



ADDENDUM CITY COUNCIL MEETING

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on June 5, 2007**.

AGENDA ITEMS:

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

- a. Pledge
- b. Jeff Foster Retirement

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. Budget FY08
- b. Sale of Surplus Properties

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 – May 1, 2007; May 15, 2007; May 24, 2007](#)
- b. [Interlocal Agreement Utah County Sex Crimes Task Force](#)
- c. [Golf Pro Shop Contract](#)

6. ADJOURN TO RDA MEETING

7. NEW BUSINESS:

- a. Airport Assessment \$34,000
- b. Development Agreement Tenedor LLC (Materials will be available at Council Meeting)
- c. [Sterling Hollow Water Tank Bid Tabulation](#)

8. 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.

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Tentative Minutes
Spanish Fork City Council Meeting
May 1, 2007

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

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

Citizens Present: Pat Parkinson, Joe Warren, Lesa Warren, Charlene Voran, Jerry Voran, Charles Albert, Kate Snyder, Ashley Harward, Kelly Peterson, Heather Campbell, Pat Parkinson, Pat Davies, Lars Boggess, Bart Boggess, Lee Kapaloski, Brad Rasmussen, Wayne Niederhauser, Wyatt Andersen, Harold Osler, Dan Davis, Allan Davis, Clint Muhlstein, Dave Isaac

CALL TO ORDER, PLEDGE:

Mayor Thomas called the meeting to order at 6:05 p.m.

Councilman Sorensen lead in the pledge of allegiance.

PUBLIC COMMENTS:

There was no public comment made at this time.

COUNCIL COMMENTS:

Councilman Leifson reported the Recreation Department held a get together at the new Mountain Country pavilion above the reservoir, it was really nice, he invited all the citizens to take a look at the new pavilion.

Councilman Wadsworth reported there would be an economic development meeting May 2, 2007. The trails committee meeting is in a month, there is a great group of people working on the trails master plan. He also reminded citizens to use the website to send in their concerns.

Councilman Sorensen gave a reminder that Thursday is the Rotary Chamber of Commerce scholarship golf tournament.

45 Councilman Andersen said every year at this time the Junior Livestock Show takes place
46 it will be this weekend and he encourages all those in town to come take a look at the
47 exhibits with their family.

48

49 Mayor Thomas has received questions regarding the North Park, he stated the project
50 continues to move forward positively. He believes everything is on track and the public
51 should expect announcements from the large retailers within the next 30 days. He also
52 noted for the public there are a lot of changes at the golf course, he encourages all
53 citizens to come enjoy the course. He thanked the gun club staff, and invited everyone to
54 come and participate.

55

56 Councilman Barber reported Utah Valley Magazine published a one page spread on how
57 great Spanish Fork City's trails are and he appreciates everyone's efforts. He gave a
58 reminder that this week will be EMS week May 5, 2007; everyone is invited to come for
59 the activities.

60

61 Wyatt Andersen

62 Mr. Andersen is the activities coordinator for the Jr. Livestock show. The show involves
63 over 500 youth between the ages of 9-18, they spend a lot of time and effort learning with
64 this program. He invited the Council to the luncheon, and the business men and women
65 around Spanish Fork to attend the auction and support the kids. They appreciate the
66 support they have had in the past; Spanish Fork is well known for being the best auction
67 in the state.

68

69 Councilman Barber noted the water the Council was drinking was donated by a local
70 business owner.

71

72 Mayor Thomas explained the Council's attire for the evening, the new golf pro gave the
73 Council golf shirts to wear in support of the Spanish Oaks Golf Course.

74

75 Pat Parkinson

76 Ms. Parkinson is concerned about the Council, they seem to be split she feels it gets in
77 the way of meeting the needs of the city. She remembers a couple of weeks ago a name
78 was presented for approval and shot down, it seems to her the courteous thing to do
79 would have been to express their concerns prior to the meeting rather than choosing to do
80 what appeared to be a public embarrassment. It was not just that incident there are others,
81 she feels the split is not benefiting the city. It is destructive and isn't at all about doing
82 what is best for the community. As a Citizen it is very clear the Council is not working
83 together as a team. She suggested some training on how to unify or team build with
84 introspection so each member can evaluate where they are and what they are about. They
85 need to remember what they are here to do for the city.

86

87 Mayor Thomas said he campaigned for changes and Councilman Leifson ran for status
88 quo, it is a difference of opinion, he feels the voters need to get their votes in line, he
89 feels more citizens need to get involved and also agrees there are more projects they can
90 work together on.

91
92 Ms. Parkinson feels the votes were diverse and the people are diverse, she feels it is the
93 Council's job to work with the fact that some want change and some do not.
94
95 Councilman Leifson feels there are a few things they might not have voted on together
96 but he feels if you look back there are a lot of things they have been unified on, once they
97 discussed it and came to a decision.
98
99 Councilman Wadsworth said they had a chance to participate in some leadership training
100 and have started a leadership library. He feels it will help them work together better and
101 do what is best for the community.
102
103 Mayor Thomas stated Councilman Barber, Councilman Andersen and himself went to the
104 grand opening of 84 Lumber. They were the first store in the region to hit their sales goal
105 and he feels it is great news.
106
107 Councilman Wadsworth added the owner of the company located to Spanish Fork
108 because of the values and quality of life offered here.
109
110 **CONSENT ITEMS:**
111
112 **Minutes of Spanish Fork City Council Meeting – April 10, 2007; April 17, 2007**
113
114 Councilman Sorensen made a **motion** to approve the consent items. Councilman
115 Wadsworth **seconded** and the motion **passed** all in favor.
116
117 **ADJOURN TO RDA MEETING:**
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119 Councilman Barber made a **motion** to move to the RDA meeting. Councilman Leifson
120 **seconded** and the motion **passed** all in favor at 6:24 p.m.
121
122 Councilman **Leifson** made a motion to adjourn back to the regular meeting. Councilman
123 Barber **seconded** and the motion **passed** all in favor at 6:26 p.m.
124
125 **NEW BUSINESS:**
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127 **Bid Tabulation for Sterling Hollow Water Tank Project**
128
129 This agenda item was moved to the next meeting.
130
131 **Awarding of Bid for Congressional Lobbyist Services**

132 **Spanish Fork City Lobbyist Recommendation**

133 **History**

134 Three years ago our city was fortunate enough to secure a Congressional appropriation in
135 the amount of \$34,000 to commence our river reclamation/trail project. The next year we
136 were even more fortunate to garner \$500,000 and continue the project. However, with
137 recent changes in Congress, all proposed appropriations were summarily canceled in
138 2007 which significantly slowed the project.

139
140 Several months ago we received a proposal from a lobbying firm to advocate for Spanish
141 Fork City on Capitol Hill in Washington, DC in behalf of our project. During the
142 discussion that ensued, the point was made that we, as a council, should broaden potential
143 lobbying efforts beyond just the river reclamation/trail project (i.e., a bridge under
144 Highway 6 to the new park, airport, public safety, parks, sewer treatment plant, etc.). As a
145 council, we agreed.

146 **Process**

147 We directed Mr. Oyler to craft a Request for Proposal (RFP) within a specified deadline.
148 After several of us provided input into and validated the RFP, it was ready to be sent. A
149 list of 7 potential lobbyists was created by researching firms that already represent Utah-
150 based clients. This included speaking with staff members of Senator Bennett's and
151 Congressman Cannon's offices for recommendations. The RFP was then sent out with a
152 strict response deadline. Of the 7 potential lobbyists, 3 chose to respond.

153
154 After receiving the 3 proposals, Mr. Oyler, Council Anderson, and I spent time
155 establishing criteria against which we could better scrutinize them. They included:

- 156
- 157 • Size of Staff
 - 158 • Experience of staff
 - 159 • Utah ties
 - 160 • Clients (with emphasis on Utah clients)
 - 161 • Relationships (Congress, Congressional committees, Congressional staff, federal
162 agencies, state agencies and organizations)
 - 163 • Coverage (Federal and local)
 - 164 • Areas of expertise (e.g., agricultural, aviation, transportation, energy, water, etc.)
 - 165 • Strategy/approach
 - 166 • Success rate
 - 167 • Potential conflicts of interest
 - 168 • Cost
- 169

170 After each of us individually reviewed the proposals against said criteria, we determined
171 that only two of them passed muster. We then scheduled conference calls with the
172 finalists and grilled them further on their proposals.

173 **Recommendation**

174

175 After even further deliberation, Mr. Oyler, Councilman Anderson, and I feel very
 176 comfortable recommending to the council, the firm of American Capitol Group as the
 177 lobbying firm to represent Spanish Fork City. This is based on:
 178

179 **American Capitol Group**

<i>Strength</i>	<i>Weakness</i>
No conflict of interest with other cities in our Congressional district (<i>Cody has Syracuse, Logan, and us</i>)	Has less experience than other finalist (but can be overcome by depth of staff and breadth of experience)
Have depth of staff to manage our project; won't need to hire additional staff	
Have worked in Sen. Bennett's and Congressman Cannon's offices and have strong relationships (<i>considered a huge plus from the other finalist</i>); Tyler Owens is key element.	
Will provide federal <i>and</i> state level lobbying in our behalf (in addition to ULCT, we'll have person advocating for us at the state legislature)	
Flexibility to change from retainer-to project-based lobbying in the event there are problems with appropriations like in 2007	
Have already done recreation trail, parks, and airport projects in Utah	
Cost \$3,500 per month (\$42,000 annual) gets us broad lobbying effort above and beyond river/trail project	

180

181 **Jordan & Associates, Inc.**

<i>Strength</i>	<i>Weakness</i>
Has more lobbying experience	Will likely have to hire additional person if take on our project – person is unknown quantity
	Clear conflict of interest with other cities (Provo) in our Congressional district
	Relationships not as strong in Senator Bennett's and Congressman Cannon's offices (admitted it's a huge plus having former staffers advocate for us)
	Cannot provide federal <i>and</i> state level lobbying in our behalf

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183 Mayor Thomas said Councilman Wadsworth did a lot of work on this, he is confident
 184 they will come through bringing more money back to the city than the fee paid.

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Councilman Wadsworth disclosed one of the individuals with this firm is involved with an educational foundation he is also involved with.

Councilman Wadsworth made a **motion** to approve the Congressional Lobbyist Services with American Capital Group, authorizing the Mayor to sign it per Legal review of the contract. Councilman Andersen **seconded** and the motion **passed** by a roll call vote all in favor.

Councilman Wadsworth thanked all those involved with this project and their efforts.

PUBLIC HEARING:

Councilman Sorensen made a **motion** to go to public hearing. Councilman Andersen **seconded** and the motion **passed** all in favor at 6:36 p.m.

