



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 October 16, 2007**.

AGENDA ITEMS:

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

- a. Pledge

2. PUBLIC COMMENTS:

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

3. COUNCIL COMMENTS:

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

- a. [Spanish Trails Amended Preliminary Plat](#)

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 – October 2, 2007](#)
- b. [General Service 2 Electric Rate Schedule](#)
- c. [Outdoor Channel Contract Renewal](#)

6. NEW BUSINESS:

- a. [Old Mill Estates Preliminary Plat Approval Request](#)
- b. [Maple Mountain Amended Preliminary Plat](#)
- c. [Hawks Landing Preliminary Plat Approval Request](#)
- d. [Academy Park South Preliminary Plat Approval Request](#)
- e. [Shop Wells Filter Bid Tabulation](#)
- f. [Presentation of Comlink Electrical System Report – Richard Heap](#)

7. OTHER BUSINESS:

- a. Executive Session If Needed – To be Announced in the Motion

ADJOURN:

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed executive meeting for any of the purposes identified in that Chapter.

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 798-5000.

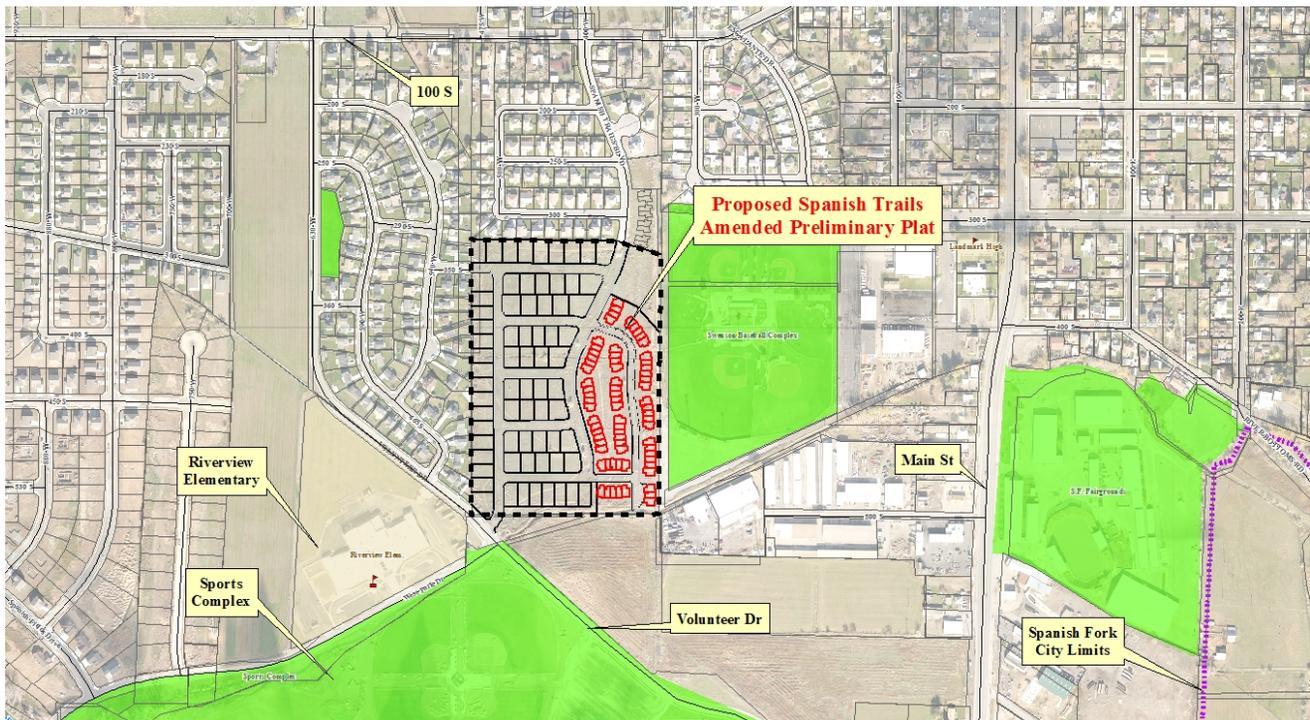
SPANISH FORK CITY
Staff Report to the City Council



Agenda Date: October 16, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Spanish Trails Amended Preliminary Plat

Background Discussion:

The applicant, Highland Homes, is requesting Amended Preliminary Plat approval for a 21.31-acre parcel located at approximately 400 West 500 South. The property is zoned R-1-8. The General Plan designates the property as Residential 5.5 to 8 units per acre. Spanish Trails is a Master Planned Development. The proposed Amended Plat contains 141 lots.



A very abbreviated version of the history of the Spanish Trails development notes that the development was approved over 10 years ago and that for the majority of the past 10 years very little progression with the development has occurred. The remaining portion of the development is now under new ownership and the new owners would like to modify the plat. The proposed changes are best illustrated by the attached images; I note that while the proposed housing products have been altered, the density is proposed to remain the same.

One of the more significant issues relative to this proposal is the design of Spanish Trails Boulevard and the concept of having this portion of Spanish Trails connect with the portion that has already been constructed. At least some of the residents of Spanish Trails are concerned about having an increase in traffic in their neighborhood if the connection is made as planned. On that topic, the Development Review Committee essentially found that it is advisable to make the connection and approve this project as currently proposed. Even so, as the streets in Spanish Trails are private, the residents of the development may opt to install gates or some other means of limiting access. If that were to occur and gates were installed, the City's principle concern would be with ensuring a means for public safety vehicles to access the development.

The Development Review Committee

The Development Review Committee reviewed this proposal in their September 19, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Spanish Trails Amended

Applicant: Highland Homes

General Plan: Residential 5.5 to 8 units per acre

Zoning: R-1-8

Location: approximately 400 West 500 South

Mr. Nielson asked Gordon Jones if the park area would be staying the same.

Mr. Jones said it would.

Mr. Nielson asked Mr. Jones how the neighborhood meeting went.

Mr. Jones explained what occurred at the neighborhood meeting. He feels that both sides are in agreement with the homeowners association and in prohibiting access between the two developments.

Brenda McCarron

Ms. McCarron expressed her main concern with access into Spanish Trails. She feels that there will be too much traffic and the cost of maintaining the road falls to the homeowners association. The homeowners association would like access on Spanish Trails Boulevard blocked or to have a crash gate if a second access is required.

Mr. Baker feels that due to the project's original plat approval which showed Spanish Trails Boulevard access through the entire development and due to public safety that the access should remain and not be gated.

Ms. McCarron feels that Spanish Trails Boulevard; which is a private road, will be a straight shot to the high school and will increase the traffic.

Discussion was held regarding density and the original development agreement.

Mr. Nielson explained the streets as proposed on the original plat approval.

Discussion was held regarding the distance between intersections on Volunteer Drive, building materials, roofing, etc. with regard to the CC & R's, and whether or not to continue the agenda item for the current homeowners association to meet.

Mr. Baker does not feel that there needs to be a continuance.

Amanda Woodruff

Ms. Woodruff feels that safety is a concern. Children have become accustomed to playing in the streets.

Discussion was held regarding safety, traffic and the pros and cons of gates.

Mr. Banks does not feel that gates are safe due to combinations and locks etc. in emergency situations for public safety vehicles.

Discussion was held regarding private gates and public safety vehicles.

Ms. McCarron asked why access to Spanish Trails Boulevard was being granted under new ownership of the property.

Mr. Nielson explained the original proposal was submitted as one development with Spanish Trails Boulevard accessing the entire development. To close off Spanish Trails Boulevard would limit access.

Ms. McCarron asked for a copy of the traffic study.

Mr. Nielson said that one had not been done

Ms. McCarron asked for a traffic study to be done.

Mr. Nielson said that the City would take it into consideration.

Discussion was held regarding access for safety vehicles and safe routes to the elementary school.

Mr. Jones feels that the development should not be delayed over the street issues. He feels it is unrelated to the Plat approval.

Discussion was held regarding Spanish Trails Boulevard and ingress and egress, and if Preliminary Plat approval exists or had expired.

Mr. Peterson addressed the power issues.

Discussion was held regarding traffic studies, and gating Spanish Trails Boulevard.

Mr. Rosenbaum feels from a public safety view point it would be a very unwise thing to gate Spanish Trails Boulevard restricting access. He feels access is critical on Spanish Trails Boulevard for safety vehicles to respond. He feels it is a huge safety concern.

Mr. Baker feels that a gate should be installed at 100 South and not in the middle of Spanish Trails Boulevard.

Mr. Baker **moved** to recommend to the City Council **approval** of the amended Spanish Trails Preliminary Plat located at approximately 400 West 500 South subject to the following condition:

Condition

1. Meet the City's construction and development standards.

Mr. Rosenbaum **seconded** and the motion **passed** by a roll call vote.

Planning Commission:

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

Spanish Trails Amended

Applicant: Highland Homes
General Plan: Residential 5.5 to 8 units per acre
Zoning: R-1-8
Location: approximately 400 West 500 South

Mr. Anderson gave background and explained the proposal. He then explained that there was considerable discussion in the Development Committee Review meeting regarding access on Spanish Trails Boulevard. The Development Review Committee feels the connection between developments on Spanish Trails Boulevard is necessary from a public safety and transportation perspective. He explained private streets and that the City does not have any control over them.

Commissioner Huff asked about the current homeowner's association and if it will incorporate the verbiage for the entire project.

Mr. Anderson explained that the existing homeowner's association would like to stand alone with the idea that there is a separate homeowner's association on the proposed proposal.

Commissioner Christianson asked about plated right-of-ways for ingress and egress on the intersection at Spanish Trails Boulevard and Volunteer Drive.

Mr. Nielson explained that the intersection conforms to the City's standards.

Discussion was held regarding the intersection, the canal and traffic control.

Mr. Anderson explained the architectural standards and the materials to be used.

Joel Harris

Mr. Harris said that they have had extensive meetings with the current homeowner's association and expect to come to resolutions on the issues. He feels their biggest concern is public access through private streets. Volunteer Drive did not exist when the original proposal was turned in. He explained how traffic currently accesses the private roads in Spanish Trails. He feels that they need to make sure that they listen to the current homeowner's association and work with them.

Chairman Robins excused Commissioner Miya, Commissioner Marshall and said that Commissioner Lewis would be joining them at a later time.

Brenda McCarron

Ms. McCarron feels that the City and the original developer did not keep original commitments. She explained how the homeowners association pays for the maintenance of the streets, when the original homeowners association was established and the lack of funds if they were to incorporate the proposal into their association. She feels that the association's biggest concern is traffic on Spanish Trails Boulevard and have come to an understanding on a crash gate. She feels the crash gate will allow emergency vehicles to go from one subdivision to the other. She also feels that the housing proposed does not even come close to comparing to the current structures.

Daniel Lewis

Mr. Lewis explained the school district gave them a map showing the route for their children to walk to the elementary school in the area. The route accesses through Spanish Trails. He is concerned with safety and the irrigation ditches; that they are not covered. He would like an accounting for that.

Mr. Nielson told Mr. Lewis that he would need to contact Westfield Irrigation Company. He then explained the trail and the construction of the trail. The trail is separate from the development of the subdivision. He then explained the timeframe for burying irrigation ditch.

GT Rasband

Mr. Rasband is concerned with safety. He feels an off-set 4 way stop that close to an elementary school is unsafe.

Commissioner Christianson **moved** to close public hearing. Commissioner Huff **seconded** and the motion passed all in favor.

Commissioner Christianson asked about open space and the amenities proposed.

Mr. Harris said some playground equipment, picnic tables and a basketball court.

