anderson stated they are trying to find some reasonable middle ground between what is best for the City and what developers need.

Commissioner Miya clarified discussion on fault zone requirements. She asked if a property is not around known fault zone then would the City require the developer to do a study.

Mr. Anderson said the intent is not to have the developer do the study unless the City feels it is necessary.

Commissioner Lewis asked if nothing could be built on the sensitive lands.

Mr. Anderson stated sensitive lands can become buildable by following the necessary procedures.

Chairman Bradford expressed his concern with the 50 foot lot size requirement. He would like to see the requirement create wider lots because he feels the 50 foot requirement is too narrow.

Mr. Anderson stated the requirement had been in place for a very long time in Spanish Fork. He also explained that 9,700 square foot lot sizes are the size of lots that were originally developed in the City.

Commissioner Huff asked for clarification on the lot size changes.

Mr. Anderson stated that every 10,000 square foot standard would be changed to 9,700 square feet. He also explained that the changes to the base density numbers for the starting points for receiving bonus density. This is one of the more significant changes to the Code. He then explained how the density works and the requirements developers must meet to achieve the bonus density. He feels this change is needed in order to clarify what is required of developers. He also explained that the proposed changes would remove the sensitive lands from calculating the base density amounts.

Commissioner Miya noted that the sensitive lands would be removed from the gross total percentage.

Mr. Anderson stated that the developers would still be able to use the sensitive land areas as open space but that it would be removed from the base density calculations. One of the changes requires the developers to justify why they qualify for the base density amounts they are asking for.

Mr. Baker the City Attorney has found that cities can impose requirements on manufactured housing; they just cannot exclude the housing.

Mr. Anderson discussed the proposed changes to the sexually oriented businesses section of the Code.

Ms. Johnson explained that this area of law is constantly changing and that they are trying to create changes to handle the changes in the law.

Mr. Anderson said the language change has been created to help clarify what is and is not allowed.

Chairman Bradford asked if the changes would affect the current owners that are non-conforming.

Mr. Anderson explained the changes would not affect any legal non conforming uses that exist.

Commissioner Lewis asked about the 80 foot wide requirement for twin homes and duplexes. He noted because there have been projects presented that have 79 feet he would like to see the requirement changed to 39 feet and 78 feet.

Mr. Anderson said he would have no problem with that proposed change.

Commissioner Lewis would like four offsite signs allowed instead of two.

Commissioner Miya said she feels two signs would be a reasonable compromise. She stated that two signs are better than allowing no signs at all as the Code currently states.

Chairman Bradford feels there should be a stipulation on the allowable sign size.

Commissioner Huff said he does not feel signage is effective unless it is directional.

Commissioner Lewis stated he would only like offsite directional signs allowed.

Commissioner Huff asked for clarification on the type of sign being allowed.

Commissioner Robins feels allowing only two signs would be too restrictive and that allowing four signs would be a better number.

Chairman Bradford stated he has no objection to allowing four signs.

Commissioner Huff asked what they are trying to accomplish by allowing offsite signage.

Commissioner Lewis explained a situation when the development would require people to take more than two turns from a main road. He feels that allowing four directional signs would help them to find their way closer to the development.

Commissioner Robins made a **motion** to recommend a change to allow four offsite signs. Commissioner Lewis **seconded** and the motion **passed** by a roll call vote.

Commissioner Huff voted Nay.

Commissioner Robins feels this is a good way to deal with the issue at this time.

Commissioner Robins would like to have the set-back discussion later and set aside the table section of the proposed changes at this time.

Commissioner Huff agreed.

Commissioner Robins made a **motion** to exclude the table from recommendation to City Council. Commissioner Huff **seconded** and the motion **passed** all in favor.

Commissioner Robins stated he cannot support a proposed change related to the wind turbines.

Commissioner Miya feels that at a time of limited resources the Commission would be short sighted to exclude an abundant alternate means of power.

Commissioner Robins made a **motion** to recommend to the City Council to leave the wind turbine requirements as is. Commissioner Miya **seconded** and the motion **passed** by a roll call vote all in favor.

Commissioner Robins asked that all animals be included in the proposed table.

Ms. Johnson stated the dogs and cats were taken out of the proposed table because there are other regulations that govern them found elsewhere in the Code.

Commissioner Robins made a **motion** to give positive recommendation to the City Council with the changes. Commissioner Lewis **seconded** and the motion **passed** all in favor.

### **Tentative Minutes from the Planning Commission's July 5, 2006 Meeting**

#### **Amendments to Titles 15 of the Municipal Code**

Mr. Anderson asked the Commission to consider reducing the minimum lot size for twin homes to 78 or 76 feet.

Chairman Bradford expressed his concern about street parking.

Discussion was made regarding adequate parking.

Commissioner Miya feels the issue has been dealt with and the chart reflects the changes.

Commissioner Huff asked if an applicant could file a waiver to have it changed.

Mr. Anderson stated it would be a bad practice for us to set up situations where people can petition the City to modify standards. It becomes very difficult to uniformly apply requirements when the requirements can be changed on a case by case basis.

Chairman Bradford stated keep it at 80 feet.

Commissioner Robins stated that by making the change it would be for the benefit of only one person.

Commissioner Christianson said he would like fire hydrant code be within 250 of any part of the principle building.

Commissioner Bradford asked for an explanation on the flag amendment

Mr. Nielson gave an explanation.

Commissioner Huff made a **motion** to approve Table 1 – Residential Development Standards on the following findings and conditions:

1. With the verbiage that Commissioner Christianson added to item number 11.

Commissioner Robins **seconded** and the motion **passed** all in favor.

### **Alternatives:**

The Council has four options relative to the proposed amendments. One option is to approve the proposed amendments in their current form. The Council can also approve the changes with modifications. Another option is to continue the proposed changes. Lastly, the Council can deny the proposed amendments.

**Recommendation:**

Staff recommends that the proposed changes to Titles 5 and 15 be approved.

**ORDINANCE NO. \_\_-06**

**ROLL CALL**

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

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

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

**ORDINANCE \_\_-06**

**AN ORDINANCE UPDATING THE SPANISH FORK MUNICIPAL CODE**

WHEREAS, Spanish Fork City has adopted a municipal code; and

WHEREAS, the municipal code needs to be updated from time to time to remain current with changing laws and circumstances; and

WHEREAS, Spanish Fork City has created an I-3 zone allowing for heavy manufacturing to accommodate an existing business, which has since closed and changed the intended uses of the property, thus eliminating the need for a heavy manufacturing zone; and

WHEREAS, Spanish Fork zoning ordinances presently do not allow for wind turbines in the I-2, medium industrial zone, which allows for surface mining, which use is compatible with wind turbines, and should be encouraged; and

WHEREAS, there is convincing, documented evidence that sexually oriented businesses have a deleterious effect on both the existing businesses around them and residential areas of the City adjacent to them, causing increased crime, urban blight, the downgrading of property values, the downgrading of quality of life, and other harmful effects; and

WHEREAS, other minor changes throughout the municipal code need to be made to add clarity, correct errors, and remain in compliance with legal requirements; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 3<sup>rd</sup> day of May, 2006, and continued to Wednesday, the 7<sup>th</sup> day of June, 2006, where public comment was received; and

WHEREAS, a public hearing was held before the City Council on Tuesday, the 18<sup>th</sup> day of July, 2006, where additional public comment was received;

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

**I.**

Spanish Fork Municipal Code §5.04.060, Penalty for Late Payment, is hereby amended as follows:

**5.04.060. Penalty for Late Payment.**

If any license fee is not paid within thirty (30) days of the due date, a penalty of twenty percent (20%) of the amount of such license fee shall be added to the original amount thereof for each month the fee remains unpaid, unless otherwise set forth herein. No license shall issue until all penalties legally assessed have been paid in full. If the license has not been renewed within 60 days of the due date, the business shall be considered to be doing business without a license in violation of this chapter and is subject to the criminal penalties set forth in this chapter.

**II.**

Spanish Fork Municipal Code §5.28.060, Location and Zoning Restrictions, is hereby amended as follows to cross reference to the correct zoning code sections:

**5.28.060. Location and Zoning Restrictions.**

It is unlawful for any sexually oriented business to do business at any location within the City not zoned for such business. Sexually oriented businesses licensed under this chapter shall only be allowed in areas zoned for their use pursuant to §§15.3.16.120(B)(2) and 15.3.24.080 of

the Spanish Fork Municipal Code.

### III.

Spanish Fork Municipal Code §5.36.030(5) and (10), Prohibited Signs, is hereby amended as follows to cross reference to the correct code section:

#### 5.36.030. Prohibited Signs.

5. Signs emitting sound, except for approved drive-up menu boards as provided for in §5.36.040(3)(e).
10. Temporary signs which advertise a business, commodity, service, entertainment, product, or attraction, except as permitted in §5.36.050(3).

### IV.

Spanish Fork Municipal Code §5.36.040(5)(b), Permitted Permanent Signs, Industrial Districts, is hereby amended as follows:

#### 5.36.040. Permitted Permanent Signs.

5. Industrial Districts.
  - b. Wall, fascia, mansard, and parapet identification signs:
    - i. Are allowed only on the exterior elevation of the space occupied by the business.
    - ii. The maximum sign area permitted for each business is fifteen percent (15%) of the flat wall area.
    - iii. The maximum wall sign shall not exceed 300 square feet per building wall or side of building.

### V.

Spanish Fork Municipal Code §5.36.050(3)(a), Permitted Temporary Signs, Subdivision Advertising Signs, is hereby amended as follows:

#### 5.36.050. Permitted Temporary Signs.

3. Subdivision Advertising Signs.
  - a. One sign is permitted at each major entry, with a maximum of four signs per subdivision. In addition, two off-site directional signs per subdivision are allowed, subject to obtaining a permit as set forth in section 090 of this chapter.

### VI.

Spanish Fork Municipal Code §15.1.05.020, Definitions is hereby amended by adding a definition of sensitive lands as follows:

**Sensitive Lands:** Lands having any of the following characteristics: slopes in excess of 30%, wetlands, 100-year floodplain, natural drainages, fault zones, streams, and lakes.

### VII.

Spanish Fork Municipal Code §15.3.16.140, I-3 Heavy Industrial is hereby repealed, eliminating the I-3 Heavy Industrial Zone.

**VIII.**

Spanish Fork Municipal Code §15.3.24.030(3), Master Planned Developments, Area Requirements and Density Ranges, is hereby amended as follows:

**15.3.24.030. Master Planned Developments.**

3. Area Requirements and Density Ranges:

The number of dwelling units allowed in a Master Planned Development is calculated in the following manner:

- a. Density bonus shall be calculated according to the base density in the zoning district within which the development is located.
- b. For purposes of calculating base density, sensitive lands shall be excluded from the calculation.
- c. The minimum size of a Master Planned Development is twenty contiguous acres, except in R-1-6 and R-3 zones, where five contiguous acres are required. School and church sites are to be excluded from the acreage calculation.

**IX.**

Spanish Fork Municipal Code §15.3.24.030(4)(i), Master Planned Developments, Application, is hereby amended as follows:

**15.3.24.030. Master Planned Developments.**

4. Application:

- i. A data table which includes total acreage, acreage of sensitive lands, total number of dwelling units, and units by type, dwelling units per acre, acreage of open space, percent of acreage in open space.

**X.**

Spanish Fork Municipal Code §15.3.24.030(8), Master Planned Developments, Findings, is hereby amended as follows:

**15.3.24.030. Master Planned Developments.**

8. Findings:

Prior to granting approval of a Master Planned Development, the applicable reviewing body shall make findings identifying why the applicant's proposal justifies a bonus density.

Those findings should include the following:

- a~d [Unchanged.]

**XI.**

Spanish Fork Municipal Code §15.3.24.040(3), Manufactured Homes, is hereby amended as follows:

**15.3.24.040. Manufactured Homes.**

3. At least sixty percent (60%) of the roof of the dwelling must be pitched at a 4/12 pitch or greater at the time of installation.

## **XII**

Spanish Fork Municipal Code §15.3.24.080, Sexually Oriented Businesses, is hereby amended as follows:

### **15.3.24.080. Sexually Oriented Businesses.**

Sexually oriented businesses are permitted only in the I-1 Light Industrial Zone north of 1600 North and west Interstate 15, with the following restrictions:

1. They may not be located within 200 feet of Main Street or any other road that provides a major entry or gateway into the City.
2. They may not be located within 1000 feet of an establishment that is licensed to sell alcoholic beverages for consumption on the premises (measured from property line to property line).
3. They may not be located within 1000 feet of a church, school, library, park, or residence (measured from property line to property line).
4. They may not be located within 1000 feet of another sexually oriented business (measured from property line to property line).
5. Their hours of operation are limited to 8:00 a.m. until 1:00 a.m. the following morning, provided that they may not operate on Sundays.

For purposes of this section, “park” means public land within the City which has been designated for park or recreational activities, including but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, open space, wilderness areas, or similar public land and related facilities such as parking lots, playgrounds, and ball fields, which are under the control, operation, or management of the City or other governmental authorities.

## **XIII.**

Spanish Fork Municipal Code §15.3.24.090(I)(B)(14), Wind Turbines, is hereby amended as follows:

### **15.3.24.090.**

#### **I. Wind Turbines (WT)**

#### **B. Requirements:**

14. Zoning Districts: Large wind energy systems are permitted only in the I-1 and I-2 zoning districts which are east of the intersection of State Road 6 and U.S. Highway 89.

## **XIV.**

Spanish Fork Municipal Code §15.3.24.090(H), Animals, is hereby amended as follows:

### **15.3.24.090.**

#### **H. Animals**

Animals are allowed in the A-E, R-R, I-1, and I-2 zoning districts with no restrictions on the maximum number. Animals are allowed in all other zoning districts subject to the following

regulations:

1. The portion of the property on which the animals, except for household pets, are kept must be at least one-half (½) acre. The chart following this section sets forth the maximum number of animals which may be kept per each half acre of property. The numbers are not cumulative. A maximum of one species precludes any other species. For example, on a half acre parcel, two horses may be kept, or four sheep, or one horse and two sheep, but two horses and four sheep are *not* allowed.
2. All requirements set forth in Title 6, Animals, must be met.
3. No animal shall be kept in a residential zone for the purpose of commercial production.

Animal	Maximum Number Per ½ Acre	Minimum distance of barns, pens, or corrals to neighboring dwelling (in feet)
Cattle	2	100
Horses	2	100
Sheep, Goats, Llamas, Ostriches	4	100
Poultry, Turkeys, or Fowl	10	100
Rabbits	10	50
Pigeons	12	50
Ducks, Geese	8	50
Game Birds (with appropriate permits)	8	50

**XV.**

Spanish Fork Municipal Code §15.4.16.120(11), Off-Street Parking, is hereby amended as follows:

**15.4.16.120. Off-Street Parking.**

11. Landscaping and screening of parking lots shall be in accordance with the requirements of §15.4.16.130, Landscaping, Buffering, Walls, and Fences.

**XVI.**

Table 1 of Spanish Fork Municipal Code §15.3.16 et seq. is hereby amended as follows:

TABLE 1 - Residential Development Standards									
District	Minimum Lot Area	Minimum Width <sup>2</sup>	Minimum Depth	Minimum Setback <sup>1</sup>				Max. Building Height	
				Front <sup>11</sup>	Rear	Side	Corner	Principal Bldg <sup>10</sup>	Accessory Bldg <sup>1</sup>
A-E	40 acres	400'	400'	50'	50'	50'	50'	35'	35'
R-R	5 acres	200'	200'	50'	50'	25'	50'	35'	35'
R-1-80	80,000 s.f.	180'	200'	40'	80'	20'	30'	30'	20'
R-1-60	60,000 s.f.	160'	200'	40'	60'	20'	30'	30'	20'
R-1-40	40,000 s.f.	140'	200'	30'	40'	20'	30'	30'	20'
R-1-30	30,000 s.f.	130'	150'	40'	40'	15'	25'	30'	20'
R-1-20	20,000 s.f.	125'	150'	30'	30'	15'	25'	30'	15'
R-1-15	15,000 s.f.	100'	125'	30'	30'	15'	25'	25'	15'
R-1-12	12,000 s.f.	100'	100'	25'	25'	10'	15-25 <sup>8</sup>	30'	15'
R-1-9	9,000 s.f.	85'	90'	20-25 <sup>6</sup>	25'	10'	15-25 <sup>8</sup>	30'	15'
R-1-8	8,000 s.f. <sup>4</sup>	75 <sup>9</sup>	90'	20-25 <sup>6</sup>	25'	10'	15-25 <sup>8</sup>	30'	15'
R-1-6	6,000 s.f. <sup>2,12</sup>	50'	90'	20-25 <sup>6</sup>	25'	5-10 <sup>7</sup>	15-25 <sup>8</sup>	30'	15'
R-3	6,000 s.f. <sup>5,2</sup>	50'	90'	20-25 <sup>6</sup>	25'	5-10 <sup>7</sup>	15-25 <sup>8</sup>	30'	15'
R-O	6,000 s.f. <sup>2,3</sup>	50'	90'	20-25 <sup>6</sup>	25'	5-10 <sup>7</sup>	15-25 <sup>8</sup>	30'	15'

1- refer to 15.3.24.090(A) for accessory buildings  
2- refer to 15.3.24.090(F) for flag lots.  
3- 10,000 s.f. for duplex lots in the R-O zone.  
4- 10,000 s.f. for twinhome or duplex lots.  
5- 9,700 s.f. for twinhome or duplex lots; 14,000 s.f. for 3-plex lots; 18,000 s.f. for 4-plex lots.  
6- 20 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of the side entry of a garage.  
7- 5 feet on one side, 10 feet on the other for single family dwellings; 10 feet for twinhomes, duplexes, accessory apartments, or non-residential uses; 15 feet for 3-plexes and 4-plexes  
8- 15 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of the side entry of a garage.  
9-80 feet for twin homes or duplexes, 40 feet per unit.  
10-flagpoles are limited to the height of principal buildings in residential zones.  
11-maximum setback is 250 feet, with an all-weather driveway, capable of supporting a fire truck, and with adequate turn around space for a fire truck at the end of the drive. Greater distances may be allowed if a fire hydrant is installed within 250 feet of the principal building.  
12- 9,700 s.f. for twinhome or duplex lots.

**XVII.**

Spanish Fork Municipal Code §15.3.24.090(A), Supplementary Regulations; Accessory Buildings, is hereby amended as follows:

**15.3.24.090. Supplementary Regulations.**

**A. Accessory Buildings, Structures, or Satellite Earth Stations:**

\_\_\_\_\_

3. The maximum height for detached buildings, structures, or satellite earth stations shall be fifteen (15) feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure.).

a. Properties over ½ acre in size can increase the maximum height to twenty-four (24) feet by having the rear and side setbacks the same as the building height.

b. Accessory buildings or structures located within the standard setback for a principal building within a zone may be allowed to meet the height restrictions allowed in that zone.

8. Where the adjoining zoning and/or use is non-residential in nature, the setback for accessory buildings, structures, or satellite earth stations is reduced to twelve feet from the side or rear yard.

9. Where property abuts against I-15 or U.S. Highway 6, accessory buildings or structures need have no set back from the road or highway right of way.

### **XVIII.**

This ordinance shall be effective immediately upon passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this \_\_\_\_\_ day of July, 2006.

\_\_\_\_\_  
JOE L THOMAS, Mayor

ATTEST:

\_\_\_\_\_  
KENT R. CLARK, City Recorder

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**Tentative Minutes**  
**Spanish Fork City Council Work Session**  
**May 30, 2006**

Elected Officials Present: Mayor Joe L Thomas, Councilmembers, Seth V. Sorensen, Chris C. Wadsworth, Steven M. Leifson, Matthew D. Barber, Councilman G. Wayne Andersen was in attendance by electronic communication.

Staff Members Present: David Oyler, City Manager; Seth Perrins, Assistant City Manager; Richard Nielson, Assistant Public Works Director; Richard Heap, Public Works Director; Kent Clark, Recorder; John Bowcut, IS Director; Dee Rosenbaum, Public Safety Director; Junior Baker, City Attorney; Russell Olson, Finance Committee; Leonard Ellis, Finance Committee; Kimberly Robinson, Deputy Recorder

Citizens Present: Grace Conlon, Janice Nielson, Katie Schmitt

**CALL TO ORDER**

The meeting was called to order by Mayor Thomas at 6:14 p.m.

**NEW BUSINESS**

**Authorization for Mayor to sign agreement with NRCS**

Councilman Wadsworth explained in order to disperse the funds received through agricultural recreation the Mayor has to sign an agreement with the NRCS.

Councilman Barber made a **motion** to authorize the Mayor to sign the agreement with NRCS. Councilman Wadsworth **seconded** and the motion **passed** by a roll call vote all in favor.

**WORK SESSION**

**Budget Review FY 2007**

Councilman Wadsworth recognized the attendance of some members of the finance committee. He then listed the items to be discussed:

- \$94,500 Transfers from Enterprise Funds.
- Automated Meter Reading.
- Public Safety Building Funding.
- Reserve Pool.
- Pressurized Irrigation Revenue.
- Salary Survey
- Retirement.
- New Ball Park.

- 47 • Broadband Payback.
- 48 • Options for Change.

49

## 50 **\$94,500 Transfer from Enterprise Funds**

### 51 **Automated Meter Reading**

52 Mr. Olson explained the \$94,500 is whether the Council wants to lease the property or  
53 buy it. Mr. Olson clarified the accounting fund is to show it as some sort of asset instead  
54 of an expenditure.

55

56 Councilman Andersen stated at the committee meeting this was unanimously passed.  
57 Everyone felt there was a reasonable expectation from each of the departments, the  
58 motion was to leave it the same and account for it the current way.

59

60 Mr. Ellis said the meter reading is also part of the issue as well.

61

62 Mayor Thomas's concern is the purchase price for the infrastructure, he feels it should be  
63 counted as an asset with some method for payback so the sewer gets the value from it.

64

65 Councilman Wadsworth noted at some point in time they will be reading the meters.  
66 If by chance that does not happen they can decide if they want to continue doing it the  
67 way they are currently.

68

69 Mr. Olson explained it would just be moving an asset fund from one entry to the other.

70

71 Councilman Sorensen understands it is a limited amount in the system that they are  
72 paying.

73

74 Mr. Ellis said it would not be prudent to not install it. There would be a high cost to the  
75 residents in the future if it is not installed.

76

77 Mr. Foster said the technology is there to turn the meters on and off. It is not as reliable  
78 as they would like, but it's still there. They are looking at new products. They have used  
79 it in certain situations at the city already and it has worked. The technology is getting  
80 better and better all the time. They have found one technology that the cost is reasonable  
81 and they will be able to do what they need to do with the system. They are looking into it.  
82 Mr. Foster explained the situations when they would install the disconnect ability in the  
83 meters. The system will read both the water and electric meters.

84

85 Councilman Wadsworth asked what it would take to connect the two.

86

87 Mr. Foster said they have tested several systems and they have found some that are able  
88 to do what they need.

89

90 Mayor Thomas asked if the sewer will be metered.

91

92 Mr. Clark explained that it would not be metered because it is measured by the water  
93 usage and not by the sewer usages.  
94

95 Mr. Oyler asked if there was anything the system needed to do besides meter reading and  
96 disconnections.  
97

98 Mr. Foster said the system gives data. Each residential customer uses a certain amount of  
99 power and they are able to build their system setups based on the usages recorded. The  
100 system helps so they can be more proactive when they deal with power outages. They are  
101 able to tell the loading on different lines and substations knowing usage they are able to  
102 detect problems before an outage occurs. Right now equipment must be used at the  
103 residence to test for outages and problems with this system allowing them to detect it  
104 without even having to visit the property. It will help manage the transformer loads and  
105 figure the actual usage on a transformer.  
106

107 Councilman Barber clarified that the \$94,500 is based on the current meter readings.  
108

109 Mr. Foster said the cost for the meters is the same as the aircards they are currently  
110 purchasing for the Public Safety Department.  
111

112 Councilman Sorensen explained that the new system enables people to test for leaks, and  
113 do more themselves.  
114

115 Mr. Foster said they are ahead of the curve for technology and this will be a benefit to the  
116 City.  
117

118 Mr. Bowcut said if they want to manage the resources the City needs to manage the  
119 system so it will work better.  
120

121 Councilman Barber stated the budget item was fine to leave in as long as the appropriate  
122 amount is given.  
123

124 Councilman Sorensen is fine with the item remaining in the budget.  
125

126 Councilman Wadsworth said he feels there is a postponed value in doing this project.  
127

128 Mr. Olson explained the benefit will not be seen now but the books will show and carry  
129 the information.  
130

131 Mr. Clark explained the expense \$94,500 is the capitalized costs that are out in the street,  
132 the asset is growing more each year as people add on to the system.  
133

134 Mr. Foster said the system gives enough information to know where the power is going  
135 before there is a problem.  
136

137 Councilman Wadsworth clarified that the system helps project the issues before they  
138 happen.

139

140 **Funding for the Public Safety Building.**

141 Mr. Olson said the Council has to decide how they want to fund this project.

142

143 Discussion was made by the Council to use sales tax as a funding option.

144

145 Mr. Oyler stated the reserve pool can be used to help fund the project. There are some  
146 funds in reserves to help fund the debt service amount and make the payments less.

147

148 Mr. Ellis said it ties into the property taxes. Spanish Fork City has significantly lower  
149 property taxes than the surrounding areas. He feels a G.O. Bond will enable the funds to  
150 come from the property taxes to help meet the payment requirements.

151

152 Mr. Clark explained the certified tax rate and the process that the Council would have to  
153 follow for the funds. If they use some of the reserves and buy down the principal portion  
154 it will make the annual payment less.

155

156 Councilman Sorensen asked where the funds would come from to make the payments  
157 without hurting other sources.

158

159 Mr. Olson explained the difference between a reserve fund and a designation fund.

160

161 Mayor Thomas asked how much was currently available to add to the fund.

162

163 Mr. Clark stated the recommended amount is 1 million plus another 2 million to buy it  
164 down. Mr. Clark also stated that he holds the reserves in high trust and he is responsible  
165 to ensure the city has the reserves for when they need them. He does not feel that  
166 borrowing money like the Mayor has requested is prudent. He also said there is  
167 responsibility to balance the funds out and he feels the City can use some of the funds to  
168 help fund this project.

169

170 Councilman Wadsworth asked if the goal was to have 50% coverage in each fund.

171

172 Mr. Clark said 50% is the goal and they are currently getting close to those amounts in  
173 the reserves.

174

175 Councilman Wadsworth clarified that there are currently funds available that are not  
176 earmarked for other projects.

177

178 *Mr. Olson excused himself early at 7:12 p.m.*

179

180 Councilman Sorensen expressed his concern using the reserves, and wants to ensure that  
181 if something happens they will still have the funds to handle the situation. He then  
182 discussed an example of when the transformers went down.

183

184 Mayor Thomas explained that to use our reserves to pay down some of the debt now will  
185 help save money for the citizens in the future. He is in favor to use the reserves now and  
186 save the citizens from having to pay that much more.

187

188 Councilman Sorensen agreed that they need to buy the payment down as much as  
189 possible and feels it will benefit everyone if they do so.

190

191 Councilman Wadsworth asked that the funds be kept high enough in the reserves that the  
192 transformers can be replaced if something happens again.

193

194 Mr. Oyler explained the City uses the funds to fund projects in the community so they do  
195 not have to fund it in other ways. He listed some projects that have been funded by the  
196 reserves such as the pool, Main Street, and the fairgrounds are all paid for by the reserves  
197 generated out of the electric fund revenue. Mr. Oyler said the discussion the Council has  
198 been having deals with the usage of the reserve funds to pay for the police station. He  
199 feels it is the same as paying for the other projects in the community.

200

201 Mr. Foster noted in just a few years the cost of the transformers has gone up significantly.  
202 They paid around \$312,000 for the first transformer, and the latest one purchased was  
203 \$412,000 the cost has increased and will continue to rise.

204

205 Mr. Ellis added that the Council will still need to bond for the rest of the funds needed.

206

207 Councilman Andersen said as a minimum they should keep the property tax rate where it  
208 is currently. Those funds can be used to help cover the cost of the payments.

209

210 Councilman Wadsworth said the finance committee unanimously agreed the hearing be  
211 held to bond for the funds.

212

213 Councilman Andersen said it was decided to keep the tax rate the same and possibly even  
214 raise it a little to help fund the project.

215

216 Mayor Thomas said he would rather let the tax rate go down and then vote and bond for  
217 the new rates.

218

219 Mr. Clark explained the process of how to keep the property tax rate the same. He stated  
220 there would need to be an advertisement for a public hearing and the Council would then  
221 set the certified tax rate at a different amount at the hearing.

222

223 Mayor Thomas said he feels the past bonded amount should be removed if the public was  
224 promised it would be.

225

226 Councilman Wadsworth feels the Council has to keep their promise to the public and then  
227 they can move forward with the different rates in the future.

228

229 Councilman Barber said he feels the electric revenue fund would be a source for some of  
230 the money to use towards the payment.  
231  
232 Mr. Ellis explained that because of the certified tax rate the property taxes have decreased  
233 over the last few years.  
234  
235 Mr. Oyler said the question the Council has to ask themselves is does the city have  
236 enough revenue coming into the electric department to cover the cost of the payments. He  
237 then explained the difference between rates and taxes. Mr. Oyler said the Council can  
238 determine where they want the funds to come from.  
239  
240 Councilman Andersen said that because the Council made a promise 10 years ago that the  
241 tax rate will decrease, are they creating a bigger problem down the road because they will  
242 have to more dramatically raise the rate to pay for this project.  
243  
244 Councilman Barber asked where the funds will come from if not from the electric  
245 revenue.  
246  
247 Councilman Andersen suggested using the electric revenue for now, and they will look at  
248 raising the property taxes because they are the lowest around.  
249  
250 Mayor Thomas is optimistic that the electric funds will be healthier in the future.  
251  
252 Councilman Wadsworth noted the property tax is able to be deducted where the other  
253 taxes would not be deductible.  
254  
255 Mr. Oyler stated in the future they will have a better idea of the cost of the building,  
256 and they can then discuss ways to fund the building at that time.  
257  
258 Councilman Wadsworth said if the City already owned property to build the building on  
259 they would have the potential to save money.  
260  
261 Mr. Ellis reminded the Council they have to be competitive with the other cities and the  
262 certified tax rates would have to be kept competitive and will probably need to be  
263 changed.  
264  
265 Mayor Thomas feels the City needs to be competitive and that they will know more about  
266 the costs in the future.  
267  
268 *Mr. Ellis Excused himself early 7:40 p.m.*  
269  
270 Councilman Wadsworth made a **motion** to recess the work session at 7:42 p.m.  
271 Councilman Barber **seconded** and the motion **passed** all in favor.  
272  
273 The meeting was reconvened at 7:50 p.m.  
274

275 Mr. Clark explained the information given in the binders to the Council. If the Council  
276 has different subjects they want information for, or formats they would like to see they  
277 should let him know. Mr. Clark said the staff can provide whatever information the  
278 Council feels would be useful to them.

279  
280 Mayor Thomas thanked Mr. Clark for his work and effort.

281  
282 Councilman Leifson thanked Mr. Clark as well and said this was great information.

283  
284 Mr. Oyler stated that as the finance committee continues to meet the information will be  
285 given to the Council.

286  
287 Councilman Wadsworth thanked Mr. Clark for the great information. He would also like  
288 to see the information available online.

289  
290 **Pressurized Irrigation (PI) Revenue**

291 Mr. Heap said they try to keep the pressurized irrigation rates lower than the culinary  
292 water rates.

293  
294 Councilman Sorensen said the money is set aside for those funds and they are to pay off  
295 the bonds early.

296  
297 Mayor Thomas feels the money that comes in is inflated and he would like to see the  
298 rates come down for everyone.

299  
300 Councilman Barber asked how the base rate for twin homes and apartment buildings was  
301 calculated.

302  
303 Mr. Heap explained they get charged the base rate for both even though there is only one  
304 hook-up, but it is at a reduced rate.

305  
306 Mayor Thomas feels one meter should charge one rate and he will check into the amounts  
307 of the multi-family housing. He has been asked by many people to change the rates and  
308 what makes them different amounts.

309  
310 Councilman Leifson asked for the information and that the Council review it and bring it  
311 back for discussion.

312  
313 **Salary Survey**

314 Councilman Wadsworth noticed the survey will be in the budget and he is happy to see it  
315 moving forward.

316  
317 Mr. Perrins explained they had looked at different ways to do the salary surveys. They  
318 don't feel it is a cost effective way to go if they are doing annual surveys. They have  
319 contacted a group that will study and review the job descriptions and form a committee to  
320 make sure the job descriptions are up to date. They will compare the positions with

321 whomever we ask them to. It is the same firm that does Orem City's surveys. The cost  
322 will be about \$2,000 a year to upkeep and every five years they will do a review and  
323 update the information. The city will direct them who to compare the surveys with.  
324

325 Councilman Wadsworth asked if the compensation packages would be included in the  
326 survey.  
327

328 Mr. Perrins said he was not sure if compensation was figured into the survey but he will  
329 check.  
330

331 Councilman Wadsworth made a **motion** to take a short break at 8:20 p.m. Councilman  
332 Sorensen **seconded** and the motion **passed** all in favor.  
333

334 *Councilman Andersen Excused himself early at 8:24 p.m.*  
335

336 Councilman Barber made a **motion** to move to executive session for land use at 8:25 p.m.  
337 Councilman Sorensen **seconded** and the motion **passed** by a roll call vote all in favor.  
338

339 The work session reconvened at 9:20 p.m.  
340

#### 341 **New Ball Park**

342 Councilman Barber asked why there is another phase of the ball park being constructed.  
343

344 Mr. Oyler said they are finishing the existing one that is currently under construction.  
345

346 Mr. Robinson said they had split it into two budgets.  
347

#### 348 **Broadband Infrastructure**

349 Mayor Thomas asked if any of the infrastructure will be paid back to the entities that  
350 have helped to fund it.  
351

352 Mr. Oyler said there has been a process created to handle that type of situation.  
353

354 Mayor Thomas feels the citizens are not seeing their value in the system. If they don't see  
355 it he would like to see the people using the system paying it back and not everyone as a  
356 whole.  
357

358 Councilman Sorensen disagreed. He felt the customers using broadband were not using  
359 the rest of the infrastructure.  
360

361 Discussion was made concerning the infrastructure.  
362

363 Mayor Thomas wants to see in the future the payments made until the payment is paid  
364 off. He wants the citizens to not have to pay the bill for other usages.  
365

366 Mr. Oyler said in ten years if the system is not used they will set up a note and pay back  
367 the money they put into it and continue the bond. It is a call the Council will have to look  
368 at in eight to ten years.

369  
370 Councilman Barber said Provo City had made an interest bearing note.

371  
372 Mr. Baker stated it was passed to cover those kinds of costs.

373  
374 Mr. Clark explained the note to be paid back is the excess over the bonded amount.

375  
376 Councilman Wadsworth clarified that the sewer and water will be paying part because  
377 you can't have one without the other. The metering is the cornerstone of the projects.

378  
379 Mr. Bowcut stated that the SCADA system is involved as well.

380  
381 Mayor Thomas wants the citizens to know what their money is being used for.

382  
383 Mr. Bowcut stated the infrastructure was originally installed for the utilities.

384  
385 Mayor Thomas stated it came with the promise that they will save a ton of money on  
386 meter management.

387  
388 Mr. Oyler reiterated how the project grew from the infrastructure to be tied in to all the  
389 citizens getting involved.

390  
391 Councilman Barber feels the Council needs a work session where staff can come and  
392 explain the value of the meter reading.

393  
394 **Options for Change**

395 Mayor Thomas explained he has learned a lot about the budget and would like to have  
396 more information. He hopes the Council keeps the options open over the year and that  
397 they continue to make the budget work for this community.

398  
399 Mr. Heap stated the tentative budget numbers were given in March and things have  
400 changed since then. He hopes the Council will keep in mind that things are constantly  
401 changing.

402  
403 Mayor Thomas said the work sheets were very helpful.

404  
405 Councilman Wadsworth thanked the finance committee for the graphs and information  
406 submitted.

407  
408 Mr. Oyler reminded the Council that this budget is workable and flexible and it is for the  
409 Council's review.

410

411 Mayor Thomas hopes that within the next week citizens will e-mail the Council with any  
412 questions or comments they may have about the budget. He also invited the citizens to  
413 attend the next Council meeting when the budget will be discussed.

414

415 Councilman Wadsworth said he appreciates the staff getting the information posted in a  
416 timely manner.

417

418 Mr. Perrins demonstrated how to find the information on the cities website.

419

420 Mr. Oyler said this is now the elected officials budget and next week the public hearing  
421 and the citizens can give the Council input. The Council will have to adopt the budget but  
422 it is able to change as needed. A formal budget must to be adopted. He also asked that if  
423 there are any concerns to please let the staff know.

424

425 Mr. Perrins said that the last thing staff wants is for the Council to leave this budget  
426 meeting with questions. He asked the Council to please ask their questions if they have  
427 any because this is their budget and he wants the information to be clear.

428

429 Mr. Oyler asked that questions be submitted in enough time so staff can do the research  
430 and provide the information necessary.

431

432 Councilman Wadsworth said he liked the way the budget was laid out this year.

433

434 Mr. Clark explained the process for the truth and taxation hearing. If that is the way the  
435 Council chooses to fund the public safety building they will have to pursue those  
436 requirements.

437

438 **Adjournment**

439

440 Councilman Wadsworth made a **motion** to adjourn the meeting at 9:39 p.m. Councilman  
441 Leifson **seconded** and the motion **passed** all in favor.

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**Tentative Minutes  
Spanish Fork City Council Meeting  
June 6, 2006**

9 Elected Officials Present: Mayor Joe L Thomas, Councilmember's G. Wayne Andersen,  
10 Steven M. Leifson, Seth V. Sorensen, Matthew D. Barber, Councilman Chris C.  
11 Wadsworth was excused.

12 Staff Members Present: Mark Byers, Animal Control Officer; David Oyler, City  
13 Manager; Seth Perrins, Assistant City Manager; Richard Heap, Public Works Director;  
14 Junior Baker, City Attorney; Kent Clark, City Recorder, Pam Jackson, Library Director;  
15 Kimberly Robinson, Deputy Recorder

16 Citizens Present: Ginger Fenton, Gary Fenton, Jared West, Richard Evans, Kim Pierce,  
17 Janet Pierce, Dennis Mitchell, Jackie Mitchell, Royden Hill, David Grotegut, Janis  
18 Nielson, Charlene Pugh, Timbre Keliiliki, Rebecca Belo, Raychellene Talbott, Keri  
19 Meservey, Jeremy Twitchell, Dana Robinson, Tony Grunado, Mark Dixon, Mackay  
20 Asay, Nathan Simpson

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22  
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25

**CALL TO ORDER**

26 The meeting was called to order by Mayor Thomas at 6:05 p.m.

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28  
29

**PLEDGE**

30 The pledge of allegiance was led by Councilman Sorensen.

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36

**OPENING CEREMONY, RECOGNITIONS:**

37  
38

**Miss Spanish Fork Royalty**

39 Mayor Thomas introduced the Miss Spanish Fork Royalty.  
40 Keri Meservey, executive director of the Miss Spanish Fork pageant, Raychellene Talbott  
41 Co-Director; Queen Timbre Keliiliki, Rebecca Belo 2<sup>nd</sup> attendant, and Charlene Pugh 1<sup>st</sup>  
42 attendant.

43 Councilman Andersen asked what was the first event Queen Keliiliki had participated in.

44 Ms. Keliiliki said she helped with the Veterans Memorial. The next events they will  
45 participate in are the parades in Orem and Springville.

46 Ms. Keliiliki said the platform she ran for was battling childhood obesity through dance.

Mayor Thomas asked Ms. Keliiliki to let the Council know what they can do to help.

**Spanish Fork Dons 5A State Champions Baseball Team**

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Mayor Thomas introduced the Spanish Fork Dons 5A State Champions Boys Baseball team. He explained this was their first year competing in 5A and they have taken a clean sweep across the board for both softball and baseball state champions this year.

Coach Whites introduced the team. They thanked the City Council for recognizing them and for the celebration down Main Street. They appreciate the support because Spanish Fork takes their baseball and softball seriously.

Councilman Barber said Zac was his cousin and the way he was honored throughout the year and the championship game really meant a lot for the family, he expressed his appreciation.

Councilman Leifson thanked the teams for representing the City.

**Spanish Fork Dons 5A State Champions Softball Team**

Mayor Thomas introduced the softball team who won first in state. Coach Andrews thanked the Council and for the parade down main street. He also thanked the Fire Department, Police Department, and the Ambulance. He said they were excited taking championship, it is hard to do. They had to be good and lucky. They really appreciate the support received from the City. He credited that it takes the whole City and everyone in town gets a part of the trophy's. He then introduced the team.

Mayor Thomas thanked the players for their hard work.

The Council then honored both teams for their accomplishments.

**PUBLIC COMMENTS:**

Dana Robinson

Mr. Robinson, Vice President of the Spanish Fork Arts Council made the official announcement that the Nebo Phil Harmonic Orchestra with maestro Benjamin K. Winkler will be looking for talented musicians. Auditions will be held at the High Chaparral June 20, 21, 23, 24 those interested can make an appointment to audition. Visit the City website [www.spanishfork.org](http://www.spanishfork.org) under Arts Council to find all the information. He feels this is a great opportunity for the South County area to be involved. He also stated that he appreciates the Cities support.

Ginger and Gary Fenton

Ms. Fenton addressed Ordinance 05-06 and asked for time to speak later before the Council makes final decisions on the agenda item.

Mr. Fenton explained the situation. They moved from Arizona and purchased a home in Spanish Fork they contacted a realtor and asked them to research to ensure they moved somewhere that allows 4 dogs in a residence. After they moved and registered the dogs they spoke with Officer Byers who informed them that they were in violation of the code.

93 Mr. Fenton said it happened so quickly they had to rely on a realtor to get the information  
94 allowing them to own four dogs. They own four Labrador retrievers.

95  
96 Mayor Thomas said the Council will give them time later during the agenda item to  
97 discuss the issue.

98  
99 Councilman Barber made a **motion** to move to the public hearing at 6:23 p.m.  
100 Councilman Sorenson **seconded** and the motion **passed** all in favor.

101  
102 **PUBLIC HEARINGS:**

103  
104 **Ensign Bickford**

105  
106 Mr. Anderson explained the proposal located at 1800 South Highway 6, it is the only  
107 property currently zoned I-3. The explosive company's use is coming to an end. The city  
108 has proposed to bring the area to an I-1 zoning instead of the I-3 designation it currently  
109 has.

110  
111 Mayor Thomas asked if the area proposed was all owned by Ensign Bickford.

112  
113 It was clarified that the city did own a section of the property.

114  
115 Mr. Nielson explained the City owns some of the property to the west of the railroad  
116 track.

117  
118 Councilman Andersen noted that the management of the company had no concerns with  
119 the change.

120  
121 Mayor Thomas asked for any public comment on the issue.

122  
123 **Dennis Mitchell**

124 Mr. Mitchell explained if the Council does zone the property I-1 light industrial, will the  
125 clean up still be done.

126  
127 Mayor Thomas stated they are currently in the clean up process, and the state is  
128 monitoring the process very closely. There were some contaminates from the previous  
129 owners in the soil and they are continuing to clean up the area.

130  
131 Councilman Andersen made a **motion** to approve the rezone of 575.95 acres of the  
132 Ensign Bickford property located at approximately 1800 South Highway 6 to I-1 light  
133 Industrial. Councilman Sorensen **seconded** and the motion **passed** all in favor.

134  
135 **Mapleton Bench**

136  
137 Mr. Anderson explained the proposed annexation is made up of over 125 acres and many  
138 different owners. He explained the City has already approved a number of plats, in

139 conjunction with the Nebo School District constructing a high school within the proposed  
140 annexation area. There are plans by various development groups to develop the lands  
141 immediately surrounding the area. The annexation applicant is requesting an R-1-12  
142 zoning which is consistent with the General Plan. Staffs recommendation is to approve  
143 the annexation with an R-1-12 zoning designation.

144

145 Councilman Andersen asked that as part of the R-1-12 zoning can they utilize the density  
146 to allow for multifamily housing.

147

148 Mr. Anderson explained that the Cities Master Plan Development does allow them to  
149 exceed the 3.5 units per acre, with a Master Plan Development and because of that they  
150 can pursue multi family housing.

151

152 Councilman Andersen said it disturbs him that people are getting approved with one  
153 density amount and then adding to the amount at a later date.

154

155 Mr. Baker clarified that with the master plan development they can start with the 2.5  
156 units per acre and they can go up to 3.5 units per acre but no more then that.

157

158 Mayor Thomas said the applicant can petition to create a Master Plan Development but  
159 they cannot do more density than is allowed in the General Plan.

160

161 Mr. Baker said they can petition to change the General Plan and the zoning if they want  
162 to.

163

164 Councilman Leifson stated the Haycock property is now included in the petition but that  
165 the original application did not show them as part of the annexation.

166

167 Councilman Barber asked what the density would be.

168

169 Mr. Anderson stated the R-1-12 zone is the only zone that allows a density of 2.6 units  
170 per acre.

171

172 Kim and Janet Pierce

173 Ms. Pierce thinks the process is misleading. She feels for it to be an R-1-12 zoning and  
174 already allow for a high density they should not be allowed to create a Master Planned  
175 Development so they can achieve more density or they should at least build what they say  
176 they are going to build. They need to be upfront about what they are doing if they are  
177 going to have a higher density they need to say they are planning on it at the beginning  
178 and not change later and say they are adding more density because they can.

179

180 Mr. Baker stated that a master plan development will allow for some twin homes and  
181 town homes to be built.

182

183 Ms. Pierce explained that the property owners end up working together in order to get the  
184 higher density.

185

186 Mr. Pierce feels it is misleading they are trying to get the development created with as  
187 much gain as possible and not trying to meet the surrounding area.

188

189 Ms. Pierce asked that the developers do what they say they are going to do. She also feels  
190 the city should make the developers match the same type of development as the  
191 surrounding areas. Ms. Pierce stated that they are asking to try to maintain the higher  
192 quality of life that exists in that area.

193

194 Mr. Simpson represents the group developing the southern portion of the property. They  
195 support a lot of the comments made by the Pierces. They plan to stay with the 2.5 to 3.5  
196 units per acre which will include some town homes. They plan on putting town homes by  
197 the railroad tracks. The larger lots around 12,000 square feet will be to the north side of  
198 the development. They will build a park, detention basin, and a walking trail. He  
199 reminded that this is merely a proposal but that it gives an idea of what they are trying to  
200 accomplish.

201

202 Mr. Pierce wants clarification on the types of homes that will be built and asked that they  
203 match the surrounding area.

204

205 Mr. Simpson stated they will have around the 3.5 units per acre. He assumes the  
206 buildings will be two story homes.

207

208 Mr. Pierce asked to have in writing what the developer is proposing. He has seen  
209 developers come in and try to get the most money out of the development and not do  
210 what they said they were going to do when they proposed the project.

211

212 Mayor Thomas stated that we are faced with a tremendous amount of growth and the lots  
213 continue to get smaller to handle that growth. He feels everyone needs to work together  
214 to do something that is reasonable for all involved.

215

216 Councilman Barber reminded at this point the application only deals with the annexation  
217 part of the development.

218

219 Mr. Baker agreed that there would be no development approval at this meeting only the  
220 annexation.

221

222 Councilman Andersen asked for clarification that they will do what they have proposed  
223 to do. He wants to see them stick to the proposal and not change it midstream. He thinks  
224 if they want more density they need to ask for it up front. He wants the developers to  
225 come present what they are planning on doing and not change it later.

226

227 Mr. Simpson explained they had worked with Emil Pierson the previous City Planner.  
228 They had included in the annexation application packet pictures of the projects they are  
229 proposing.

230

231 Ms. Pierce asked if the current sewer and water system are prepared to handle this type of  
232 growth.

233  
234 Mr. Nielson stated the sewer plan expansion will handle the proposed area. The sewer  
235 trunk lines are part of Mapleton so they contribute into their system.

236  
237 Mr. Grotegut said they are looking to make 15,000 square foot lots in his development.  
238 He is concerned that the Haycocks property will only allow them to put in so many lots in  
239 an R-1-9 zone. He also stated the utilities are being brought through the Sunny Ridge  
240 Development.

241  
242 Mr. Anderson explained the preliminary plat called Spanish Highlands requesting a zone  
243 change to an R-1-12 zoning designation for a Master Planned Development. The  
244 developers are able to change the lot sizes by meeting the requirements of a Master Plan  
245 Development.

246  
247 Councilman Barber clarified this would only be annexed in as a specific zone and the  
248 next step would be the development proposals. He also asked for information on the trails  
249 systems.

250  
251 Mr. Anderson explained the Nebo School Districts plans for construction of the high  
252 school. They plan for the infrastructure to be at the site prior to the construction of the  
253 high school. He explained there had been a lot of discussion at the Development Review  
254 Committee and the Planning Commission meetings regarding these issues. There was  
255 discussion to draft in time frames for the infrastructure construction and installation to be  
256 completed.

257  
258 Councilman Barber clarified that at the development of a plat they can require certain  
259 time frames for things to be built. He then asked if there were time frames tied to the  
260 Spanish Fields plat.

261  
262 Mr. Oyler stated the Commission had tied requirements to the Spanish Fields plat.

263  
264 Ms. Pierce asked if there was any kind of regulation to let the property owners know  
265 about the plat approvals.

266  
267 Mr. Baker explained the ordinance does require a neighborhood meeting with property  
268 owners within 500 ft. They must provide who attended the meeting, what letters were  
269 sent out, and the minutes of the meeting.

270  
271 Councilman Leifson made a **motion** to approve the proposed Maple Bench Annexation  
272 approximately located at 2000 East 400 North subject to the following conditions:

- 273 1. That the development meets the City's construction and development standards.  
274 2. That the master planned trails be constructed with the development of the  
275 properties.  
276 3. That 130 North be constructed within two years.

277 Councilman Barber **seconded** the motion **passed** all in favor.

278

279 **Public Hearing to Receive Comment with Regard to the Cities Proposed Issuance of**  
280 **Sales Tax Bonds in the Approximate Amount of \$14,000,000.**

281

282 Mr. Clark introduced Ballard Spahr, Andrews and Ingersoll the cities Bond Council.

283 They were involved in helping draft the bond documents.

284

285 Jackie Mitchell

286 Ms. Mitchell understands that they need the court building and the police building. She

287 thought the cities cost was \$8 million not \$14 million.

288

289 Councilman Andersen explained that the cities portion of the payment was for the police  
290 section and the court will pay for their part of the building.

291

292 Mayor Thomas said the city will still have to bond for the entire payment and they would  
293 then be reimbursed by the County.

294

295 Councilman Andersen explained the bond would only be for up to \$14 million dollars.

296 They want to make sure there is enough money to cover the costs involved. It will not

297 exceed the set amount and it could potentially be less. Just because the Council gives

298 approval for that amount of money doesn't mean they will bond for the full amount.

299

300 Mayor Thomas clarified the City will only be able to bond for up to \$14 million. There  
301 are some potential land trades and reserve funds available to help pay the cost.

302

303 Ms. Mitchell said they should build the facility on land the city already owns.

304

305 Mayor Thomas stated if the new building was put behind K-mart it would potentially be a  
306 resource to that area.

307

308 Councilman Sorensen explained they are still weighing out the costs involved with  
309 building on the landfill area.

310

311 Mayor Thomas explained they are looking at all the options and maximizing them.

312

313 Ms. Mitchell said she heard they plan to build a new City building.

314

315 Councilman Sorensen stated that a new City building has not been discussed at this point.

316

317 Councilman Andersen said the rumor was false.

318

319 Mayor Thomas stated that with the court moving out of the current building the extra

320 space can be utilized and the city will gain more room.

321

322 Ms. Mitchell asked if they are still looking to build the new police building in phases like  
323 the proposal at the budget work session.

324  
325 Mayor Thomas explained they are looking to build in phases to help minimize the cost at  
326 the present time.

327  
328 Ms. Mitchell asked what they will be doing with the current police building.

329  
330 Councilman Barber stated discussion has been made to possibly sell the police station  
331 and use that money towards the new building.

332  
333 Ms. Mitchell would like some assurance the Council will try keep the budget down.

334  
335 Mayor Thomas stated they are looking at many different ways to save money in the  
336 budget.

337  
338 Pat Parkinson

339 Ms. Parkinson hates the thought of the city being in debt. It seems to her the project  
340 proposal is physically sound and she appreciates the effort that has been made by the  
341 Council.

342  
343 Mayor Thomas appreciates all the public comments. He encourages everyone to get  
344 involved they can reach the Council at [council@spanishfork.org](mailto:council@spanishfork.org).

345  
346 **Fiscal Year 2007 Budget**

347  
348 Mr. Oyler explained last month the tentative budget was presented to the Council. The  
349 public has had a chance to address their concerns.

350  
351 Mr. Oyler explained that the budget process takes time to review. The department  
352 directors are available to give a short explanation regarding the changes to the budget.

353  
354 Councilman Leifson said he would like the Department Heads to give a brief overview of  
355 the changes made to the budget.

356  
357 Councilman Andersen explained the meeting was mainly for the public and he wants to  
358 make sure they get a chance to address their concerns.

359  
360 Ms. Mitchell

361 Ms. Mitchell said she had read through the budget online and was wondering if it is  
362 proposed that the employees benefits will increase by 11%.

363  
364 Councilman Sorensen said the increase was shared equally between the benefits as a  
365 whole.

366  
367 Ms. Mitchell said the retirement issues concern her because of the proposed amounts.

368

369 Mayor Thomas explained the state mandates 11.59% to be added to the Utah Retirement  
370 Systems. The City has opted to pay the difference between the old required rate and the  
371 new one. He hopes the employees will continue to be compensated fairly.

372

373 Councilman Sorensen believes that not only the police officers should be compensated  
374 for having a high risk job but the electrical lineman as well.

375

376 Councilman Andersen added that the treatment plant staff are also at a risk of being  
377 exposed. He does not feel they can pick and choose the rates and who does and does not  
378 get them. He reminded that at one time the state had mandated the rate at 17.9%, they  
379 allowed the cities to maintain it at that level if they chose to do so. Benefits have to be  
380 looked at in whole because sometimes the insurance costs are not as good for the  
381 employees. You have to look at the whole benefit package and determine whether or not  
382 it is reasonable.

383

384 Mayor Thomas feels there are two job areas that have high risks sewer plant and electric  
385 lineman. He feels the city is offering benefits higher than the citizen's package.

386

387 Councilman Sorensen said if you run the statistics Spanish Fork has less employees per  
388 capita and they have to pull more weight. We as a city have more services to offer and  
389 with that they expect more out of the employees than other cities do.

390

391 Ms. Mitchell asked if the benefit amount change is still under consideration.

392

393 Mayor Thomas said they are looking at adopting the budget, but that it is open to be  
394 changed. If they feel they need to change it they can do so at a later time. It is his hope  
395 the public will continue to be involved with the budget process.

396

397 Ms. Mitchell asked how they can give the Council information.

398

399 Mayor Thomas said the Council can be reached at [council@spanishfork.org](mailto:council@spanishfork.org) .

400

401 Ms. Mitchell clarified that if they prepare data they can bring it to the Council for their  
402 review.

403

404 Mayor Thomas said each member of the Council has to continually learn and receive  
405 education and if citizens want to present information they are welcome to do so.

406

407 Councilman Barber stated this was the public hearing for the budget. It will not be  
408 adopted for another two weeks.

409

410 Mayor Thomas said it is his intent to have greater communication between the city and  
411 the citizens.

412

413 Mark Dixon

414 Mr. Dixon commented about public employees. He stated that he used to have fantastic  
415 retirement benefits but in the private sector they no longer exist. He stated he pays for his  
416 benefits himself. He said that his medical insurance used to be fully paid and now he pays  
417 the first \$10,000. He feels there is risk in every job. He thinks the benefits amounts are  
418 excessive. The benefits come from his taxes and he would like to see the Council use  
419 responsibility in the amounts of benefits they offer.

420

421 Pat Parkinson

422 Ms. Parkinson said it bothers her that some of the Councilmembers campaigned on the  
423 issue that the benefits are too high. It causes her consternation that the first budget out the  
424 amount is the same. She works at Wasatch Health and has been #1 on a person's hit list,  
425 she feels there is risk in every job. She feels 18% is way too much because they only get  
426 4% or 2% at Wasatch Health. She stated that if the employees are only staying for the  
427 money and the benefits then they are there for the wrong reasons. She feels the work that  
428 we do is not just for the benefits she wants people that have their heart in their work. She  
429 sees inconsistency between what has been campaigned for and the budget proposed.

430

431 Mayor Thomas agreed with the campaign issues with the exception of those that are at  
432 risk in their jobs.

433

434 Councilman Sorensen feels he is looking ahead for his children in the future. Hopefully  
435 Spanish Fork will still be the same City as the Council has hoped it would be.

436

437 Ms. Parkinson agrees but feels the employee's retirement taints it.

438

439 Royden Hill

440 Mr. Hill stated when he makes a budget he figure's out how much money there is and  
441 then figure out where it should go. He feels the Council needs to cut the budget where it  
442 can be cut. He thinks the water fees are terrible and hopes to get the system paid off so  
443 the Pressurized Irrigation water is not paid by everyone.

444

445 Ms. Parkinson asked the Council to please be careful with her money.

446

447 Angie Jackson

448 Ms. Jackson stated that she is tired of the same things being debated over. 80% of the city  
449 staff are tax payers in this community and there are more important issues such as sewer  
450 and electrical to be discussed. Her husband took a \$9 an hour cut in pay to work for  
451 Spanish Fork City. They have been fortunate enough to be employed by this city. She  
452 stated the staff morale is low right now because of these ongoing issues. She was put on  
453 the personnel committee and is eager to help. They love Spanish Fork and are  
454 disappointed with the residents and how they are treating the staff who are also residents.  
455 This City has very dedicated staff and employees.

456

457 Councilman Sorensen feels the Council is making the decisions, but the staff takes the  
458 heat for it. He feels it is not fair.

459

460 Mayor Thomas said all he wants is fairness.

461

462 Ms. Jackson stated the analysis's are done and they come back the same. She does not  
463 feel they need to be going over and over the same issues when there are bigger ones for  
464 the Council to take care of.

465

466 Councilman Andersen said they have to consider the competition for City employees  
467 comes from the other cities. They have to look at where the competition is in comparison.  
468 He feels they have to consider the private sector, but they cannot forget to look at other  
469 cities because that is their main competition for staff.

470

471 Councilman Sorensen said the private sector makes higher wages than the public sector.

472

473 Ms. Jackson agrees the focus needs to stay on fairness and not on what someone  
474 promised they would do. She hopes the issues will quit being debated, and they will  
475 positively move forward. She feels if decisions have been made in the past they need to  
476 move forward to the future. We can never please everyone. She hopes they can move  
477 forward and shine instead of debating the same issues.

478

479 Councilman Andersen said he doesn't get the e-mails concerning the budget or the police  
480 building. He has not received one e-mail from a citizen in the community one way or the  
481 other dealing with those issues. No one has taken the time to send one e-mail concerning  
482 any of it to him. If there is going to be a lot of complaints and uproar he has not seen the  
483 information because it doesn't come to him.

484

485 Ms. Jackson said she understands the City Council does not have an easy job, she hopes  
486 they remember to move forward in their decision making.

487

488 Ms. Fenton asked for the e-mail address information for the Council.

489

490 Mayor Thomas stated they can be reached at [council@spanishfork.org](mailto:council@spanishfork.org) and  
491 [council@sfcn.org](mailto:council@sfcn.org)

492

493 Mayor Thomas said that at all the meetings he asks the public to contact the Council. He  
494 said the e-mail is the best way if they can. He tries to talk to people in the supermarkets  
495 and stores to get feedback.

496

497 Councilman Leifson said South Jordan e-mailed him and commended the workers on the  
498 cemetery, he feels there are great citizens and great employees, they are here working  
499 hard not because of money or benefits but because they are citizens that live here and are  
500 willing to do what they have to to make Spanish Fork great.

501

502 Pat Parkinson

503 Ms. Parkinson said she feels the reason people don't want to speak up is because of a lack  
504 of sense of empowerment and intimidation at the meetings.

505

506 Councilman Andersen said he spent a great deal of time and effort studying the issues. He  
507 was trying to put out information to the public to let them know why he decided to take a  
508 side on the issue.

509  
510 Pat Parkinson

511 Ms. Parkinson feels it is ok for all of us to study the issue, and come to different  
512 conclusions.

513  
514 Rick Evans

515 Mr. Evans has read every page of the budget and every page of the supporting spread  
516 sheet that goes behind it. He didn't understand it. He is a former civil service employee,  
517 and has been on the public side, wages in public sector are not good but the benefits make  
518 up for it. Potentially benefits help make up for lower salaries. He knows this has been an  
519 issue for the last three elections and some have campaigned on the issue of compensation.  
520 He would like someone to come to the meeting and explain why they pay 6% higher than  
521 the state requirement. He is frustrated that no one is able to say why. We all work hard  
522 employees feel underpaid and undervalued. The question is if someone would explain  
523 definitively with real numbers and a narrative why the city has chosen to do what they  
524 do. He agrees there are more big issues that need to be discussed. He feels that the  
525 difference the city pays then the state is a lot of money. He feels the folks that raise the  
526 issue would like to know why it is done. He does not feel the employees are underpaid or  
527 overpaid, he just thinks people need to understand it.

528  
529 Councilman Sorensen explained the salary survey regarding the wages. They look at  
530 what the other cities are paying, cities of similar sizes, they find the range and position  
531 the employees in the middle, all increases are merit driven.

532  
533 Mayor Thomas feels the key is to get involved. He feels a difference of opinion is  
534 healthy. They need the publics help and he asked that they get involved.

535  
536 Councilman Leifson replied to Mr. Evans comments, he said the staff can explain why  
537 they do what they do.

538  
539 Mr. Evans said he doesn't argue that it is wrong he would just like to understand why it is  
540 done the way it is.

541  
542 **ADJOURN TO RDA MEETING:**

543  
544 Councilman Barber made a **motion** to move out of the public hearing and into the  
545 Redevelopment Agency Meeting. Councilman Sorensen **seconded** and the motion **passed**  
546 all in favor at 8:12 p.m.

547  
548 Councilman Barber made a **motion** to close the public hearing and adjourn RDA.  
549 Councilman Leifson **seconded** and the motion **passed** all in favor at 8:22 p.m.

550  
551 **CONSENT ITEMS:**

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- a. Spanish Fork City Council Minutes – April 18, 2006
- b. Dairy Barn Lease Agreement - Tabled by Mayor Thomas.
- c. Fiesta Days Contract – Daily Herald Sponsorship and Open Air Cinema

Councilman Sorensen made a **motion** to accept the consent items “a” and “c”  
Councilman Andersen **seconded** and the motion **passed** all in favor.

**NEW BUSINESS:**

**Interlocal Agreement United States Housing**

Mr. Baker explained the agreement and who it was with. He explained this agreement helps the cities meet the government requirement for residential housing. This qualifies the city for more federal dollars to qualify for more funds for affordable housing. This agreement makes Provo the head of the funds. We appoint a representative for the board, he recommends the reappointment of Jed Mitchell to the board. The agreement starts this fall and runs for three years.

Councilman Sorensen made a **motion** to authorize the Mayor to execute the interlocal agreement and to appoint Jed Mitchell as the representative. Councilman Leifson **seconded** and the motion **passed** all in favor.

**Thompson Annexation Agreement**

Mr. Anderson stated this petition is before the Council to either accept or deny the petition. At the conclusion of the protest period a public hearing will be held.

Councilman Andersen made a **motion** to accept the proposal for further study.  
Councilman Sorensen **seconded** and the motion **passed** all in favor.

*Councilman Barber Excused Himself at 8:25 pm*

**Staker Parsons Annexation**

This item was not discussed at the meeting.

**Ordinance 05-06 – Amending the Kennel**

Mr. Baker explained the change to the ordinance allowing for kennel permits. He said Mr. Byers and Ms. Johnson drafted the ordinance together. This Ordinance will allow for a residential kennel permit allowing up to four animals in a residential zone. The compliance officer advised strongly that it be left at no more than four animals. There were changes to the rules requiring 100 ft. away from another house and 50 ft. from the home. They do not have to be continually in that area they can be let out.

598 Mayor Thomas hopes there can be some additional adjustments made to this ordinance.  
599 He feels there are dog owners and lovers that don't have ½ acre lots. He feels the  
600 nuisance issue does not deal with issues today. He would like to see some changes to  
601 allow for owners that do not have any issues with the neighbors. He would also like those  
602 that are in non-compliance to be allowed to keep their dogs.  
603

604 Mr. Baker stated the complaints in the past have been dogs.  
605

606 Mayor Thomas feels the complaints have not come because of the number of dogs. He  
607 would oppose the fee being above and beyond the licensing fee's.  
608

609 Mr. Baker explained the licensing helps to track the amount of dogs.  
610

611 Councilman Andersen believes there are some instances where the animals are kept  
612 inside most of the time and he would like to see some flexibility in those cases.  
613

614 Mayor Thomas stated he likes the number of four dogs allowed.  
615

616 Mr. Byers noted some problems in the past with excessive amounts of dogs in a  
617 residence.  
618

619 Mr. Baker clarified that the Council is comfortable with the ordinance, aside from the  
620 size of the lots and the fees.  
621

622 Dave Olson

623 Mr. Olson feels if this ordinance is adopted they need to change the requirements for the  
624 noise ordinance as well.  
625

626 Mayor Thomas asked if there is a warning issued before a citation is given.  
627

628 Mr. Byers stated no warning is usually given. If they receive a complaint in writing they  
629 go ahead and issue the citation.  
630

631 Mayor Thomas feels there should be some discretion for the officer to issue a warning.  
632

633 Councilman Sorensen feels there should not be leniency on the number of dogs. If he is  
634 sleeping and has to call and complain, one barking or four barking dogs will still wake  
635 him up.  
636

637 Mr. Evans stated that he doesn't understand the residential kennel permit requirements.  
638 Why does a residential kennel require 100 ft. from another home. He feels the definition  
639 needs to be clarified.  
640

641 Mayor Thomas asked that the Fentons and Evans submit a draft ordinance and work with  
642 the attorney to create the ordinance.  
643

644 Mr. Byers issued 20 violations for people that had too many dogs, that amount is driven  
645 by complaints.

646  
647 Ms. Fenton said she was cited for the number of dogs they had.  
648

649 Mayor Thomas said they should talk to him later and he will work on that issue. He also  
650 asked that they send a copy to the Council of the ordinance proposed.

651  
652 **Resolution 06-11 – Adopting Animal Control Bail Schedule**

653  
654 Mr. Byers stated that the change in the schedule in 1992 they changed the amount to \$25  
655 for the first offense and then to make the second and third violation a lot higher amounts.

656  
657 Mayor Thomas asked where the revenue goes.  
658

659 Mr. Byers stated that the revenue goes to the city if it doesn't go to court. He also  
660 explained that by raising the number's it will help the owners to control the animals.

661  
662 Councilman Andersen asked why the money would go to the State.  
663

664 Mr. Baker stated the fee from the state is just what they require.  
665

666 Mr. Byers said the fees will also help to pay for the new shelter.  
667

668 Mayor Thomas asked when they have the first offense do they notify them and educate  
669 them.  
670

671 Mr. Byers stated that he does give a handout when he issues a citation and they can add  
672 additional information to it if they want.  
673

674 Councilman Leifson asked how the fees compare to other cities.  
675

676 Mr. Byers stated they have done research on the other cities fees. He noted that  
677 Springville has a fee of \$299 for any offense even if it is the first.  
678

679 Mayor Thomas asked if there are occasions that there is an option when the owners are  
680 doing their best and the dogs just simply got out.  
681

682 Mr. Byers stated they exercise discretion when issuing citations.  
683

684 Mayor Thomas stated the information will be available on the website at  
685 [www.spanishfork.org](http://www.spanishfork.org).

686  
687 **Mountainland Association of Governments (MAG) Nebo Area Transport**  
688

689 Mr. Rifkin with Interplan Company gave a presentation on the road projections for the  
690 future of the south county area.

691  
692 Mr. Rifkin said they have been working with the staff. Richard Nielson has been working  
693 with the committee. He also explained things will get worse before they get better.

694  
695 The commuter rail system was discussed by Shawn Eliot with MAG. He said there are  
696 still discussions regarding the stations and where the system will actually go.

697  
698 Mr. Rifkin explained the action items such as updating plans reserving rights of way etc.

699  
700 Councilman Andersen asked how all this would be funded.

701  
702 Mr. Rifkin stated that they will be looking at that over the next year, the legislature was  
703 generous this year and the funds will continue to grow over the next few years.

704  
705 Mr. Eliot added that the legislature has given more funds to the roads.

706  
707 Councilman Andersen stated it seems to him the most important thing is for right of ways  
708 to be acquired.

709  
710 Mr. Eliot stated that the County has instituted some means to help towards those funds.

711  
712 **Chamber of Commerce & Rotary Club**

713  
714 Councilman Sorensen presented the golf tournament sponsorship to the Council on behalf  
715 of the Rotary Club and the Chamber of Commerce.

716  
717 **ADJOURN**

718  
719 Councilman Sorensen made a **motion** to adjourn to executive session to discuss Land  
720 Use and Personnel issues. Councilman Leifson **seconded** and the motion **passed** by a role  
721 call vote all in favor at 9:16 p.m.

722  
723  
724

725 ATTEST:

726  
727

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Kimberly Robinson, Deputy Recorder

**Meeting Minutes**  
**Joint meeting of the Spanish Fork**  
**City Council and Planning Commission.**  
**June 14, 2006**

Attending: Mayor Joe L Thomas, Councilman G. Wayne Andersen, Councilman Chris C. Wadsworth, Councilman Steven M. Leifson, Councilman Seth V. Sorensen, Commissioner Sharon Miya, Commissioner Paul Bradford, Commissioner Mike Christianson; Mike Rawson, Salem City Planning Commissioner; Mary Klug, Salem City Planning Commissioner; Neldon Jensen, Salem City Planning Commissioner; Lane Henderson, Salem City Mayor; Brent Hanks, Salem City Councilman; Lynn Durrant, Salem City Councilwoman; Bruce Ward, Salem City Engineer; Junior Baker, City Attorney; Neil A. Lindberg, David Oyler, City Manager; Richard Heap, Public Works Director; Dave Anderson, City Planner; Shelley Hendrickson, Planning Secretary; Kimberly Robinson, Deputy Recorder

**CALL TO ORDER**

Mr. Baker called the meeting to order at 6:07 p.m.

**NEW BUSINESS**

Neil A. Lindberg gave his presentation on Land Use Law in Utah.

**ADJOURN**

Councilman Sorensen made a **motion** to adjourn to executive session to discuss land use at 7:35 p.m. Councilman Leifson **seconded** and the motion **passed** all in favor.

**SPANISH FORK CITY  
Staff Report to City Council**



<b>Agenda Date:</b>	<b>Tuesday, July 18, 2006</b>
<b>Staff Contacts:</b>	<b>Dale Robinson</b>
<b>Reviewed By:</b>	<b>Junior Baker &amp; Seth Perrins</b>
<b>Subject:</b>	<b>Canyon View Park Caretaker Contract</b>

**Background Discussion:**

The Canyon View Park is nestled behind the golf course, as you are all aware, and has been the site of vandalism, parties, and other mischief over the years. To solve this problem, the City has hired caretakers to live in the park, care for the park, provide security for the park, and generally be available to the public during the odd hours. The Caretaker position has been one of high turnover and low productivity, and we have had numerous complaints from the public regarding the cleanliness of the pavilions and restrooms.

A few months ago, the position became open again and we began to analyze other ways to approach this situation. Our goal is to find the best way to care for the park, having it be the beautiful park that it is, and expend as little funds as possible.

Compensation for this position has previously been paid in two forms: first, employees live in the caretaker's residence, a value of about \$500 per month, and second, employees receive an additional \$2,040 per year, a combined compensation valued at \$8,040 per year.

On average, this position has worked about 800 hours per year, with a majority of those hours being worked during the summer months, with some hours during the Festival of Lights.

**Budgetary Impact:**

The City currently expends \$8,040 on the caretaker, but it recovers \$6,000 for rent, effectively spending only \$2,040 for the position. The City also expends other monies for other employees that fulfill tasks in the park.

We will not recommend cutting any funds for the care of the park; we will only reallocate those funds for additional seasonal hours.

**Alternatives:**

There are four options that we can pursue to solve the problems associated with Canyon View Park and our issues of high turnover and low productivity.

1. We can continue as we have for the past few years, with a caretaker as a part-time employee and an extensive task list,

2. Hire a full time caretaker and put them completely over the park and nothing else,
3. Use seasonal employees to complete tasks and have staff on call for emergencies that occur in the evenings, on weekends, and on Holidays.
4. Contract with an independent service provider and fill any gaps with seasonal employees.

**Recommendation:**

We recommend the 4<sup>th</sup> option. We have spent considerable time discussing which would be the best and all involved believe that hiring an independent service provider will best solve the issues I've outlined.

By creating a contractual relationship, we have specifically determined which tasks this person will complete, we provide for specified review periods and severability. We have also eliminated any issues we have had with timecards, tracking hours, and the definition of time worked in the park. We have also eliminated some of the demanding tasks that were to be done and not ever being completed. Because of this, we have decreased the compensation to only the value of living in the home. There will be no exchange of money in this contract, but basically a "you live in the home for payment and you provide these services" type arrangement.

Having removed some of the tasks from the caretaker, we will divert the \$2,040 that we actually paid the caretakers, above the value of the home rental, and we will supplement the seasonal workers budget so they can do more work in the park. I believe by doing this, the many daunting tasks that possibly scared previous caretakers and discouraged them from working, will be given to employees to do during the week days.

After deciding this would be the best option, we interviewed interested candidates and explained the changes that we are proposing to the position. Doug Adams, who oversees the work at Canyon View Park, and I interviewed whom we felt were the 3 most qualified applicants. Upon completion of the interviews we decided the best person for the job was Janice Ottesen who currently works at the golf course. Janice is a reliable, hard worker who is very conscientious about her quality of work. Her current circumstances make her ideal for the position and this would provide the consistency that we need and have lacked in the park. I have spoken with Roy regarding this possibility and since the majority of the work is evenings, weekends and holidays, he felt it would not interfere with her current position.

One issue we researched was what conflicts there may be with the Fair Labor Standards Act. This arrangement actually alleviates a number of issues that we have had with FLSA, where we do not need to track hours nor provide for overtime when reached. Yet we can retain a security presence in the park during those evening and weekend hours.

We did not begin with Janice in mind; however we do know her work product and have actually seen it in the park these past few weeks. She has been performing some of the duties, awaiting your approval of this contract and we have already received comments that the bathrooms look better than they ever have before. If approved, she would move in and assume all responsibilities as outlined. If not, we would pay her for the work provided and start again.

**Attachments:**

See the attached contract.

**RESOLUTION 06-13**

ROLL CALL

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

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

I SECOND the forgoing motion: \_\_\_\_\_

**RESOLUTION 06-13**

**A RESOLUTION AUTHORIZING THE USE OF SPANISH FORK CITY’S 2006 ALLOCATION OF HOME FUNDS AND COMMUNITY HOUSING DEVELOPMENT ORGANIZATION FUNDS TO ASSIST IN THE DEVELOPMENT OF AFFORDABLE HOUSING PROJECTS AND SERVICE CENTERS LOCATED IN UTAH COUNTY AND SETTING AN EFFECTIVE DATE.**

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

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

**WHEREAS**, Spanish Fork City is a member of the UVCCC and is eligible to receive an allocation for 2006 from HOME funds and from CHDO funds; and

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

**THEREFORE, BE IT RESOLVED** by the Spanish Fork City Council as follows:

Section 1. The City Council of Spanish Fork City authorizes the City's share of the 2006 HOME Funding Matrix and its share of CHDO funds to be used in the development and funding of any of the following project(s):

- Center for Women and Children in Crisis
- Rural Housing Development Corporation
- Housing Authority of Utah County
- NHS of Provo
- Housing Services of Utah Valley
- Habitat for Humanity
- Provo City Housing Authority

Section 2. This resolution shall take effect immediately upon passage.

Adopted and approved this 18<sup>th</sup> day of July, 2006.

By \_\_\_\_\_  
Joe L Thomas, Mayor

Attest:

By \_\_\_\_\_  
Kent Clark, City Recorder

SEAL:

Date: July 12, 2006

To: The Mayor and City Council

From: Jeff Foster, Electrical Superintendent

Subject: City Council Adoption of the SUVPS (Southern Utah Valley Power Systems) Amended and Restated Inter-local Agreement.

A few years ago, the SWUA (Strawberry Water Users Association) and the SESD (Strawberry Electric Service District) separated. When this separation took place, the SWUA is what was called the "At Large" member of the board. At that time SESD requested membership with SUVPS which was denied as there were too many close ties between SWUA and SESD and the membership did not feel comfortable having two votes on the board. Over the past 2 years SUVPS has been working through a process that they hoped would remove SWUA from the board, and eventually bring SESD into the organization as a full member. In 2005 the "At Large" member which was required by the SUVPS inter-local agreement was removed from the language essentially removing SWUA from the board.

Between then and now, SESD has been negotiating with SWUA to purchase their rights in the electrical facilities that are currently owned by SWUA. SESD also now has a board and management that is no longer the same people who operate SWUA. Also, SESD has requested and was granted from the State of Utah, that their name would be changed to South Utah Valley Electric Service District although they are retaining the old acronym of SESD.

The process has been long and tedious, but we are now at a point where SUVPS is ready to bring SESD into the organization as a full member. SESD will be a much better fit in the organization as they provide similar services as what the cities provide their customers, electrical service to the homes and businesses in their service area. They also will be bringing to the organization the title and interest in the 46 kV electrical facilities that serve Payson, Salem, Spanish Fork, Springville and SESD customers at the present time. It has been the intent of SUVPS to obtain title and the rights to the entire system with each member having a percentage interest in the facilities.

It is my recommendation and the recommendation of the SUVPS board that the council would approve entering into this Amended and Restated Inter-local agreement.

Christine Mikell  
3658 E Golden Oaks Dr  
SLC, UT 84121  
801-455-1045  
Email - [christine@wasatchwind.com](mailto:christine@wasatchwind.com)

Agenda Subject - Met Tower Lease

Wasatch Wind currently has a lease for an 82 meter meteorological tower on Spanish Fork City land. We would like to lower it, decrease the size to 60 meters and raise on a location upcanyon on Spanish Fork City Land.

# AMENDMENT

## To Residential Solid Waste Collection & Disposal Agreement

THIS AMENDMENT is made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between Spanish Fork City, a municipal corporation and political subdivision of the State of Utah (hereinafter called the "City"), and Allied Waste Services of North America, LLC. (hereinafter called "Contractor").

WHEREAS, City and contractor are parties to that certain Agreement dated June 28, 2005 (the "Agreement") that provides for residential solid waste collection and disposal services within the boundaries of the city; and

WHEREAS, the Contractor has incurred significant increases in fuel expenditures to provide the residential services, and Contractor has petitioned the City to share in this unforeseen expense; and

WHEREAS, City and Contractor have agreed that a fuel surcharge is the most reasonable remedy for the changing fuel rates.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

### *1) Fuel Surcharge*

Effective August 1, 2006, Contractor will add a fuel surcharge to the current rate as established by the Agreement. This surcharge will only be applied when the Retail On-Highway Rocky Mountain Diesel Index, as provided by the Energy Information Administration at ([http://tonto.eia.doe.gov/oog/info/wohdp/diesel\\_detail\\_report.asp](http://tonto.eia.doe.gov/oog/info/wohdp/diesel_detail_report.asp)), monthly average exceeds \$2.49 per gallon.

This surcharge will be adjusted each month in accordance with the corresponding change in the monthly average of the Index. The following table outlines the monthly rate schedule for the City.

## Spanish Fork Fuel Surcharge Table

Monthly Avg. \$/Gallon	Monthly Rate per 1st Container
\$2.49 or less	\$ 3.15
over \$2.50	\$ 3.21
over \$2.75	\$ 3.28
over \$3.00	\$ 3.36
over \$3.25	\$ 3.43
over \$3.50	\$ 3.51
over \$3.75	\$ 3.58
over \$4.00	\$ 3.66

Contractor will forward the monthly Energy Administration Index report and City rate calculations to City designee prior to receipt of the monthly invoice for services

**All terms of this agreement are subject to the original contract terms and specifications except as modified herein.**

**Spanish Fork City**

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
(Authorized Representative)

Print \_\_\_\_\_ Title \_\_\_\_\_

**Allied Waste Services of North America, LLC**

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
(Authorized Representative)

Print \_\_\_\_\_ Title \_\_\_\_\_

**SPANISH FORK CITY  
Staff Report to City Council**



<b>Agenda Date:</b>	<b>July 18, 2006</b>
<b>Staff Contacts:</b>	<b>Dale Robinson</b>
<b>Reviewed By:</b>	<b>Dave Oyler</b>
<b>Subject:</b>	<b>Reservoir Pavilion</b>

**Background Discussion:**

We have received a commitment from individual citizens who wish to remain anonymous to donate half the cost of the construction of a pavilion to be located above the reservoir. However, this donation comes with a condition, which is that the pavilion be completely done and ready for use by March 15, 2007. Sky Properties Development which is north of the reservoir has agreed to pay to the City \$55,000 which will go toward recreational amenities in the area. Together these two funding sources will give us enough money to construct a pavilion similar to the new one at the sports park. In order to ensure that we meet the required deadline the pavilion would have to be constructed this fall. The parking lot would be asphalted next spring. The proposal was reviewed by the recreation committee and recommended unanimously.

**Budgetary Impact:**

The city's philosophy has traditionally been when we have an opportunity to receive matching grant money then we have taken advantage of those opportunities. The city would have to front the necessary funding but would probably be reimbursed the full amount for the pavilion. The parking lot would be paid for by the city from impact fees. The possibility does exist that if Sky Properties does not develop the city would have to cover half the cost of the pavilion, however, that cost would also qualify for impact fee funding.

**Alternatives:**

The alternatives are quite clear here:

- 1- Do not build a pavilion
- 2- Accept the generous contribution and build the pavilion before winter

**Recommendation:**

We recommend that the city select option #2 and accept the condition of the donors and build the pavilion before winter and the parking lot in the spring.

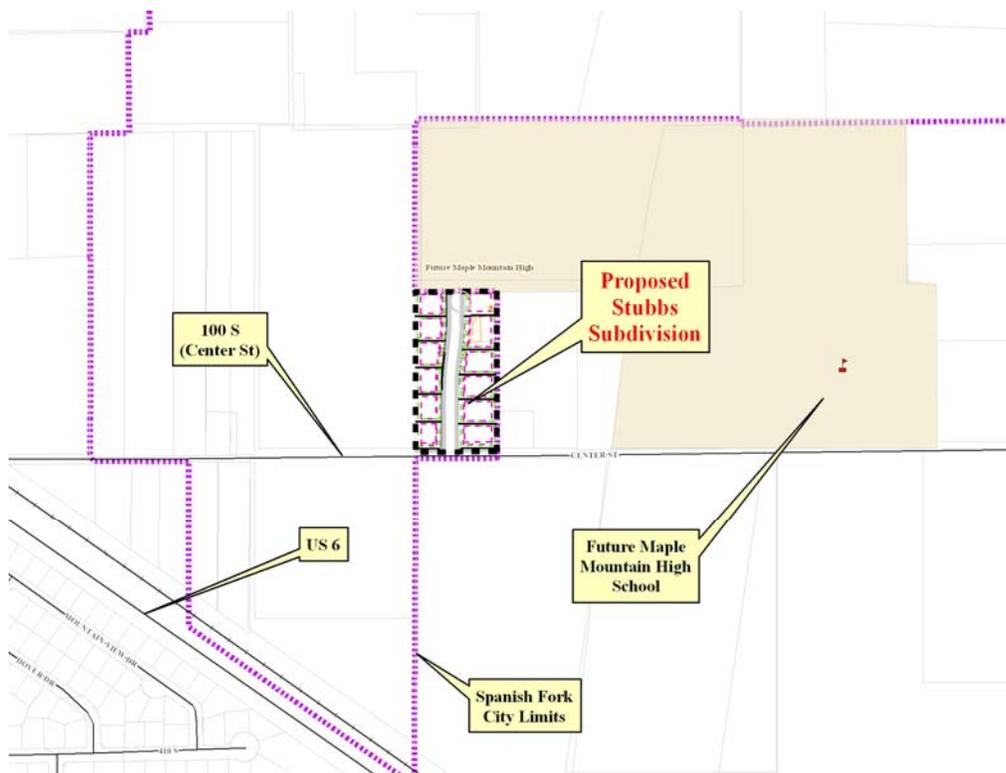
**SPANISH FORK CITY**  
**Staff Report to the City Council**



<b>Agenda Date:</b>	<b>July 18, 2006</b>
<b>Staff Contacts:</b>	<b>Dave Anderson, Planning Director</b>
<b>Reviewed By:</b>	<b>the Development Review Committee</b>
<b>Subject:</b>	<b>Stubbs Subdivision Preliminary Plat Approval Request</b>

**Background Discussion:**

The applicant, Russell Stubbs, is requesting Preliminary Plat approval for a 5-acre parcel located at 1425 East 100 South. The property is zoned R-1-12. The General Plan designates the property as Residential 2.5 to 3.5 units per acre.



**Details**

The proposed Preliminary Plat is a standard subdivision that contains 12 lots. The proposed lots range in size from 12,012 square feet to 18,834 square feet. The proposed lots all meet the development requirements of the R-1-12 zone. In staff's view, the only correction that needs to be made to the proposed Preliminary Plat pertains to setbacks. In the R-1-12 zone, the front setback is 25 feet to both living space and the garage and

the rear setback is 25 feet. Also, the setback detail should be changed to accurately reflect the corner lot requirement of 20 feet to side entry garages.

## **Development Review Committee**

The Development Review Committee reviewed this request in their June 28, 2006 meeting and recommended that it be approved. Draft minutes from that meeting are provided below.

### **Stubbs Subdivision**

Mr. Anderson explained the proposal and stated that it does meet the pertinent standards. There is an existing home on lot 2 that would meet the setback requirements for the R-1-12 zone.

The developer needs to submit digital file showing the temporary turnaround.

The developer needs a legal description for the annexation before it can be completed.

Mr. Nielson stated that it will have the same utility requirements and easements as the Spanish Highlands development.

Discussion was made regarding the neighborhood meeting held for this project.

The meeting was advertised but no one attended.

Mr. Baker stated that the purpose of neighborhood meetings is to provide a venue for people to express their concerns related to development proposals.

Mr. Oyler described some of the challenges that neighborhood meetings can create. He stated that we need to make sure that these people get educated on what the cities have the authority to require of developers.

Mr. Magelby stated traffic is the #1 issue every time. He stated that in neighborhood meetings there needs to be some sort of mediator. He explained that Strawberry Power has voted to allow the crossing for the Oak Ridge Cove development. They have given their approval to the Bureau of Reclamation who is now reviewing the application.

Mr. Anderson suggested that neighborhood meetings be held earlier so that the issues can be addressed more efficiently.

Some of the issues with facilities to hold neighborhood meetings were discussed. Schools and other venues were discussed as possible options.

Mr. Baker made a **motion** to approve the Stubbs Subdivision Preliminary Plat located at 1425 East 400 North, subject to the following conditions:

1. That the Mapleton Bench Annexation be recorded before a Final Plat application is submitted.
2. That the development standards be met with the development of the property.
3. That the same utility conditions imposed on Spanish Highlands be met with this development.
4. That the required electronic files be provided to GIS Specialist Shawn Beecher.

Mr. Nielson **seconded** the motion **passed** all in favor.

## **Planning Commission**

The Planning Commission reviewed this request in their July 5, 2006 meeting and recommended that it be approved. The following are the tentative minutes from that meeting:

### **Preliminary Plat Stubbs Subdivision**

Mr. Anderson explained the proposal and that it meets the City requirements. Staff recommends that it be approved. Staff recommends four conditions.

Commissioner Christianson asked about curb and gutter on the temporary turnaround and about a building permit for the impacted lot.

Mr. Nielson said that it would not be a buildable lot until the turn around is abandoned

Commissioner Christianson asked if the Annexation Agreement will require property to provide their proportionate share.

Mr. Anderson stated the Annexation Agreement is being drafted and doesn't know exactly how it will read.

Commissioner Christianson expressed his concern that there are several property owners but that one might bear the burden of the cost of all the amenities. He does not feel that is fair.

Mr. Anderson and Mr. Nielson stated they did not know exactly what the agreement will require.

Mr. Stubbs explained the Main road is a collector road. They have jogged the road to line up with the street to the South.

Commissioner Miya expressed that she does not have any concerns.

Mr. Stubbs stated that the lots would be relatively large.

Commissioner Miya made a **motion** to approve the Stubbs Subdivision Preliminary Plat located at 1425 East 400 North, subject to the following conditions:

1. That the Mapleton Bench Annexation be recorded before a Final Plat application is submitted.
2. That the development standards be met with the development of the property.
3. That the same utility conditions imposed on Spanish Highlands be met with this development.
4. That the required electronic files be provided to GIS Specialist Shawn Beecher.

Commissioner Robins **seconded** and the motion **passed** all in favor.

## **Budgetary Impact:**

Staff anticipates providing the City Council with a more detailed analysis of the monetary impact of residential development in the near future but, for purposes of this report, simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

## **Alternatives:**

The proposed Preliminary Plat is a standard subdivision that meets the City's requirements in the R-1-12 zone. As such, the City has little ability to compel the applicant to modify his proposal. In this case, staff does not believe modifications to the Plat are necessary or that changes would enhance the project.

**Recommendation:**

Staff recommends that the City Council approve the proposed Preliminary Plat for the Stubbs Subdivision based on the following findings and subject to the following conditions:

Findings:

1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-1-12 zone.

Conditions:

1. That the Mapleton Bench Annexation be recorded before a Final Plat application is submitted.
2. That the development standards be met with the development of the property.
3. That the same utility conditions imposed on Spanish Highlands be met with this development.
4. That the setback requirements be corrected on the plat.

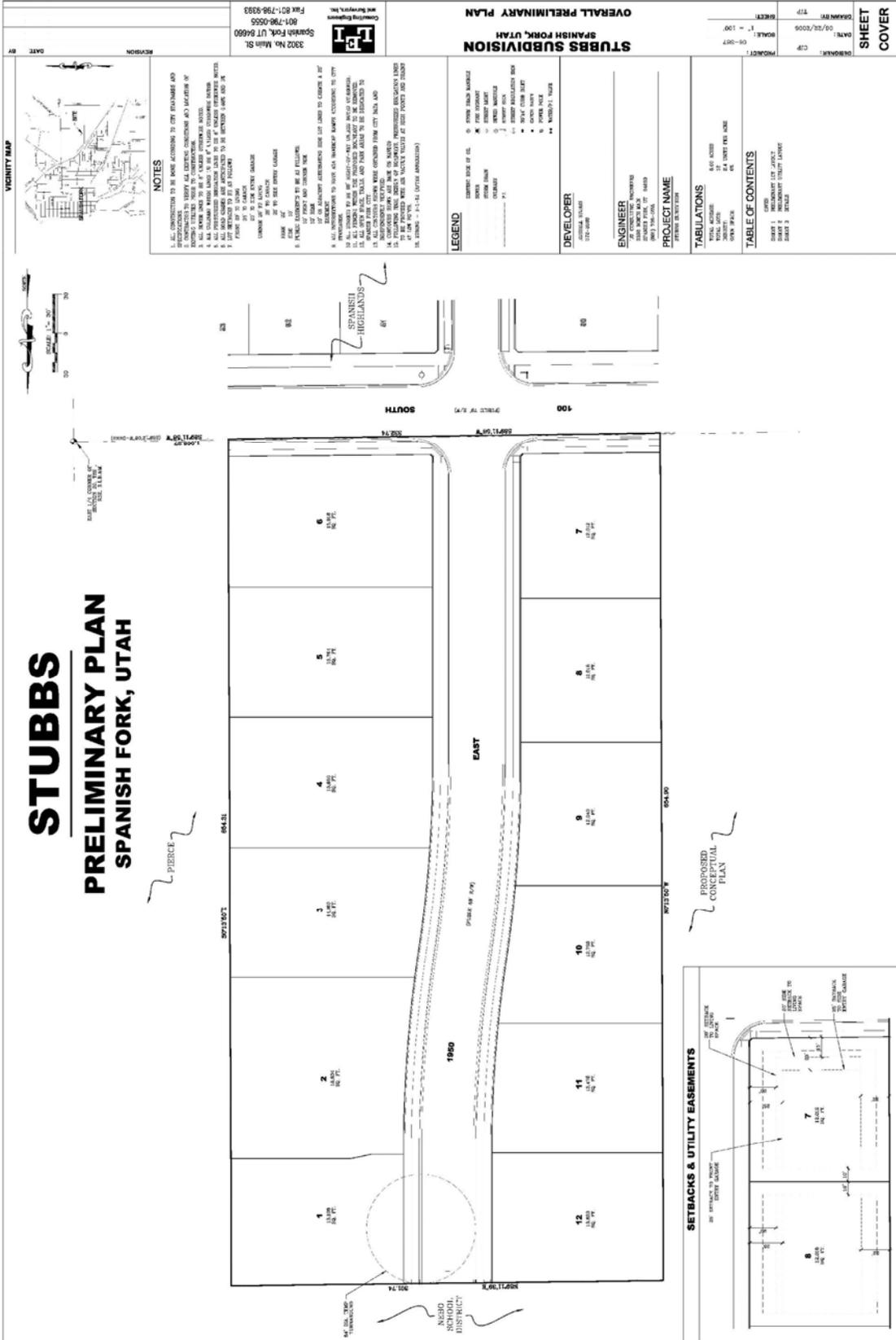
**Attachment:**

proposed Preliminary Plat for the Stubbs Subdivision

# STUBBS

## PRELIMINARY PLAN

### SPANISH FORK, UTAH



**NOTES**

- ALL CONSTRUCTION TO BE DONE ACCORDING TO CITY REGULATIONS AND ORDINANCES TO VERIFY ALL EXISTING CONDITIONS AND LOCATION OF UTILITIES PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SPANISH FORK, UTAH.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SPANISH FORK, UTAH.
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**LEGEND**

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- EXISTING SIDE OF DS
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- EXISTING SIDE OF IS

**DEVELOPER**

STUBBS SUBDIVISION

**ENGINEER**

STUBBS SUBDIVISION

**PROJECT NAME**

STUBBS SUBDIVISION

**TABULATIONS**

6x6 COVER  
24 HOLE PER LINE  
24 HOLE PER LINE  
24 HOLE PER LINE

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SHEET 1 PRELIMINARY PLAN  
SHEET 2 PRELIMINARY PLAN  
SHEET 3 PRELIMINARY PLAN

**REVISION**

DATE

**STUBBS SUBDIVISION**

SPANISH FORK, UTAH

**OVERALL PRELIMINARY PLAN**

3302 N. MAHIA ST.  
SPANISH FORK, UT 84660  
801-798-0555  
Fax 801-798-9393

STUBBS SUBDIVISION

# ORDINANCE NO. \_\_\_\_\_

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>		
STEVEN M. 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 \_\_\_\_\_

## AN ORDINANCE AMENDING SIGN REQUIREMENTS

WHEREAS, Spanish Fork City has established a sign ordinance; and

WHEREAS, the sign ordinance is in need of minor amendments to clarify the intent of the ordinance; and

WHEREAS, the municipal code also contains a chapter on streets and sidewalks, which also addresses signs, and which should also be amended to clarify the intent of the sign requirements;

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

**I.**

Spanish Fork City Municipal Code §5.36.050 is hereby amended as follows:

**5.36.050. Permitted Temporary Signs:**

1. Sale, lease, or rent signs.  
Signs shall be non-illuminated, with one (1) sign permitted for each street frontage, with a maximum of two (2) signs per parcel or building.

- a. Agricultural, Residential, and Residence Office Districts:
  - i. Subdivision Lots: Vacant lots in recorded residential subdivisions may have one “for sale” sign with a maximum area of six square feet and a maximum height of three feet. Vacant lots in recorded commercial or industrial subdivisions may have one “for sale” or “for lease” sign with a maximum area of twelve square feet and a maximum height of six feet.
  - ii. Vacant land: Less than five (5) acres, each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet. Five (5) acres or more, each sign shall have a maximum area of thirty-two (32) square feet, and a maximum height of eight (8) feet.
  - iii. Commercial and Office Buildings: Each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet.
  - iv. Residential Buildings: Each sign shall have a maximum area of six (6) square feet and a maximum height of three (3) feet.
- b. Commercial Office, Commercial, and Industrial Districts:
  - i. Vacant land: Each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.
  - ii. Commercial and Office Buildings: Each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet.
- 2. Off-site open house signs.
  - a. A maximum of two (2) signs is permitted for each open house sign for the sale of property.
  - b. Each sign shall have a maximum area of six (6) square feet and a maximum height of three (3) feet.
  - c. Signs must be placed on private property and with the permission of the owner or lessee of the property.
- 3. [unchanged]
- 4. [unchanged]
- 5. [unchanged]
- 6. [unchanged]
- 7. [unchanged]

## II.

Spanish Fork Municipal Code §5.36.090 is amended by adding subparagraph (4) as follows:

**5.36.090. Permits and Fees.**

- 4. Any sign, billboard, display, or other object prohibited in Section 5.36.030, which has been placed without prior written permission from the City, may be removed by the City, under the direction of the public works director, City planner or their designee(s), without prior notice. Any cost incurred by the City may be assessed against the person, corporation, or other entity responsible for the improper placement. Any legal action required to collect those costs will also obligate the

responsible party for attorney's fees. Any person, company, or other entity owning a sign, billboard, display, or other object removed by the City may have it returned by paying a civil fee in the amount of \$25.00 per sign. If no request for return is made within fourteen (14) days of removal, the City may forfeit or otherwise dispose of the sign(s).

### III.

Spanish Fork Municipal Code §12.04.030(C) is hereby amended as follows:

**12.04.030. Obstruction of Sidewalks and Streets.**

- C. Any sign, billboard, display, or other object prohibited in subparagraph (B) which has been placed without prior written permission from the City, may be removed by the City, under the direction of the public works director, City planner, or their designee(s), without prior notice. Any cost incurred by the City may be assessed against the person, corporation, or other entity responsible for the improper placement. Any legal action required to collect those costs will also obligate the responsible party for attorney's fees. Any person, company, or other entity owning a sign billboard, display, or other object removed by the City may have it returned by paying a civil fee in the amount of \$25.00 per sign. If no request for return is made within fourteen (14) days of removal, the City may forfeit or otherwise dispose of the sign(s).

### IV.

This ordinance shall become effective twenty (20) days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,

UTAH, this 18th day of July, 2006.

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JOE L THOMAS, Mayor

ATTEST:

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KENT R. CLARK, City Recorder