Old Mill Estates General Plan Amendment and Zone Change – 1503 Mill Road (continued from last meeting)

Mr. Anderson explained the public hearing is from the last meeting and since there were members of Council absent they can again make public comment. He emphasized the request before the Council tonight is a General Plan Amendment. When this request was initially received staff did recognize the considerable input given by the Leland area residents. They held a meeting earlier this year and solicited directly from the residents of the Leland area, they would prefer to not have the General Plan changed, they feel comfortable with what it allows.

Wayne Niederhauser

Mr. Niederhauser is with CW Management, they are proposing 55 units on this property, they are committed to put a pre-cast concrete wall around the project, there will be restrictive covenants, and a Home Owners Association (HOA). They have a reputation for having nice projects and nice homes. They have tried to create a nice subdivision and overcome the challenges with this property.

Mayor Thomas asked where the future costs are for the pump stations.

Mr. Heap stated it would go into the cities future funding.

Ms. Parkinson was not at the last meeting but at the Planning Commission meeting, she saw concern with the access and thinks there should be access onto Mill Road. She does not think it is unfair for the people that will live in this development to have access to Mill Road and does not think it should be gated.

Dan Davis

229 Mr. Davis thinks getting more access through the other subdivision is a great idea and it
230 will help with a lot of traffic issues. He feels the property owners should have a voice
231 about what happens in their area.

232

233 Harold Osler

234 Mr. Osler feels they should stick with the General Plan as it was decided, it has only been
235 18 months since approval and they already want to change it. He added he does not have
236 a problem with the development.

237

238 Alan Davis

239 Mr. Davis commented about talk of Mill Road being protected, he feels it is protected to
240 protect individuals. The local citizens have learned to protect the road and not speed, he
241 feels if they have it gated it would be a good option. He also asked if the road is opened
242 up for this development what will they do with the school. He does not like the idea of a
243 one way road.

244

245 Clint Muhlstein

246 Mr. Muhlstein lives on Mill Road, he is not in favor of the development but understands
247 people can do what they want on their property. He stated as a development comes in
248 they have to do a lot of infrastructure, curb, gutter, and stuff.

249

250 Mayor Thomas asked if it would be an undue burden on the remaining property to
251 upgrade the road.

252

253 Mr. Anderson said the city currently does not have a road impact fee study.

254

255 Mr. Muhlstein asked about future sewer, all the residents are currently on their own septic
256 he hopes they would not be forced to hook on to sewer. Also in addition to the \$100,000
257 potentially adding to help develop Mill Road, how much would it cost to develop the rest
258 of the road so they know what they are looking at paying. Their biggest Concern about
259 the whole thing is what is going to happen to the residents if the road goes through. He
260 noted if they decide to hook on at the Academy School his father does own the strip of
261 land between there.

262

263 Jerry Voran

264 Mr. Voran lives at 1685 South Mill Road, he would not like anyone's home bulldozed to
265 move the road, and is against the development. A lot of the people cannot afford their
266 property values to go up, and they cannot afford to lose their green belt rights, there is a
267 five year back penalty if they do. He is concerned about everybody's welfare on that road
268 because they will all take a financial hit. He likes the idea of a one way road and feels it
269 might work better from the south to the north. He hates to think anyone's home would be
270 bulldozed to appease a developer that comes in. He addressed the two access ideas and
271 reminded there is not anything set. He feels the neighbors and the city need to get
272 together and see what they can come up with.

273

274 Alan Davis

275 Mr. Davis is opposed to the one way road, but would be in favor of it if it went north to
276 south.

277

278 Dave Isaac

279 Mr. Isaac owns property on Mill Road; he is opposed to the one way road idea. His
280 business uses Mill Road both ways a hundred times a day. 900 South has been made into
281 a nice road and he is for an improvement of Mill Road. With regard to the zone change
282 he feels the bigger the lot the better, he understands things change and out in that area he
283 feels the 1/3 acre lots are better than allowing a six-plex.

284

285 Councilman Wadsworth asked where the UDOT study is for the area.

286

287 Mr. Heap stated there is not an answer yet, it is up to the developer to submit that to
288 UDOT.

289

290 Mr. Niederhauser said they are working with UDOT and there are not any distance
291 issues.

292

293 Councilman Andersen made a **motion** to move out of the public hearing. Councilman
294 Leifson **seconded** and the motion passed all in favor at 7:53 p.m.

295

296 Councilman Andersen came into this development with some mixed emotion because he
297 lives in the area and knows the people very well. He finds it disconcerting to tell the
298 school and the development of Glen Way's they can't have access to Mill Road, then turn
299 around and tell this developer they can. It does not seem right to tell people they can't
300 have access and then change it for another. He is well aware of the situation of Mill Road
301 and is opposed to allowing access onto the road. He can accept the idea of having an
302 emergency access onto the Road. He will continue to try to get something moving to
303 provide another access. As far as improving Mill Road he thinks the offer of \$100,000 is
304 generous, he does not think peace milling the improvements on the road is an answer,
305 maybe they should hold the money earmarked so when the time comes they can address
306 the issues of Mill Road. He feels the rights of the home owners should be respected and
307 should have no concern whether or not they are going to have their homes to live in, he
308 does not feel Mill Road should not be addressed, but the money be held and in the future
309 when it is appropriate they can do it. He thinks he addressed some of the concerns and so
310 forth and he has spoken to a number of residents there and had a lot of opinions whether
311 the 1/3 acre lots are ok. Most of the comments have been, they would like to see 1/2 acre
312 lots, but if it is a nice development they could probably live with it. Not everybody is
313 totally in favor one way or another, he personally would accept the proposal the way it is
314 as far as the number of building lots.

315

316 Councilman Wadsworth feels the northern access is a good idea if they can do something
317 about the alignment.

318

319 Councilman Andersen thinks if they all use a bit of patience the access will come about.

320

321 Councilman Wadsworth said they are being consistent in applying the standard evenly.

322

323 Councilman Leifson asked if the school was required to install curb and gutter. He feels
324 they need to be patient with the road and the developers will add the needed
325 improvements. He has no problem with this development going in and would like to see
326 access onto Mill Road, with a gate. He asked that they be consistent as with the other
327 developments.

328

329 Councilman Sorensen commented it's been stated they are looking at a couple different
330 issues, property rights is an issue for the residents and developers. He looks at what they
331 are requesting and the zoning does not seem to be an issue, as they talk about things it
332 deals more with the plat and not the zoning. He feels they are very valid concerns, if this
333 development goes in and the money is put into an account it will not do as much later
334 down the road. He feels the improvements need to be made now and eventually it will be
335 a nice road. He feels if the other roads around are sending more traffic that way they can
336 get ahead of the issues before it is a bigger problem.

337

338 Councilman Barber feels many of the issues brought up tonight are addressed at the next
339 step, as far as the rezone and General Plan he does not see any precedent to not approve
340 it.

341

342 Councilman Barber made a **motion** to approve the Old Mill General Plan and rezone
343 based upon the following five conditions.

344

1. The units will be capped at 55 units.

345

2. That the lift station is installed to the City's standards for approximately 600
346 connections.

347

3. That Mill Road be improved from entry to Arrowhead Trail.

348

4. That there be a gated temporary emergency access onto Mill Road.

349

5. That the developer receive reimbursement by a connectors agreement for the
350 applicable public improvements be determined at preliminary plat.

351

352 Mayor Thomas feels there should be a way to spend a portion of the value if staff sees it
353 is necessary for safety on the road.

354

355 Councilman Andersen said with the new school he is in favor of anything to make it
356 safer, like installing a sidewalk. The developer has agreed to give \$100,000 how that is
357 spent can be determined at the preliminary plat. Mr. Andersen asked to change condition
358 number four to a gated temporary emergency access.

359

360 Mayor Thomas would like to see something done to collect fees so the impact on the
361 smaller owners is not as much.

362

363 Councilman Barber asked that condition five be determined at preliminary plat.

364

365 Councilman Andersen **seconded** and the motion **passed** by a roll call vote all in favor.

366

367 Mayor Thomas thanked the public for their comments, options proposed, being
368 respectful, and taking the time to be involved.

369
370 Councilman Wadsworth requested a break at 8:21 p.m.

371
372 The meeting was called back to order at 8:29 p.m.

373
374 **Aqua Engineering Presentation on Sewer Treatment Plant Capacity**

375
376 Mr. Heap gave an introduction on the sewer plan evaluations.

377
378 Brad Rasmussen
379 Mr. Rasmussen represents Aqua Engineering he thanked the city for their support. He
380 then gave a presentation on the Wastewater Treatment Plant expansion evaluation.

381
382 Discussion was made regarding the options for the site as well as satellite sights.

383
384 Councilman Andersen said the best thing for the City to do is to maximize their own
385 capacity.

386
387 Mr. Heap feels they should do the least expensive project first and the cost of the new
388 technology could go down in the future.

389
390 Mr. Baker asked for direction from the Council regarding the east bench areas and what
391 they want staff to do if they want it amended or not.

- 392 1. The Council can say they are not interested.
393 2. The Council can proceed to amend the policy for annexation.
394 3. The Council can amend the policy but work with the Planning Commission and study
395 the density.

396
397 Mayor Thomas is in favor of studying it and seeing what can be done.

398
399 Councilman Wadsworth is also in favor of studying it and seeing what can be done.

400
401 Councilman Andersen feels the Planning Commission needs to look at this and come up
402 with some ideas, Councilman Leifson and Councilman Barber agreed.

403
404 Mr. Oyler feels the Planning Commission needs to look at the whole concept on the east
405 bench, study it and then after the DRC and Planning Commission analyze it they can give
406 the Council a recommendation. It was decided to hold a joint meeting on May 24, 2007
407 with the Council and Planning Commission.

408
409 Mr. Oyler gave a hand out to the Council and Mr. Anderson put together a tracking
410 system as the Council addresses the annexation acceptance. They are recommending the
411 Public Works Department have the bulk of the issues they are addressing. They want to
412 make sure during the study process they cover the general issues as it relates to the

413 utilities, parks, etc. They would like the Council's input and want to make sure as they go
414 through the annexation process they have adequate time to meet with the applicants.

415
416 The Council was in agreement to move forward.

417
418 **ADJOURN TO RDA MEETING:**

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420 Councilman Sorensen made a **motion** to move to the RDA meeting. Councilman Barber
421 **seconded** and the motion **passed** all in favor at 9:28 p.m.

422
423 Councilman Sorensen made a **motion** to adjourn the RDA meeting back to the Council
424 meeting. Councilman Leifson **seconded** and the motion **passed** all in favor at 9:33 p.m.

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426 **NEW BUSINESS:**

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428 **Tentative Budget FY08**

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430 Mr. Clark gave a presentation on the cities budget.

431
432 Mayor Thomas asked that an explanation of the certified tax rates be made available on
433 the website.