Commissioner Huff explained that he understands the concern of the development but he has a problem understanding the concerns when what is being proposed is in line with the original approval. He would not feel comfortable putting temporary gates in the middle of the project. He feels they ought to put them on 100 South or Volunteer Drive.

Commissioner Christianson asked for a little history on the project.

Mr. Anderson explained the history. He feels that the development could function well with one or two homeowner's associations.

Commissioner Christianson feels that the bonus density, amenities and everything thing else was based on one development to run with one homeowner's association and asked since it is being sold separately can it legally stand alone.

Ms. Johnson said the City is not in a position to get involved.

Commissioner Christianson asked about a connection agreement.

Ms Johnson feels that it is best to leave the decision up to the private parties.

Chairman Robins asked for a vote.

Commissioner Christianson feels that he would like to see the agreements and disputes resolved.

Discussion was held regarding the dispute with the homeowner's association.

Mr. Harris does not feel that there is a dispute. If a crash gate is installed on Spanish Trails Boulevard it will resolve the issues. He feels if the current homeowner's association chooses to vote their way to be separate from the new development that they oblige.

Commissioner Christianson asked if the homeowner's association would include the new one.

Brenda McCarron

Ms. McCarron said that the homeowner's association voted to keep their own entity and not include the proposal. She explained that under the current homeowner's association they take care of their own yards and the new development will have common ground.

Commissioner Huff asked if the original plat was presented for the entire development and they accept the proposal can one part exit from the other one.

Ms. Johnson explained that since the ownership has changed that the City cannot compel them to stay together in the same homeowner's association.

Discussion was held regarding private streets.

Brenda McCarron

Ms. McCarron said that the homeowner's association approached the City to take over their streets and that the City said the streets did not meet the City standards and they absolutely would not take them.

Melinda Rasband

Ms. Rasband said in looking at the new elementary with winter and getting kids to and from school how will the traffic be accommodated. She feels that the impact is too strong. She feels the corner is not safe for kids.

Commissioner Christianson explained the City does not design the traffic around schools and the current proposal was turned in before Quail Hollow was constructed. He is inclined to go with the Development Review Committee's recommendation.

Commissioner Christianson **moved** to **approve** the proposed amended Preliminary Plat for Spanish Trails subject to the following condition:

Condition

1. Meet the City's construction and development standards.

Commissioner Huff **seconded** and the motion **passed** by a roll call vote. Commissioner Robins said that he voted in favor of the proposal but highly recommends that Spanish Trails Boulevard not be gated.

Budgetary Impact:

For purposes of this report, staff simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Recommendation:

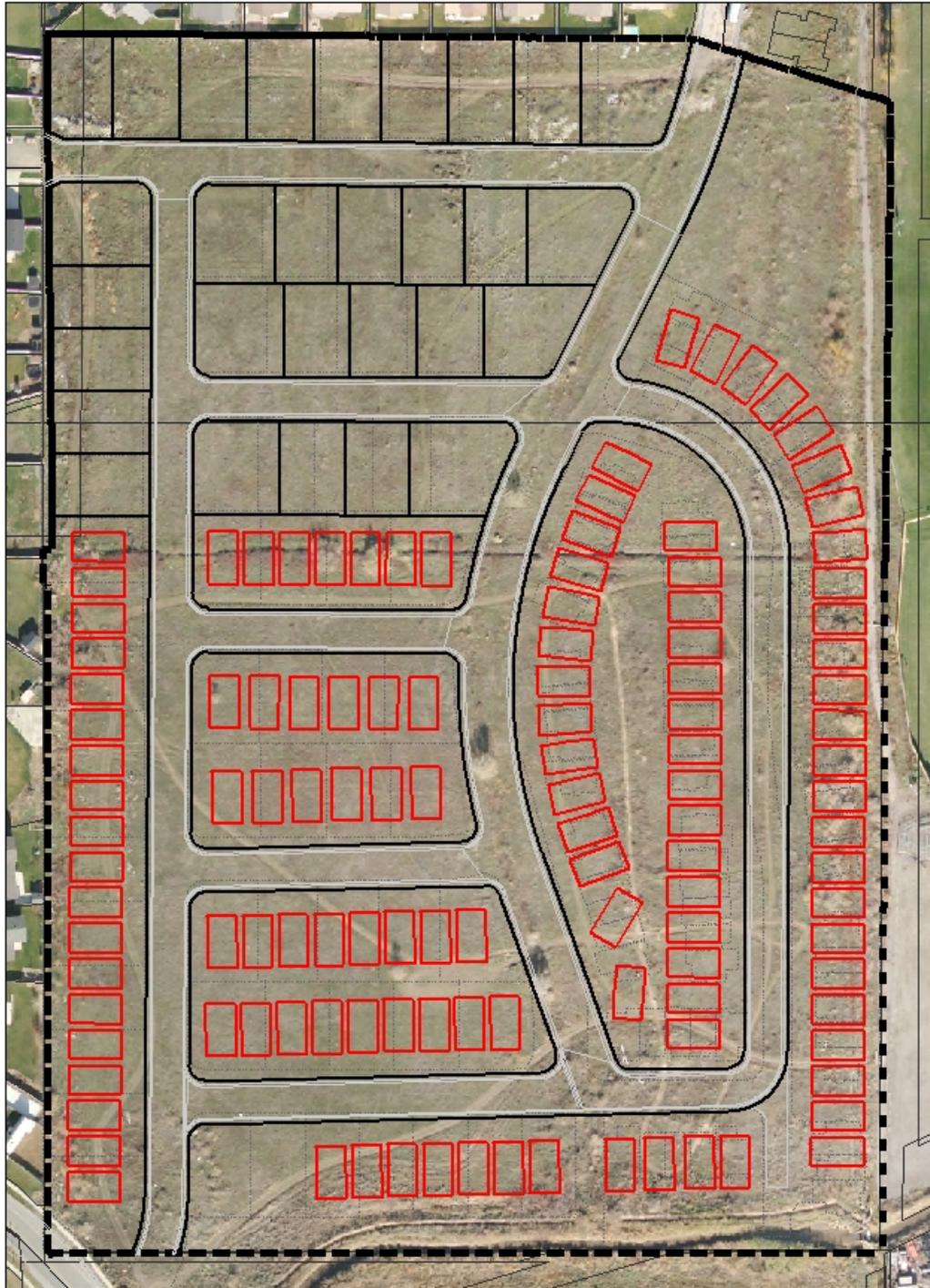
Staff recommends that the City Council approve the proposed amended Preliminary Plat for Spanish Trails subject to the following condition:

Condition

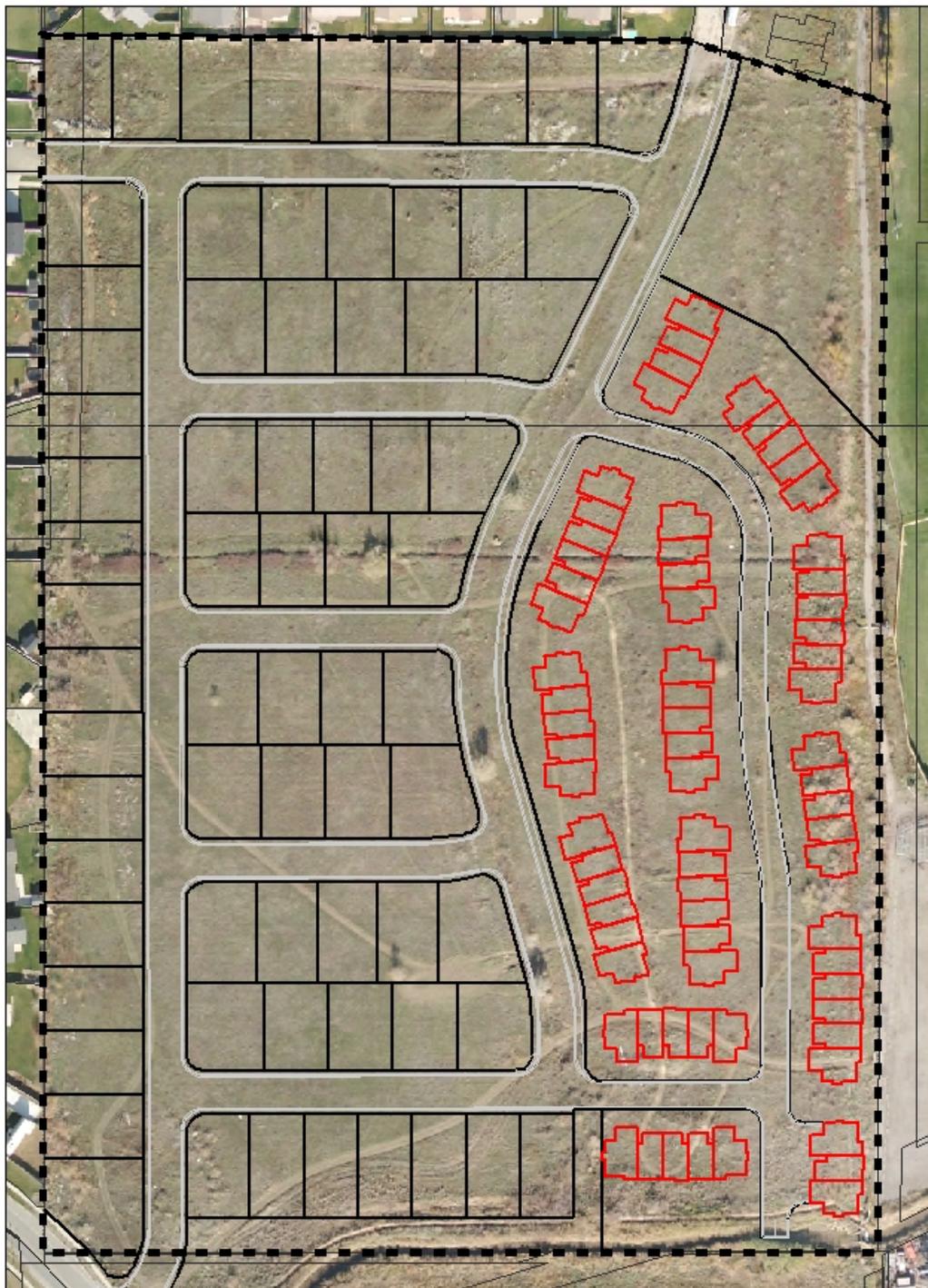
1. Meet the City's construction and development standards.

attachments: proposed Preliminary Plat
proposed Amended Plat

Currently approved Preliminary Plat:



Proposed Amended Preliminary Plat:



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Tentative Minutes
Spanish Fork City Council Meeting
October 2, 2007

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

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

Citizens Present: Pat Parkinson, Mecacla Anderson, Terena Anderson, Morgan Finch, Lysie Beckstrom, Tyler Whitehead, Katie Jackson, Richard Evans, Jens Dana, Janice Peterson, Connley Samuels, Wyatt O'Brien, Zane Phillips, Duane Dupin, Shayne Bashum, Tyler Tingey, Lana Harris, Heather Campbell

CALL TO ORDER, PLEDGE:

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

Mr. Anderson led in the pledge of allegiance.

Proclamation of Community Action Week

Mayor Pro tem Barber proclaimed October 1st-5th, 2007, Community Action Week: Celebrating Self-Reliance. He thanked the organization and all they do to better the community.

PUBLIC COMMENTS:

Richard Evans

Mr. Evans is here to remind everyone about the voucher debate 7:00 p.m. Thursday October 4, 2007, at the High Chaparral. There will be speakers for and against in a neutral debate.

Tyler Tingey

Mr. Tingey lives on Escalante drive and has concerns with drivers in their area. They run stop signs and speed, and there are a lot of kids that live in the area. He has gathered signatures from those in the neighborhood requesting the city to do something. They feel it is a good idea to do something before anything bad happens and they have a lot of ideas to try to mitigate the situation.

Mr. Heap stated they will look at it and get back to them by the next Council meeting.

Pat Parkinson

Ms. Parkinson explained a year and a half ago she asked about the signal on Main and a turn lane on Canyon Road. She would like to know more regarding the turn lane on Canyon Road. She wrote to Doug Bassett who is over the region and he stated when there is enough concern it can be reviewed. She has asked the Mayor to work with UDOT to get something done.

Mr. Heap explained they have been working with UDOT but not Doug Bassett, they told us they did not want to just stripe, but wait until they can expand the road so people are not weaving.

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COUNCIL COMMENTS:

Councilman Wadsworth commented he and the Mayor are going to lobby for the city and the trails system in two weeks. They are hoping the grant fund amounts are between \$250,000 – \$350,000 that they could potentially receive.

Councilman Andersen is dismayed at the lack of response from a contractor in the community. The waterline on 1000 north has not been put in as of yet. Over a month ago the Council jumped through hoops to get it started and get water to those people, last Council meeting they expressed their disappointment that nothing has been done. He feels betrayed because they gave the authorization to go ahead and nothing has been done. He has a hard time with someone coming into the community to do developments and making promises and not following through on them.

Mr. Heap has tried contacting the contractor and they have not returned his calls yet.

Councilman Sorensen said the most frustrating part is the contractor is telling the residents he is not allowed to do the waterline. That is frustrating because he is giving them a different story than the truth.

Mr. Heap said they held preconstruction meetings, and even waited on the bonding to help them move forward quickly to get water to those residents.

Councilman Andersen wanted to express publicly his outrage at the contractors seemingly contempt at what the Council is trying to do.

Councilman Leifson said the contractor started this when he went to the residents and told them he could get water to them. He echoes the same comments the others have said, they tried to help the contractor out and it seems to be no big deal to them that those residents needed the water.

Mayor Pro Tem Barber noted they should make note of the grading scale the city has with this contractor. It has been made clear in two meetings where this body stands on the issue. He commented on the farmers market at the City Office, they want to thank the city for allowing it to take place. The Spook Alley will begin October 11th running Thursday, Friday, Saturday nights and Monday, Tuesday, Halloween, at the fairgrounds. The Historical Committees ultimate goal is to have a historic district with tax incentives. He encourages all Council members to give the Mayor some names to participate in that committee. There is a new Planning Commission member, Shane Marshall, who works for UDOT and will bring some great information.

Councilman Leifson met with the personnel committee. Several on the committee work in human resources for big companies. He also met with the parks and recreation committee discussing the master plan. They are actively engaged in looking for sites for an amphitheater.

PUBLIC HEARING:

Councilman Sorensen made a **Motion** to move to the public hearing at 6:33 p.m. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Adoption of Salary Schedule

101
102 Mr. Perrins explained it is time for the annual salary range adjustment. He noted last year they
103 went through an extensive study and some new ways to evaluate. He noted they should stress
104 heavily the performance based changes. He stated this issue was reviewed by the personnel
105 committee and they had a great discussion on the current job market. For employers it is a
106 difficult market, the two private sector committee members commented on the lengths they have
107 to go to keep and attract their employees. He also noted the schedule was passed by the
108 personnel committee with a unanimous vote.

109
110 Councilman Wadsworth asked regarding the performance metrix, and where they are at getting it
111 implemented.

112
113 Mr. Perrins explained the measurements are currently in place to do the performance based
114 evaluations. It requires a lot of time for the supervisors and he is comfortable in the direction
115 they are going and will continue to do better.

116
117 This item was opened for public comment.

118
119 There was no public comment given at this time.

120
121 Councilman Andersen feels they are on the right track, they spent a lot of time and money last
122 year and he feels it's a positive thing they have implemented. He is in support of the changes
123

124 Councilman Sorensen agreed.

125
126 Councilman Sorensen made a **Motion** to adopt the salary schedule for 2007-2008.

127 Councilman Wadsworth **Seconded** and the motion **Passed** all in favor.

128
129 Mayor Pro Tem Barber commented last year when they appointed the personnel committee
130 members he voted for them. He feels they have had a lot of help with the citizens on the board
131 and it has been a good thing.

132
133 Councilman Wadsworth voted aye because of the rigor put in place, and the fact the personnel
134 committee included citizens which he feels continues to foster openness and accountability from
135 the city.

136
137 Councilman Sorensen made a **Motion** to close the public hearing. Councilman Wadsworth
138 **Seconded** and the motion **Passed** all in favor at 6:41 p.m.

139
140 **CONSENT ITEMS:**

141
142 **Minutes of Spanish Fork City Council Meeting – September 18, 2007**

143
144 Councilman Leifson made a **Motion** to accept the consent items. Councilman Sorensen
145 **Seconded** and the motion **Passed** all in favor.

146
147 **NEW BUSINESS:**

148
149 **Appointment of Flood Plain Manager**

150

151 Mr. Baker explained the statute in our municipal code designates the city engineer as the flood
152 plain manager. They propose changing the ordinance to read the city engineer and or his
153 designee, at this point they would like to appoint Chris Thompson as his designee.

154
155 The Council agreed they would like to see this happen.

156
157 Councilman Wadsworth asked if the City is continuing to request the developments to get their
158 own flood insurance.

159
160 Mr. Baker explained that they are still addressing that issue and maintaining the process.

161
162 Mr. Heap stated every two years they send out letters notifying the adjacent property owners to
163 the river reminding them they have to control the build out for flooding.

164
165 **Nelson Wasatch Annexation**

166
167 Mr. Anderson discussed the annexations on the northeast bench. He stated this is another
168 annexation that has been proposed for that area. Given the fact the annexations are in the works,
169 the DRC felt comfortable recommending the City Council accept the petition for further study
170 with a recommendation on a parcel owned by the railroad, that the property be included just to
171 shore up the boundary with Mapleton in a clean way.

172
173 Councilman Leifson made a **Motion** to accept the Nelson Wasatch Annexation approximately
174 located at 2100 east 6800 south, including the railroad parcel, for further study. Councilman
175 Sorensen **Seconded** and the motion **Passed** all in favor.

176
177 **Huntington Leifson Annexation**

178
179 Mr. Anderson explained the area of the proposed annexation.

180
181 Councilman Leifson disclaimed part of the annexation is his brothers property and he will excuse
182 himself from this discussion.

183
184 Mr. Anderson said the DRC recommends this annexation for further study.

185
186 Councilman Andersen made a **Motion** to accept the Huntington Leifson Annexation
187 approximately located at 7825 South River Bottom Road for further study. Councilman Sorensen
188 **Seconded** and the motion **Passed** all in favor.

189
190 Mayor Pro Tem Barber asked about the property behind the fire station and where it stands.

191
192 Councilman Andersen thought the city would keep it open and have it available for parking, they
193 would not put it as surplus property.

194
195 Councilman Sorensen thought they were going to asphalt some of the area for parking.

196
197 Mayor Pro Tem Barber suggested the city hold a meeting with the property owners and layout
198 what they are trying to do and get some cooperation with the public/private partnerships.

199

200 Councilman Sorensen said in the last discussion with the chamber of commerce they would like
201 to see more downtown parking.

202
203 The Council agreed to look into addressing the parking and meeting with the property owners.
204

205 **ADJOURN:**

206
207 Mayor Pro Tem Barber thought the articles in the paper would have been sufficient for him
208 announcing his withdrawal. He then announced publicly he has withdrawn his name due to
209 changes with his family and with the passing of his father, he will be spending more time on his
210 business and with his family. He encourages those who wanted to support him to get out and see
211 who they want to vote for that best represents their ideas.

212
213 Councilman Andersen made a **Motion** to adjourn to executive session for personnel. Councilman
214 Sorensen **Seconded** and the motion **Passed** all in favor at 6:59 p.m.

215
216 ADOPTED:

217
218

Kimberly Robinson, Deputy Recorder

MEMO

TO: Mayor and Council
FROM: S. Junior Baker
DATE: 28 Sept. 2007
RE: General Service 2 Electric Rate Schedule Resolution

The agenda for October 16 contains a consent item for adoption of a general service 2 electric rate schedule. As you will recall, we have agreed with Tenedor, the developer of the North Park project, and with the RDA, to create a new electric rate to help generate revenues to pay for the needed infrastructure for the North Park project. This resolution creates that rate. It is more than our current general service rate. The difference between the two rates will generate the utility increment referred to in the interlocal agreement between the City and the RDA. The rate was carefully crafted to be less than many of the surrounding areas, yet sufficient to generate much of the revenue stream needed to pay for the necessary infrastructure.

RESOLUTION 07-10

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS (votes only in case of tie)		
G. WAYNE ANDERSEN City Councilman		
MATTHEW D. BARBER City Councilman		
STEVE LEIFSON City Councilman		
SETH V. SORENSEN City Councilman		
CHRIS C. WADSWORTH City Councilman		

I MOVE this resolution be adopted: _____
City Councilperson

I SECOND the foregoing motion: _____
City Councilperson

RESOLUTION 07-10

**A RESOLUTION CREATING THE GENERAL
SERVICE 2 ELECTRIC RATE SCHEDULE**

WHEREAS, Spanish Fork City owns and operates its electric power department; and

WHEREAS, the City must generate sufficient revenue from its electric rates to purchase the power it buys and also to provide for operation and maintenance of the system; and

WHEREAS, the City has contracted with the Redevelopment Agency of Spanish Fork City to increase the general service electric rate in the North Park Community Development Area (CDA)

in order to generate revenue for infrastructure improvements within the North Park CDA, necessary to bring economic development to that area; and

WHEREAS, the new General Service 2 Electric rate schedule is required to be competitive with surrounding communities, and is generally less than the national rates which the anticipated businesses pay in other locations around the country; and

WHEREAS, a competitive general service 2 electric rate is an important tool to boost the City economy, while remaining competitive with national and local electric rates, in order to develop an economic tax base and increase property values;

NOW THEREFORE, be it resolved by the Spanish Fork City Council as follows:

1. The General Service 2 Electric Rate Schedule is for alternating current, single or three-phase electric service supplied at City's available voltage through a single point of delivery, for all service required on the Customer's premises. This Schedule shall be applicable to all non-residential electric service in the North Park Community Development Area, with the exception of those customers existing as of October 1, 2007.
2. Each electric customer on the General Service 2 Electric Rate Schedule shall pay a monthly service charge of \$30.00 per month, plus a usage charge as set forth herein.
3. The General Service 2 electric usage rate shall be \$0.1103 per kilowatt hour for the first 10,000 kilowatt hours used, \$0.070 per kilowatt hour for usage from 10,001 to 100,000 kilowatt hours used, and \$0.067 for each kilowatt hour over 100,000 kilowatt hours used.
4. The demand charge for the maximum demand over five (5) kW shall be \$6.75 per

kW. Power demand is the kW as shown by or computed from the readings of suitable metering equipment for the 15-minute period of Customer's greatest use during the month. City reserves the right at any time to install demand metering equipment. City will normally install such equipment when the Customer's energy usage in any month exceeds 2,000 kWh.

5. The rates and charges set forth in this Schedule are subject to the purchased power adjustments specified in the City's Electric Rate Rider "A," attached hereto and incorporated herein by this reference.
6. Each customer shall be required to enter an electric service agreement, using the City's form, between the City and the customer. Continued service is contingent on meeting the requirements of the service agreement and adherence to all rules and regulations of City's various utility departments.
7. This resolution is effective immediately.

DATED this 16th of October, 2007.

JOE L THOMAS, Mayor

Attest:

KENT R. CLARK, City Recorder

ELECTRIC RIDER "A"

PURCHASED POWER COST ADJUSTMENT
APPLICABLE TO CITY'S ELECTRIC RATE SCHEDULES

APPLICABILITY: The Purchased Power Cost Adjustment set forth herein shall apply to the City's Electric Rate Schedules. The applicable adjustment shall be applied to the Total kWh Billed to Consumer for the meter reading period that City determines as most nearly corresponding to the meter reading period(s) set forth in City's purchased power billings from its supplier(s).

BASE PURCHASED POWER COST: The rates and charges set forth in City's Rate Schedules are based on the cost of City's power requirements as furnished by Utah Municipal Power Agency (UMPA) and South Utah Valley Power Systems (SUVPS). The Base Purchased Power Cost also includes an adjustment for system losses as determined from Department of Energy form EIA-861 for the prior year. The Base Purchased Power Cost included in City's Rate Schedules is \$0.038000 per kWh.

MONTHLY DETERMINATION OF PURCHASED POWER COST ADJUSTMENT: Each month City's Purchased Power Cost adjustment shall be determined as follows:

- a. The City's Monthly Purchased Power Cost per kWh shall be determined to 6 decimal places by dividing the current month's actual total purchased power billings by the total energy delivered to City in the current month.
- b. The Purchased Power Cost Adjustment per kWh shall be determined by taking the Base Purchased Power Cost of \$0.038000 per kWh and subtract it from the Monthly Purchased Power Cost determined in (a) above. (a-b)



*Frank Hughes
Senior Vice President,
Programming*

October 8, 2007

RE: Outdoor Channel Renewal

Dear NCTC Member:

NCTC has completed a new agreement with Outdoor Channel effective September 28th, 2007. Your company is a participating member of the Outdoor Channel ("OC") Agreement that expired 1/31/07. Attached is the OC Programming Summary that outlines the key terms and conditions for your review. If your company wants to renew its participation under this new Agreement, you must sign and return the attached Member Participation Renewal Agreement.

The new OC Agreement provides significantly lower license fees as of October, 2007 for virtually all levels of carriage and allows your company to make a choice between two different rate options depending on how you presently carry OC (analog or digital) and your need to reclaim bandwidth. The two options are outlined below:

Option 1 - You have the ability to re-tier, repackage or reposition OC, however, you must maintain at a minimum, the total number of OC subs your company had as of September, 2007 (adjusted for acquisitions, divestitures and subscriber attrition) through the term of the agreement. This option provides the lowest license fees.

Option 2 - With this option, you can re-tier, repackage or reposition OC and not be subject to any minimum number of OC subscribers through the term. These rates are slightly higher than Option 1.

Your company must elect its option on the Renewal Agreement and it cannot be changed during the term of the agreement which runs for 5 years (9/30/12).

The license fees outlined in the Programming Summary include NCTC's current 30% volume discount and are subject to change based on the total number of our OC subs.

This Agreement also provides distribution rights to Outdoor Channel HD and VOD. There are no license fees associated with either of these services through the term.

You must complete the Member Participation Renewal and return to the NCTC no later than December 15, 2007 if you wish to renew. If we do not receive the Renewal by this date, your last month of billing for OC will be November, 2007. You can send the Renewal by fax to 866-628-2774 (ATTN: Cori Bates) or via email to renew@nctconline.org

If you have any questions, please contact your programming participation representative.

Sincerely,

Frank Hughes



Renewal

To Affiliation Agreement By and Between The Outdoor Channel, Inc. and National Cable Television Cooperative, Inc., dated September 28, 2007

**MEMBER PARTICIPATION AGREEMENT
FOR CERTAIN IDENTIFIED MARKETING COMMITMENT PARTICIPATING MEMBERS**

The undersigned Participating Member of National Cable Television Cooperative, Inc. hereby elects as of the date shown below (the "Election Date") to be included under the Agreement by and between NCTC and Network dated as of September 28, 2007, and agrees to be bound by, and comply with all of the terms and conditions contained in the Agreement, a copy of which Participating Member acknowledges has been provided to it. All capitalized terms used in this Member Participation Agreement and not otherwise defined herein shall have the meanings ascribed to them in the Agreement. The undersigned Participating Member also hereby acknowledges that its status as a Participating Member is hereby expressly contingent upon its agreement and continued performance under the attached **RIDER TO MEMBER PARTICIPATION AGREEMENT FOR CERTAIN IDENTIFIED MARKETING COMMITMENT PARTICIPATING MEMBERS.**

Participating Member agrees to make payments to Network through NCTC under the Agreement with respect to the Service Systems designated on the System Participation Form attached hereto as Schedule 3A-1.

Participating Member represents to Network and NCTC that: (i) Participating Member is an entity duly organized and validly existing under the laws of its state of organization; (ii) Participating Member has the corporate power and authority to enter into this Member Participation Agreement, and to perform fully its obligations hereunder; (iii) the Agreement and this Member Participation Form are valid, binding and enforceable agreements of Participating Member; (iv) Participating Member is not under any contractual or other legal obligation which in any way interferes with its full, prompt and complete performance under the Agreement and this Member Participation Form; (v) Participating Member owns, manages or otherwise controls each Service System that distributes the Service under the Agreement; (vi) each such cable System is a "cable system" or "multichannel video programming distributor" as defined in the Communications Act of 1934 as amended; (vii) Participating Member holds a valid franchise awarded by the appropriate governmental authority (or equivalent authorization if no franchise has been awarded) to operate each such Service System or multi-channel video programming service in each area served by the respective Participating Member.

PARTICIPATING MEMBER AGREES TO INDEMNIFY AND HOLD NETWORK AND NCTC HARMLESS FROM ANY LIABILITIES, CLAIMS, COSTS, DAMAGES AND EXPENSES, INCLUDING REASONABLE ATTORNEY FEES, ARISING OUT OF THE BREACH OF ANY OF THE TERMS OF THIS MEMBER PARTICIPATION AGREEMENT OR THE AGREEMENT BY THE PARTICIPATING MEMBER. PARTICIPATING MEMBER ALSO REPRESENTS THAT AS OF THE DATE OF THIS MEMBER PARTICIPATION AGREEMENT PARTICIPATING MEMBER IS CURRENT IN ALL PAYMENTS OWED TO NETWORK OR NCTC.

The Agreement and its attached Schedules and this Member Participation Agreement contain the full understanding of the parties with respect to the subject matter hereof and supersede all previous agreements between Network and Member or between Network and NCTC relating to Member. The Agreement and this Member Participation Agreement provisions shall survive and shall not be affected by the bankruptcy, insolvency, or sale of Member (or Member's cable system), subject to the provisions of the Agreement and applicable laws

You must select one of the following options

OPTION 1 – MAINTAIN EXISTING BASE LEVEL / ABILITY TO MIGRATE

PARTICIPATING MEMBER ELECTS TO MAINTAIN THE MINIMUM SERVICE SUBSCRIBER COMMITMENTS SPECIFIED IN THE AGREEMENT AND IN OPTION I CARRIAGE GUARANTEE RATE CARD SET FORTH ON THE ATTACHED SCHEDULE 2 OF THE AGREEMENT

OR

OPTION 2 – NO MINIMUM BASE LEVEL / ABILITY TO MIGRATE

PARTICIPATING MEMBER ELECTS NOT TO MAINTAIN THE MINIMUM SERVICE SUBSCRIBER COMMITMENTS SPECIFIED IN THE AGREEMENT AND IN OPTION II CARRIAGE MIGRATION RATE CARDSET FORTH ON THE ATTACHED SCHEDULE 2 OF THE AGREEMENT

Name _____ Title _____

Signature _____ Email _____

Member Company _____

NCTC ID _____ Today's Date _____

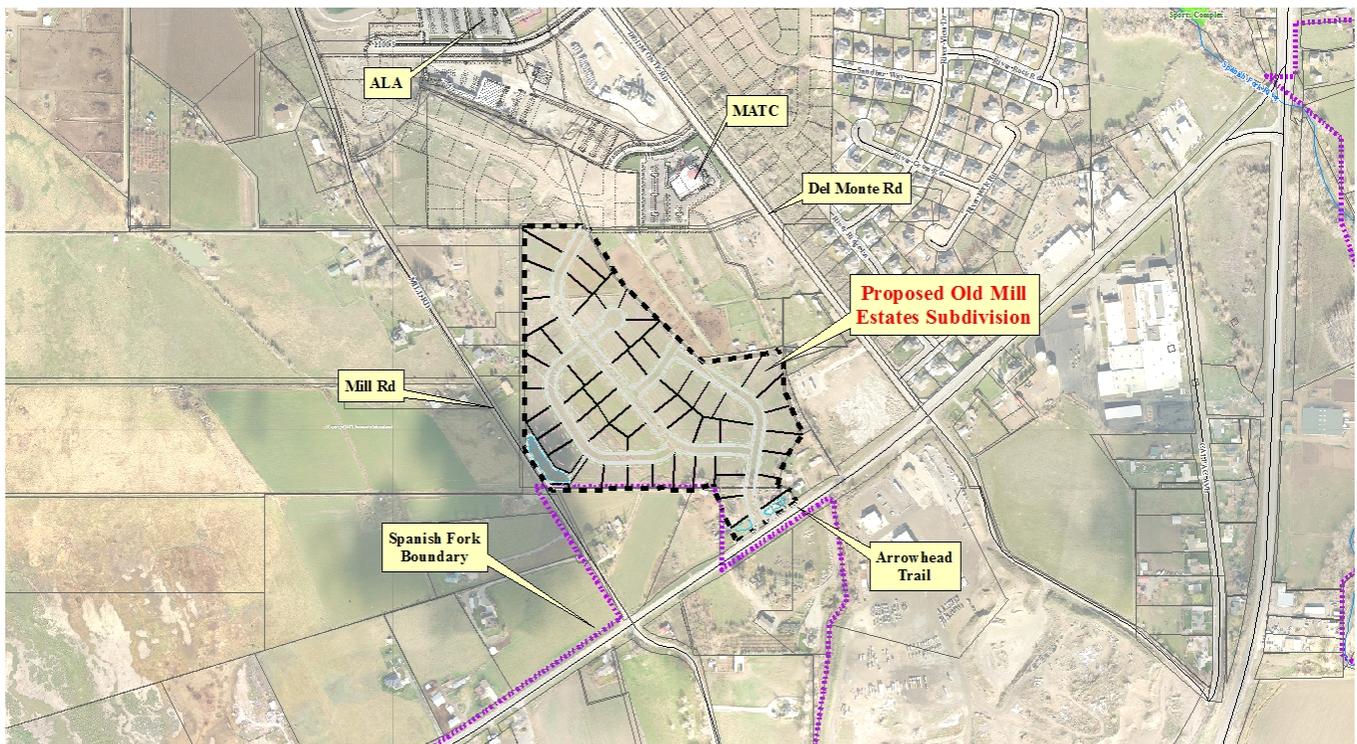
SPANISH FORK CITY
Staff Report to the City Council



Agenda Date:	October 16, 2007
Staff Contacts:	Dave Anderson, Planning Director
Reviewed By:	Development Review Committee
Subject:	Old Mill Estates Preliminary Plat Approval Request

Background Discussion:

The applicant, CW Management, is requesting Preliminary Plat approval for 22.5 acres located at approximately 1503 South Mill Road. The property is currently zoned R-1-15. The General Plan designates the property as Residential 1.5-2.5 units per acre.



Details

A General Plan Amendment and Zone change was granted for the subject property earlier this year. During that process, considerable attention was paid to some of the details of the development (subdivision design, architecture...). One of the most discussed aspects of the project was access. As such, the applicant has

worked diligently to obtain an additional access to the development which would eventually provide a connection to Del Monte Road.

With that said, the developer now proposes to abandon his plans to have an access onto Mill Road. While staff acknowledges that this would help avoid debate relative to Mill Road and its capacity to handle additional traffic, staff believes having no access from this development onto Mill Road would eventually create a severe deficiency in the transportation system for the area. As such, the Development Review Committee recommended that the project be approved subject to having an access onto Mill Road constructed.

One change in procedure from our customary process is the concept that this development be approved as a Master Planned Development. You may recall that one of the purposes of our Master Planned Development ordinance is to allow flexibility or deviations from our zoning or development standards. In this case, allowing a reduction in the minimum lot size and lot width requirement for a handful of lots would allow the applicant to provide the street connection onto Mill Road without decreasing the number of lots in the development.

As staff's principle concern has been establishing this street connection and as the project qualifies as a Master Planned Development, the concept of approving the Plat as a Master Planned Development was presented to the Planning Commission. This concept was not reviewed by the DRC. Nonetheless, the Planning Commission's recommendation is that the development include access onto Mill Road and that it be approved as a Master Planned Development.

Development Review Committee

The Development Review Committee reviewed these requests in their September 19, 2007 meeting and recommended that they be approved. Draft minutes from that meeting are as follows:

Old Mill Estates

Applicant: CW Management

General Plan: Residential 1.5 to 2.5 units per acre

Zoning: R-1-15

Location: 1503 South Mill Road

Mr. Anderson gave background, and explained the proposal is a standard R-1-15 subdivision so all of the lots need to meet the minimum 15,000 square foot standard. It is not a Master Planned Development. He is concerned with the lack of access from this development to Mill Road. He feels that in the long term there will need to be access to Mill Road.

Mr. Baker asked what had happened to the gated access onto Mill Road.

Tyler Roberts

Mr. Roberts said that the residents and Council pushed to not have any access to Mill Road.

Mr. Heap is opposed to not having access to Mill Road. He feels that it hurts neighborhoods to not have roads that attach neighborhoods. He feels there needs to be interconnect between neighborhoods.

Mr. Nielson agrees.

Mr. Banks feels the City needs to do what is best for the community. He agrees that Mill Road is narrow but it is there, it is public, and there ought to be access to it.

Mr. Heap agreed and said that Mill Road will not be narrow forever and that we need the connection between neighborhoods.

Mr. Anderson feels that the connection does not necessarily need to be there today, but it should be stubbed for an opportunity to do that in the future.

Discussion was held regarding a retention basin, and a road connection to Mill Road.

Mr. Roberts explained that they understand what the City is trying to accomplish with a connection to Mill Road. He feels that they were put under great strain and it cost them a substantial amount financially to obtain access to Del Monte Road. They would like to take this option to the City Council whether it is a positive or negative recommendation to avoid Mill Road.

Mr. Anderson asked Mr. Roberts if there was a way, or some sort of middle ground where CW Management builds the road setting aside the right-of-way should it need to be connected.

Mr. Nielson said if the right-of-way to Mill Road was there and recorded today that by next spring when the homes are there they are going to be in our office in the City Council chambers asking why the road is constructed. He feels it should be constructed now.

Mr. Roberts feels that they have been pushed in another direction that they felt Mill Road was the best option from the beginning.

Mr. Anderson feels that because this has cost them far more than the simple cost to construct a road and since they have taken such a big hit that this is a situation where maybe the City should step in and help.

Mr. Nielson discussed working out sewer with Salem City.

Mr. Peterson discussed power issues.

Mr. Nielson discussed irrigation ditches needing to coordinate with South Fields Irrigation.

Mr. Anderson verified that a neighborhood meeting would be conducted.

Mr. Roberts indicated that it would be held tonight here at the City office.

Mr. Baker **moved** to recommend **approval** of the Old Mill Estates Preliminary Plat located at 1503 South Mill Road subject to the following conditions:

Conditions

1. That they meet the City's construction and development standards.
2. That the applicant complete the SESD buyout.
3. That the applicant show a 60-foot right-of-way access to Mill Road.
4. That the applicant work with the Electric Department on power issues.
5. That the applicant work out a lift station agreement with Salem.

Mr. Anderson **seconded** and the motion was **denied** by a role call vote. Mr. Banks, Mr. Nielsen, Mr. Rosenbaum, and Mr. Heap voted nay because plans failed to include access on to Mill Road.

Mr. Nielson **moved** to **approve** the Old Mill Estates Preliminary Plat located at 1503 South Mill Road subject to the following conditions:

Conditions

1. That they meet the City's construction and development standards.
2. That the applicant complete the SESD buyout.

3. That the applicant show a 60-foot right-of-way access to Mill Road.
4. That the applicant work with the Electric Department on power issues.
5. That the applicant work out a lift station agreement with Salem.
6. That a full City street open access be constructed onto Mill Road.
 - a. for public safety.
 - b. access to adjacent neighborhoods to create interconnectivity.
 - c. reasonable traffic patterns without putting traffic onto existing roads.

Mr. Rosenbaum **seconded** and the motion **passed** by a roll call. Mr. Baker voted nay because he feels given the political pressure and the cost the developer has incurred; that the City should participate in the cost of constructing an access onto Mill Road.

Planning Commission:

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

Old Mill Estates

Applicant: CW Management

General Plan: Residential 1.5 to 2.5 units per acre

Zoning: R-1-15

Location: 1503 South Mill Road

Mr. Anderson explained the proposal and a brief review of the history of Mill Road. He feels that CW Management has taken the concerns at face value and addressed them. He explained the original proposal showed access onto Mill Road and feels that CW Management has worked diligently to provide access onto Del Monte. He then explained staff's view of the proposal and that CW Management is concerned with losing a dwelling lot. He feels that this is a situation where the development could be approved as a Master Planned Development.

Wayne Niederhauser

Mr. Niederhauser presented an overhead presentation on the Old Mill Estates regarding: Mill Road, obtaining property for an access to Arrowhead Trail, bigger lot sizes, variance to total number of lots and a sewer lift station with Salem. He explained that they want to build nice homes on bigger lots and fears that they are permanently giving up larger lots for temporary access issues. He said they are willing to develop any of the three options but feels that their original plan, long term, is much better.

**Commissioner Lewis arrived 8:31p.m.*

Diedre Henderson

Ms. Henderson asked where the proposed main access to this proposal will be.

Chairman Robins clarified the ingress and egress.

Ms. Henderson is in favor of access to Mill Road.

Ms. Rasband feels that there needs to an access to Mill Road.

Zeke Smith

He does not understand why Mr. Niederhauser was encouraged to build a road somewhere else.

Discussion was held regarding access.

Randy Smith

Mr. Smith would like to highly recommend the access to Del Monte.

Connie Muhlestein

Ms. Muhlestein feels the concern with Mill Road is that it was mainly used as a paved cow road. She explained the States viewpoint. She feels that if Mill Road is not improved then fatalities will happen. She does not understand why the road cannot be widened.

Discussion was held regarding improvements on Mill Road.

Val Simmons

Mr. Simmons feels that if access can be obtained through the Tingey property then he is in favor of the proposal. He said that Mr. Way promised five (5) years ago that there would not be access to Mill Road.

Chris Dixon

Mr. Dixon feels that three accesses to Del Monte is over utilizing Del Monte and that an access to Mill Road should be included.

John Barrs

Mr. Barrs asked for clarification on the three proposals.

Mr. Niederhauser explained the three proposals.

Jill Smith

Ms. Smith explained she has counted 253 cars within 10 minutes on Del Monte. She feels that Arrowhead trail and Mill Road could ease the traffic on Del Monte.

Discussion was held regarding access.

Melissa Tippetts

Ms. Tippetts feels that any access that can alleviate traffic on Del Monte is a positive.

Lisa Conterez

Ms. Conterez asked why Mill Road was not widened when the school was built.

Mr. Nielson explained the history on access to Mill Road.

Chairman Robins asked if there was anything in the future that would help alleviate the traffic congestion in the area.

Mr. Nielson said that they have a meeting with the Utah Department of Transportation on Tuesday. He is not aware of the time frame.

Commissioner Lewis asked for the City to take a look at a three way stop and the intersection on Arrowhead and Del Monte.

Commissioner Christianson asked about whether or not there was a process in place when the City assumes responsibility for a road from the County.

Mr. Nielson explained the roads are improved when property develops. The City does not have a process in place to require improvements at any other time.

Chairman Robins asked Mr. Anderson if the City Council addressed a special district for Mill Road.

Mr. Anderson feels that a special improvement district may be the best option for improving Mill Road and explained that the City Council had not directed anyone to pursue that option yet.

Commissioner Huff explained how the Council felt 10 years ago and the explained the ramifications of having Quail Hollow approved. He is in favor of option 3.

Commissioner Christianson feels he is in favor of option 3.

Commissioner Lewis feels he is in favor of option 3.

Chairman Robins feels that option 3 is the best option and explained why.

Mr. Anderson explained how the Commission could address option 3.

Discussion was held regarding a Master Planned Development and a motion.

Commissioner Lewis **moved** to approve the proposed Preliminary Plat for Old Mill Estates based on the following findings and subject to the following conditions:

Findings

1. That the proposed Plat conforms to the standards for Master Planned Developments in the R-1-15 zone.
2. That a full access onto Mill Road is necessary to:
 - a. Provide public safety personnel access to the neighborhood.
 - b. To establish access to adjacent neighborhoods to create interconnectivity.
 - c. To facilitate reasonable traffic patterns without putting traffic onto existing roads.

Conditions

1. That they meet the City's construction and development standards.
2. That the applicant complete the SESD buyout.
3. That the applicant work with the Electric Department on power issues.
4. That the applicant work out a lift station agreement with Salem City.
5. That a full City street open access be constructed onto Mill Road.
6. That the number of units be limited to 56.
7. That access be created through Academy Park, onto Mill Road, and onto Arrowhead Trail.

Commissioner Christianson **seconded** and the motion **passed** all in favor by a roll call vote.

Budgetary Impact:

Given development that exists or is occurring in the immediate vicinity, staff anticipates no significant budgetary impact with the proposed amendment and plat.

Alternatives:

As access onto Mill Road seems to be the main discrepancy between staff's recommendation and the applicant's plans, staff notes that the Council has the ability to recommend approval with or without access onto Mill Road and may approve the development as a Master Planned Development or require that all zoning standards be adhered to.

Recommendation:

Staff recommends that the City Council recommend that the City Council approve the proposed Preliminary Plat for Old Mill Estates based on the following findings and subject to the following conditions:

Findings:

1. That the proposed Plat conforms to the standards for master Planned Developments in the R-1-15 Zone.
2. That a full access onto Mill Road is necessary to:
 - a. provide public safety personnel access to the neighborhood.
 - b. to establish access to adjacent neighborhoods to create interconnectivity.
 - c. to facilitate reasonable traffic patterns without putting traffic onto existing roads.

Conditions:

1. That they meet the City's construction and development standards.
2. That the applicant complete the SESD buyout.
3. That the applicant work with the Electric Department on power issues.
4. That the applicant work out a lift station agreement with Salem.
5. That a full City street open access be constructed onto Mill Road.
6. That the development include no more than 56 lots.

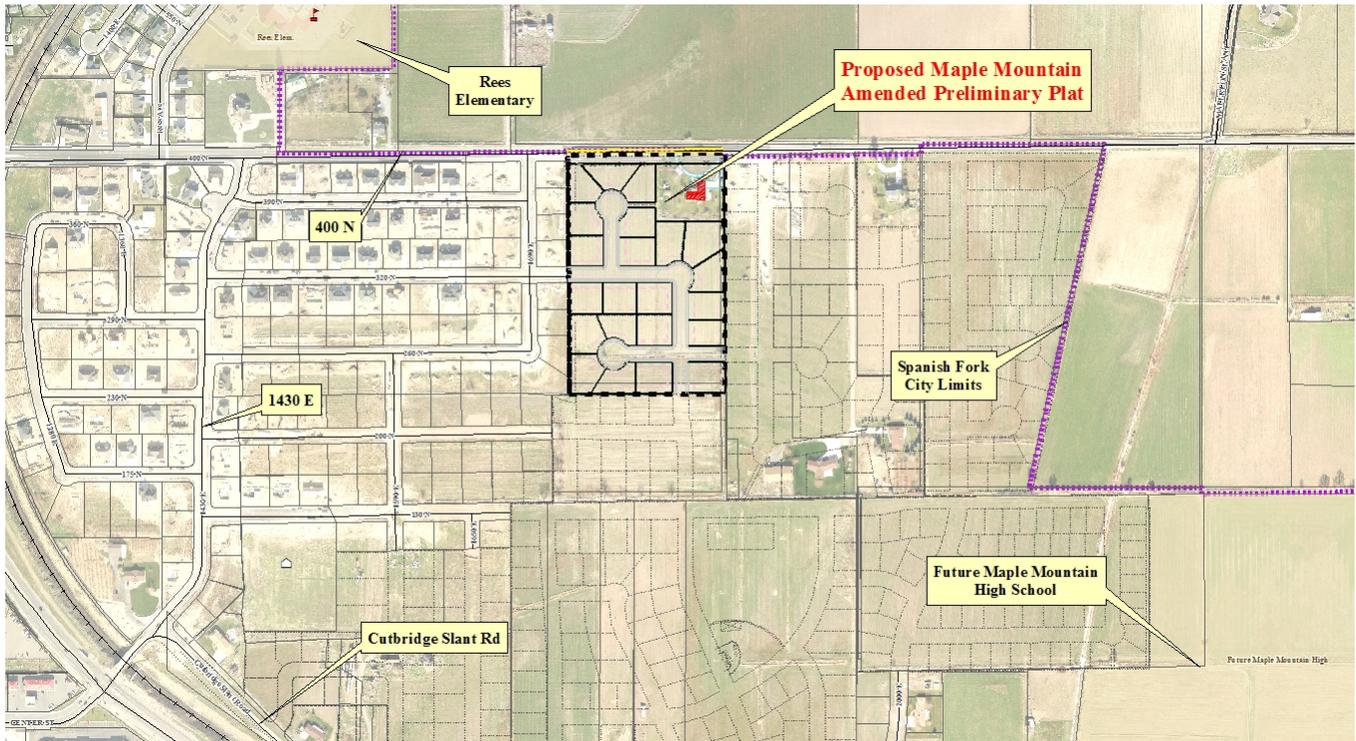
SPANISH FORK CITY
Staff Report to the City Council



Agenda Date: October 16, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Maple Mountain Amended Preliminary Plat

Background Discussion:

The applicant, Dave Grotegut, is requesting Amended Preliminary Plat approval for a 12.59-acre parcel located at approximately 1800 East 400 North. The property is zoned R-1-12. The General Plan designates the property as Residential 2.5 to 3.5 units per acre. This property is part of the Maple Mountain Master Planned Development that was approved within the last year.



The proposed amendment impacts the northernmost portion of the Maple Mountain Master Planned Development. The applicant is proposing to have one cul-de-sac redesigned so as to include a private lane of some type to a lot that an existing home is located on. The applicant has represented that he desires the amendment so as to keep more property with his home and to maintain an opportunity to develop an

additional lot at some point in the future. Three main issues exist with this proposed amendment to the Preliminary Plat. First, it should be asked whether the proposed design is an improvement over the approved design. Second, the inclusion of the private lane and potential of adding an additional lot should be considered. Third, it is staff's view that with this amendment, a phasing schedule for the entire development should be approved.

Relative to the phasing schedule, staff has met with Dave Simpson and Brent Bowers, representatives of companies that will develop the majority of the Maple Mountain Development. Both of those parties have agreed in concept to a phasing schedule that would provide for the dedication and construction of the public facilities in a timely manner. The principle concerns for staff are the trails and parks; these items are a particular concern in the case of this development as considerable bonus density was awarded for those items.

The Development Review Committee

The Development Review Committee reviewed this proposal in their September 19, 2007 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

Maple Mountain

Applicant: Dave Grotegut

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-12

Location: approximately 1800 East 400 North

Mr. Anderson explained the part of the plat that is proposed to be amended. He has a concern with the flag lot and explained that flag lots are not allowed in new subdivisions.

Discussion was held regarding the different versions that have been presented in the past and whether or not an electronic version was available.

Mr. Anderson explained he felt a phasing schedule for the whole Maple Mountain development needed to be provided as part of this amendment. He said that Mr. Baker and himself met with Dave Simpson and Brent Bowers and discussed getting a phasing schedule on the multi-family part at the south end to make sure that the trail head park is constructed with that part of the project; so that the big amenities that were proffered in exchange for bonus density actually get dedicated to the City on an appropriate time frame. He feels the current approved version of the plat is a better design. This particular portion of the development contains the trail on 400 North. There is some concern about making sure that it gets dedicated to the City in a timely way.

Mr. Baker likes the amended proposal better because the streets are straight. He agreed with Mr. Anderson that the flag lot should be eliminated and the need for a phasing schedule for the entire project.

Mr. Heap said that the little alley way could not go to a building lot.

David Grotegut

Mr. Grotegut explained why he wants the flaglot. He would like to maintain the option of developing a second lot next to his in the future. The other reason being that a connector's agreement that Ivory Homes has on 400 North and that they would like Mr. Grotegut to pay for all of the utilities that they put. This being the case, he plans on taking the sewer line from his house through the lane into the cul-de-sac and the lane would be his easement and right-of-way and also give him access to his property.

Mr. Heap said that a utility easement would already be in the area where the lane is and that a lane would not need to be there for Mr. Grotegut to run his sewer line.

Mr. Grotegut said that the lane would give him the option of developing another lot in the future. He feels that the Haycock's property is an example like his.

Mr. Baker said that the City could not approve the plat the way it is because it does not meet City standards

Mr. Grotegut explained that in talking with Richard Nielson that Mr. Nielson thought it was a good idea to stub a road off of the cul-de-sac.

Mr. Nielson said in his opinion it was a good idea to have an access that was not on 400 North whether or not a future lot was constructed. He feels as 400 North becomes busier it is good to have an alternate access.

Mr. Anderson feels that the motivation is to allow for the construction of an additional lot. He explained that the development was approved for the maximum number of units and that no additional density can be added.

Mr. Nielson agreed. He just feels that another access besides 400 North is a good idea.

Mr. Anderson feels that if that is the goal, that the previous layout would accommodate that type of an arrangement far better than a design with a flaglot.

Mr. Grotegut said that particular goal gave up property that he is not willing to give up and that is the reason for the amendment. He did not see the curved plan until 5 days before the City council meeting and that an arbitrary decision was made at that meeting that they would go with the curve but upon physically measuring the property the amount of property it would take from his existing lot.

Mr. Anderson told Mr. Grotegut that he felt the decision was not an arbitrary decision at the City Council; that the Mr. Grotegut and the City Council were well aware of what was being approved.

Mr. Grotegut said that he was not arguing that point; it was an arbitrary decision for him to make and that he made the wrong decision. He feels that the DRC never reviewed the curved option.

Mr. Heap said that having access to Mr. Grotegut's property from the cul-de-sac via a lane for another access other than 400 North is a good idea and that he agreed with Mr. Nielson. Whether or not it was a curved road or a lane that another access would be good. When this is all built out and Mapleton is coming through and the shopping areas are in 400 North will not be a very good access.

Mr. Baker said in looking at where the lane is that it isn't even on the driveway side.

Mr. Heap agreed but said that they could get it to there and make it work if they wanted to.

Mr. Anderson said that he completely agreed with what Mr. Heap said and that on the original redlines the recommendation on this project had to do with the City precluding access to the existing house as was the same with the existing Haycock house further to the east and onto 400 North. If that is a priority for the City then the development should be designed so as to have them provide access to those dwellings from the interior streets. If that was what was trying to be accomplished with the flaglot and if access is going to be precluded on 400 North than he agrees; however, the applicant's comments make it clear that he intends to propose an additional lot and that he has no plans to access the existing home via the cul-de-sac. It's clear that the proposal is for an access to an additional lot and not the primary access to the existing home and, in his opinion, does not meet the City's ordinances.

Mr. Grotegut said that he does not feel that it is an access to another lot that he is not even considering it at this point in time. He explained that it is where access to all of his utilities will be that there might be an easement there but he would like access as well.

Mr. Anderson asked if the access to 400 North would cease if access from the cul-de-sac were to be granted. Mr. Heap and Mr. Grotegut said that it would not.

Discussion was held regarding, access to the existing house for fire protection, fire hydrants, and public safety.

Mr. Peterson said that the only power issues were the SESD power buyout and that Marlo had the numbers for Mr. Grotegut that included his development.

Mr. Grotegut feels that all of the electrical for his development would come via Sunny Ridge.

Discussion was held regarding the power buyout and what it involves.

Mr. Heap asked the Committee for further discussion on the curved option.

Mr. Grotegut said that the curved option will not be an option and if he needs to come back with other options than he will.

Mr. Baker likes this layout better. He understands the access and does not like it. He feels that a phasing plan for all of the amenities needs to be addressed.

Mr. Nielson likes the straight road better but that either option from a development stand point will work fine.

Mr. Banks agreed with Mr. Nielson.

Mr. Anderson said for the record that he views the proposal as a flag lot and because of that he does not believe it conforms to the City's standard.

Mr. Nielson disagrees where there is frontage on 400 North.

Discussion was held regarding the lane to Mr. Grotegut's property.

Mr. Baker said that max density has been met and that a lot will not be allowed. The question is whether or not anyone will remember down the road in the future.

Mr. Anderson said regarding phasing in speaking to Dave Simpson and Brent Bowers that at some point in time with phase C & D of the Maple Mountain project the trail would be constructed and dedicated.

Discussion was held regarding phasing, the park amenity, trails, and private amenities.

Mr. Rosenbaum feels that the road accessing Mr. Grotegut's property from the cul-de-sac instead of the road being 20 feet setting the City up for a difficult issue maybe it could be reduced to 10 feet that way if the issue is access than 10 feet would be sufficient and that it needs to be maintained.

Discussion was held regarding the road width and maintenance.

Discussion was held regarding the improvements on 400 North and that they are done with Plat C.

Mr. Baker **moved to approve** the Maple Mountain amended Preliminary Plat located at approximately 1800 East 400 North with the design as was presented with the following conditions:

Conditions

1. That the access from the cul-de-sac to the existing home be 12 feet wide and asphalted.

2. That the phasing take place.
3. That the improvements on 400 North be done with Plat C of the overall project.
4. That the area shown in green on the far east of the project the large park be done with the second phase of the overall project.
5. That the park at the south end by the railroad tracks be done when the next phase of the town homes comes in.
6. All of the conditions of the original approval be met.

Mr. Peterson **seconded** and the motion **passed** by a roll call vote. Mr. Anderson voted nay because he feels the design is of lesser quality and the inclusion of the lane is a mistake.

Planning Commission:

The Planning Commission reviewed this request in their October 3 meeting and recommended that it be approved. I note that there is some question about the motion the Planning Commission made and whether condition 1 should read 12 or 20 foot access. Staff is reviewing the Planning Commission meeting to clarify this point and will have an update ready by your meeting. Draft minutes from that meeting read as follows:

Maple Mountain Amended

Applicant: Dave Grotegut

General Plan: Residential 2.5 to 3.5 units per acre

Zoning: R-1-12

Location: approximately 1800 East 400 North

Mr. Anderson gave background and explained the proposal.

Chairman Robins asked about the stub road and if it was going to be the main access to the lot.

Mr. Anderson explained the density sealing and that an additional lot would not be allowed under the current standards.

Commissioner Lewis asked why they should support this.

Mr. Anderson explained the Development Review Committee's recommendation.

Commissioner Christianson asked Mr. Anderson if he viewed the lot to be a flag lot.

Mr. Anderson explained that the applicant represented his desire to construct a flag lot.

Discussion was held regarding street dedication.

Chairman Robins asked Mr. Grotegut about the access.

David Grotegut

Mr. Grotegut said that the plat he is asking for is the same as was presented before. He then explained that he received a copy of the plat that the City Council approved 5 days before the meeting. He did not realize until physically measuring his property it would take so much.

Commissioner Christianson asked about granted density based on the amenities and they would not be able to add an additional lot.

Ms. Johnson believes that they are maxed out on the density. She then read the flag lot ordinance. And that it would be a flag lot and would not be allowed.

Mr. Grotegut explained the staff's condition that would take away the frontage on 400 North.

Chairman Robins asked if there could ever be a flag lot.

Mr. Nielson said that an amendment to the plat would have to take place.

Mr. Grotegut feels that any house that would be put on that lot would face 400 North. He said that he realizes it is a flag lot today but perhaps in the future it could conceivably be made into a lot.

Chairman Robins asked how much money it would save him to run the utilities down the lane instead of to 400 North.

Mr. Grotegut explained the utility issues.

Mr. Anderson explained that the lane would not be needed to run the utilities in a public utility easement.

Commissioner Lewis feels that the phasing is good but does not support this proposal.

Commissioner Christianson feels that the original approval was better.

Discussion was held regarding tabling the development.

Mr. Grotegut feels that this configuration without the future lot is what was approved one year ago. The lane was the solution to have the future lot.

Commissioner Lewis does not feel that this proposal should be approved with a flag lot.

Mr. Grotegut explained the size of his lots and why he plated the way he did.

Discussion was held regarding the future of a lot, action on this proposal, a 20-foot lane, future of a flag lot,

Commissioner Huff **moved** to **approve** the proposed amended Preliminary Plat for Maple Mountain subject to the following conditions:

Conditions

1. That the access from the cul-de-sac to the existing home be 12 feet wide and asphalted.
2. That the phasing take place.
3. That the improvements on 400 North be done with Plat C of the overall project.
4. That the area shown in green on the far east of the project, the large park, be done with the second phase of the overall project.
5. That the park at the south end by the railroad tracks be done when the next phase of the town homes comes in.
6. All of the conditions of the original approval are met.

Commissioner Robins **seconded** and the motion **passed** by a roll call vote. Commissioner Lewis voted nay. He feels that a flag lot has just been created and it is poor planning. Approve with an additional lot or leave it be.

Budgetary Impact:

For purposes of this report, staff simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Recommendation:

Staff recommends that the City Council approve the amended Preliminary Plat for Maple Mountain subject to the following conditions:

Conditions

1. That the access from the cul-de-sac to the existing home be 12 feet wide and asphalted.
2. That the phasing take place.
3. That the improvements on 400 North be done with Plat C of the overall project.
4. That the area shown in green on the far east of the project the large park be done with the second phase of the overall project.
5. That the park at the south end by the railroad tracks be done when the next phase of the town homes comes in.
6. That All of the conditions of the original approval be met.

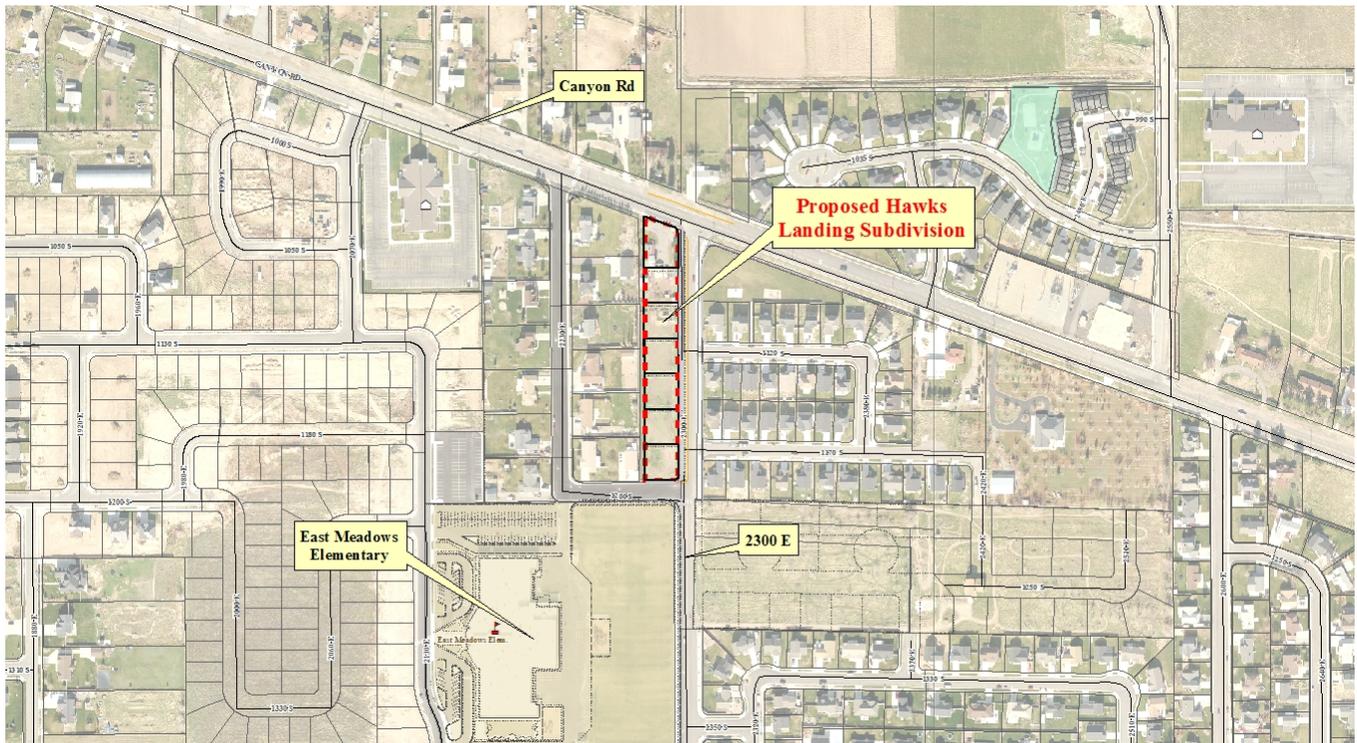
SPANISH FORK CITY
Staff Report to the City Council



Agenda Date: October 16, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Hawks Landing Preliminary Plat Approval Request

Background Discussion:

The applicant, Brad Myler, is requesting Preliminary Plat approval for a 1.463-acre parcel located at approximately 2300 East Canyon Road. The property is zoned R-1-8. The General Plan designates the property as Residential 4.5 to 5.5 units per acre.



Details

The proposed Preliminary Plat is a standard subdivision that contains 7 lots. There is one existing home on the subject property. All of the proposed lots meet the City's standards for subdivisions in the R-1-8 zone.

Development Review Committee

The Development Review Committee reviewed this request in their September 26, 2007 meeting and recommended that it be approved. Draft minutes from that meeting are provided below.

Hawks Landing

Applicant: Brad Myler

General Plan: Residential 4.5 to 5.5 units per acre

Zoning: R-1-8

Location: 1278 South 800 East

Mr. Anderson explained the proposal.

Mr. Peterson explained that to get City power to the subdivision it would have to cross 2300 East.

Discussion was held regarding the intersection at Canyon Road and squaring up the roads.

Mr. Baker **moved** to recommend to the City Council **approval** of the Preliminary Plat for Hawks Landing located at 1278 South 800 East subject to the following conditions:

Conditions

1. That the applicant meet the City's construction and development standards.
2. That the applicant pay applicable connection fees contracts.

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

Planning Commission:

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

Hawks Landing

Applicant: Brad Myler

General Plan: Residential 4.5 to 5.5 units per acre

Zoning: R-1-8

Location: 1278 South 800 East

Mr. Anderson explained the proposal and gave background.

Chairman Robins asked if the driveways pose a safety concern.

Mr. Nielson feels that t-driveways would be safer but cannot remember if it was a condition of the original approval.

Commissioner Christianson **moved** to **approve** the proposed Preliminary Plat for Hawks Landing based on the following finding and subject to the following conditions:

Finding

1. That the proposed Preliminary Plat conforms to the City's standards for development in the R-1-8 zone.

Conditions

1. That the applicant meet the City’s construction and development standards.
2. That the applicant pay applicable connection fees.
3. That t-driveways be used on all lots.

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

Budgetary Impact:

The development of this property will likely not have a substantial impact on the City’s budget.

Alternatives:

The proposed Preliminary Plat is a standard subdivision that meets the City’s requirements in the R-1-8 zone. As such, the City has little ability to compel the applicant to modify his proposal. In this case, staff does not believe modifications to the Plat are necessary or that changes would enhance the project.

Recommendation:

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

Finding:

1. That the proposed Preliminary Plat conforms to the City’s standards for developments in the R-1-8 zone.

Conditions:

1. That the applicant meet the City’s construction and development standards.
2. That the applicant pay applicable connection fees contracts.
3. That t-driveways be required on all lots.

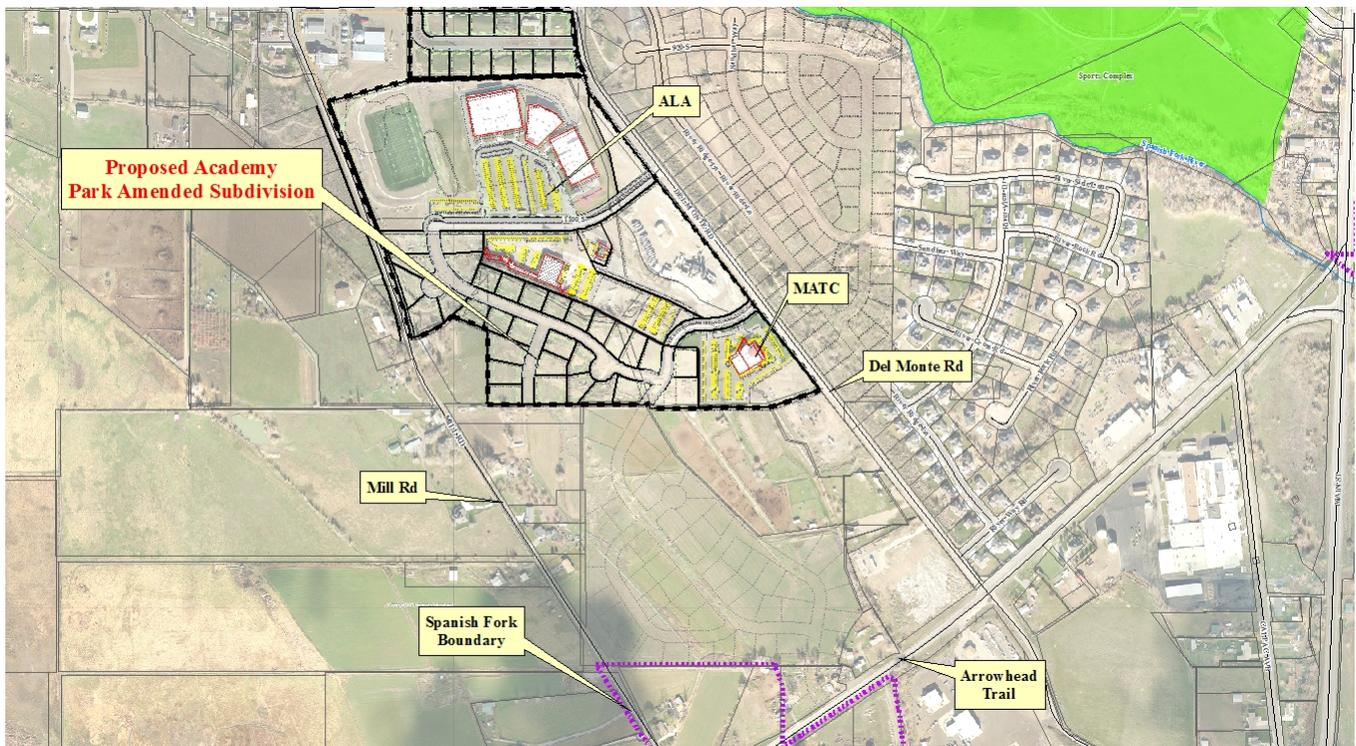
SPANISH FORK CITY
Staff Report to the City Council



Agenda Date: October 16, 2007
Staff Contacts: Dave Anderson, Planning Director
Reviewed By: the Development Review Committee
Subject: Academy Park South Preliminary Plat Approval Request

Background Discussion:

The applicant, Glenn Way, is requesting Amended Preliminary Plat approval for a 16.54-acre parcel located at approximately 1200 South Del Monte Road.



Details

The proposed Preliminary Plat is a standard subdivision that contains 31 lots, one lot less than what the development was originally approved for. The proposed lots all meet the development requirements of the R-1-15 zone. This amendment is proposed so as to allow for a connection between the Old Mill Estates development and Del Monte Road. This connection has been something of a priority for the City due to concerns about the condition of Mill Road and its suitability as an access for new development.

Development Review Committee

The Development Review Committee reviewed this request in their November 29, 2006 meeting and recommended that it be approved. Draft minutes from that meeting are provided below.

Academy Park Plat B

Applicant: US Charter Development LLC
General Plan: Residential 1.5 to 2.5 units per acre
Zoning: R-1-15
Location: approximately 1200 South 800 West

Mr. Anderson gave background and explained the reason for the amendment is to make the adjustment on the streets so as to allow an access from the Old Mill Estates project to connect to Del Monte.

Discussion was held regarding the final plat, roads, power, utilities, and a bond.

Mr. Anderson **moved** to recommend **approval** of the amended Academy Park Plat B Preliminary Plat located at approximately 1200 South 800 West subject to the following conditions:

Conditions

1. The applicant getting the electronic file to Shawn Beecher.
2. The applicant submitting three (3) full size copies of the corrected plans for the City's files; upon approval by the City Council.
3. The SESD buyout and any other concerns that the Power Department have be addressed prior to recordation of any plats.

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

Planning Commission:

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

Academy Park Plat B Amended

Applicant: US Charter Development LLC
General Plan: Residential 1.5 to 2.5 units per acre
Zoning: R-1-15
Location: approximately 1200 South 800 West

Mr. Anderson explained the proposal and that the reason for the amendment was to accommodate the Old Mill Estates proposal in obtaining access to Del Monte road. He said at present there is not a connection between Del Monte and Mill Road except 900 South and Arrowhead Trail and feels that connectivity between subdivisions is important and there should be access onto Mill Road.

Commissioner Christianson asked about the Tingey property.

Mr. Anderson said that he was not aware of any proposed development for the Tingey property and explained the street issues in the area.

Discussion was held regarding streets.

Glenn Way

Mr. Way explained that he was perfectly okay with their original plat approval but was willing help the City and developer even though it has held up their development. He feels that there is a lot of history but would like to move forward.

Ms. Rasband asked why there was not going to be an access onto Mill Road and why all of the traffic would be dumping onto Del Monte. She feels that the cement trucks and the lack of sidewalks on Del Monte make it just as unsafe as Mill Road. She feels that an access could be granted to Mill Road. She explained there is only one access out of Quail Hollow but that the folks on Mill Road have more than one access. She feels that developers should not be allowed to pocket so much profit.

Genie Barclay

Ms. Barclay feels that she has been living through all of the growth. She is aware that an independent study done on Mill Road deemed that it could handle the traffic. She feels that access onto Del Monte is fine if an access onto Mill Road is allowed.

Chris Dixon

Mr. Dixon has concerns with traffic on Del Monte road. He feels that traffic will increase on Del Monte. He feels that there needs to be a bigger solution.

Chairman Robins asked if Mr. Dixon was at some of the City meetings in the past.

Mr. Dixon feels that Del Monte is over utilized and offered suggestions for other ingress and egress.

John Buis

Mr. Buis expressed his favor for growth. He feels that infrastructure needs to be studied in depth more. He feels that Quail Hollow can make the same argument of safety as the people can on Mill Road.

Richard Muhlstein

Mr. Muhlstein is blind and lives on Mill Road and feels that he does have issues when he is about hit when he walks to get his mail. He feels that the State needs to get a traffic light constructed at the intersection on Del Monte and Arrowhead Trail.

Mr. Way clarified that the City does not build streets or sidewalks. He explained where sidewalks would be completed (within 8 weeks) with regard to his project. He explained the state has authorized a signal on Del Monte and Arrowhead Trail in the spring of 2008.

Commissioner Christianson **moved** to **approve** the proposed Preliminary Plat Academy Park South based on the following finding and subject to the following conditions:

Finding

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

Conditions

1. That the applicant get the electronic file to Shawn Beecher.
2. That the applicant submitting three (3) full size copies of the corrected plans for the City's files; upon approval by the City Council.
3. That the SESD buyout and any other concerns that the Power Department have be addressed prior to recordation of any plats.
4. That all of the conditions from the original Preliminary Plat approval be met.
5. That this approval be conditioned upon the approval of the Preliminary Plat for Old Mill Estates.

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

Budgetary Impact:

Staff simply notes that the long term cost to serve residential development generally exceeds anticipated revenue.

Alternatives:

The proposed Preliminary Plat is a standard subdivision that meets the City's requirements in the R-1-15 zone. As such, the City has little ability to compel the applicant to modify his proposal. In this case, staff does not believe modifications to the Plat are necessary or that changes would enhance the project.

Recommendation:

Staff recommends that the City Council approve the proposed Preliminary Plat for Academy Park South based on the following finding and subject to the following conditions:

Finding:

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

Conditions:

1. The applicant getting the electronic file to Shawn Beecher.
2. The applicant submitting three (3) full size copies of the corrected plans for the City's files; upon approval by the City Council.
3. The SESD buyout and any other concerns that the Power Department have be addressed prior to recordation of any plats.
4. That all of the conditions from the original Preliminary Plat approval be met.

attachments: approved Preliminary Plat
proposed amended Preliminary Plat

Currently approved Preliminary Plat:



Proposed Amended Preliminary Plat:



Memo

To: Mayor & City Council
From: Richard Heap, Public Works Director/City Engineer
Date: October 12, 2007
Re: Shop Wells Filter Building Bid Tabulation

Staff Report

The current budget includes \$100,000 to construct a building around the filters at the "Shop Well" located in the east parking lot at the Spanish Fork Fairgrounds. This building would house the filters that remove the iron content from the well water before it is pumped into the pressurized irrigation system. The iron from this and other wells was the cause of yellow stains on concrete, fencing and other structures which received over spray from sprinkler systems.

During the design phase of the building the Parks and Recreation Department requested that the Engineering Department determine the cost to increase the size of the building to provide some much needed equipment storage at the Fairgrounds. To provide this we bid out an alternate bid item to increase the size of building from 2,000 square feet to 3,000 square feet. The low bids came in at \$102,880 for the smaller building and \$114,520 for the larger, or \$11,640 more for an additional 1,000 square feet of building (\$11.64 per square foot). See the attached bid tabulation.

Fish Construction was the low bidder for both the smaller and larger buildings. Fish Construction has constructed 3 similar buildings for the city and has done a good job on all 3 buildings. We therefore recommend that the council approve the proposal by Fish Construction to construct the larger building. If the council does approve this proposal the Parks and Recreation Department will submit \$15,000 in the next budget revision for their portion of the building.

Attached: Plan Layout and Contract Documents

Bid #SFC-10579 - Shop Well Filter Building - 2007 Project

Creation Date Sep 26, 2007

End Date Oct 11, 2007 3:00:00 PM MDT

Start Date Sep 27, 2007 9:55:51 AM MDT

Awarded Date Not Yet Awarded

SFC-10579-1-01 40'X50' Metal Building					
Vendor	Unit Price	Qty/Unit	Total Price	Attch.	Docs
Fish Construction [Ad]	First Offer - \$102,880.00	1 / lump sum	\$102,880.00		Y
Agency Product Code: Agency Notes:		Supplier Product Code: none Vendor Notes: Time of Completion: 7:37 pm			
Ridgeline Development Inc.	First Offer - \$122,124.00	1 / lump sum	\$122,124.00		Y
Agency Product Code: Agency Notes:		Supplier Product Code: Vendor Notes: Time of Completion: 3/1/08 Our intention is to complete this project in 2007 weather permitting, We also have alternate plans for a steel/wood building that can be finished this year and would like to discuss this lower cost option.			
Wasatch West Construction [Ad]	First Offer - \$123,906.00	1 / lump sum	\$123,906.00		Y
Agency Product Code: Agency Notes:		Supplier Product Code: Vendor Notes: Time of Completion: Before March 31,2008			
RM DAVIS CONST.	 First Offer - \$138,254.00	1 / lump sum	\$138,254.00		Y
Agency Product Code: Agency Notes:		Supplier Product Code: Vendor Notes: Time of Completion:			

SFC-10579-1-02 50'X60' Metal Building					
Vendor	Unit Price	Qty/Unit	Total Price	Attch.	Docs
Fish Construction [Ad]	First Offer - \$114,520.00	1 / lump sum	\$114,520.00		Y
Agency Product Code: Agency Notes:		Supplier Product Code: none Vendor Notes: Time of Completion: 7:39 pm			
RM DAVIS CONST.	 First Offer - \$146,372.00	1 / lump sum	\$146,372.00		Y
Agency Product Code: Agency Notes:		Supplier Product Code: Vendor Notes: Time of Completion:			
Wasatch West Construction [Ad]	First Offer - \$148,805.00	1 / lump sum	\$148,805.00		Y
Agency Product Code: Agency Notes:		Supplier Product Code: Vendor Notes: Time of Completion: Before March 31, 2008			
Ridgeline Development Inc.	First Offer - \$154,744.00	1 / lump sum	\$154,744.00		Y
Agency Product Code: Agency Notes:		Supplier Product Code: Vendor Notes: Time of Completion: 3/1/08 Our intention is to complete this project in 2007 weather permitting, We also have alternate plans for a steel/wood building that can be finished this year and would like to discuss this lower cost option.			

NORTH
NAD83
NAVD88



SPANISH FORK CITY
40 SOUTH MAIN STREET
SPANISH FORK, UT 84660
(801) 798-5000



SHOPS WELL FILTERS BUILDING

50' X 60' BUILDING OR
40' X 50' BUILDING

SITE PLAN

BY	DATE	REVISION

NORTH
NAD83
NAVD88



HORIZ 1"=100'

DRAWING 4
4 OF 4

- EXISTING SEWER MAINS
- EXISTING PI MAINS
- EXISTING POWERLINES
- EXISTING WATER MAINS
- PROPOSED BUILDING