



CITY COUNCIL MEETING

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on April 17, 2007**.

AGENDA ITEMS:

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

- a. Pledge

2. PUBLIC COMMENTS:

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

3. COUNCIL COMMENTS:

4. PUBLIC HEARINGS: 6:00 p.m.

- a. Abandonment of Hatfield Subdivision
- b. Vacation of 560 East Street
- c. Old Mill Estates General Plan Amendment and Zone Change – 1503 Mill Road
- d. Public Facilities Zone – Citywide

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 – March 20, 2007
- b. Exchange Agreement with Skye Properties

6. NEW BUSINESS:

- a. UDOT/UTA I-15 Project Update – Merrell Jolley
- b. Declaration of Surplus Property (2550 East Hwy 6) (300 North 100 East)
- c. Consideration for adoption of a resolution of the City Council of Spanish Fork city, Utah (“the issuer”) finalizing the terms and conditions of the issuance and sale by the Issuer of this Sales Tax Revenue Bonds, Series 2007, in the aggregate principal amount of approximately \$22,000,000; and related matters.
- d. Preliminary Plat Re-approval of East Meadows Plat B
- e. Annexation Acceptance – W. Jones Annexation
- f. Annexation Acceptance - Envision Annexation
- g. Annexation Acceptance - CW Annexation

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.

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



Agenda Date: April 17, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Hatfield Subdivision and 560 East Street Vacation

Background Discussion:

The City Council recently approved a Preliminary Plat for the Westfield's Development. As that development now progresses into the Final Plat review stage it is necessary for the City to approve the vacation of an existing subdivision and public street located within the Westfield's Development area.

The Hatfield subdivision was recorded in 1978 and is the location of the duplexes located on 560 East Street north of 1000 North.



Another necessary component of approving the Final Plat for the Westfield's development is the vacation of the public street, 560 East, found in the Hatfield subdivision. The vacation of this street and the corresponding subdivision allow for the properties to be replatted in the manner represented on the Westfield's Development Preliminary Plat.



Development Review Committee

STREET VACATION

Proposed Vacation of 560 East Street

Applicant: Spanish Fork City

Location: 560 East North of 1000 North

Discussion was held regarding public utility easements.

Mr. Nielson made a **motion** recommending **vacating** 560 East street subject to the following conditions:

Conditions:

1. To closing on the property for the development of the North Park.
2. That the North Park development moves forward.
3. That the utility companies are notified.

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

SUBDIVISION VACATION

Proposed Vacation of Hatfield Subdivision Plat A

Applicant: Spanish Fork City

Location: 560 East 1000 North

Mr. Nielson made a **motion** recommending **vacating** the Hatfield Subdivision Plat A located at 560 East 1000 North subject to the following conditions:

Conditions:

1. To closing on the property for the development of the North Park.

2. That the North Park development moves forward.
3. That the utility companies are notified.

Mrs. Johnson **seconded** and the motion **passed** all in favor

***Mr. Anderson arrived at 10:48 a.m.*

Planning Commission

Proposed Vacation of 560 East Street

Applicant: Spanish Fork City

Location: 560 East north of 1000 North

Commissioner Lewis made a **motion** recommending to the City Council **approval** of the **vacation** of 560 East Street subject to the following conditions:

Conditions:

1. To closings on the property for the development of the North Park.
2. That the North Park development moves forward.
3. That the utility companies are notified.

Commissioner Robins **seconded** and the motion **passed** by a unanimous roll call vote.

Proposed Abandonment of Hatfield Subdivision Plat A

Applicant: Spanish Fork City

Location: 560 East 1000 North

Commissioner Lewis made a **motion** recommending to the City Council **approval** of **abandoning** the Hatfield Subdivision subject to the following conditions:

Conditions:

1. To closing on the property for the development of the North Park.
2. That the North Park development moves forward.
3. That the utility companies are notified.

Commissioner Robins **seconded** and the motion **passed** by a unanimous roll call vote.

Budgetary Impact:

Aside from the anticipated windfalls that would accompany the commercial development of this property, the budgetary impact of the proposed vacations is negligible.

Alternatives:

The City certainly reserves the right to not vacate dedicated public streets and maintains great discretion with respect to not vacating subdivision plats. Even so, these proposed vacations are a necessary component of recording new plats for the subject properties and neighboring parcels.

Recommendation:

Staff recommends that the City Council approves the proposed Hatfield Subdivision abandonment and 560 East Street vacation subject to the following conditions:

Conditions:

1. To closing on the property for the development of the North Park.
2. That the North Park development moves forward.
3. That the utility companies are notified.

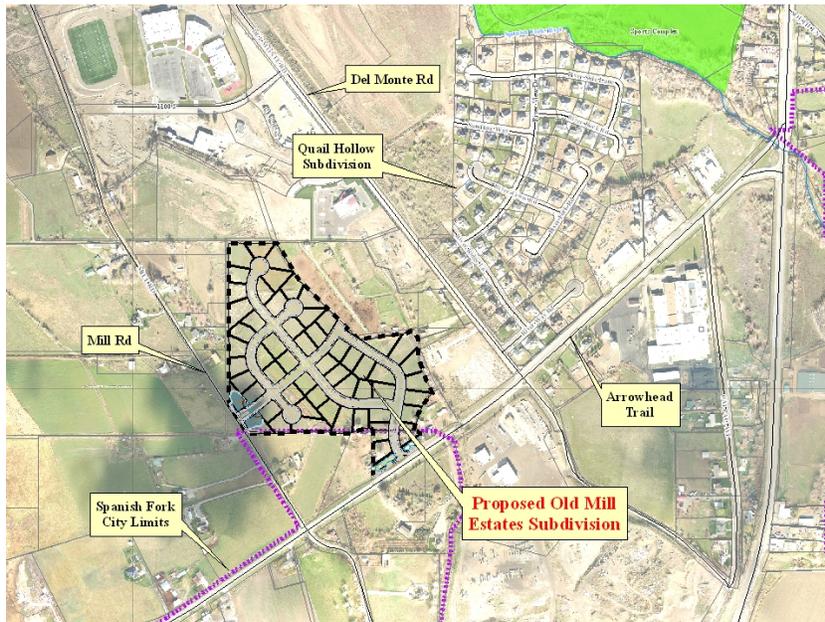
**SPANISH FORK CITY
Staff Report to City Council**



Agenda Date:	April 17, 2007
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	the Development Review Committee
Subject:	Old Mill Estates General Plan and Zoning Map Amendments

Background Discussion:

The applicant, CW Management Group, is requesting a General Plan Amendment and Zone Change for a 30-acre parcel located at 1503 South Mill Road. The General Plan currently designates the properties 1 unit per 5 acres/.5 to 1.5 units per acre residential, the proposed amendment would change the designation to Residential 1.5 to 2.5 units per acre residential. The property is currently zoned Rural Residential and the applicant has requested that the zoning be changed to R-1-15. The applicant has submitted a concept plan with this application that includes some 55 lots that meet the lot size requirement for the R-1-15 Zone.



By way of land use and zoning, the Development Review Committee and Planning Commission have recommended that the proposed Zone Change and General Plan Amendment be approved. With that said, it's important to note that staff and the applicant are currently working to find the most suitable

alternative for access to the development. Given the current situation, the applicant has consented to make a presentation before the Council this evening with the expectation that the Council will not take action tonight. It is the hope of both the applicant and staff that that Council will provide any thoughts or concerns that you have about the proposed project tonight so as to provide an opportunity for any issues to be addressed before your next meeting.

The subject property is located immediately south of the recently approved Academy Park South development. The requests that are before the Commission at this time would, if approved, allow the subject property to be developed in a manner that is consistent with Academy Park South.

The condition of Mill Road and access from this development have been significant concerns for staff and residents in the area. Significant effort has been made by the applicant to address this concern. Specifically, the applicant has acquired additional property so as to establish access onto Arrowhead Trail. Access onto Arrowhead would be the primary point of access for the development and the applicant has proposed a second emergency access onto Mill Road. While the applicant has proposed the Mill Road access to be for emergency vehicles only, until such time that Mill Road is reconstructed, the City's Engineering Department has recommended that this access be open to all traffic at the onset.

Any development of the subject properties would require a lift station. This concern has been addressed as the applicant has preliminarily designed a lift station that would meet the City's threshold for size and the City's standards for facilities of this nature.

The Development Review Committee

The Development Review Committee reviewed this proposal in their March 7 and March 21, 2007 meetings and recommended that it be approved. Draft minutes from those meetings read as follows:

March 7, 2007

Old Mill Estates

Mr. Anderson gave background on Old Mill Estates.

Discussion was held regarding the General Plan request.

Chris McCandless

Mr. McCandless addressed the Committee. He went over their proposal and addressed notable projects, past projects, site information, ingress and egress, Mill Road, Del Monte Road, sewer pumps, infrastructure solutions, and the project summary.

Discussion was held regarding lift stations, sewer pump, access onto a state highway, Mill Road improvements, impact fees, access to Del Monte Road instead of Mill Road, costs of a lift station, power utility issues and trail property dedication. Mr. McCandless' presentation included a description of the lift station they propose to build. The lift station would include two pumps that can support 400 to 600 homes, a natural gas generator for back up power, fencing, lighting and a connection to the City's SCADA system or other communication system. Mr. McCandless also proffered five (5) years of maintenance costs for the lift station (approximately \$17,000).

March 21, 2007

Old Mill Estates

Location: approximately 1503 South Mill Road

General Plan: 1 unit per 5 acres/.5-1.5 units per acre existing, 1.5-2.5 units per acre requested.

Zoning: Rural Residential existing, R-1-15 requested

Applicant: CW Management Corporation

Mr. Anderson gave background and explained the proposal.

Mr. Thompson in speaking for Richard Nielson said that Mr. Nielson asked him to bring up his concern with Mill Road. He feels that Mill Road needs to be used as a second access and not a gated emergency access, and that the developer be required to widen Mill Road along with curb and gutter from in front of their development down to Arrowhead Trail.

Discussion was held regarding access onto Mill Road.

Mr. Baker made a **motion** recommending to the Planning Commission **approval** of the General Plan Amendment from 1 unit per 5 acres/.5-1.5 units per acre existing to 1.5-2.5 units per acre and approval of the Zone Change from R-R to R-1-15 based on the following finding:

Finding:

1. That the applicant's entrance features and open space amenities are consistent with the concept of the General Plan and the quality of developments that the City ought to encourage and seek after.