434
435 **PUBLIC SAFETY:**

436
437 Dee Rosenbaum

438 Mr. Rosenbaum explained the main increases in the budget for the FY08 year.

439 Police:

- 440 - Dispatch fee increase \$9.50 to \$11.50 per call
441 - New building \$18,000,000
442 - 5 replacement vehicles 3 new
443 - New personnel

444
445 Fire:

- 446 - Parking lot \$160,000
447 - New Pumper Truck \$410,000
448 - Support Vehicle \$30,000
449 - New Turnout Gear \$13,600

450
451 Ambulance:

- 452 - New Ambulance \$130,000
453 - Zoll Auto Pulse equipment \$14,710
454 - New pay structure

455
456 Emergency Preparedness:

- 457 - New Truck

458

459 Discussion was made regarding the housing of the new fire equipment.

460

461 **PARKS AND RECREATION:**

462

463 Dale Robinson

464 Mr. Robinson explained there will be new a special events division

465 - Arts Council

466

467 Buildings: Paint exterior of city offices

468 Parks:

469 - Old Ball Park Field Lights and Parking Lot

470 - Sports Park: Soccer Fields

471 - North Park Improvements

472 - Trails

473 - New Personnel

474

475 Recreation:

476 - Personnel

477

478 Golf Course:

479 - New Pump Station \$175,000

480 - New Personnel

481

482 Swimming Pool:

483 - Pool Cover

484 - Restroom Remodel

485

486 **PUBLIC WORKS:**

487

488 Richard Heap

489 Streets:

490 - Purchase of ways

491 - Sidewalk Replacement

492 - Oaks Sidewalk

493

494 Public Works Office at Shop:

495

496 Councilman Barber asked that a discussion be made regarding implementing a street

497 impact fee study.

498

499 Water:

500 - Water Line Replacement

501 - 5 million gallon water tank

502

503 AMI: 4 utilities

504

505 WWTP: Replace drying beds
506
507 Electric:
508 - Upgrade lines and build substations for growth
509 - Land for Leland
510
511 Sewer Rate:
512 - Base fee \$11.50 up to \$12.00
513
514 Water Rate:
515 - First 9000 Gallons rate down from \$1.27 to \$1.24
516
517 PI Base Rate:
518 - Rates based on Meter Size
519 - Rates Based on Number of Units
520
521 PI Usage Rate:
522 - Metered PI per 1000 gallon down from .98 to .95
523
524 BROADBAND:
525
526 John Bowcut
527 SFCN Services Discussion
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529 HUMAN RESOURCES:
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531 Seth Perrins
532 Compensation and Benefits:
533 - Salary Adjustments
534 - Health Insurance
535 - Other Insurances
536 - Mayor and Council Stipend
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538 LIBRARY:
539
540 Pam Jackson
541 Ms. Jackson discussed the library budget items and explained that with the population
542 increase they are reaching capacity.
543
544 CITY MANAGER:
545
546 Dave Oyler
547 Mr. Oyler summarized the budget information dealing with the General Fund, Electric
548 Fund, Debt Service etc. He stated it is now the Councils budget and they can review it
549 and make adjustments.
550

551 Councilman Sorensen made a motion to adopt the FY08 tentative budget. Councilman
552 Andersen seconded and motion passed all in favor.

553

554 **ADJOURN:**

555

556 Councilman Leifson made a **motion** to adjourn to executive session for litigation and
557 land use. Councilman Barber **seconded** and the motion **passed** all in favor at 10:54 p.m.

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559 **ADOPTED:**

DRAFT

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Tentative Minutes
Spanish Fork City Council Meeting
May 15, 2007

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

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

Others Present: Christina Dominguez, Emanuel Dominguez, Jake Johnson, Gloria Christensen, Dennis Stone, James Sweeten, Gary A. Carter, Allen Hall, Kelly Peterson, Troy Cressman, Kyle Clyde, Brittany Wride, Heather Campbell, Les Allen, Scott Roberts

CALL TO ORDER, PLEDGE, RECOGNITIONS:

Mayor Pro Tem Barber called to order at 6:03 p.m.

Brittany Wride lead in the pledge of allegiance.

Strawberry Days Royalty

The Strawberry Day's Rodeo Royalty invited everyone to the Strawberry Days Rodeo running June 20th - 23rd. They then presented the Council with a strawberry cheesecake and discussed the events they will have going during Strawberry Day's.

Employee of the Quarter

Mr. Perrins presented the employee of the first quarter award to Cody Hanks; he is the buildings and grounds maintenance technician.

PUBLIC COMMENTS:

Troy Cressman

Mr. Cressman commented on the need for a regional recreation center. The Springville pool is being torn down and there will be five high school's in the area, none with an indoor pool. The people wonder why Spanish Fork does not do anything or get anywhere with their Swim Team, it is because they do not have access to the facilities to train and cannot compete. He added that swimming is a life long sport, and hobby. The senior citizens swim because it is easier on their joints and a more effective workout.

Mayor Pro Tem Barber asked if Mr. Cressman had a solution for a county-wide recreation center.

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Mr. Cressman hopes to get the support of the other cities before they start the project. He feels the best solution would be to put in a big center like the ones in American Fork and Tooele.

Mayor Pro tem Barber stated there are solutions out there for the funds, as he sees it everyone is in favor of the center, but when it comes to the money no one wants to come up with it. We will need to work out some cooperative funding to accomplish this task.

Councilman Wadsworth congratulated Mr. Cressman on his argument for a recreation facility; he also stated Commissioner Gary Anderson could be a better way to get the information out to the County.

Casey Whitaker

Mr. Whitaker works at the clinic and does not have places to send people for exercise. He asked if they have looked at the legacy pool in Lehi, he feels as a model that would be a great place to start. If a facility proposal was on the ballot he would vote for a great facility such as that.

COUNCIL COMMENTS:

Councilman Wadsworth reported the finance committee meet yesterday morning and will have some things in a regular scheduled Council Meeting to discuss.

Councilman Andersen was in the finance committee meeting, the bonds have been issued at a rate of 4.3% for the police/court building, which is good.

Mayor Pro tem Barber said this last week Mr. Steve Wilson wrote a letter to the editor in the paper regarding the trailer park and north park development; it talked about the lack of caring from the city. For him that matter is a private issue, the ground is owned by a private individual who negotiated their property; the trailer owners own the trailer but not the ground. There has not been any negotiation with the city so they are not aware of what is going on. It has nothing to do with the city, and the implication that the city should step up and do something, is not what needs to be discussed tonight.

Councilman Andersen commented the Mayor called him and said the people have found spaces for everyone in the trailer park to move, even a few more places to move than they needed, they have given the option to be moved at the developers expense, or in lieu of being moved, cash will be given.

Councilman Sorensen said the Mayor made those remarks, and they found places to move those individuals in the trailer park or they can opt to take the cash.

Mayor Pro tem Barber again said it is up to the property owner and the trailer owners whether they want to move or take the cash.

93 **NEW BUSINESS:**

94

95 **Notice of Intent to Revoke Business License**

96

97 Mr. Baker stated under the business license ordinance, they can revoke the business
98 license. Ms. Christensen signed an affidavit stating she believes the daycare is not a home
99 occupation, and they do not live there. The applicant is stating she resides in the home.

100

101 Gloria Christensen

102 Mrs. Christensen said she has never seen people work so hard to make it look like they
103 live there. She has been over and no one has been there, all the neighbors have watched,
104 and no one lives there. They have spent several nights there, if they want to run the
105 daycare let them move it to their home. She also pointed out with the signs they are only
106 allowed one and they have three.

107

108 Ms. Christina Dominguez brought her son Emanuel Dominguez for translating.
109 She said Ms. Christensen is blaming her for not having anyone live there, she has been
110 separated from her husband since August of last year when she purchased the home, she
111 has six kids and can't be there all the time. If they knocked from midnight to 5:00 a.m.
112 she would have been there she sleeps there, the mayor has asked her to at least spend five
113 nights a week there and that is what she is doing, on the weekends she is with her young
114 children. She is wondering why she is being accused of something they do not know as a
115 fact.

116

117 Mr. Anderson said the Ordinance does not define how long someone must spend in a
118 home to qualify it as a residence.

119

120 Councilman Andersen asked how many children Ms. Dominguez cares for at the daycare.

121

122 Ms. Dominguez said she cares for 12 kids with the help of her daughter, that is the limit
123 she is allowed.

124

125 Mayor Pro tem Barber asked what time she starts tending in the morning.

126

127 Ms. Dominguez stated she starts around 6:00 a.m.

128

129 Mayor Pro tem Barber asked about the signage issues.

130

131 Ms. Dominguez said if the signage is a problem they can take it down, they were not
132 aware it was out of compliance.

133

134 The Council reviewed the city ordinances and regulations.

135

136 *Councilman Leifson arrived late at 6:45 p.m.*

137

138 Mayor Pro tem Barber stated “the truth is more than just the facts it is the real intent and
139 the summary of what the whole thing is.”

140
141 Councilman Andersen asked where Ms. Christensen’s home is located.

142
143 Ms. Christensen explained her house faces across the street one house away. She then
144 asked how Mrs. Dominguez communicates with the children she tends when she does not
145 speak English. She sees them come in the morning and leave at night and lock up so they
146 do not live there.

147
148 The Council stated they will take this under advisement in executive session and will let
149 both parties know when they make a decision.

150
151 Councilman Sorensen made a **motion** to move to the Public Hearing. Councilman
152 Andersen **seconded** and the motion **passed** all in favor at 6:50 p.m.

153
154 **PUBLIC HEARINGS:**

155
156 **Boswell Park Preliminary Plat**

157
158 Mr. Anderson stated the city ordinance does not require this to be a public hearing. The
159 current zoning in place is R-1-6 and meets the requirements the only issue they have is
160 with access given the set-back requirements. The Other issue is access to the property
161 behind it would be precluded and there is question whether or not UDOT would grant
162 access to the property off Highway 6. The property owner is comfortable with the
163 possibility it would not be developable with these lots being approved.

164
165 This item was opened for public comments. There was no public comment given at this
166 time.

167
168 Councilman Wadsworth made a **motion** to accept the Boswell Park preliminary plat
169 request with the three conditions specified by the Planning Commission.

170 **Conditions:**

- 171 1. Meet the construction and development standards.
172 2. That the Final Plat describes access requirements or limitations provided in the City’s
173 Construction and Development Standards.
174 3. That redline corrections be made.

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

176
177 **Dennis Stone Zone Change**

178
179 Mr. Anderson explained the proposed zone change request for the subject property has
180 five acres in all, they are requesting to be zoned R-1-9, staff recommends approval.

181
182 Alan Hall

183 Mr. Hall lives in the middle of the developments and hopes they consider working with
184 them, they are willing to work with either party so they are not land locked.

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Les Allan

Mr. Allan is the Developer of Somerset Village which is adjacent, they need to get together and come up with a way that works for everyone.

