



CITY COUNCIL MEETING (Addendum)

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 **5:00 p.m. on March 6, 2007**.

AGENDA ITEMS:

1. WORK SESSION:

- a. City Council Work Session with Nebo School District – 350 South Main

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

- a. Pledge

3. PUBLIC COMMENTS:

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

4. COUNCIL COMMENTS:

5. CONSENT ITEMS:

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

- a. [Minutes of Spanish Fork City Council Meeting – January 16, 2007, February 2, 2007, February 3, 2007, February 6, 2007, February 20, 2007](#)
- b. [Saddle Dusters Contract Renewal](#)
- c. [Financial Advisory Services Agreement – Zions Bank Public Finance](#)

6. NEW BUSINESS:

- a. [Spanish Fork/Springville Airport Board Manager Contract](#)
- b. [A Resolution Ratifying an Amended Publication of a Notice of Public Hearing and Bonds to be Issued with Regard to the Proposed Issuance and Sale of not more than \\$22,000,000 Aggregate Principal Amount of Sales Tax Revenue Bonds, Series 2007, of Spanish Fork City, Utah; and Related Matters.](#)
- c. [Sewer Capacity Presentation – Bart Boggess](#)
- d. [North East Bench Annexation](#)
- e. [Christensen Annexation](#)
- f. [Seniors Parking Lot and Building](#)
- g. [Board and Committee Appointments](#)
- h. [Spanish Trails Final Plat Extension](#)

7. 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Tentative Minutes
Spanish Fork City Council Meeting
January 16, 2007

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

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

Citizens Present: Shirl Olsen, Mani Olsen, Gerry Hawkens, David Olson, Andrew VanNoy, Jeremy Duck, Geraldine Bingham, LaRue Petty, Nathan Simpson, Pat Garner, Bryan Jex, Shanna Besendorfer, Michael Besendorfer, Catherine Wahinehookae, Maris Grotegut, David Grotegut, Blanche Adams, Ken Welch, Jay Garlick, Paul Johnson, Pat Parkinson, Brian Hughes, Cal Hortin, Don Lagoon, Alex Phillips, McKay Sainsberry, Mande Webster, Lane Welch, Zachary Haycock, Nathan Vance, Logan Staheli, Hunter Hill, Kris Pace, Larry Welst, Rick Meyer, Hal Johnson, Madge Johnson, Farren ReFeure, Randy Giboney, Davin Walker, Brent Blas, Joshua Harding, Josh White, Tyler Higley, Brett Buhler, Alan Higley, Jeremy Higley, Austin Parsons, Brandon Jacquez, Skyler Allen, Dylan Roggeman, Dylan Allen, Chad Flake, Glenn A. James, Brent Bowers, Chris Snow, Chad McDonald, Brad Mackay, Greg Magleby

CALL TO ORDER, PLEDGE

Mayor Pro tem Barber called the meeting to order at 6:00 p.m.

Boy Scout Russell Smith lead in the pledge of allegiance

Layton Construction

Mr. Baker explained Mayor Thomas is out of town and Councilman Barber will be conducting the meeting as Mayor Pro tem.

Mike Daniels

Mr. Daniels is a partial owner of Layton Construction. He explained they plan to get started working on the Public Safety Building in the spring, and thanked the Council for the opportunity.

Councilman Sorensen made a **motion** authorizing the City to issue Layton Construction a notice of intent to proceed. Councilman Andersen **seconded** and the motion **passed** all in favor.

PUBLIC COMMENTS

Pat Parkinson

47 Ms. Parkinson expressed concern about the treatment of the applicant requesting access
48 to property from the city road. She feels they were brought before the Council for a
49 public flogging. She feels the whole discussion should have waited until the issue of the
50 property line was settled. She hopes that when the Council talks to them again they are
51 not quite so cruel this time.

52

53 Mr. Fox feels it's time to either make the golf course pay or quit transferring money to
54 subsidize it.

55

56 Mr. Olson disagrees with the gentleman. The swimming pool, golf course and parks are
57 part of the recreation package. He feels it is not even a question, when people move in
58 they look at what is offered in the community. He plays golf and feels the course is
59 something they need in the community. He feels these are items required for any city.

60

61 Kenneth Wilder

62 Mr. Wilder does not think they should subsidize the golf course. He does not think there
63 is enough people in this community that play golf.

64

65 **COUNCIL COMMENTS:**

66

67 Councilman Sorensen reported Thursday night they appointed the new Chamber of
68 Commerce Board, the new president is Karen Morris.

69

70 Councilman Leifson said the Airport Board will give a presentation at the next meeting.

71

72 Councilman Barber reported they have been working on the historic committee program.

73

74 Mr. Anderson explained the concept that the State Office of Historic Preservation is
75 offering funds to preserve and work on the restoration of homes in Provo. He would like
76 to see the same opportunity presented here in Spanish Fork.

77

78 Councilman Andersen feels it would be worthwhile to give property owners the
79 opportunities to preserve their homes.

80

81 Councilman Andersen asked if the projects include set areas of historical preservation.

82

83 Mr. Anderson said Provo City described a certain district and any property owner within
84 that district is able to participate in the program.

85

86 **PUBLIC HEARINGS:**

87

88 Councilman Sorensen made a **motion** to move to public hearing. Councilman Wadsworth
89 **seconded** and the motion **passed** all in favor at 6:15 p.m.

90

91 **Cobblestone Plaza General Plan Amendment and Zone Change**

92 Councilman Wadsworth made a **motion** to continue the public hearing to the next
93 Council meeting on February 6th 2007. Councilman Leifson **seconded** and the motion
94 **passed** all in favor.

95

96 **Pheasant Run General Plan Amendment**

97 Mr. Anderson explained the applicant has requested the General Plan be changed to 5 ½ -
98 8 ½ units per acre. The Planning Commission recommended the General Plan be changed
99 to allow for more density but not as much as the applicant is requesting. The DRC
100 recommend the density increase but not as much as the applicant is requesting. He
101 mentioned there is a piece of property between the applicants property and Highway 20
102 that is owned by the city, the DRC would like to see the city work out an exchange with
103 the developer to include the acreage with the development and keep it open space.

104

105 Jay Garlick

106 Mr. Garlick said this project has gone through 6 stages of evolutionary design at this
107 point. They originally designed it as a single family development to begin with but
108 utilities and roads has made it unable to do so. Also the water table is such that there will
109 be no basements, they feel they would like to do a development high in scale.

110

111 Mayor Pro tem Barber opened this item for public comment.

112

113 There was no public comment made.

114

115 Mr. Garlick explained the section that has the high pressure gas line would eliminate a
116 unit of the four-plex.

117

118 Paul Johnson

119 Mr. Johnson explained the DRC and Planning Commission looked at a plan that was
120 different and not as attractive as the one proposed.

121

122 Mr. Anderson stated the safest option is to remand it back to the Planning Commission
123 for them to reconsider.

124

125 Councilman Andersen said it works out to be about 7 ½ units per acre. He asked what
126 types of materials would be used on this project.

127

128 Mr. Garlick explained the project will have stucco, masonry, brick, and stone products.

129

130 Mr. Anderson said with the changes to the master plan development they will have to
131 make some upgrades to reach their desired amount.

132

133 Councilman Andersen feels it might be a better idea to send it back to the Planning
134 Commission for their review.

135

136 Mr. Garlick feels this project lends to the quality of the community with the upgrades and
137 recreational uses.

138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184

Councilman Barber explained the DRC and Planning Commission saw something different than the Council is seeing and he does not want to create a precedence. His opinion is, he is comfortable with moving forward.

Councilman Andersen agrees but added that the Council is looking for quality.

Councilman Sorensen agreed this will have to be a quality project.

Councilman Wadsworth said it needs to be considered that there are limitations on what can be done on this piece of property and he is willing to be more supportive for higher end density housing.

Councilman Sorensen said there are a lot of single-family dwellings that tend to be on the higher end of cost and this helps mix up the types available.

Councilman Barber made a **motion** to approve the proposed General Plan Amendment at approximately 300 West Volunteer Drive, changing the General Plan Map from General Commercial/Residential 3.5 to 4.5 units per acre to General Commercial/Residential 4.5 to 5.5 units per acre based on the following findings:

Findings:

1. That the proposed designation would not create an incompatible land use arrangement.
2. That the increased need to allocate sewer connections for this property can be accommodated without significantly impacting the City's current objectives.
3. That the configuration of the subject properties is conducive to the type of development that is being contemplated with the proposed amendment.

Councilman Leifson **seconded** and the motion **passed** all in favor.

Westfield's Development Zone Change

Mr. Anderson explained this is a zone change request before them tonight and there is no specific development proposal that is being reviewed at this time. The General Plan currently designates the subject properties as General Commercial and the applicants request is consistent with the General Plan. There have been a few specific concerns raised relative to the request. There were concerns that UDOT has had proposals to realign the exchange but UDOT has proposed changes that are within the UDOT right of way.

Mr. Heap explained there is no proposals that will affect the North Park project.

Mr. Anderson addressed concerns of traffic in the area. Part of the development review process involves the applicant doing a site specific traffic study and recommendations will be made. They are not at a point tonight to speak in detail on what the impacts would be. He also touched on the process any development would have to go through this stage and then on to construction. Should the Council approve the zone change the applicant has a couple of options. Before they can start construction they must receive site plan

185 approval. It is customary for developers that they sell different pieces of the property to
186 people and they will have to go through the Planning Commission and public hearing
187 process for a subdivision. The Planning Commission recommended this zone change be
188 approved.

189

190 Richard Mendenhall

191 Mr. Mendenhall said the application complies with the General Plan, the understanding is
192 that the park will be reconfigured into a section of the new zone. He explained why the
193 project will be in that location and not somewhere else. They anticipate the properties
194 will be used for retail purposes, they recently finished a project in American Fork and it
195 is very tenant driven. He explained the tenants choose the sites, and they would like the
196 areas accessible from I-15 and Highway 6. They hope the development that happens here
197 will help to revitalize the areas on the other side of Highway 6.

198

199 The Council opened this agenda item for public comments.

200

201 Blanche Adams

202 Ms. Adams has lived here 14 years on the corner of 1000 North, 400 East. She has been
203 able to look out over park, and look at many views in the valley. She understands their
204 way of life is in the Councils hands. She asked that the developer be watched when they
205 build, she does not want to look out her window and see a big fence, or dumpsters, she
206 feels somebody needs to watch the project.

207

208 Dave Olson

209 Mr. Olson has no problem with the development but has a problem with the area
210 designated for the park. The concern is with the relocation of the park and picnic area, he
211 hopes there will be something set aside for the parks before there is any approval given.
212 He would like to hear where they will be located.

213

214 Chris Snow

215 Mr. Snow lives in the house on the end of the development, as far as the road goes he
216 feels it is already a mess, if someone is willing to help fix it they should do it. They will
217 not be taking the park away they will be moving it. He wants his kids safe, if they want to
218 do a development. When they first approached him about buying his home he
219 investigated Westfield's, they have a good track record and when they say they will do
220 something he believes them. The ball parks need money and the city has to get revenue to
221 take care of it, we have some of the best parks in the state, but they aren't free.

222

223 Larue Pay

224 Ms. Pay lives on 900 North and 500 East, like Ms. Adams she has accepted the fact the
225 Council will do something and it is a prime place for commercial development. She feels
226 they need an ordinance that gives guidelines for what they build there. It is frightening to
227 her that this will be out of their hands once approved. She would like to see requirements
228 that these developments be built into something nice not just give them a free hand to
229 build whatever they want. We are a city of pride and progress and she hopes it will be
230 taken seriously.

231

232 Sharon Jensen

233 Ms. Jensen lives in the trailer park. Her and her husband are both in school. They do not
234 mind the development coming. They talked to the Westfield property, but as far as they
235 know they will not be getting what they paid for their trailer. For a couple of college
236 students if the trailer will not be movable they will be out the money and have no where
237 to go.

238

239 Mage Johnson

240 Ms. Johnson lives at 391 East 900 North she built her home before the park was there.
241 She voted for the park to come in, she voted for the Thomas trailers to come in, her
242 children and grandchildren grew up in the park and they like it the way it is. How many
243 of the businesses that locate there will receive a tax break and for how long. They are
244 against moving the park. They have a question about how satisfied the city will be with
245 this development, and if the development will be brought out further. The taxes have
246 increased on her lot almost double. They have a good neighborhood and feel it will
247 disappear, she understands the city needs revenue and homes do not bring in revenue, but
248 they do not want to move the park.

249

250 Geraldine Bingham

251 Ms. Bingham lives at 880 North 500 East she said the people that live in that
252 neighborhood don't want the park moved they like it the way it is. It's not about money it
253 is about the safety and livelihood in that area. Please understand they don't want them to
254 take the park.

255

256 Glenn James

257 Mr. James lived in the North Park area for 10 years before they built the freeway. He is
258 concerned about the impact this will have on those in the area, and how the developers
259 are going to mitigate those impacts. He is not against economic development. He stated
260 developers look for location. It is going to cost a fortune to mitigate the traffic problems,
261 He feels if it will be developed they should go in with smaller businesses. They need to
262 consider the impact on the citizens.

263

264 Jamie Garner

265 Ms. Garner lives at 265 East 400 North she takes her granddaughter to the park. She
266 asked what is to prevent the park by the library from developing in the future. They can't
267 get the existing local jobs hired here how are they going to get staff for the big box stores.
268 They need to think about the kids and the future, not just the cities pocket now.

269

270 Dave Grotegut

271 Mr. Grotegut realizes putting the park up in the north corner is moving it away from
272 everyone. He submitted a drawing for an alternative design. He feels they need to put
273 some kind of condition on this particular change in zoning that would not allow them to
274 just move the park without consent of others in the city.

275

276 Councilman Wadsworth asked for ideas on the traffic issues.

277

278 Mr. Mendenhall said any commercial development plan will involve a traffic report and
279 then they will make changes and suggestions. The changes will help mitigate the existing
280 issues for traffic in that area.

281

282 Mr. Mendenhall said it will have a large architecture development. The Meadows in
283 American Fork will be a minimum standard for this project. They expect to have higher
284 requirements for landscaping and the municipal park facility. Their goal is to make a
285 landmark development that the city can be proud of.