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

The Planning Commission

The Planning Commission reviewed this proposal in their April 4, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Old Mill Estates General Plan Amendment and Zone Change

Applicant: CW Management Group

General Plan: 1 unit per 5 acres/.5-1.5 units per acre residential existing, 1.5-2.5 units per acre residential requested

Zoning: Rural Residential existing, R-1-15 requested

Location: 1503 South Mill Road

Mr. Anderson gave background and explained the proposal.

Commissioner Christianson asked Mr. Anderson if the Commission were to approve the Zone Change, would there be any guarantee that what the developer was proposing would be concrete or could it change.

Mr. Anderson said the best way to bind the applicant would be with a development agreement that they would voluntarily enter into.

Commissioner Robins asked for the amount of acreage.

Mr. Anderson said it was approximately 30 acres.

Discussion was held regarding the current General Plan designation.

Commissioner Lewis asked where the lift station would be located.

Mr. Anderson said that the developer would address that.

Commissioner Bradford thanked the citizens of Leland for their attendance and comments from the Leland meeting that was held in March. He then asked the developer to address the Commission.

Wayne Niederhauser

Mr. Niederhauser addressed the Commission. He addressed past projects, restrictive covenants, HOA, site information, subdivision plan, meetings, Mill Road access, sewer pump station, three phase power, storm water retention, entry features, and a connector's agreement.

Commissioner Christianson asked whether or not UDOT had been contacted regarding the proposed egress and ingress to Arrowhead Trail.

Mr. Niederhauser said that they had met with UDOT but had not secured the access.

Commissioner Bradford opened for public comment.

Pat Parkinson

Ms. Parkinson addressed the Commission. She feels that this is a nice development. She is in support of the development.

Duane Kirkham

Mr. Kirkham asked why this development even needed to be approved. He feels that the wishes of the people who currently live there should take precedence. He also asked why the people who live there do not have a say. He feels that if the development is approved that the people who move there will not like the animal smells.

Commissioner Bradford asked for clarification on animal rights.

Mr. Anderson said that the animal rights of the residents in Leland will be protected.

Jeff Clark

Mr. Clark addressed the Commission. He expressed how he feels that the people who live adjacent to the proposal are feeling. He feels that the rights of the residents will diminish in the future because of growth.

Lisa Olsen

Ms. Olsen addressed the Commission with a letter from Richard and Lana Harris; which she read.

Ms. Olsen then gave her comments. She is fearful of having an emergency access onto Mill Road turned into a full access.

Commissioner Bradford explained that Mill Road is a public road and that the developer has just as much right to the road as the Leland residents.

Dan Davis

Mr. Davis addressed the developer. He feels that a turn lane on Arrowhead Trail into the development would be wise. He feels limited access onto Mill Road is a good thing.

Allan Davis

Mr. Davis addressed the Commission. He likes the emergency access onto Mill Road.

Discussion was held regarding Utah County's plans on the roads in the area, and how to get Mill Road taken care of.

Kevin Baadsgaard

Mr. Baadsgaard addressed the Commission. He feels that the lots will have to be sold when the cattle are not in the feed lot. He likes the idea of access onto Arrowhead.

Bryan Redd

Mr. Redd addressed the Commission. He said that he has a petition to submit to the Commission. He is for the emergency egress to Mill Road. He feels that Mill Road from in front of the proposed development to the canal is a serious issue.

Mr. Niedhauser addressed the Commission. He explained where he lives and that it is a rural feel in the middle of urban Sandy.

Commissioner Bradford feels that the developer has met the needs of the citizens of Leland and that they have addressed the issues of Mill Road.

Commissioner Miya feels that the developer has done a good job and that this is a beautiful development.

Commissioner Robins asked Mr. Nielson how an emergency access into a development would work, and who would decide when it could be open for full access.

Mr. Nielson said the City would be in charge of the access and that the road would be open for full access when the City deemed it necessary.

Pat Parkinson asked for the traffic study to be addressed.

Mr. Nielson said that the Charter School did a traffic study and that he did not remember the amount of cars that the study said Mill Road could handle.

Discussion was held regarding the traffic study.

Commissioner Bradford feels that this is a good development and has not seen a more beautiful development come into the City.

Commissioner Lewis asked Mr. Anderson if he needed to reclude himself from voting tonight due to a potential conflict of interest.

Mr. Anderson stated that he did not feel that Mr. Lewis needed to reclude himself.

Commissioner Lewis supports this development and he is opposed to an emergency access onto Mill Road.

Commissioner Christianson agrees with Mr. Lewis. He does not think there should be a gate. He does not feel there is anything to gain from not allowing access to Mill Road. He feels that if the sewer line will go in Mill Road in the future then why put in a new road only to tear it up. He feels that a development agreement is warranted.

Commissioner Robins does not support anything more than an emergency access onto Mill Road. He feels that the Leland residents have been more involved than any other citizens have been and that their wishes should be granted.

Discussion was held regarding access onto Mill Road, traffic lights on Arrowhead trail, and Mill Road.

Clint Muhlstein

Mr. Muhlstein addressed the Commission. He feels that Mill Road needs to be addressed and that the City needs to help get Mill Road fixed.

Annette Redd

Ms. Redd addressed the Commission. She said that when the new Riverview Elementary School opens the children in Leland will be attending it. The kids live too close to be bused to the school and that they will have to walk down Mill Road. There are not any sidewalks and that the road is not safe.

Discussion was held regarding a development agreement, Mill Road improvements, and access onto Mill Road.

Commissioner Lewis made a **motion** recommending to the City Council **approval** of the proposed General Plan and Zoning Map Amendments for property located at approximately 1503 South Mill Road changing the General Plan Map from 1 unit per 5 acres/.5-1.5 units per acre Residential to Residential 1.5-2.5 units per acre residential and changing the Zoning Map from Rural Residential to R-1-15 based on the following finding and subject to the following conditions:

Finding:

1. That the applicant's entrance features and open space amenities are consistent with the concept of the General Plan and the quality of developments that the City ought to encourage and seek after.

Conditions:

1. Cap the units at 55 units.
2. The lift station is installed to the City's standards for approximately 600 connections.
3. Mill Road be improved from entry to Arrowhead Trail.
4. Full access onto Mill Road.
5. Developer can receive reimbursement by a connector's agreement for the applicable public improvements.

Commissioner Christianson **seconded** and the motion **passed** by a roll call vote. Commissioner Robins voted nay because he feels access onto Mill Road should be studied further.

Budgetary Impact:

Provided that the subject property can be developed in accordance with the City's Construction and Development Standards, the proposed amendments would likely have little impact on the City, from a financial perspective. However, the development of this property may require the installation and operation of localized equipment such as a sewer lift station. It is possible that the cost of operating equipment of that nature to provide service to the development would be higher than the cost to provide services to other developments in the City. With that in mind, this applicant has proffered funds to maintain the lift station for a number of years which will lessen any adverse budgetary impact the development would have on the City.

Alternatives:

The City maintains considerable discretion with respect to approving or denying General Plan Amendments. The Commission may opt to recommend approval or denial of the proposed request or recommend that the City Council consider some alternate action.

Recommendation:

General Plan and Zoning Map Amendment

Staff and the applicant request that the Council continue action on this item until your May 1, 2007 meeting.

SPANISH FORK

MEMORANDUM

TO: Spanish Fork City Council
FROM: Dave Anderson, Planning Director
DATE: April 17, 2007
RE: Proposed Public Facility Zone

Background

During the planning of the City's planned Police Court Building it became apparent that there is some value in adding a Public Facilities zone to both the text of Title 15 and the City's Official Zoning Map. Proposed tonight is the text which would be added to Title 15. This text has been contemplated by the City's Development Review Committee for several months and the Development Review Committee recommended on March 21 that it be approved as proposed.

General Plan

One of the justifications for proposing this new zone is the existence of a Public Facilities land use designation in the City's General Plan and on the City's Land Use Map. While it is not mandatory that each land use designation have corresponding representation on the Zoning Map, it does seem most appropriate to have some direct correlation between the two. For the Commission's information, an excerpt of the City's General Plan relating to public facilities is provided below:

- 1. Public Facilities:** Public facilities are properties and structures that are owned, leased or operated by a governmental entity for the purpose of providing governmental services to the community. Some of these services are necessary for the efficient functioning of the local community, and others are desired services which contribute to the community's cultural or educational enrichment. In either case, public properties and buildings represent important components of the community's quality of life.

Proposed Zone

The following is the proposed language for the Public Facilities zone:

15.3.16.160. Public Facilities (P-F).

This district is intended to provide for structures and uses that are owned, leased or operated by a governmental entity for the purpose of providing governmental services to the community. Allowed uses will be necessary for the efficient function of the local community or may be desired services which

contribute to the community's cultural or educational enrichment. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community.

A. Permitted Uses:

1. Child care centers.
2. Offices.
3. Public safety facilities.
4. Court buildings and related facilities.
6. Government owned nurseries and tree farms.
7. Municipal facilities required for local service.
8. Golf courses and related facilities.
9. Public parks and recreational facilities.
10. Libraries.
11. Public art galleries.
12. Transit centers and related facilities.
13. Government maintenance shops and related facilities.
14. Campgrounds.
15. Government storage buildings.
16. Government storage yards.
18. Public schools.
19. Museums.
20. Theaters.
21. Publicly owned zoos.
22. Temporary office and construction trailers.
24. Cemeteries.
25. Publicly owned stadiums and arenas.
26. Gun clubs and firing ranges.
27. Parking structures.
31. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

B. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. Hospitals.
2. Restaurants.
3. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

C. Accessory Buildings and Uses (see §15.3.24.090).

D. Development Standards.

1. The maximum height of any building or structure shall be limited to 65 feet.

2. Setbacks shall be as follows for all main buildings:

- A. Front Yard, 20 feet;
- B. Corner side yard, 20 feet;
- C. Interior Side Yard, 10 feet;
- D. Rear yard, 20 feet.

E. Site Plan/Design Review (see §15.4.08.010 et seq.).

F. Landscaping, Buffering, Walls (see §15.4.16.130).

G. Signs.

1. signage shall be permitted in accordance with section §15.36.010. Substitute or additional signage shall be permitted if it is deemed essential to providing a government service.

H. Parking (see §15.4.16.120).

Development Review Committee

The Development Review Committee reviewed this request in their March 21 meeting and recommended that it be approved. The following are minutes from that meeting:

Public Facilities Zone

Location: Citywide

Applicant: Spanish Fork City

Mr. Anderson explained the proposal.

Discussion was held regarding senior residential housing, the Planning Commission studying senior housing issues, permitted uses regarding what type of offices, restaurants and whether to have them as permitted or conditional uses, and athletic stadiums.

Mr. Baker made a **motion** recommending to the Planning Commission **adoption** of the proposed Public Facilities zone as written with the change in the development standards section.