Mayor Pro tem Barber stated it is their intent that everyone is working together to figure it out.

Councilman Sorensen made a **motion** to approve the Dennis Stone Zone Change Request. Councilman Leifson **seconded** and the motion **passed** all in favor.

Dos Amigos Zone Change

Mr. Anderson explained the zone change request. He stated both the Planning Commission and DRC recommend approval.

This item was opened for public comment.

Rosemary Jarman

Ms. Jarman lives in Somerset Village; she explained over five years ago the Council expressed concern about Home Owner's Associations (HOA) failing. She gave an analogy regarding their HOA. Compared to other HOA's in Utah they should have \$40,000 saved for improvements. They need Spanish Fork City to help resolve this issue, she loves her home and the area but this situation calls for putting on the breaks, slowing down, and cleaning up this mess before they start another one. The Homeowners have presented a plan to help with the funds but nothing has been done.

The Council was sympathetic but there is nothing they can do with this zone change to correct the problem.

Councilman Barber hopes the new HOA board can make some things happen.

Mark Jarman

Mr. Jarman endorses what his wife stated. He said people are happy with the homes, but not with the snow removal, cars parking in the street, dogs in yards, it is unacceptable.

The product is the homes and the environment they exist in. Most people don't understand the financial liability they accept when they purchase their property. He does not expect the Council to get into their affairs, but feels they can control if the project gets approved or not.

Mr. Allan said Somerset's HOA fees right now are \$69 a month; they had a meeting a few months ago to put in place a board of trustees. He has done this type of project before but not as all encompassing as this one is, they are looking to turn the HOA over to the Owners so they are not handed problems in the future. The level of performance is in direct response to how much they are willing to pay in HOA fees.

231 Mayor Pro tem Barber stated it sounds like there are similar goals that can be resolved.

232

233 Councilman Leifson made a **motion** to approve the Dos Amigos Zone Change.

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

235

236 **Foster Zone Change**

237

238 Mr. Anderson explained the proposed zone change. The DRC and Planning Commission
239 felt it was most appropriate to zone the properties R-3.

240

241 This item was opened for Public comment. There was none given at this time.

242

243 Councilman Andersen made a **motion** to approve the R-3 zoning for the Foster property
244 located at approximately 890 North 1100 East, based upon the following finding:

245 **Finding:**

246 1. That the proposed zone change is consistent with the General Plan designation.

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

248

249 **Reed Esplin Preliminary Plat**

250

251 Mr. Anderson explained the proposal for an industrial subdivision dividing the property
252 into three lots. The applicant's intent is to commence with Phase 1. He added Mr. Esplin
253 has been working to mitigate the wetlands issues. It meets the city standards for industrial
254 subdivisions.

255

256 Discussion was made regarding wetlands banks.

257

258 This item was opened for public comment. There was none given at this time.

259

260 Councilman Sorensen made a **motion** to approve the proposed Preliminary Plat for the
261 Reed Esplin subdivision based on the following finding and subject to the following
262 conditions:

263 **Finding:**

264 1. That the proposed plat does conform to the City's requirements for subdivisions in the
265 Industrial-1 zone.

266 **Conditions:**

267 1. Meeting the subdivision standards.

268 2. 1950 North street be dedicated to the City either as part of the plat, or deed outside of
269 the plat, and be constructed to and through the first phase of the project when it is built or
270 put in a temporary turn around.

271 3. That redline corrections be made.

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

273

274 **Juleen Whitney Zoning Text Amendment**

275

276 Mr. Anderson explained the request would allow a greater percentage of the property to
277 be covered with an accessory building. The DRC spent a few weeks reviewing this and
278 recommend the percentage increase to 15% from the current 10% so long as the
279 accessory buildings are located within the setbacks.

280
281 This item was opened for public comments. There was none given at this time.

282
283 Councilman Wadsworth likes that it gives more ways for the property owner to do with
284 the property what they want.

285
286 Councilman Andersen made a **motion** to approve the proposed Amendment to Title 15 of
287 the Municipal Code, changing section 15.3.24.090 A 7, based on the following findings:

288 **Findings:**

289 1. That the proposed change would allow residents to make more effective and efficient
290 use of their property.

291 2. That the proposed change would not result in the creation of any situations that are
292 more detrimental than what the ordinance currently allows.

293 Councilman Wadsworth **seconded** and the motion **passed** all in favor.

294

295 **Master Plan Development Ordinance**

296

297 Mr. Anderson explained the object of the proposal is to raise the bar for master plan
298 developments and allow the higher quality projects to build. The language proposed
299 tonight is not intended to increase the propensity of developers to propose master plan
300 developments. The Planning Commission made some recommendations, but there are
301 two things staff feels they need to study further before they are included in the ordinance.

302

303 Mr. Baker addressed some legal issues, and noted what they need to keep in mind. If they
304 are going to put a mandatory open space requirement in, they need to spend more time
305 formulating the language they have. They also want little parks all over the city, which
306 can possibly be a maintenance problem for the city. It could be discussed as a cash in lieu
307 option to make a nicer/bigger park throughout the city. He told the Council to be cautious
308 as they decide to adopt the wording. Also the way the language is written will vest the
309 applicant earlier, they need to think about that, they need to decide if the concept plan
310 should be going to DRC, Planning Commission and then the Council. With those items in
311 mind he does not think the two provisions as presented should be included, but the
312 Council can adopt the changes without those items. His recommendation is to adopt the
313 ordinance leaving those two items out for further study.

314

315 This item was opened for public comment.

316

317 James Sweetin

318 Mr. Sweetin spoke on behalf of the Forbush development, the things in the proposal are
319 nice, and they are excited to move forward, they hope the Council likes the plan
320 presented. It is their hope this goes through and they can move forward with the project.

321

322 Mr. Allan, has one of the biggest master plan developments. He explained parking is a
323 problem and feels there needs to be more than what is required in the old ordinance, also
324 open space is a big need. He hopes the input they had is helpful. As a developer if they
325 are coming for a project the City needs to hold them to a standard, things should be done
326 well to make sure it lasts for a long time.

327

328 Councilman Sorensen feels after reading the proposal and talking to Dave Anderson these
329 changes will be good, it will raise the bar and take it to the next level.

330

331 Councilman Andersen said there has been discussion about areas wanting to be annexed
332 into the city, and having them address issues like how will they supply power, where are
333 the roads located, sewer, utilities they will have to know these answers to know what they
334 are going to do. He feels the need for an extra step is not warranted.

335

336 Councilman Wadsworth likes the fact the outside materials required are nice.

337

338 Councilman Leifson is comfortable with the recommendation staff has, and feels the two
339 items will need to be discussed.

340

341 Mayor Pro tem Barber hopes in the future this will remain a living document that can be
342 changed.

343

344 Councilman Sorensen made a **motion** to adopt the proposed with the exception of the
345 provisions for concept plans and required open space. Councilman Leifson **seconded** and
346 the motion **passed** all in favor.

347

348 Councilman Sorensen made a **motion** to move out of the public hearing. Councilman
349 Wadsworth **seconded** and the motion **passed** all in favor.

350

351 **CONSENT ITEMS:**

352

353 **Minutes of Spanish Fork City Council Meeting – April 3, 2007**

354 **Renew Hallmark Cable Channel Agreement**

355 **Golf Pro Shop Contract**

356 **Chip Seal Project, Road Chip Bid and Chip Seal Project, Liquid Asphalt Bid**

357

358 Mayor Pro tem Barber made a **motion** to table the Golf Pro Shop contract for the next
359 meeting. Councilman Sorensen **seconded** and the motion **passed** all in favor.

360

361 Councilman Sorensen made a **motion** to approve the remaining consent items listed.

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

363

364 Councilman Wadsworth made a **motion** to take a break. Councilman Leifson **seconded**
365 and motion **passed** all in favor at 8:09 p.m.

366

367 The meeting was called back to order at 8:16 p.m.

368

369 **NEW BUSINESS:**

370

371 **Airport Grant Application**

372

373 Mr. Heap explained the grant is for runway rehabilitation.

374

375 Councilman Leifson is in favor of this grant.

376

377 Councilman Leifson made a **motion** to approve the airport grant application. Councilman
378 Sorensen **seconded** and the motion **passed** all in favor.

379

380 **Banking Services Bid**

381

382 Councilman Andersen explained the finance committee wanted more time to review
383 some of the hidden facets involved with the bids, certain things over a period of time
384 might save the city money.

385

386 Councilman Wadsworth explained they want to look further to understand the value the
387 contenders offer along with the price.

388

389 Mayor Pro tem Barber made a **motion** to table the banking services to the June 19th
390 Council Meeting. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

391

392 **Purchase of Land for Water Reservoir**

393

394 Mr. Baker explained the city needs a culinary water reservoir tank, they have reached an
395 agreement with the Cattleman's Association. He then explained the agreement.

396

397 Councilman Sorensen made a **motion** to authorize the Mayor to execute the contract with
398 the Cattleman's Association. Councilman Leifson **seconded** and the motion **passed** all in
399 favor.

400

401 **OTHER BUSINESS:**

402

403 Mr. Heap talked about the joint venture RFP for the senior's center. As they reviewed the
404 process they would like the developer to give examples of cost, architectural rendering,
405 and size. If they double the size they are looking at how many units they could have and
406 still meet the parking requirements. He asked where the Council wants to go with this and
407 what they want to require.

408

409 Councilman Sorensen is concerned about the parking required.

410

411 Councilman Leifson feels the city court building is the flagship of the whole city complex
412 idea, he would not like to see it overshadowed, plus with the parking requirements it is
413 not a good location for this project.

414

415 Mayor Pro tem Barber feels the concept could work somewhere else with different
416 requirements, but not at this location.

417
418 Councilman Wadsworth asked if tiered parking was very expensive.

419
420 Mr. Heap stated tiered parking is very expensive; it would be cheaper to buy additional
421 ground than to build a parking structure.

422
423 Councilman Leifson feels to be fair to the developer, he is not in favor of going further
424 with this project for now.

425
426 Councilman Andersen feels it does not make any sense to have people do all that effort
427 and spend money if there is no chance of it working.

428
429 Councilman Andersen made a **motion** to build out the parking at the senior center.
430 Councilman Leifson **seconded** and the motion **passed** all in favor.

431
432 Mr. Robinson talked about re-striping the city office parking lot and making changes to
433 help with traffic flow. They are proposing to add an additional \$10,000 to the budget to
434 complete this project.

435
436 **Work Session – Budget Review**

437
438 Mr. Oyler stated this is the opportunity for the Council to ask any questions pertaining to
439 the budget, they hope if there are items they want to review they ask the department
440 directors questions tonight.

441
442 Councilman Leifson asked if they have any questions they need to bring it up now and
443 not at the public hearing, the night of the public meeting is not when they should have
444 questions. By the time the Public Hearing comes they should be set and ready to answer
445 the public's questions.