286

287 Councilman Wadsworth asked about the standards the city currently has in place.

288

289 Mr. Anderson explained the language they currently have in the General Plan is only
290 advisory, they do not have a great deal of standards required for a development like this.

291

292 Councilman Wadsworth feels they need to work to create standards for pride and
293 progress.

294

295 Mr. Anderson said standards such as look and feel have not been discussed. He also
296 added that there are not requirements in place to require a certain architecture and feel.

297

298 Councilman Wadsworth asked from this step where the Council goes to ensure the
299 development is as they would like to see.

300

301 Councilman Andersen stated they have already seen conceptual plans for this project and
302 are not in the dark.

303

304 Mr. Mendenhall said they create a product that conducts successful tenancy so they keep
305 it for a very long time. They are happy to have the Council look at the architectural
306 concepts and sight plans. They need zoning in place because they can't spend the money
307 for plans and tenants. They are happy to try to accommodate what the Council wants for
308 the future. The tax that benefits the community is retail and they want to create a timeless
309 project. He explained the agreement with the Thomas family, they have expressed
310 concern for the trailer park tenants and one of the contingencies in the agreement is under
311 zoning they will be addressing each tenant individually. The current landlord is trying to
312 work with the tenants and there is an allowance made and they are able to address this
313 once zoning is determined.

314

315 Councilman Leifson said the ball parks are brought up, they have accelerated building at
316 the sports park. There will be a little league four-plex and the soccer fields have been
317 accelerated to accommodate until they can create new ones in the North Park area. They
318 are addressing the parks issues.

319

320 Councilman Wadsworth stated they will have a significant gain for open space.

321

322 Councilman Sorensen stated there was a comment about why property taxes were raised.
323 The County went through this last year and all the properties assessed for a higher value.
324 The money taken has the majority of it going to the school district.

325
326 Ms. Bingham commented that she would like to see the development move across
327 Highway 6.

328
329 Natalie Daily
330 Ms. Daily lives in the trailer park. She said they would like to get fair value for their
331 homes.

332
333 Councilman Barber said the developer has addressed the issues.

334
335 Ms. Adams asked if it would be smart to build something more like the riverwoods in this
336 area. She feels it would be more attractive and make it more attractive for the larger
337 stores to go across the Highway.

338
339 Ms. Parkinson commented about the park and does not know if there is any good answer
340 she does not understand why they would put the park behind businesses and by the
341 freeway.

342
343 Councilman Wadsworth appreciates everyone's input, they have tried to be open and
344 present potential ideas. He appreciates the response of all the citizens. He wishes that it
345 wouldn't take an issue like this for them to get involved. Staff has been very good about
346 forwarding all the opinions expressed regarding this project. He noted if you actually go
347 look at the Utah State Constitution they are promoting the general welfare, they meet the
348 needs of the largest base of citizens. The Supreme Court decisions have concluded
349 developers, and private property owners have a right to develop the property and we need
350 to respect that and support it. The arguments that have been made by some that are in
351 favor, are if they don't control the development as they wish businesses could go to other
352 cities that could be a net loss of jobs, also there are benefits that come from those jobs,
353 we want to keep those revenues here. A tax base is required to maintain the current
354 quality of life, it takes money to maintain facilities, property tax does not do that. In order
355 to maintain the quality of life it takes revenue. It decreases individual tax burdens of the
356 city, increased revenues benefits the communities for more green space. Many citizens
357 come down to North Park and have to get in their car and drive.

358
359 Councilman Sorensen appreciates the input, they have stacks of input from people and
360 the majority is very positive and well thought out. All the issues presented over the last
361 few months are things they have talked about over the last few years. Weighing the pros
362 and cons and weighing what is in the best interest of the of the community. He feels
363 comfortable with the project proposed.

364
365 Councilman Andersen feels why can't it just be black and white. Over the last year he has
366 seen the conceptual drawings and thought it over and walked the area and imagined the
367 things that are going to take place. He is absolutely convinced the park that will be there

368 will be so much better than what we currently have in place, plus the developments going
369 in are what people would like to see. He is convinced this project is absolutely needed for
370 this community, and feels it will be positive, if he did not think that, he would not be in
371 support of it. He thinks this is right for the community.

372
373 Councilman Barber knows the perception is they do not listen to the citizens. The tough
374 part is they hear each of them, the responsibility they have is to listen to everyone and
375 make the decision that is best for the community now and in the future. In this case as
376 they have gone through this process they have listened, safety, pedestrians, park
377 relocation, are all concerns of theirs which will have to be addressed in the future, they
378 will do everything they can to make sure that happens. There are a lot of references about
379 money, this is not about money to the city entity or the developer, the growth they
380 experience and the quality of life they enjoy in the very near future will have to be cut or
381 the burden will be back on the citizens. We must have commercial development or it will
382 go somewhere else. It's about money in each citizens pockets, this will maintain and
383 improve the quality of life they enjoy now and in the future. Some comments have been
384 made about tax incentives and tax breaks and that is partly because there are not tenants
385 signed up for the businesses. He feels this project will change the face of Spanish Fork
386 for the better and we are the city of pride and progress and this will show they have
387 thought forward for our community.

388
389 Councilman Leifson echo's the comments of the Council. He was born and raised in
390 Spanish Fork and has seen a lot of changes, there are tough decisions that have to be
391 made for everyone, they do hear the comments, his feeling is this will be a good situation
392 for the city. These developers spend a lot of money and the businesses that come in spend
393 a lot of money making their businesses look appealing, he wants to see something that
394 will be a benefit to the city that will look good and they can be proud of especially the
395 park, he hopes to make it be a standard throughout the county. He has a commitment to
396 make sure this project becomes a higher standard.

397
398 Councilman Andersen made a **motion** to approve the proposed Westfield Properties Zone
399 Change request, changing the zoning at approximately 1000 North 400 East (North Park and
400 surrounding properties) from R-1-6 to Commercial 2 (C-2), based on the following findings:

401
402 **Findings:**

- 403 1. That the proposed Zone Change is consistent with the General Plan designation.
404 2. The economic development of the City for the next 20-30 years will hinge upon this
405 commercial development based upon the perspective that retail uses coming either here or to
406 another City will impact the growth in this area for a long time to come.

407
408 Councilman Leifson **seconded** and the motion **passed** all in favor.

409
410 Councilman Andersen made a **motion** to recess the meeting for 5 minutes. Councilman
411 Barber **seconded** and the motion **passed** all in favor at 8:30 p.m.

412
413 The meeting reconvened at 8:39 p.m.

414

415 **Spanish Highlands North Zone Change**

416 Mr. Anderson said the proposed zone change is consistent with the General Plan. The
417 current zoning is R-R, the applicant would like it changed to R-1-12. The Development
418 Review Committee and Planning Commission recommend approval of the zone change.

419
420 This item was opened for public comment.

421
422 There was no public comment made on this subject.

423
424 Councilman Sorensen made a **motion** to approve the proposed Spanish Highlands North
425 Zone Change Request, changing the zoning at 150 North 1700 East to R-1-12, based on the
426 following findings:

427
428 **Findings:**

- 429 1. That the proposed Zone Change is consistent with the General Plan designation.
430 2. That it is consistent with the surrounding zoning.

431
432 Councilman Leifson **seconded** and the motion **passed** all in favor.

433
434 **Spanish Highlands North Preliminary Plat**

435 Mr. Anderson explained the development is similar to the Spanish Highlands
436 development. The applicant is requesting this as a master plan development and the
437 approved density matrix was shown.

438
439 Councilman Wadsworth asked why Commissioner Christianson voted Nay in the
440 Planning Commission vote.

441
442 Mr. Anderson said Commissioner Christianson has concerns with the master plan
443 ordinance, he feels the developers have not offered the amenities they need to, he did not
444 feel the lot layout and design layout fit the wording in the ordinance.

445
446 Councilman Wadsworth is impressed with what LEI has done on this project and feels
447 this has raised the bar for developers and how they present the neighborhood meetings.

448
449 Councilman Leifson made a **motion** to approve the proposed Preliminary Plat for Spanish
450 Highlands North based on the following findings and subject to the following conditions:

451
452 **Findings:**

- 453 1. That the proposed Preliminary Plat conforms to the City's standards for Master Planned
454 Developments in the R-1-12 zone.
455 2. That the proposed features warrant the requested density bonus.

456 **Conditions:**

- 457 1. That the Engineering issues on 150 North be addressed.
458 2. That they obtain letters of approval from UDOT and East Bench Irrigation companies.
459 3. That any Center Street addresses be changed.
460 4. That any Power Department issues be addressed, including the SESD power being bought out.
461 5. That the applicant construct the trail on the development's property.
462

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

464

465 Brad Mackay

466 Mr. Mackay said he appreciates all the staff and the work and effort put into this it's been
467 a great experience.

468

469 **Summers Ridge Town Homes**

470 Mr. Anderson explained the situation of the dwelling units and the applicant's request.

471 His perspective is the same as the DRC and it is believed that dwellings are better when
472 occupied by owners and not renters. This would potentially allow for these structures to
473 be owner occupied. He recommends the City Council approve the preliminary plat based
474 on the requirements given by the Planning Commission.

475

476 Rick Meyer

477 Mr. Meyer is the developer and said they have been actively engaged in meeting the city
478 codes, they have been working on resolving the fencing issues as well.

479

480 This item was opened for Public Comments.

481

482 Clay Grant

483 Mr. Grant owns property adjacent to the proposals. He has mixed feelings because he
484 does not want a lot of condominiums, and does not want the option for a bunch of four-
485 plexes becoming condominiums. He worries how the interior walls are because it was
486 built so long ago and the codes have changed.

487

488 Councilman Wadsworth stated Mr. Grant brought up a good point, there are issues
489 converting to condos and maybe what is being overlooked is that there needs to be
490 affordable housing in this city, and feels this would be an affordable project.

491

492 Councilman Wadsworth made a **motion** to accept the proposed Preliminary Plat for
493 Summers Ridge subject to the following conditions:

494

495 **Conditions:**

496 1. That the buildings themselves not be enlarged in order to cause a non-conforming structure.

497 2. That they make any necessary modifications to meet the current Building Code.

498 3. That they include covered parking according to the City's ordinance.

499 4. That they meet the requirements of the City code on fencing.

500 5. That they remove any obstruction that is encroaching on any adjacent properties.

501

502 Councilman Barber **seconded** and the motion passed by a roll call vote. Councilman
503 Leifson and Sorensen voted Nay.

504

505 The Council took a break at 9:14 p.m.

506 The meeting reconvened at 9:32 p.m.

507

508 **Proposed Revision to Title 15 of the Municipal Code**

509 Mr. Anderson explained this change and listed the two specific criteria that must be met.
510 The planning Commission recommends approval of the changes as proposed.

511
512 This item was opened for public comment.

513
514 Ms. Parkinson understands the only protection the city has is that they have to be a 20
515 acres in size. She is concerned about changing a rule to accommodate a single
516 development instead of the city as a whole.

517
518 Discussion was made regarding the requirements for Master Plan Developments.

519
520 Councilman Andersen made a **motion** to approve the changes proposed to Title 15.
521 Councilman Wadsworth **seconded** and the motion **passed** all in favor.

522
523 **Maple Mountain Preliminary Plat**

524 Dave Anderson explained the DRC and Planning Commission recommend approval.
525 They are working with the developers to reroute access so it's not onto the busy streets.

526
527 This item was opened for public comment.

528
529 Maris Grotegut

530 Ms. Grotegut's main concern is the new standard for the trail requirement. She feels it
531 seems incongruent with the way things are done throughout the city. Her concern is in her
532 front yard, are they going to make the area look nice and keep it maintained.

533
534 David Grotegut

535 Mr. Grotegut said they were trying to hold to the 15,000 foot lot allowable. He would like
536 to see the trail moved to the frontage of their house. The standards of 28 feet and the 24
537 feet are now a fixed 14 foot frontage that has to be taken. He would like the Council to
538 consider the requirements of the trail based on where the requirements will be.

539
540 Mr. Anderson explained the 24 foot trail easements and how they work.

541
542 Greg Magleby

543 Mr. Magleby explained the only other access granted will be interior besides the
544 Grotegut's home. This gives them the opportunity to have the density be where it needs
545 to be.

546
547 Councilman Wadsworth excused himself early at 10:24 p.m.

548
549 Mr. Magelby said they feel they are taking care of the needs of the community.

550
551 This item was opened for public comments.

552
553 Councilman Barber asked Mr. Grotegut why he would want to be excluded from building
554 a trail.

555

556 Mr. Grotegut is concerned with the trail width they are being required to give. He doesn't
557 understand how they can take his property away because they are considered part of a
558 subdivision.

559

560 Mr. Heap stated they have a circular drive that allows them to not have to back out onto
561 the busy road.

562

563 Councilman Leifson feels the trail system should stay as they have approved it.

564

565 Councilman Leifson made a **motion** allowing for an additional lot 346, subject to the
566 following findings and conditions:

567

568 **Findings:**

569

1. That the development is consistent with the General Plan, and is in the best
570 interest of the city.

571

2. That the Master Planned Development Arranges the Density in a preferred
572 manner.

573

573 **Conditions:**

574

1. That the access from the two existing homes onto 400 North be allowed, as long
575 as they maintain circular driveways.

576

2. That the 24-foot trail standard be followed on 400 North.

577

3. That they address any Electrical Department Concerns prior to Final Plat
578 Submittal.

579

4. That they address any Engineering Department concerns prior to Final Plat
580 Submittal.

581

5. That they obtain letters of approval from UDOT and East Bench irrigation
582 companies.

583

6. That the new lots fronting major collector roads be removed.

584

7. That any Center Street addresses be changed.

585

8. That they allow on the two existing homes an engineer label for a wall with
586 pillars.

587

9. Based on the fact that it moves the density that is preferred, and gives lots in a
588 location where the larger lots are preferable.

589

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

591

592 **Impact Fee Analysis & Enactment Ordinance**

593

Mr. Clark explained the analysis. He explained they did a survey of all the impact fees
594 from cities around the County and State.

595

596 This item was opened for Public Comments.

597

598 There was no public comment made on this item.

599

600 Councilman Leifson made a **motion** to approve the Impact Fee Analysis and Enactment
601 Ordinance. Councilman Sorensen **seconded** and the motion **passed** all in favor.

602

603 **FY07 Budget Revision**

604 Mr. Bowcut noted in the IS budget they will not hire someone until the Council gives
605 Direction to move forward.

606

607 Mr. Heap said they will be adding a new inspector, moving the part-time secretary to full-
608 time also adding an Assistant City Engineer. He noted that in the Spanish Trails
609 development the city agreed to pay ½ the piping costs.

610

611 Mr. Robinson said the reservoir pavilion has increased cost for the site, they also did the
612 land purchase at gravel pit. They propose a new full-time leadworker, full-time special
613 events coordinator, the golf cart lease out bid came in higher than before and will be
614 \$30,000 for the GPS system for carts. They are building the new soccer complex, he
615 noted that our long time golf professional will be retiring as of March 1, 2007.

616

617 Roy Christensen

618 Mr. Christensen reviewed the golf rate proposals.

619

620 The Council expressed their thanks for the years of service Mr. Christensen has given.

621

622 Mr. Christensen explained the daily fees will be raised and the dates for the season pass
623 have been adjusted.

624

625 Mr. Oyler explained the parks and recreation fee changes, for the high chaparral and stall
626 rentals.

627

628 Mr. Robinson is currently conducting a study to analyze the group lesson fee for
629 swimming.

630

631 Mr. Rosenbaum will be adding a Code Enforcement officer they will also create another
632 full-time secretary position to help with billing.

633

634 Mr. Oyler said there were minor adjustments for plan check fees and site plan reviews,
635 some went up and some went down. The General Fund Revenue is adjusted with the sales
636 tax increase and building inspections are going up substantially from the original budget.
637 There were some changes to interest bearing, and grant money.

638

639 Councilmember Barber commented on the information regarding the transfer to the golf
640 course.

641

642 This item was open for public comment.

643

644 There was no public comment given on this item.

645

646 Councilman Sorensen made a **motion** to approve the FY07 budget revision. Councilman
647 Anderson **seconded** and the motion **passed** all in favor.

648
649 Councilman Leifson made a **motion** to move out of the Public Hearing. Councilman
650 Sorensen **seconded** and the motion **passed** all in favor at 11:19 p.m.

651
652 **CONSENT ITEMS**

653
654 Minutes of the Spanish Fork City Council – October 26, 2006, December 19, 2006

655
656 Councilman Sorensen made a **motion** to approve the consent items. Councilman Leifson
657 **seconded** and the motion **passed** all in favor.

658
659 **NEW BUSINESS**

660
661 **Harvest Ridge Preliminary Plat**

662 Mr. Anderson explained the proposal and stated it does conform to the city standard.

663
664 Councilman Sorensen made a **motion** to approve the proposed Preliminary Plat for Harvest
665 Ridge subject to the following conditions:

666
667 **Conditions:**

- 668 1. That lot number nine (9) be resized in order to be wider.
669 2. That curb and gutter be extended to 1400 East during the first phase of construction.
670 3. That they install curb and gutter and grant the appropriate easement along 1400 east.
671 4. That they work with the Electric Department in putting the power underground throughout the
672 plat.
673 5. That they meet the City's Construction and Development Standards.

674
675 Councilman Leifson **seconded** and the motion **passed** all in favor.

676
677 **Academy Park**

678 Brian Hughes

679 Mr. Hughes has cleared up the title issues, and the staking of the property lines, he feels
680 they have met everything required by the Council.

681
682 Councilman Barber Made a **motion** to approve the proposed Academy Park Zone Change
683 request, changing the zoning at approximately 1200 South Del Monte Road from Rural
684 Residential to R-1-12 and R-1-15, based on the following finding and subject to the following
685 conditions:

686
687 **Finding:**

- 688 1. That the proposed Zone Change is consistent with the General Plan designation.

689 **Conditions:**

- 690 1. That they construct a berm with a six-foot concrete wall on top of it to produce a sound barrier
691 between
692 the development and the mill.
693 2. That the property being rezoned matches property lines.

694

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

696

697 Councilman Andersen made a **motion** to approve the proposed Preliminary Plat for the
698 Academy Park North based on the following finding and subject to the following conditions:

699

700 **Finding:**

701 1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-
702 1-12 zone.

703 **Conditions:**

704 1. That the applicant provide a preliminary title report.

705 2. That the applicant incorporate the property to the north triangle into the plat.

706 3. That the applicant work with the Power Department on the power issues including working
707 around the SESD line easement.

708 4. That the applicant place a berm with a masonry wall on the west border adjacent to the Leland
709 Mill.

710 5. That the applicant relocate the utilities on the west end into the location they are suppose to be.

711 6. That the applicant redraft the legal description to the easement.

712 7. That a note be placed on the plat indicating that because it is adjacent to an industrial area that
713 there will be noise and dust issues, and subject to the language being refined.

714 8. That the development meet the City's construction and development standards.

715 9. That the applicant submit a corrected electronic version.

716 and authorize and Mayor to sign quit claim deed, and make road perpendicular to west
717 park drive.

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

719

720 Councilman Andersen made a **motion** to accept proposal for preliminary plat for
721 Academy Park South to be rezoned from RR- R-1-15 and based on the configuration of
722 plats this afternoon plus conditions listed

723 approve the proposed Preliminary Plat for the Academy Park South based on the following
724 finding and subject to the following conditions:

725

726 **Finding:**

727 1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-
728 1-15 zone.

729 **Conditions:**

730 1. That the applicant change the existing power over from SUVP to Spanish Fork remove SUVP
731 power

732 poles and work with the Power Department on providing a more efficient and effective service to
733 the seminary and MATC auto shop.

734 2. That the applicant provide a preliminary title report.

735 3. That the development meet the City's construction and development standards.

736 4. That the applicant submit a corrected electronic version.

737

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

739

740 **Citizen Request for Access from City Property (Chad McDonald)**

741 Mr. Anderson explained the different options. One option is to asphalt an 8 ft driveway
742 on their property to the garage. The second option is to grant them access to the property

743 to the south, and they participate in the cost of 8 ft of asphalt, and enter into a lease
744 agreement to access the property. The last option requires the McDonalds to do the full
745 24 feet of asphalt required to be a public road.

746
747 Ms. McDonald apologized they did not mean to be contentious they just have some
748 concerns and if they have caused injury she would like to know how they can make it
749 better. They are willing to compensate the city for the cost of the fence they took down.
750 They would like to help mitigate the expenses of the use of the driveway. They
751 understood the city did not have to pay anybody anything until the McDonalds cut the
752 hole in the fence. They are not trying to cause anyone to pay out any money. If they leave
753 it the way it is she will offer to put pea gravel and have it compacted and will pay the
754 monetary value of the fence. She is open to leasing the property as another option.

755
756 Mr. Baker explained the problem with the McDonalds proposal is the standard the city
757 requires. There is a problem telling a number of people they have to meet the standard
758 but not making others conform.

759
760 Ms. McDonald does not see a reason why the city cannot continue to grandfather the
761 access like they have been doing.

762
763 Mr. Heap reminded that the city has required property owners to hard surface 200 feet
764 back from any public street.

765
766 Councilman Andersen feels the cleanest way is to put the access on their own property,
767 there will never be a conflict if it is done that way.

768
769 Councilman Sorensen feels that is the cleanest and easiest way to resolve this, to have
770 them put the access on their property.

771
772 Councilman Leifson stated that originally the driveway was proposed on their own
773 property, he agrees with the rest of the Council that the cleanest way to do this is to have
774 them build it on their own property like originally proposed.

775
776 Councilman Barber made a **motion** to approve option one of the memo giving them until
777 October 15, 2007 to put the driveway on their own property, and they can continue access
778 as they currently do until that point. Councilman Leifson **seconded** and the motion
779 **passed** all in favor.

780
781 **ADJOURN:**

782
783 Councilman Leifson made a **motion** to adjourn to executive session to discuss land use.
784 Councilman Sorensen **seconded** and the motion **passed** all in favor at 12:08 p.m.

785
786 **ADOPTED:**

787
788

Kimberly Robinson, Deputy Recorder

1
2
3
4
5
6
7
8
9

Tentative Minutes
Spanish Fork City Council Meeting
February 2, 2007

10 The meeting was called to order at by Mayor Joe L Thomas at 3:26 p.m.

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

13 Staff Members Present: Dee Rosenbaum, Public Safety Director; Richard Heap, Public
14 Works Director; Kent Clark, Finance Director; Junior Baker, City Attorney; Dave
15 Anderson, City Planner; Dale Robinson, Park and Recreation Director; Dave Oyler, City
16 Manager; Seth Perrins, Assistant City Manager; Kimberly Robinson, Deputy Recorder

17 Citizens Present: None

18 **A. Finance/Administration/Budget – Kent Clark**

19 Mr. Clark discussed the Summary of Funds, Police Court Building, Recreation Sports
20 Park, and North Park – CDA

21
22 **Recreation Impact Fee Summary**

23 Impact Fee Funds were reviewed. Mr. Clark stated the key things to be discussed are the
24 bond issue and how much does the Council want to bond for the new police/court
25 building and North Park. The Sales Tax Revenue Bond money has to be used for an asset
26 owned by the City, but they can use it to enhance things they already own.

27
28 The Council agreed the language should read in order to attract development they will
29 have to provide a certain amount of infrastructure.

30
31 Councilman Barber said he feels they need more roads overlaid throughout the city and
32 doesn't want the funds for that taken away.

33
34 Mr. Heap said they will have to build the police/court building and North Park at some
35 time they might as well do it at today's prices.

36
37 Councilman Barber does not want to see the B&C road funds used to lower the bond.

38
39 Councilman Leifson feels they will spend the money eventually and it will be cheaper
40 dollars to spend now.

41
42 Councilman Andersen does not want to have to go back and do another parameters
43 resolution after they pass this one.

44
45 Councilman Leifson said to get moving on this project.
46

47 Mayor Thomas would favor fronting the money now for the sewer capacity rather than
48 later.

49
50 Mr. Oyler noted the critical part is the sewer capacity when it comes from growth.

51
52 **B. Human Resources**

53
54 Mr. Perrins discussed the Hay Study implementation, and information regarding elected
55 officials. He explained it has been 10 years since the Council has been given a raise. He
56 then gave a spreadsheet showing the cost comparisons from other cities. Mr. Perrins
57 explained the process to adjust the elected officials pay.

58
59 Councilman Andersen feels there is a lot more positive atmosphere among the city staff
60 then there was before the study was done.

61
62 Mr. Heap said he has seen a more positive attitude, but staff has had so much to do they
63 don't have time to be any less productive.

64
65 Mr. Perrins asked for discussion regarding the new positions being created and who
66 would be involved in the hiring process. He explained the Council has always been
67 involved in the department head hiring.

68
69 Mr. Baker explained there needs to be consistency as to who is involved with the process,
70 also consistency with what level they want to be involved.

71
72 Mayor Thomas does not see a problem with Councilmember's being involved with hiring
73 if they have more expertise than others on the subject.

74
75 Councilman Sorensen feels the Council should have involvement with the Department
76 Heads, but below that level they should leave it up to those that will be their direct
77 supervisors to decide. Also once elected officials get involved the positions become
78 political and he does not want that to happen.

79
80 Mayor Thomas feels there are some positions he would have expertise in regarding the
81 sales and marketing, he would like to be involved with the process. He gave an example
82 of Councilman Leifson being involved in the Planning Director hiring.

83
84 Mr. Oyler stated there will be a committee that will give a recommendation of a few
85 candidates and the department directors will do the final hiring.

86
87 Mayor Thomas wants some say in the Golf Pro and the City Special Events Coordinator
88 positions.

89
90 Councilman Barber would agree that if one of the Council has expertise and would like to
91 be involved they should be.

92

93 Councilman Leifson said they can't be scheduling around the Councils time though, staff
94 needs to set a time and if they want to attend they can do so.

95
96 Mr. Perrins agrees that if they are going to have a committee involved they need to be
97 there for the whole process.

98
99 Mayor Thomas feels there needs to be someone that is a people person and is great at
100 marketing for the position. He would like to see someone that is going out and bringing
101 marketing to the City. His bias would be to have someone that is big on sales and
102 marketing as opposed to special events.

103
104 The direction given from
105 Council is they want to be involved in what they feel they should be involved in and they
106 will let staff know if they are interested.

107
108 Councilman Leifson said they need to rely on the Department Heads to know what and
109 who they are going to hire.

110
111 Councilman Sorensen feels they need to stay above the director level because they
112 oversee staff and he doesn't think it's the Councils place to do that.

113
114 **C. Public Safety**

115
116 Mr. Rosenbaum discussed the duties of the new Code Enforcement Officer. He
117 recommends they get this position in place and people would directly contact the Code
118 Enforcement Officer with complaints.

119
120 Councilman Barber feels if they will be enforcing weed abatement, the City needs to
121 ensure their properties are following the code as well.

122
123 Mayor Thomas discussed the option of using a part time person to do the Code
124 Enforcement job.

125
126 Mr. Rosenbaum said in his talks with other cities they have not had the effectiveness with
127 a part-time individual they needed.

128
129 Mayor Thomas feels looking at the nature of this description it can be handled by
130 someone that is not as expensive as an officer.

131
132 Discussion was made regarding the benefit of having a police officer instead of a regular
133 employee.

134
135 The Council took a break at 5:44 p.m.
136 The meeting reconvened at 6:21 p.m.

137

138 Mr. Rosenbaum is concerned for the code enforcement officer that they take the approach
139 the individual will work with just the cases that are a problem. He wants them to be a
140 positive in the community as well.

141
142 Mayor Thomas feels they should hire the lesser version first and if that doesn't work they
143 can try the other way proposed.

144
145 Councilman Sorensen said if this is going to cost as much as hiring an officer they should
146 go ahead and hire the officer.

147
148 Mr. Rosenbaum said their track record is people want to come work for the city so they
149 usually get someone with experience therefore they don't start out at entry level pay.

150
151 Mr. Perrins explained the model that has worked for other cities to enforce codes and
152 create good will has been done through having an officer do the job.

153
154 Mayor Thomas feels that by having it in the Planning Department it will get the job done
155 for less cost.