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

Planning Commission

The Planning Commission reviewed this request in their April 4 meeting and recommended that it be approved. The following are draft minutes from that meeting:

Public Facilities Zone

Applicant: Spanish Fork City

Location: Citywide

Mr. Anderson explained the proposal.

Commissioner Bradford opened for public comment. There was none.

Commissioner Robins made a **motion** recommending to the City Council **approval** of the proposed Public Facilities zone at approximately 2100 North 200 East, based on the following findings:

Findings:

1. That the proposed zone is consistent with the language and intent of the City's General Plan.
2. That the proposed language would allow public agencies to construct and operate facilities that promote the general welfare and common good of the community.

Commissioner Lewis **seconded** and the motion **passed** by a roll call vote.

Commissioner Robins **moved** to close Public Hearing. Commissioner Lewis **seconded** and the motion **passed** by a unanimous roll call vote.

Recommendation

Staff recommends that the City Council approve the proposed Public Facilities zone based on the following findings:

Findings:

1. That the proposed zone is consistent with the language and intent of the City's General Plan.
2. That the proposed language would allow public agencies to construct and operate facilities that promote the general welfare and common good of the community.

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Tentative Minutes
Spanish Fork City Council Meeting
March 20, 2007

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

Staff: John Bowcut, IS Director; Brad Stone, Detective; Jeff Foster, Electric Superintendent; Dale Robinson, Parks and Recreation Director; Richard Nielson, Assistant Public Works Director; Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Kimberly Robinson, Deputy Recorder

Citizen: Sharyn Anderson, Kay Heaps, Danny Davis, Mike Davis, Kevin Payne, Tammy Peay, Wyatt Peay, Christopher Morgan, Jeremy Coutreras, Kaden Cook, Dallin Bies, Gunnar Ballard, Jordan Barclay, Junette Wood, Brian Wood, Kevin Wood, Quinn Frehner, Glenn James, Steve Eldridge, Alex Wheeler, Morgan Robinson, Cindy Bell, Gordon Bell, Nate Guymon, Caren Guymon, Colby Baum, Austin Taylor, Colton Baum, Gayle Baum, Clair Talbot, Nathan Talbot, Josh McGill, Gary Jarvis, Scott Jarvis, La Dean Jarvis, Farron LeFevre, Christine Baker, Danyelle Payne, Tim Taylor, Gary Sandel, John Smiley, Chase Wilson, Robert Lowe, Greta Trujillo, Caleb Rogers, Kevin Anderson, Connor Roberts, Anna-Marie Bass, Will Bass, Scott Hurst, Madison Hurst, Sara Pierce, Britni Measom, Shayla Sperry, Jeremy Twitchell, Krystal Lazenby, Zac Lazenby, Kayla Neves, Heidi Rogers, Beth Buckway, Rod Zeyer, Shane Zeyer, Jeff Heaps, Bart Boggess

CALL TO ORDER, PLEDGE:

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

Scout Leader Clair Talbot led in the pledge of allegiance.

PUBLIC COMMENTS:

There was no public comment made at this time.

COUNCIL COMMENTS:

Councilman Leifson attended the parks and recreation conference this last week, he stated Spanish Fork City was well represented, last year Dale Robinson the City Parks and Recreation Director was president.

Councilman Wadsworth reported there will be a finance committee meeting at the end of March, they will be reviewing the financial advisor requirements and then bring it to the Council. The River Trail project tonight on the agenda is a representative to continue to get funding from congress.

47 Councilman Sorensen reported the Chamber of Commerce is hosting the Easter egg hunt
48 on April 7, 2007 at the new ball fields. Last Saturday they held the Miss Spanish Fork
49 pageant the new Miss Spanish Fork is Diana Brandon, The Community Service award
50 went to Diana Brandon, 1st attendant is Shalee Lewis, 2nd attendant is Clarissa
51 Broomhead, 3rd attendant is Sydney Foulton, 4th attendant is Alina Haycock, The
52 Academic Award went to Sarah Bernards and AnJanae Stephens, the Spirit of the
53 Pageant Award went to Kaitlyn Startup, and the Photogenic Award went to Clarissa
54 Broomhead.

55

56 Councilman Andersen reported that water is important to everyone especially in the west,
57 they held the annual water meetings in St. George and received updates on changes to the
58 laws, the city of Spanish Fork is in very good shape as far as the water rights and
59 maintaining those rights

60

61 Mayor Thomas reported the Seniors Center is hosting the Irish Spring Fling Dance it will
62 be pot luck. North Park is progressing. The windmills continue to move forward. He
63 would like to publicly thank all those that take the time to send e-mails to the Council. He
64 gave the Golf Course update on the brand new golf carts and also the new golf pro is in
65 place. The Special Events Coordinator interviews have taken place this last week, and he
66 feels it will be a great position for the city. There has been a lot of pressure for growth, he
67 explained one of the issues is sewer capacity there has been a lot of work for options and
68 expansions to work through the issue.

69

70 Councilman Leifson added that the Spanish Fork High School baseball team won the
71 sunshine tournament again and represented the city well.

72

73 **CONSENT ITEMS:**

74

75 Deployed Military Benefit – Utility Credit for Deployed Military
76 Resolution of Intent to Adjust Common Boundary with Springville
77 Sky Properties Easement Agreement with Strawberry Water
78 Sky Properties Development Agreement
79 Sky Properties Maintenance Agreement with Strawberry Water

80

81 Councilman Sorensen made a **motion** to approve the consent items. Councilman
82 Andersen **seconded** and the motion **passed** all in favor.

83

84 **NEW BUSINESS:**

85

86 **Allied Waste Request**

87 Mr. Oyler explained the letter in the packet and stated the Council has already previously
88 adjusted a fuel cost increase, they are now requesting another change to the contract. It is
89 a five year contract and they are approximately over one year into it.

90

91 Councilman Wadsworth would like to hear from a representative from allied waste.

92

93 The Council does not agree with the cost increase.

94

95 The Council agreed that Allied Waste be on the agenda in two weeks.

96

97 **Annexation Acceptance – Davis Annexation**

98 Mr. Anderson explained the project and stated there is some correspondence with a
99 property owner that is a part of the annexation but they have not yet signed the petition,
100 she would like to have some specific questions addressed. Staffs recommendation is to
101 move forward with the annexation.

102

103 Councilman Leifson made a **motion** to approve the annexation acceptance of the Davis
104 Annexation. Councilman Andersen **seconded** and the motion **passed** all in favor.

105

106 **Preliminary Plat Maple Highlands**

107 Mr. Anderson gave the Council some correspondence that has been provided by the
108 neighbors. The applicant is requesting the R-1-12 zoning, it is consistent with the General
109 Plan and consistent with the adjacent zoning. The plat contains a total of 100 building
110 lots. The DRC and Planning Commission recommend the development preliminary plat
111 be accepted.

112

113 **PUBLIC HEARING:**

114

115 Councilman Sorensen made a **motion** to move to public hearing. Councilman Wadsworth
116 seconded and the motion passed all in favor at 6:40 p.m.

117

118 **Maple Highlands Zone Change**

119 Mr. Anderson explained it is currently zoned rural residential the applicant is requesting
120 R-1-12 zoning and it is consistent with the General Plan. The Planning Commission and
121 Development review committee recommend approval.

122

123 JulieAnn Curtis

124 Ms. Curtis lives on 1800 East, she feels this is a cookie cutter development, she does not
125 see trails within the development, she does not see a lot of superior design features and
126 feels they are basic, the proposed development feels like a conventional development.
127 Active recreation such as facilities, swimming pools, spas etc. received 5% for a trail but
128 there is not a lot of recreation like the master plan is stating. She is in favor of growth but
129 feels if they can make a better master plan before putting these communities together they
130 should. Staff believes it is important to retain consistency.

131

132 Mayor Thomas asked if there will be access allowed to get onto the city trail system.

133

134 Mr. Anderson stated it is a great idea to have trail access to the city trail.

135

136 Pat Parkinson

137 Ms. Parkinson asked why this is not a straight standard subdivision instead of a master
138 plan development.

139

140 Mr. Anderson explained it is at the request of the developer of how they submit and
141 request development.

142

143 Jay Merrill Hallom

144 Mr. Hallom lives adjacent to the property, he raised questions and concerns with
145 Planning Commission on the issue of opening onto Highway 6, they can't cross over into
146 Ivory homes until October, he is concerned about access into the site itself. He thinks
147 they can do whatever they want to do with their property as long as it does not negatively
148 affect his property. His concern is what outlet the kids have to minimize the impact on
149 the kids. The other concern is the canal and what they plan to do with it. He suggested
150 that they add the trail system to the piped canal area and make it more of an interior trail.
151 He feels there is some opportunity to take the easements and make it a trail system. He
152 stated they would have the support of the water users along that area to make that a trails
153 system. He also stated the current water policy on developments such as this needs some
154 updates and to look at what they charge for the water fees, he feels it is too low.

155

156 Councilman Barber arrived late at 6:57 p.m.

157

158 Mayor Thomas feels they should look at the water issues.

159

160 Chris Baker

161 Mr. Baker lives off Highway 6, and feels the whole area needs a park, the railroad will be
162 too noisy for home owners and if they do not offer a park, kids will end up playing in the
163 streets because they have no place to go.

164

165 Ms. Curtis asked that all the width for the road widening come off of both sides of the
166 street.

167

168 Mayor Thomas stated it is planned.

169

170 Councilman Wadsworth asked about elongated parks and asked Dave Anderson to
171 explain more.

172

173 Mr. Anderson explained the differences in the trail segments and meandering trail
174 sidewalk, more of park type of corridor. He also stated that there is a long term
175 commitment for the trails if they are more than just a trail.

176

177 Councilman Andersen stated as big as the project is and as many homes as it will contain,
178 he would like to see some open space included, he has concerns about where children
179 will play and where they will go. He does not feel comfortable approving this with out
180 those items addressed.

181

182 Councilman Wadsworth asked how the open space could be overcome.

183

184 Greg Magleby

185 Mr. Magleby explained the open space was not chosen for the development it was
186 decided to do upgrades on the homes and that type of changes rather than the open space.

187

188 Councilman Barber made a **motion** to approve the proposed Zone Change and
189 Preliminary Plat for Maple Highlands, changing the zoning from Rural Residential to R-
190 1-12, based on the following findings and conditions:

191 **Finding:**

- 192 1. That the proposed zoning is consistent with the General Plan.
193 2. That the proposed Preliminary Plat conforms to the City's standards for Master
194 Planned Developments in the R-1-12 zone.
195 3. That the proposed features warrant the requested density bonus. Maple Highlands
196 Preliminary Plat, Page 6

197 **Conditions:**

- 198 1. That the density matrix for the Master Planned Development be followed as outlined.
199 2. That they obtain an easement on 2550 East at the City's request.
200 3. That they meet the City's Construction and Development Standards.
201 4. That they obtain a connectors agreement with Nebo School District for the utilities.
202 5. That lots 99 & 100 be included in this plat.