446
447 Mr. Oyler stated the Council has the budget for a month to answer their questions and
448 then the public hearing is for the public to address their questions.

449
450 Councilman Andersen said now that some have had a few years of experience, it is the
451 time to have a good open discussion so they can take care of questions and address them.
452 All need to feel comfortable about the budget so when they approve it they are
453 unanimous. He wants to be sure to get all the issues out on the table and addressed so
454 everyone's all on the same page.

455
456 Mayor Pro tem Barber stated it has been said this is staffs budget, the only way they are
457 going to agree is if it is their budget and they can agree on it. He asked on the new fire
458 pumper truck, how many pumpers they currently have.

459

460 Mr. Rosenbaum said there are four vehicles that can pump water, the snorkel used for
461 industrial, two pumpers the 1990, 1983, and a tanker truck.

462

463 Mayor Pro tem Barber asked if there is the man power to man all the trucks plus the other
464 apparatus they need. Also is there an ISO requirement that will reduce home owners
465 insurance by getting another pumper, what standard is the fire department using to say
466 they need a certain amount of pumpers. Do they have room for another piece of
467 equipment, and what is the standard rotation time for that type of vehicle.

468

469 Mr. Rosenbaum said manning the equipment there are 33 – 44 firefighters, when the
470 pager goes off those that can respond do, sometimes there are plenty sometimes there is
471 not enough. Two trucks have to go out and sometimes more. Usually they have plenty of
472 manpower. From what he understands it would not improve the ISO rating, the
473 equipment they have as far as equipment requirements are meeting the standard.

474

475 Mayor Pro tem Barber asked if they go on a fire that requires three pumper's are they
476 going to be in a mutual aide situation anyways.

477

478 Mr. Rosenbaum said they do have mutual aide agreements that are critical to be able to
479 call on neighboring communities. The schedule to keep a custom built fire truck has been
480 30 years, for the most part they have been able to do that. If you get a standard truck they
481 last about 20 years. The 1983 pumper and they have is not reliable, they have had a
482 tremendous amount of work done on it the last few years, last year it was out of
483 commission for four months. The exhaust for those that are running the components on
484 the truck is so bad you can't stand by it, if you do you can't breathe, the engine rebuild
485 did not correct the problem.

486

487 Brent Jarvis & Marvin Banks

488 They said there usually is a 30 year rotation on the trucks.

489

490 Discussion was made regarding the pumper trucks required.

491

492 Mr. Jarvis said they are working on a trade to accomplish the transport need they have.

493

494 Mayor Pro tem Barber stated this is a prime example of doing what they need, not
495 requesting a legacy purchase of the biggest and best. He appreciates their effort to keep
496 the cost low.

497

498 Mr. Oyler said the fire department and ambulance department saves the city millions
499 because of the volunteer service they provide.

500

501 Mr. Rosenbaum emphasized the Spanish Fork fire department covers a bigger area than
502 anywhere in the county.

503

504 Mayor Pro tem Barber asked Richard Heap about the roads and sidewalk replacement.

505

506 Mr. Heap stated they are not finished, but are going to have to use some different
507 software to update their plan.

508
509 Mayor Pro tem Barber asked for more work on street overlay to help with the (PI)
510 Pressurized Irrigation System.

511
512 **ADJOURN:**

513
514 Councilman Leifson made a **motion** to adjourn to executive session for land use issues
515 and Pending Litigation. Councilman Sorensen **seconded** and the motion **passed** all in
516 favor at 9:24 p.m.

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Tentative Minutes
City Council and Planning Commission Work Session
May 24, 2007

Elected Officials Present: Councilmember's G. Wayne Andersen, Chris C. Wadsworth, Seth V. Sorensen, Steven M. Leifson, Commissioner's Sherman Huff, Paul Bradford, Del Robbins

Staff Present: Dave Oyler, City Manager; Junior Baker, City Attorney; Dave Anderson, City Planner; Richard Heap, Public Works Director; John Bowcut, IS Director; Seth Perrins, City Manager; Dale Robinson, Parks and Recreation Director; Kimberly Robinson, Deputy Recorder

Citizens Present: Lee Kapaloski, Bart Boggess, Trent Boggess, Duane Hutchings, Kimberly Dewey, Jonathan Reid, Dan Ford, Brian Bird, David Meyer

WORK SESSION:

Discussion on Growth and Development

Mr. Oyler called the meeting to order at 6:00 p.m.

Mr. Oyler explained that when they accept an annexation for study there are timelines that must be met and the Council needs to be aware of them.

Mr. Anderson gave a presentation regarding items that need to be addressed.

Mr. Heap explained that on the water rights issues they have decided to go back to connections and not units. The Water Master Plan has main lines designated where the larger lines need to be. The pressurized irrigation system for the new areas has the line sizes laid out. The Street Master Plan, mentioned a street impact fee for some of the streets, involving railroad crossings, and roads that connect into the river bottoms road. We will need to decide how to fund those roads. The Storm drains Master Plan; know where it is all going and how it will be treated. The Sewer Master plan with a trunk line through river bottoms, Mapleton trunk line, they go into the plant. There is actually capacity in the river bottoms line for approximately 4,000 units, the Mapleton line they installed, and Spanish Fork paid 43% of the cost for installing the line. Those are two of the areas they need to look at close, there are ways they can be handled but they will have to decide what is best or not.

Mr. Anderson stated there is a Master Plan for trails. There is a need for a Master Plan for Power, Parks, and Recreation. The specific areas of attention would be the river bottoms and northeast bench area, those are the big areas that will require some type of a change. He then discussed if the Council and Commission want to create a new Master Plan for the river bottoms especially

47 when the plan was created not long ago. He added the city currently has five
48 annexations in the process now.

49

50 Conformity to Master Plans for public utilities and facilities:

51

52 1. Water.

53 2. Sewer.

54 3. Storm Drain.

55 4. Pressurized Irrigation.

56 5. Streets.

57 6. Parks and Trails.

58 7. Power.

59 8. Communications.

60 9. Gas.

61 10. Presence of unique utility/facility needs or requirements.

62 11. Presence of irrigation or other ditches and related facilities.

63 12. Public Safety Evaluation.

64 13. Presence of Sensitive Lands or Watershed Protection issues.

65 14. Concept Plan's conformity with proposed zoning.

66 15. Annexation Agreement.

67

68 Items to consider:

69

70 1. Whether the proposed property is within the growth management
71 boundary of the General Plan.

72 2. Present and proposed land use and zoning.

73 3. Present and potential demand for various municipal services.

74 4. Distances from existing utility lines, public schools, parks, and shopping
75 areas.

76 5. Specific time tables for extension of services to the area and how these
77 services would be financed.

78 6. Potential impact on existing and proposed streets.

79 7. The effect that the annexation will have upon the city boundaries and
80 whether the annexation will create potential for islands, or difficult service
81 areas.

82 8. An estimate of potential revenue verses potential service costs.

83 9. Requirements imposed by state law.

84

85 Mr. Anderson explained that in order to look at the issues and be dedicated to
86 the projects he would recommend outsourcing.

87

88 Mr. Oyler said the Council will have to review the annexation fee in the future in
89 order to cover the costs to review the applications.

90

91 Mr. Anderson explained the issues with the development outside the annexation
92 declaration area. Speaking from a planning perspective he does not want to see

93 situations where it would cause Spanish Fork to not be able to provide efficient
94 services.

95

96 Development outside growth boundary:

97

98 1. Leland area.

99 2. Northeast bench.

100 3. River bottoms.

101 4. Westside.

102

103 Mr. Anderson believes the orderly development in and around Spanish Fork, is
104 due to the growth boundary. He also stated the Planning Commission and City
105 Council have the east side of I-15 set as a developmental priority. It is his opinion
106 the big question deals with the river bottoms, should they amend the growth
107 boundary or should they keep it the same. His main questions are would they like
108 to see the Growth Boundary and General Plan change for the river bottoms area.
109 Development west of I-15 is moving along, there is a development that will bring
110 infrastructure to the area which would make it easier to develop in the future.

111

112 Mr. Oylar asked with the Boggess annexation that the Council and Commission
113 give direction on what they want to do.

114

115 Direction:

116

117 1. Annexation Declaration – Mapleton Heights.

118 2. Growth Boundary – Is it relevant.

119 3. Growth Boundary Amendments – What is needed.

120 4. General Plan – Is it time for change.

121 5. Should the city adopt a street impact fee.

122

123 Councilman Andersen explained the City Planner in Mapleton gave the
124 impression that Mapleton would not want to annex the Boggess property. They
125 have since hired a new City Planner.

126

127 Bart Boggess

128 Mr. Bart Boggess explained the presentation for the Boggess Annexation.

129

130 Councilman Leifson stated the consideration to annex both parcels was the
131 reason for their decision.

132

133 Councilman Andersen explained that it was decided to change the interlocal
134 agreement with Mapleton in order to leave the options open for both projects.

135

136 Trent Boggess

137 Mr. Trent Boggess expressed they are motivated to come to the City of Spanish
138 Fork and not Mapleton. They have set aside approximately \$4 million for capital
139 projects.

140
141 Dave Meyers

142 Mr. Meyers noted he owns part of the property involved with the Geneva Rock
143 gravel pit and the BYU compost site.

144
145 Mr. Trent Boggess feels they are an opportunity being handed to the city of
146 Spanish Fork.

147
148 Councilman Andersen asked why they would penalize the rest of the bench area
149 for something that could possibly not happen anyway. It concerns him that they
150 will get themselves into a situation where people can buy their right to develop by
151 giving cash incentives; he takes that as some sort of bribe and is not comfortable
152 with that type of feeling.

153
154 Mr. Oyler said they need to address, the density issues. Where do they want high
155 density, sewer can be made available and substations can be built, but politically
156 they need to decide where they want their high density areas to be.

157
158 Discussion was made regarding the density for the area between the railroad
159 tracks currently General Planned as one unit per five acres.

160
161 Commissioner Robbins does not think they should change the General Plan for
162 the river bottoms; he wants to preserve the look and feel of that area. He feels if
163 this annexation can be a benefit to the city it is worth looking at.

164
165 Councilman Sorensen stated when they were first approached they were told
166 that presidio would be part of the annexation. The reason they stopped their
167 agreement with Mapleton was to keep their options open. He feels now that
168 Mapleton is willing to bring this property into their city, which should be the route
169 they go.

170
171 Mr. Bart Boggess explained if there are specific issues they can split the
172 annexation.

173
174 Councilman Andersen was in a meeting with the Mapleton City Mayor and there
175 was no doubt left in his mind they would protest this annexation; it was their idea
176 the whole time this would include both properties. His disposition is if they came
177 into Spanish Fork he is not sure we would be willing to develop any more density
178 than Mapleton offered them before.

179
180 Commissioner Huff feels it is a great development, but to go through Spanish
181 Fork and Mapleton is to cut up infrastructure, it makes it hard to furnish the

182 utilities and roads to the property. He feels it is a good situation if they can handle
183 the extra cost.

184

185 Lee Kapaloski

186 Mr. Kapaloski represents the Boggess Group; he stated one of the annexation
187 protests would be to say they did not conform. He stated they have been very
188 transparent with both cities and he has pushed hard to work with both cities. He
189 does not see the money as a bribe it is for the demands that will be placed on the
190 city. Another reason they wanted to come to Spanish Fork is they have better
191 water rights; they are not trying to bargain one city to the other. They have come
192 in good faith and have been loyal.

193

194 Commissioner Huff is of the opinion this needs to have other consideration given
195 it needs to address the other areas and units per acre, they need to discuss what
196 services can be serviced there, he is not opposed to discussing the issues.

197

198 Councilman Barber agrees with Commissioner Huff, it needs to be discussed
199 more and there needs to be full attention given to this project and the issues.

200

201 Mr. Anderson suggested they hold be a joint meeting with Mapleton City to
202 discuss the issues.

203

204 Councilman Barber likes the idea of getting everyone involved to sit down and
205 work out the issues.

206

207 Mr. Oyler stated the property owners have a right to choose where they want to
208 go, but they as elected officials have the duty to do what is right for Spanish Fork.

209

210 Councilman Barber wants to bring Mapleton in and have a discussion regarding
211 this project.

212

213 Mr. Anderson stated the commercial development for this project is rather
214 compelling, but commercial development goes where it wants, they can't will it to
215 a specific location and the Council and Commission needs to keep that in mind.

216

217 Mr. Kapaloski stated a dialogue with Mapleton could help, but there is nothing in
218 the law that says they cannot accept a petition for further consideration. To be
219 honest they are tired of the meetings too, and if a joint meeting gets everything
220 on the table they would favor a joint meeting, but with the context of all this
221 information they are still not clear on what Mapleton's capacity is. He feels they
222 put burdens on the Spanish Fork Council by meeting with both cities, going back
223 and forth, it is probably a good idea to discuss it together.

224

225 Councilman Sorensen said when they first came with the project they all agreed
226 because they wanted them to have an opportunity to develop, he would like to
227 find out for sure if Mapleton is willing to bring them in or not.

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The direction is to have a joint meeting with Mapleton before the next Planning Commission meeting if possible.

Kimberley Dewey

Ms. Dewey represents one of the five annexations that are pending. She asked that a consideration of the pending annexations be done. What amount of time will be spent getting them the information, they need to know how long things are going to take and at what point the city will feel comfortable to consider annexation on a case by case basis.

Mr. Oyler stated again there are other issues that have to be addressed now before they can move forward with annexations.

ADJOURN:

Councilman Andersen made a **motion** to adjourn. Councilman Sorensen **seconded** and the motion **passed** all in favor at 8:07 p.m.

ADOPTED:

Kimberly Robinson, Deputy Recorder

**UTAH COUNTY SEX CRIMES TASK FORCE
INNOCENT IMAGES PROGRAM
MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (MOU) is entered into by all federal, state, and local law enforcement agencies electing to participate in the Utah County Sex Crimes Task Force Innocent Images Program as an extension of the State of Utah Office of the Attorney General Internet Crimes Against Children Task Force. By signing this agreement, all federal, state, and local law enforcement agencies agree to be bound by the terms and conditions of this agreement.

Authority for the Federal Bureau of Investigation (FBI) to enter into this agreement is provided through 28 USC Section 533 and 42 USC Section 3771 and 28 CFR Section 0.85.

PREAMBLE

The Utah County Sex Crimes Task Force Innocent Images Program will be headquartered out of office space provided by the Utah County Sheriff's Office Sex Crimes Task Force located at 51 South University Avenue, Suite 105, Provo, UT, 84601.

By authorized signature, those agencies electing to participate in the Innocent Images Program agree to follow the terms and conditions outlined in this MOU.

ARTICLE I – PURPOSE

1. This MOU establishes and delineates the mission of the Utah County Sex Crimes Task Force Innocent Images Program as a cooperative effort between participating agencies and formalizes working relationships between those agencies to achieve maximum cooperation in a combined law enforcement effort. Efforts will focus on reducing the incidences of sexual exploitation cases against children within Utah County through the use of on-line chat rooms and internet contacts.
2. This MOU is not intended and should not be construed to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the entities involved through their participation in this program, the United States, or the officer, employees, agents, or other associated personnel thereof.
3. The mission of this program will be to investigate cases of child pornography and the enticement of minors over the internet for the purposes of illegal sexual acts and to prosecute those violators in federal and state courts utilizing the venue which best addresses the objectives of the Innocent Images Program through partnership with the Utah Internet Crimes Against Children Task Force. Investigations may include, but are not limited to, violations of child sex crimes, child pornography, child abduction, and any other child exploitation matters. Investigations will be in accordance with the Utah Attorney General's Guidelines on criminal investigations, and all applicable United States Attorney General Guidelines, including the Guidelines on General Crimes, Racketeering Enterprise

and Terrorism Enterprise Investigations, and the Online Investigative Principles for Federal Law Enforcement Agents.

ARTICLE II – COMPOSITION AND MANAGEMENT

1. It is the policy of the Innocent Images Program of the Utah County Sheriff's Office Sex Crimes Task Force that all participating agencies acknowledge that this is a joint and cooperative operation.
2. The goal of the Innocent Images Program will be to work jointly to represent the interests of all agencies involved and will meet quarterly, or as deemed necessary, to provide policy oversight and direction and to address issues impacting the daily operations and effectiveness of the program.
3. The Investigations Lieutenant of the Utah County Sheriff's Office will be the Project Director, and ICAC Affiliate Commander. The policy and direction of the Program will be established through the Project Director. The Project Director will be responsible for the overall management of the Innocent Images Program through the Utah County Sheriff's Office Sex Crimes Task Force including, but not limited to, operational and fiscal administration and reporting.
4. The Sex Crimes Task Force Sergeant of the Utah County Sheriff's office will be the Assistant Affiliate Commander. The Assistant Affiliate Commander will be responsible for the day-to-day operations of the Innocent Images Program. Decisions regarding investigations, referral of cases, and other related matters will be made by the Assistant Affiliate Commander with input from the Project Director.
5. The Innocent Images Program will consist of officers and agents assigned by participating agencies. Overtime hours for officers and agents assigned to the Innocent Images Program will be approximately 6 hours each night for two nights per week as assigned and approved at the discretion of the Project Director or Assistant Affiliate Commander. Officers and agents will be assigned to participate in online chat rooms at designated locations. Certain correspondence and images may be saved in a case file for future reference. Participating agencies are indicated by authorized signature at the conclusion of this MOU.
6. Resources utilized in the investigation and prosecution of persons relating to a case established by the Innocent Images Program other than those provided by the Utah County Sheriff's Office Sex Crimes Task Force will be the responsibility of the participating agency with prosecuting jurisdiction belonging to the Federal Bureau of Investigation, or as protocol maintains.
7. Forfeiture proceedings concerning assets developed from investigations will be pursued in Federal court as appropriate. Those assets will be shared equally, according to the assessed level or participation of each agency, and in accordance with applicable Federal and State forfeiture laws.

ARTICLE III – OPERATIONS

1. The Investigative Staff will be those officers and deputies assigned to online chat rooms for an average of 12 hours per week. Principal considerations for assignment are past work performance in the area of child sex crimes, overall investigative experience, and the ability to work well with others in a task force environment. Assignments relating to the Innocent Images Program will be given through the Project Director or the Assistant Affiliate Commander. Cases will be assigned to investigators based on experience, training, performance, expertise, and existing case load. Participating agencies are also expected to develop investigative leads and intelligence sources within the scope of the Innocent Images Program.
2. The Prosecution Staff will consist of those agencies that provide prosecutorial support for the Utah County Sheriff's Office Sex Crimes Task Force. Principal considerations for prosecutorial staff will be provided by the United States Attorney's Office and/or the State of Utah Office of the Attorney General and include commitments for all participating personnel to prosecute all qualifying Federal and/or State cases involving violations of child sex crimes, child pornography, child abduction, and any other child exploitation matters.
3. Records and reports under the Innocent Images Program will be physically located at the Utah County Sheriff's Office Sex Crimes Task Force headquarters located in Provo, UT, or any designated location provided all documents relating to any case under investigation by the Utah County Sex Crimes Task Force will be maintained according to State and Federal standards at any of the law enforcement agencies involved in the Innocent Images Program. Financial records will be maintained in the Administrative Services Division of the Utah County Sheriff's Office.
4. This MOU does not require participating agencies to refer every case involving child sexual abuse and/or child sexual exploitation to the Utah County Sheriff's Office Sex Crimes Task Force. It is further agreed that participating agencies will make proper internal notification regarding Task Force existence including the areas of investigative interests.
5. Task Force investigations will be conducted in compliance with the Federal Rules of Criminal Procedure and applicable State and Federal laws and guidelines including the Attorney General's Guidelines for General Investigations. Disclosure of United States Federal Grand Jury material must be done in accordance with Rule 6(e) of the Federal Rules of Criminal Procedure. For cases assigned to an FBI Special Agent or in which FBI informants or cooperating witnesses are utilized, the parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policy and procedures of the FBI.

6. No action shall be taken on the part of any participating agency that overlaps or interferes with a Task Force investigation. All law enforcement action will be coordinated and conducted in a cooperative manner. Task Force investigative leads outside the State of Utah will be referred to the appropriate law enforcement agency's field office for investigation.
7. Current Task Force members participating in the Innocent Images Program have been cleared for service on the Task Force in conjunction with this program. However, participating agencies agree that each member may be required to undergo a background investigation for a Department of Justice security clearance, based on his or her level of access to information, personnel, and/or FBI facilities. Assignment to the Task Force Innocent Images Program will be contingent upon receipt of an appropriate security clearance.
8. In the event of an Agent/Officer involved shooting or other critical investigation the agency of the Officer/Agent involved in the incident agrees to the current protocol established by Utah County for the investigation of such incident(s). If more than one agency is involved, each agency agrees to cooperate fully in such investigation by sharing any relevant information.
9. The United States Attorney General's guidelines regarding the operation and/or use of informants and cooperative witnesses will apply to all informants and cooperative witnesses documented through the Innocent Images Program. The disclosure of FBI informants and/or cooperative witnesses to non-FBI Task Force members will be limited to those situations where it is essential to the effective performance of the Task Force. Such disclosures will be consistent with applicable FBI guidelines. No documents are to be prepared or disseminated outside the FBI which identify or imply identification of an FBI informant. The payment of Informant and/or cooperative witness reasonable expenses are not allowed under this agreement but may be paid at the discretion of the FBI Special Agent in Charge using other resources.
10. All undercover operations will be conducted and reviewed in accordance with FBI guidelines and the United States Attorney General's Guidelines on Undercover Operations.
11. Media and press releases regarding the Innocent Images Program must be approved by the Project Director, or the Assistant Affiliate Commander, prior to release. Ongoing undercover operations or investigations will not be released to the media.
12. The Project Director, or Assistant Affiliate Commander, will assist appropriate participating agency Supervisors, as requested, in providing fair and objective personnel evaluations involving Task Force Assignments related to the Innocent Images Program.
13. Each participating agency, as designated in this MOU, will advise the Project Director or Assistant Affiliate Commander of the number of sworn officers, agents, and analysts it will contribute to the Task Force Innocent Images Program and the names of those candidates.

