



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 February 6, 2007**.

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: 6:30 p.m.

- a. [Cobblestone Plaza General Plan Amendment and Zone Change](#)

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 – January 2, 2007, January 23, 2007](#)

5. NEW BUSINESS:

- a. [Resolution 07-01](#): Consideration for adoption of a resolution authorizing the issuance of up to \$20,000,000 of Sales Tax Revenue Bonds of the City for a new public safety district court building, park and recreation improvements, public infrastructure and water, sewer and electric utility improvements and related land and equipment; providing for a public hearing and establishing parameters for said bonds; providing for a pledge of sales taxes; and related matters.
- b. Airport Board Report
- c. Contract with Layton Construction
- d. Spanish Oaks Annexation Petition Acceptance or Denial
- e. Partridge Annexation Petition Acceptance or Denial
- f. Traffic Mitigation Presentation

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.

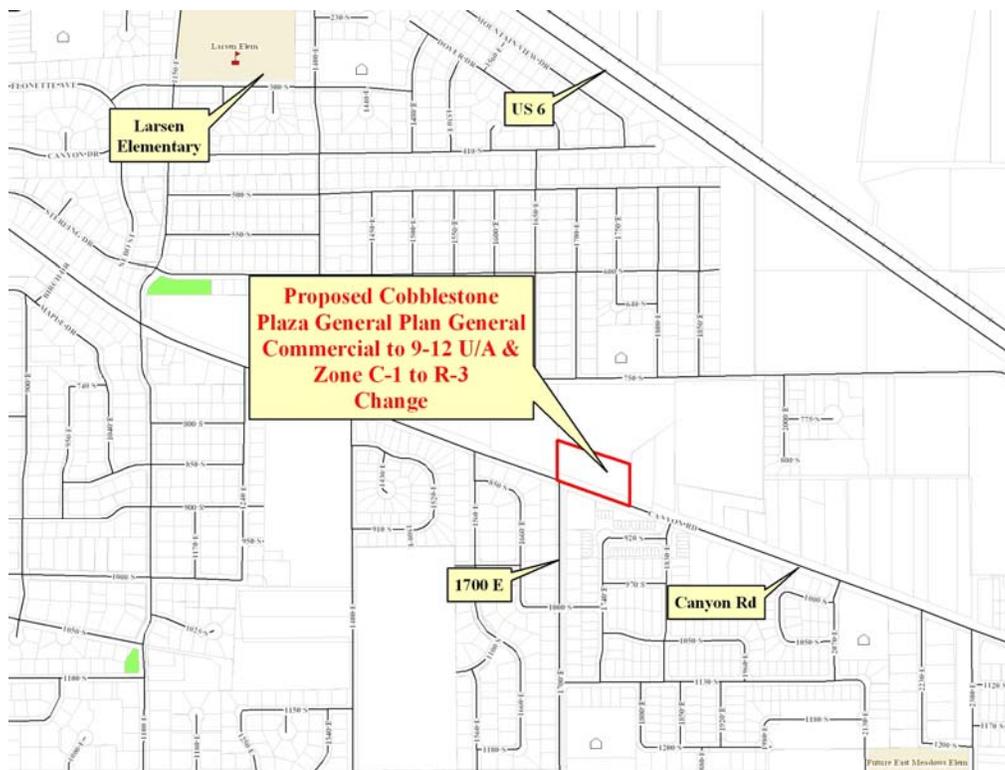
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date:	January 16, 2007
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	Cobblestone Plaza General Plan and Zoning Map Amendment Request

Background Discussion:

The applicant, Clark Mitchell, is requesting a Zoning Map and General Plan Amendment for a 2.3-acre parcel located on the northeast corner of the intersection of 1700 East and Canyon Road. Currently, the General Plan designation for the subject property is General Commercial. The applicant has requested that the General Plan designation be changed to Residential 9-12 units per acre. The current zoning of the property is Commercial 1 and the applicant has requested that it be changed to R-3.



Staff understands that the General Plan and Zoning Maps were changed a number of years ago to the current commercial designations. Staff also understands that the applicant, who has owned the subject property for a number of years, has made a significant effort to market the property for commercial uses and, to date, has not been successful. Furthermore, staff understands that the applicant believes the Urban Village designation

assigned to the properties north and east of the subject property has decreased the likelihood that a commercial entity will make use of the subject property. With that said, staff understands the main impetus of the proposed change is the applicant's belief that the subject property is not viable for commercial development.

There are a number of things that, in staff's opinion, the Council should consider when reviewing this request. First, a significant amount of thought has gone into the City's General Plan and the specific designations made throughout the City. As such, requests to change the General Plan should receive some commiserate level of scrutiny and consideration before changes are made.

Second, the General Plan is a living document and it is anticipated that changes will be made.

Third, the General Plan is the City's plan for land use at buildout. That is to say that the plan identifies what the City believes are the best uses for individual properties when all or the majority of the properties in the City are developed. In my view, this concept is a key component that the Council should consider in evaluating this request. It is understood that certain land uses at certain locations will become economically viable at different times. As the Planning Director, I believe that concept is evident with the subject property. I believe it's clear that the market would today support residential development on this property and the highest monetary value may currently be associated with residential development. The same could be said of other properties in the City whose immediate value would be realized with residential development but that may ultimately support some other more unique use.

This question of timing is certainly a difficult one to address, and other questions arise as well. How long should a property owner have to wait to develop? What is the ultimate cost of losing a commercial site and having more residential development? Has the City planned for an over or under abundance of commercial sites? Do the sites planned General Commercial really have commercial potential? Are there improvements that can be made (roads, utilities, etc...) that might make a potential commercial site more attractive for commercial development? These are all valid questions that City staff and the City Council should be cognizant of as the city periodically reviews the General Plan.

With all of that said, we of course have no crystal ball and cannot see what the future will bring. However, over the years, the City has prepared a series of plans and documents that, in my opinion, establish the basis for making sound predictions as to what might occur. I believe the General Plan is a well conceived document that accurately reflects functional land use patterns.

In this case, there are some site specific factors that I feel warrant consideration. The fact that the City has planned for a large commercial development in the vicinity of this property may offer some reason to change the General Plan, it may also be justification for leaving it the same. The concept that 1700 East will extend northward from Canyon Road is another factor that may change the commercial viability of this property.

Development Review Committee

The Development Review Committee reviewed this request in their October 18, 2006 meeting. The Committee recommended that the request be denied, and excerpt from the minutes of that meeting reads as follows:

Cobblestone Plaza General Plan Amendment and Zone Change

General Plan: General Commercial existing, requesting Residential 9-12 units per acre and General Commercial

Location: 1700 East Canyon Road

Zoning: C-1 existing, R-3 requested

Applicant: Clark Mitchell

Mr. Anderson gave background and explained the proposal.

Discussion was made regarding density.

Mr. Anderson feels that there is potential for commercial development in the future at this site and that the City needs to keep this zoned for commercial uses.

Discussion was made regarding commercial property.

Mr. Mitchell addressed his concerns with not being able to sell the property.

Discussion was made regarding traffic and timing on the construction of roads.

Mr. Mitchell presented his concept plan for the density they are requesting.

Discussion was made regarding R-3 zoning, expansion of the zones in the area, the impact on the surrounding properties if zoned Urban Village, and adjacent Forest Service property.

Mr. Heaps excused himself at 11:15 a.m.

Mr. Baker made a **motion** recommending to the Planning Commission **denial** of the Cobblestone Plaza General Plan Amendment and Zone Change and that the Commission study a possible Urban Village zone, look into forest service property, and report their findings to the City Council.

Mr. Banks **seconded** and the motion to deny **passed** all in favor.

Planning Commission

The Planning Commission reviewed this request in their January 3, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Amendment to the General Plan and Zoning Maps (continued from 12-6-2006)

Applicant: Clark Mitchell

Zoning: Commercial 1 existing, R-3 requested

General Plan: General Commercial existing, requesting Residential 9-12 units per acre.

Location: 1700 East Canyon Road

Mr. Anderson gave background and explained the proposal.

Clark Mitchell

Mr. Mitchell addressed the Commission. He is asking for instead of attaching a concept plan he would like a zone change with a development agreement.

Commissioner Robins asked if they have had anyone try to buy this property for commercial use.

Mr. Mitchell said that it has been under contract 4 separate times.

Commissioner Bradford would like to see this developed commercial.

Discussion was made regarding density and the number of units, adjacent properties being changed to commercial if a proposal was brought in.

Mr. Mitchell feels there has been a shift in how the City Council is looking at this piece. He feels that after the last meeting the Commission was more open for a residential zone.

Discussion was made regarding density and zones.

Commissioner Christianson made a **motion** to approve the General Plan Amendment of 5.5-8 units per acre and the Zoning Map to R-1-6 with a development agreement that caps the number of units at 14.

Commissioner Miya **seconded** and the motion **passed** by a role call vote. Commissioner Bradford voted nay.

Budgetary Impact:

In short, this proposed change may eventually have the impact of reducing the City’s revenue while increasing, to some degree, the City’s overall cost to provide services. If the property develops commercially, there will likely be a net gain for the City in terms of revenue whereas residential development will likely not generate sufficient revenue to pay the cost to provide services.

Alternatives:

The City maintains considerable discretion with respect to approving General Plan amendments and Zone Change requests. The Council may approve or deny the proposed changes based on any findings you feel are warranted.

Recommendation:

Staff recommends that the City Council deny the proposed General Plan and Zoning Map Amendments based on the following findings:

Findings:

1. That the existing zoning and General Plan designations allow for development that will provide needed services in this area and contribute to the overall financial viability of the City.
2. That the proposed change would reduce the opportunity for businesses to serve the residents of the area and have a detrimental impact on the City’s finances.

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Tentative Minutes
Spanish Fork City Council Meeting
January 2, 2007

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

Staff Present: Junior Baker, City Attorney; Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; Richard Heap, Public Works Director; Dee Rosenbaum, Public Safety Director; Kent Clark, Finance Director; John Bowcut, IS; Kimberly Robinson

Other: Glenn James, Sarah Bernards, Trevor Carter, Markell Crandall, Christine Choate, Joy Prior, Andrea Rawle, Rachel Rawle, Kiersta Spendlove, Chad McDonald, Patience Bernards, Dennis Bernards, Clint Prestwich, Jeff Robbs, Lizeth Gonzalez, Vanessa Penrod, Skyler Finch, Cord Olsen, Jackie Gabler, Kyle Bies, Chad Wilkinson, Randy Wilkinson, Terri Renner, Sydney Renner, Yeimi Quinonez, Katelyn Elliott, Jenna Johnson, Dan Olson

CALL TO ORDER, PLEDGE

Mayor Thomas called the meeting to order at 6:01 p.m.

Councilman Andersen lead the pledge of allegiance.

PUBLIC COMMENTS

Jackie Gabler

Ms. Gabler wants to petition for help in her neighborhood concerning speeding. They live in a residential zone where the speed limit is 25 miles per hour. In the spring she contacted the Police and Engineering Department. She was promised that someone from the engineering department would conduct a test regarding speeding in the area. They would like speed bumps, a stop sign, or dips installed to help mitigate the problem. She read a letter from a neighbor stating the speeding problems in the area. She added there are no sidewalks for the children to walk on. So they have to walk in the road. She asked what it is going to take to fix this problem before someone gets killed. She feels this is not being taken seriously and would like dips installed.

Glen Gabler

Mr. Gabler has been a resident for about 5 years now. He explained the speed is posted at 25 miles per hour and people do not go the speed limit. They feel it is a major concern and something needs to be done to help with the speeding.

Dee Rosenbaum

Mr. Rosenbaum stated the area has been a concern because there is no sidewalk, there is a speeding problem, but there are problems throughout Spanish Fork.

47

48 Mr. Heap said they can study the speed bumps but usually that will not solve the problem
49 as well as people would like it to.

50

51 Mayor Thomas said the Public Safety Department will work on enforcement in the area
52 and give a report on the progress.

53

54 **COUNCIL COMMENTS**

55

56 Councilman Leifson reported there will be a power point presentation from the Airport
57 Board at a later meeting.

58

59 Councilman Barber has spent time discussing the golf course services, it will be talked
60 about more at the budget meeting. They are getting ready to start Fiesta Days planning as
61 well.

62

63 Mayor Thomas said they have exciting things for the golf course coming. He has had
64 many calls, mostly favorable for the North Park development project. The economic
65 development group met and it looks to be really positive this year.

66

67 Councilman Andersen complimented the citizens of the community that shared this
68 season by lighting their homes and yards, also those that participated in the festival of
69 lights.

70

71 Councilman Sorensen reported the Chamber of Commerce is at the first of the year and
72 will have a new president appointed.

73

74 Councilman Wadsworth reported the trails committee met and have worked on segments
75 they want to start with, also grants and funds they would like to seek. They met with the
76 Mayor and the potential lobbyist from Washington DC. He would like to thank the city
77 employees for the Festival of Lights and they appreciate it. He feels good citizens have
78 really made this holiday a delight.

79

80 Mayor Thomas challenged everyone to bring ideas they might have to the Council.

81

82 **CONSENT ITEMS**

83

84 **Minutes of Spanish Fork City Council Meeting – December 5, 2006**

85 Councilman Wadsworth made a **motion** to approve the minutes of December 5, 2006.

86 Councilman Sorensen **seconded** and the motion **passed** all in favor.

87

88 **NEW BUSINESS:**

89

90 **Council Appointments**

91 Mayor Thomas appointed Paula Esplin and Andy Skelton to the library committee

92

93 Councilman Sorensen made a **motion** to appoint Paula Esplin and Andy Skelton to the
94 Library Committee. Councilman Andersen **seconded** and the motion **passed** all in favor.

95
96 Glenn James

97 Mr. James introduced the Spanish Fork City Youth Council. Sarah Bernards, Mayor;
98 Trevor Carter, Recorder/Treasurer; Markell Crandall, City Manager; Christine Choate,
99 Councilmember; Joy Prior, Councilmember; Andrea Rawle, Councilmember; Rachel
100 Rawle, Councilmember; Kiersta Spendlove, Councilmember.

101
102 Mr. James invited all the youth from 9th grade to 12th to participate in the Youth City
103 Council. He also explained they are in the process of starting a Youth Court.

104
105 Councilman Sorensen made a **motion** to appoint Sarah Bernards, Mayor; Trevor Carter,
106 Recorder/Treasurer; Markell Crandall, City Manager; Christine Choate, Councilmember;
107 Joy Prior, Councilmember; Andrea Rawle, Councilmember; Rachel Rawle,
108 Councilmember; Kiersta Spendlove, Councilmember to the Youth City Council.
109 Councilman Leifson **seconded** and the motion **passed** all in favor.

110
111 **Citizen Request for Access from City Property**

112 Chad McDonald

113 Mr. McDonald resides at 480 South 820 East. He is requesting access on the south side of
114 their property. They have a legal non-conforming duplex and are interested in obtaining
115 continued access that is open to the public.

116
117 Mr. Anderson stated the letter the McDonald's provided describes their request.

118
119 Mr. McDonald explained the request for continued access.

120
121 Councilman Sorensen said the initial time they requested access, the Council denied the
122 request.

123
124 Mayor Thomas stated that it is a little bothersome to know they cut down the fence and
125 used the property.

126
127 Discussion was made regarding driveway materials to be used and the fence issues.

128
129 Mr. McDonald stated he regrets that the fence was opened and that they did not come to
130 the Council with their intentions.

131
132 Councilman Leifson asked when they decided to build the building if they budgeted for
133 the driveway. Why should they grant this and he saves \$10,000 – \$15,000 dollars plus
134 they tore the city fence down.

135
136 Mr. Heap asked that the driveway be a hard surface such as asphalt or concrete.

137

138 Mayor Thomas asked for a set dollar financial commitment and feels Councilman
139 Leifson's points were correct. They would also like a set date they will pour the concrete
140 pad.
141
142 Councilman Wadsworth would like added to the resolution that they determine the
143 boundary lines so there is no questions in the future.
144
145 Councilman Andersen said the driveway, the curb, and gutter will need to be installed.
146
147 Councilman Leifson said one option is that they install what they had planned to install
148 and if the city decided to upgrade it they could.
149
150 Mr. Heap said if they were applying for a duplex they would be required to pave the road,
151 and install some sort of curb and gutter.
152
153 Mr. McDonald said for the record the sidewalk has more curb across their property than
154 the other side.
155
156 Councilman Sorensen said the Council denied the request once and feels that just because
157 the issue is there now they still should not be given access.
158
159 Councilman Wadsworth said the fact that the McDonalds are here and are trying to make
160 this better says something.
161
162 Mr. McDonald stated they would have chosen to do things differently had they
163 completely understood.
164
165 The Council would like to have options brought back for them to decide.
166
167 Councilman Wadsworth made a **motion** to continue this item to the next meeting.
168 Councilman Sorensen **seconded** and the motion **passed** all in favor.
169
170 **Ratification of Western Oasis Property Purchase**
171 Mr. Baker explained this is a contract ratification that came before the Council in
172 executive session. The city had an opportunity to obtain approximately 27 acres, and
173 because of the option for negotiable value was able to obtain the properties for recreation.
174
175 Councilman Wadsworth thinks the property is very impressive and the price they are able
176 to obtain it is low, also it provides the green space they want for the city.
177
178 Councilman Wadsworth made a **motion** to ratify the contract with Western Oasis.
179 Councilman Sorensen **seconded** and the motion **passed** all in favor.
180
181 **Ratification of Thomas Family Property Purchase Agreement**
182 Mayor Thomas stated he has had nothing to do with this item.
183

184 Mr. Baker said the city has been negotiating with this property for the last two years and
185 Mayor Thomas has recused himself for this matter. This property is required by UDOT to
186 complete the traffic light.

187

188 Councilman Barber made a **motion** to ratify the Thomas Family Property Purchase
189 Agreement. Councilman Andersen **seconded**. Mayor Pro tem Barber called for a roll call
190 vote and the motion **passed** all in favor.

191

192 **Golf Rate Adjustments**

193 Councilman Wadsworth made a **motion** to table this agenda item. Councilman Barber
194 **seconded** and the motion **passed** all in favor.

195

196 **OLD BUSINESS**

197

198 **Academy Park Zone Change Request**

199 **Academy Park North Preliminary Plat Approval**

200 **Academy Park South Preliminary Plat Approval**

201 Councilman Leifson made a **motion** to continue these items to the January 16th meeting.

202 Councilman Sorensen **seconded** and the motion **passed** all in favor.

203

204 **OTHER BUSINESS**

205

206 Councilman Wadsworth made a **motion** to move to executive session to discuss land use
207 issues. Councilman Andersen **seconded** and the motion **passed** all in favor. 7:34 p.m.

208

209 The regular meeting was called back to order at 8:10 p.m.

210

211 **Budget Revision Work Session**

212 Mr. Oyler explained that this is the midyear budget revision, they will take some time to
213 go over the major issues, and also the impact fee changes.

214

215 Dee Rosenbaum

216 Mr. Rosenbaum is representing the Public Safety Department. He would like to add an
217 additional police officer to be assigned a code enforcement officer. They feel the time has
218 come based upon the complaints and the growth for the area, they need one. The officer
219 will enforce City Code, address zoning issues, abandoned vehicles, junky yards, weed
220 abatement, road obstructions, traffic control, signs being obstructed, etc. Orem city was
221 used as an example for their neighborhood reservation unit. The other item is converting
222 a part-time secretary position to a full-time position. It involves all of the public safety
223 departments and helping them get their paperwork done.

224

225 John Bowcut

226 Mr. Bowcut explained the SFCN Broadband budget was a wash. They brought on some
227 contract installers which allows a faster install time period.

228

229 Councilman Wadsworth commended Mr. Bowcut for the outsourcing he has done.

230

231 Mr. Bowcut explained the information systems budget is the computer systems that
232 support the departments in the community. The problem has been keeping up on the
233 programming types for the growing city. They are looking at adding a programmer
234 analyst that will help get the information out. Their job will be to do the programming
235 and applications that need to be written.

236

237 Councilman Wadsworth likes the idea of splitting the employee with other cities.

238

239 Mr. Bowcut said there is starting to be a back log because we are a progressive city and
240 are unable to keep up with growth.

241

242 Richard Heap

243 Mr. Heap said growth related issues are what his requests are concerning.

244 They are proposing to add a Building Inspector, and changing the part-time secretary
245 position to full-time. They are proposing to make changes in the Engineering Department
246 to make an Assistant City Engineer and Design Engineer. Because of growth they are
247 adding an additional \$54,000 in water meters and close to \$70,000 in inspection fees.
248 They have increased water in the water impact fee budget, will be relocating a line, they
249 have an additional \$23,000 dollars in irrigation meters. They had problem with Olsen
250 well by the gravel pit property. Because of the growth they are having to get the shop
251 well on line sooner than they thought. Changes to solid waste, storm drainage, and
252 streets, for electric there's additional meters they will be working on. The substation
253 down by the jail on the armory property has some consideration on the soils for that sight.
254 The construction material for the subdivisions has increased. They also added an
255 apprentice lineman.

256

257 Dave Oyler

258 Mr. Oyler discussed Parks and Recreation. There are some adjustments in general
259 government to bring the Community Theater and Children's Theater into their budget.
260 The increase revenue and expense to cover the spook alley cost was added. The Arts
261 Council added the education classes they want to provide. The water park will be moving
262 some money to do improvements in the locker room area to meet requirements. They
263 want to bring in a full time special events coordinator.

264

265 Mayor Thomas asked that the Council be involved with choosing of the special events
266 coordinator.

267

268 They have done some maintenance on the fairgrounds to improve the caretaker home,
269 and the upgrades for the tennis courts to bring them to code. There is also a cost of
270 \$40,000 for part of the recreation master plan that is in the works.

271

272 Mayor Thomas asked that they include a rough plan they can add some trees now that
273 will be mature in the park areas by the time they are ready to be used.

274

275 The pavilion at the reservoir came in after the budget this year and the expenses are not
276 added into the estimated funds. The trails project has the state matched funds more than
277 we originally thought so it increased our amount. The soccer fields at the new sports park
278 is in the capital project fund budget.

279

280 Kent Clark

281 Mr. Clark has worked to update the impact fees using their software and used the
282 numbers given from the department heads. He then reviewed the impact fee changes from
283 the handout.

284 They are in the process of doing a survey from the other cities around.

285

286 **ADJOURN**

287 Councilman Leifson made a **motion** to adjourn. Councilman Wadsworth **seconded** and
288 the motion **passed** all in favor at 9:15 p.m.

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290 ADOPTED:

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Kimberly Robinson, Deputy Recorder

DRAFT

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Tentative Minutes
Spanish Fork City Council Meeting
January 23, 2007

Elected Officials Present: Mayor Joe L Thomas, Councilmember's G. Wayne Anderson, Matthew D. Barber, Steven M. Leifson, Chris C. Wadsworth, Commissioner's Del Robbins, Sharon Miya, Paul Bradford, Mike Christianson, Dave Lewis

Staff Present: Dave Oyler, City Manager; Junior Baker, City Attorney; Dave Anderson, City Planner; Richard Heap, Public Works Director; Kent Clark, Finance Director; Kimberly Robinson, Deputy Recorder

Citizens Present: Richard Harris, Bart Boggess, Lee Kapaloski, Chris Grow

CALL TO ORDER

Mayor Thomas called the meeting to order at 6:04 p.m.

Development agreement with Tenedor LLC

Mr. Baker explained the agreement between Tenedor LLC, and Spanish Fork City.

Councilman Anderson made a **motion** authorizing the Mayor to execute the contract in behalf of Spanish Fork City with Tenedor LLC. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Work Session

Mr. Anderson explained the next step after this will be in a public hearing to amend the growth boundary. He then gave an update regarding the areas to be included in the growth boundary amendment.

Councilman Wadsworth asked for clarification on the four (4) areas they discussed.

Mr. Anderson explained the different areas and why they were chosen. He stated the city is not without sympathy knowing most of the property owners would like to have their property within the growth boundary. There will be property owners in the future that will be petitioning the City to be included in the growth boundary.

Councilman Andersen said the properties closest to the freeway would be the most valuable and should be developed first.

Councilman Wadsworth asked for a discussion in the future to discuss the regional wastewater treatment facility.

Mr. Oyler asked if this was the direction the Council and Commission would like to go.

The Council and Commission are in agreement this is the direction they want to go for the growth boundary.

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Councilman Wadsworth commended Mr. Anderson for his work on this project.

Master Plan Development for the City

Mr. Anderson explained they have made change recommendations to the ordinance.

Commissioner Lewis hopes when they are finished, they won't require a packet with pictures and layout to be in binder. He feels they can require as few as 10 acres instead of 20. He hopes in a master plan development, there is bonus density given for architecture, trails, parks, amenities, a creative element, and a miscellaneous category. He feels they should encourage master plan developments, and the developer should be rewarded for helping add amenities to the city.

Commissioner Christianson feels the first criteria to look at is under the purpose, it is difficult to measure innovative and imaginative. He feels they devalue the zoning when we give them extra density for creating a standard cookie cutter subdivision.

Mayor Thomas hopes that it is not always unique and creative, he feels as long as it is complimentary for the city and they can get some trails and amenities out of it.

Mr. Baker explained to encourage master plan development and create the opportunity for bonus density to be given not a lot but some extra density. That would allow them to weigh more options of what they would prefer to give bonus density and what they do not want to. He suggested that they create a set percentage of how much bonus density they will receive for certain things.

Discussion was made regarding what creative is and is not considered.

Mayor Thomas asked if they can enhance the pre-development meeting.

Mr. Anderson feels they can do more with the pre-development meetings.

Commissioner Miya feels the precedence and requirements that have been set are not something they are comfortable with, but they have to follow them.

Mr. Anderson explained the bonus density matrix.

Commissioner Robbins said they need to keep the categories separate and not award for both categories.

Commissioner Miya said active recreation should be kept as active recreation.

Councilman Leifson said as they go through the master plan subdivisions the homes all look the same, and he would like to see more emphasis on the architectural components of these homes.

93 Mayor Thomas said they must leave an option for the market to dictate.
94
95 Councilman Leifson stated it is quality that they want to require.
96
97 Commissioner Christianson asked if they can give bonus density for things they like and
98 be able to take away bonus density for things they do not want to see.
99
100 Mayor Thomas asked that there be bonus density awarded for energy efficiency.
101
102 Mr. Baker explained if there are things they don't like don't give points if there are things
103 they really like give a larger amount of points.
104
105 Mr. Anderson asked if they would like to have a program that is very rigid, black and
106 white, or that is more flexible for different ideas.
107
108 Commissioner Christianson asked that they pick 4 or 5 areas for bonus density that are
109 broad.
110
111 Councilman Leifson said to pick the things they would like to see happen and give bonus
112 density for them, it gives them flexibility and we get what we are looking for as a city.
113
114 Commissioner Miya feels architecture is an important category and wants something
115 given for landscaping the streets, yards, trees and fences. She feels recreation can go
116 together with open space and trails, it would allow for a very broad category.
117
118 Councilman Leifson feels they need to limit the categories and if the applicant wants
119 density they will be creative and use flexibility to try to get it.
120
121 Mr. Baker said we need to make sure it is possible to reach the maximum bonus density.
122
123 Commissioner Bradford feels the shouldn't award the top for everything that comes
124 along.
125
126 Mr. Anderson said they can't expect the developer to give more than they would
127 potentially make.
128
129 Commissioner Robins suggested a conservation category.
130
131 Commissioner Lewis suggested a recreation category.
132
133 Mr. Anderson explained each category will have a narrative description with some sort of
134 explanation of bonus density attainable.
135
136 Discussion was made to have one miscellaneous category not to include anything that
137 falls under one of the other categories.
138

139 Mr. Anderson explained with the idea of the narrative they explain what must be done to
140 qualify for the whole award.

141
142 Mayor Thomas asked if it would be of value for one miscellaneous category that will
143 have the ability to be a minus on the density bonus.

144
145 The Council and Commission like the idea of bringing it back to them for review.

146
147 Commissioner Robbins feels there are some places master plan developments should not
148 go.

149
150 Mr. Baker said they can identify the areas master plan developments can't be created in.

151
152 Mr. Anderson said there is nothing that addresses subdivision design yet.

153
154 Commissioner Christianson said it should be included in the purpose.

155
156 Mr. Anderson stated the current way it is set up the developers have a lot of money
157 invested before the City Council discusses the project.

158
159 Mr. Baker said they will have the ability to be vested in the project without vesting the
160 design they bring in.

161
162 The option of allowing a run through the Planning Commission and City Council was
163 discussed, or they can move forward with the traditional process.

164
165 Mr. Anderson said he would research how some other cities work their process for master
166 plan developments.

167
168 Commissioner Christianson suggested the matrix running total should not be
169 accumulative. He also would like to add the option of cash in lieu of parks.

170
171 Discussion was made regarding not giving density bonus for something that is already in
172 the standard.

173
174 Mr. Baker noted there could be some potential conflicts with the discretion to the matrix
175 that will be given.

176
177 Mayor Thomas stated there has not been input of the property owners of the acreage
178 within the growth boundary.

179
180 Councilman Leifson added they can do their best planning but it is driven by schools and
181 the market demands, they need to be flexible.

182
183 **ADJOURN:**

184

185 Councilman Leifson made a **motion** to adjourn from the work session to executive
186 session for land use issues. Councilman Barber **seconded** and the motion **passed** all in
187 favor at 8:07 p.m.

188

189 ADOPTED:

190

191

Kimberly Robinson, Deputy Recorder

DRAFT

RESOLUTION 07-01

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 NO. 07-01

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$20,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2007, OF SPANISH FORK CITY, UTAH FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF THE ACQUISITION AND CONSTRUCTION OF A NEW PUBLIC SAFETY AND DISTRICT COURT BUILDING, PARK AND RECREATION IMPROVEMENTS, PUBLIC INFRASTRUCTURE AND WATER, SEWER AND ELECTRIC UTILITY IMPROVEMENTS AND RELATED LAND AND EQUIPMENT; CALLING A PUBLIC HEARING AND ESTABLISHING A TIME, PLACE AND LOCATION FOR SAID PUBLIC HEARING; PROVIDING FOR PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR A PLEDGE OF SALES TAX REVENUES FOR REPAYMENT OF THE BONDS; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE RUNNING OF A CONTEST

PERIOD; EXPRESSING AN INTENT TO REIMBURSE; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the City Council (the "Council") of Spanish Fork City, Utah (the "Issuer"), has authority to issue its Sales Tax Revenue Bonds, Series 2007 (or such other series designation(s) as may be determined by the Issuer) (the "Bonds") for the purposes set forth herein; and

WHEREAS, the Issuer desires to issue the Bonds to (i) finance the acquisition and construction of a new public safety and district court building and related land, equipment and improvements and park and recreation improvements, public infrastructure and water, sewer and electric utility improvements and related land and equipment (collectively, the "Project") and (ii) fund any necessary reserves and pay costs of issuance of the Bonds; and

WHEREAS, the Act provides that prior to issuing bonds secured by excise tax moneys, an issuing entity must (i) give notice of its intent to issue such bonds and (ii) hold a public hearing to receive input from the public with respect to the issuance of the bonds; and

WHEREAS, the Issuer desires to call a public hearing for this purpose and to publish a notice of such hearing, including a notice of bonds to be issued, in compliance with the Act with respect to the Bonds; and

WHEREAS, the Issuer may expend amounts for costs of the above described improvements prior to the issuance of the Bonds and desires to express its intent that, to the extent it pays such costs, the Issuer be reimbursed for such costs from proceeds of the Bonds.

NOW, THEREFORE, it is hereby resolved by the City Council of Spanish Fork City, Utah, as follows:

Section 1. The Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than twenty million (\$20,000,000) aggregate principal amount of its Bonds, to bear interest at a rate or rates of not to exceed six and one-half percent (6.5%) per annum, to mature in not more than twenty-two (22) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof for the purpose of (i) financing all or a portion of the costs of the Project and (ii) funding any necessary reserves and paying costs of issuance, all pursuant to this Resolution, a resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds (herein referred to as the "Final Bond Resolution"), and pursuant to a General Indenture (the "General Indenture") and First Supplemental Indenture of Trust (the "First Supplemental Indenture," and collectively with the General Indenture, the "Indenture") (the forms of which were before the Council at the time of adoption of this

Resolution), and the Council hereby declares its intention to issue the Bonds according to the provisions of the Indenture and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby directs officers and staff of the Issuer to proceed with the preparation of any offering material, if needed, for the sale of the Bonds and to make other necessary preparations for the issuance and sale of the Bonds.

Section 3. The Issuer proposes to pledge 100% (i) the Local Sales and Use Tax revenues received by the Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended and (ii) the Municipal Energy Sales and Use Tax revenues received by the Issuer pursuant to Title 10, Chapter 1, Part 3, Utah Code Annotated 1953, as amended.

Section 4. The Issuer hereby authorizes and approves the issuance and sale of the Bonds pursuant to the provisions of this Resolution, the Indenture, and the Final Bond Resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds, with such changes to said Indenture as shall be approved by the Council upon the adoption of the Final Bond Resolution.

Section 5. The Issuer shall hold a public hearing on March 6, 2007 to receive input from the public with respect to the issuance of the Bonds, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is first published, such notice to be published once a week for two consecutive weeks in the Spanish Fork News, a newspaper of general circulation in the Issuer. The City Recorder shall also cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Issuer's principal offices for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the last date of publication thereof. The Issuer directs its officers and staff to publish a "Notice of Public Hearing and Bonds to be Issued" in substantially the following form:

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN that on Tuesday, February 6, 2007, the City Council (the "Council") of Spanish Fork City, Utah (the "Issuer") adopted a resolution (the "Resolution") declaring its intention to issue its Sales Tax Revenue Bonds, Series 2007 (the "Bonds") pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, and to call a public hearing to receive input from the public with respect to the issuance of the Bonds.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on March 6, 2007 at the hour of 6:00 p.m. at the Issuer's offices at 40 South Main, Spanish Fork, Utah. The purpose of the hearing is to receive input from the public with respect to the issuance of the Bonds. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING BONDS

The Issuer intends to issue the Bonds for the following purposes: (i) financing the acquisition and construction of a public safety and district court building and related land, equipment and improvements, and park and recreation improvements, public infrastructure and water, sewer and electric utility improvements and related land and equipment and (ii) funding any necessary reserves and paying the costs of issuing the Bonds.

PARAMETERS OF THE BONDS

The Issuer intends to issue the Bonds in the principal amount of not to exceed twenty million dollars (\$20,000,000), to bear interest at a rate or rates of not to exceed six and one half percent (6.5%) per annum, to mature in not more than twenty-two (22) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof (i.e. maximum 2% discount from par).

EXCISE TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge 100% of (i) the Local Sales and Use Tax funds received by Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended and (ii) the Municipal Energy Sales and Use Tax revenues received by the Issuer pursuant to Title 10, Chapter 1, Part 3, Utah Code Annotated 1953, as amended, for repayment of the Bonds.

The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a General Indenture of Trust and a First Supplemental Indenture (collectively, the "Indenture"), both of which were before the Council at the time of the adoption of the Resolution and said Indenture is to be approved

Section 6. The Council hereby declares its intention and reasonable expectation to use proceeds of tax-exempt bonds to reimburse itself for initial expenditures for costs of the Project, in an amount not to exceed \$20,000,000. The Bonds are to be issued, and the reimbursements made, by the later of 18-months after the payment of the costs or after the Project is placed in service, but in any event, no later than three years after the date the original expenditure was made.

Section 7. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this 6th day of February, 2007.

(SEAL)

Mayor

ATTEST:

City Recorder

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

(SEAL)

Mayor

ATTEST:

City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF UTAH)

I, Kent R. Clark, the duly appointed and qualified City Recorder of Spanish Fork City, Utah (the "Issuer") do hereby certify according to the records of said Issuer in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the City Council held on February 6, 2007, including a resolution (the "Resolution") adopted at said meeting as said minutes and Resolution are officially of record in my possession.

I further certify that the Resolution, with all exhibits attached, was deposited in my office on February 6, 2007, and that pursuant to the Resolution, there will be published once each week for two consecutive weeks in the Provo Daily Herald, a newspaper having general circulation in the Issuer, a Notice of Public Hearing and Bonds to be Issued, the affidavit of which publication will, upon availability, be attached hereto.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said Issuer, this _____ day of _____, 2007.

(SEAL)

City Recorder

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Kent R. Clark, the undersigned City Recorder of Spanish Fork City, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the February 6, 2007 public meeting held by the Issuer as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the Issuer's principal offices on _____, 2007, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to the Provo Daily Herald, the Spanish Fork Press and the Spanish Fork News on _____, 2007, at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2007 Annual Meeting Schedule for the Issuer (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the Council to be held during the year, by causing said Notice to be posted on _____, 2007 at the principal office of the City Council and by causing a copy of said Notice to be provided to at least one newspaper of general circulation within the Issuer on _____, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this _____ day of _____, 2007.

(SEAL)

City Recorder

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

EXHIBIT B

GENERAL INDENTURE OF TRUST
AND
FIRST SUPPLEMENTAL INDENTURE OF TRUST

(See Transcript Document Nos. _____ and _____)

(attach Proof of Publication of Public Hearing
and Notice of Bonds to be Issued)