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

204

205 **Westfield's Development Preliminary Plat**

206 Mr. Anderson explained the proposal and explained the process relative to the proposed
207 commercial development. He noted this was a preliminary plat approval and everything
208 is zoned Commercial-2 (C-2). It is the recommendation from the Development Review
209 Committee (DRC) and Planning Commission to approve this plat approval. One of the
210 concerns raised at the Planning Commission meeting was about having on-street parking
211 maintained.

212

213 Kevin Payne

214 Mr. Payne explained as a citizen this is his last chance to voice the citizens concerns. He
215 comes with the request to allow the citizens to have more time and information with the
216 southern end of the plot, they feel they have been cheated and short changed by proposals
217 for the southern end of the plot, and also feel it will further isolate their homes and cause
218 issues with traffic and noise. In less than two hours he was able to collect signatures from
219 the neighbors, they were not informed nor did they have a reasonable chance to voice
220 their opinion. This plot is creating a new structure that changes its current form. They feel
221 the design at the south end has been brushed aside. It is his opinion that the 32 feet of
222 road requested by the applicant is too small and would pose great traffic congestion
223 problems. He noted the other roads in the area are at least 41 feet wide. A garbage truck
224 takes nearly a 40 foot turn radius, it could create potential for damage and could end up
225 on the spot improvement plan for UDOT. If left at a width of 32 feet this will become
226 their problem to deal with later, his primary purpose is the safety of his children and
227 family. He would like to see the road access wider this is the final chance to voice their
228 opinion in this matter, and plead with the Council to give more time for them to resolve
229 these issues.

230

231 Rick Snow
232 Mr. Snow owns some homes by Mr. Payne and feels the field behind their homes needs
233 to be addressed.
234
235 Jay Birch
236 Mr. Birch lives at 990 North 400 East, he talked about the intersections and the biggest
237 problem the city has addressed with the traffic, he asked what will happen if they get all
238 the commercial development and the impact it will have on traffic. He stated everyone
239 has a designated place for parking for functions at his home. He feels they have sacrificed
240 enough by allowing the development to come in and degrade their property values, they
241 have to have access to allow parking. He would like some type of a buffer zone with
242 some walking trail, he feels there are hidden things that have been represented to them,
243 this development is now impacting the whole city. He hopes in the future they do not
244 look back and wonder what they have done, there has been a lot of promises made to
245 them that have not been followed through.
246
247 Farron LeFevre
248 Mr. LeFevre does not have any access of parking except in his driveway, he has four kids
249 and three are drivers, he worries about the garbage cans in the street, mail delivery, city
250 cable etc. they need the parking on the south side of the street.
251
252 Mr. Birch asked that the big green box installed for the light, be installed in the
253 development and not on their property.
254
255 Ms. Parkinson is concerned that people are going to have problems turning into the south
256 end of the development and feels it is a recipe for disaster. She also asked that the road
257 curve more into the development and allow for parking on the south side.
258
259 Ms. Curtis gets concerned having the park at the back end of the commercial buildings it
260 is a heavy traffic area for trying to stick a park in the back. There are important points
261 that need to go on record, she went to the title company and stated what the court said for
262 the park condemnation. She noted some articles from the past regarding the Clark family,
263 the park and also the monument that is in the park. She feels the city is here to represent
264 the people and feel they are not being heard. She wants the history of the public park to
265 be known. She stated that it will be a noisy park so close to the freeway.
266
267 Mr. Birch explained the history of the land for the North Park.
268
269 Roger Wade
270 Mr. Wade is concerned about the impact of the traffic with the additional businesses, and
271 as it is now you can't get down sixth east and the buffer zone of the park is being taken
272 away to add more businesses.
273
274 Glenn James
275 Mr. James lived in the area for 10 years and is concerned about moving the park and
276 transportation in that area. He is not opposed to development but he hates to see the park

277 area transformed into a shopping mall. He feels the park should be a great advantage to
278 commercial development to have it there. He is concerned about the access onto Highway
279 6. He has personal feelings about that area and would like to see the concerns addressed.
280

281 Kris Baker

282 Ms. Baker loves coming into the city and seeing the park there, she feels the area will
283 have some real traffic problems and would like to stand up for those people affected and
284 protest the development until these issues are resolved. She feels the money that this
285 project will bring will be negated by the impact on individuals in the area. She feels the
286 city is letting the residents down in this area, she asked that the Council be different, that
287 they need to look out for these people and be a different kind of a city.
288

289 Gordon Bell

290 Mr. Bell lives on 600 East, he feels the commercial in front of the park is dangerous for
291 the children and feels there are still some other options where someone can get both
292 things they are looking for.
293

294 Richard Mendenhall

295 Mr. Mendenhall is with Westfield development, they have issues, some of which are
296 more technical than not, and they would like to address the specific concerns. He stated
297 the traffic engineers can address the traffic and narrowing issues.
298

299 Gary Sandell

300 Mr. Sandell has done the Civil Engineering for the site. He then explained the concepts
301 they have on the project.
302

303 Mr. Mendenhall explained the major collector corridor will have to be addressed
304 regardless of the project proceeding or not.
305

306 Tim Taylor

307 Mr. Taylor represents the traffic development projects with this development. He
308 explained there is the option of limiting the traffic flow for the roads during certain times
309 of day and allowing limited parking. He stated that coordination of traffic is definitely an
310 option.
311

312 Mr. Birch noted that by having the residents watching the park it prevents vandalism and
313 there will be no one watching the park at midnight behind the commercial buildings. If
314 they are trying to make a safe environment for the city, he wants it within the city and not
315 by the freeway.
316

317 Mr. Mendenhall stated if the park is moved to the front of the development the
318 development would not be able to happen.
319

320 Mr. Birch feels the city is growing and will have more development that will bring
321 commercial development to the city somewhere else. He feels the opportunity will come
322 from some other development.

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Mr. Mendenhall stated the traffic will be regulated by a signal and will allow for gaps in traffic. He stated it will be engineering that will create the traffic flow to function correctly. He said this will be developed one way or the other no matter who comes in and the traffic patterns will develop no matter if this development comes in or not. He stated the right of way will be moved on both sides and it is still disproportionately to the north already.

Councilman Wadsworth asked if they were able to make parking at certain times available and not have to worry about being towed.

Mr. Mendenhall stated it can be a condition with the tenants that would allow them to park there without being towed.

Councilman Barber noted the Planning Commission asked as a condition to provide traffic flow requirements.

Kevin Payne

Mr. Payne stated parking on the street is a problem and would like a special provision to be allowed to park their vehicles on the property.

Mr. Mendenhall stated they are in discussion with the property owners but they do not need the property for this development.

Mr. LeFevre is willing to give up the 15 feet of his property to have parking in front of his house he is willing to give up the scenic beautification to allow for parking as well.

Councilman Barber stated the comments made that they do not listen and don't hear are not true they accommodate those they can but they have to prioritize. The linear park was one of his favorites but to address traffic they had to give it up. To him the traffic has been addressed to be the safest for what they will have to do, if they do not do it now they will have to do it later. The fact that they do not listen to the citizens is not true there are thousands of citizens that would say they need this project. He feels they considered all the citizens and have done what is best for the citizens as a whole. He feels if there is a way to make everyone happy he is all for it but it can't be done. He feels there are options available for addressing parking concerns in the future.

Councilman Andersen commented that this project has been on the drawing board for a long time, it was on the drawing board when they came into their positions and it has been looked at and considered by the previous Council. All the issues they have brought up this evening have been discussed, they are trying to consider the best for the community, some of the decisions are not easy, some are not pleasant but there are some that will have to be made. He feels time will prove the decisions made now are right for the city.

368 Councilman Leifson gives his support to the project no matter if this project was at the
369 south end of town they would have the same comments but from different people, this is
370 a tough call and they have to do what is best for everyone.

371

372 Councilman Sorensen said this has been something they looked at for a long time and
373 have discussed what is best for Spanish Fork as a whole not just today but 15 to 20 years
374 from now, this will change the lives of everyone that lives in town, it will impact some
375 for the better and some for the worst. It is hard knowing whatever decision they make
376 could impact some possibly not for the best. They have tried to make this project the best
377 for everyone in Spanish Fork it can be. His heart goes out to those that will be impacted
378 by this project, but he thinks it is in the best interest of the citizens of Spanish Fork now
379 and in the future.

380

381 Mayor Thomas sympathizes to those that are impacted by this project, he stated again he
382 has no financial gain with this project. He told his family that he should wear his hat as
383 the Mayor, look at the city as a whole and do what is best for the city. He personally put a
384 lot of time and effort into this project and so has the Council. When they put the reservoir
385 above his home, it impacted his home with traffic, he still supports the project. In
386 response to the city as a whole it is about twenty five to every one that said not to do this,
387 they are asking that the Council stand up for these people, there are 30,000 other people
388 that are for this development and it will benefit them. He stated the market forces are not
389 to be ignored. He disagrees and feels this park will not be a drug haven, or a transient
390 area, there are already problems in the area and they will probably be there after, but it
391 will not turn the park into a terrible place. He promises to do everything they can to
392 address the problems if they do happen. They are doing their best to look in the future.
393 This project is phenomenal for the city, it is money for the residents of the city, the
394 money will have to come from the tax payer if they do not do this project. He feels he
395 does not take the tax payer dollar lightly and hopes to continue to look after it. He feels
396 this benefits so many people in so many ways, and realizes it is not perfect, but it will be
397 good. He disagrees with those that say the Council does not listen, he feels they have and
398 continue to try to solve the concerns.

399

400 Councilman Sorensen made a **motion** to approve the proposed Preliminary Plat for the
401 Westfield's Development based on the following finding and subject to the following
402 conditions:

403 **Finding:**

404 1. That the proposed plat does conform to the City's requirements for subdivisions in the
405 Commercial 2 (C-2) zone.

406 **Conditions:**

- 407 1. That all utility plans be provided and approved by the City Engineer and Power
408 Department as part of the Site Plan approval process.
- 409 2. That they make the correction to add the City parcel located at the corner of Chappell
410 Drive and Highway 6 and the pertinent street improvements.
- 411 3. That the necessary easement language be added to the plat.
- 412 4. That they study the parking issue and look into allowance of parking at certain times.