Candidates will not be considered members of the program until officially assigned to report to the Project Director or Assistant Affiliate Commander.

14. The minimum term for any one officer, agent, or analyst to participate in the Innocent Images Program shall be one (1) year. Agencies electing to reduce or remove their participation in the Innocent Images Program shall provide a written notice of not less than thirty (30) days to the Project Director.

ARTICLE IV – COMPENSATION

1. This MOU is in conjunction with a grant award received by the Utah County Sheriff's Office for and in behalf of the Utah County Sex Crimes Task Force for the purposes of establishing the Innocent Images Program through the Utah County Sheriff's Office Sex Crimes Task Force. Funding is provided by the State of Utah Office of the Attorney General. All grant funds received will be managed by the Utah County Sheriff's Office, or Utah County, and will be dispensed to participating agencies through a billing process. Each agency will submit an invoice to the Utah County Auditor's Office listing the officer's name and number of hours worked per week in relation to the Innocent Images Program.
2. Reimbursement to participating agencies from grant funds for overtime hours worked by participating agency officers and agents in accordance with Article II paragraph 5 is \$32.00 per hour for each hour worked on the Innocent Images Program. Grant proceeds will be dispersed according to the disbursement policies and procedures of the Utah County Auditor's Office. This rate does not include any payments for benefits such as retirement, Medicare, unemployment, workers compensation, medical or dental insurance or other fringe-type benefits available to participating members of the Task Force through their respective employers. Payments for base salary and the above referenced base and overtime benefits are the responsibility of the participating agencies for their own employees.
3. Invoices provided by participating agencies will be used for financial reporting to the State of Utah Office of the Attorney General in relation to the grant award received for the Innocent Images Program. All financial reports will be processed by the Utah County Sheriff's Office for and in behalf of the Utah County Sheriff's Office Sex Crimes Task Force.

ARTICLE V – DURATION

1. The term of this MOU shall be effective immediately upon signature of all participating agencies and end after a period of one (1) year, or June 30, 2008, whichever comes first.
2. This MOU may be amended at any time by written consent of all participating agencies. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of the participating agencies hereto.

3. Any participating agency may withdraw from the Innocent Images Program by written notification to the Project Director not less than thirty (30) days prior to withdrawal. Any outstanding payment issues will be resolved on the next pay cycle following the effective date of the withdrawal.
4. This MOU is not intended to create, nor shall it in any way be interpreted or construed to create, a joint venture, partnership or any similar relationship between the participating agencies. Each participating agency shall indemnify and hold the other participating agencies harmless from the acts and omissions of their respective employees.
5. Any portions of this MOU that are inconsistent with federal, state, or local laws will be deemed unenforceable and shall not have any effect on the remaining portions of this MOU.
6. This MOU may be executed in multiple counterparts, all of which together shall be considered to be one document.

IN WITNESS WHEREOF the parties have caused this Agreement to be duly executed on the dates listed below.

UTAH COUNTY COMMISSION

By: _____
 Larry A. Ellertson, Chair

 Date

ATTEST:
 Kim T. Jackson
 Utah County Clerk/Auditor

By: _____
 Deputy

 Date

REVIEWED AS TO FORM:
 Jeff Buhman
 Utah County Attorney

By: _____
 Deputy

 Date

UTAH COUNTY SHERIFF'S OFFICE SEX CRIMES TASK FORCE
INNOCENT IMAGES PROGRAM
PARTICIPATING AGENCIES

Alpine / Highland Police Department	Date
American Fork City Police Department	Date
Brigham Young University Police Department	Date
Lehi City Police Department	Date
Mapleton City Police Department	Date
Orem Department of Public Safety	Date
Payson City Police Department	Date
Price Police Department	Date
Provo City Police Department	Date
Salem City Police Department	Date
Santaquin City Police Department	Date
Spanish Fork City Police Department	Date
Springville City Police Department	Date

UTAH COUNTY SHERIFF'S OFFICE SEX CRIMES TASK FORCE
INNOCENT IMAGES PROGRAM
PARTICIPATING AGENCIES

_____ Carbon County Sheriff's Office	_____ Date
_____ Utah County Attorney's Office	_____ Date
_____ Utah County Children's Justice Center	_____ Date
_____ Utah County Sheriff's Office	_____ Date

GOLF PRO SHOP CONTRACT

This contract is entered into by and between Spanish Fork City (City) and Aaron Brown (Brown) as follows:

RECITALS

WHEREAS, Spanish Fork City has hired Brown as an employee to supervise and manage the Spanish Oaks Golf Course and act as the Golf Pro; and

WHEREAS, the City desires to assign to Brown all of its rights, interests, and obligations in the merchandise, inventory, equipment, receivables, and payables of the pro shop, with the intent that Brown will operate the pro shop as a separate business; and

WHEREAS, Brown is willing to accept the aforementioned assignment:

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

CONTRACT

1. Brown agrees to operate the Spanish Oaks Pro Shop as his separate business. The City agrees to provide the building and utilities at no cost in return for Brown acting as the Golf Pro. Brown shall be responsible for all of his own taxes related to the operation of the pro shop as a separate business. Brown shall be obligated to obtain a state sales tax number either in his name, a dba, or similar entity owned by him for all transactions made at the pro shop.
2. Brown agrees to buy the existing inventory (as of April 1, 2007) from City for the sum of \$20,000.00 Brown further agrees to purchase from City ten

rental club sets at \$25.00 each and ten pull carts at \$10.00 each.

3. Brown also agrees to purchase the accounts receivable for the sum of \$5,995.82 and assumes the risk that some or all may be uncollectible, but recognizing the purchase price represents a discount from the face value for a part which may be uncollectible.
4. Brown agrees to assume the current accounts payable and receive a credit against the accounts receivable and inventory cost in the amount of \$7,447.42. Brown agrees to timely pay the payables and hold the City harmless therefrom.
5. Totaling the debits and credits, Brown agrees to pay City the sum of \$18,898.40 to purchase all of the interest in the Spanish Oaks pro shop, with the exception of the building and grounds, which shall remain the property of City.
6. Brown agrees to obtain liability insurance in the minimum amount of the governmental immunity caps, as they may be amended from time to time, and to name City as an additional insured.
7. This document represents the entire agreement between the parties. All prior representations, negotiations, or understandings are merged herein and superceded hereby.
8. This agreement may be modified only by written amendments to the terms hereof.
9. In the event of a default of any of the terms of this agreement, the defaulting party shall also be liable for costs and attorney fees incurred by

the non-defaulting party.

10. This agreement is specific to the parties hereto and cannot be assigned.

DATED this ____ day of May, 2007.

SPANISH FORK CITY,

JOE L THOMAS, Mayor

ATTEST:

KENT R. CLARK, Recorder

AARON BROWN



REDEVELOPMENT AGENCY MEETING

PUBLIC NOTICE is hereby given that the Redevelopment Agency of Spanish Fork, Utah, will hold a public meeting in the City Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on June 5, 2007**

AGENDA ITEMS:

1. CALL TO ORDER:

2. PUBLIC HEARING:

- a. Budget Hearing FY08

3. CONSENT ITEMS:

- a. [Minutes of Redevelopment Agency Meeting – September 19, 2006; February 20, 2007; May 1, 2007](#)

4. NEW BUSINESS:

- a. Creation of Wasatch Wind Community Development Area (CDA)

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.

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Tentative Minutes
Spanish Fork City Redevelopment Agency Meeting
September 19, 2006

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

Staff Members Present: Dave Oyler, City Manager; Dave Anderson, City Planner; Richard Heap, Public Works Director; Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Carl Johnston, Lieutenant; Seth Perrins, Assistant City Manager; Jillane Franjesevic, Accountant; Kent Clark, Recorder; Marlo Smith, Engineering Secretary; Kimberly Robinson, Deputy Recorder;

Citizens Present: Bob Tandler, Rosemary Jarman, Mike McKell, Mark McKell, Rudy Bischof, Irene Bischof, Randy Wilkinson, Chad Wilkinson, Scott Carlson, Henry Gardner, Troy Manwill, Krysti Gomm, Raelynn Smith, Alyn Olson, Jessica Morgan, Sam Broomhead, Clint Argyle, Jeff Johnson, Marty Warren, Rod Warren, Denise Bradford, Keith Bradford, Michael Tutton, James Nuls, Michael Ward, Brandon Plewe, Barbara Damon, Jeremy Twitchell, Jed Morley, Ray Morley, Greg Magleby, Pat Parkinson, Debra Frehner, Brad Frehner, Dan Barp, Kerry Judd, John Warby, Tracy Frandsen

Councilman Barber made a **motion** to move out of the public hearing to the RDA meeting at 9:22 p.m. Councilman Sorensen **seconded** and the motion **passed** all in favor.

RDA MEETING:

Mr. Oyler stated through the RDA Wasatch Wind has requested we work with them. It is their recommendation to see if they can get a preliminary analysis put together and submitted to the school district. Either way they have to be involved, but possibly they will have to create an EDA or CDA to continue.

Tracy Frandsen

Mr. Frandsen said this project has no substantial impact to the community. There will still be a substantial tax.

Mr. Oyler recommended proceeding using Randall Feil as legal council.

Mr. Leifson made a **motion** to proceed and to have them analyze it, and to proceed the way they need to go. Councilman Barber **seconded** and the motion **passed** all in favor.

ADJOURN:

45 Councilman Barber made a **motion** to adjourn out of the RDA meeting back to the
46 regular meeting at 9:28 p.m. Councilman Leifson **seconded** and the motion **passed** all in
47 favor.

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49 ADOPTED:

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Kimberly Robinson, Deputy Recorder

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Tentative Minutes
Spanish Fork City Redevelopment Agency Meeting
February 20, 2007

Board member's Present: Matthew D. Barber, G. Wayne Andersen, Seth V. Sorensen, Steven M. Leifson

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

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

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

RDA MEETING:

Mr. Andersen made a **motion** to open the public hearing. Mr. Leifson **seconded** and motion **passed** all in favor at 6:24 p.m.

Craig Smith

Mr. Smith explained that a Community Development Area allows the agency to use public funds to help stimulate project growth, one is tax increment for property, the other aspect is to redirect sales tax to be used as funding. Part of the purpose tonight is to take any input for things that the public would like to see with this project.

Jonnalynne Walker

Ms. Walker was asked to look at the project that Westfield's is proposing. There is a proposed 39 acres for retail sales. The city is currently generating annually about \$3,000 for the property in real and personal property. There is estimated \$53,262 annual real and personal property taxes over a 10 year period of time. The city will receive an average of \$327,000 in increased sales tax revenue that will be generated from the project in one year. She noted that this is for the point of sales tax collected. The point of sale basis over the 10 year period of time generates approximately \$3 million. A net new increased tax revenue of \$298,000 per year is estimated.

This agenda item was opened for public comment.

Chairman Barber stated this is a serious thing and wishes they could notice this in a way the public can understand more.

Glenn James

47 Mr. James asked about the tax incentives being offered to the project area. As he served
48 on the Council they did not give tax incentives and that is why they do not have retail
49 development.

50
51 Mr. Smith explained the incentives are important for retail development. They are not
52 talking about that tonight because they have not gotten to that step yet and it will be done
53 in public, where they will approve the participation agreement. Tonight is just to decide if
54 they want to go forward with this or not.

55
56 Mr. Andersen said he feels the information they have been given is pretty clear.

57
58 Chairman Barber clarified that the current taxes received are \$3,000, the potential for
59 point of sales and property tax new revenue will be approximately \$2.9 million. The
60 development of the area is not solely revenue based it is also something they want to
61 show off as a nice place for Spanish Fork. He added that the money increase will help
62 offset the cost of the services the city offers.

63
64 Mr. Sorensen stated with the growth it requires funds to provide services, it is better to do
65 it this way than to increase the property tax.

66
67 Chairman Barber explained the difference between a CDA and an RDA is, we as the city,
68 receive the funds.

69
70 Mr. Andersen explained they want to make sure the park is not a cookie cutter park but
71 something that will become an icon for the city.

72
73 Chairman Barber commented regarding incentives that they do not like to play the retail
74 game, but they have to play in order to get the retail development and he hopes the
75 process will be as public as possible.

76
77 Mr. Andersen stated they will not give up more than they will get back.

78
79 Mr. Clark explained schedule #3, and the reason the amounts vary from what was
80 discussed due to the point of sales and the population.

81
82 Chairman Barber thinks it is important to note that the range will be between \$3 million
83 to \$6.5 million.

84
85 Mr. Smith stated they have received no objections from the property owners; they can do
86 it in writing before the hearing or come to the city office.

87
88 Mr. Leifson made a **motion** to close the public hearing. Mr. Andersen **seconded** and
89 **passed** all in favor at 7:00 p.m.

90
91 Mr. Smith explained that because there were no objections they can consider adoption of
92 resolution 07-02.

93
94 Seth V. Sorensen made a **motion** to adopt resolution 07-02 a Resolution of the Spanish
95 Fork Redevelopment Agency Approving and Adopting the Draft Community
96 Development Project Area Plan for the Spanish Fork North Park Community
97 Development Project Area as the Official Community Development Project Area Plan for
98 the Spanish Fork North Park Community Development Project Area. Steven M. Leifson
99 **seconded** and the motion **passed** all in favor.

100

101 **CONSENT ITEMS:**

102

103 Mr. Sorensen made a **motion** to approve the consent items. Mr. Barber **seconded** and the
104 motion **passed** all in favor.

105

106 **ADJOURN:**

107

108 Councilman Sorensen made a **motion** to move out of the RDA meeting back to the
109 Council meeting. Councilman Andersen **seconded** and the motion **passed** all in favor at
110 7:02 p.m.

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Tentative Minutes
Spanish Fork City RDA Meeting
May 1, 2007

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

Staff Present: Pam, Dee, Dale, Kent, Dave A. Dave O. Richard Heap, Seth Perrins, Junior, Kim Robinson, Kelly Peterson, Jeff Foster, John Bowcut

Citizens Present: Pat Parkinson, Joe Warren, Lesa Warren, Charlene Voran, Jerry Voran, Charles Albert, Kate Snyder, Ashley Harward, Kelly Peterson, Heather Campbell, Pat Parkinson, Pat Davies, Lars Boggess, Bart Boggess, Lee Kapaloski, Brad Rasmussen

Councilman Sorensen made a **motion** to move to RDA meeting. Councilman Barber **seconded** and the motion **passed** all in favor at 9:28 p.m.

Tentative Budget FY08

Mr. Clark discussed the RDA Budgets. He explained the different pay off rates for the bonds. One has \$184,000 one has \$182,000 on it.

Steven M. Leifson made a **motion** to adopt the tentative RDA budget FY08. Seth V. Sorensen **seconded** and the motion **passed** all in favor.

Councilman Sorensen made a **motion** to adjourn the RDA meeting back to the Council meeting. Councilman Leifson **seconded** and the motion **passed** all in favor at 9:33 p.m.

ADOPTED:

Kimberly Robinson, Deputy Recorder

Memo

To: Spanish Fork City Mayor and Council
From: Richard Heap, Public Works Director/City Engineer
Date: June 4, 2007
Re: Sterling Hollow 5 Million Gallon Storage Tank

Bid Recommendation

The city has recently bid out a 5 million gallon concrete storage tank. The tank would be constructed next to an existing 3 million gallon tank in Sterling Hollow up Spanish Fork Canyon. Originally the tank was to be another 3 million gallon tank but a cost study indicated a 5 million gallon tank would be much less expensive per gallon.

The budget for the tank construction, engineering, construction management, land acquisition and telemetry is 2.5 million dollars, 2.325 million dollars of which was for construction. These costs were to be completely paid for out of the culinary water impact fee account. The low bid for constructing the tank came from Build Inc. for 2.896 million dollars. This is \$571,000 above the existing budget. Horrocks Engineering has reported that Build Inc. has had significant positive experience in building tanks of this size.

Currently there is a little more than 2 million dollars in the culinary water impact fee account. We anticipate that by the end of construction this will increase to about 2.6 million dollars. We recommend that the City Council award the bid to Build Inc. recognizing that a shortfall in the impact fee account at the end of the project would be borrowed from retained earnings. We anticipate that this shortfall would be repaid with impact fee collections within a year of the completion of the project.

Respectfully,

Richard Heap, P.E.

Attached: Bid Tabulation

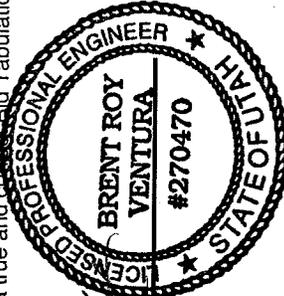
**Official Bid Tabulation
5 MG Sterling Hollow Tank**

Engineer: Horrocks Engineers, Inc.
Owner: Spanish Fork City

Bid Opening: Spanish Fork City
Date: April 24, 2007
Time: 2:00 PM

Item No	Description	Quantity	Units	Engineer's Estimate	Bidder 1		Bidder 2		Bidder 3		Bidder 4		Bidder 5		Bidder 6	
					Total Amount	Build Inc	Ames	Gerber	Associated	WW Clyde	Company	ABC	Total Amount	Total Amount	Total Amount	Total Amount
1	Mobilization (not greater than 5%)	1	L.S.		\$140,000.00		\$166,029.00	\$140,000.00		\$130,755.00		\$240,000.00		\$253,950.00		
2A	5 MG Concrete Tank	1	L.S.		\$1,461,000.00		\$1,740,656.00	\$2,210,000.00		\$2,234,500.00		\$2,218,000.00		\$2,929,175.00		
3	Tank Earthwork	1	L.S.		\$825,000.00		\$1,037,525.00	\$1,450,000.00		\$2,048,790.00		\$1,950,000.00		\$1,603,839.00		
4	Tank Outlet and Inlet Piping	1	L.S.		\$360,000.00		\$370,129.00	\$280,000.00		\$11,600.00		\$325,000.00		\$325,580.00		
5	Valve Vault Construction	1	L.S.		\$110,000.00		\$37,768.00	\$45,000.00		\$115,148.00		\$85,000.00		\$57,405.00		
Total Cost					\$2,400,000.00	\$2,996,000.00	\$3,352,107.00	\$4,125,000.00	\$4,540,793.00	\$4,813,000.00	\$5,169,949.00					
Conventional Tank Design																
1	Mobilization (not greater than 5%)	1	L.S.		\$140,000.00		\$0.00	\$140,000.00		\$130,755.00		\$258,000.00		\$253,950.00		
2B	5 MG Concrete Tank	1	L.S.		\$1,760,000.00		\$0.00	\$2,463,000.00		\$2,130,500.00		\$2,550,000.00		\$3,218,440.00		
3	Tank Earthwork	1	L.S.		\$825,000.00		\$0.00	\$1,450,000.00		\$2,048,790.00		\$1,950,000.00		\$1,603,839.00		
4	Tank Outlet and Inlet Piping	1	L.S.		\$360,000.00		\$0.00	\$280,000.00		\$11,600.00		\$325,000.00		\$325,580.00		
5	Valve Vault Construction	1	L.S.		\$110,000.00		\$0.00	\$45,000.00		\$115,148.00		\$85,000.00		\$57,405.00		
Total Cost					\$2,800,000.00	\$3,195,000.00	\$0.00	\$4,378,000.00	\$4,436,793.00	\$5,168,000.00	\$5,459,214.00					
Prestressed Tank Design																
1	Mobilization (not greater than 5%)	1	L.S.		\$140,000.00		\$0.00	\$140,000.00		\$130,755.00		\$258,000.00		\$253,950.00		
2B	5 MG Concrete Tank	1	L.S.		\$1,760,000.00		\$0.00	\$2,463,000.00		\$2,130,500.00		\$2,550,000.00		\$3,218,440.00		
3	Tank Earthwork	1	L.S.		\$825,000.00		\$0.00	\$1,450,000.00		\$2,048,790.00		\$1,950,000.00		\$1,603,839.00		
4	Tank Outlet and Inlet Piping	1	L.S.		\$360,000.00		\$0.00	\$280,000.00		\$11,600.00		\$325,000.00		\$325,580.00		
5	Valve Vault Construction	1	L.S.		\$110,000.00		\$0.00	\$45,000.00		\$115,148.00		\$85,000.00		\$57,405.00		
Total Cost					\$2,800,000.00	\$3,195,000.00	\$0.00	\$4,378,000.00	\$4,436,793.00	\$5,168,000.00	\$5,459,214.00					

I hereby certify that this is a true and correct Bid Tabulation for the 5 MG Sterling Hollow Tank Project



Brent Roy Ventura
Brent R. Ventura, P.E.