



## **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 April 1, 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. [Mark Dallin Title 15 Amendment](#)
- b. [Master Planned Development Amendment to Title 15](#)
- c. [Vacation of 650 West](#)

#### **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 19, 2008; March 4, 2008](#)

#### **6. NEW BUSINESS:**

- a. [Municipal Wastewater Planning Program](#)
- b. [Recycle Program Presentation](#)
- c. [Monthly Power Cost Adjuster](#)
- d. [Auction Barn Demolition Bid Ratification – Dale Robinson](#)
- e. [Annexation Acceptance for 700 West](#)

#### **7. OTHER BUSINESS:**

- a. [Arts Council](#)

#### **8. ADJOURN TO RDA MEETING**

#### **9. EXECUTIVE SESSION:**

- a. [Purchase of Land](#)

### 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

## MARK DALLIN TITLE 15 AMENDMENT

**Agenda Date:** April 1, 2008

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

**Reviewed By:** Development Review Committee

**Request:** The proposal involves amending Title 15 of the Municipal Code. Mr. Mark Dallin has proposed to change the Code so as to allow duplexes on lots that are less than 80 feet wide. As staff reviewed the request, the structure of regulations pertaining to non-single family residential uses in the R-1-8, R-1-6 and R-3 zones was also reviewed and changes to that structure are now proposed. The proposed minimum lot width for duplexes would be 60 feet.

**Zoning:** not applicable

**General Plan:** not applicable

**Project Size:** not applicable

**Number of lots:** not applicable

**Location:** City wide

### Background Discussion

Accompanying this report are several pages of proposed changes to the text of Title 15. The impetus of the proposed changes is a proposal made by Mark Dallin to reduce the minimum lot width required for duplexes from 80 to 60 feet.

In reviewing Mr. Dallin's request, staff found several aspects of the existing ordinance that are unclear and potentially confusing. In an effort to accommodate Mr. Dallin's request and clarify the intent of the ordinance, staff has prepared the language for the proposed changes.

In staff's view, the most significant aspect of the proposed changes is the structural revisions. Several standards that are currently listed as footnotes in the Residential Development Standards chart would be moved to the body of zoning standards found in preceding pages. This change allows for the grouping of specific standards that pertain to non-single family residential uses in the R-1-8, R-1-6 and R-3 zoning districts. The intent of this change is to clarify what the requirements are while consolidating pertinent information in the most relevant portion of the ordinance.

Another proposed change is to make the minimum lot size for twinhomes uniform throughout all zoning districts in the City. At present, in most districts the minimum is 9,700 square feet and 10,000 square feet in another. Staff is proposing that the 9,700 square foot standard become the minimum for all applicable zoning districts. This change is not related to Mr. Dallin's request. However, staff believes this change would reduce the potential for confusion or error while not significantly altering the actual regulation itself.

Lastly, the proposed language would change the lot width requirement for duplexes from 80 feet to 60 feet.

At present, the lot width requirement for duplexes and twinhomes is identical. In staff's view, twinhomes and duplexes are distinct and different uses. While twinhomes are almost always constructed in a side by side configuration, many

of the existing duplexes in the City are of an up-down nature with one dwelling unit atop another. As such, duplexes simply don't require the same lot width to maintain required setbacks.

Another consideration is existing uses. Staff suspects that the vast majority of the duplexes in the City were constructed on lots that are less than 80 feet wide. As such, there is some benefit in making existing uses conforming where the City is not actively attempting to curtail duplexes as a land use.

With all of that said, the Development Review Committee recommended that the proposed changes be approved. As part of their recommendation, two minor changes were suggested. Those changes have been made in the copies of the text that accompanies this report.

### **Development Review Committee**

The Development Review Committee reviewed this proposal on February 20, 2008 and recommended that it be approved. Minutes from that meeting read as follows:

#### **Mark Dallin Zoning Text Amendment**

Applicant: Mark Dallin  
General Plan: N/A  
Zoning: N/A  
Location: City Wide

Mr. Anderson explained the situation with Mr. Dallin. He referred to the handouts. He said that we need to take some of the information out of the footnotes in the zoning ordinance and put them in the main text. He mentioned that some renumbering of the footnotes would be necessary.

Mr. Baker pointed out some areas that need to be more specifically defined.

In an example, Mr. Anderson moved the footnote information on townhomes and duplexes into the main text of the ordinance. He proposed changing the minimum lot width for a duplex from a minimum of 80 feet to 60 feet.

Mr. Thompson mentioned a concern of having two garages and narrow doors in a close proximity and how that layout is less attractive.

Mr. Jorgensen suggested different building layouts that might be more attractive.

Mr. Thompson says the important thing to ask is what you want to encourage the builders to build as far as frontage. He said that narrow frontage would encourage builders to build the whole house behind the garage.

Mr. Anderson suggested reducing the minimum to 60 feet. He also proposed changing the minimum lot sizes, which currently have two minimums depending on zone. He proposed 9,700 square feet for all zones.

Mr. Thompson proposed changing the title of the table to Single Family Residential Development Standards, because the proposed changes would leave it mostly as information for single family homes.

Mr. Anderson said that he would like to leave it the same because much of it would still apply to multi-family projects and the exception info would be in the text. It was proposed that a footnote about multi-family exceptions be added to the table. The user-friendliness of the table was discussed. Mr. Anderson made the point that these width changes would only be for duplexes and not townhomes.

Mr. Banks asked if we're not going to have private streets then who will maintain this space.