413 Councilman Wadsworth **seconded** the motion **passed** by a roll call vote all in favor.

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Councilman Wadsworth requested a five minute recess at 9:45 p.m.
The meeting reconvened at 9:55 p.m.

Nate Jacobson Zone Change

Mr. Anderson explained the applicant is requesting the property be zoned R-1-6 which is consistent with the General Plan, they have met with the property owners and adjacent property owners. The DRC and Planning Commission recommend approval with the zone change. The use of the property that was purchased by the city for the UDOT requirements will be addressed.

The meeting was opened for public comment. There was no public comment given.

Nate Jacobson

Mr. Jacobson stated he was willing to do whatever as long as it works with the area to the point of buying the property for the city road.

Councilman Barber made a **motion** to approve the Nate Jacobson Zone Change request, changing the zoning at approximately 2550 east and Highway 6, from Rural Residential to R-1-6, based on the following finding:

Finding:

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

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

Public Hearing to Receive Input with Regard to the City’s proposal Issuance of Sales Tax Revenue Bonds, Series 2007, in the Amount of Not to Exceed \$22,000,000

Mr. Baker explained this is a public hearing to meet the requirements for the issuance of the sales tax revenue bonds needed for the police court building and some funds for the north park improvements.

Ms. Parkinson asked how the amount has gone up so much.

The Council explained inflation and the amounts added to expand the bond to what is needed.

Councilman Barber made a **motion** to close the public hearing at 10:07 p.m. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

NEW BUSINESS:

Discussion on the Larson Stewart Myrick & Link Proposal

Mr. Johnson is a consultant with Larson Stewart Myrick & Link. They are looking to do some lobbying work for the city in appropriations and there is a very close relationship for those that use consulting firms and lobbying and the amount of appropriations they receive. He is available for anything the Council may need.

460 Mayor Thomas stated there is a way to measure their services and they do get a fee but
461 we measure their work by how many times we get that fee back in trails and other
462 projects.

463
464 Councilman Barber stated he spent a lot of work in Washington, and the processes have
465 changed as far as being difficult to get what you need without having someone back
466 there.

467
468 Mr. Johnson said they are very transparent in whether they produce or they don't. He
469 stated the risk to the city is not long term if they are not getting any production.

470
471 Councilman Wadsworth stated they emphasize having someone at the capital and you
472 will also have to work with the federal agencies and build a foundation with them.

473
474 Councilman Andersen stated the contract specifies \$3,000 a month plus expenses, he just
475 wanted clarification. He feels it has come to a point now where they have a 10 day
476 window where they are forced to do something. Last meeting they wanted to give all the
477 banks an opportunity to vote on this and they have been asked tonight to vote on this and
478 they do not have enough information to make a decision to know if this is the best way to
479 go. He has a hard time with this and would really like to understand it more and if they
480 are supposed to give consideration in other areas the same consideration ought to be
481 given here. In all fairness to what they have done and said and represented themselves to
482 do.

483
484 Mayor Thomas stated the proof is if they pay them a fee can they get that back.

485
486 Mr. Johnson explained the only pressure is that there needs to be someone back there
487 representing as soon as possible.

488
489 Councilman Andersen would like a little more formal presentation of what the company
490 can offer, and what they do.

491
492 **Boards and Commission Appointments**

493
494 Mayor Thomas would like to appoint Steve Eldridge to the Airport Board.

495
496 Councilman Barber made a **motion** to appoint Steve Eldridge to the Airport Board.
497 Councilman Wadsworth **seconded** and the motion **passed**. Councilman Sorensen and
498 Leifson voted nay.

499
500 Mayor Thomas would like to appoint Chris Hansen to the personnel committee.

501
502 Councilman Sorensen made a **motion** to appoint Chris Hansen to the personnel
503 committee. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

504
505 Mayor Thomas would like to appoint Todd Jackson to the Utility Board.

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Councilman Sorensen made a **motion** to appoint Todd Jackson to the Utility Board.
Councilman Leifson **seconded** and the motion **passed**, with Councilman Wadsworth voting nay because he doesn't know anything about Mr. Jackson.

Mayor Thomas would like to appoint Jerry Stubbs to the Utility Board.

Councilman Barber made a **motion** to appoint Jerry Stubbs to the Utility Board.
Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Police/Court Contract

Mr. Baker reviewed the numbers for the police court building with the Council. He explained the Council needs to approve the contract with Layton Construction in order for them to move forward with their sub contractor bids. He also explained that they have been working with them to get some cost savings. There is no motion to approve this as they approved it at the last meeting as long as the Council is comfortable with the numbers.

ADJOURN:

Councilman Wadsworth made a **motion** to adjourn to executive session for personnel and potential land sale issues. Councilman Sorensen **seconded** and the motion **passed** all in favor at 10:52 p.m.

ADOPTED:

Kimberly Robinson, Deputy Recorder

MEMO

To: Mayor and Council
From: S. Junior Baker
Re: Oakridge Cove Exchange Agreement
Date: 9 Apr 2007

As part of the approval for the Oakridge Cove Subdivision with Skye Properties, the council approved an exchange of property. The exchange expands the fall area for the gun club, gives us a full width street, and grants to the developer a strip of land to increase the size of approximately five lots.

This agreement incorporates the exchange, which was approved with the preliminary plat.

Since the exchange was previously approved, we have had the mayor sign the documents and are seeking your ratification of the exchange.

We are deeding, now, the full street, taking back an easement for full access. This is being done this way, so the City does not need to sign the final plat as a property owner in the project. When the plat is recorded, the street will be dedicated back to the City.

EXCHANGE AGREEMENT

Agreement made this _____ day of April, 2007, by and between **SPANISH FORK CITY**, a Utah municipal corporation (the "City"); and **OAKRIDGE COVE INVESTMENT L.L.C.**, a Utah limited liability company ("Oakridge"); in contemplation of the following facts and circumstances:

A. The City is the fee title owner of the following parcels of real property: (i) the "Improvement Easement Property"; (ii) the "Phase 2 Lot Parcel" (depicted as Parcel 4 on Exhibit "A-2"); and (iii) the "Phase 2 South Road Parcel" (depicted as Parcel 3 on Exhibit "A-2"). The legal descriptions of said parcels are more fully set forth on Exhibit "A-1", attached hereto. The Improvement Easement Property, the Phase 2 Lot Parcel, and the Phase 2 South Road Parcel are hereinafter collectively referred to as the "City Property".

B. Oakridge is the fee title owner of the following parcels of real property: (i) the "City Gun Club Expansion Parcel" (depicted as Parcel 2 on Exhibit "A-2"); and (ii) the Phase 2 North Roadway Parcel (depicted as Parcel 1 on Exhibit "A-2"). The legal descriptions of said parcels are more fully set forth on Exhibit "A-3", attached hereto. The City Gun Club Expansion Parcel and the Phase 2 North Roadway Parcel are hereinafter collectively referred to as the "Oakridge Property".

C. Oakridge is desirous to: (i) acquire the Phase 2 Lot Parcel; (ii) acquire the Phase 2 South Road Parcel to provide a secondary access to other real property owned by Oakridge; (iii) acquire an easement (the "Improvement Easement") for the benefit of Oakridge Cove Homes, L.L.C., to install utilities and roadway improvements (collectively "Subdivision Improvements") over and across a parcel of real property owned by the City; and (iv) acquire from the City an easement (the "Strawberry Access Easement") for the benefit of Strawberry Water Users Association ("Strawberry") to provide access to real property owned by Strawberry.

D. The City is desirous to: (i) convey to Oakridge the Phase 2 Lot Parcel and the Phase 2 South Road Parcel; (ii) grant the Improvement Easement and Strawberry Easement as set forth herein in exchange for Oakridge's agreement to: (iii) convey to the City the City Gun Club Expansion Parcel as a safety buffer zone for its public shooting range; and (iv) grant to the City an easement (the "City Access Easement") over and across both the Phase 2 North Roadway Parcel and the Phase 2 South Roadway Parcel to provide access to real property owned by the City.

E. Oakridge is willing to (i) convey to the City the City Gun Club Expansion Parcel; and (b) grant to the City the City Access Easement in exchange for the City's agreement to: (i) convey to Oakridge the Phase 2 Lot Parcel and the Phase 2 South Road Parcel; (b) grant the Improvement Easement and the Strawberry Access Easement, all as set forth herein.

NOW, THEREFORE, in furtherance of the objectives of the parties, and in consideration of the terms of this Agreement and the mutual covenants and promises of the parties, the parties agree to exchange the hereinafter described real properties to one another subject to the terms, covenants and conditions hereinafter set forth.

1. **EXCHANGE VALUE.** The parties agree that the City Property and the Oakridge Property will be exchanged with no additional compensation being required from either party. All closing costs will be shared equally between the parties.

2. **CONDITION OF TITLE.**

a. **Title of the City Property.** The current condition of title of the City Property is more fully set forth in the Commitment for Title Insurance #_____, dated effective _____, 2007, and issued by First American Title Company, a copy of which is attached hereto as Exhibit "B-1". Exception #'s _____ are hereinafter collectively referred to as the "City Property Permitted Exceptions". At Closing, the City shall convey to Oakridge fee simple title to the City Property subject only to the respective City Property Permitted Title Exceptions.

b. **Title of the Oakridge Property.** The current condition of title of the Oakridge Property is more fully set forth in the Commitment for Title Insurance #_____, dated effective _____, 2007, and issued by First American Title Company, a copy of which is attached hereto as Exhibit "B-2". Exception #'s _____ are hereinafter collectively referred to as the "Oakridge Property Permitted Exceptions". At Closing, Oakridge shall convey to the City fee simple title to the Oakridge Property subject only to the respective Oakridge Property Permitted Title Exceptions.

3. **EXCHANGE OF PROPERTY; CONVEYANCE OF TITLE; GRANTS OF EASEMENT.** At Closing each party shall execute, acknowledge, and deliver to the Closing Agent:

(a) the Special Warranty Deeds in substantially the same form and substance as attached hereto as Exhibits "C-1" and "C-2". Each conveyance shall be made in exchange for the conveyance made by the other party.

(b) the Strawberry Access Easement, the Improvement Easement, and City Access Easement, in substantially the same form and substance as attached hereto as Exhibits "D-1", "D-2", and "D-3". Each grant of easement shall be made in exchange for the grant(s) of easement made by the other party.

4. **TITLE INSURANCE POLICY.** Each party shall deliver to the other party simultaneously with the delivery of the Special Warranty Deeds as herein provided, Standard Owner's Policies of the Title Insurance from First American Title Company, Bountiful, Utah, insuring each other in the amount of \$50,000.00 for each parcel, subject only to the Permitted Exceptions set forth in Exhibits "C-1" and "C-2". Each party shall pay the cost of the Title Insurance for that parcel which the party is conveying to the other party.

5. **PROPERTY TAXES.** The parties shall be responsible for payment of all real and personal property taxes which may be assessed prior to the date of closing with respect to that parcel of real property the party is conveying. The parties shall be responsible for payment of all real and personal property taxes which may be assessed on and after the date of closing with respect to the respective parcel of real property that is being conveyed to said party.

6. **WARRANTIES.** In addition to the title warranties set forth above, the City and Oakridge make the following representations, warranties and covenants as of the date of Closing

with respect to: (a) the parcels each party is conveying; and (b) the parcels of real property that are subject to the Access Easements.

a. Authority of Parties. Each party owns or will own good and marketable fee simple absolute title to their respective parcel of property, subject to all matters of record, and is fully authorized to convey the respective parcel pursuant to this Agreement.

b. No Proceedings. As of the date of this Agreement, there are no pending and, to the best of each parties' knowledge, threatened condemnations or similar proceedings or assessments affecting their respective parcel, lawsuits by adjoining landowners or others, nor to the best knowledge and belief the parties, is any condemnation or assessment contemplated by any governmental authority.

c. No Leases. At the time of Closing, neither parcel will in whole or in part be subject to any leases, or other possessory rights and interests.

d. No Contracts. The parties have not and will not enter into any written contracts, agreements, or listings, or be a party to any oral understandings or agreements affecting the respective parcel between the date of this Agreement and the date of Closing.

e. Compliance With Laws. To the best knowledge of the parties, each has complied with all applicable laws, ordinances, regulations, statutes and rules relating to the respective parcel or any part thereof.

f. Environmental Warranties.

i. To the best of each party's knowledge during the period that each party has owned the respective parcel, there has been no storage, production, transportation, disposal, treatment or release of any solid waste, hazardous waste, toxic substances, or any other pollutants or contaminants (hereinafter collectively referred to as "Pollutants") on or in the respective parcel. To the best of each party's knowledge and during that party's ownership of the respective parcel, each party has complied with all applicable local, state or federal environmental laws and regulations, underground storage tanks, covered surface impoundments or other sources of Pollutants on the Property. The terms "Solid Waste," "Hazardous Waste," "Toxic Substance" and "Pollutants" as used in this Agreement shall have the same meaning and definition as set forth in the Solid Waste Disposal Act as amended by the Resource, Conservation and Recovery Act of 1976 (42 U.S.C. §§66901, et seq.), the Comprehensive Environmental Response Compensation and Liability Act of 1990 (42 U.S.C. §§9601 et seq.) and other applicable federal, state or local laws.

ii. To the best of each party's knowledge, prior to that party's acquisition of the respective parcel there was no storage, production, transportation, disposal, treatment or release of any Pollutants on or in the respective parcel.

iii. To the best of each party's knowledge, there have been no Pollutants on or in neighboring properties which, through soil or groundwater migration, could have moved to the respective parcel.

iv. Neither party has notice nor any actual knowledge of any wetlands or wetlands designation or any earth settlement, movement, instability or damage affecting the respective parcel, and has no notice of any violation of any laws, ordinances or regulations affecting the respective parcel.

7. POSSESSION.

The parties shall be entitled to take possession of the respective parcels of property upon closing.

8. CLOSING DATE.

The parties agree that the date of closing shall be on April 15, 2007, or as soon as reasonably possible thereafter.

9. ENTIRE AGREEMENT.

The parties hereby state and agree that this document contains the entire agreement and understanding between the parties and supersedes any and all oral representations or agreements, if any, made by either party prior to the date hereof and is binding upon the heirs, executors, administrators, assigns and successors of the respective parties and that this Agreement fully satisfies all obligations contained in the prior Agreements of the parties.

10. ATTORNEYS' FEES.

In the event of default by either party, the non-defaulting party shall be entitled to recover all attorneys' fees and court costs expended in connection with such default.

IN WITNESS WHEREOF, the parties have executed this Exchange Agreement the day and year first above written.

Attest:

The City:
CITY OF SPANISH FORK,
a Utah Municipal Corporation

Kimberly Robinson, Deputy City Recorder

By: _____
Joe Thomas, Its Mayor

Oakridge:
OAKRIDGE COVE INVESTMENT L.L.C.,
a Utah limited liability company

By: Its Manager
Excel Investment Corporation,
a Utah corporation

By: _____
Steven E. Smoot, its President

Exhibits to This Agreement:

- A-1 - Legal Description of the City Property
- A-2 - Depiction of Parcels
- A-3 - Legal Description of the Oakridge Property
- B-1 - Title Commitment for the City Property
- B-2 - Title Commitment for the Oakridge Property
- C-1 - Form of Special Warranty Deed for Conveyance of the Phase 2 Lot Property and the Phase 2 South Roadway Parcel
- C-2 - Form of Special Warranty Deed for Conveyance of the City Gun Club Property
- D-1 - Form of Easement for the Strawberry Access Easement
- D-2 - Form of Easement for the Improvement Easement
- D-3 - Form of Easement for the City Access Easement

Exhibit A-1

Legal Description of the City Property

The Improvement Easement Parcel

A portion of the SE1/4 of Section 33, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Spanish Fork, Utah, more particularly described as follows:

Beginning at a point located S1°08'14"E along the Section line 190.77 feet and West 196.26 feet from the East ¼ Corner of Section 33, T8S, R3E, S.L.B.& M.; thence S31°05'00"W 15.54 feet; thence S4°29'00"W 34.46 feet; thence S7°24'52"E 55.83 feet; thence S88°25'03"E 11.39 feet; thence S24°11'49"W 104.70 feet; thence N6°37'13"W 161.23 feet; thence N31°53'00"E 62.09 feet; thence S56°02'30"E 25.13 feet to the point of beginning. Contains: 6,851+/- s.f.

The Phase 2 South Roadway Parcel (Parcel 3)

A portion of the SE1/4 of Section 33, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Spanish Fork, Utah, more particularly described as follows:

Beginning at a point located S1°08'14"E along the Section line 1,605.91 feet and West 1,368.84 feet from the East ¼ Corner of Section 33, T8S, R3E, S.L.B.& M.; thence Southeasterly along the arc of a 230.00 foot radius non-tangent curve (radius bears: N84°08'11"E) 81.25 feet through a central angle of 20°14'27" (chord: S15°59'03"E 80.83 feet) to a point of reverse curvature; thence along the arc of a 1,230.00 foot radius curve to the right 256.42 feet through a central angle of 11°56'41" (chord: S20°07'56"E 255.96 feet) to a point of reverse curvature; thence along the arc of a 270.00 foot radius curve to the left 144.73 feet through a central angle of 30°42'45" (chord: S29°30'58"E 143.00 feet); thence S44°52'20"E 220.21 feet; thence along the arc of a 230.00 foot radius curve to the right 166.33 feet through a central angle of 41°26'05" (chord: S24°09'17"E 162.73); thence S75°50'00"W 61.46 feet; thence Northwesterly along the arc of a 170.00 foot radius curve (radius bears: N89°34'41"W) 134.39 feet through a central angle of 45°17'38" (chord: N22°13'30"W 130.92 feet); thence N44°52'20"W 220.21 feet; thence along the arc of a 330.00 foot radius curve to the right 176.89 feet through a central angle of 30°42'45" (chord: N29°30'57"W 174.78 feet) to a point of reverse curvature; thence along the arc of a 1,170.00 foot radius curve to the left 243.92 feet through a central angle of 11°56'41" (chord: N20°07'55"W 243.47 feet) to the point of reverse curvature; thence along the arc of a 290.00 foot radius curve to the right 150.31 feet through a central angle of 29°41'50" (chord: N11°15'21"W 148.63 feet); thence S55°30'00"E 73.58 feet to the point of beginning.

Contains: 1.24 +/- acres

The Phase 2 Lot Parcel (Parcel 4)

A portion of the SE1/4 of Section 33, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Spanish Fork, Utah, more particularly described as follows:

Beginning at a point located S1°08'14"E along the Section line 1,605.91 feet and West 1,368.84 feet from the East ¼ Corner of Section 33, T8S, R3E, S.L.B.& M.; thence S55°30'00"E 5.22 feet; thence S20°00'00"E 135.00 feet; thence S31°40'00"E 230.00 feet; thence S22°50'00"E 120.00 feet; thence S57°55'00"E 175.00 feet; thence S31°45'00"E 123.00 feet; thence S13°20'00"E 103.00 feet; thence S75°50'00"W 53.40 feet; thence Northwesterly along the arc of a 230.00 foot radius non-tangent curve (radius bears: S86°33'45"W) 166.33 feet through a central angle of 41°26'05" (chord: N24°09' 17"W 162.73 feet); thence N44°52'20"W 220.21 feet; thence along the arc of a 270.00 foot radius curve to the right 144.73 feet through a central angle of 30°42'45" (chord: N29°30'58"W 143.00 feet) to a point of reverse curvature; thence along the arc of a 1,230.00 foot radius curve to the left 256.42 feet through a central angle of 11°56'41" (chord: N20°07'56"W 255.96 feet) to a point of reverse curvature; thence along the arc of a 230.00 foot radius curve to the right 81.25 feet through a central angle of 20°14'27" (chord: N15°59'03"W 80.83 feet) to the point of beginning. Contains: 33,705 +/- square feet

Exhibit A-2
Depiction of Parcels

Exhibit A-3

Legal Description of the Oakridge Property

The City Gun Club Expansion Parcel (Parcel 2)

A portion of the SE1/4 of Section 33, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Spanish Fork, Utah, more particularly described as follows:

Beginning at a point located S1°08'14"E along the Section line 1,564.23 feet and West 1,428.65 feet from the East ¼ Corner of Section 33, T8S, R3E, S.L.B.& M.; thence N55°30'00"W 271.20 feet; thence N88°20'00"W 140.00 feet; thence N12°18'06"W 132.87 feet; thence N68°22'48"E 186.03 feet; thence N77°31'33"E 100.92 feet; thence N86°16'00"E 173.37 feet; thence S1°13'36"W 128.68 feet; thence along the arc of a 570.00 foot radius curve to the right 184.45 feet through a central angle of 18°32'27" (chord: S10°29'49"W 183.65 feet) to a point of reverse curvature; thence along the arc of a 290.00 foot radius curve to the left 81.87 feet through a central angle of 16°10'28" (chord: S11°40'49"W 81.59 feet) to the point of beginning.

Contains: 2.44 +/- acres

The Phase 2 North Roadway Parcel (Parcel 1)

A portion of the SE1/4 of Section 33, Township 8 South, Range 3 East, Salt Lake Base & Meridian, located in Spanish Fork, Utah, more particularly described as follows:

Beginning at a point located S1°08'14"E along the Section line 1,605.91 feet and West 1,368.84 feet from the East ¼ Corner of Section 33, T8S, R3E, S.L.B.& M.; thence N55°30'00"W 73.58 feet; thence Northeasterly along the arc of a 290.00 foot radius non-tangent curve (radius bears: S86°24'25"E) 81.87 feet through a central angle of 16°10'28" (chord N11°40'49"E 81.59 feet) to a point of reverse curvature; thence along the arc of a 570.00 foot radius curve to the left 184.45 feet through a central angle of 18°32'27" (chord: N10°29'49"E 183.65 feet); thence N1°13'36"E 128.68 feet; thence N86°16'00"E 60.23 feet; thence S1°13'36"W 133.89 feet; thence along the arc of a 630.00 foot radius curve to the right 203.87 feet through a central angle of 18°32'27" (chord: S10°29'49"W 202.98 feet) to a point of reverse curvature; thence along the arc of a 230.00 foot radius curve to the left 102.89 feet through a central angle of 25°37'51" (chord: S6°57'07"W 102.03 feet) to the point of beginning.

Contains: 25,044 +/- s.f.

Exhibit B-1

Title Commitment for the City Property

Exhibit B-2

Title Commitment for the Oakridge Property

Exhibit C-1

**Form of Special Warranty Deed for Conveyance of the
Phase 2 Lot Property and the Phase 2 South Roadway Parcel**

Exhibit C-2

**Form of Special Warranty Deed for Conveyance
of the City Gun Club Expansion Property**

Exhibit D-1

Form of the Strawberry Access Easement

Exhibit D-2

Form of the Improvement Easement

Exhibit D-3

Form of the City Access Easement

PROJECT UPDATE

- We are in the final year of a three-year environmental study of the I-15 Corridor (2004-2007)
- Two alternatives will continue to be studied in detail through the remainder of the environmental study:
 - No Build
 - I-15 Widening & Reconstruction
- Significant Milestones:
 - Summer 2004 – I-15 Corridor Environmental Impact Statement (EIS) began
 - November 2006 – Salt Lake County Referendum & Utah County Opinion Question passed
 - January 2007 – Legislative Funding Prioritization (for future transportation projects)
 - March 2007 – Project splits into separate roadway and transit studies:
 - I-15 Corridor EIS
 - Provo to Salt Lake FrontRunner Environmental Study Report (ESR)
- I-15 Corridor EIS schedule:
 - Spring 2007 – Hold public meetings
 - Summer 2007 – Release Draft EIS
 - Late Summer/early Fall 2007 – Hold Public Hearings on Draft EIS
 - Fall 2007 – Select Preferred Alternative
 - Fall 2007 – Complete Final EIS and submit to the Federal Highway Administration (FHWA)
- Provo to Salt Lake FrontRunner ESR schedule:
 - Late Spring/early Summer 2007 – Hold public meetings
 - Summer 2007 – Prepare FrontRunner Draft ESR
 - Fall 2007 – Final ESR

UPCOMING PUBLIC MEETINGS

- We will be hosting four public meetings along the I-15 Corridor for residents, businesses, commuters and other stakeholders during May 2007:
 - Wednesday, May 2 – American Fork (*Barratt Elementary, 168 North 900 East*)
 - Thursday, May 3 – Draper (*Draper Elementary, 1080 East 12660 South*)
 - Wednesday, May 9 – Orem (*Westmore Elementary, 1150 South Main Street*)
 - Thursday, May 10 – Spanish Fork (*Brockbank Elementary, 340 West 500 North*)
- All meetings will be from 6:00 p.m. to 8:00 p.m. with a formal presentation at 7:00 p.m.
- Notices have been submitted to your April and May city newsletter.

Spanish Fork, Utah

April 17, 2007

The City Council (the "Council") of Spanish Fork City, Utah (the "Issuer"), met in regular public session at the regular meeting place of the Council in Spanish Fork, Utah, on April 17, 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 April 17, 2007, meeting, a copy of which is attached hereto as Exhibit A.

In addition, it was then noted that this April 17, 2007 meeting was called for the purpose, among other things, of considering competitive bids received for the purchase of the City's Sales Tax Revenue Bonds, Series 2007, and authorizing the sale of said Bonds.

The Council was then advised that, pursuant to public notice, electronic bids had been received on the date hereof. Prior to the meeting of the Council, the bids were examined to determine compliance with the Official Notice of Bond Sale.

The qualifying bids are described in Exhibit B attached hereto.

After due deliberation, it was determined that the bid of _____, was the best and most advantageous bid submitted for the purchase of said Bonds, whereupon the following Resolution was considered, fully discussed and, pursuant to motion made by Councilmember _____, and seconded by Councilmember _____, was adopted by the following vote:

AYE:

NAY:

RESOLUTION 07-

ROLL CALL

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

I MOVE this ordinance be adopted:

I SECOND the forgoing motion:

RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF SPANISH FORK CITY, UTAH (THE "ISSUER") FINALIZING THE TERMS AND CONDITIONS OF THE ISSUANCE AND SALE BY THE ISSUER OF ITS SALES TAX REVENUE BONDS, SERIES 2007 (THE "SERIES 2007 BONDS"), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$22,000,000; AWARDING AND CONFIRMING THE SALE OF SAID SERIES 2007 BONDS; AUTHORIZING THE EXECUTION BY THE ISSUER OF A GENERAL INDENTURE AND A FIRST SUPPLEMENTAL INDENTURE OF TRUST AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING AN OFFICIAL STATEMENT; RATIFYING AND APPROVING THE USE OF AN OFFICIAL NOTICE OF BOND SALE AND A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS AND ORDERS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), Spanish Fork City, Utah (the “Issuer”), has authority to issue bonds for the municipal purposes set forth therein; and

WHEREAS, the Issuer desires to (i) finance the acquisition and construction of a new public safety and district court building and related land, equipment and improvements and park and related public infrastructure improvements (the “Series 2007 Project”) and (ii) pay costs of issuance associated with said financing; and

WHEREAS, in order to accomplish the purposes set forth in the preceding recital, the Issuer desires to issue its Sales Tax Revenue Bonds, Series 2007 (the “Series 2007 Bonds”) in the aggregate principal amount of \$22,000,000, pursuant to this Resolution, a General Indenture of Trust dated as of April 1, 2007 (the “General Indenture”), and a First Supplemental Indenture of Trust dated as of April 1, 2007 (the “First Supplemental Indenture” and collectively with the General Indenture, the “Indenture”), each between the Issuer and Zions First National Bank, as trustee (the “Trustee”), in substantially the forms presented to the meeting at which this Resolution was adopted and which are attached hereto as Exhibit C; and

WHEREAS, by Resolutions adopted February 6, 2007 and March 6, 2007 (collectively, the “Parameters Resolutions”), the City Council of Spanish Fork City, Utah (the “Council”) approved the issuance of the Series 2007 Bonds, established parameters therefore and directed the publication of a “Notice of Public Hearing and Bonds to be Issued” and an “Amended Notice of Public Hearing and Bonds to be Issued”; and

WHEREAS, pursuant to the Parameters Resolutions and provisions of the Act, a public hearing (the “Hearing”) with respect to the issuance of the Series 2007 Bonds, in the principal amount of not to exceed \$22,000,000 was held on March 20, 2007, following an “Amended Notice of Public Hearing and Bonds to be Issued” published twice, the first publication being not less than fourteen (14) days prior to the hearing in the Spanish Fork Press, a newspaper of general circulation in the City; and

WHEREAS, pursuant to the direction contained in the Parameters Resolutions, the Issuer has distributed a Preliminary Official Statement dated April 3, 2007 (the “Preliminary Official Statement”) and an Official Notice of Bond Sale dated April 3, 2007 (the “Notice of Bond Sale”) with respect to the Series 2007 Bonds; and

WHEREAS, the Council desires to ratify the use and distribution of the Preliminary Official Statement and the Notice of Bond Sale, copies of which are attached hereto as Exhibits D and F, respectively; and

WHEREAS, the Council desires to approve a Final Official Statement with respect to the Series 2007 Bonds and other documents relating thereto; and

WHEREAS, competitive bids have been received for the purchase by public sale of the Series 2007 Bonds in accordance with the Notice of Bond Sale; and

WHEREAS, the Council has determined that of the qualifying bids received pursuant to the Notice of Bond Sale and described in Exhibit B hereto, the bid of _____ (the “Purchaser”) is the best and most advantageous bid for the purchase of the Series 2007 Bonds; and

WHEREAS, in the opinion of the Council, it is in the best interest of the Issuer that said bid be accepted and the sale of the Bonds to the Purchaser be confirmed; and

WHEREAS, the Issuer desires to sell the Series 2007 Bonds to the Purchaser upon the terms set forth in the Notice of Bond Sale and the bid of the Purchaser; and

WHEREAS, the Series 2007 Bonds shall be payable solely from the Revenues and other moneys pledged therefor in the Indenture, and shall not constitute or give rise to a general obligation or liability of the Issuer or constitute a charge against its general credit or ad valorem taxing powers:

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of Spanish Fork City, Utah, as follows:

Section 1. The terms defined or described in the recitals hereto shall have the same meanings when used in the body of this Resolution.

Section 2. All actions heretofore taken (not inconsistent with the provisions of this Resolution), by the Issuer and by the officers of the Issuer directed toward the issuance and sale of the Series 2007 Bonds, are hereby ratified, approved and confirmed.

Section 3. The General and First Supplemental Indentures (in substantially the forms attached hereto as Exhibit C) are in all respects hereby authorized and approved, and the Mayor of the Issuer (the “Mayor”) and City Recorder (the “City Recorder”) are hereby authorized and directed to execute and deliver the same on behalf of the Issuer.

Section 4. For the purpose of (i) financing the Series 2007 Project and (ii) paying costs of issuance associated with the Series 2007 Bonds, the Issuer hereby authorizes the issuance of the Series 2007 Bonds which shall be designated “Sales Tax Revenue Bonds, Series 2007”.

Section 5. The Issuer hereby authorizes the issuance of the Series 2007 Bonds in the aggregate principal amount of \$22,000,000. The Series 2007 Bonds shall bear interest, shall be dated, shall be issued as fully registered Bonds, shall mature on the dates and in the amounts and be subject to redemption, all as provided in the Indenture.

Section 6. The form, terms and provisions of the Series 2007 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption and number shall be as set forth in the Indenture. The Mayor and City Recorder are hereby authorized and directed to execute and seal the Series 2007 Bonds and to deliver said Bonds to the Trustee for authentication. The signatures of the Mayor and the City Recorder may be by facsimile or manual execution.

Section 7. The appropriate officials of the Issuer are hereby authorized and directed to execute and deliver to the Trustee the written order of the Issuer for authentication and delivery of the Series 2007 Bonds in accordance with the provisions of the Indenture.

Section 8. The Issuer hereby ratifies and reaffirms the utilization of the Preliminary Official Statement in the form attached hereto as Exhibit D and the Notice of Bond Sale in the form attached hereto as Exhibit F in the marketing of the Series 2007 Bonds and hereby approves the final Official Statement in substantially the form attached hereto as Exhibit E. The Mayor is hereby authorized to execute the final Official Statement evidencing its approval by the Issuer.

Section 9. The bid of the Purchaser for the purchase of the Series 2007 Bonds is hereby accepted, and the Series 2007 Bonds shall be sold to the Purchaser in accordance with the terms of the Notice of Bond Sale and the bid of the Purchaser presented to the Issuer. The bid of the Purchaser offers to purchase the Bonds at a price of \$_____ (being the par amount thereof, ___ a net reoffering _____ of \$_____, and less a Purchaser's discount of \$_____). It is hereby found, determined and declared, after public advertisement for bids for the purchase of said Bonds, that said bid is the best and most advantageous bid received and that the Series 2007 Bonds, when issued at the interest rates stated in the bid, will bear interest at the lowest rate now obtainable. The Series 2007 Bonds shall be delivered to the Purchaser following the adoption of this Resolution, pursuant to due payment therefor in accordance with the terms of sale.

Section 10. Upon their issuance, the Series 2007 Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Series 2007 Bonds and the Indenture. No provision of this Resolution, the Indenture, the Series 2007 Bonds, or any other instrument, shall be construed as creating a general obligation of the Issuer, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its ad valorem taxing powers.

Section 11. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 12. After the Series 2007 Bonds are delivered by the Trustee to the Purchaser, and upon receipt of payment therefor, this Resolution shall be and remain irrevocable until the principal of, premium, if any, and interest on the Series 2007 Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Indenture.

Section 13. The forms of General Indenture, First Supplemental Indenture and Official Statement and the other documents authorized and approved hereby are

authorized and approved with such additions, modifications, deletions and changes thereto as may be deemed necessary or appropriate and approved by the Mayor, whose execution thereof on behalf of the Issuer shall conclusively establish such necessity, appropriateness and approval with respect to all such additions, modifications, deletions and changes incorporated therein.

Section 14. The Issuer hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement, a copy of which is attached to the Official Statement. In the event the Issuer fails to comply with the Continuing Disclosure Agreement, any Bondholder may take the remedial actions set forth therein.

Section 15. In accordance with the provisions of the Act and the Parameters Resolutions, an "Amended Notice of Public Hearing and Bonds to be Issued" was published twice (on March 1 and March 8, 2007), the first publication being not less than fourteen (14) days prior to the Hearing, in the Spanish Fork Press, a newspaper having general circulation in the Issuer, and has caused a copy of the Resolution (and all exhibits thereto) to be kept on file in the office of the City Recorder for public examination during regular business hours at least thirty (30) days from and after the date of publication thereof.

Section 16. It is hereby declared that all parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

Section 17. All resolutions, orders and regulations or parts thereof heretofore adopted or passed which are in conflict herewith are, to the extent of such conflict, hereby repealed. This repealer shall not be construed so as to revive any resolution, order, regulation or part thereof heretofore repealed.

Section 18. This Resolution shall take effect immediately upon its approval and adoption.

PASSED, APPROVED AND ADOPTED this 17th day of April, 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 the Issuer's City Council (the "Council") in my official possession that the foregoing constitutes a true and correct excerpt of the minutes of the meeting of the Council held on April 17, 2007, including a resolution (the "Resolution") adopted at said meeting and that 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 April 17, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of said City, this 17th day of April, 2007.

City Recorder

(SEAL)

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 April 17, 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 principal offices of the City on April ____, 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 April ____, 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 City Council (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the City Council of the City 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 geographic jurisdiction of the City in January, 2007.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 17th day of April, 2007.

City Recorder

(SEAL)

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

NOTICE OF 2007 ANNUAL MEETING SCHEDULE

EXHIBIT B
QUALIFYING BIDS

EXHIBIT C

GENERAL AND FIRST SUPPLEMENTAL INDENTURES

(See Transcript Document No's. __ and __)

EXHIBIT D

PRELIMINARY OFFICIAL STATEMENT

(See Transcript Document No. __)

EXHIBIT E

OFFICIAL STATEMENT

(See Transcript Document No. __)

EXHIBIT F

OFFICIAL NOTICE OF BOND SALE

(See Transcript Document No. __)

SPANISH FORK

MEMORANDUM

TO: Spanish Fork City Council
FROM: Dave Anderson, Planning Director
DATE: April 17, 2007
RE: Reapproval of East Meadows Plat B Preliminary Plat

For the past several months, Carter Construction has been working to resolve issues that have prevented them from recording East Meadows Plat B.

Given that one year has lapsed since the last plat for this development was recorded (Plat A was recorded on September 1, 2005) the applicant is now requesting that the City Council reapprove the Preliminary Plat for the development. This reapproval would allow the applicant to record Plat B which is the last plat in the project. At present, most of the infrastructure has been installed in Plat B. I estimate that with the recordation of Plat B, the applicant would have the development finished and be able to pull building permits within the next 6 to 8 weeks.

SPANISH FORK CITY

MEMORANDUM

TO: Mayor and City Council
FROM: Dave Anderson, Planning Director
DATE: April 17, 2007
RE: W. Jones Annexation

Mr. Will Jones recently submitted an Annexation application for your consideration. The Development Review Committee reviewed the proposed Annexation and has recommended that the City Council accept the petition for further study. Accepting the petition will not bind the Council to ultimately approve the Annexation but would initiate the formal process of reviewing the proposal. The map below is provided to illustrate which properties are included in the proposed Annexation:

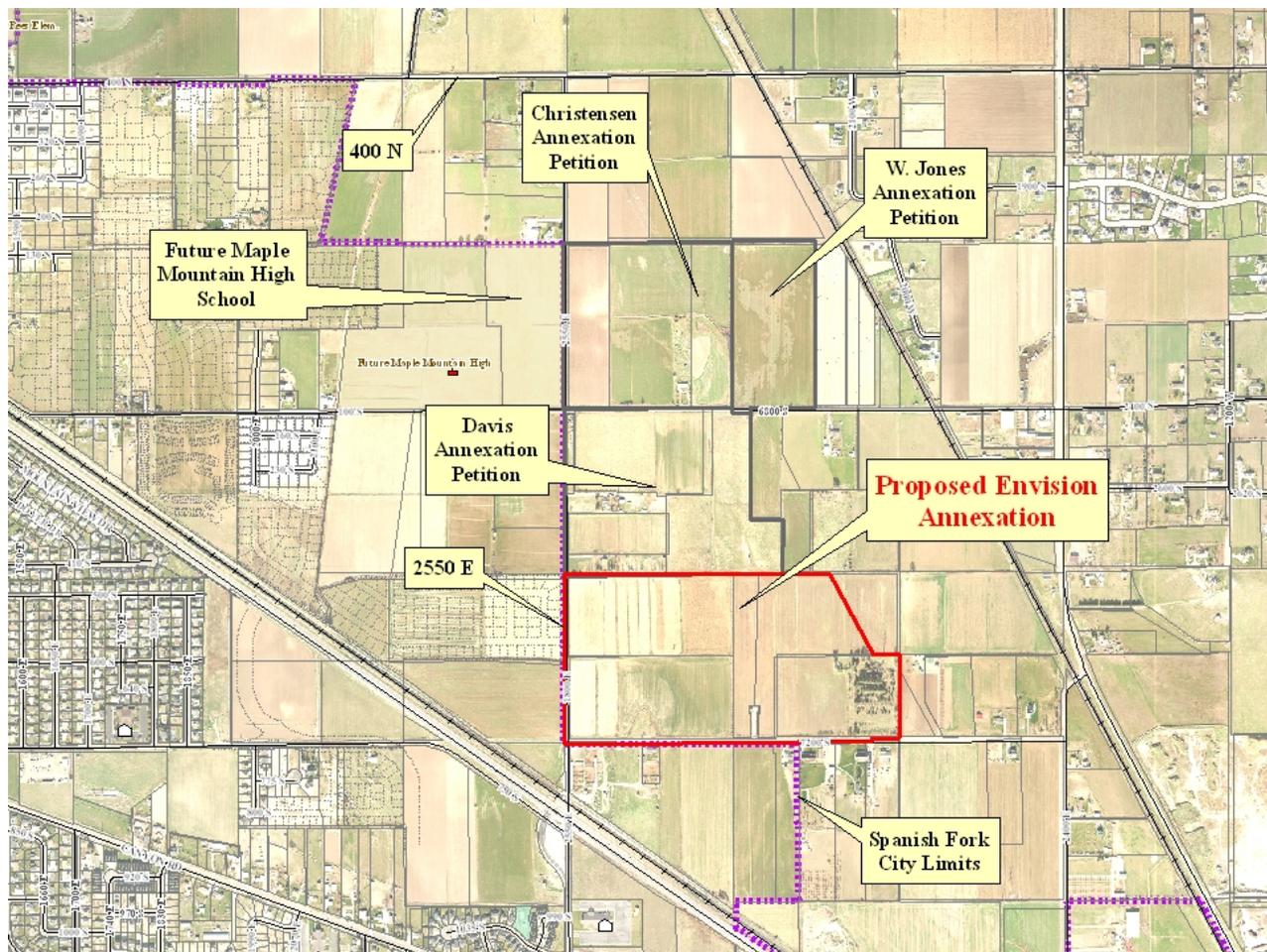


SPANISH FORK CITY

MEMORANDUM

TO: Mayor and City Council
FROM: Dave Anderson, Planning Director
DATE: April 17, 2007
RE: Envision Annexation

Mr. Kay Heaps recently submitted an Annexation application for your consideration. Accepting the petition will not bind the Council to ultimately approve the Annexation but would initiate the formal process of reviewing the proposal. The map below is provided to illustrate which properties are included in the proposed Annexation:



SPANISH FORK CITY

MEMORANDUM

TO: Mayor and City Council
FROM: Dave Anderson, Planning Director
DATE: April 17, 2007
RE: CW Annexation

Mr. Wayne Niederhauser recently submitted an Annexation application for your consideration. Accepting the petition will not bind the Council to ultimately approve the Annexation but would initiate the formal process of reviewing the proposal. The map below is provided to illustrate which properties are included in the proposed Annexation:

