



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 August 15, 2006.**

AGENDA ITEMS:

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

- a. Pledge

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. [Spanish Springs Business Park – Preliminary Plat](#)
- b. [Staker Parsons - General Plan Amendment](#)
- c. Property Tax Increase

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 2, 2006](#)
- b. [In the Dark at Spanish Fork - Authorization](#)

5. NEW BUSINESS:

- a. Adoption of FY 2007 Budget
- b. [SFCN Sports Programming Changes](#)
- c. [Sunny Ridge Plat “A” Extension](#)
- d. [Spanish Trails Preliminary Plat Extension \(expired July 19th\)](#)
- e. [Oak Ridge Cove Preliminary Plat](#)
- f. [Connectors Agreement for Bridge – David Simpson](#)
- g. [Connectors Agreement for Utilities – David Simpson](#)
- h. [Animal Shelter Board Member](#)
- i. [Airport Boundary Line Agreement](#)
- j. [Parking Ordinance Amendment](#)
- k. [Unattended Child Ordinance](#)
- l. [Training Session - Impact Fees](#)
- m. [Property Exchange Contract](#)

6. OTHER BUSINESS:

- a. [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.

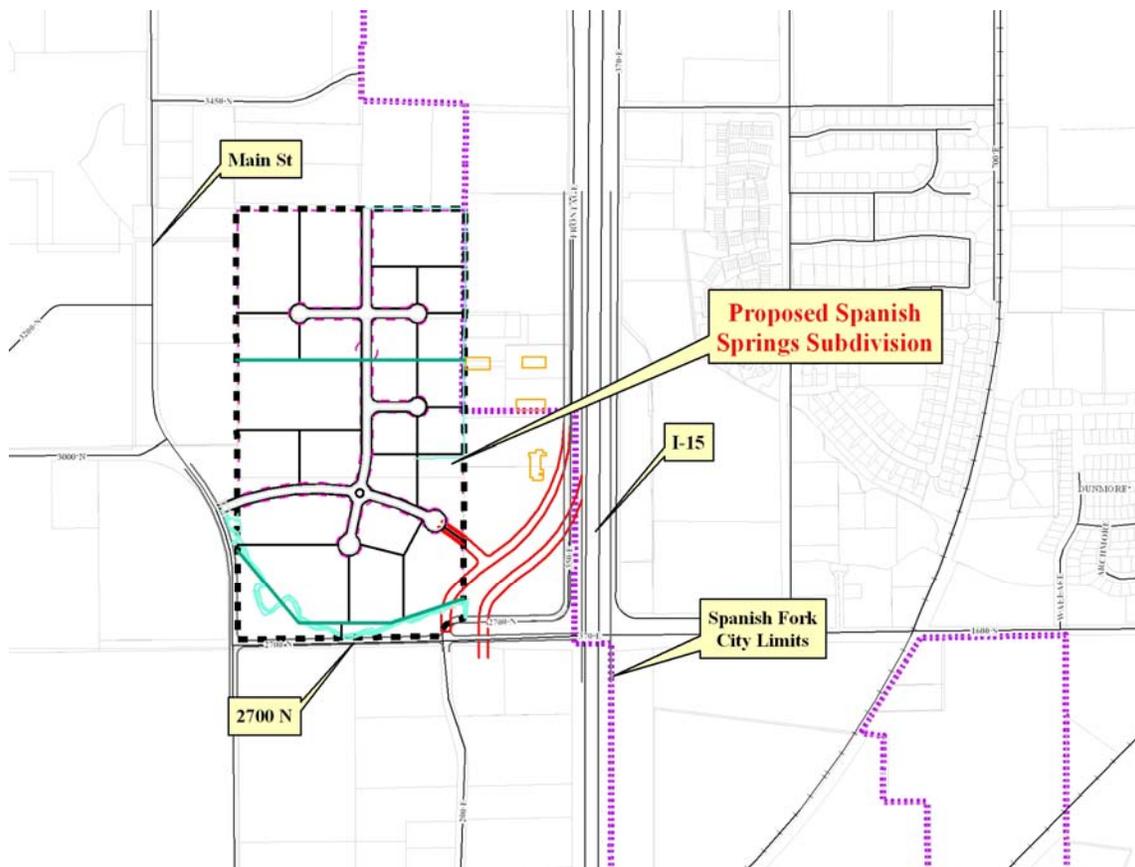
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: August 15, 2006
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Spanish Springs Business Park Preliminary Plat Approval Request

Background Discussion:

The applicant, Sunquest Development, is requesting Preliminary Plat approval for a 90-acre parcel located at 2700 North Main Street. The zoning of the property is I-1. The General Plan designates the property as Light Industrial. As this is an industrial subdivision, a public hearing is required. The proper notice has been provided and a public hearing is scheduled as part of the Planning Commission's review of the plat.



Details

The proposed Preliminary Plat would facilitate the development of twenty-five industrial lots which range in size from approximately 2 acres to approximately 8 acres.

Development Review Committee

The Development Review Committee reviewed this request in their June 28, 2006 meeting and recommended that it be approved. Minutes from the June 28 meeting are as follows:

Spanish Springs Business Park

Mr. Anderson explained the proposal.

Discussion was made regarding ownership or right-of-way for the access.

Mr. Nielson said they need to show a 12-inch pressurized irrigation line on 2700 North. He recommends the sewer be adjusted to only cross Main Street one time. The road needs to be dedicated along the property line even if it is not constructed at this time.

Mr. Foster stated that the plat map shows a public utility easement on 2700 North.

Discussion was made regarding the road entrances and exits to the property.

Mr. Anderson made a **motion** to approve the Spanish Springs Business Park located at 2700 North Main, subject to the following conditions:

1. That access to Main Street be provided as represented on Preliminary Plat.
2. That they acquire easements for 2700 North.
3. Subject to meeting the Electric Department requirements.
4. That a 12-inch pressurized irrigation line be installed on 2700 North.
5. That the road adjacent to lot 110 be dedicated to the east property line.
6. That a new digital file be submitted to the GIS department.

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

Planning Commission

The Planning Commission reviewed this request in their August 2, 2006 meeting and recommended that it be approved. Tentative minutes from that meeting read as follows:

Preliminary Plat, Spanish Springs Business Park

Mr. Anderson gave background and explained the proposal.

Discussion was made regarding the wetlands in the development, and concerns of a flood plain.

Gordon Jacobson

Mr. Jacobson addressed the Commission. He does not feel there are any issues concerning flooding.

Commissioner Christianson asked if this development would be phased.

Discussion was made regarding one single point of access in this development and public safety issues.

Commissioner Lewis made a **motion** to approve the Preliminary Plat for the Spanish Springs Business Park located at 2700 North Main subject to the following conditions:

1. That access to Main Street be provided as represented on Preliminary Plat.
2. That they acquire utility easements for 2700 North.
3. Subject to meeting the Electric Department requirements.
4. That a 12 inch pressurized irrigation line be installed on 2700 North.
5. That the road adjacent to lot 110 be dedicated to the east property line.
6. That a new digital file be submitted to the GIS department.

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

Commissioner Robins made a **motion** to move to Staff reports. Commissioner Miya **seconded** and the motion **passed** all in favor.

Budgetary Impact:

The development of this property with commercial and industrial uses will in all likelihood result in an increase in revenue for the City. Property taxes will increase with the development of the lots and sales tax may be generated by some or all of the businesses that might eventually be located in this development. Generally speaking, commercial and industrial developments generate more revenue than expenses for municipalities.

Alternatives:

The proposed Preliminary Plat is consistent with the City's standards for developments in the I-1 zone. Given the development's conformity with the City's standards the Development Review Committee recommended that it be approved in its current form.

Recommendation:

Staff recommends that the City Council approve the proposed Preliminary Plat for the Spanish Springs Business Park subject to the following conditions:

Conditions:

1. That access to Main Street be provided as represented on Preliminary Plat.
2. That they acquire easements for 2700 North.
3. That the approval is subject to meeting the Electric Department requirements.
4. That a 12-inch pressurized irrigation line be installed on 2700 North.
5. That the road adjacent to lot 110 be dedicated to the east property line.
6. That a new digital file be submitted to the GIS department.
7. That any required corrections to the Preliminary Plat be made and that a clean copy be resubmitted for the City's files.

Attachment:

proposed Preliminary Plat for the Spanish Springs Business Park

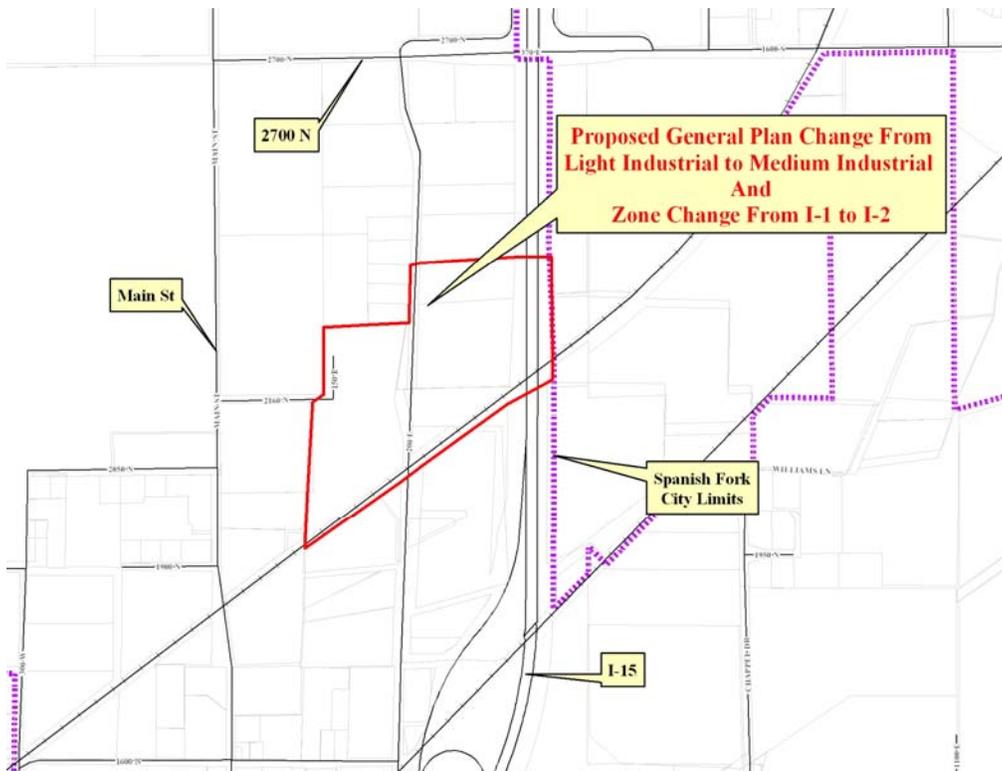
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date: August 15, 2006
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Staker Parson General Plan Amendment and Zone Change

Background Discussion:

The applicant, Staker Parson Companies, is requesting a General Plan Amendment and Zone Change for a parcel located at approximately 2200 North 200 East. The General Plan designates the property as Light Industrial, the applicant is requesting a change to Medium Industrial. The current zoning of the property is Industrial-1, the applicant has requested that the zoning be changed to Industrial-2.



Staff understands that the applicant has proposed to change the General Plan and Zoning Maps so as to allow for the construction of an Enclosed Concrete Batch Plant, which is a Use Subject to Conditional Use Permit in the Industrial-2 zone but not allowed in the Industrial-1 zone. Staff notes that we, as City staff, have expanded the

area included in the proposed changes to include the City's Wastewater Treatment Facility and some other contiguous parcels in the area.

The City's Industrial-1 and Industrial-2 zoning districts are very similar in terms of the uses that are and are not permitted. In fact, one of the more significant distinctions pertains to the manufacture of concrete products. Given the existing and proposed uses found in the subject area and immediate vicinity, staff believes the proposed change would allow uses that are consistent with the nature of the area and would not have a detrimental impact.

Several months ago, an ordinance amendment was proposed that would have modified the text of the Industrial-1 zone so as to allow the manufacture of concrete products in certain areas of the City zoned Industrial-1. The process of approving that amendment was never completed. That approach, allowing the proposed use at certain locations in the I-1 zone, could have essentially the same affect as changing the General Plan and Zoning Maps to make the subject properties Industrial-2. Staff feels more comfortable changing the zoning to Industrial-2 as the description of the Industrial-1 zone expressly states that "uses that emit significant amounts of air, water, or noise pollution will not be allowed." While the proposed facility is proposed to be an enclosed operation, staff is still believes there will be some generation of nuisance dust and noise pollution. In short, staff believes having an Enclosed Concrete Batch Plant at this location is appropriate and believes that the use is appropriate in the Industrial-2 zone but not the Industrial-1.

The Development Review Committee

The Development Review Committee reviewed this proposal in their July 26, 2006 meeting. The following are draft minutes from that meeting:

Staker Parson (1200 North 200 East)

Mr. Anderson gave background. He feels that we need to come up with a way to accommodate Staker Parson's proposal to put an Enclosed Concrete Batch Plant across the street from the sewer plant, and to make a better distinction between our light and medium industrial zones.

Mr. Oyler excused himself at 10:30 a.m.

Mr. Anderson proposes to take storage units out of the I-1 zone and be made a permitted use in the I-2 zone due to the limited inventory of industrial property with services available that could otherwise generate sales tax or property tax.

Discussion was made regarding storage units, storage unit usage in the I-1 and I-2 zones, and contractor storage yards.

Mr. Baker feels that we change the I-2 to allow the batch plant and have the Planning Commission take their time reviewing the I-1 and I-2 zones.

Mr. Anderson feels that due to the impact of telecommunication towers it would be more practical to encourage their location in the industrial areas.

Discussion was made regarding height restrictions with regard to the airport.

Mr. Nielson feels 80 feet is sufficient in the I-1 zone.

Mr. Anderson said that right now Concrete Batch Plants are a conditional use in the I-2 zone.

Discussion was made regarding plants being enclosed.

Mr. Baker made a **motion** recommending to the Planning Commission a General Plan Amendment for the property on 2nd East, east of the treatment plant proceeding south to the railroad is General Planned Medium Industrial and change the zoning of that property to I-2. Mr. Nielson **seconded** the motion and it **passed** all in favor

Mr. Baker made a **motion** recommending to the Planning Commission that they:

1. Take their time and study the issues related to the similarity of the two industrial zones.
2. That they consider splitting the I-1 and I-2 zones, so that the I-1 zone will become a very light industrial/commercial industrial zone and the I-2 zone will become medium industrial.
3. That the Commission consider making storage units prohibited in the I-1 zone and be allowed in the I-2 zone.
4. That the Commission study realigning the General Plan and Zoning Maps to make any necessary changes as to where the I-1 and I-2 zones should go.
5. That they look at redefining the uses in the proposed zones.

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

Planning Commission

The Planning commission reviewed this request in their August 2, 2006 meeting and recommended that it be approved. Tentative minutes from that meeting read as follows:

Amendment to the General Plan Map and Zone Change

Mr. Anderson gave background and explained the proposal.

Commissioner Bradford asked about whether or not the roads could handle the concrete trucks.

Mr. Nielson said that the roads could handle the concrete trucks.

Mr. Lewis asked if property owners adjacent to the property had been notified of the concrete batch plant.

Mr. Anderson said that one of the items recommended by staff to the Planning Commission is to spend some time reviewing the City's I-1 and I-2 zone districts. He feels the industrial zoning districts are too similar and that there is a need to create a greater distinction between the I-1 and I-2 districts.

Commissioner Christianson asked if there was a big distinction between the zones by way of the generation of employment and sales tax.

Mr. Anderson said that categorically there is not.

Discussion was made regarding a buffer between industrial zones.

Commissioner Bradford asked the developer for their presentation on enclosed concrete batch plants.

Dak Maxfield

Mr. Maxfield addressed the Commission, introduced Scott Parson and turned the presentation over to him.

Scott Parson

Mr. Parson addressed the Commission. He gave background on the history of Staker & Parson Companies. He discussed awards that the company has received, goals of the project, a description of the project, a

preliminary site layout, possible concerns (noise, dust, traffic, lighting, and aesthetics), pictures of current Staker & Parson plants, project forecast, schedule of development, and the current status of the development.

Commissioner Lewis asked for drawings of the proposed Spanish Fork Plant.

Mr. Parson said they are not ready but that they are working on them and they will have them ready for the City Council.

Mr. Robins asked about how many trucks per day they anticipate and if our roads will be sufficient for their needs.

Mr. Parson said they would be sufficient.

Mr. Robins feels it is a good site.

Commissioner Huff asked for the height of the proposed building.

Mr. Parson replied approximately 100 feet and that it would be below the freeway.

Commissioner Bradford opened for public comment.

Pat Parkinson

Ms. Parkinson addressed the Commission. She feels that the City would benefit from this project and that she is in support of it.

Commissioner Huff expressed his concern with the wetlands on the proposed development site.

Discussion was made regarding the wetlands.

Commissioner Lewis asked about the City's plans for the property adjacent to this development.

Commissioner Christianson asked for clarification on the Development Review Committee's recommendation from the minutes.

Mr. Anderson explained the recommendation.

Commissioner Robins made a **motion** recommending approval of the General Plan Amendment for Staker Parson located at approximately 2200 North and 200 East based on the following findings:

Findings:

1. That the proposed General Plan designation is compatible with the designation of the neighboring properties.
2. That the proposed designation would allow for a type of development that is generally consistent with that which has been constructed in the immediate vicinity.

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

Commissioner Robins made a **motion** recommending approval of the Zoning Map Amendment for Staker Parson at approximately 2200 North 200 East, changing the Zoning Map from Industrial-1 to Industrial-2 based on the following findings:

Findings:

1. That the proposed zoning is compatible with the zoning assigned to the neighboring properties.
2. That the proposed zoning would allow for uses that are consistent and compatible with those that have been constructed in the immediate vicinity.

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

Budgetary Impact:

As the uses permitted in the Industrial-1 and Industrial-2 zone are somewhat similar in nature, staff does not anticipate any substantial budgetary impact with or without the proposed change.

Alternatives:

The City maintains considerable discretion with respect to approving or denying General Plan Amendments and Zone Change requests. The Planning Commission may recommend approval or denial but should exercise care to ensure consistency between the General Plan and Zoning Maps.

Recommendation:

General Plan Amendment

Staff recommends that the City Council approve the proposed General Plan Amendment at approximately 2200 North 200 East, changing the General Plan Map from Light Industrial to Medium Industrial based on the following findings:

Findings:

1. That the proposed General Plan designation is compatible with the designation of the neighboring properties.
2. That the proposed designation would allow for a type of development that is generally consistent with that which has been constructed in the immediate vicinity.

Zoning Map Amendment

Staff recommends that the City Council approve the proposed Zoning Map Amendment at approximately 2200 North 200 East, changing the Zoning Map from Industrial-1 to Industrial-2 based on the following findings:

Findings:

1. That the proposed zoning is compatible with the zoning assigned to the neighboring properties.
2. That the proposed zoning would allow for uses that are consistent and compatible with those that have been constructed in the immediate vicinity.

**Tentative Minutes
Spanish Fork City Council Meeting
May 2, 2006**

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

3 Staff Members Present: David A. Oyler, City Manager; Christine Johnson, Assistant City
4 Attorney; Richard J. Nielson, Assistant Public Works Director; Kent R. Clark, Finance Director;
5 Seth J. Perrins, Assistant City Manager; Dee Rosenbaum, Public Safety Director; Dale
6 Robinson, Parks & Recreation Director; John Bowcut, Information Services Director; Dave
7 Anderson, Planning Director; Mark Byers, Animal Control Officer; Kim Robinson, Deputy
8 Recorder and Marlo Smith, Engineering Secretary.

9 Citizens: Brad Gonzales, Kyle Prichett, Aaron Heber, Peter Moyes, Janie Nielson, Pat Parkinson,
10 Jillane Franjesevic, Norman Smith, Glen James, Pam Jackson, Grant Jackson, Jacob Watson,
11 John Thomas, Brian Baker, Kaleigh Clayson, Richard A. Evans, Brad Johnson, Brandon
12 Guymon, Brian Nuttall, Lisa Kitchen, Rebecca Tanner, Lance Coomes, Tyler Terry, Austin
13 Hartley, Amber Christopherson, Nicole Chapple, Chris Chapple, Michael Davis, Clint Davis, Jay
14 Brinkerhoff, Carl O. Allred, Andrew, Tyler, Brook DeNaughel, Amanda Boden, Alyssa
15 Dedrickson, Marc Maughan, Garrett Johnson, Paige Raulston, and Janalee Brinkerhoff.

16 **CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:**

17

18 **Call To Order**

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

20 **Pledge**

21

22 The pledge of allegiance was led by Councilmember Andersen.

23 **NEW BUSINESS:**

24 **Agenda Request - Norman Smith - Retired & Senior Volunteer Program**

25 Mr. Smith gave a brief report and recognized the retired and senior volunteers. He said there are
26 188 volunteers registered from Spanish Fork.

27 Mayor Thomas asked Mr. Smith how people can get involved in the program.

28 Mr. Smith said volunteers can contact him or Mountainlands in Orem.

29 Mayor Thomas said the information will be posted on the city's website.

30 Glen James

31 Mr. James said he is a retired senior citizen that currently serves on four different stations in the
32 seniors volunteer program. Mr. James said the youth council is in need of being renewed. He
33 said since Ann Banks passed away, the youth council has not been in practice. Mr. James said
34 this is very important to the youth, seniors and most importantly the citizens of Spanish Fork.

35 Councilmember Wadsworth asked Mr. James to explain what the youth councils' functions are.

36 Mr. James said the youth council committee elects a judge. They bring in children that are
37 having problems in school and sentence the children to assignments such as writing a theme
38 paper, cleaning up a park and then give them advice they feel the children need. Since this
39 advice comes from their peers it has a great impact on the children. He said the justice system
40 and the police department like the help the youth council gives them.

41 Discussion took place regarding the past youth council program.

42 Mayor Thomas said the youth council will be addressed in the next city council meeting.

43 **PUBLIC COMMENTS:**

44 Pat Parkinson

45 Ms. Parkinson discussed her issues with the signal lights located in various areas of Spanish
46 Fork.

47 Mr. Nielson said the lights are maintained by UDOT and he will forward on her requests.

48 **NEW BUSINESS:**

49 **Parameters Resolution**

50 Mr. Clark discussed the parameters resolution for consideration and adoption of a resolution
51 authorizing the issuance and sale of not more than \$14,000,000.00 aggregate principal amount of
52 Sales Tax Revenue Bonds for the purpose of financing all or a portion of the costs of the
53 acquisition and construction of a new public safety and district court building and related
54 matters.

55 Mr. Clark said the parameters resolution will set limits on bond issues. Setting guidelines
56 regarding interest rates, allowable principal amount, and term of years for the bond. If the City
57 Council approves this resolution the staff will then pursue the process of issuing bonds.

58 Mr. Clark said this specific parameters resolution would set the limits of the bond to not exceed
59 14 million dollars with an interest rate at or below 6.25%, with a term of 22 years including a
60 discount of 2%.

61 Mr. Rosenbaum said at the last council meeting they were given the direction to get with the

62 architects of MHTM to come up with figures for the new police/court building.

63 Peter Noyes with MHTM discussed the proposal for the construction of the police/court facility.

64 Discussion took place regarding the projected land area for a campus setting.

65 Councilmember Leifson said he was impressed with the presentation. He said it gives a much
66 needed target.

67 Councilmember Leifson said he is recommending this project to proceed quickly due to
68 construction costs and inflation of material.

69 Councilmember Andersen asked Carl Empey to discuss the difference between a General
70 Obligation Bond and a Sales Tax Revenue Bond.

71 Mr. Empey said there are four options the city can proceed with. He discussed the following
72 options:

73 1. Pay cash as you go, which would require a sizeable amount of money.
74 2. Municipal Building Authority Revenue Bond,
75 3. General Obligation Bond,
76 4. Sales Tax Revenue Bond.

77 Mr. Empey discussed the rates for the above listed options.

78 Mayor Thomas said the Sales Tax Revenue Bond was the best savings.

79 Mr. Empey concurred.

80 Discussion took place regarding interest rates and bond insurance premiums.

81 Councilmember Andersen said he appreciated Mr. Empey's comments that will help citizens
82 understand the difference between the bonds.

83 Discussion took place regarding the perception of raising sales tax versus property taxes.

84 Mr. Empey said Wall Street views Spanish Fork City in high regards. He commended the City
85 on the fiscal responsibility that has been shown in the past. It will help save more money in the
86 future when in the bond market.

87 Councilmember Wadsworth discussed his appreciation for the finance committee. He is
88 concerned about continuing with a sales tax bond instead of a general obligation bond. He
89 would like the citizens to exercise their right to be involved with this issue. November is a good
90 time to have a vote on the bond issue since people will be going to the ballots already. This is a
91 good opportunity for the use of the neighborhood committees to get the communication out
92 there. He said this is a wonderful opportunity for the council to get to the neighborhoods to push
93 their support of the police/court building.

94 Discussion took place regarding existing bonds that are in place with the City now and their
95 current rates.

96 Mr. Clark reiterated that by approving the parameters resolution will only set the guidelines for
97 the principal amount and authorize staff to continue up to a specific interest rate. The parameters
98 resolution will not lock us into an interest rate at this time. The staff will also proceed with a
99 public notice in respect to the public hearing meeting to discuss the issue of bonds.

100 Councilmember Barber said this building is well overdue. He said it is his opinion that loans
101 were taken out for non-essential services that could have gone toward this need. With having
102 said that, it is his elected responsibility to protect and defend citizens for this building along
103 those lines.

104 Mayor Thomas said he is impressed with the ADHOC building committee. He said if taken to
105 the public for a vote, he is confident it could win. He said due to rising costs of construction he
106 is in support of moving forward with the issue. He is committed to save monies for this town
107 and that citizens are already burdened. Citizens should give input as to the location of the
108 police/court building. The city owns 65 acres of property behind Kmart and he does not see the
109 need to purchase new property. He would like to see citizens input on the size of the building.

110 Mayor Thomas said to Mr. Empey the City may be strong with our cash position, but feels as
111 though it should be in the pockets of the citizens.

112 Councilmember Wadsworth said while reading the parameters resolution it states that 25% of
113 registered voters could petition for a vote.

114 Mr. Empey concurred.

115 Councilmember Sorensen said he does not agree with the non-essential services being a waste of
116 money. He does not perceive SFCN as a waste of money. It has a subscription rate of 40% of
117 residents, which is higher than any other national subscription rate. It is a valuable resource for
118 this community.

119 Mayor Thomas said the intent was not directed at SFCN but to those utilities paying for
120 infrastructure that is not utilized.

121 Councilmember Sorensen said SFCN and the infrastructure is different. He said the other
122 utilities will utilize the infrastructure in the near future.

123 Councilmember Barber recommended that information regarding the sites for the police/court
124 building that are already owned by the city, be put of the city's website for citizens to view.

125 Councilmember Andersen said he would like to see property already owned by the city and also
126 options for other areas that can be purchased be posted on the website.

127 Mr. Oyler said the parameters resolution would allow for the option to purchase 10-15 acres. If

128 anyone is interest in selling their property to contact the city.

129 Councilmember Barber made a **motion** to approve the Parameters Resolution Authorizing the
130 Issuance and Sale of Not More than \$14,000,000 Aggregate Principal Amount of Sales Tax
131 Revenue Bonds, Series 2006, of Spanish Fork City, Utah for the Purpose of Financing all or a
132 Portion of the Costs of the Acquisition and Construction of a New Public Safety and District
133 Court Building. Councilmember Leifson **seconded**, and the motion **passed** with a majority vote
134 of 4:1.

135 A roll call vote confirmed that Councilmembers Barber, Andersen, Leifson and Sorensen were in
136 favor of the motion.

137 Councilmember Wadsworth was opposed to the motion due to the method of funding, he said he
138 is in favor of the building but concerned about taking away the opportunity for citizens to
139 express their will.

140 **Agenda Request - Richard Evans - Number of Dogs & Cats at Residences**

141 Mr. Evans thanked the Mayor and City Council for the opportunity of speaking this evening. He
142 said in February he sent an email regarding this issue. He is here tonight asking for consideration
143 in changing the city code which covers the number of dogs and cats that may live at residences
144 in Spanish Fork.

145 Mr. Evans said in Title 6 of the City Code addresses Animals. Section 6.08 covers dogs, and
146 specifically, section 6.08.170 states the following:

147 6.08.170 . Allowable Number of Dogs.

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

151 Section 6.16 covers kennels, and specifically section 6.16.010 states:

152 6.16.010: Allowable Number of Dogs and Cats.

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

156 Mr. Evans said he would like to see this limitation lifted or at least raised, such that all city
157 residents could have more than 2 dogs or 2 cats. He would like to the limit raised to 4 total dogs
158 and/or cats provided that any beyond 2 must be spayed or neutered.

159 Mr. Evans then discussed Title 15 Land Use in regards to the allowed animals dependent on lot
160 size. He said if the limit on dogs and/or cats could not be raised for all citizens he would like to
161 see it raised for property owners with larger parcels of land.

162 He said he doesn't feel this raised limit would incur any addition odor, noise or sudden increase
163 in dogs or cats in Spanish Fork. He feels a relatively small number of residents would be affected
164 by the change.

165 Mr. Evans said the Utah County website says the animal shelter runs 800 animals through the
166 shelter each month. It is impossible to find homes for 800 animals every month and the shelter
167 ends up euthanizing 60% of the animals brought in. All 800 animals can not be saved but it
168 would be nice to reduce those numbers.

169 Councilmember Wadsworth thanked Mr. Evans for coming forward with this issue. He asked if
170 more residents would take additional animals to the shelter if they became a burden.

171 Mr. Evans said he does not think more animals would go to the shelter because someone who
172 would consider having more than 2 dogs would be more involved with the animals. They would
173 be people who are passionate about pets.

174 Councilmember Sorensen asked for Mr. Byers for his opinion on the issue.

175 Mr. Byers said the count stated by Mr. Evans regarding the animals who pass through the shelter
176 is accurate. He said the biggest complaint regarding dog owners is defecation, dogs running at
177 large, and dogs barking.

178 Mayor Thomas asked if Mr. Byers feels there will be a larger violation of the law if the
179 limitations are raised.

180 Mr. Byers said dogs barking is a problem everywhere and will continue to be. He is not sure if
181 the higher limitations would contribute to more violations.

182 Discussion took place regarding allowing the City Attorney and Animal Control Officer to
183 revamp the ordinance and come up with a new ordinance that will work for everyone.

184 Mayor Thomas would like to see the new ordinance on the June 6, 2006 City Council Meeting
185 Agenda.

186 Ms. Johnson said the best way to enforce the ordinance is possibly by lot size. She said the
187 nuisance ordinance is a difficult one to enforce because the neighbor complaining has to testify
188 against the accused neighbor causing conflicts between the two.

189 Mr. Evans thanked the Mayor and City Council for their seriousness and consideration.

190 **Agenda Request - Carl Allred & Francis Murdock - Water Connection into the City**

191 Mr. Allred said he and Mr. Murdock are property owners in Utah County. Their property
192 borders the Spanish Fork boundary. Last July they applied for annexation but were denied. 13
193 years ago they contributed in building a water line down Powerhouse Road to help 2 residents,
194 who are still not in the city, acquire water. At this time water meters were set on properties at

195 the request of the property owners. Mr. Murdock only has one water connection and Mr. Allred
196 has two. Mr. Allred and Mr. Murdock are requesting two more water meter connections.

197 Councilmember Leifson asked what the purpose of the additional water connections would be
198 used for.

199 Mr. Allred said they are planning to develop their property.

200 Discussion took place regarding the water line that was constructed years back allowing for the
201 existing connections. It was discussed that it was an emergency due to the wells that went dry.

202 Mayor Thomas asked if Mr. Allred is willing to add those connections at his own cost.

203 Mr. Allred concurred.

204 Mr. Nielson said he was not involved with the original project, but he has reviewed the
205 connectors agreement that was written when the construction of the water line took place. When
206 this project took place a resolution was implemented.

207 Mr. Nielson reviewed Resolution 93-02 Emergency Connection upon approval at City Council.

208 Mr. Nielson said the water connection were allowed due to the emergency situation at the time.
209 Mr. Murdock and Mr. Allred were allowed connections even though it was not an emergency
210 situation for them to help cover the expenses that incurred.

211 Mr. Oyler said Mr. Heap would be the best resource regarding this issue. Mr. Oyler emphasized
212 this resolution was put in place to be used in emergency situations not to expand for county
213 subdivisions. He said it is our responsibility to protect residents inside the city boundary. He
214 said it was residents who paid for reservoirs, transmission lines and maintenance.

215 Mayor Thomas said he feels this is a unique situation that will not be seen again. He said he
216 would entertain a motion to grant water connections to Mr. Murdock and Mr. Allred.

217 Discussion took place about future annexations and development that would impact Powerhouse
218 Road and the major improvements needed to Powerhouse Road before any development can be
219 allowed.

220 Councilmember Barber said he would like to see more information prior to making a decision.

221 It was discussed that this item would be revisited in two weeks.

222 Councilmember Wadsworth made a **motion** to recess. Councilmember Sorensen **seconded**, and
223 the motion **passed** with a unanimous vote.

224 *Recess at 8:00 p.m.*

225 *Reconvened at 8:09 p.m.*

226 **Tentative Budget FY07**

227 Mr. Oyler presented the Fiscal Year 2007 Tentative Budget for July 2006-June 2007. The
228 finance committee has reviewed the budget. There is a State statute that requires budget to be
229 presented to the Council for adoption. The budget now becomes the City Council's budget to
230 adjust and amend. On June 6, 2006 a public hearing will be held. On this night input is received
231 from citizens and the budget is typically not adopted. Then two weeks later on June 20, 2006 the
232 budget is adopted with any revisions. The idea is to have the budget online for citizens to review
233 the tentative budget.

234 Mr. Oyler discussed the different types of funds included in the tentative budget such as the
235 General Fund which includes general functions, the Enterprise Fund which typically is a utility
236 type like water, sewer, power, etc.

237 Discussion took place regarding the different types of sources for these funds.

238 Mr. Oyler reviewed the Tentative FY07 Budget. The following is a brief description:

- 239 • Capital Expenditures
- 240 • Enterprise Revenues

241 Mr. Oyler discussed water and sewer replacement needs.

242 Mayor Thomas asked how the replacement projects are funded.

243 Mr. Oyler said they are funded by sewer rates.

244 Mr. Oyler said the electric has no proposed rate adjustment at this time.

245 Mr. Oyler discussed solid waste, broadband, and storm drain rates.

246 Discussion took place regarding the golf course and water park.

- 247 • Capital Projects

248 Mr. Oyler said one of the critical areas for the Parks and Recreation is the \$96,000 for parking
249 lot next to the Senior Citizens Center where the house was already purchased and demolished.
250 The Council needs to decide if the parking lot is a priority. There is \$80,000 for the restrooms
251 outside of the library for the City Park patron. This money is carried over from last years
252 budget.

253 Mr. Oyler discussed the money left from the trail grant that has been carried over from last years
254 budget. There is \$70,000 for material costs to replace the towers at the Dons Baseball Field.
255 The electric department has said this is a serious safety issue.

256 Public Works is requesting 1 million dollars for resurfacing and chip seal projects. \$100,00 for

257 sidewalk replacements.

258 Public Safety will carry over the money for the new building along with \$160,00 for the parking
259 lot behind the Fire Station. An additional \$60,000 was requested for a new brush truck for the
260 Fire Department.

261 Councilmember Wadsworth asked if they could accept a donation from a private citizen to pay
262 for the pavement of the parking lot behind the Fire Station.

263 Mr. Oyler concurred.

264 Mr. Perrins said in his last discussion with the private citizen Councilmember Wadsworth is
265 referring to, the individual is not interested.

266 Mr. Oyler said the water department is requesting 3 million dollars to build a water tank at
267 Sterling Hollow. This tank will be paid for by impact fee money.

268 Discussion took place regarding the water, electric and sewer meter reading program.

269 The electric department has budgeted for additional substation transformer for the industrial
270 areas.

271 Mr. Oyler said in the sewer budget the biggest expense is the sewer treatment plant expansion.

272 Broadband will be adding additional nodes.

273 • Capital Project Funds
274 Mr. Oyler discussed the Spanish Fork River Reclamation money that was collected from a grant
275 in the amount of \$500,000 that is included in the budget until the plan is designed.

276 The ball park fund will be completed in next years budget.

277 The police/court building has 14 million budgeted based on the report from MHTM Architects.

278 • Staffing and Employee Compensation
279 Mr. Oyler said a new police officer has been added to the budget. The building inspection
280 department has made a part time position into a full time position for a building inspector due to
281 the demands of additional inspections. The electric department has budgeted for two part time
282 positions due to additional electric work.

283 A merit market adjustment has been budgeted for 4%.

284 Mr. Oyler said state retirement for public safety employees has changed from 19.38% to 22.38%
285 and for non public safety employees from 11.09% to 11.59%.

286 Health and dental will rise 11% paid by employees and the City.

287 • Debt Service
288 Mr. Oyler discussed debt services that the fire station would be paid off this year.

289 Mr. Oyler said the council should prioritize the quality of life the citizens receive and at what
290 benefit does the city provide. In the past from FY03 to FY07 the public safety budget has
291 steadily increased whereas other departments have remained the same or decreased.

292 Mr. Oyler said the budget now belongs to the City Council for debate or discussion. The budget
293 can also be adjusted at other times throughout the year.

294 Councilmember Andersen thanked Mr. Oyler for the effort in preparing the budget.

295 Councilmember Wadsworth agreed with Councilmember Andersen and said he appreciates the
296 Finance Committee working with Mr. Oyler and Mr. Clark.

297 Mr. Oyler said this tentative budget approval is a critical aspect, the council is adopting the
298 function until the final budget is approved.

299 Councilmember Sorensen made a **motion** to adopt the Tentative Budget FY07 as presented.
300 Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

301 **OLD BUSINESS**

302 **Mayor & City Council Assignments**

303 Personnel Committee Assignment

304 Mr. Perrins said a ballot election was conducted among the city employees for the purpose of
305 selecting two employees that would be appointed members to the personnel committee. Angie
306 Jackson and Chris Thompson were among the top vote getters. At this time Councilmembers
307 Leifson and Wadsworth are also appointed to this board.

308 Councilmember Wadsworth commended Mr. Perrins on the employee selecting process.

309 Mr. Oyler said currently he is on the board along with Councilmember Leifson, Councilmember
310 Wadsworth and Mayor Thomas.

311 Mayor Thomas presented the following names to be appointed to the Personnel Committee
312 Board:

313 Mayor Thomas, Councilmember Leifson, Councilmember Wadsworth, Mr. Oyler, Mr. Perrins,
314 Angie Jackson and Chris Thompson.

315 Councilmember Andersen made a **motion** to accept the assignments to the Personnel Committee
316 Board as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a
317 unanimous vote.

318

319 **OTHER BUSINESS:**

320

321 **Councilmember Andersen**

322 Councilmember Andersen discussed the tragic accident that happened up the canyon last week
323 that left a man dead. He would like to commend EMS and Fire Department who responded in a
324 timely manner. We (the citizens) owe a great deal of gratitude to the EMS and Fire Department
325 members for their time and service to the City.

326 An applause and standing ovation was given in behalf of the Spanish Fork City EMS and Fire
327 Departments.

328 Councilmember Andersen discussed the 82 annual Jr. Livestock Show that starts tomorrow. He
329 commented on the tradition of this show. He said there are many sponsors such as the State of
330 Utah, Spanish Fork City, Spanish Fork Livestock, Chamber of Commerce, many other civic
331 offices and individuals.

332 Councilmember Anderson said the Jr. Livestock Show is something that as a city and
333 individually everyone should whole heartedly support. This is something that should be
334 experienced with your families, talk to the youth who are presenting. He said all of the money
335 goes to the exhibitors as prize money, no money goes to run the stock show.

336 Councilmember Andersen said freedom is a precious commodity, but with that freedom comes
337 responsibility. He said that with freedom comes the option to editorialize. He encourages all to
338 spend the time to get the correct information. He said a lot of times things are done in an
339 emotional state. He encourages people to sit back and take the time to remove the emotion and
340 make sure the information is accurate.

341 **Councilmember Sorensen**

342 Councilmember Soresen said Thursday is the Chamber and Rotary Golf Tournament, all
343 proceeds go to scholarships for local high schools.

344 Councilmember Soresen said swimming registration will be available online tomorrow.

345 Councilmember Wadsworth said the online swimming will be a greatly appreciated and utilized.

346 **Adjourn to Executive Session**

347 Councilmember Leifson made a **motion** to adjourn to Executive Session to discuss personnel
348 issues. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

349 The meeting adjourned at 9:10 p.m.

350

351

Marlo Smith, Engineering Secretary

352 Approved:

MEMO

To: SPANISH FORK CITY COUNCIL
From: JOHN BOWCUT, INFORMATION SYSTEMS DIRECTOR
Subject: SFCN SPORTS PROGRAMMING CHANGES
Date: AUGUST 9, 2006

Background

The Mountain West Conference's contracts with CSTV (College Sports TV) and the new The Mountain Channel are changing where fans watch BYU and U of U sports. BYU football games are going to be broadcast on five different cable channels this year: **CSTV** (2 games), **The Mountain** (6 games), **OLN** (2 games), **TBS** (1 game) and **ESPN-2** (1 game). U of U football will be broadcast on **Fox Sports** (1 game), **KJZZ** (1 game), **OLN** (3 games) and **The Mountain** (6 or 7 games).

To make all of the BYU and U of U football games available on SFCN's Expanded Basic we would need to add The Mountain channel and move OLN (renamed Verses) from Digital Basic to Expanded Basic. Although the final contract prices aren't available yet, it appears these changes and the addition of CSTV will increase the cost of the Expanded Basic Tier \$1.83 / month / customer.

Staff Recommendation

I would recommend adding The Mountain and moving OLN to the Expanded Basic Tier. The price of the Expanded Basic, Digital Basic and Full Packages would probably need to be adjusted to cover the cost increase.

Nathan Simpson
407 North Main Street
Springville
UT, 84663
801-830-5171
simpson@realtyagent.com

Sunny Ridge Improvements

We will be requesting an extension to August 30, 2006, to complete the improvements of Plat \"A\" of Sunny Ridge.

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



Agenda Date:	August 15, 2006
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	Oak Ridge Cove Preliminary Plat Approval Request

Background Discussion:

The applicant, Sky Properties, is requesting Preliminary Plat approval for a 53.61-acre development located immediately south of the intersection of Spanish Oak Drive and Oak Ridge Drive. The property is currently zoned R-1-30. The General Plan designates the property as Residential 1.5 to 2.5 units per acre. The proposed development is a Master Planned Development.

In the early 1980s, the development of this property was pursued at the time that The Oaks development commenced. However, at that time, the developer was not able to obtain approval to cross a canal operated by the Strawberry Water Users. This particular canal crossing has been an essential component of developing the subject property as it is one of, if not the only, means of providing a second access to the development. Staff understands that this applicant was recently able to obtain approval for the necessary crossing that is now planned to connect into Fairway Drive in The Oaks development.

Some 25 years ago, the property was zoned for higher density development more consistent with what exists in the The Oaks subdivision, a neighboring subdivision. However, in recent years, the zoning was changed to R-1-30, which allows for substantially less density than the R-1-9 zoning assigned to The Oaks.

Details

Lots. The proposal that is before the Council at this time is a Master Planned Development with 94 lots that range in size from 12,000 square feet to nearly 1.5 acres. Access to the development is proposed to come via Fairway Drive and Spanish Oaks Drive. The applicant's proposal to construct a Master Planned Development allows for the requested density, provided that the proposed bonus density is warranted.

Spanish Oak Drive. The applicant is proposing to construct the continuation of Spanish Oak Drive from the Spanish Oaks development to the irrigation reservoir and gun club. As the applicant does not own a significant portion of this street, or property abutting the alignment of the exiting lane, they have proposed to exchange the land needed for a public street to access lots 41-45 with land that is represented as Open Space 95 on the proposed Preliminary Plat. At present, Open Space 95 is a portion of the fall zone for shot exiting the City's Gun Club. One aspect of the applicant's proposal to construct this road involves a request for bonus density for installing the curb and gutter on the west side of the street, which abuts City property.

Street Standards. Streets elsewhere in the development have been proposed to be constructed with a modified curb and sidewalk on only one side of the street, but with the full asphalt width of 34 feet and total

right-of-way width of 42 feet. This proposal does not follow the City’s standard cross section which includes a 60-foot wide right-of-way with a parkstrip on and sidewalk on each side of the street. However, the City Engineer has the ability to grant exceptions to the standards and has recommended that the exception be granted in this case to allow the streets as proposed by the applicant.

Traffic. Staff has had several discussions with residents in the adjacent developments about this proposal. In staff’s view, the most significant concern raised by these residents is traffic. Staff understands that there are several aspects of the traffic related concerns which include the ability of Fairway and Spanish Oaks Drives to accommodate the additional trips generated, intersection safety at Powerhouse Road and the ability of Powerhouse Road to accommodate the additional traffic.

On this issue, the City Engineer is preparing a report that will further analyze and address traffic related concerns. That report will be presented to the Council in your meeting this evening.

One other transportation related concern raised by residents of The Oaks is the absence of a sidewalk to allow children from Oak Ridge Cove to walk to a bus stop on Powerhouse Road.

Trail. A trail is proposed to be constructed in accordance with the City’s Trails Master Plan, along the eastern portion of the development. This trail would provide a connection between Fairway Boulevard and the City’s irrigation reservoir. As a portion of this trail extends beyond the applicant’s property, the applicant has proposed to receive bonus density for its construction.

Other Amenities. The applicant has also proposed to provide \$55,000.00 for the construction of a pavilion near the City’s irrigation reservoir. Those funds would pay for approximately 50% of the cost of constructing the pavilion. Staff anticipates that the pavilion will be constructed with funds provided by a private donation and Parks and Recreation Impact Fees if the \$55,000.00 proffer is for any reason not provided by this developer.

Neighborhood Meeting. A neighborhood meeting was held for this development on June 19, 2006. Minutes provided by the applicant are attached to this report.

Bonus Density. The applicant has requested density bonus of 36 lots. The base density in the R-1-30 zone of 1.07 units per acre allows for the development of 58 lots. The Development Review Committee reviewed the applicant’s proposal on bonus density and, after making revisions, concluded that the plat be may be approved based on the bonus density calculation provided below:

Project Name:	Oak Ridge Cove, P.U.D.			
Total Acres	53.61			
Low End Density	1	U/A	57.60	Units
High End Density	2.5	U/A	134.0	Units

Density Bonus	Percent Allowed	Actual Given	Units	Running Total	Items provided
Active recreation	10%	10%	5.76	63.4	trail connection, Snell's Canyon to reservoir
Common buildings	10%	7%	4.44	67.8	\$55,000 for recreational amenities
Fencing	5%	0%	0.00	67.8	
Front setback variation	3%	2%	1.36	69.2	setback variation in 5' increments
Garage - three car	3%	1%	0.69	69.8	60% of homes with 3 car garages
Garage - setback	3%	0%	0.00	69.8	
Open space	5%	5%	3.49	73.3	open space - 0.9 Acre difference
Landscaping	7%	0%	0.00	73.3	
Lot size variation	3%	3%	2.20	75.5	lots vary from 12,000 to 84,485 square feet
Materials on front façade	5%	5%	3.78	79.3	brick and stone as major material on front elevation

Mixture of housing types	5%	0%	0.00	79.3	
Off-setting lots	3%	2%	1.59	80.9	majority of lots are offsetting minimum roof pitch of 6/12 throughout the development
Roof pitch start 6/12	3%	1%	0.81	81.7	
Home sizes	7%	7%	5.72	87.4	minimum of 1,800 Rambler, 1,320 Main 2 story
Miscellaneous	7%	7%	6.12	93.6	full road construction of 1200 ft. of Spanish Oak Drive including all utility infrastructure
Miscellaneous	7%	3%	2.81	96.4	bridge across Strawberry Canal
		Total Units		96	
Without MPD					
Total Acres	53.61				
Development in ROW (Acres)	13.9386		26%		
Total Developable Acres	39.6714				
Zoning (R-1) (square feet)	30,000		(sq. ft. based on proposed zone)		
Total Lots/Units - straight zoning		57.60	Units		
U/A - straight zoning		1.07			

Development Review Committee. The Development Review Committee last reviewed this request in their July 17, 2006 meeting and recommended that it be approved. Minutes from the Development Review Committee's meeting are provided below:

Oak Ridge Cove

Mr. Anderson explained the proposal and that it was a Master Planned Development. An amenity chart was prepared in the last Development Review Committee meeting and it is Dave's understanding that the Committee felt comfortable with the proposal and he feels the applicant can meet the City's requirements for developments in the R-1-30 zone and, provided that the density matrix meets the expectations of the City Council, he understands the project is ready for action.

Mr. Heap said the chart reflected a \$55,000 dollar donation to go to recreation, and that the 10-foot trail would be required, meeting Federal standards. He asked if there were any questions from the developer.

Discussion was made between Mr. McCormick and the Committee regarding the trail.

Mr. Anderson said that the two main amenities are \$55,000 dollars for the pavilion and the construction of a trail. There are not any other physical improvements that the applicant is proposing to do other than getting some bonus density for construction of the bridge.

Mr. Oyler asked about certain elements of the bonus density and if the safety zone for the gun club would be preserved. He expressed the challenges he feels the developer will face with the close proximity to the reservoir.

Mr. Heap asked if there was anything else to discuss on the chart.

Mr. Anderson would like to clarify the wording in the chart regarding Spanish Fork Drive to clarify that the developer is receiving bonus density for only improving a small portion of asphalt and installing the curb.

Mr. Baker said to change the chart to say full road construction.

Mr. Anderson said he would like to discuss changes at another time that maybe can or should be made with regard to amenities to require that they are more commiserate with what developers receive as bonus density.

Mr. Oyler asked about the Phases of the development, what they include and the time frame.

Discussion was made with Mr. McCormick on Phase One of the development.

Mr. Oyler asked if there were any other questions on the Phasing.

Mr. Johnston feels that there should be sidewalks on both sides of all roads.

Discussion was made regarding sidewalks, deviations from City standards, and storm drain retention ponds.

Steve Maughn

Mr. Maughn said that Nebo School District will not be able to provide busing into this development and he feels it will be a problem for the safety of children if there are not sidewalks on both sides of the roads.

Lynn Patterson

Mr. Patterson explained why Nebo School District will not drive buses into the proposed area to be developed. He said that the State Office of Education transportation grade is 6 percent. Children are currently catching the bus on Powerhouse road and if 90 more homes are built it would increase the number of students that would need to access this stop. Where would a big enough area is that parents could safely pull off of the road and a bus safely pull of the road to access the students?

Discussion was made regarding the current bus stop on Powerhouse Road.

Mr. Oyler asked whether or not Nebo School District has identified an area that would work and does the District or the City determine the bus stop.

Mr. Patterson said they have not identified an existing location that would handle the volume of vehicles and that Nebo School District determines the location for bus stops.

Mr. Oyler asked if there was an area, maybe not existing, but is capable of handling the volume.

Mr. Patterson said he did not know.

Discussion was made regarding the Woodland Hills bus stop location.

Mr. Oyler said that the Canyon Park parking lot area might work as a solution.

Discussion was made regarding the canyon park parking lot area.

Mr. Maughn said that their purpose in coming to the meeting was not to stop the development but to voice the Nebo School Districts concerns.

Mr. Oyler asked if the developer had any insight with regard to busing issues in other hillside developments.

Mr. Smoot explained that in Bountiful there is a 12 percent grade and busing is not a problem. They provide busing there.

Mr. Maughn said he has not had time to do his research on the six percent grade and that he will look into it with the State.

Mr. Oyler said that from Brigham City to Payson there are a lot of hillside developments that occur and maybe the Nebo School District could look into how the other school districts have dealt with this situation.

Discussion was made regarding sidewalks.

Mr. Oyler said that the sidewalk issues do need to be resolved by all entities involved.

Mr. Anderson said (in going back to the chart) it was his understanding the streets were going to be standard City streets and asked if everyone was comfortable giving seven percent bonus density (5-6 lots) just for curb and gutter along Spanish Oaks Drive.

Carl Johnston

Mr. Johnston said that he feels there should be curb and gutter on both sides of the street.

Mr. Baker said that there would be a sidewalk on at least one side of the roads. They might not have sidewalk on both sides, but they all will have a sidewalk on at least one side.

Mr. Oyler asked if our standard did not provide for a sidewalk on one side.

Mr. Heap said our standards do not require a sidewalk on one side.

Mr. Oyler asked why we were giving an exception here.

Mr. Heap said it was due to the terrain in the area and that there would not be enough room to have sidewalks on both sides.

Mr. Nielson said that he thought the pavement section, curb, and gutter are the standard, and the only exception is dropping the parkstrip and sidewalk on one side of the street.

Mr. Oyler asked if the subject of sidewalks was addressed in the neighborhood meeting.

Mr. Nielson said that in other cities they do have provisions for sidewalks to be on only one side of the street.

Discussion was made on the benefits of sidewalk on both sides of the roads.

Mr. Anderson asked if sidewalks are something that we have an exception to our standards on.

Mr. Oyler said that we do and that authority is given to the City Engineer to make that determination.

Mr. Heap asked if there were any other questions.

Blaine Quarnstrom

Mr. Quarnstrom explained his concerns with the development and the neighborhood meeting. He is not against the development. He feels the number one problem is traffic and parking. He has a proposal he would like to have looked at that he feels would resolve the traffic problem.

Mr. Heaps asked if this proposal was doing away with Powerhouse Road as a main collector road.

Discussion was made with Mr. Quarnstrom on his proposal.

Mr. Heap said he would look into Mr. Quarnstrom's suggestions and get back to him. He then said there were a few things that had been addressed on the geotechnical report. He explained them.

Mr. Foster said the developer ought to be aware that there might be some offsite improvements to the electrical system to accommodate the heavier loads.

Mr. Heap asked if there were any other questions and noted that traffic was an issue that was discussed in the neighborhood meeting.

Mr. Oyler talked about the neighborhood meeting ordinance and the need to fine tune the ordinance with respect to adequate dates, times and locations.

Mr. Quarnstrom expressed his frustration with the process of neighborhood meetings.

Mr. Heap said that we are still in the process of fine tuning the ordinance and that it is fairly new.

Mr. Oyler said meetings have not been required until now.

Mr. Banks expressed his issues with street names and the impact this development will have on the fire department.

Mr. Heap said the fire department cost issues could be covered with an impact fee.

Discussion was made regarding fire issues.

Discussion was made regarding the entrances to the development.

Mr. Baker made a **motion** to approve the Oak Ridge Cove Preliminary Plat, located at 2650 South Spanish Oak Drive, based on to the following findings and conditions:

1. Density matrix is in accordance with the ordinance.
2. That they meet the construction development standards.
3. That they meet the requirements of the geotechnical study.
4. That they provide offsite electrical improvements as dictated by the Electric Department in order to provide service to that project.

Mr. Nielson **seconded** and the motion **passed** all in favor except for Mr. Johnston voting opposed.

Planning Commission. The Planning Commission reviewed this request in their August 2, 2006 meeting and recommended that it be approved. Tentative minutes from that meeting read as follows:

Preliminary Plat, Oak Ridge Cove

Mr. Anderson gave background and explained the proposal. Residents are concerned about traffic. Mr. Heap or Mr. Nielson will be addressing the traffic issues. Nebo School District has concerns and they are addressed in the Development Review Committee minutes of July 17, 2006. The City's development standards have been met. The applicant has requested some bonus density and the Development Review Committee's recommendations are spelled out on the chart.

Mr. Heap addressed the Commission. He gave background of the development from the 1970's through the 1980's. He talked about the geotechnical report.

Commissioner Miya asked if the home buyers will be informed about potential hazards and if the developer has a legal obligation to disclose the information.

Commissioner Bradford is concerned about the noise with regard to the gun club.

Commissioner Miya is concerned about traffic on Powerhouse Road.

Mr. Nielson addressed the Commission on the traffic issues related to Powerhouse Road and the other roads involved in the development.

Commissioner Christianson asked about the proposed grades.

Discussion was made regarding school busing, fire trucks, garbage trucks, and snow plows and whether they can or cannot navigate roads with 12% grades.

Steve Smoot

Mr. Smoot addressed the Commission. He feels they have done a lot of things to enhance this development as far as amenities are concerned.

Commissioner Miya asked for clarification on the buildable area of the lot size. The actual buildable area of the lots is substantially limited in several cases.

Mr. Smoot replied that half of the lot would be developable.

Commissioner Christianson asked about the sewer.

Discussion was made regarding the preserved land area (scenic area).

Mr. Anderson asked for an explanation on what a scenic area is and what will/will not be altered.

Mr. Smoot acknowledged that some of the areas noted as scenic easements will be regarded and the vegetation will be removed.

Mr. Anderson asked if Mr. Smoot was willing to prepare a Limit of Disturbance plan.

Mr. Smoot agreed and mentioned that he thought the plan was already prepared.

Commissioner Huff is concerned about sidewalks.

Mr. Smoot submitted plans for the entrance to the development.

Mr. Nielson addressed the sidewalk issues.

Discussion was made regarding sidewalks in the development.

Mr. Anderson corrected what was stated in the staff report about there being a parkstrip between the street and the sidewalk, there will be no parkstrip, the sidewalk will be next to the curb.

Discussion was made regarding bonus density and the density awarded in this development.

Commissioner Miya would like a disclosure stating that school buses will not access the development.

Commissioner Christianson would like a clause on the plat that discusses the recreational facilities in the area regarding the gun club, reservoir, etc.

Discussion was made regarding fencing of the reservoir.

Discussion was made regarding the need for a meeting to discuss bonus density points, how they are awarded, and who awards them.

Commissioner Christianson does not feel that the bonus density is warranted, believes the applicant would have had to do most of the things he is requesting bonus density for in a standard subdivision.

Commissioner Lewis made a **motion** to approve the Preliminary Plat for Oak Ridge Cove located at 2650 South Spanish Oak Drive, based on the following conditions:

1. Density matrix is in accordance with the ordinance.
2. That they meet the construction development standards.
3. That they meet requirements of the geotechnical study.
4. That they provide offsite electrical improvements as dictated by the Electric Department in order to provide service to that project.
5. That the City's legal counsel look at putting on the plat that the City is held to a hold harmless agreement.
6. The plat is noticed that these lots are in close proximity to a recreation facility whose activities may include large activities and crowds.
7. Review lot number eighty through the engineering department.
8. Look at legal issues with a fence on the south side.

Commissioner Miya **seconded** and the motion **passed** by a unanimous roll call vote. Commissioner Christianson voted **nay**.

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 consistent with the City's standards for Master Planned Developments in the R-1-30 zone. Given the fact that the applicant has requested Master Development Plan approval, the manner in which points are allocated for bonus density may be regulated. In this case, the applicant has request a bonus density of 36 lots which represents a 62 percent increase. As noted above, the Development Review Committee found that the proposed features warrant the request bonus density. Even so, that is something that the City Council may be inclined to disagree with which may result in changes to the number of allowed units. Should the Council choose to modify the manner in which points for bonus density are allocated, staff recommends that the Council make a significant effort to do so based on the manner in which points have been allocated to projects that have been previously approved by the City.

Recommendation:

Staff recommends that the City Council approve the proposed Preliminary Plat for Oak Ridge Cove based on the following finding and subject to the following conditions:

Finding:

1. That the density matrix is in accordance with the ordinance.

Conditions:

1. That they meet the construction development standards.
2. That they meet the requirements of the geotechnical study.
3. That they provide offsite electrical improvements as dictated by the Electric Department in order to provide service to that project.

Attachments:

notes from June 19, 2006 neighborhood meeting
proposed Preliminary Plat for Oak Ridge Cove
proposed Preliminary Utility Plan for Oak Ridge Cove
slope analysis with proposed lot layout for Oak Ridge Cove

**Oakridge Cove Subdivision
Neighborhood Meeting Minutes
June 19, 2006**

A neighborhood meeting for the proposed Oakridge Cove Subdivision was held on June 19, 2006 at 3:30pm at the offices of LEI Consulting Engineers. The purpose of the meeting was to inform the neighboring property owners of the proposed development and to help answer their questions and concerns. Approximately 30 people were in attendance as demonstrated by the attached listing.

The meeting began with an overview of the proposed project, lot sizing, access, product type and a review of the Spanish Fork City approval process. A question and answer period was then started and the following issues discussed:

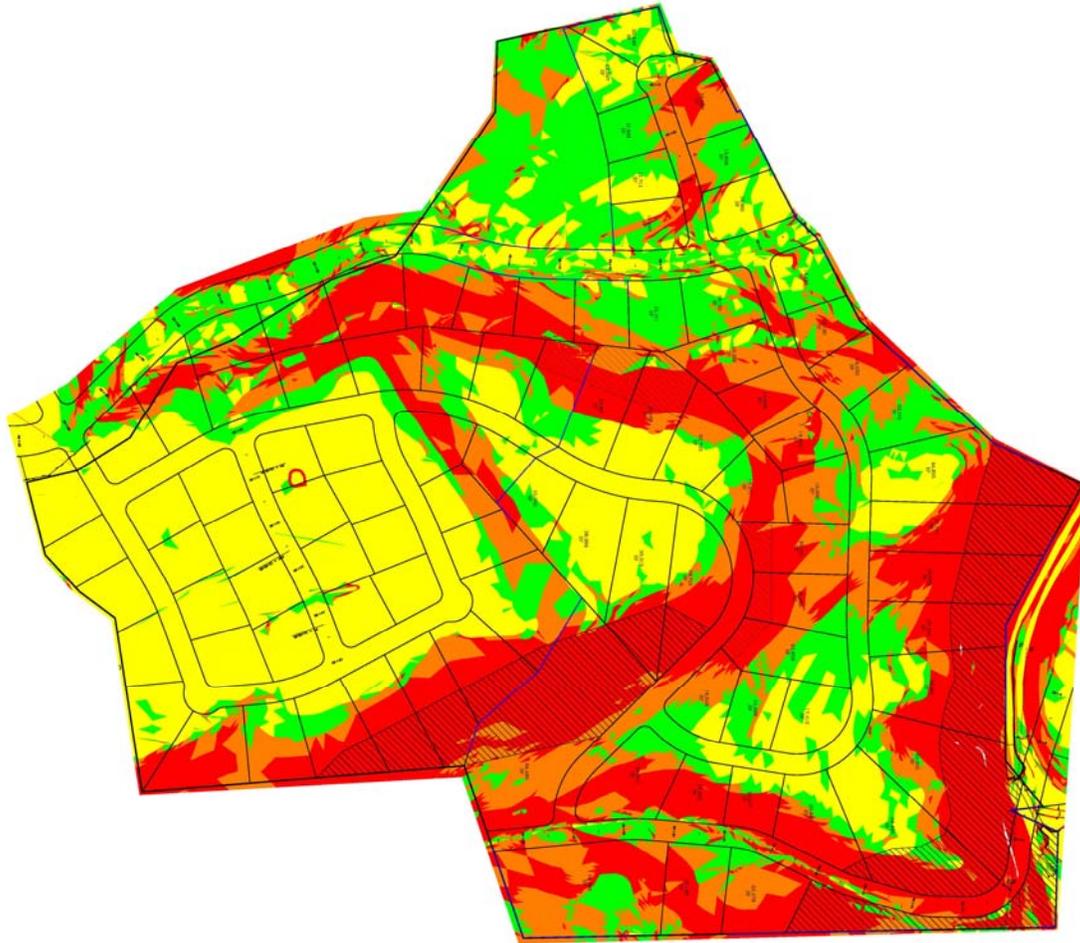
1. Site Access. A majority of the discussion during the neighborhood meeting centered on site access and traffic concerns for adjacent properties. The issues included:
 - Fairway Drive residents questioned the ability of the existing roadway to handle additional traffic which would be generated by the proposed development. Optional routes discussed by adjacent owners included access through the golf course and to Highway 6.
 - Residents suggested that the median on Fairway Drive is very limiting to traffic flow to the area.
 - Concern was expressed about the truck traffic present on Powerhouse Road.
 - Provision of a secondary access through the Spanish Fork City Gun Club.
2. Drainage. Concerns were expressed about the storm drainage requirements for the area and if the development was designed for the proper drainage criteria. The proposed storm drainage system was reviewed and explained to the residents.
3. Utility Improvements. Several questions centered on the availability and location of proposed utilities. Of particular interest was the installation of pressurized irrigation along Fairway Drive.
4. Strawberry Highline Canal Crossing. The proposed crossing of the canal was discussed in detail with a majority of the discussion being handled by Gary Aiken of the Strawberry Highline Canal Company. Issues covered included:
 - Approval process of proposed crossing through Strawberry and the Bureau of Reclamation. All residents were encouraged to attend the next Strawberry Board Meeting to voice any concerns.
 - Truck traffic from the pond area is a concern for the Fairway Drive residents. Mr. Aiken reviewed the proposed improvements to the canal access road and stated that the truck and worker traffic will continue to use the existing canal road.

5. Other comments and discussion items included:

- School bus drop off zones along Powerhouse Road. The residents were encouraged to discuss the situation with Nebo School District.
- Possibility of sidewalk installation through the existing Oaks Subdivision.
- Gun club operations.
- Trail access from Fairway Drive.

Following the question and answer period the proposed schedule of Spanish Fork City meetings was reviewed and the residents were encouraged to review agendas posted on the Spanish Fork City website. The meeting was adjourned at 5:30 p.m.

Minutes prepared by Greg Magleby of LEI Consulting Engineers.



10% OR GREATER
 5% TO 10%
 0% TO 5%

SHEET 1	DESIGNER: GDM	PROJECT: 05-152	OAK RIDGE COVE SPANISH FORK, UTAH SLOPE ANALYSIS	 Consulting Engineers and Surveyors, Inc.	3302 No. Main St. Spanish Fork, UT 84660 801-798-0555 Fax 801-798-9393	REVISION	DATE	BY
	DATE: 05/31/2006	SCALE: 1" = 100'						
	DRAWN BY: SWH	CHECKED BY:						

CONNECTOR'S AGREEMENT

This connector's agreement made this 15th day of August, 2006, by and between Spanish Fork City,(City), and David Simpson (Simpson).

WHEREAS, Simpson is the owner of certain real property on the east side of Spanish Fork and northeast of Highway 6 and south of 400 North Street, known as the Mapleton Bench; and

WHEREAS, Simpson, at his expense, has installed a new bridge across the railroad tracks at Center Street and Highway 6, widening the road and providing safer access to his property, as well as several other parcels of property on the northeast side of Highway 6; and

WHEREAS, the cost of providing a new bridge is \$195,208.00; and

WHEREAS, the properties benefitting from the new bridge are those identified in the map attached hereto as Exhibit A, and incorporated herein by this reference; and

WHEREAS, the City has determined that it is just and proper that if the owners of the properties benefitting from the new bridge develop within twenty years from the date hereof, that said owner(s) should pay their share of the costs of the construction of said improvements; and

WHEREAS, the fairest way to assess the cost of a bridge is on a per acre basis;

NOW THEREFORE, in consideration of the payment of \$10.00 by Simpson to City, City agrees:

1. That it will require the payment of \$1,016.71 per acre developed as a condition to permit the owners of the property identified in Exhibit A to receive final plat or site plan approval
2. That payment of the sums mentioned in the preceding paragraph shall be without interest.
3. That if developments are made after twenty years from the date hereof, there shall be no payments made as a precondition of final plat or site plan approval.

4. That upon receipt of such sum (if said sum is ever paid to the City,) City agrees to remit said sum to Simpson, or his assignees.

5. Simpson shall be responsible to inform the City to assess the fees if he notices the intent, need, or attempt to develop the properties identified in Exhibit A. City will use its best efforts to properly assess the fees set forth herein, but shall incur no liability for its failure to do so, unless the failure is due to intentional misconduct.

DATED this 15th day of August, 2006.

SPANISH FORK CITY by:

JOE L THOMAS, Mayor

Attest:

KENT R. CLARK, City Recorder

DAVID SIMPSON

CONNECTOR'S AGREEMENT

This connector's agreement made this _____ day of August, 2006, by and between Spanish Fork City,(City), and David Simpson (Simpson).

WHEREAS, Simpson is the owner of certain real property on the east side of Spanish Fork and northeast of Highway 6 and south of 400 North Street, known as the Mapleton Bench; and

WHEREAS, Simpson, at his expense, has installed a twelve inch culinary water line along 400 North from approximately 1420 East through approximately 1600 East, for 1,547 feet at a total cost of \$60,632.50; and

WHEREAS, Simpson, at his expense, has installed a twelve inch secondary irrigation water line along 400 North from approximately 1420 East through approximately 1600 East, for 1,547 feet at a total cost of \$41,754.00; and

WHEREAS, Simpson, at his expense, has installed a fifteen inch sewer main along 400 North from approximately 1420 East through approximately 1600 East, for 1,538 feet at a total cost of \$107,136.50; and

WHEREAS, it is anticipated that property to the north of the Simpson property, at some time in the future, will desire to connect to said lines in order to service said properties with City water, sewer, and irrigation services; and

WHEREAS, the City has determined that it is just and proper that if the owners of the adjacent property connect on to said water, secondary irrigation water, or sewer lines, within ten years from the date of installation, that said owner(s) should pay their share of the costs of the construction of said improvements;

NOW THEREFORE, in consideration of the payment of \$10.00 by Simpson to City, City agrees:

1. That it will require the payment of \$19.60 per foot of frontage as a condition to permit the owners of property to the north of the Simpson property to connect on to the culinary water line described herein.

2. That it will require the payment of \$13.50 per foot of frontage as a condition to permit the owners of property to the north of the Simpson property to connect on to the secondary irrigation water line described herein.

3. That it will require the payment of \$34.83 per foot of frontage as a condition to permit the owners of property to the north of the Simpson property to connect on to the sewer line described herein.

4. That payment of the sums mentioned in the preceding paragraph shall be without interest.

5. That if connections or developments are made after ten years from the date of installation, there shall be no payments made as a precondition of connection to the described lines.

6. That upon receipt of such sum (if said sum is ever paid to the City,) City agrees to remit said sum to Simpson, or his assignees.

7. The parties agree that City has the right to determine and apportion the footage for connection, which footage shall be assessed at the rates set forth herein per foot for the water, secondary irrigation water, and sewer lines, based upon the frontage of the property being serviced.

8. Simpson shall be responsible to inform the City to assess the fees if he notices the intent, need, or attempt to connect to the improvements. City will use its best efforts to properly assess the fees set forth herein, but shall incur no liability for its failure to do so, unless the failure is due to intentional misconduct.

DATED this _____ day of August, 2006.

SPANISH FORK CITY by:

JOE L THOMAS, Mayor

Attest:

KENT R. CLARK, City Recorder

DAVID SIMPSON

SPANISH FORK CITY
Staff Report to City Council



Agenda Date:	August 22, 2006
Staff Contacts:	Dee Rosenbaum, Mark Byers
Reviewed By:	
Subject:	Appointment of Board member to Animal Shelter Board

Background Discussion: January 2006 Mark Byers had to resign from the Animal Shelter District Board because he took a part-time job with the shelter doing licensing. Since then we have not had a representative on the board. We need to have some one appointed so we have some one representing our city's interests in the district/shelter issues.

Example: Recently, the board voted to add 1 ½ employees to the district which increased the cost for each animal that is taken to the shelter. The cost per animal went from \$44 to \$54.

The Board meets monthly (every 3rd Wednesday of the month). They meet at the Shelter at 4:00 PM. The next meeting is August 16, 2006, 4:00 PM.

Currently the Board is made up of a few City Council members, a finance director (Provo), a couple of "At-large" Veterinarians, and who ever Sp. Fork appoints.

Budgetary Impact: There is no current budgetary impact. However, by not having a representative on the board to vote we are subject to the boards decisions, without our input, as in the example above. These decisions can have a big budgetary impact on us.

Alternatives:

Recommendation: Appoint an elected official to represent the city on the "South Utah Valley Animal Shelter District".

Attachments: Attached is a page that contains some upcoming issues that will be brought up at the August 16th District Board meeting.

ANIMAL SHELTER BILLING ISSUES

These issues need to be brought up by our city's board member at the next board meeting so we can make sure we are not getting billed for a lot of animals that are not ours. The next meeting is August 16, 2006, 4:00 PM at the shelter.

1. Some times unknown people will take dogs to the shelter and drop them off after regular operation hours when there is no one there to receive the animals. When this happens the shelter employees have been adding these animals to the total number of animals submitted by Spanish Fork City even though they don't know where the animals came from. Mark has been monitoring this and has brought the issue up to the shelter manager but it continues to happen.

We are billed each year based on the total number of animals we take to the shelter. These "unknown" animals could artificially make our total number of animals too high. Each year's budget is based on the prior year's number of animals impounded by each city. If Mark wasn't monitoring this issue and regularly addressing it with the shelter it could potentially cost our city an additional approx. \$6,000 each year. This is based on the number of potential stray "drop offs" that Mark estimated.

Possible resolution: Keep a total of those "unknown" animals and evenly divide them among the participating cities at the end of each year. Another possibility would be to do it on a % basis based on the what % of the total budget each city pays.

2. Another issue is that when animals are born at the shelter, regardless of where the "mother animal" came from, Spanish Fork City is being billed for the new born litter merely because the shelter is located in Spanish Fork. Fortunately Mark watches the bill closely and usually catches things like this.

Recommendation: Possibly charge the city that brings the pregnant animal to the shelter. However, there is so little expense, if any, involved in the care of the "litter" that I would think there should be little if any cost at all to anyone for these situations.

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

BOUNDARY LINE AGREEMENT

COME NOW, SPANISH FORK CITY, SPRINGVILLE CITY and JCS PROPERTIES LC, hereby enter into this agreement for the purpose of establishing the boundary line between their respective properties.

SPANISH FORK CITY and SPRINGVILLE CITY hereby quit claim to JCS PROPERTIES LC their interest in the property south and west of the following described line and JCS PROPERTIES LC hereby quit-claims to SPANISH FORK CITY and SPRINGVILLE CITY its interest in the property north and east of the following described line located in Utah County, Utah:

BEGINNING AT A POINT WHICH IS LOCATED EAST 542.25 FEET AND NORTH 1711.95 FEET FROM SOUTH QUARTER CORNER OF SECTION 12, TOWNSHIP 8 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE FOLLOWING COURSES AND DISTANCES:

N00°26'00"W	920.64'
S89°55'00"W	28.00'
N00°08'00"E	387.23'
N89°48'16"	998.88'

IN WITNESS WHEREOF, Grantor's have set their hands this _____ day of _____, 2006

SPRINGVILLE CITY by:

GENE MANGUM, Mayor

ATTEST:

VENLA GUBLER, City Recorder

SPANISH FORK CITY by:

JOE L. THOMAS, Mayor

ATTEST:

KENT CLARK, City Recorder

JCS PROPERTIES LC by:

STATE OF UTAH)
 : SS.
COUNTY OF UTAH)

On the _____ day of _____, 2006 personally appeared before me,
_____ acknowledged to me that said Partnership executed the same.

NOTARY PUBLIC

ORDINANCE NO. 10-06

ROLL CALL

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

I MOVE this ordinance be adopted: _____

I SECOND the foregoing motion: _____

ORDINANCE NO. _____

ORDINANCE AMENDING THE MUNICIPAL CODE

CONCERNING MAIN STREET PARKING

WHEREAS, law enforcement receives numerous complaints regarding excessive parking on North Main Street; and

WHEREAS, current regulations have left an ambiguity making it difficult to enforce parking violations,

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

1. Section 10.16.010 of the Spanish Fork City Municipal Code is hereby amended to

read as follows:

B. It shall be unlawful for any person to park any vehicle on either side of Main Street, during other hours of the day, south of I-15 ~~or~~ and north of 400 South on a single block for a period of time longer than three consecutive hours.

2. This ordinance shall become effective September 1, 2006.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this ____ day of _____, 2006.

JOE L THOMAS, Mayor

ATTEST:

KENT R. CLARK, City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

Kent R. Clark, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of Spanish Fork City, County of Utah, State of Utah; that as part of his duties to keep the minutes and ordinances of Spanish Fork City, that the attached ordinance is the same as the ordinance passed on the 1st day of August, 2006 by the Spanish Fork City Council.

KENT R. CLARK, CITY RECORDER

Subscribed and sworn to before me this ____ day of _____, 2006.

NOTARY PUBLIC

ORDINANCE NO. 09-06

ROLL CALL

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

I MOVE this ordinance be adopted: _____

I SECOND the foregoing motion: _____

ORDINANCE NO. _____

ORDINANCE AMENDING THE MUNICIPAL CODE

CONCERNING LEAVING CHILDREN IN VEHICLES

WHEREAS, law enforcement is frequently called to respond to complaints of children left in vehicles within Spanish Fork City;

WHEREAS, the practice of leaving children unattended in vehicles is known to be detrimental to the health, safety, and welfare of the child; and

WHEREAS, current State law proscribes only intentional abuse as opposed to the negligent behavior at issue in leaving an unattended child in a vehicle;

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

1. Section 9.04.040 of the Spanish Fork City Municipal Code is hereby enacted to read as follows:

Leaving Children in Vehicles

A. It shall be unlawful for any person within the limits of this City, having in his or her care, control, or under his or her guidance, any minor child under six (6) years of age, to at any time leave such a child unattended in any automobile, bus, or other vehicle or trailer, located upon a public street, a publicly-owned or privately-owned parking lot open to the general public or to business invitees, or at any other public place, if the child’s health or welfare could be adversely effected.

B. A child is “unattended” within the meaning of this section if the oldest person in the vehicle is a person under the age of twelve (12) years.

C. Violation of this section os a class B misdemeanor.

2. This ordinance shall become effective September 1, 2006.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this ____ day of _____, 2006.

JOE L THOMAS, Mayor

ATTEST:

KENT R. CLARK, City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

Kent R. Clark, being first duly sworn, deposes and says that he is the duly appointed and qualified recorder of Spanish Fork City, County of Utah, State of Utah; that as part of his duties to keep the minutes and ordinances of Spanish Fork City, that the attached ordinance is the same as the ordinance passed on the 5th day of November 2002 by the Spanish Fork City Council.

KENT R. CLARK, CITY RECORDER

Subscribed and sworn to before me this ____ day of _____, 2004

NOTARY PUBLIC