Mr. Anderson mentioned that Mr. Dallin's plan was to have the access be a driveway and not a street.

Mr. Banks expressed concerns about the depth of the driveway and the ability of a fire truck to get back there. Mr. Banks asked whether the depth requirement was being changed along with the width, Mr. Anderson replying in the negative. The requirements for garages were discussed, as well as the differences under the current code for duplexes and townhomes.

Mr. Baum mentioned what could happen in the future if the text amendment was not made regarding infill developments and the possibility of duplexes on every corner.

Mr. Anderson asked if we require people to pay for fire hydrants along with building permits.

Mr. Shorts said that according to the fire code, you need to be within 400 feet of a hydrant. The

current closest one to the back building would be roughly 420 feet. The measurements relative to the frontage versus the building itself and the requirements of the municipal code and the fire code were discussed.

Mr. Banks said that in the past they have required people to build hydrants.

Mr. Bagley said that this development would put a strain on the current power grid in that part of town.

Mr. Anderson said this could result in a lot more smaller dwellings and Mr. Dallin mentioned the impact of one large building versus many small buildings.

Mr. Jorgensen said that the City is growing and it is not a question of if this will become an issue but when.

Mr. Baker pointed out the need to renumber the footnotes. He made a motion to recommend to the Planning Commission the text amendment including a footnote 7 with the word "garage" in front of the word "door" and another footnote distinguishing single family and multi-family dwellings, seconded by Mr. Thompson, all in favor.

### **Planning Commission**

The Planning Commission reviewed this request on March 12 and recommended that it be approved. Draft minutes from that meeting read as follows:

#### **Mark Dallin Zoning Text Amendment**

Applicant: Mark Dallin  
General Plan: Not Applicable  
Zoning: Not Applicable  
Location: City Wide

Mr. Anderson explained that Mr. Dallin approached the City earlier this year with the concept of amending the City ordinance to modify the lot width requirement for duplexes. At present the 80 feet of lot width is required for duplex units and twin homes. Mr. Dallin proposed reducing this requirement to 60 feet. Mr. Anderson then explained the recommended structural and format changes and how they would be spelled out in the ordinance. He feels in the older parts of town there is not much square footage and something

is needed to make those uses as conforming as possible.

Chairman Robins explained he was trying to picture in his mind a building envelope of 40 feet and what the frontage would look like. He would like to see pictures.

Mr. Anderson explained what the ordinance would allow.

Chairman Robins is more comfortable with a two story building rather than side by side.

Commission discussion was held regarding frontage, square footage and lot width.

Chairman Robins asked if the DRC explored side by side cases.

Mr. Anderson feels that a side by side in some cases could work well but that the DRC did not discuss that. It would be possible for someone to build two units with only 20 feet.

Commissioner Stroud feels most duplexes are side by side.

Mark Dallin

Mr. Dallin explained how he would lay out the building and what the setbacks would be.

Chairman Robins feels that access would work but curb appeal would not be good.

Commissioner Stroud asked if Mr. Dallin had a parcel.

Mr. Dallin explained that he did.

Commissioner Stroud asked to see a map. Mr. Nielson brought it up on the overhead projector. Mr. Dallin drew a drawing on the dry erase board.

Discussion was held regarding the lot width and square footage.

Commissioner Stroud asked for the flag lot ordinance requirements.

Mr. Anderson explained the code and said that Mr. Dallin could get a third dwelling without the Amendment.

Mr. Robins asked if there was any public comment. There was not any public input.

Commissioner Stroud has some concerns with curb appeal and asked if the City had any architectural standards.

Mr. Anderson said the City did not have any architectural standards.

Chairman Robins feels that he would like to see more pictures and would like to table the project.

Mr. Dallin explained he had already built one of the duplexes and has done some improvements.

Chairman Robins feels this is a new type of density and feels that the residents want a small town feel and he is struggling to see how this will benefit the City.

Mr. Dallin feels that there are a lot of blocks in town with open space in the middle that are just weed patches.

Chairman Robins asked for the depth of the lot. Mr. Nielson looked it up.

Commissioner Huff is concerned that this will open up all of the older blocks in town and asked if they were only accommodating Mr. Dallin. How broad were they stretching?

Mr. Anderson said it was broad. But did not feel that it would exceed more than a dozen properties and would not have a tremendous impact with density.

Chairman Robins asked if any other developers had asked the City for options.

Mr. Anderson said that Mr. Dallin is the only one with this concern and has come up with the proposed amendment.

Commissioner Marshall feels that we allow 5 to 8 units per acre and feels that he is not sure he likes the look but also feels that there is not anything that is better. There has not been any talk about in-fill. He feels the look would be the same at 60 or 80 feet and does not want to hold up Mr. Dallin.

Commissioner Lewis arrived at 7:29p.m.

Commissioner Marshall and Stroud would rather see two duplexes than a four-plex.

Commission discussion was held regarding duplexes versus four-plexes, affordable housing, and the high density in the Northeast part of town.

Commissioner Huff feels in his part of town that this could happen and would not like to see seven four-plexes in his back yard.

Chairman Robins asked for the lot width on Sherman Huff's block.

Mr. Nielson pulled it up on the overhead projector and discussion was held regarding lot width.

Commissioner Marshall feels that the Commission is not prepared to talk about in-fill development.

Commissioner Huff has reservations about in-fill lots.

Chairman Robins asked how hard it would be to supply a list of how many lots would be affected.

Chairman Robins feels that he would like to see a list of lots but was not comfortable taking action in this meeting.

Commissioner Stroud asked about designs standards. Mr. Anderson said that discussion would take place with the next item on the agenda.

Chairman Robins feels that discussion needs to take place regarding in-fill lots.

Mr. Anderson feels that redevelopment in the immediate future could cloud the list.

Commissioner Marshall supports the Dallin proposal but feels in-fill standards need to be discussed.

Commissioner Marshall moved to approve the changes to title 15 as directed by the Commission and staff. Commissioner Lewis seconded and the motion passed all in favor by a roll call vote.

Commissioner Marshall moved to instruct staff to look into in-fill options. Commissioner Lewis seconded and the motion passed all in favor by a roll call vote.

## **Budgetary Impact**

In staff's opinion, it is unlikely that there will be any budgetary impact with the proposed changes.

### **Alternatives**

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

### **Staff Recommendation**

Staff recommends that the proposed Title 15 Amendments be approved.

**PART 3 ZONING.**

**Chapter 16 Zoning District Regulations.**

- 15.3.16.010. **Agricultural and Rural Residential Districts.**
- 15.3.16.020. **Residential Districts.**
- 15.3.16.030. **R-3 Residential District.**
- 15.3.16.040. **R-O Residential Office.**
- 15.3.16.050. **C-O Commercial Office.**
- 15.3.16.060. **C-D Downtown Commercial**
- 15.3.16.070. **C-1 Neighborhood Commercial.**
- 15.3.16.080. **C-2 General Commercial.**
- 15.3.16.090. **S-C Shopping Center.**
- 15.3.16.100. **C-UV Urban Village Commercial**
- 15.3.16.110. **B-P Business Park.**
- 15.3.16.120. **I-1 Light Industrial.**
- 15.3.16.130. **I-2 Medium Industrial.**
- 15.3.16.150. **Recreation Facilities (R-F)**
- 15.3.16.160. **Public Facilities (P-F)**

**15.3.16.010. Agricultural and Rural Residential Districts.**

- A-E Exclusive Agriculture.**
- R-R Rural Residential.**

**A-E:** The purpose of this district is to promote agricultural production on lands with high quality soil types. The lands will usually not be suited for other urban uses because of location within a floodplain, or distance to other urban services.

**R-R:** This district is similar in character with the A-E District, but parcel sizes are generally somewhat smaller and the soil types may be lower quality. Many of these areas within the Growth Management boundary will likely be rezoned and developed with higher density uses as utilities are extended and adequate streets are developed and/or widened. Other lands outside the Growth Management boundary may eventually be converted to urban uses when a need is shown to expand that boundary.

**A. Permitted Uses:**

1. Agriculture, including the production of food and fiber crops, and tree farms; grazing and animal husbandry of livestock.
2. Commercial horse riding, training, and boarding stables. (A-E District only)
3. Living quarters for agricultural employees employed on the premises. (A-E District only)
4. Wholesale plant nurseries. (A-E District only)

5. One (1) single residence dwelling per lot.
6. Foster home.
7. Seasonal fruit, vegetable, and hay retail sales structures of less than 500 square feet when located on the premises where the products are raised.
8. Public parks and recreational facilities.
9. Golf courses and related facilities.
10. Public schools (R-R District only, and when located on a collector or arterial street)
11. Veterinary offices including outdoor boarding of animals if animals are kept at least 200 feet from any neighboring house.
12. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
13. Churches (R-R District only, and when located on a collector or arterial street).
14. Municipal facilities required for local service.

**B. Uses Subject to Conditions (as described in §15.3.24.010 et seq.):**

1. Home Child Care Center
2. Home Occupations
3. Instructional Studio
4. Manufactured Home
5. Residential facility for persons with a disability.
6. Residential facility for elderly persons.

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

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

**D. Accessory Buildings and Uses (see §15.3.24.090).**

**E. Development Standards (see Table 1).**

**F. Site Plan/Design Review (see §15.4.08.010 et seq.):**

Design review is be required for uses subject to conditional use permit.

**G. Landscaping, Buffering, Walls (see §15.4.16.130):**

Landscaping, buffering, and/or walls may be required for uses subject to a conditional use permit.

- H. **Signs (see §5.36.010 et seq.).**
- I. **Parking (see §15.4.16.120).**

**15.3.16.020. Residential Districts.**

**R-1-80, R-1-60, R-1-40, R-1-30:** These districts provide a rural residential environment with Spanish Fork that are characterized by large single family lots conducive to animal rights.

**R-1-20, R-1-15, R-1-12:** These districts provide low-density single family lots within Spanish Fork City

**R-1-9, R-1-8:** These districts are to provide moderate density that is characterized by a variety of single family housing types and lot sizes.

**R-1-6:** This district provides a residential environment that is medium high density with a variety housing choices include single family homes, twin homes, townhomes and duplexes.

**A. Permitted Uses:**

1. One (1) single residence dwelling per lot.
2. **Twin homes in the R-1-8 and R-1-6 districts only. The minimum lot size is 9,700 square feet, the minimum lot width is 80 feet, 40 feet per unit, and the side setback is 10 feet.**
3. **Duplexes in the R-1-6 district only. The minimum lot size is 9,700 square feet, the minimum lot width is 60 feet and the side setback is 10 feet.**
4. Foster home.
5. Public parks and recreational facilities.
6. Golf courses and related facilities.
7. Municipal facilities required for local service.
8. Churches (when located on a collector or arterial street).
9. Public schools (when located on a collector or arterial street).
10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

**B. Uses Subject to Conditions (as described in §15.3.24.010 et seq.):**

1. Home Child Care Centers.
2. Home Occupations.
3. Instructional Studio.
4. Manufactured Homes.
5. Master Planned Developments.
6. Subdivision Model Home

Complexes.

7. Temporary office or construction trailers.
8. Residential facility for persons with a disability.
9. Residential facility for elderly persons.

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

1. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
2. Accessory, mother-in-law, or basement apartments (R-1-6 district only) must meet the conditions of 15.3.24.090.
3. Private schools (when located on a collector or arterial street).
4. Residential treatment center must meet conditions of §15.3.24.010.
5. Assisted living facility must meet minimum conditions of §15.3.24.010.

**D. Accessory Buildings and Uses (see §15.3.24.090).**

**E. Development Standards (see Table 1).**

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

**G. Landscaping, Buffering, Walls (see §15.4.16.130).**

**H. Signs (see §5.36.010 et seq.).**

**I. Parking (see §15.4.16.120).**

**15.3.16.030. R-3 Residential District.**

This district is intended to promote high density residential uses. There will be a mix of dwelling types, with a larger proportion of twin homes, duplexes, and multi-family dwellings than single residence dwellings.

**A. Permitted Uses:**

1. Single residence dwellings.
2. **Twin homes. The minimum lot size is 9,700 square feet, the minimum lot width is 80 feet, 40 feet per unit, and the side setback is 10 feet.**
3. **Duplexes. The minimum lot size is 9,700 square feet, the minimum lot width is 60 feet and the side setback is 10 feet.**
4. **Three-plexes. The minimum lot size is 14,000 square feet, the minimum lot width is 80 feet and the side setback is 15 feet.**
5. **Four-plexes. The minimum lot size**

is 18,000 square feet, the minimum lot width is 80 feet and the side setback is 15 feet.

- 6. Foster homes.
  - 7. Public parks and recreational facilities.
  - 8. Municipal facilities required for local service.
  - 9. Churches (when located on a collector or arterial street).
  - 10. Public schools (when located on a collector or arterial street).
  - 11. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
- B. Uses Subject to Conditions (as described in §15.3.24.010 et seq.):**
- 1. Home Child Care Centers.
  - 2. Home Occupations.
  - 3. Instructional Studio.
  - 4. Manufactured Homes.
  - 5. Master Planned Developments.
  - 6. Subdivision model home complexes.
  - 7. Temporary office or construction trailers.
  - 8. Residential facility for persons with a disability.
  - 9. Residential facility for elderly persons.
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):**
- 1. Residential treatment center must meet minimum conditions of §15.3.24.090.
  - 2. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
  - 3. Assisted living facility must meet minimum conditions of §15.3.24.090.
- D. Accessory Buildings and Uses (see §15.3.24.090).**
- E. Development Standards (see Table 1).**
- F. Site Plan/Design Review (see §15.4.08.010 et seq.).**
- G. Landscaping, Buffering, Walls (see §15.4.16.130).**
- H. Signs (see §5.36.010 et seq.).**
- I. Parking (see §15.4.16.120).**

**15.3.16.040. R-O Residential Office.**

This district is intended to allow low intensity professional office uses on a scale consistent with residential areas. Strict architectural and site plan review will be required to ensure compatibility with adjoining residential areas. This district serves as a transition between more intense commercial areas and residential land uses, or is located along busier streets where limited office use is being introduced. Residential and office use of the same structure is allowed. Some limited commercial use may also be allowed in selective locations.

**A. Permitted Uses:**

- 1. Single residence dwellings.
- 2. Duplexes. The minimum lot size is 9,700 square feet, the minimum lot width is 60 feet and the side setback is 10 feet.
- 3. Bed and Breakfast Inns.
- 4. Offices.
- 5. Home Occupations.
- 6. Foster homes.
- 7. Public parks and recreational facilities.
- 8. Municipal facilities required for local service.
- 9. Churches (when located on a collector or arterial street).
- 10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
- 11. Child care centers

The following uses will only be allowed on properties between 100 West and 100 East:

- 1. Art galleries and studios.
- 2. Financial institutions with no drive-thru service.
- 3. Personal service businesses.
- 4. Restaurants (no drive-thru or drive-in service).
- 5. Specialty retail uses including, but not limited to, gift shops, bookstores, florists, antiques, crafts, collectibles, food and beverages, apparel, and other similar items.

**B. Uses subject to Conditions (as described in §15.3.24.010 et seq.):**

- 1. Home child care centers.
- 2. Instructional Studio.
- 3. Manufactured Homes.
- 4. Residential facility for persons with a disability.
- 5. Residential facility for elderly persons.

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

- D. Development Standards (see Table 1).**
- E. Site Plan/Design Review (see §15.4.08.010 et seq.):**

Architectural and building materials review will be critical in this district to ensure that new or remodeled structures maintain an appearance which is highly compatible with adjoining residential areas.

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

- G. Signs (see §5.36.010 et seq.).**

- H. Parking (see §15.4.16.120):**

No parking will be allowed in front of the principal structure for non-residential uses.

- I. Uses subject to Conditional Use Permit (see §15.3.08.060):**

1. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
2. Nursing or retirement homes
3. Supervisory Care Facility
4. Assisted Living Facility
5. Shelter Care Facility
6. Nursing or Retirement Home
7. Residential Treatment Center
8. Financial Institutions not located between 100 West and 100 East.

TABLE 1 - Residential Development Standards										
District	Base Density	Minimum Lot Area	Minimum Width <sup>2</sup>	Minimum Depth	Minimum Setback <sup>1</sup>				Max. Building Height	
					Front <sup>11</sup>	Rear	Side	Corner	Principal Bldg <sup>10</sup>	Accessory Bldg <sup>1</sup>
A-E	n/a	40 acres	400'	400'	50'	50'	50'	50'	35'	35'
R-R	n/a	5 acres	200'	200'	50'	50'	25'	50'	35'	35'
R-1-80	.4 units per acre	80,000 s.f.	180'	200'	40'	80'	20'	30'	30'	20'
R-1-60	.54 units per acre	60,000 s.f.	160'	200'	40'	60'	20'	30'	30'	20'
R-1-40	.81 units per acre	40,000 s.f.	140'	200'	30'	40'	20'	30'	30'	20'
R-1-30	1.07 units per acre	30,000 s.f.	130'	150'	40'	40'	15'	25'	30'	20'
R-1-20	1.61 units per acre	20,000 s.f.	125'	150'	30'	30'	15'	25'	30'	15'
R-1-15	2.15 units per acre	15,000 s.f.	100'	125'	30'	30'	15'	25'	25'	15'
R-1-12	2.69 units per acre	12,000 s.f.	100'	100'	25'	25'	10'	15-25 <sup>8</sup>	30'	15'
R-1-9	3.58 units per acre	9,000 s.f.	85'	90'	20-25 <sup>6</sup>	25'	10'	15-25 <sup>8</sup>	30'	15'
R-1-8	4.03 units per acre	8,000 s.f. <sup>4</sup>	75' <sup>4</sup>	90'	20-25 <sup>6</sup>	25'	10'	15-25 <sup>8</sup>	30'	15'
R-1-6	5.37 units per acre	6,000 s.f. <sup>2, 4, 12</sup>	50'	90'	20-25 <sup>6</sup>	25'	5-10 <sup>7</sup>	15-25 <sup>8</sup>	30'	15'
R-3	5.37 units per acre	6,000 s.f. <sup>5, 2</sup>	50'	90'	20-25 <sup>6</sup>	25'	5-10 <sup>7</sup>	15-25 <sup>8</sup>	30'	15'
R-O	n/a	6,000 s.f. <sup>2, 9</sup>	50'	90'	20-25 <sup>6</sup>	25'	5-10 <sup>7</sup>	15-25 <sup>8</sup>	30'	15'

1- refer to 15.3.24.090(A) for accessory buildings  
 2- refer to 15.3.24.090(F) for flag lots.  
 3- ~~40,000 s.f. for duplex lots in the R-O zone.~~  
 4- ~~40,000 s.f. for twinhome or duplex lots.~~  
 5- ~~9,700 s.f. for twinhome or duplex lots; 14,000 s.f. for 3-plex lots; 16,000 s.f. for 4-plex lots.~~  
 6- 20 feet to living areas, 25 feet to garages or carports, and 20 feet to the garage door of a side entry garage.  
 7- 5 feet on one side, 10 feet on the other for single family dwellings; 10 feet for non-residential uses.  
 8- 15 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of the side entry of a garage.  
 9- ~~60 feet for twin homes or duplexes; 40 feet per unit.~~  
 10- flagpoles are limited to the height of principal buildings in residential zones.  
 11- maximum setback is 250 feet, with an all-weather driveway, capable of supporting a fire truck, and with adequate turn around space for a fire truck at the end of the drive. Greater distances may be allowed if a fire hydrant is installed within 250 feet of the principal building.  
 12- ~~9,700 s.f. for twinhome or duplex lots.~~



# REPORT TO THE CITY COUNCIL

## MASTER PLANNED DEVELOPMENT TITLE 15 AMENDMENT

**Agenda Date:** April 1, 2008

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

**Reviewed By:** Development Review Committee

**Request:** The proposal involves amending Title 15 of the Municipal Code. Specifically, the change would reduce the minimum acreage requirement for Master Planned Developments in the R-3 and R-1-6 zones from 5 acres.

**Zoning:** not applicable

**General Plan:** not applicable

**Project Size:** not applicable

**Number of lots:** not applicable

**Location:** City wide

### Background Discussion

Staff has been discussing the concept of reducing the minimum acreage requirement for Master Planned Developments in certain zones for the past several months. At present, 5 acres are required for Master Planned Developments in the R-1-6 and R-3 zones.

The proposal that is before the Council would reduce that lot size requirement to 2 acres. The proposed language reads as follows:

4. The minimum size of a Master Planned Development is twenty (20) contiguous acres, except in the R-1-6 and R-3 zones, where **two (2) acres** are required. School and church sites are to be excluded from the acreage calculation.

In staff's view, this is one of the more subjective standards in our ordinance, which may make it more difficult to formulate an ideal number to use as the minimum.

Most of the area in the City that would be impacted by the proposed change is found in the original plats. In recent years, a noticeable amount of new construction has occurred in the original plats, much of which has occurred by way of flaglots or the replacement of single-family dwellings with twinhomes. The City currently has no mechanism to require any architectural features or upgrades when this construction occurs.

The intent of the proposed change is to allow more projects in this area to qualify as Master Planned Developments. It is therefore hoped that the overall quality of development in the original plats will improve.

One concern that has been discussed in DRC meetings is density. As this has been discussed it's been found that in most cases, but not all, the proposed change will not allow developers to construct more units than what can be built by doing traditional developments in these zones.

The main incentive the Master Planned Development option would provide a developer is flexibility from the traditional zoning standards.

Again, it is hoped that making this option available would encourage developers to follow the Master Planned Development path and ultimately construct projects that are superior to what is currently being constructed.

### **Development Review Committee**

The Development Review Committee reviewed this proposal on February 20, 2008 and recommended that it be approved. Minutes from that meeting read as follows:

#### **Master Plan Development Text Amendment**

Applicant: Spanish Fork City  
General Plan: N/A  
Zoning: N/A  
Location: City Wide

Mr. Anderson said it should be up to the Planning Commission to decide whether to change the minimum area requirement for master planned developments.

Mr. Thompson asked if Mr. Anderson was saying to send this to the Planning Commission without a recommendation. Mr. Anderson answered that he would not prefer that, but if they couldn't come to a conclusion in this meeting then that is what they should do.

Baker said that 20,000 square feet is too small but would be willing to bring it down to 2 acres from 5. He mentioned how you usually get a higher end product in return for bonus density. Mr. Baker asked how many units you can put on 20,000 square feet. Mr. Anderson answered 5-8 units per acre.

Mr. Anderson mentioned that the biggest advantage of Master Planned Developments, regardless of size, is architecture.

Mr. Baker said the only incentive we offer for Master Planned Developments is density.

Mr. Anderson mentioned that the flexibility offered is also an incentive.

Mr. Swenson said all this would do is allow people to do more with their land.

Mr. Anderson proposed going to the Planning Commission with a two or even one acre minimum and Mr. Thompson agreed.

Mr. Baker made a motion to recommend to the Planning Commission to amend the ordinance to allow master planned development in the R-1-6 and R-3 zones on a minimum of two acres, seconded by Mr. Thompson. Mr. Anderson opposed saying that one acre would be more appropriate, with Mr. Baker suggesting to take the 20,000 square feet to the Commission and to see what they say. Mr. Baum, Mr. Short and Mr. Swenson agreed.

### **Planning Commission**

The Planning Commission reviewed this request on March 12 and recommended that it be approved, with one modification. The Planning Commission recommended that the minimum project size be reduced to 18,000 square feet, instead of 2 acres as the DRC recommended. Draft minutes from that meeting read as follows:

#### **Master Planned Development Text Amendment**

Applicant: Spanish Fork City  
General Plan: Not Applicable  
Zoning: Not Applicable  
Location: City Wide

Mr. Anderson explained the standard acreage for Master Planned Developments is five acres and the Development Review Committee recommended reducing the acreage to two (2) acres. Mr. Anderson feels 20,000 square feet would be better. He explained how Provo City is dealing with in-fill development. Merrill Bingham, who works for Provo City, submitted information on what Provo City is doing for in-fill. The older part of town is where common in-fill is taking place and certain development types such as duplexes, flag lots and four-plexes have been constructed in the absence of architectural standards so as to protect the neighborhood from structures that do not meet the architecture of the neighborhood. He feels that this could be improved and the best step would be to amend the ordinance to allow people to do Master Planned Developments on smaller properties. He is most concerned with architectural controls. At present, should someone want to construct a four-plex unit would be approved, per our ordinance, without any architectural controls. He presented a picture of a property in Provo with single family dwellings.

Commissioner Lewis does not like homes behind homes. He would support a small cul-de-sac look with a shared drive.

Mr. Anderson feels this is a way to raise the bar in the older part of town. The Development Review Committee was comfortable with reducing the property size but dickered on the amount.

Chairman Robins invited the public to comment.

Val Cope

Mr. Cope said he is a real estate agent and fully supports the Neighborhood Housing Service projects in Provo. He feels that if this concept were in Spanish Fork that developers would like it because it would be lucrative and people could afford them.

Commissioner Lewis would like to see how many properties in Spanish Fork would be impacted.

Commissioner Marshall feels that this is a good step and gives the City an option. He feels go smaller or do not make the change. He is not comfortable with the density but feels that this is a better solution than the present.

Commissioner Stroud explained what Orem City has and the base density and explained the ordinance. He is comfortable with two acres but has reservations going down to 20,000 square foot parcels.

Chairman Robins asked to see the R-3 and R-1-6 properties in the City.

Commissioner Stroud likes the concept of larger parcel because he feels it encourages developers to purchase more old homes on a block.

Discussion was held regarding contiguous lots, four-plexes versus single family dwellings, options for in-fill lots, Master Plan Development requirements and bonus density.

Mr. Anderson said that in most R-3 zones 9-12 units per acre would be allowed.

Discussion was held regarding the magic number for the square footage or acreage requirements.

Commissioner Lewis feels that Mr. Bingham makes a good point and would rather see single family dwellings than four-plexes.

Commissioner Huff feels that he would rather see a Master Planned Development than a four-plex and feels the reality of his part of town turning into higher density like the northeast side of town.

Commissioner Marshall feels that the older part of town is turning into higher density.

Discussion was held regarding losing the small town feel.

Mr. Anderson feels that the likelihood that developers will purchase more property will increase.

Commissioner Marshall **moved** to recommend to the City Council **approval** of the changes to Title 15 reducing the minimum size of Master Planned Developments to 18,000 square feet in the R-3 and R-1-6 zones subject to the following condition:

#### **Condition**

1. That and qualifying developments be comprised of contiguous properties.

Chairman Robins seconded and the motion passed a roll call vote. Commissioner Huff voted nay. He is anxious that older units will be bought and change the whole complexity of the older parts of town.

Discussion was held regarding what determines properties are contiguous.

Commissioner Huff moved to close public hearing. Commissioner Lewis seconded and the motion passed all in favor at 8:24 p.m.

#### **Budgetary Impact**

In staff's opinion, it is unlikely that there will be any budgetary impact with the proposed changes.

#### **Alternatives**

The Council has considerable discretion relative to proposed ordinance amendments. In this case, a few specific options are placed before the Council. The specific options include the following:

1. Deny the proposed Amendments, therefore making no changes to Title 15.

2. Approve the change to reduce the acreage requirement to 2 acres as the DRC recommended.
3. Approve the change to reduce the acreage requirement to 18,000 square feet as recommended by the Planning Commission.

### **Staff Recommendation**

Staff recommends that the proposed Title 15 Amendment be approved, reducing the minimum acreage requirement for Master Planned Developments in the R-1-6 and R-3 zones to two (2) acres.



# REPORT TO THE CITY COUNCIL VACATION OF 650 WEST

- Agenda Date:** April 1, 2008
- Staff Contacts:** Dave Anderson, Planning Director
- Reviewed By:** Development Review Committee
- Request:** The proposal would vacate the public right-of-way at 650 West between 1000 North and the railroad right-of-way to the north.
- Zoning:** not applicable
- General Plan:** not applicable
- Project Size:** not applicable
- Number of lots:** not applicable
- Location:** City wide

## Background Discussion

As the Kelly Annexation was processed late last year, the annexation sponsor requested that the City consider vacating the street that currently exists between that property and an adjacent industrial development.

Staff has reviewed the proposed vacation and sees no reason to deny the request.

In this case, approving the vacation will allow for a broader range of potential industries on the neighboring parcel and, in that sense, could prove to be a benefit for the City.

## Development Review Committee

The Development Review Committee reviewed this request in their March 19 meeting and recommended that it be approved. Minutes from that meeting read as follows:

### 450 West

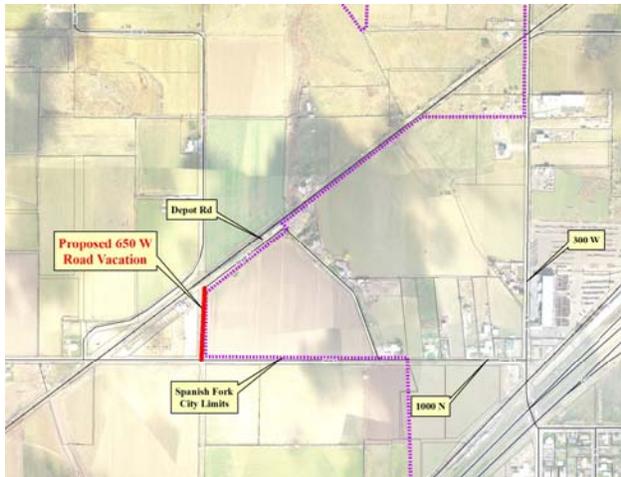
Applicant: Preston Naylor  
General Plan: Light Industrial  
Zoning: Industrial 1  
Location: 450 West between 1000 North and Depot Road

Discussion was held regarding a ditch adjacent to the street and whether or not the railroad could access their property if the street is vacated.

Mr. Olyer moved to recommend vacating 650 West between 1000 North and Depot Road subject to notifying adjacent property owners. Mr. Baker seconded and the motion passed all in favor.

## Budgetary Impact

In staff's opinion, it is unlikely that there will be any substantial budgetary impact with the proposed street vacation.

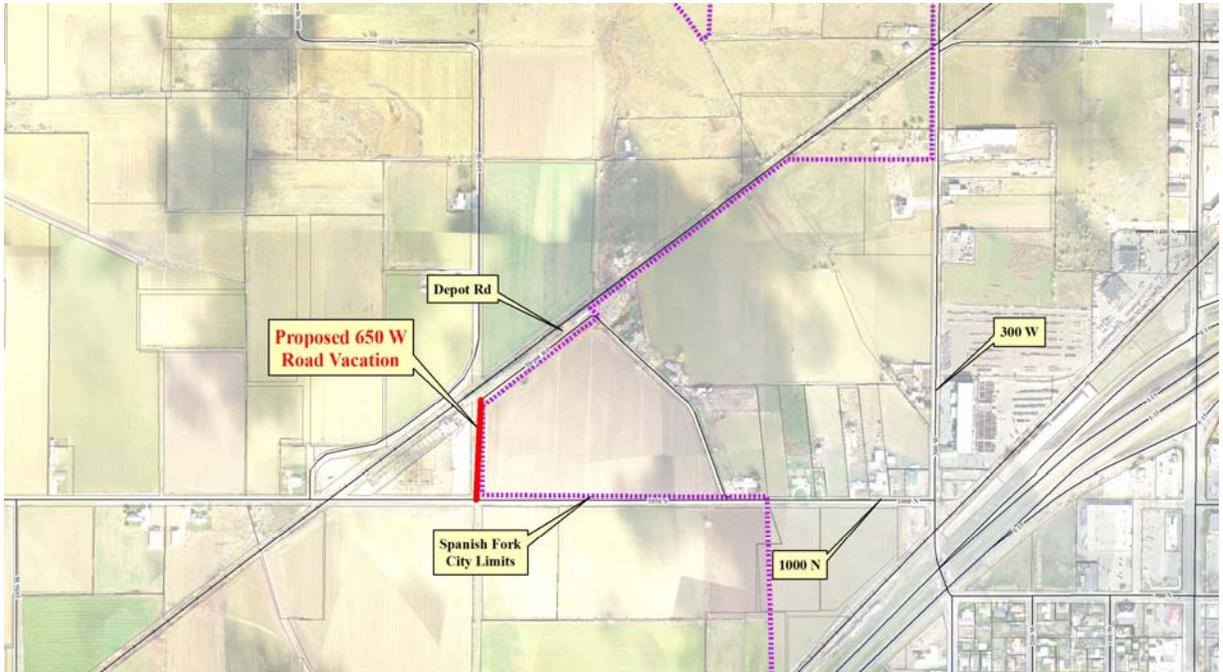


**Alternatives**

The Council has no obligation to approve the proposed street vacation.

**Staff Recommendation**

Staff recommends that the proposed vacation of 650 West between 1000 North and the railroad right-of-way to the north be approved.





**MEMO**  
**SPANISH FORK CITY**  
**PUBLIC WORKS DEPARTMENT**

**DATE:** March 11, 2008

**TO:** Mayor Thomas and City Council

**FROM:** Richard J. Nielson, Assistant Public Works Director

**RE:** Municipal Wastewater Planning Program

Each year the State of Utah asks the City to complete the attached report. As part of the request, the State would like to have the City Council adopt the attached resolution indicating that you have reviewed the report and that the City is taking appropriate actions to meet our UPDES permit. The City is currently meeting all of the requirements of the permit. I would request that the City Council approve the resolution for the Municipal Wastewater Planning Program.

# STATE OF UTAH

## *MUNICIPAL WASTEWATER PLANNING PROGRAM*

### SELF-ASSESSMENT REPORT

FOR

SPANISH FORK CITY

2007



Resolution Number \_\_\_\_\_

**MUNICIPAL WASTEWATER PLANNING PROGRAM RESOLUTION**

RESOLVED that **SPANISH FORK CITY** informs the Water Quality Board the following actions were taken by the **CITY COUNCIL**

1. Reviewed the attached Municipal Wastewater Planning Program Report for 2007.
2. Have taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit (If Applicable)

Passed by a (majority) (unanimous) vote on

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Mayor/Chairman

\_\_\_\_\_  
Attest:

Recorder/Clerk

# Municipal Wastewater Planning Program (MWPP) Financial Evaluation Section

Owner Name: *SPANISH FORK CITY*

Name and Title of Contact Person:

*Richard Nielson*  
*Assistant Public Works Director*

Phone: *(801) 798-5082*

**PLEASE SUBMIT TO STATE BY: APRIL 1, 2008**

Mail to: MWPP - Department of Environmental Quality  
c/o Paul Krauth, P.E.  
Division of Water Quality  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
Phone : 538-6146

## Part I: OPERATION AND MAINTENANCE

Complete the following table:

Question	Points Earned	Total
Are revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs <b>at this time</b> ?	YES = 0 points NO = 25 points	0
Are the projected revenues sufficient to cover operation, maintenance, and repair & replacement (OM&R) costs for the <b>next five years</b> ?	YES = 0 points NO = 25 points	0
Does the facility have sufficient staff to ensure proper O&M?	YES = 0 points NO = 25 points	0
Has a dedicated sinking fund been established to provide for repair & replacement costs?	YES = 0 points NO = 25 points	0
Is the repair & replacement sinking fund adequate to meet anticipated needs?	YES = 0 points NO = 25 points	0
<b>TOTAL PART I =</b>		0

## Part II: CAPITAL IMPROVEMENTS

Complete the following table:

Question	Points Earned	Total
Are present revenues collected sufficient to cover all costs and provide funding for capital improvements?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <b>next five years</b> ?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <b>next ten years</b> ?	YES = 0 points NO = 25 points	0
Are projected funding sources sufficient to cover all projected capital improvement costs for the <b>next twenty years</b> ?	YES = 0 points NO = 25 points	25
Has a dedicated sinking fund been established to provide for future capital improvements?	YES = 0 points NO = 25 points	0
<b>TOTAL PART II =</b>		25

# Municipal Wastewater Planning Program (MWPP) Collection System Section

Owner Name: SPANISH FORK CITY  
Name and Title of Contact Person:

Richard Nielson

Assistant Public Works Director

Phone: (801) 798-5082

**PLEASE SUBMIT TO STATE BY: APRIL 1, 2008**

Mail to: Department of Environmental Quality  
c/o Paul Krauth, P.E.  
Division of Water Quality  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
Phone : 538-6146

Form completed by

Richard Nielson

**Part III: NEW DEVELOPMENT**

A. Please complete the following table:

Question	Points Earned	Total Points
Has an industry (or other development) moved into the community or expanded production in the past two years, such that either flow or wastewater loadings to the sewerage system were significantly increased (10 - 20%)?	No = 0 points Yes = 10 points	0
Are there any major new developments (industrial, commercial, or residential) anticipated in the next 2 - 3 years, such that either flow or BOD <sub>5</sub> loadings to the sewerage system could significantly increase (25%)?	No = 0 points Yes = 10 points	0
<b>TOTAL PART III =</b>		0

B. Approximate number of new residential sewer connections in the last year

396 new residential connections

C. Approximate number of new commercial/industrial connections in the last year

40 new commercial/industrial connections

D. Approximate number of new population serviced in the last year

1420 new people served

## