



## **CITY COUNCIL AGENDA**

PUBLIC NOTICE is hereby given that the City Council of Spanish Fork, Utah, will hold a regular public meeting in the Council Chambers in the City Office Building, **40 South Main Street**, Spanish Fork, Utah, commencing at **6:00 p.m. on February 19, 2008.**

### 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. \* North Springs Business Park Amended Preliminary Plat
- b. \* Title 15 Change

#### **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 – February 1&2, 2008; February 5, 2008

#### **6. ADJOURN TO RDA MEETING:**

#### **7. NEW BUSINESS:**

- a. \* Appeal Authority - Staff Denial of Billboard Building Permit – Jamie Evans
- b. SFCN Rate Changes – John Bowcut
- c. \* River Bottoms Annexation Acceptance
- d. Fee In Lieu of Water Rights – Richard Heap
- e. Kite Festival Proposal – Dale Robinson
- f. Appointment of Boards and Committees - Mayor

#### **8. OTHER BUSINESS:**

### ADJOURN:

\* Supporting documentation is available on the City's website [www.spanishfork.org](http://www.spanishfork.org)

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.



# REPORT TO THE CITY COUNCIL NORTH SPRINGS BUSINESS PARK PRELIMINARY PLAT AMENDMENT

**Agenda Date:** February 19, 2008

**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** Development Review Committee

**Request:** The applicant, Scenic Development, is requesting that their approval for the North Springs Business Park Preliminary Plat be amended so as to reduce the number of lots and modify the street design.

**Zoning:** Industrial 1

**General Plan:** Light Industrial

**Project Size:** 9.3 acres

**Number of lots:** 5

**Location:** 3450 North Main Street

## Background Discussion

The original approval for the North Springs Business Park Preliminary Plat was granted on June 20 of 2006. Since that time, the applicant has received Final Plat approval. Nonetheless, the applicant would now like to modify the design of the subdivision and is, therefore, requesting that the Preliminary Plat approval be amended.

The proposed changes are relatively minor, as the applicant would like to reduce the number of lots from 8 to 5 and to replace a cul-de-sac with a hammerhead turnaround.

The proposed Amended Preliminary Plat meets the City's requirements for subdivisions in the Industrial 1 zone. As such, the Development Review Committee recommended that the proposed Preliminary Plat Amendment be approved on January 30, 2008.

A copy of the proposed Preliminary Plat is attached to this report while the attached images with the aerial photographs include the design of the original approval.

The Planning Commission Reviewed this request in their February 6, 2008 meeting and recommended that it be approved.

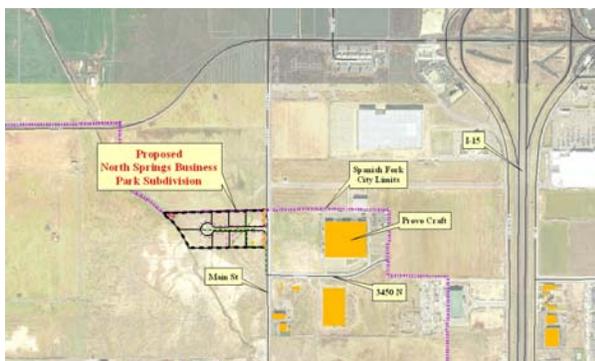
## Budgetary Impact:

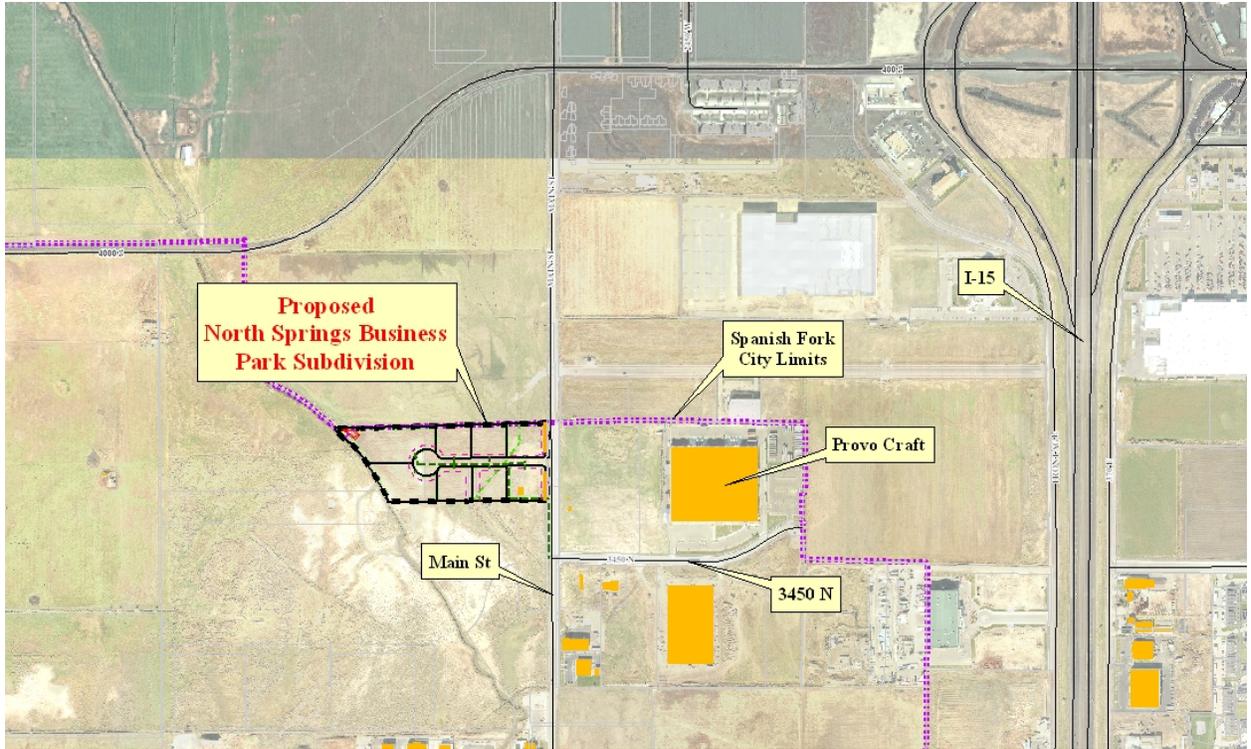
There is no anticipated budgetary impact with the proposed Preliminary Plat amendment.

## Recommendation:

Staff recommends that the City Council approve the Preliminary Plat Amendment subject to the following conditions:

1. That the applicant meet all conditions of the original approval.
2. That all improvements be installed according to City standards.









# REPORT TO THE CITY COUNCIL TITLE 15 AMENDMENTS

**Agenda Date:** February 19, 2008

**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** Development Review Committee

**Request:** The proposal involves amending Title 15 of the Municipal Code. The most significant aspect of the proposed changes involves updating submittal requirements for developments.

**Zoning:** not applicable

**General Plan:** not applicable

**Project Size:** not applicable

**Number of lots:** not applicable

**Location:** city wide

## Background Discussion

The proposed changes involve updating Title 15 so as to outline by ordinance what the submittal requirements are for new developments. More particularly, the proposed changes are additions to requirements that already exist. The most significant additions include requirements for Traffic Studies, Wetland Delineations and Geotechnical Studies. Relative to these items, the proposed language does allow the City Engineer to waive the submittal requirement.

The other changes are, in staff's view, quite minor and in essence would simply bring the ordinance into conformity with the day to day practice of the City.

The proposed changes are provided below with the additions in bold red and deletions in strike-throughs, the page numbers precede the sections that are proposed to be modified:

15-13

### **15.3.08.050. Amendments to the Zoning Ordinance -- Text and Maps.**

#### **A. General:**

Amendments to this Zoning Ordinance which change property from one zoning district to another, which modify ordinance text, or which amend or modify stipulations or conditions of approval shall be adopted in accordance with this section.

#### **B. Application:**

Applications shall be filed with the City Planner on a form provided by the City. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and proposed use that will help the **City** ~~DRC and Commission~~ properly evaluate the request. The specific information to be included with the application is described on the application form.

15-41

### **15.4.04.070. Form and Content of Preliminary Plats.**

Each preliminary plat shall be accompanied by a

filing fee in the amount established by the City Council in the annual budget. Each preliminary plat of a subdivision shall contain the following information:

1. The proposed name of the subdivision;
2. The names and addresses of the Developer, the Civil Engineer of the subdivision, and other persons to whom notice of the hearing to be held by the Council should be sent;
3. The names of all adjacent subdivisions and property owners;
4. The location of the subdivision as a part of some larger subdivision or tract of land referred to in the records of the county recorder. In such case, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in light of existing master street plans or other Commission street studies;
5. A tie to a section corner. All horizontal data shall be based on the 1927 North American Datum (NAD27) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on all plat drawings;
6. A contour map with vertical intervals not to exceed two feet. Contours shall be clearly labeled. All vertical data shall be based on the 1929 North American Vertical Datum (NAVD29). Vertical datum shall be written on plat; and
7. Show all existing and proposed streets, alleys, easements, watercourses, fence lines, utilities, buildings, public areas and any other important features within 200 feet of the tract to be subdivided;
8. A table including: total acreage of area proposed for development, **acreage of individual phases**, total acreage in lots, total acreage in open space, percent of open space, total number of lots, density in lots per acre.
9. The date of preparation, a standard engineering scale of not more than 100 feet to the inch, a north arrow, and a vicinity map;
10. A stamp and signature of a Civil Engineer licensed in the state of Utah.

The following documents must accompany the preliminary plat:

1. Soils Report. The Developer must provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design including CBR of existing soils, foundation design, groundwater impacts, and general soil stability.
2. Storm Water Plan. The Developer must provide a detailed storm water plan for the subdivision.

This plan shall include all calculations showing that it meets all the requirements of the Construction Standards.

- 3. Traffic Impact Study performed by a professional engineer licensed in the State of Utah, unless waived by the City Engineer.**
- 4. Wetland Delineation Study, unless waived by the City Engineer.**
- 5. Geotechnical Report performed by a professional engineer licensed in the State of Utah, unless waived by the City Engineer.**

The soils report and storm water plan must be stamped and signed by a Civil Engineer licensed in the state of Utah. In addition to the above, an MPD subdivision packet shall include a project overview, plat drawings, product elevations, landscape plan, description and design of amenities, CC&R's, and soil reports. The description and design of amenities shall include detailed drawings and pictures of proposed playgrounds, open space, trails, streetscapes, architectural variety, fencing, and any other items deemed necessary by the City Planner.

15-42

#### **15.4.04.080. Approval or Disapproval - Procedure.**

Each plat submitted to the City shall be referred to the DRC, for review to insure conformity to the present ordinances and standards, and for adequacy and availability of public facilities. Prior to review with the DRC, the applicant must hold a meeting, inviting all property owners within 500 feet of the proposed project. The notice, names of those invited and those who attended, conceptual drawings, presentation, and minutes from the meeting must be submitted to the planner prior to the DRC meeting.

A. Approval of a preliminary subdivision plat shall not be granted until such time as the applicant has provided information, to the satisfaction of the city engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.

B. The public facilities to which the preceding paragraph applies shall include the following:

1. The city culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity;
2. The city sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines;
3. The city electric power system, including generation, transformation, transmission,

and distribution;

4. The storm water system, including drainage and flood control facilities;

5. Streets and roads, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities;

6. City pressurized irrigation system, including transmission and distribution capacity.

C. The adequacy of public facilities shall be determined in accordance with the Spanish Fork City development standards, the various master plans and the comprehensive general plan of the city, and at the discretion of the city engineer.

In the event that the city engineer determines that adequate public facilities are not available and will not be available by the time of final plat approval, so as to assure that adequate public services are available at the time of

occupancy, the following alternatives may be elected, at the discretion of the city council:

1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the city engineer and by entering into an appropriate form of connector's or development agreement, which may include, as deemed appropriate by the city engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any connectors agreement authorized by this paragraph must be requested within 30 days of the completion and acceptance by City of the improvements.

2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities;

3. Deferring final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or

4. Denying plat approval and allowing the applicant to reapply when adequate public facilities are available.

D. If the plat is not in conformity with the Design and Development Standards or this title, the DRC shall refer it back to the subdivider or developer with a list of items necessary to bring the plat into compliance. If the plat is in conformity, it will be submitted to the Commission with suggestions and comments noted thereon. The Commission may table the matter to further study the issues presented. The

Commission may recommend approval, rejection, or approval with conditions to the city council. After considering the recommendation of the Commission, the Council may approve, reject, or grant approval upon the conditions stated. If approved, the city council shall express its approval with whatever conditions are attached. If any conditions are attached, the preliminary plat shall be amended to reflect such changes and an accurate preliminary plat shall be submitted to the City. Changes made in the preliminary plat by the DRC, Commission, or Council must be made before proceeding to the next step. One 24x36 inch copy, one 11x17 inch copy and a CAD file of the revised plat must be submitted to the **planning department** ~~engineering department~~.

15-43

#### **15.4.04.100. Filing of Final Plats- When.**

Within one (1) year after approval of the preliminary plat or within the time for which an extension to make such filing has been granted, the original tracing shall be submitted to the City, together with the following:

1. **Seven** ~~One~~ 24x36 inch copies of the final plat and construction drawings stapled and folded to a 9 x 12 inch size so the name of the subdivision and plat is visible, the final plat on top;

2. **Two** ~~One~~ 11x17 inch copies of the Final Plat and construction drawings;

Once accepted by the DRC, four 24x36 inch copies and one clearly legible 11x17 inch copy of the plat must be submitted to the engineering department. Two 24x36 inch copies will be retained by the City, the other two 24x36 inch copies will be signed and stamped by the City and returned to the Developer. The Developer must insure that a copy of the signed and approved construction plans is on site at all times during construction. Each final plat shall be accompanied by a filing fee established by the City Council in its annual budget, together with any impact, inspection, testing, connection, or other fees which are due before recording.

15-45

B. Staff Review.

A. An application provided by the city shall be filled out in completeness with all supporting documentation submitted to the **planning department** ~~city engineering department~~.

15-46

MM. Other data or plans or reports deemed necessary by the planning, public works, or fire and police departments.

### **Development Review Committee**

The Development Review Committee reviewed this proposal on January 30, 2008 and recommended that it be approved.

### **Planning Commission**

The Planning Commission reviewed this proposal on February 6, 2008 and recommended that it be approved. As part of the Commission's recommendation, they suggested that a few changes to the proposed text be made. The Commission's recommended changes have all been made in the language provided above.

### **Budgetary Impact**

It is ultimately hoped that these changes will ensure that the City is receiving adequate information at the time of submittal so as to guarantee that new developments are adequately reviewed. Adequate reviews should help the City avoid situations that could be costly for the City to address. With that said, no immediate budgetary impact is anticipated.

### **Alternatives**

The Council has considerable discretion relative to proposed ordinance amendments. In this case, you may approve, deny or approve the proposed amendments with modifications.

### **Staff Recommendation**

Staff recommends that the proposed changes to Title 15 be approved by the City Council.

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**Tentative Minutes**  
**Spanish Fork City Council Budget Training**  
**February 1, 2008**

Elected Officials Present: Mayor Pro Tem G. Wayne Andersen, Richard M. Davis,  
Steven M. Leifson, Jens P. Nielson, Rod Dart

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

Mayor Pro Tem Andersen opened the meeting 10:10 a.m.

**LEGAL**

Junior Baker

Collections

Write Offs – Utility Accounts

Should we raise the amount to \$100.

Councilman Leifson sees no problem raising it up to \$100 because of the cost of the staff  
time to collect it.

Councilman Andersen feels ok with raising it, the rest of the council agreed.

Land Use

Know your law follow your law.

The state and ULCT are contemplating mandatory training for Council's and  
Planning Commission's

Mr. Oyler would like copies for all the Council members of the land use training's from  
the past few years.

Legislative vs. Administrative functions

Council generally act legislatively, with broad discretion

Administrative capacity has limited discretion

Public Clamor was discussed.

Takings

Exactions – must have nexus and proportionality

Development Agreements

Annexation Agreements

47 Plats and Public Hearings  
48 Spanish Fork City takes a minority stance.  
49  
50 The Council stated they were comfortable with keeping our minority stance on the public  
51 hearing for preliminary plats issue.  
52  
53 Mr. Baker asked if we want to continue our practice of two public hearings, or have we  
54 grown to the size that only one public hearing before the Planning Commission will  
55 suffice.  
56  
57 Councilman Leifson feels the public likes the opportunity to come before the council.  
58  
59 Councilman Davis stated that sometimes they bring other issues that did not come before  
60 the Planning commission.  
61  
62 The Council agreed to keep it the same.  
63  
64 Email and Open Meetings  
65 E-mails dealing with city business are discoverable.  
66  
67 Executive Sessions  
68 Three main reasons:  
69 1- Purchase or sale of property  
70 2- Pending or eminent litigation  
71 3- Personnel Issues  
72  
73 **FINANCE AND BUDGET REVIEW**  
74 Kent Clark  
75  
76 North Park  
77 City Park Improvements  
78 Public Improvements  
79 Other Project Infrastructure  
80 Interest on Tenedor Debt  
81  
82 Debt Service  
83 Property Tax  
84 Sales Tax  
85 Utility Rate Comparisons  
86 Impact Fees  
87  
88 Senior Tour Bus  
89  
90 Councilman Leifson likes the idea of giving the money back to the seniors that was  
91 donated and any other expenses need to go back to the people that said there wouldn't be  
92 any expenses.

93  
94 Councilman Andersen feels shop time should be billed as well because it was a cost to  
95 the taxpayers.  
96  
97 Councilman Davis agreed that the money be refunded and the costs incurred be billed to  
98 the owners of the bus.  
99  
100 Councilman Leifson feels it is not fair to the tax payers to say it is not going to cost any  
101 money and then we get bills in the back end. He stated this is not the first time costs have  
102 been incurred when it was said there would be none. He feels someone should be held  
103 accountable for their actions.  
104  
105 Penny Machine  
106  
107 Councilman Leifson feels anytime the city will incur expense, it needs to be discussed in  
108 a Council meeting.  
109  
110 Councilman Andersen feels any money left over after our expenses should go back to the  
111 owner.  
112  
113 Discussion was made regarding the funds involved with the project.  
114  
115 Councilman Andersen directed they give the money back to those who donated it and if  
116 the city has to pay the \$450, let it be a lesson that things need to be brought to the  
117 Council with a proposal and business plan.  
118  
119 RDA Summary Overview  
120 PCA Power Cost Adjuster  
121  
122 The Council agreed that the billing period should go back to monthly instead of annually  
123 like it has been.  
124  
125 Discussion was made regarding smaller rate adjustments starting now so that when the  
126 cost does go up it will not be a huge increase.  
127  
128 Councilman Davis feels they need to go to the monthly and discuss the issue more and  
129 study it.  
130  
131 **PARKS AND RECREATION**  
132 Dale Robinson  
133  
134 Mr. Robinson gave a review of the survey data.  
135 Discussion was made regarding the trails grant funding.  
136  
137 RAP Tax  
138 Arts Council

139 Performing Arts Center  
140  
141 Discussion was made for the need of Council representation on the Arts Council and how  
142 funds will be raised to pay for their plans.  
143  
144 The Council wants the Arts Council to present a viable business plan as to how they can  
145 attain their goals. Funds need to be tracked and approval needs to come from the Council.  
146  
147 Spook Alley  
148  
149 Mr. Robinson gave an option/alternative for the spook alley.  
150  
151 Councilman Andersen read the Mayors feelings on the spook alley.  
152  
153 Councilman Andersen feels they should rely on Elaine Hansen's suggestions for what  
154 they should do.  
155  
156 Councilman Leifson does not feel we should be in the spook alley business especially if  
157 there is someone that wants to do it privately with their own funds.  
158  
159 The Council agreed that the spook alley should go to the private sector and if that does  
160 not work, some of the props be given to the ALA drama department for their effort. As  
161 far as the spook alley, the city no longer wants to operate it.  
162  
163 Harvest Moon Hurrah  
164 The Council feels the festival should continue.  
165  
166 Fiesta Days  
167 Councilman Davis stated he likes the Fiesta Days and Harvest Moon Hurrah, he feels it  
168 keeps the small town atmosphere and is worth it to our community.  
169  
170 Economic Benefit of Events & Tournaments  
171 Kite Festival  
172 There will be a proposal, business plan and cost brought to the Council.  
173  
174 Golf Course  
175 Revenue is up this year in all areas.  
176  
177 Fairgrounds  
178 The County Fair is back August 13-16  
179 The fate of the Auction Barn – Turn it into parking in the location that it is at, then create  
180 a master plan for the whole area.  
181 Grand Stands Condition  
182 North Park Play equipment etc.  
183  
184 Buildings and Grounds

185 New Police Court Building will need more manpower  
186 Proposed Plan for Parks and Recreation to occupy the existing Police Court Building  
187  
188 Shade Tree Commission  
189 Cemetery  
190       Burial Plots  
191       Double Burial Plots  
192  
193 Gun Club  
194 Water Park  
195 Senior Center  
196 Concessions  
197  
198 The meeting adjourned for dinner break at 4:15 p.m.  
199 The meeting was called back to order at 8:30 p.m.  
200

201 **IS DEPARTMENT**

202 John Bowcut

203

204 IS Plans

205       More Online Applications

206       Install and Maintain City Phone System

207       More Online Citizen Services

208       Improved System Security

209 Programmer Analyst

210 Telephone Service

211       The Council would like to look into the idea further.

212 Spanish Fork Community Network

213 Customer Service

214 School District Network

215 Rates

216 Video on demand

217

218 **ADJOURN**

219

220 The meeting adjourned at 10:15 p.m.

221

222

**Tentative Minutes**

223

**Spanish Fork City Council Budget Training**

224

**February 2, 2008**

225

226 Elected Officials Present: Mayor Pro Tem G. Wayne Andersen, Richard M. Davis,

227 Steven M. Leifson, Jens P. Nielson, Rod Dart

228

229 Staff Present: John Bowcut, IS Director; Kent Clark, Finance Director; Dale Robinson,

230 Parks and Recreation Director; Seth Perrins, Assistant City Manager; Dave Oyler, City

231 Manager; Dee Rosenbaum, Public Safety Director; Pam Jackson, Library Director; Dave  
232 Anderson, City Planner; Junior Baker, City Attorney; Richard Heap, Public Works  
233 Director; Kim Robinson, Deputy Recorder

234

235 Citizens Present: Lana Creer Harris,

236

237 Mayor Pro Tem Andersen called the meeting to order at 8:00 a.m.

238

239 **PUBLIC WORKS**

240 Richard Heap

241

242 Water Main Breaks

243 Projected Water Rates

244        Want to see 25% conservation by 2050

245 Sewer Backups

246 Sewer Rates

247 Automated Meter Reading System

248 Sensus Tower Coverage

249 Inspection Contracts

250        RFP Out and see what others can offer.

251 Flood Plain Revision

252 Recycling

253        Options, leave as is, mandatory, voluntary

254 Employee Training

255 Customer Satisfaction Survey

256

257 **PLANNING AND ZONING**

258 Dave Anderson

259

260 Permits

261 Potential Population Growth

262 Growth Boundary

263        Need to get the boundary line agreement implemented again with Mapleton.

264 Planning Commission

265        Work Program

266 Economic development

267 RDA's

268 Tax Increment

269 EDC Utah

270 Airport Planning

271 Council Priorities

272        The plan for the future.

273        Maintain Open Space

274        Have Meeting with Planning Commission to decide vision.

275 Making Life Better

276        RFP for Spanish Fork City

277  
278 The Council took a break at 11:30 a.m. to check out.  
279 The meeting was called back to order at 12:00 p.m.  
280  
281 **LIBRARY**  
282 Pam Jackson  
283  
284 Ms. Jackson explained the change in dynamics of library's.  
285  
286 Word Processing Center  
287 Projected Growth  
288       No more room for shelves  
289       No more desk space  
290       Need another meeting room  
291       Need more storage  
292 Early Literacy Skills  
293 Library Fees  
294 Discussion was made regarding library expansion and parking.  
295  
296 **PUBLIC SAFETY**  
297 Dee Rosenbaum  
298  
299 Fire Station Planning  
300 Special Service District for Animal Control  
301       Fee adjustment of \$25 to help cover costs.  
302       Create a Resolution adjusting the fee.  
303 Fire Department  
304 Ambulance Service  
305 Calls Responded To  
306 Department Secretaries  
307 Crossing Guards  
308 Investigation Division  
309 Patrol Division  
310 Traffic School  
311 False Alarm Charges  
312 Additional Officers  
313  
314 **EMPLOYEE COMPENSATION AND BENEFITS**  
315 Seth Perrins  
316  
317 History of Compensation  
318 Health Benefits  
319  
320 **MEETING REVIEW**  
321  
322 **Public Works**

323 Direction was given to:  
324 Finish up the flood plain study for the river bottoms area.  
325 Get a transportation master plan consultant  
326 Figure out the airport property issues  
327 Move forward with the automated meter system  
328 They will continue new SCADA system and work with SFCN to get fiber to the SCADA  
329

### 330 **Legal**

331 Direction was given to:  
332 Raise the collection amounts from \$50 to \$100  
333 Keep the Public hearing process the same  
334 To work with the Public Safety department to get the false alarm ordinance  
335

### 336 **Planning and Zoning**

337 Direction was given to:  
338 Move forward with the Branding campaign and send out an RFP  
339

### 340 **Library**

341 Direction was given to:  
342 Continue the early literacy programs  
343 Address the room issues  
344

### 345 **Public Safety**

346 Direction was given to:  
347 Create a fee of \$25 for animal pick up  
348 Work on the false alarm ordinance with legal staff  
349 Get the ISO rating  
350

### 351 **Parks and Recreation**

352 Direction was given to:  
353 Create and send out the follow up questionnaire for the recreation master plan  
354 Hold a public draft open house of the recreation master plan  
355 Arts Council – Back Up from the council  
356 To have the Arts Council give the Council a presentation and business plan for a  
357 performing arts center  
358 To discontinue the spook alley and pursue the option of a private operation with an  
359 agreement for usage of inventory, if that does not work they can sell the inventory and  
360 give ALA's drama department a portion of it for their service  
361 Harvest Moon Hurrah, Festival of Lights, and Fiesta Days stay the same and continue  
362 Present a business plan for the kite festival  
363 Start the process of demolition of the auction barn at the fairgrounds  
364 Create a master plan for the fairgrounds area and determine their niche in the market  
365 place  
366 Look into the option of covering the arena with a fabric cover  
367 Look into constructing new grand stands  
368 The projects impact fee will be on hold for now

369 The parks and recreation office will make plans to move into the old police building  
370 Look into doing double deep burial options at the cemetery  
371 Opening of north field area at the cemetery  
372 Price increase for plots and openings and closings with new budget, low in the state  
373 Gun Club use money from lead excavation to purchase 16 traps and sell used ones  
374 Seniors board decide to spend money raised for bus  
375 Return donations on penny machine  
376  
377 **Finance**  
378 Evaluate retiring some of the bond money to PI rates  
379 Financing part of north park, using some reserves  
380 Monthly PCA instead of annual  
381  
382 **SFCN/IS**  
383 Continue hiring programmer analyst  
384 Save money for residents for high speed internet  
385 New rate recommendations for council and do commercials to help explain increases, and  
386 break out HBO and CINEMAX  
387 Add HD channels  
388 Pursue budget costs for purchase of additional facilities  
389  
390 Mr. Oyler appreciates the Councils endurance a lot of material has been covered by staff.  
391 He appreciates all their time to put this together. With the budget there are lots of  
392 requests everyone needs more resources as we grow.  
393  
394 Councilman Leifson appreciates the staff.  
395 Councilman Andersen applauded the staff.  
396 Councilman Dart appreciates the professionalism.  
397 Councilman Davis and Councilman Nielson agreed.  
398  
399 **ADJOURN**  
400  
401 The meeting was adjourned at 3:30 p.m.  
402  
403 **ADOPTED:**  
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Kimberly Robinson, City Recorder

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**Tentative Minutes**  
**Spanish Fork City Council Meeting**  
**February 5, 2008**

Elected Officials Present: Mayor Pro Tem G. Wayne Andersen, Councilmember's Steven M. Leifson, Rod Dart, Richard M. Davis, Jens P. Nielson

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

Citizens Present: Richard V. Harris, Jason McGill, Chris Andreason, Alex *Illegible*, Andrea Rawle, Eric Kitchen, Adrea Beardall, Danny Davis, Michael G. Davis, Adrienne Ballif, Pat Parkinson, Jen Allen, Nicole Petersen, Jennifer Lowe, Jonathan Cole, Lana Creer Harris, Whitney Sanders, Alex Sanders, Bryce Taylor, Haylie Hansen, Brent Money, Steven Hansen, Golden Money, Tyler Barney, Jordan Stephens

**CALL TO ORDER, PLEDGE:**

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

Councilman Davis led in the pledge of allegiance.

**Employee of the Quarter**

Angie Jackson was recognized as employee of the quarter. The Council and staff appreciates the work that she does.

**PUBLIC COMMENTS:**

There was no public comment given at this time.

**COUNCIL COMMENTS:**

Councilman Davis reported the Airport Board will meet tomorrow; they have some issues with the wetlands and runway. The Youth Council meeting is tomorrow Rochelle Barber is the new advisor. She is great and the kids really like her. Fiesta Days is coming up. This years Chairman will be Everett and Nikki Kelepolo, the Past Chair is Mike and Alicia Norris, and Vice Chair is Clyde Nielson. He requested anyone that wants to help and be a part of Fiesta Days please e-mail him. The Budget training went well he was impressed with the staff. The City lost a great and wonderful citizen Glenn James, he served on the Chamber of Commerce, he loved the youth and was a Youth Council advisor, he was in the bishopric at a BYU ward, president of the Kiwanis Club, City Councilman, also an advocate for SFCN and went door to door talking to people and telling about the service. He had great vision for pressurized irrigation, which saved the citizens millions of dollars, he new that one day it would be a great service. It was an honor and privilege to know Glenn James and to call him a friend, he thanked his wife Joan for sharing him with us.

Mayor Pro Tem Andersen stated the Council all feel the same way about Mr. James.

51 Councilman Nielson reported the training last weekend was very helpful for him there is lots he  
52 learned. He appreciated the opportunity to meet with the department heads, one common thing  
53 is, everyone is bursting at the seams, all is stretched, but they seem to have a lot of optimism.

54  
55 Councilman Leifson reported the UMPA Board is running really well they are looking after our  
56 needs in the future. Our past Council members have really had some foresight to get us into it.  
57 The SUVPS board is again involved with some really great things combine with other cities.  
58 They approved a study to make sure power will be available. The Parks and Recreation  
59 committee, discussed the survey sent out, there will be a second survey talking about the top  
60 three things the citizens wanted and ways we can fund them. There will also be an open house to  
61 have citizen comment and we can explain. It was a great budget training, we have some neat  
62 individuals working for this city they have a lot to offer. He wants each department head and  
63 employee to know they appreciate what they do.

64  
65 Councilman Dart feels the same as Councilman Leifson about the retreat it was time well spent.  
66 He also spent time at the Chamber of Commerce retreat planning for future events. The fire  
67 department and public safety department are much appreciated. He congratulated the new  
68 fireman and thanked them for their willingness to serve.

69  
70 Mayor Pro Tem Andersen reported he is on the legislative review committee for the ULCT that  
71 meets every Monday at the capital building. The group is a very professional group of people  
72 that know what they are doing and command a great deal of respect by all the legislatures on  
73 capital hill. All the cities of South Utah County participate in a number of things together there is  
74 a group called SUVMTWA that have purchased property for a future regional wastewater  
75 treatment plant, we are trying to look into the future for the needs that will be happening in the  
76 valley. He discussed a few of the topics the Council covered at the budget training. They asked  
77 that they continue the installation of radio read meters, they will be getting bids on curbside  
78 recycling, they discontinued the cities sponsorship of the spook alley because there is a private  
79 entity that wants to do it, and we will get a portion of the gate, they will continue the Harvest  
80 Moon Hurrah, Festival of Lights, and Fiesta Days, because they involve young and old that can  
81 participate rather than being a narrow age group. They are working with the Jr. Livestock Show  
82 committee, the old auction barn is not structurally safe and the cost to repair is very expensive,  
83 the functionality would be limited and they will get rid of the building. They are also working to  
84 create a master plan for the fairgrounds. The police department will move out and the parks and  
85 recreation department will be moved into that building. This last summer there has been a  
86 company at the gun club that has been mining the lead. There has been enough money raised we  
87 can replace six of the traps at the gun club. A proposal has been made to hold a kite festival  
88 celebration and celebrate wind. The windmills will become a reality and they asked that a  
89 business plan be presented to the Council. They cautioned again about the use of e-mails,  
90 particularly during a council meeting, receiving and sending text or e-mail while in session could  
91 present a liability and they were cautioned to not do that while the meeting is in session.  
92 Everyone was invited that wanted to come to the budget training there was some local newspaper  
93 representation who found it to be an open and frank discussion. He thanked Lana for coming to  
94 the meeting.

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**CONSENT ITEMS:**

98  
99 **Minutes of Spanish Fork City Council Meeting –January 22, 2007**  
100 **Revised ALA Facilities Amended Agreement**

101 **Peak Alarm Contract**

102  
103 Councilman Leifson made a **Motion** to approve the consent items. Councilman Nielson  
104 **Seconded** and the motion **Passed** all in favor.

105  
106 **PUBLIC HEARINGS:**

107  
108 Councilman Leifson made a **Motion** to open the Public Hearings. Councilman Davis **Seconded**  
109 and the motion **Passed** at 6:20 p.m.

110  
111 **Davis Annexation and Annexation Agreement**

112  
113 Mr. Anderson explained the issues related to the annexation. The property includes just under 50  
114 acres, and is General Planned at R-1-15 zoning, the applicants are comfortable with that zoning  
115 upon annexation. Also there is a proposed annexation agreement, staff and Planning Commission  
116 recommend the annexation be approved and that R-1-15 zoning be assigned to subject properties.  
117 Discussion was made regarding the power substation to accommodate development on the  
118 northeast bench area. There is a concern until the city has acquired a site for the substation. It is  
119 written into the agreement that no development applications can occur until that happens.

120  
121 Mr. Baker explained the buyout of facilities in the annexed areas, there are two aspects to it and  
122 each time we annex an area that SESD have facilities in it will have to be addressed.

123  
124 Mr. Anderson explained MAG did a study for the Nebo area transportation plan and it looked for  
125 the need for transportation corridors. The study identified 2550 East as a 128 foot easement and  
126 could be a multi lane road.

127  
128 Councilman Davis asked if the right of way included the trail way in the 90 feet.

129  
130 Mr. Anderson stated that it does include the trail way.

131  
132 Mr. Heap explained there will be a belt route type program eventually so on 2550 there would be  
133 a smaller amount of lanes they would use highway 91 for more of a belt route.

134  
135 Councilman Davis asked about the 20 inch waterline that will be going down to 16 inches.

136  
137 Mr. Heap explained they do not have as much impact on culinary lines because of the PI system  
138 it will handle less.

139  
140 The DRC and Planning Commission recommend approval subject to the conditions they stated.

141  
142 **Envision Annexation and Annexation Agreement**

143  
144 Mr. Anderson explained this annexation is closer to 80 acres several property owners are  
145 involved. This will have an R-1-15 zoning with the exception of the property owner that requests  
146 the R-R zone be assigned to his properties. The DRC and Planning Commission discussed the  
147 concept with this property owner where the applicant is not requesting a zone adding any  
148 additional development pressure to the area.

149  
150 Councilman Nielson feels most people will want to see the farm ground around and open space.

151  
152 Mr. Anderson stated that at the point of development they can work with the property owners to  
153 protect his right to farm.  
154  
155 The DRC and Planning Commission recommend approval.  
156  
157 Mr. Anderson stated both parties have been a pleasure to work with, they have been very patient  
158 while we ensure that everyone involved be as protected as possible.  
159  
160 This item was opened for public comment.  
161  
162 Joel Peterson  
163 Mr. Peterson asked if the adjacent properties to the west were already in the city.  
164  
165 Staff stated they are currently in the city.  
166  
167 Discussion was made regarding the usage of the road, the size, and concern that the trail remains  
168 in place and would not be moved.  
169  
170 Pat Parkinson  
171 Ms. Parkinson asked if the trail system will be a sidewalk or a trail.  
172  
173 Mr. Anderson stated there will be an actual trail with 18 feet of landscaping and a 10 foot wide  
174 asphalt trail.  
175  
176 Ms. Parkinson also said thank you for the turn signal.  
177  
178 Councilman Leifson made a **Motion** to move out of the Public Hearing. Councilman Nielson  
179 **Seconded** and the motion **Passed** all in favor at 6:45 p.m.  
180  
181 Councilman Davis feels there needs to be five lanes on 2550 east and if it has been clarified he's  
182 fine with it.  
183  
184 Councilman Nielson made a **Motion** to accept the Davis annexation and authorize the city to  
185 enter into the annexation agreement, also the acceptance of the annexation is contingent upon  
186 Davis entering in to the annexation agreement. Councilman Davis **Seconded** and the motion  
187 **Passed** all in favor.  
188  
189 Councilman Nielson made a **Motion** to accept the envision annexation and authorize the city to  
190 enter into the annexation agreement, also the acceptance of the annexation is contingent upon  
191 envision entering into the annexation agreement with a zoning of R-R for the two western most  
192 parcels, and a zoning of R-1-15 for the remaining parcels. Councilman Davis **Seconded** and the  
193 motion **Passed** all in favor.  
194  
195 Councilman Nielson made a **Motion** that the Davis annexation be zoned R-1-15. Councilman  
196 Dart **Seconded** and the motion **Passed** all in favor.

197  
198 **NEW BUSINESS:**  
199

200 **Airport Board Ordinance Amendment – Changing the Board Composition**

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Mr. Baker explained the changes to the ordinance and again stated the change is recommended by the Airport Board.

Councilman Davis made a **Motion** to accept Ordinance 03-08 amending the composition of the Airport Board. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

**Appeal Authority – Staff Denial of Billboard Building Permit – Jamie Evans**

This item was continued to the next Council meeting.

**Appeal Authority – Variance Request – Tracy Peterson Homes**

Mr. Anderson explained the subject property is located on Center Street in Spanish Fork Manor subdivision. With approval of the subdivision there is an allowance of a duplex to be built on the lot it does meet the requirements. The ordinance requires 10 feet for a duplex and there are only 7 ½ feet as the structure currently fits. The structure has been completed. A duplex is defined as two dwelling units on one property. The only way the city can approve a subdivision and approve a twin home is by granting a variance. The DRC feels it is best for the city to grant the variance, it does meet the requirements in the city and state code. They feel a variance is justified. He personally feels having a twin home at this location is a benefit because they are more likely to be occupied by owners rather than renters.

Councilman Davis asked the criteria to be read for the code section.

Mr. Baker reminded that this is not a public hearing, only those that are affected neighbors can address the council on this issue.

This item was opened for public comment by affected entities there was none given at this time.

Mayor Pro Tem Andersen asked how it got building approval.

Mr. Anderson stated the zoning administrator signed the preliminary.

Mr. Anderson noted the applicant will still have to go through the subdivision process and meet all the requirements.

Councilman Nielson said the citizens feel the cities are a lot of times restrictive, if the neighbors have no problems, they need to do what’s best for the citizens involved.

Councilman Leifson made a **Motion** to approve the Tracy Peterson variance home request based on the following finding:

**Finding**

1. That the requested Variance meets the criteria provided in Section 15.3.08.040.C

Councilman Dart **Seconded** and the motion **Passed** all in favor.

**Appointment of Boards and Committees**

250 Mayor Pro Tem Andersen explained it is the Mayor's responsibility to make appointments to the  
251 Boards and Committees so this item will be moved to the next Council meeting.

252  
253 **Home Depot Storm Water Agreement**

254  
255 Mr. Baker stated this is an agreement that was done with the prior City Council. Home Depot  
256 feels more comfortable to have a contract with the city, this is the same as the agreement made  
257 with the developer. This is the final item before they apply for their building permit, and will do  
258 so after the adoption of this item.

259  
260 Councilman Leifson made a **Motion** to accept the Home Depot storm water agreement.  
261 Councilman Neilson **Seconded** and the motion **Passed** all in favor.

262  
263 **EXECUTIVE SESSION:**

264  
265 Councilman Leifson made a **Motion** to adjourn to executive session for Jamie Evans Appeal  
266 Deliberation, Pending Litigation, and Land Purchase. Councilman Dart **Seconded** and the  
267 motion **Passed** all in favor at 7:11 p.m.

268  
269  
270 ADOPTED:

271 \_\_\_\_\_  
Kimberly Robinson, Deputy Recorder



## **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 February 19, 2008.**

### **AGENDA ITEMS:**

#### **1. CALL TO ORDER:**

#### **2. MINUTES:**

- a. \* December 18, 2008

#### **3. NEW BUSINESS:**

- a. \* Restated Development Agreement with Tenedor

### **ADJOURN:**

\* Supporting documentation is available on the City's website [www.spanishfork.org](http://www.spanishfork.org)

Notice is hereby given that:

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

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

1 **Tentative Minutes**  
2 **Spanish Fork City Redevelopment Agency Meeting**  
3 **December 18, 2007**  
4

5 Board member's Present: Chairman Joe L Thomas, Board member's Matthew D. Barber,  
6 Steven M. Leifson, Seth V. Sorensen, G. Wayne Andersen, Chris C. Wadsworth  
7

8 Staff Present: Dee Rosenbaum, Public Safety Director; Dave Oyler, City Manager; Junior  
9 Baker, City Attorney; Dave Anderson, City Planner; Seth Perrins, Assistant City  
10 Manager; Kelly Peterson, Electric Superintendent; Kent Clark, Finance Director;  
11 Kimberly Robinson, Deputy Recorder  
12

13 Citizens Present: Richard M. Davis, Rod Dart, Jens Nielson  
14

15 **RDA MEETING**  
16

17 Councilman Sorensen made a **Motion** to adjourn to the Redevelopment Agency Meeting.  
18 Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:01 p.m.  
19

20 **MINUTES**  
21

22 Mr. Barber made a **Motion** to approve the Redevelopment Agency minutes for August  
23 21, 2007, and November 6, 2007. Mr. Andersen **Seconded** and the motion **Passed** all in  
24 favor.  
25

26 Mr. Baker explained the Dominguez CDA creation resolution. He stated it is important  
27 that the CDA is in place so incentives can be offered to businesses that decide to locate  
28 there.  
29

30 **Resolution Creating the Dominguez CDA**  
31

32 Mr. Barber made a **Motion** to adopt Resolution RDA07-08. Mr. Sorensen **Seconded** and  
33 the motion **Passed** all in favor.  
34

35 **Review of the TEC Committee Meeting**  
36

37 Mr. Baker gave the review of the TEC meeting held today, none of the EDA's have been  
38 activated at this point. They reviewed the EDA's, CDA's and RDA's. The TEC  
39 committee was very complimentary to the city for closing out the items when they are no  
40 longer necessary.  
41

42 Chairman Thomas stated the staff should be complimented, the reputation the city enjoys  
43 has been a very positive one. He feels the citizens can be very proud that this resource  
44 can be used.  
45

46 **ADJOURN**

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Councilman Leifson made a **Motion** to move out of the RDA meeting back to the regular City Council meeting. Councilman Sorensen **Seconded** and the motion **Passed** all in favor at 7:08 p.m.

ADOPTED:

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Kimberly Robinson, Deputy Recorder

**FIRST AMENDED AND RESTATED  
SUPPLEMENTAL DEVELOPMENT AGREEMENT**

This First Amended and Restated Supplemental Development is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2008, by and between THE REDEVELOPMENT AGENCY OF SPANISH FORK CITY, an entity created and organized under the provisions of the former Utah Neighborhood Development Act, the former Utah Redevelopment Agencies Act, and current Utah Community Development and Renewal Agencies Act (Utah Code Ann. Title 17C, Chapters 1-4, 153 as amended) and any successor law or act (hereinafter "Agency"), whose address is 40 S. Main, Spanish Fork, UT 84660, and TENEDOR LLC, a Utah limited liability company (formed by principals of WOODBURY CORPORATION, a Utah corporation and WESTFIELD PROPERTIES, INC., a Utah corporation) and/or its assigns (hereinafter "Developer"), whose address is 2733 E. Parleys Way, Suite 300, Salt Lake City, UT 84109.

**RECITALS**

WHEREAS, on or about the 19<sup>th</sup> day of January, 2007, Developer and Spanish Fork City (hereinafter "City") entered into a Development Agreement out of a mutual desire to commercially develop and improve certain parcels of real property (hereinafter "Project Area"), more specifically identified in Exhibit "A", attached hereto and by this reference incorporated herein, which Development Agreement has been assigned by City to Agency; and

WHEREAS, on or about the 17<sup>th</sup> day of July, 2007, Developer and Agency entered into a Supplemental Development Agreement out of a mutual desire to further refine and set forth their respective responsibilities and obligations respecting the commercial development and impact of the Project Area (hereinafter the "Supplemental Agreement"); and

WHEREAS, Developer and Agency now desire to enter into this First Amended and Restated Supplemental Development Agreement (hereinafter "Restated Agreement") out of a mutual desire to further amend, refine and restate their respective responsibilities and obligations respecting the commercial development and improvement of the Project Area; and

WHEREAS, Developer has purchased and/or placed under contract the right to purchase certain parcels within the Project Area identified on Exhibit "A"; and

WHEREAS, Agency, and Developer agree that the Project Area is located within a primary commercial corridor of Spanish Fork City, and that recent changes in the highway system and master plan have made it so that the highest and best use of the Project Area is now commercial development; and

WHEREAS, within the Project Area there exists a former public park which shall now be reoriented and relocated as part of the development of the Project Area, which will then allow the further enhancement of the City's tax base, and at the same time improve and enhance said park as a viable recreational property; and

WHEREAS, the current City plans, which were in place before development of the

Project Area was initiated by the Developer, for accommodating future growth (commercial, recreational, and public safety) include the following public facility projects (the “Infrastructure Improvements”) which the City is now requiring that the Developer perform on behalf of the City as part of the development of the Project Area:

- a. Improve traffic flows from Main Street to US Highway 6. This connects the traditional commercial and residential core of Spanish Fork City with future high growth residential areas, and creates a strong commercial hub to facilitate the development of tax base generating uses which serve the needs of the community.
- b. Remodel and Improve North Park to meet the needs of the broadest cross section of the community, and provide preferred modern park amenities.
- c. Extend 700 East Street to connect to US Highway 6 to relieve traffic problems at the intersections of US Highway 6 and Express Way Lane and US Highway 6 and Chappel Drive.
- d. Enclose the Open Storm Drainage Ditch extending the Main Street storm drain northeasterly across US Highway 6, reducing maintenance costs, eliminating safety hazards, and reducing potential liability.
- e. Redesign Chappel Drive / US Highway 6 traffic signal to allow better flow to the north, thus encouraging commercial development, job creation, and the development of commercial and/or industrial tax base.
- f. Establish pedestrian trail system along I-15 and US Highway 6, which integrates into the overall City trail system and regional trail systems.

WHEREAS, on or about July 19, 2007 the City and the Agency entered into the Interlocal Agreement to aid in the facilitation of the financing of and payment for the Infrastructure Improvements.

### **AGREEMENT**

NOW THEREFORE, the parties hereunto agree as follows:

1. The Supplemental Agreement is hereby amended and replaced in its entirety by this Restated Agreement.
2. The Developer hereby reaffirms that it has agreed to assume responsibility for the construction of the Infrastructure Improvements identified herein above. With respect to the North Park Improvements, Agency shall provide Developer with set(s) of approved plans for the North Park remodel within the next 90 days. Developer shall complete remodel of the North Park in accordance with the Agency approved plans. The anticipated cost of the North Park remodel is \$4,400,000.00. The City approved plans shall be designed so as to conform the

estimated cost of the remodel. The parties shall review the plans, when complete, and agree the design conforms with the estimated costs. The Developer shall then have the benefit or risk that the actual costs are less than or greater than the estimate. The estimated cost includes design costs, which City has paid on behalf of the Agency. The Developer will reimburse to City, on behalf of the Agency, the actual design costs, up to the sum of \$250,000.00.

3. The total estimated cost of the Infrastructure Improvements is Nine Million Seven Hundred Fifty Thousand Dollars (\$ 9,750,000.00). The breakdown of the estimated costs for the Infrastructure Improvements is depicted in Exhibit “B”, attached hereto and by this reference incorporated herein.
4. Developer will arrange for private financing for the cost of the Infrastructure Improvements (hereinafter the “Private Financing”).
5. The Agency has agreed to reimburse Developer for a portion of the Infrastructure Improvement cost totaling Eight Million Nine Hundred Thousand Dollars (\$8,900,000.00), which amount includes the Agency’s obligation to pay for the North Park Improvements as set forth in paragraph 2 hereinabove. The Agency shall repay this sum within twenty (20) years, using the sources of funds identified in Paragraphs 6 and 7 and such other funds as may be available and as the Agency determines necessary to meet its repayment obligation. In any given year the Agency’s obligation to make its scheduled annual repayment shall not exceed the amount of the total gross revenues generated by the Project Area. In the event of such a shortfall, the portion of the repayment shall be deferred and added on a cumulative basis to the following year’s payment obligation. Any shortfall amounts still owing after the Agency makes its scheduled annual payment to the Agency shall be abated.
6. Pursuant to the Interlocal Agreement, the Agency has identified the following sources of funds which it has pledged to utilize to create infrastructure for the Project Area.

A. **Sales Tax Revenue Bond (Bond).** The City has obtained funds from a sales tax revenue bond. The City has earmarked some of the proceeds from the bond sale with a net present value of Four Million Dollars (\$4,000,000.00) for reimbursement to Developer for the costs of the Infrastructure Improvements. The bonds are collateralized by, and shall be repaid with, sales tax revenues generated within the Project Area and its future retail tenants and owners. The bonds were previously issued to finance public facilities, including utilities infrastructure and public park improvements. City has entered into the Interlocal Agreement with Agency to make those bonds proceeds available to complete the public facility improvements which Developer will be installing as set forth hereinbefore. These funds will be available from Agency to be drawn against by Developer as it completes the Infrastructure Improvements.

B. **General Service 2 Electric Rate.** Following approval of this Restated

Agreement, the City will assess a General Service 2 Electric Rate to its utility customers within the Project Area. To the extent the amounts collected by the City pursuant to the General Service 2 Utility Rate exceed the amounts which would have been collected had the City chosen to charge customers within the Project Area a General Service 1 Electric Rate (the "Electric Utility Increment"), the additional amounts shall be paid over to the Agency on a quarterly basis. The Agency will, in turn, utilize the Utility Increment to reimburse Developer for the Remaining Four Million Nine Hundred Thousand Dollars (\$4,900,000.00) cost, together with interest at the rate charged by the financial institution providing the private financing, together with the actual costs assessed by the financier to the Developer in association with its obtaining of the Private Financing thereof. Developer will obtain Private Financing secured by the Electric Utility Increment revenues in the principal amount of Four Million Nine Hundred Thousand Dollars (\$4,900,000.00). The Agency shall continue to pay over the Electric Utility Increment until such time as the Private Financing, as defined herein, obtained by the Developer has been fully repaid.

7. In the event that the Electric Utility Increment is insufficient to reimburse the Developer, in full, for the Loan Amount and Costs within 20 years, Spanish Fork City has agreed with the Agency to enter into additional agreements, as necessary, to provide additional funding in the amounts required to reimburse the Developer the unpaid balance of the Loan Amount and Costs on or before July 1, 2028, which sources of funds have been identified as follows:

A. **Project Area Tax Increment.** If the City's share of the Tax Increment from the Project Area is to be used to satisfy the Agency's obligation, the calculation of the Tax Increment shall be made using the City's 2006 tax levy rate of .001164 and the 2006 base year taxable value of \$2,546,196.00, which taxable value is subject to adjustment as required by law. To the extent that the Agency receives such tax increment proceeds from the City, it shall pay the same over to the Developer until such time as Private Financing, as defined herein, obtained by the Developer has been fully repaid.

B. **Sales Tax Revenue.** If the City's 1% local option sales and use tax revenues generated by taxable sales within the Project Area are to be used to satisfy the Agency's obligation, only the Project Area's Sales Tax that exceeds the prorated amount pledged to secure repayment of the Series 2007 Bonds may be so used. If the Agency receives eligible sales tax proceeds from City, it shall pay the same over to the Developer until such time as Private Financing, as defined herein, has been fully repaid.

C. **Impact Fees.** If the City enacts street or roadway impact fees for qualifying infrastructure improvements within the Project Area, the City may pay a pro rata share of such fees to Agency. To the extent that the Agency receives road or street impact fee proceeds from the City, it shall pay the same over to the Developer until such a time as the Private Financing, as defined herein, obtained by the Developer has been fully repaid.

D. **Other Sources.** Nothing herein shall preclude Spanish Fork City and the

Agency from making other arrangements to secure funding in order for Agency to meet its obligations to the Developer. To the extent other funds are received by Agency for this project, it shall pay the same over to the Developer until such a time as the Private Financing, as defined herein, obtained by the Developer has been fully repaid.

8. The Agency shall have the right, but not the obligation, to pay off Developer's private financing at any time should it desire to do so. Until such time as the Private Financing obtained by the Developer has been fully repaid, the Agency will pay over to Developer, on a quarterly basis, one hundred percent (100%) of the amounts it receives from the City pursuant to the Interlocal Agreement.
9. Agency acknowledges that Developer is expending significant resources in working toward commercially developing the Infrastructure Improvements and that the ultimate development of the Project Area will result in economic gains for the City, as well as a significant improvement in the quality of life for its citizens, thus fulfilling the goals and purposes of the Agency. Accordingly, the Agency agrees to work exclusively and in good faith with Developer in this Project Area.

IN WITNESS WHEREOF, this Agreement has been executed on the day and year first above written.

**[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]**

**TENEDOR L.L.C., A Utah limited liability company**

**By: WOODBURY CORPORATION, a Utah corporation, Its Manager**

By: \_\_\_\_\_  
Jeffrey K. Woodbury, Vice President

By: \_\_\_\_\_  
O. Randall Woodbury, Secretary

By: \_\_\_\_\_  
Richard L.K. Mendenhall  
Its: Manager

**THE CITY OF SPANISH FORK, a municipality**

By: \_\_\_\_\_  
Joe L Thomas  
Its: Mayor

Attest:

\_\_\_\_\_  
Kent R. Clark, Recorder

**THE REDEVELOPMENT AGENCY OF THE  
CITY OF SPANISH FORK, a municipality**

By: \_\_\_\_\_  
Joe L Thomas  
Its: Chairman

Attest:

\_\_\_\_\_  
David A. Oyler, Executive Director

**ACKNOWLEDGMENT**

STATE OF            )  
                          :ss.  
COUNTY OF        )

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me personally appeared JEFFREY K.

WOODBURY and O. RANDALL WOODBURY, to me personally known to be the Vice President and Secretary of WOODBURY CORPORATION, the corporation that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its boards of directors.

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Notary Public

**ACKNOWLEDGMENT**

STATE OF            )  
                          :ss.  
COUNTY OF        )

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me personally appeared RICHARD L.K. MENDENALL, to me personally known to be the Manager of TENEDOR LLC, the company that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its articles of organization.

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Notary Public

**ACKNOWLEDGMENT**

STATE OF            )  
                          :ss.  
COUNTY OF        )

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me, a Notary Public in and said County and State, personally appeared \_\_\_\_\_, \_\_\_\_\_ of Spanish Fork, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

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Notary Public

**ACKNOWLEDGMENT**

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                              :ss.  
COUNTY OF        )

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\_\_\_\_\_  
Notary Public



# REPORT TO THE APPEAL AUTHORITY

## JAMIE EVANS APPEAL OF A STAFF DECISION

**Agenda Date:** February 5, 2008

**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** Development Review Committee

**Request:** Relative to this request, the City Council is functioning in their capacity as the Appeals Authority for land use decisions. The decision being appealed is a staff decision to not issue a building permit for a billboard.

**Zoning:** Light Industrial

**General Plan:** Light Industrial

**Project Size:** not applicable

**Number of lots:** not applicable

**Location:** Approximately 1900 North 300 East

### Background Discussion

Accompanying this report is a January 3, 2008 letter from Dave Anderson that explains the decision that is being appealed. Also accompanying this letter is the request provided by the appellant relative to the appeal.

Staff believes that Utah Code Ann. 10-9a-513 prohibits the issuance of a building permit for a billboard at this location, given that another billboard is entitled to be rebuilt within 500 feet of this location.

Mr. Evans also lacks a UDOT permit for this location. Mr. Evans claims the UDOT permit for the adjacent location is invalid. However, the City can't declare a UDOT action invalid. Only UDOT or a court can do that.

Accordingly, staff believes that the law requires that Mr. Evans request be denied.

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# SPANISH FORK

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January 3, 2008

Mr. Jamie Evans, Evans Grader and Paving Service  
2068 Mountain Vista Lane  
Provo, Utah  
84606

**RE: Application for Sign Permit**

Mr. Evans,

Attached to this application are the materials you provided with an applicant for a Sign Permit. The application is being denied for the following reasons:

- 1.) That the proposed sign would be located less than 500 feet from the billboard to the north. Spanish Fork City understands that according to Section 10-9a-513 Utah Code Ann., the owner is entitled to reconstruct said billboard located on the property to the north.
- 2.) That no UDOT permit was provided with the application. Section 5.36.060 of Spanish Fork City's Municipal Code requires that UDOT approval be obtained prior to the City issuing a permit for a billboard.

Please feel free to contact either myself or Junior Baker with any questions.

Sincerely,



Dave Anderson, AICP  
Planning Director

cc: Junior Baker, City Attorney

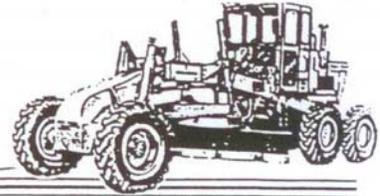
40 South Main Street, Spanish Fork, Utah  
Phone 801.798.5000 · facsimile 801.798.5005

**Evans Grader and Paving, Inc.**  
Excavating, Asphalt Paving, and Rock Products

RECEIVED

JAN 14 2008

3:06pm JEB



2068 South Mountain Vista Lane  
Provo, Utah 84606  
(801)377-9999 Fax 373-8988

January 14, 2008

RE: Sign/Building Permit Denied

Junior Baker  
Spanish Fork City  
40 S. Main Street  
Spanish Fork, UT 84660

Mr. Baker:

This letter is to appeal the City Planner's decision to deny the sign permit, applied for on December 7, 2007, and to take the problem to the City Council board. The application was denied based on a billboard being built 500' from the location on my application. Simmons/Spanish Fork City does not have the legal right to build a non-conforming billboard on the Spanish Fork property that is within 500'. The application was also denied stating we need prior approval from UDOT before applying at the city. I request the opportunity to state why my permit application should be approved. Please let me know what date will be scheduled for appeal with the City Council. Thank you.

Sincerely,

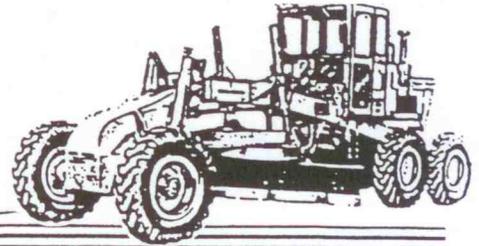
A handwritten signature in cursive script that reads "Jamie Evans".

Jamie Evans  
Evans Grader & Paving

RECEIVED

JAN 14 2008

3:06 pm



**Evans Grader and Paving, Inc.**

Excavating, Asphalt Paving, and Rock Products

2068 South Mountain Vista Lane  
Provo, Utah 84606  
(801)377-9999 Fax 373-8988

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Sincerely,

Jamie Evans  
Evans Grader & Paving



# REPORT TO THE CITY COUNCIL RIVER BOTTOMS ANNEXATION ANNEXATION ACCEPTANCE

**Agenda Date:** February 19, 2008

**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** Development Review Committee

**Request:** The request before the Council at this time is to have the City accept a proposed Annexation for further study. Accepting the Annexation for further study would require the City to complete a review of the proposed Annexation but would not ultimately require the City to approve the Annexation.

**Zoning:** not applicable

**General Plan:** Residential 1 Unit Per 5 Acres

**Project Size:** approximately 1,600 acres

**Number of lots:** not applicable

**Location:** between Bottoms Road and 8800 South Utah County

## Background Discussion

On January 7, 2008, an Annexation Application was submitted by a group of petitioners who own property in the River Bottoms area located south of the Spanish Fork City Boundary.

The area proposed to be annexed contains approximately 1,600 acres. The group of petitioners appear to represent just over 800 acres in the proposed annexation area. The area proposed to be annexed is located within the City's Annexation Policy Declaration.

## Development Review Committee

The Development Review Committee took action on the proposed Annexation Acceptance on February 13, 2008.

After a lengthy discussion, the DRC recommended that the proposed Annexation not be accepted for further study.

The DRC's recommendation was based on several factors. One of the more significant factors is the belief that certain studies should be complete before the City entertains the Annexation. These studies include the FEMA floodplain study and the City's transportation Element of the General Plan.

Another very significant study that needs to be completed is a review of the City's Land-Use Plan (General Plan) for the River Bottoms. In fact, I believe that the most appropriate first step towards annexing property in the River Bottoms is to review the General Plan. I believe that is critical as I understand a significant discrepancy exists between the City's current plan for the River Bottoms and what the petitioners would ultimately like to do with their property.

With that said, part of the DRC's recommendation is to initiate a formal review of the City's General Plan for the River Bottoms. It is anticipated that this review could commence within the next six to eight weeks upon completion of the FEMA study.

The review of the General Plan would most likely take several months, perhaps as long as a year. It



would be the goal of staff that upon completion of this review, the City would be prepared to accept a petition for annexation and any subsequent development applications that conform to the General Plan.

Draft minutes from the DRC's February 13, 2007 meeting read as follows:

### **River Bottoms Annexation**

Mr. Anderson suggested that the most appropriate course of actions is to work first on reviewing the General Plan and to then entertain an annexation proposal.

Mr. Cook mentioned extending 30 days.

Mr. Baker mentioned contacting Lynn Leifson.

Mr. Cook said they have someone working on it. He also mentions that density and General Plan amendments will be based on sewer capacity, flood plain study. They expect to be turning in a General Plan amendment application next week based on the results of these studies.

Mr. Anderson said that without an amendment development in the River Bottoms doesn't seem practical. He pointed out that not accepting their petition doesn't bar them from re-petitioning. Mr. Cook asked how long the process will take. Mr. Anderson said we need to know where we're at with FEMA, which he expects to know in a couple of weeks. Then we can talk about land use including density, which could take six months. After that we need a transportation plan, which could be finished by this time next year if not earlier.

Mr. Baker mentioned that the General Plan took a year and a half to do and said that things could be done in a year but may take longer.

Mr. Cook mentioned discussion of property owners about a trail system. He is worried about the annexation being dropped slowing down other developments in the area. He says that the City and the landowners may be using different words to describe the same issues, which is leading to confusion. He asked about leaving the annexation behind while working on the General Plan amendment.

Mr. Baker mentioned how the land owners are cooperating and asked how many of the

landowners are participating. Mr. Cook mentioned there being about 150 parcels and says 25 owners have ten acres or more, 8 with fifty or more. He said they have reached the requirements for land value and area.

Mr. Baker said he would like to see a lot more than 50%. He says he wants to make sure the smaller landowners are also buying into the idea.

Mr. Cook said all he can do is follow the rules, which say 50%.

Mr. Baker said they don't have to accept the application despite keeping the rules.

Mr. Shorts mentioned sending out public notices so everyone would know the situation.

Mr. Anderson mentioned that a formal review of the General Plan could be considered a good faith step that the City is taking to prepare for the eventual annexation of the River Bottoms.

Mr. Heap asked about the timeline for starting work on a General Plan amendment.

Mr. Baker and Mr. Oyler mentioned the density discussion.

Mr. Oyler asked where the "magic number" is for density which will keep them from annexing. He asked what this facility can carry and mentioned the density political issue.

Mr. Cook said they sewer capacity could probably handle ten thousand units. At 2.5 units per acre you would have forty two hundred units. He asked for 2.5 units per acre with options for clustering, trails, etc. He mentioned some people that may want 1-acre lots. Anderson said this reinforces his position about the General Plan amendment.

Mr. Baker said Anderson's position makes more sense.

Mr. Cook asked if he should let the landowners know that the annexation should take 90 days.

Mr. Baker said, legally, it would take four to five months.

Mr. Cook asked about trails being built before the annexation.

Mr. Baker and Mr. Heap explained that that wouldn't be feasible.

Mr. Peterson mentions the need for a substation.

Mr. Oyler said this would be a part of the General Plan amendment. He asked Mr. Anderson to review the study process.

Mr. Anderson first mentioned FEMA, then transportation studies.

Mr. Oyler pointed out the difference in the current density from the future.

Mr. Anderson said that the General Plan amendment should come before the other studies. Mr. Anderson suggested finding a consultant for land use questions and asked Mr. Cook if he would help financially.

The importance of the density issue being addressed first was discussed.

Mr. Oyler asked if water and sewer will be done in-house, Mr. Nielson answering in the affirmative.

Mr. Byrd said the key to financial help is to make sure everyone knows what is going on.

Mr. Oyler said the critical issue is the land-use planning and finding the appropriate density.

Mr. Cook mentioned that he'd like to temporarily shelve the annexation and apply for the General Plan amendment and as studies for their area come up, he wants to know if the City expects them to help with the costs.

Mr. Baker said that if they are working on the General Plan then they will be working on the annexation.

Mr. Anderson made a motion to recommend to the City council to deny the annexation so they can tell them what they believe does need to happen, based on the findings that:

1. The City should review the General Plan for the River Bottoms prior to entertaining annexation proposals.
2. That it may be most appropriate for the landholders petitioning for annexation to initiate a General Plan amendment.
3. That as part of that General Plan amendment, the City would take into account the pending

FEMA letter of map revision study, the transportation element of the General Plan, power and other utility studies.

Mr. Oyler said we should be specific about density and Mr. Anderson added the following findings:

4. That most of the necessary studies can't be completed until land-use questions (density) have been answered.
5. That some of the necessary studies will be funded by the City but that the City may look to a group of applicants to help fund some of the necessary studies.

Mr. Oyler said finding 4 is closely related to the floodplain study and it should be completed before.

Mr. Byrd asked about the trail issues and if the landowners will be contacted.

Mr. Nielson said they would meet individually with the landowners to discuss trail issues.

Mr. Cook asked for another copy of the trail the landowners had laid out.

Mr. Heap said they would give it to Chris Thompson who would speak to the landowners.

Mr. Cook said the majority of the trail would be on the land of people who are currently involved in the discussion.

Mr. Baker seconded the motion. All in favor.

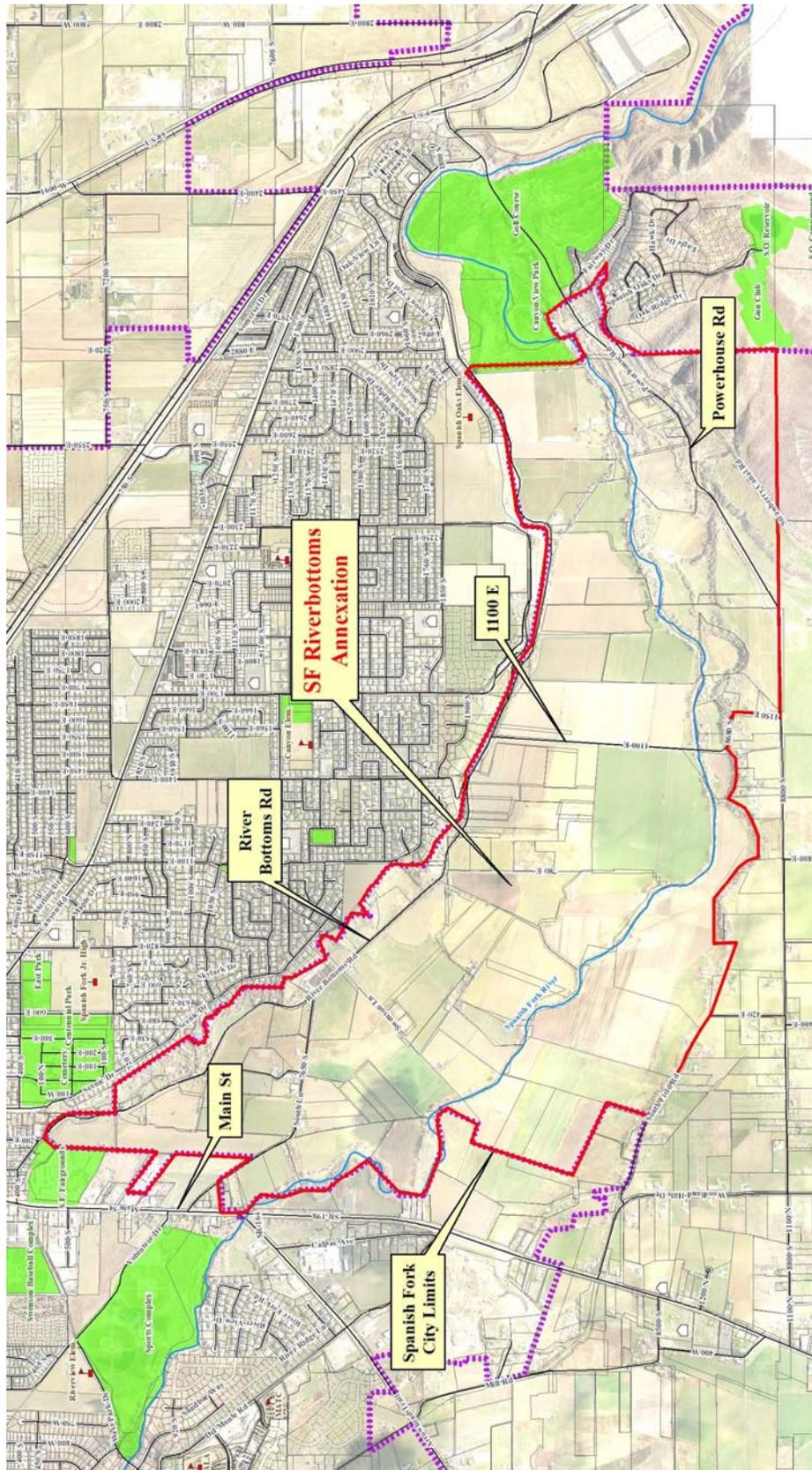
### **Budgetary Impact:**

The act of accepting the Annexation for further study would likely have some budgetary impact as the City would have to perform certain studies to review the Annexation. Even so, the cost of completing these studies is likely negligible compared to costs that the City could ultimately incur with the annexation and development of the subject properties.

### **Recommendation:**

Staff recommends that the City Council not accept the River Bottoms Annexation for further study based on the following findings:

1. The City should review the General Plan for the River Bottoms prior to entertaining annexation proposals.
2. That it may be most appropriate for the landholders petitioning for annexation to initiate a General Plan amendment.
3. That as part of that General Plan amendment, the City would take into account the pending FEMA letter of map revision study, the transportation element of the General Plan, power and other utility studies.
4. That most of the necessary studies can't be completed until land-use questions (density) have been answered.
5. That some of the necessary studies will be funded by the City but that the City may look to a group of applicants to help fund some of the necessary studies



## MEMO

To: Mayor and Council  
From: S. Junior Baker  
Date: 14 Feb 2008  
Re: Tenedor Restated Development Agreement

On the RDA agenda for February 19, is an item to approve a Restated Development Agreement between the RDA and Tenedor, the developer of the commercial project at North Park. We currently have two agreements, one between the RDA and Tenedor and one between the RDA and the City. Between them they spell out the obligations and the source of funding. Tenedor is obligated to install the park and public infrastructure on behalf of the RDA. In return, the RDA is obligated to reimburse Tenedor the sum of \$,8,900,000. In order to get the financing necessary to proceed with the public infrastructure and park improvements, Tenedor's bank is requiring us to spell out the financing arrangements, which are currently spelled out in the two agreements. This agreement merges the two existing documents. Legally, it isn't necessary, but to get over the hurdle of bank financing, needs to happen.

Since we were amending the agreements anyway, we took the opportunity to spell out that if the wetlands issues preclude the construction of North Park where it is proposed, Tenedor still must construct a park of equal value. It may be two smaller parks, or a similar sized park in another location. This is an obligation required by the National Park Service and Tenedor readily acknowledges its obligation.