156
157 Mr. Perrins noted that turnover is not a good thing for this position, you want them to
158 learn and know the codes and be able to work with it.

159
160 Councilman Andersen feels after listening to the discussion he would like the job put in
161 the Public Safety Department, he feels it makes the best sense. He thinks they are talking
162 the same dollar amount no matter what department it goes in, he does not think it is a
163 money issue.

164
165 Mr. Baker explained the impact this position will have on his department will have to do
166 with the tactfulness of the Code Enforcement Officer.

167
168 Councilman Sorensen agrees if it will not cost much difference in salary they should hire
169 an officer to fill the position.

170
171 Councilman Barber clarified that the Council agrees it will not be a fully equipped
172 vehicle for this position.

173
174 Mayor Thomas worries they will use the officer for more than code enforcement.

175
176 Councilman Barber said law enforcement has a high burn out rate and he likes the idea of
177 rotating the duties and starting fresh.

178
179 Councilman Andersen feels there is a lot of work to this position and it will not be just
180 dealing with weed abatement.

181
182 The consensus of the Council is to do as proposed for the Code Enforcement Officer with
183 a stripped down vehicle.

184
185 Mr. Rosenbaum explained the schedule for the police court building.
186
187 There was discussion on new fire trucks and a sub station.
188
189 Mr. Rosenbaum mentioned 16 reports have been handed in where officers have
190 responded to emergency situations while off duty in the vehicles. He also noted there has
191 never been any negative feedback regarding the D.A.R.E. program. He reported that there
192 will be a change to the false alarm policy.
193
194 Mayor Thomas feels implementing the new fine for false alarms is generous.
195
196 Mr. Rosenbaum said they will get something prepared for information regarding the false
197 alarm benefits.
198
199 Mr. Rosenbaum is also requesting 2-3 more officers per year to keep up with the growth.
200
201 The Council agreed that Mapleton should help pay part for the resource officer for the
202 new high school.
203
204 Councilman Barber said he would like to know ahead of time when they will move from
205 volunteer fire and ambulance so they can be prepared for it.
206
207 Discussion was made regarding the fire and ambulance full time transitions.
208
209 The Council took a 15 minute break at 7:45 p.m.
210 The meeting reconvened at 7:57 p.m.
211
212 **D. Planning/Zoning**
213
214 Mr. Anderson explained the historic preservation grant program.
215
216 Councilman Barber would like to have names of those interested in serving on the board
217 sent to him so they can move forward with the committee.
218
219 Mr. Anderson suggests that next year they apply for the grants involved with the program
220 estimated cost is approximately a few thousand dollars.
221
222 Aesthetic Controls for guidelines on architecture for commercial developments was
223 discussed.
224
225 Mayor Thomas would like to see examples from the city planner that they could
226 implement.
227
228 Councilman Leifson feels they should not be too strict to take away the option to build
229 their buildings when they do the research and the building looks great.

230

231 Mr. Anderson suggested doing some simple things they could write into the ordinance,
232 anything broader than that is a huge undertaking and would have some expense involved.

233

234 Councilman Barber loves the idea of having a full plan of development guidelines.

235

236 Councilman Leifson suggested requiring colors or building materials for certain areas of
237 the city.

238

239 Councilman Andersen suggested setting the theme/atmosphere by the landscaping
240 required in different areas of the city.

241

242 Councilman Leifson suggested requirements such as cross access, he feels there is a way
243 to be restrictive without being too restrictive.

244

245 Mayor Thomas suggested more information and asked that staff and the Council share
246 options. He feels anything they do will be something other than the other cities have.

247

248 **ADJOURN:**

249

250 Councilman Barber made a **motion** to adjourn the meeting until the next day.

251 Councilman Sorensen **seconded** and the motion **passed** all in favor at 9:00 p.m.

252

253 ADOPTED:

254

255

Kimberly Robinson, Deputy Recorder

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Tentative Minutes
Spanish Fork City Council Meeting
February 3, 2007

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

Staff Present: Dale Robinson, Parks and Recreation Director; Seth Perrins, Assistant City Manager; Dave Oyler, City Manager; Dave Anderson, City Planner; Kent Clark, Finance Director; Junior Baker, City Attorney; Kimberly Robinson, Deputy Recorder

Staff gave an overview of what was previously discussed for Councilman Wadsworth.

Mayor Thomas called the meeting to order at 8:05 a.m.

A. Parks and Recreation

Mr. Robinson presented highlights of the last year, online swimming, the online facility registration system, 1,612 swim lesson participants, over 50,000 volunteer hours on city beautification, they threw over 2 million targets at the gun club, there were over 20,000 participants in recreation programs, and one of the seniors turned 101 years old (Dean Hughes). Another accomplishment was hiring Cody Hanks.

Mr. Robinson explained some of the growth issues are the loss of the fields at North Park. Soccer complex at sports park, five (5) full size fields, eight (8) fields in total, and the new four-plex at the sports park.

Personnel and Future Facilities were discussed.

They will need additional staff to maintain the current standard and to keep up with growth for 2007. The North Park will need additional Staff to maintain.

Mr. Robinson discussed the Community School changes.

Councilman Leifson can't see why they wouldn't fund a full time position.

Councilman Sorensen noted the employees currently doing the community schools already know how it works and there wouldn't be much training required.

Councilman Leifson feels they need to hire them on full time because the city needs them.

Mayor Thomas emphasized there will be a need to have fairness in the use of the facilities with the agreements.

46 Mr. Robinson stated Parks and Recreation will have two new divisions, Special Events &
47 Arts Council.

48

49 Councilman Leifson thinks accelerated leagues are a great thing for the city, and that
50 everyone in the area would benefit from them.

51

52 Councilman Wadsworth said competition soccer teams come and go, he is worried they
53 could end up with a facility that sits idle.

54

55 Councilman Leifson feels there will never be a facility that sits idle especially with the
56 growth in the community. He feels if they have space available on a limited basis they
57 should run it and see how it works for now. The first priority is going to be the city
58 recreation teams, but if they have fields they can utilize and make money from, he thinks
59 they should try it.

60

61 Councilman Andersen feels it needs to be under the recreation department control,
62 accelerated leagues do not have first reign on the fields, they can manage it together.

63

64 Mayor Thomas feels this has to be profitable, and is a good deal for citizens and tax
65 payers, he also feels they should maximize the time they can when the fields are not in
66 use.

67

68 Councilman Wadsworth feels elected officials should get together with the school board
69 and get the use agreement issues resolved.

70

71 The Council agreed they would like to have a meeting with the school board and
72 everyone involved with the use of the facilities to get the issues resolved.

73

74 The non-resident fee was discussed.

75

76 Mayor Thomas asked that teams sponsored by businesses within the city pay a resident
77 rate instead of a non-resident rate, because they are a resident business. He also suggested
78 they calculate a participation fee called a residents equivalent fee instead.

79

80 Mr. Robinson clarified there is already a \$100 cap for non-resident fees in place.

81

82 Mr. Robinson noted the current projects are the Sports Park and Pavilion. He also said the
83 pavilion costs have been higher than expected due to site preparation.

84

85 Councilman Andersen feels they were all so focused in on the pavilion itself because of
86 the offer from the citizen that they did not take into account the other factors involved.

87

88 Councilman Leifson feels when things like this come up in the future they should step
89 back and make sure there is all the information there before they start a project.

90

91 The trails master plan was discussed.

92
93 Discussion was made regarding the eminent domain changes to the legislature, and the
94 position of the Council towards them. The Council directed they would like to review the
95 legislation and discuss it at a later meeting.
96
97 The Council took a break at 10:30 a.m.
98 The meeting reconvened at 10:45 a.m.
99
100 The capital facilities plan was discussed for the next six years.
101
102 The Council suggested discussing the 2008 big budget items at the next Council meeting.
103
104 The Senior Center Bus, Special Events Coordinator, Spook Alley, Festival of Lights, and
105 Fiesta Days are all events the Council discussed.
106
107 Mayor Thomas suggested the Arts Council promote things other than their own kid's
108 events.
109
110 Discussion was made regarding compensation for the special events coordinator.
111
112 Councilman Leifson feels they should set it up for this year and then take a look at the
113 structure after they have gone through the year.
114
115 Councilman Andersen feels they should start with the base position and work on filling
116 up the facilities that are not being utilized, and then let the position grow into itself.
117
118 Discussion was made regarding the programs and facilities the Arts Council would like to
119 work towards.
120
121 Mayor Thomas suggested he take the job to report to the Council and Staff on where the
122 Arts Council is going with their programs.
123
124 Staff asked what they have not been doing that the Council would like them to do at the
125 golf course. They then re-capped the direction given in the last meeting that they will
126 review the Golf Pro applications and narrow it down to the top few that the Council will
127 be involved with during the interview process.
128
129 Mayor Thomas would like to see the applications and be a part of the hiring process from
130 the beginning.
131
132 **B. Public Works**
133
134 Mr. Heap discussed water main breaks, projected water rates, sewer backups, and sewer
135 rates.
136

137 The two choices for the meter reading systems are Sensus and Elster to achieve their
138 goal. The actual costs saved without having someone go out to the property adds up to be
139 approximately \$70,000 a year.

140

141 Mr. Heap stated the projects in the Capital Facilities Plan, are mostly sewer or waterline
142 replacements or impact fee replacements.

143

144 Mr. Oyler discussed the General Fund Revenue numbers.

145

146 **C. LEGAL**

147

148 Mr. Baker discussed a policy for e-mail deletion. He also reviewed Boards,
149 Commissions, and Committees as set in the city ordinance.

150

151 Mayor Thomas would like to know after the appeals process what action was taken on an
152 issue and how it was settled.

153

154 Mr. Baker explained that personnel matters are one of the areas that open cities up for
155 lawsuits.

156

157 Councilman Wadsworth recommends coming back to the personnel board and letting
158 them know what was decided for the issue. He feels the committee could help them with
159 policy.

160

161 The Council supports adding two employees to the personnel committee, with a term of
162 one year.

163

164 Mayor Thomas recommends changing the ordinance to allow for a minimum of three (3)
165 maximum of (15) people appointed to the Arts Council Board.

166

167 Councilman Wadsworth would like to be able to keep the good citizens they have on the
168 finance committee. He would like some flexibility to choose who is on the committee.

169

170 The Council agreed to change the language for the finance committee, removing the
171 auditor and changing it to allow three citizens to serve.

172

173 The Council asked that the Fiesta Days Executive Committee have five (5) members.

174

175 Councilman Leifson said to require the Parks and Recreation committee to be citizens.

176

177 The Council discussed that the Seniors Board be changed to allow citizens or members to
178 serve on the board.

179

180 Councilman Wadsworth prefers citizens be required on the senior board.

181

182 Councilman Sorensen wants citizens on the senior board.

183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221

Councilman Leifson said he would like to see citizens serving on the senior board.

Councilman Barber and Mayor Thomas prefer that members be required to serve on the senior board they do not have to be citizens.

Councilman Wadsworth would like two Councilmember's added to the Economic Development Committee.

Discussion was made regarding neighborhood committees.

Mr. Baker feels the city is small enough to continue to not form neighborhood committees if it is for the purpose of passing information.

Councilman Andersen understands the purpose of the neighborhood committees is to obtain and distribute information. He likes the idea of holding a meeting in various areas of the community and inviting the citizens to come and meet with the Council and staff.

Councilman Leifson likes the idea of informal work sessions with the Council and staff throughout town as neighborhood meetings instead of forming the neighborhood committee.

The Council likes the idea of a notice along the bottom of the Council meeting broadcast notifying the citizens of the neighborhood meetings and locations.

Councilman Andersen suggested holding the meetings quarterly.

Mayor Thomas hopes to go and hold meetings at each of the schools throughout the year. He asked that the first meeting be held the end of March and that they try to meet in two schools.

ADJOURN:

Councilman Barber made a **motion** to adjourn. Councilman Leifson **seconded** and the motion **passed** all in favor at 1:59 p.m.

ADOPTED:

Kimberly Robinson, Deputy Recorder

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Tentative Minutes
Spanish Fork City Council Meeting
February 6, 2007

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

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

Citizens Present: L. Kay Heaps, Jeff Heaps, Michael Ballif, Jessica Mortensen, Trevor Ware, Melissa Mortensen, Tawni Wilkinson, Heidi Everett, Ryan Brown, Tiffany Green, Tonya Green, Amanda Green, Cory Rosenkilde, CJ Struthers, Mandy Wilson, Scott Christian, Anna Harb, John Hafen, Clair Anderson, Alex Allan, Bennah Sauer-Davis, Jordan Downey, Jessica Weight, Lindsey Hales, Brittany Wride

CALL TO ORDER, PLEDGE

Mayor Thomas called the meeting to order at 6:00 p.m.

Councilman Sorensen led in the pledge of allegiance.

COUNCIL COMMENTS:

Councilman Wadsworth reported the Trails Committee is preparing their grant presentation, there will also be a risk management meeting coming up.

Councilman Andersen reported the Senior Citizens are having a valentines dance scheduled for the 14th at the seniors center.

Councilman Leifson has met with Airport Board and they will be giving a presentation later on in the meeting.

Councilman Barber reported they are requesting five (5) members for the historical committee they will be forming, there will be some work and training required, if anyone is interested please contact the City or the Council.

Mayor Thomas gave an update on the police court building, the property has been finalized. The senior's bus is under repair and should be ready to travel in two weeks. The Council continues to get feedback on the North Park and it has been overwhelmingly positive with a few concerns. They need more volunteers for the ambulance department, if anyone is interested please contact the city. He reported some good things have

46 happened this week with regards to jobs coming to the community and it is moving very
47 favorably he will announce more details when he can do so.

48

49 **CONSENT ITEMS:**

50

51 Councilman Wadsworth made a **motion** to accept the minutes of January 2, and January
52 23, 2007. Councilman Sorensen **seconded** and the motion **passed** all in favor.

53

54 **NEW BUSINESS:**

55

56 **Airport Board Report**

57 John Hafen

58 Mr. Hafen is the chairman of the Airport Board. He handed out a report regarding
59 decisions concerning the airport, and made a presentation to the Council. He asked that
60 the Council support the changes.

61

62 Clair Anderson

63 Mr. Anderson is a member of the Springville/Spanish Fork Airport Board. He explained
64 their intent is to purchase a snow plow tractor/mower.

65

66 Mr. Hafen explained fencing can be done through the airports own budget and will not
67 disrupt the Councils budgets, they are just asking for the equipment.

68

69 Clair Anderson asked the Council to approve funding for the tractor and plow.

70

71 Mr. Hafen explained when it snows the city handles its own needs and then plows the
72 airport after. This equipment would allow them to keep the airport open when it is
73 needed. The equipment operators must be trained and certified to keep the tarmack clear.

74

75 Mr. Anderson said the equipment will be used for maintenance and cleaning up the
76 property as well as for snow removal.

77

78 Mayor Thomas asked how the new rates would be determined.

79

80 Mr. Hafen said they will be going out and seeing the industry standard for rates in areas
81 around.

82

83 Mayor Thomas feels he is excited about everything happening at the airport but does not
84 feel it would be a good investment for the tax payer to purchase the equipment.

85

86 Mr. Hafen said wherever there is transportation the community will be enhanced.

87

88 Mayor Thomas asked how they can make the airport break even.

89

90 Mr. Hafen said by continuing to work with the businesses around and work hard to create
91 something that will help them to become the airport authority. The money is in selling

92 the gas, and once it will be adequately financed through an airport authority there should
93 be no problems.

94
95 Councilman Leifson said with the increased use of the airport, they are looking to step up
96 with the airport manager and are not asking the city to help at all. With Rocky Mountain
97 Composites they will be bringing a lot of people into the city. They do have issues with
98 the snowplow because the city has to take care of themselves first, but with the increase
99 of the usage they need to have someone there to take care of the airport which will be a
100 duty of the airport manager. They have already scheduled five (5) volunteer projects to
101 beautify the airport and improve the appearance this year. His feeling is they need to step
102 the airport up from what it has been in the past and they are working towards becoming
103 the airport authority so they can manage themselves.

104
105 Councilman Sorensen says the first streets they plow are Main and Center, he feels that
106 they are business owners and when it snows they need to make the airport businesses
107 accessible as well.

108
109 Mr. Hafen said the funds currently going towards snow removal could be put towards
110 maintenance costs.

111
112 Councilman Wadsworth appreciates them giving this presentation, and has heard a lot of
113 good things regarding the airport.

114
115 Mr. Hafen explained there is a conflict of interest with the current airport manager Tom
116 Woodhouse. Mr. Woodhouse is also the fix base operator, the airport manager must be
117 separate from that position. He also added the time requirements would make it so he
118 would not be able to run his own business. He complimented Mr. Woodhouse on his
119 service through the years and stated this is in no way a negative reflection on him in any
120 way.

121
122 Councilman Wadsworth commented that an individual approached him last week, they
123 do things through Boeing, they would be looking to do some things in the community. He
124 added they are interested in working with the airport to create an aviation business park.

125
126 Councilman Barber thinks it is time to make the improvements they need to bring the
127 airport to the next level. He also asked if the Council will need to approve the gas tax
128 amount for them to move forward with it.

129
130 Mr. Hafen stated some direction from the Council would be good.

131
132 Mayor Thomas asked who would be the employer of the airport manager.

133
134 Mr. Hafen said the manager would be an independent contractor with the cities.

135

136 Councilman Barber asked about the discussion the board had regarding independent
137 contractors for landscaping and snow removal verses the purchasing of the equipment
138 themselves.

139
140 Mr. Hafen said they have not sat down and figured the amount up yet. They have sent a
141 letter of notice out that the fees will be changing in the future.

142
143 Mayor Thomas asked for more information regarding the costs of contracting verses
144 purchasing. His fear is this will be underutilized equipment, and he would love to see the
145 comparison.

146
147 Mr. Hafen said to keep in mind as they make cost comparisons that the airport is different
148 than a normal business.

149

150 **PUBLIC HEARINGS:**

151

152 Councilman Barber made a **motion** to move to public hearing at 6:47 p.m. Councilman
153 Andersen **seconded** and the motion **passed** all in favor.

154

155 **Cobblestone Plaza General Pan Amendment and Zone Change**

156 Mr. Anderson explained the proposal for the General Plan Amendment and Zone Change.
157 The Planning Commission spent two meetings reviewing these changes and they
158 recommend the changes allowing 5.5-8 units per acre, they recommend the property be
159 zoned R-1-6, with the condition a development agreement be prepared. The Commission
160 expressed concern about density creep, if the Council approved the higher density it
161 could allow the owners around the property to change their density as well.

162

163 Councilman Andersen asked why the recommendation given to the Planning Commission
164 for studying the urban village zone was not done.

165

166 Mr. Anderson stated the urban village zone was discussed in the DRC meeting and they
167 feel there is a need to look at a larger area than the subject property. The idea never took
168 traction with the Planning Commission and was not discussed.

169

170 Mayor Thomas feels years ago there was a potential for a small business at that location,
171 he does not feel there is anything that shows it would be good for commercial
172 development now.

173

174 Mr. Anderson feels the area has the potential for small businesses but the time is not quite
175 now for that. He is not sure if or when those changes would ever come. The Planning
176 Commission said they have a select few areas of commercial property left on canyon
177 road.

178

179 Mayor Thomas feels the commercial zone is better along Highway 6. He feels the
180 businesses would not want to locate here if they can be more visible on Main Street or
181 Highway 6.

182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226

Mr. Anderson said that is a key part of the applicant's argument. There are a lot of problems when the city changes the commercial zoning it is hard to get commercial zoned property back once it becomes residential.

This agenda item was opened for public comments.

Reed Call

Mr. Call owns property across from the applicants. They have a lot of apartments and town houses in the area and he thinks it is an excellent spot for commercial. However he feels it is not quite time for a commercial use. He likes the idea of not having people drive downtown if they can have a professional office close it will help eliminate some of the congestion down town. He personally would rather it stay zoned commercial and feels that the proposed property has a better opportunity than to be used to build more apartments and town houses.

Glenn James

Mr. James expressed his opinion that the property should remain as commercial property. When he was on the Council they had many discussions over this piece of property and it was always decided to leave it commercial. Spanish Fork is still growing and with growth he feels this will be a valuable commercial property. He has been involved with retail store development for 25 years and feels it is an ideal spot.

Pat Parkinson

Ms. Parkinson lives by there and is concerned because there is a lot of density in the area. She agrees with the urban creep and feels it will happen if the Council approves this change. She knows there are people upset with the property being zoned commercial but if it is an office it would be safer and less congestive than residential. She asked that the developer speak before the public speaks so they know what he is proposing. She feels there is a lot of higher density in that area and they do not want to make that area of town the crammed in section.

Clark Mitchell

Mr. Mitchell is with Cobblestone Plaza. He explained they like the area because they bought it six years ago, but it has not worked for a commercial use. He believes the General Plan is good to decide where they will add commercial and residential but the market will decide where the commercial will end up going. He added when the city created the urban village center it overshadowed their site and all the commercial will locate there instead. He stated after so many years of trying to sell this property as commercial it has just not worked. They are requesting the R-3 zone change in order to get the 14 units they need to create a nicer site design.

Councilman Wadsworth asked how many people have been interested in the urban village zoning.

227 Mr. Anderson stated since he has been with the city he has only had one interested in the
228 property but nothing has ever come of it.

229
230 Mayor Thomas feels the commercial zoning up and down Highway 6, is better than the
231 proposed property.

232
233 Councilman Leifson feels just because a piece of property has stayed vacant for a while
234 does not prove it is a bad zone.

235
236 Mayor Thomas feels 14 units seems reasonable to him.

237
238 Councilman Wadsworth said there will be growth in the future in different areas. As he
239 has thought about this project he feels Mr. Mitchell has done everything he can to sell his
240 property and should have a right to develop his property. He feels this proposal has been
241 thoroughly reviewed by the Planning Commission and is something the Council should
242 consider.

243
244 Councilman Barber asked how the development agreement would tie it to the 14 units
245 and not more.

246
247 Mr. Mitchell is happy with requiring the development agreement as long as it can be
248 tailored after he submits his plan.

249
250 Mr. Anderson added that the Planning Commission wanted to set a limit of allowable
251 units in the development agreement. He said if the Council was inclined to agree with the
252 Planning Commission the development agreement should not have to come back again
253 for approval.

254
255 Mr. Baker added the Council should be careful before they put too many conditions on
256 the agreement.

257
258 Councilman Andersen said he does not feel they are comfortable with changing the
259 zoning, and would like the whole area considered as a commercial zone not just the
260 proposed property. He is sympathetic to the idea that a landowner can do as he wants
261 with his property, but not everything he wants. He is not totally comfortable with the
262 concept of turning a dollar as a basis for this zone change.

263
264 Mr. Mitchell agrees with the ideas of the Council, but when he speaks to others about
265 investing they like the site until they see the bigger commercial area close by.

266
267 Councilman Leifson said one thing about cities is change, he would love to see it stay
268 commercial and understands where they are at and what they are up against. Like Ms.
269 Parkinson said there are a lot of high density houses around that area and he would feel
270 more comfortable keeping the unit size that they currently have there.

271

272 Councilman Sorensen lives in the area and is sympathetic, he can see the property still
273 has some potential and likes the idea of what the DRC discussed, changing the whole
274 area to commercial and enabling the opportunity to develop more amenities. He thinks
275 there could be some other uses besides strictly residential that can be incorporated in that
276 area.

277

278 Councilman Wadsworth commented they have discussed the area possibly being a park
279 by the proposal.

280

281 Councilman Sorensen would like to explore working with the other property owners on
282 the urban village expansion idea.

283

284 Mr. Mitchell feels the zones need to mix in with the current market conditions.

285

286 Reed Call

287 Mr. Call has spoken to Emil Pierson before he left and asked what the city plans for the
288 future. He said they wanted to keep it commercial because they might want a store or
289 something in that area in the future.

290

291 Councilman Wadsworth asked how they should proceed with the property.

292

293 Mr. Baker stated it can be sent back to the Planning Commission to study the Urban
294 Village zone and to broaden the uses. The Council can always refer land use items back
295 to the Planning Commission so they can get a recommendation.

296

297 Mayor Thomas feels he would like to see some additional input brought in and explored.

298

299 Councilman Leifson made a **motion** to close the public hearing. Councilman Barber
300 **seconded** and the motion **passed** all in favor.

301

302 Mr. Mitchell asked what the objective is they would like looked into, he does not want to
303 get into something that does not have a clear directive.

304

305 Mayor Thomas said the questions are, do they need this property commercial zoned, or is
306 it better zoned as something else.

307

308 Councilman Barber made a **motion** to continue the decision on the Cobblestone Plaza
309 General Plan and Zoning Map Amendment with a target of the second meeting in April,
310 and a recommendation from the Planning Commission on what the best use of the area
311 should be. Councilman Leifson **seconded** and the motion **passed** all in favor.

312

313 Councilman Wadsworth made a **motion** to take a five minute break. Councilman
314 Sorensen **seconded** and the motion **passed** all in favor at 7:53 p.m.

315

316 The meeting was called back to order at 8:00 p.m.

317

318 **NEW BUSINESS:**

319

320 **Resolution 07-02 Consideration of a resolution authorizing the issuance of up to**
321 **\$22,000,000 of Sales Tax Revenue Bonds of the City for a new public safety district**
322 **court building, park and recreation improvements, public infrastructure and water,**
323 **sewer and electric utility improvements and related land and equipment providing**
324 **for a public hearing and establishing parameter for said bonds; providing for a**
325 **pledge of sales taxes; and related matters.**

326

327 Mr. Clark explained the bond for the police/court building and for the North Park.

328

329 Mayor Thomas clarified the authorization is to allow the city to bond up to that amount
330 but it does not mean they will spend all of the money. It gives the city the option to go
331 that high and it saves money in the long run.

332

333 Councilman Wadsworth asked that Mr. Clark explain the payback on the bond.

334

335 Mr. Clark explained the intent is as development increases and sales tax increase the
336 Council can move to pay the debt off early if they choose. The payment amount will be
337 budgeted in the next budget.

338

339 Councilman Wadsworth asked about penalties for early payment.

340

341 Carl Empey

342 Mr. Empey said within 10 years the Council can pay the bonds off but not sooner. He
343 then explained several ways the Council can pay off the amount.

344

345 Councilman Barber made a **motion** to approve Resolution 07-02 authorizing the issuance
346 of up to \$22,000,000 of Sales Tax Revenue Bonds of the City for a new public safety
347 district court building, park and recreation improvements, public infrastructure and water,
348 sewer and electric utility improvements and related land and equipment providing for a
349 public hearing and establishing parameter for said bonds; providing for a pledge of sales
350 taxes; and related matters. Councilman Sorensen **seconded** and the motion **passed** all in
351 favor.

352

353 **Contract with Layton Construction**

354 Mr. Baker explained they are seeking approval for the construction contract subject to
355 legal review, and subject to Layton providing to us a maximum price to build the
356 building, right now it is approximately \$16 million. The contract start date and
357 completion date have been set. They modified the billing procedure to meet the cities
358 billing cycle to cover some of the operating costs.

359

360 Councilman Leifson made a **motion** to approve the contract with Layton Construction
361 subject to final legal review and final construction prices within the budget. Councilman
362 Barber **seconded** and the motion **passed** all in favor.

363

364 **Spanish Oaks Annexation Petition Acceptance or Denial**
365 Mr. Anderson explained the background relative to the discussion they have tonight
366 regarding the annexation petitions. He discussed areas the Council and Planning
367 Commission have directed as areas to amend the growth boundaries that are available for
368 development.

369
370 Councilman Barber disclosed he has a close business relation with Mr. Bird.

371
372 Councilman Sorensen made a **motion** to deny the Spanish Oaks Annexation Petition and
373 the Partridge Annexation Petition subject to the following findings:

374
375 Finding:

- 376 1. That it would create a peninsula.
- 377 2. That the property is not located within the growth areas that have been
378 identified by the Planning Commission and the City Council.
- 379 3. That it is not currently located within the City's Growth Boundary.

380
381 Councilman Andersen **seconded** and the motion **passed** all in favor.

382 **Traffic Mitigation Presentation**

383 Mr. Nielson gave a traffic presentation which will be available on the cities website
384 www.spanishfork.org. He explained there is a street master plan to help control the traffic
385 flow throughout to ensure traffic flow into adjacent cities it is also available on the
386 website. There are three traffic calming methods used in local streets, speed humps,
387 narrower cross-section, and non-continuous streets. He explained stop signs do not help
388 reduce traffic speed, and that they can't add children at play signs anymore due to
389 insurance issues.

390
391
392 Ms. Parkinson asked for an update on the 2550 East road widening.

393
394 Mr. Nielson stated he will ask UDOT where that project is standing.

395 **ADJOURN:**

396
397
398 Councilman Barber made a **motion** to adjourn to executive session for potential
399 litigation, land purchase and land sale. Councilman Sorensen **seconded** and the motion
400 **passed** all in favor at 8:45 p.m.

401
402 ADOPTED:

403 _____
Kimberly Robinson, Deputy Recorder

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Tentative Minutes
Spanish Fork City Council Meeting
February 20, 2007

Elected Officials Present: Mayor Pro tem Matthew D. Barber, Councilmember's G. Wayne Andersen, Seth V. Sorensen, Steven M. Leifson

Staff Present: Seth Perrins, Assistant City Manager; Richard Heap, Public Works Director; Dave Oyler, City Manager; Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; John Bowcut, IS Director; Jeff Foster, Power Superintendent; Guy Chang, Electric Meter Technician; Kimberly Robinson, Deputy Recorder

Citizens: Kacie Johnson, Pat Parkinson, Nancy Delacenser, J. Craig Smith, Jonnalynne Walker, Allan Laird, Shane Laird, Michael Edwards, Nathan Scott, Jeremy Twitchell, Glenn James, Dave Grotegut, Timbre Keliiliki

CALL TO ORDER, PLEDGE, RECOGNITIONS:

Mayor Pro tem Barber called the meeting to order and lead in the pledge of allegiance at 6:00 p.m.

PUBLIC COMMENTS:

Pat Parkinson

Ms. Parkinson commented about the property access denial a few meetings ago. She hopes the City has issued an apology to the citizen or explained why they seemed so mean spirited.

Mr. Baker said the road has never been a public road and it does not meet city standards, it is just an alley way.

Ms. Parkinson wants to know what it would hurt for them to have access to their property.

Councilman Sorensen said the city did not feel they should have to pay to pave the road to make it public. The original building permit showed them accessing the driveway on their own property.

Ms. Parkinson just wanted to let the Council know how she feels.

Councilman Andersen said they discussed ways they could pave part of the road and work out a way that maybe they could access the property.

Councilman Leifson stated this has been going on for some time and they decided the best way is to do it the way it was originally applied for.

47 **COUNCIL COMMENTS:**

48

49 Councilman Andersen reported the seniors had a successful concert and Valentines
50 dinner dance.

51

52 Councilman Leifson reported the Airport Board's past president Chris Childs has moved
53 out of the city and is no longer part of the Airport Board. They appreciate all he has done
54 and would like to publicly thank him for his work.

55

56 **Miss Spanish Fork**

57

58 Timbre Keliiliki

59 Ms. Keliiliki would like to invite the Mayor and Council on March 10, 2007, to the Miss
60 Spanish Fork pageant she would like them to attend and support the event.

61

62 **PUBLIC HEARING:**

63

64 Councilman Sorensen made a **motion** to open the public hearing. Councilman Andersen
65 **seconded** and motion **passed** all in favor at 6:14 p.m.

66

67 Mr. Anderson explained the intent of the proposed amendments dealing with small
68 accessory buildings. Part of the reason for the change is to create a requirement that fits
69 across the board. He feels this amendment is fairly minor but will have a far reaching
70 affect throughout the community. He feels this allows property owners to use their
71 property efficiently.

72

73 This agenda item was opened for public comment.

74

75 Councilman Sorensen really likes the change. He noted there are already a lot of
76 buildings that fit this requirement and it will make those legal.

77

78 Mr. Anderson explained this amendment would bring structures that meet the
79 requirement into compliance. There are dozens of structures that will be brought into
80 conformity with this change. This will help with a potential code enforcement issue. He
81 noted this will not provide any relief for structures that do not meet these standards.

82

83 Mayor Pro tem Barber clarified the ones that do not meet these requirements will have to
84 be looked at individually. He feels this one case of lack of thought by government
85 officials, this will be a good change to bring this into compliance.

86

87 Councilman Sorensen made a **motion** to accept the proposed amendments to Title 15,
88 changing the setback requirements. Councilman Leifson **seconded** and the motion
89 **passed** all in favor.

90

91 Councilman Andersen made a **motion** to move out of the public hearing. Councilman
92 Leifson **seconded** and the motion **passed** all in favor at 6:22 p.m.

93

94 **RDA MEETING:**

95

96 Councilman Sorensen made a **motion** to move to the Redevelopment Agency (RDA)
97 meeting. Councilman Leifson **seconded** and the motion **passed** all in favor at 6:23 p.m.

98

99 Councilman Sorensen made a **motion** to move out of the RDA meeting back to the
100 Council meeting. Councilman Andersen **seconded** and the motion **passed** all in favor at
101 7:02 p.m.

102

103 **NEW BUSINESS:**

104

105 **Ordinance Adopting the Spanish Fork North Park Community Development**
106 **Project Area Plan, As Approved by the Spanish Fork City Redevelopment Agency,**
107 **as the Official Community Development Project Area, and Directing that the**
108 **Required Notice of the Adoption Be Given as Set Forth in the Utah Community**
109 **Development and Renewal Agencies Act.**

110

111 Councilman Leifson made a **motion** to adopt ordinance 04-07 an Ordinance Adopting the
112 Spanish Fork North Park Community Development Project Area Plan, As Approved by
113 the Spanish Fork City Redevelopment Agency, as the Official Community Development
114 Project Area, and Directing that the Required Notice of the Adoption Be Given as Set
115 Forth in the Utah Community Development and Renewal Agencies. Councilman
116 Sorensen **seconded** and the motion **passed** all in one favor.

117

118 Mr. Smith explained the next steps in the process for the CDA.

119

120 **CONSENT ITEMS:**

121

122 Minutes of Spanish Fork City Council Meeting – June 20, 2006, September 5, 2006
123 Real Estate Purchase Agreement – Dave Lewis
124 Real Estate Sales Agreement – Dave Lewis

125

126 Councilman Sorensen made a **motion** to approve the consent items. Councilman Leifson
127 **seconded** and the motion **passed** all in favor.

128

129 **NEW BUSINESS:**

130

131 Councilman Sorensen disclosed he is an employee of Nebo School District.

132

133 Mr. Baker explained the reason for the agreements with Nebo School District and
134 American Leadership Academy (ALA). The cities use and the School districts use
135 balance out. The ALA agreement is the same with the exception that they do not have as
136 many facilities to offer. The bottom line is the school district has second choice on city
137 facilities and ALA has third choice.

138

139 Councilman Leifson made a **motion** to approve the interlocal agreement with Nebo
140 School District Concerning Shared Facilities and the Contract with the American
141 Leadership Academy (ALA) Concerning Shared Facilities. Councilman Andersen
142 **seconded** and the motion **passed** all in favor.

143

144 **Automated Meter Management System – Richard Heap**

145

146 Mr. Heap explained the systems they have been looking at for the last few years. He
147 pointed out the problems keeping meter readers and also turning off those that have not
148 paid their bill. He discussed the benefits of the automated meter reading system. He
149 explained they would like to be able to put a dollar value on the ability to give someone
150 their bill right away. He also noted the proposal includes meters that will have to be
151 purchased to accommodate the new growth right now anyway.

152

153 Mr. Foster said that they figure the meters are good for 20 years.

154

155 Councilman Andersen asked how many meters per year do they have to replace.

156

157 Mr. Heap said they budget about 200 meters per year due to failed meters.

158

159 Mr. Foster said there will be about 100 to 140 per year that they have to replace.

160

161 Mayor Pro tem Barber asked how many different meters they have out there for electric
162 meters.

163

164 Guy Chang

165 Mr. Chang stated they wanted systems that use broadband, the cost of the system was too
166 high so they have continued to look at other systems. They investigated many other
167 systems but the cost seemed too high in comparison to the proposed systems. The Sensus
168 system is the only system they have investigated that is capable of reading the system
169 without any help from another system.

170

171 Mayor Pro tem Barber asked if the intent is to get all the meters to read with one system.

172

173 Mr. Foster said it is their intent to be able to read the meters with one system.

174

175 Mr. Chang stated Sensus has been doing water reading systems for years and have been
176 doing a great job. They have not had a track record for the electric meters so far.

177

178 Mayor Pro tem Barber asked how much money they will spend before they determine a
179 system they want.

180

181 Mr. Chang stated the costs for the systems are pretty much identical. They would feel
182 comfortable with trying the meters and if there are no problems they will look at
183 continuing the system.

184

185 Mike Edwards
186 Mr. Edwards represents Sensus and explained the way the system works.
187
188 Mr. Chang explained it is a very high powered system and will not have a problem with
189 other reads on the system.
190
191 Mayor Pro tem Barber asked if there would be a reason they do not want to read a meter.
192
193 Mr. Edwards stated they will be purchasing the system and could contract for reading
194 other meters such as Salem, Woodland Hills, Questar, etc.
195
196 Mayor Pro tem Barber asked regarding the life cycle on the meters.
197
198 Mr. Edwards stated Sensus warrants the meters for 10 years.
199
200 Mayor Pro tem Barber asked what the fail rate on the meters was.
201
202 Mr. Edwards used Lehi as an example, they have 700 water meters and when they bring
203 in warranty it is less than one half of one percent.
204
205 Mayor Pro tem Barber asked how they would install the meters.
206
207 Mr. Heap stated they would do the installation themselves, the crews will go out and do
208 it.
209
210 Mr. Foster stated the one meter would already be connected but then the other meter will
211 have to be connected.
212
213 Mayor Pro tem Barber asked how Sensus got into the electric meters business.
214
215 Mr. Edwards stated that everyone wanted to read their meters so it made sense for them.
216 They figure they had the hardest part of it down already and decided to work with it.
217
218 Mayor Pro tem Barber asked on the list of benefits, if the cost benefits of moving the
219 system are so great why are there not more cities using them.
220
221 Mr. Chang explained the systems that are used are much larger systems and we are a
222 smaller unit.
223
224 Mr. Edwards added the reason they looked at Spanish Fork as being a prime example is
225 because of the forward thinking of the Council and the Public Works Department. Most
226 people are looking to cure problems today and they look to cure problems tomorrow.
227 There are a lot of cost savings involved with an automated system.
228
229 Mr. Chang said the larger utilities look on this system better because the cost of the reads
230 are the same no matter how many reads they do.

231

232 Mr. Edwards stated there are different levels of support costs out there and sensus is one
233 of the lowest costing services.

234

235 Mr. Clark explained the budget funds that have been used over the past few years for the
236 meter reading system.

237

238 Mr. Heap stated there is not currently an appointed utility board and the Council will
239 need to appoint one.

240

241 The Council discussed that the Mayor needs to appoint the positions that are vacant.

242

243 Councilman Andersen made a **motion** to accept scenario #1 and put it into place.

244 Councilman Sorensen **seconded** because he feels this is something they have been
245 wanting put in place for a number of years. Councilman Leifson feels this is something
246 they need to try and test to see if it will live up to the potential they say it can.

247 Councilman Barber is excited about the Sensus system and the potential it has, however
248 he still has a number of unanswered questions on the cost benefit. The motion **passed** by
249 a roll call vote Councilman Barber voted Nay.

250

251 The Council thanked staff for the time involved with the systems and doing the research.

252

253 **Campaign Finance Disclosure Ordinance**

254

255 Mr. Baker explained the legislature changed the requirements for campaign finance
256 disclosures, this ordinance adjusts the Cities ordinance.

257

258 Councilman Sorensen made a **motion** to adopt ordinance #03-07 an ordinance amending
259 the campaign finance disclosure requirements. Councilman Andersen **seconded** and the
260 motion **passed** all in favor.

261

262 **Ordinance Defining Boards, Commissions, and Committees – Junior Baker**

263

264 Mr. Baker explained the ordinance clarifies the boards and commissions. The current
265 boards and commissions were then named.

266

267 Councilman Leifson made a **motion** to adopt Ordinance #05-07 an ordinance defining the
268 boards, commissions, and committees of the city, outlining their responsibilities, and
269 establishing terms. Councilman Sorensen **seconded** and the motion **passed** all in favor.

270

271 **Parks & Recreation Master Plan Proposal – Dale Robinson**

272

273 Mr. Anderson presented the contract awarding on behalf of the Parks and Recreation
274 Director Dale Robinson. They recommend Landmark because of the quality and
275 experience they offered. He contacted some of the cities Landmark has worked with and

276 they had nothing but good things to say for instance Sandy city has used them several
277 times.

278
279 Councilman Leifson feels this is needed and is a great opportunity for the future with
280 grants and so forth.

281
282 Councilman Leifson made a **motion** that they accept the Landmark Design proposal for
283 the Trails Master Plan Contract for a total cost of \$69,480.00. Councilman Sorensen
284 **seconded** and the motion **passed** all in favor.

285
286 **Seniors Parking Lot**

287
288 Mr. Heap explained they added to this years budget funds to build the seniors parking lot.
289 He explained if they were to build the building today they would have to have 49 more
290 parking stalls to meet requirements. They are seeking direction to go ahead with this
291 project or not.

292
293 Mr. Anderson explained that the senior center is vested to be compliant with the current
294 codes as it is.

295
296 Councilman Andersen suggested considering building a seniors center on the main floor
297 and condos above to help cover the cost of the project. He gave some suggestions of how
298 that could be accomplished. He would like the Council to consider the idea and have it on
299 the next agenda.

300
301 Councilman Sorensen liked the ideas of putting it out to bid and wants to discuss it at the
302 next meeting.

303
304 Mayor Pro tem Barber stated he liked the idea and would like more information.

305
306 Councilman Leifson likes the idea of looking into it if it works.

307
308 The Council would like to have a decision at the next meeting, either to move forward
309 with this project or to pave the existing proposed area.

310
311 **ADJOURN:**

312
313 Councilman Sorensen made a **motion** to adjourn to executive session to discuss land
314 purchase of property. Councilman Leifson **seconded** and the motion **passed** all in favor
315 at 8:33 p.m.

316
317 **ADOPTED:**

318
319 _____
Kimberly Robinson, Deputy Recorder

**Contract between Spanish Fork City
and
The Saddle Dusters**

COMES NOW Spanish Fork City, a Municipal Corporation of the State of Utah, hereinafter CITY, and The Saddle Dusters, a non-profit corporation of the State of Utah, hereinafter SADDLE DUSTERS who recite and agree as follows:

1. Each year during a Municipal celebration known as "Fiesta Days" held for approximately one week surrounding the State Holiday of July 24th it has been a tradition to stage a stock parade.
2. The Saddle Dusters have performed public service in producing the stock parade for a number of years.
3. Production of the stock parade benefits the city's celebration and the public at large.

WHEREFORE, the parties agree as follows:

1. TERM OF AGREEMENT. This agreement shall be for the calendar year 2007, 2008, and 2009.
2. DUTIES OF THE SADDLE DUSTERS. The Saddle Dusters agree to perform the following services:

- A. The Saddle Dusters shall stage and run the Fiesta Days stock parade;
- B. The Saddle Dusters shall receive and distribute entry passes to all parade participants;
- C. The Saddle Dusters shall participate in and attend all Fiesta Days meetings to coordinate details about the stock parade, including, but not limited to: public safety, street cleaning, event coordination, etc.
- D. The Saddle Dusters shall coordinate trophies or other prizes for the winners of the event.
- E. The Saddle Dusters shall use its best efforts to perform other minor services and functions necessary for the production and presentation of a successful

stock parade.

F. Perform other functions during Fiesta Days as both the Saddle Dusters and Fiesta Days Rodeo Committee agree to.

3. EXPENSES. All expenses for production of the stock parade with the exception of travel to and from the event by participants, shall be borne by the City. All said expenses shall be approved by the Spanish Fork Fiesta Days Committee and budgeted in the annual Fiesta Days budget.

Expenses shall include but not be limited to costs for prizes for participants, police assistance, and sanitation and street cleaning.

4. USE OF ARENAS. Throughout the year the Saddle Dusters shall be entitled to use the Spanish Fork Fairgrounds outdoor arena each Wednesday night, for a two (2) hour period, at no charge, provided if a paying customer desires to rent the arena from the City, the paying customer shall have the first right to use of the arena. It is agreed that in the event a paying customer contracts to use the arena on a night regularly scheduled for the Saddle Dusters, the Saddle Dusters shall be entitled to use the arena on another night during the same week, if a free night is available.

5. CONDITION OF ARENAS. The Saddle Dusters agree to use the arena on an “as is” basis and to leave it in the same or better condition.

6. ATTORNEY'S FEES. In the event this agreement is breached, the non-breaching party shall be entitled to recover, in addition to actual damages, attorney fees and costs of court actually incurred in the enforcement of this agreement.

7. DOCUMENT. This document represents the entire agreement between the parties. All prior agreements, representatives, or understandings are merged herein and superceded hereby.

SPANISH FORK CITY

JOE L THOMAS, Mayor

ATTEST:

KENT R. CLARK, City Recorder

THE SADDLE DUSTERS

President

ATTEST:

Secretary

**Agreement
for
Financial Advisory Services**

THIS AGREEMENT, entered into as of 28th day of February, 2007 by and between CITY OF SPANISH FORK, herein called the "City," and ZIONS BANK PUBLIC FINANCE, a division of Zions First National Bank, hereinafter called the "Company,"

WITNESSETH

WHEREAS, the City desires to avail itself of the experienced financial advisory service of the Company in the financing of capital projects which most likely will involve the structuring and marketing of municipal securities of the City, and the Company desires to furnish such services to the City;

NOW, THEREFORE, the City and the Company agree as follows:

1. The Company agrees to render the following services on behalf of the City:
 - (a) To provide the City expert financial advice and assistance on fiscal matters pertaining and preliminary to the issuance and sale of securities of the City, including but not limited to tax anticipation, general obligation, revenue, tax allocation, lease or other forms of securities or financings to be designated.
 - (b) To make studies of methods of structuring financing and securities issues, including recommendations as to tax and utility rates, payment and security details and bond specifications believed advantageous to the City and submit studies to the City for the City's final determination regarding methods of financing.
 - (c) To confer with recognized bond attorneys to be selected and employed by the City to issue their approving legal opinion in connection with proceedings authorizing the issuance of securities. These attorneys will be paid directly by the City.
 - (d) To prepare an Official Statement, or other offering documents for each security issue setting forth financial and other information about the City and the securities to be sent to prospective purchasers of the securities. Actual printing expenses of the offering document are to be paid by the City.

(e) To mail the Official Statement the offering document, together with the Notice of Sale, to investment dealers and institutions Company believes would be interested in the City's securities. Before the offering document is mailed, it shall be approved by the City.

(f) To submit upon review and approval of the City, data concerning the financing to Moody's Investors Service and/or Standard and Poor's Ratings Groups in an endeavor to obtain a favorable rating, the actual fees and related expenses are to be paid by the City.

(g) To have a representative present at meetings, when requested or notified, on matters concerning securities issues, at the opening of bids and at delivery of the bonds.

(h) To have a representative at a "Due Diligence" meeting of officials and staff prior to printing and distributing the Official Statement or offering document for the purpose of verifying the accuracy of information contained in such Official Statement or offering document and making full disclosure of all information which could be considered "material" to any purchaser and to authorize and direct appropriate City officers to execute a certificate for insertion in the Official Statement and closing documents confirming the truth, accuracy and completeness of all information contained in the Official Statement.

(i) To advise and assist the City in selecting the most advantageous financing structure. In the event that bonds are to be issued and a public sale is deemed most advantageous to the city the services enumerated above will be provided. If it is deemed a negotiated sale is the most advantageous to the City, Company will assist, as directed by the City, in soliciting and analyzing proposals. The City will select the firm to underwrite the securities issue. In addition, the Company will analyze purported savings to be made in refunding proposals and will assist in structuring refundings within the context of the City's financial plan, philosophy and directions.

2. The City agrees that in consideration of the foregoing services to be performed by the Company, the City will do the following:

(a) The City will cooperate with the Company and will give the Company all information which is reasonably calculated to enable the Company to market the securities.

(b) The City will pass such ordinances and resolutions and perform such reasonable acts as may be necessary to assure compliance with all applicable laws, ordinances and constitutional provisions pertaining to the issuance of its securities.

(c) The City will furnish to the Company certified copies of all minutes from meetings and proceedings taken, affidavits of publications, etc., in connection with any of the securities issued by the City.

(d) The city will pay the Company for services herein outlined and other services incidental hereto in accordance with the attached fee schedule or at some other mutually agreed upon fee. Out-of-pocket costs including travel shall be at the City's request and will be reimbursable at the Company's actual cost.

3. This agreement will expire June 30, 2012, unless renewed prior to that date. Either party may cancel and terminate this agreement for any reason upon thirty (30) days prior written notice.

4. The Company may for its own account or in association with others, submit a bid for the purchase of securities when they are advertised for competitive closed bid sale.

5. The information used in developing forecast assumptions will be derived from published information and other sources that the Company considers appropriate. However, it does not assume responsibility for the accuracy of such material. Moreover forecasts are subject to many uncertainties as to the future; therefore, the Company does not represent that any projections of growth will be representative of the results that actually will occur.

6. The Company's services consist solely in providing expert and experienced assistance to municipalities as financial advisor and consultant. The company does not render any legal, accounting or actuarial advice. The Company is not registered as nor will it perform the services of an "investment advisor" and will not advise "as to the value of securities or as to the advisability of investing in, purchasing, or selling securities" nor will issue "analyses or reports concerning securities."

7. This agreement constitutes the entire agreement between the parties and cannot be altered or assigned by one party without the prior written consent of the other.

8. This agreement shall be interpreted under the laws of and enforced in the courts of the State of Utah.

9. The Company agrees to indemnify, save harmless and defend the City from all claims, damages, demands, actions, costs and charges, including attorney's fees, arising out of or by reason of the Company's negligent performance hereunder as such negligence may be determined by law.

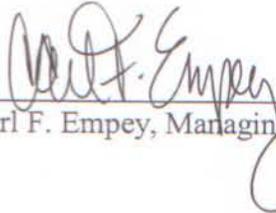
IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the day and year first above written.

CITY OF SPANISH FORK, UTAH

ATTEST:

By _____
Kent R. Clark, City Recorder

ZIONS BANK PUBLIC FINANCE
Zions First National Bank

By  _____
Carl F. Empey, Managing Director

ATTACHMENT A

The fees for professional advisory services should be fair to both parties, and negotiated from a basis of trust and full disclosure at the time the scope of the work is more definitely known. Our policy is to provide expert and professional financial advisory service. We suggest negotiating fees with the City when the scope of work is more in focus based on the value of our services, time involvement and competitive trends in our industry.

Our thoughts regarding reasonable fees for the following "generic" financing of \$1,000,000 are as follows:

FEE SCHEDULE

a.	A special assessment bond	\$12,000
b.	A tax increment bond	12,000
c.	A revenue bond	12,000
d.	A tax anticipation bond	3,500
e.	A general obligation bond	7,000

We caution the City that occasionally a financing may result as being very complex — requiring a significant increase in the amount of meetings, public hearings, time and travel. Should such extraordinary complexities arise we would charge a higher fee as would be mutually agreeable.

As you are aware, there are transactional costs depending on the type of debt issued. These expenses by category may include advertising, blue sky memorandum, bond printing, closing expenses, long distance communications, computer services, special consultants such as escrow verification, CPA, engineering, architect, fees or escrow agent, bond insurance, bond counsel, special postage and shipping, fees of rating agencies, travel of City officials, trustee set-up fees, preparation, printing and mailing of Official Statement, and other miscellaneous expenses. The relevant portions of these fees and expenses will generally either be paid directly by the City or paid by the financial advisor and then reimbursed by the City.

Spanish Fork/Springville Airport Manager Contract

COMES NOW Spanish Fork City and Springville City, both Municipal Corporations in the State of Utah, hereinafter CITIES, and FLOYD RICHEY, hereinafter MANAGER, who recite and agree as follows:

RECITALS

1. WHEREAS CITIES own and operate a municipal airport for the benefit of the residents, and
2. WHEREAS an airport manager is required pursuant to ordinance to promulgate and enforce rules for the airport, and
3. WHEREAS management of the airport requires the dedication of a single individual to insure the preservation and operational viability of the airport, monitor the safety of ground and air operations, achieve and maintain financial self-sufficiency for the facility, and improve and maintain airport aesthetics, and
4. WHEREAS an independent contractor working as a manager is best able to meet the needs of the CITIES in managing the airport;

NOW THEREFORE, the parties contract, covenant, and agree as follows:

AGREEMENT

1. TERM OF AGREEMENT: MANAGER agrees to provide management services to the Airport pursuant to the terms and conditions of this Agreement. MANAGER is an independent contractor and is not an employee of CITIES. Nothing herein contained shall be construed to create a joint venture, partnership, nor other affiliation between the parties, other than independent contractors. As such, MANAGER acknowledges his/her responsibility for

his/her own taxes, insurance, workman's compensation coverage, or other requirements or obligations. MANAGER shall set his/her own schedule and provide his/her own materials. This contract shall commence on March 26, 2007, for the period of one year. Thereafter, this Agreement shall continue on an annual basis, unless or until either party gives thirty (30) days written notice to terminate. Such notice may be given for any reason.

2. DUTIES OF THE MANAGER: The MANAGER agrees to perform the following duties as manager of the Spanish Fork/Springville Airport:

- A. **Manage Airport Activities:** Perform the duties of the airport manager as set forth in Spanish Fork Municipal Code, section 7.12.101 et seq., and to perform such other duties as may be assigned by the airport board. MANAGER must use all best efforts to accomplish the goals of the CITIES and the Airport Board in managing the daily activities at the airport. This shall include but not be limited to providing regular reports to the Airport Board.
- B. **Monitor Compliance:** insure that all Airport actions and activities are in full compliance with FAA policies, standards, and directions. MANAGER must maintain familiarity with current FAA rules and regulations and enforce the same.
- C. **Coordinate Airport Business:** Harmonize the operations of the Airport facility with and among patrons, fixed based operators (FBO's), CITIES, consulting engineers, and applicable regulatory agencies. This shall include but not be limited to the execution and enforcement of hangar leases, and the maintenance of airport premises and facilities such that they are an asset to CITES.

3. COMPENSATION: MANAGER is provided consideration of the sum of \$33,000 annually. Payments may be made on a monthly or annual basis, as determined by Springville City.

4. ASSIGNMENT: This agreement is specific to the parties hereto and is not assignable.

5. SUPERVISION: MANAGER's duties shall be performed under the supervision and guidance of the Airport Board. Any questions or issues which may arise in the performance of this contract should first be brought to the attention of the Board. MANAGER is required to report to the Board at their discretion in order to ensure efficient management of the airport facility.

6. MODIFICATION AND AMENDMENTS: This agreement may be modified only by a written amendment, executed by each of the parties hereto. This Agreement represents the entire agreement between the parties. Any prior understandings, agreements, or negotiations are merged herein and superceded hereby.

7. TERMINATION OF AGREEMENT: Either party to this Agreement may terminate this agreement for any reason. A party desiring to terminate the Agreement shall first provide written notice to the other party. To enable the non-terminating party to make alternative plans, the termination shall not be effective until thirty days after the notice is given. Each party shall continue performing its respective obligations pursuant to this Agreement until the thirty days has elapsed.

8. ATTORNEY'S FEES. In the event this agreement is breached, the non-breaching party shall be entitled to recover, in addition to actual damages, attorney fees and costs of court actually incurred in the enforcement of this agreement.

SPRINGVILLE CITY by:

SPANISH FORK CITY by:

GENE MANGUM, Mayor

JOE L THOMAS, Mayor

ATTEST:

VENLA GUBLER, City Recorder

KENT R. CLARK, City Recorder

MANAGER

FLOYD RICHEY

Spanish Fork, Utah

March 6, 2007

The City Council of Spanish Fork City, Utah (the "Council"), met in regular public session at the regular meeting place of the Council in Spanish Fork, Utah, on March 6, 2007, at the hour of 6:00 p.m., with the following members of the Council being present:

Joe Thomas	Mayor
G. Wayne Andersen	Councilmember
Matt D. Barber	Councilmember
Steve Leifson	Councilmember
Seth V. Sorensen	Councilmember
Chris C. Wadsworth	Councilmember

Also present:

David A. Oyler	City Manager
Kent R. Clark	City Recorder/Finance Director
S. Junior Baker	City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this March 6, 2007 meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, was fully discussed, and pursuant to motion duly made by Councilmember _____ and seconded by Councilmember _____, adopted by the following vote:

YEA:

NAY:

The resolution was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of Spanish Fork City. The resolution is as follows:

RESOLUTION NO. _____

A RESOLUTION RATIFYING AN AMENDED PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED WITH REGARD TO THE PROPOSED ISSUANCE AND SALE OF NOT MORE THAN \$22,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2007, OF SPANISH FORK CITY, UTAH; AND RELATED MATTERS.

WHEREAS, on February 6, 2007, the City Council of Spanish Fork City (the 'Council') adopted a resolution authorizing the publication of a 'Notice of Public Hearing and Bonds to Be Issued' (the 'Original Notice') in the Spanish Fork News, pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the 'Act') with regard to the proposed issuance and sale of not more than \$22,000,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2007, of Spanish Fork City, Utah (the 'Bonds'); and

WHEREAS, an amended notice was published in the Spanish Fork Press (the 'Amended Notice') (i) because the Spanish Fork News may not currently qualify as a newspaper of general circulation pursuant to state law and (ii) to notify the public of a corresponding change in the hearing date from March 6, 2007 (as published in the Original Notice) to March 6, 2007 to receive input from the public regarding the proposed issuance of the Bonds; and

WHEREAS, the Council desires to ratify the publication of the Amended Notice and reschedule the public hearing date.

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

Section 1. The Council hereby ratifies the publication of the following notice in the Spanish Fork Press on March 1 and March 8, 2007:

AMENDED
NOTICE OF PUBLIC HEARING
AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN that on Tuesday, March 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-two million dollars (\$22,000,000), 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 by the Council in such form and with such changes thereto as shall be authorized by the Council upon the adoption of a final bond resolution.

A copy of the Resolution and the form of the Indenture are on file in the office of the City Recorder of the Issuer at 40 South Main, Spanish Fork, Utah, where they may be examined during regular business hours of the Issuer from 8:00 a.m. to 6:00 p.m. Monday through Thursday and Friday 8:00 a.m. to 4:00 p.m. for a period of at least thirty (30) days from and after the last date of publication of this notice.

NOTICE IS HEREBY GIVEN that a period of thirty (30) days from and after the last date of the publication of this notice is provided by law during which (i) any person in interest shall have the right to contest the legality of the Resolution, the Indenture or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever, and (ii) registered voters within Spanish Fork City may sign a written petition requesting an election to authorize the issuance of the Bonds. If written petitions which have been signed by at least 20% of the registered voters of Spanish Fork City are filed with the Issuer during said 30-day period, the Issuer shall be required to hold an election to obtain voter authorization prior to the issuance of the Bonds. If fewer than 20% of the registered voters of Spanish Fork City file a written petition during said 30-day period, the Issuer may proceed to issue the Bonds without an election.

DATED this 26th day of February, 2007.

/s/ Kent R. Clark
City Recorder

Published in the Spanish Fork Press on March 1 and 8, 2007.

Section 2. 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 March, 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 March 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 March 6, 2007, and that pursuant to the Resolution, there was published once each week for two consecutive weeks in the Spanish Fork Press, 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 6th day of March, 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 52-4-202, 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 March 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 March __, 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 March __, 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 in January, 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 in January, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 6th day of March, 2007.

(SEAL)

City Recorder

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF ANNUAL MEETING SCHEDULE

AFFIDAVIT OF PUBLICATION

SPANISH FORK

MEMORANDUM

TO: Mayor and City Council
FROM: Dave Anderson, Planning Director
DATE: February 28, 2007
RE: Acceptance of Northeast Bench and Christensen Annexations

Two Annexations, the Northeast Bench and Christensen Annexations have been submitted for the City's acceptance. The Development Review Committee reviewed the proposed Annexations and has recommended that the City Council accept the petitions for further study. Accepting the petitions will not bind the Council to ultimately approve either Annexation but would initiate the formal process of reviewing the proposals. Minutes from the Development Review Committee's February 21, 2007 meeting are provided below and maps identifying the proposed annexations are attached to this correspondence.

February 21, 2007 D.R.C. Meeting

Northeast Bench Annexation

Location: approximately
General Plan: Residential 1.5 to 2.5 Units Per Acre/2.5 to 3.5 Units Per Acre
Applicant: Duane Hutchings

Mr. Anderson explained the proposed Annexation. He feels that the City will need is some kind of a connection between Expressway Lane and 400 North and 2550 East.

Discussion was made regarding the need for a major road and land planning.

Mr. Baker made a **motion** based on previous discussion that they accept the petition for further study and explore the possibility of an annexation agreement for a corridor.

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

Christensen Annexation

Location: approximately
General Plan: Residential 1.5 to 2.5 Units Per Acre
Applicant: Kenneth and June Christensen

Mr. Anderson explained the annexation.

Mr. Anderson made a **motion** that the City Council accepts the petition for further study. Mr. Perrins **seconded** and the motion **passed** all in favor.

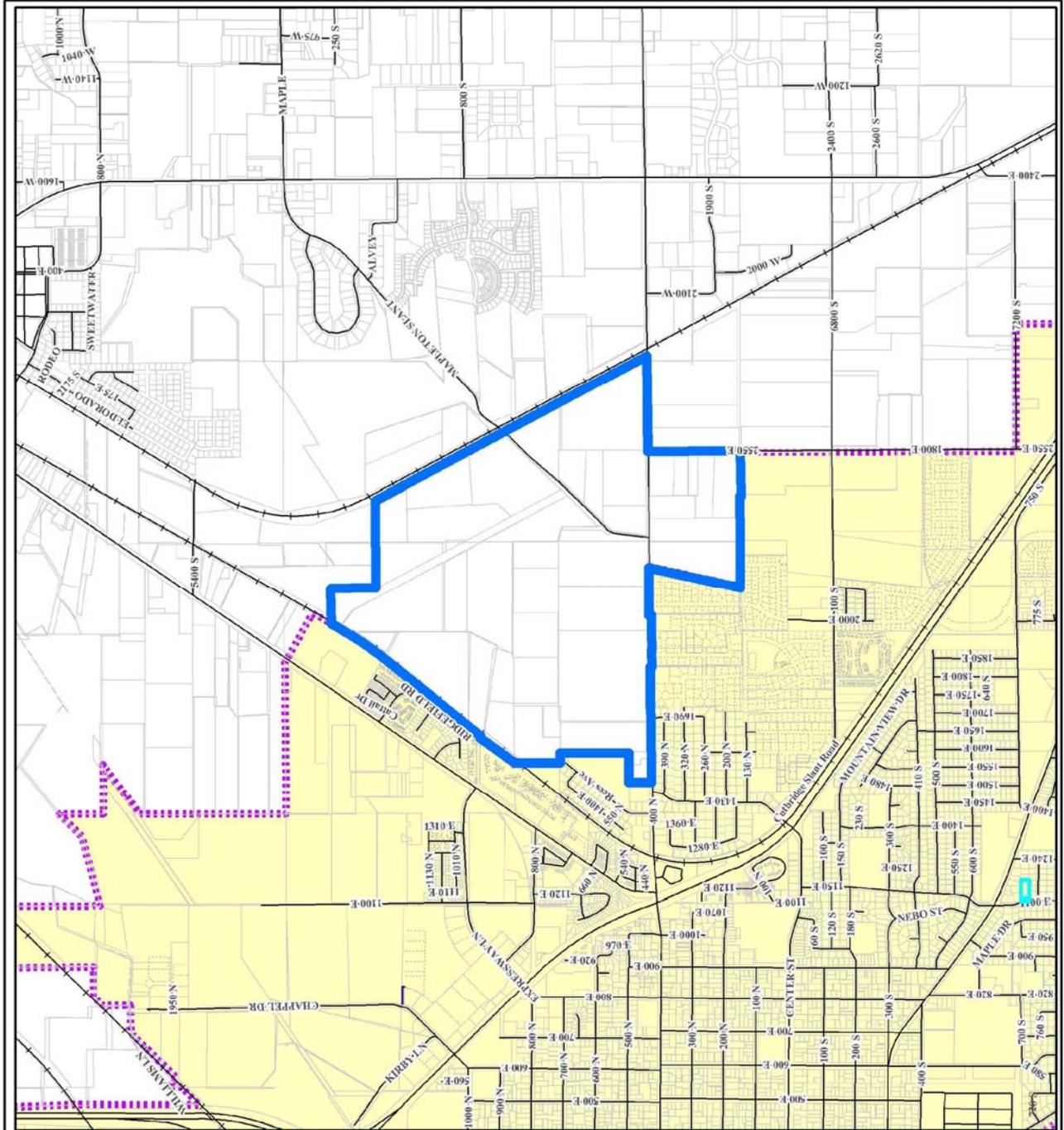
cc: Development Review Committee

Northeast Bench Addition Annexation



1 Inch equals 1,906 Feet

- Legend**
- Northeast Bench Addition
 - Roads
 - Other Roads
 - Soil Street
 - Parcel
 - Railroad
 - County, SF_Parcel
 - Revers
 - Spanish Fork Boundary



Geographic Information Systems
Spanish Fork City GIS
 40 South Main Street
 Spanish Fork, UT 84660
 (801) 798-5000

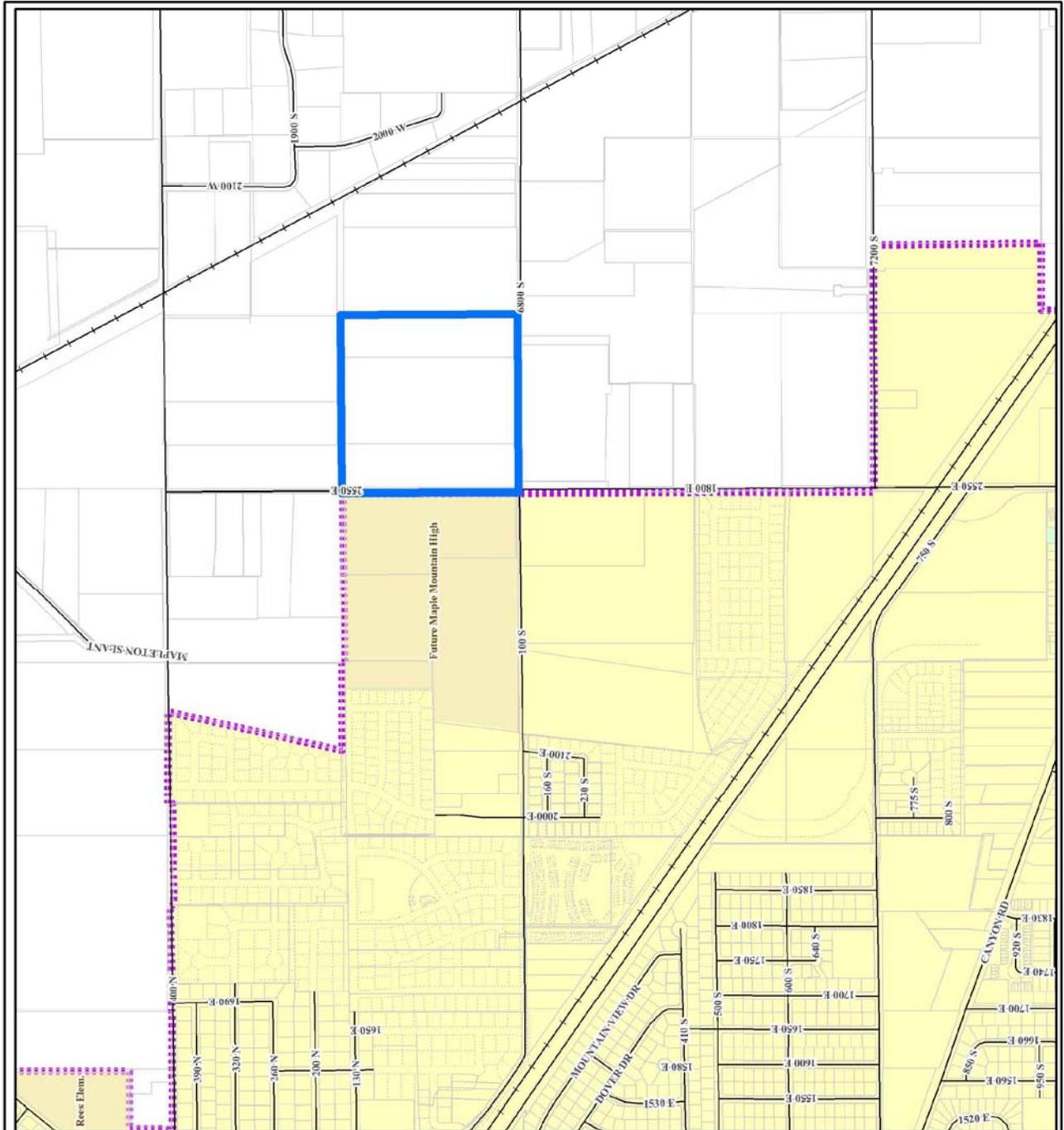
Disclaimer: Spanish Fork City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Spanish Fork City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental use, but may not be resold.

Christensen Annexation



1 Inch equals 990 Feet

- Legend**
- Christensen Annexation
 - Roads
 - Other roads
 - Not Paved
 - Pavement
 - Railroad
 - County SF Parcels
 - Rivers
 - Schools
 - Private
 - Public
 - Spanish Fork Boundary



Geographic Information Systems
Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

Disclaimer: Spanish Fork City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Spanish Fork City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental use, but may not be resold.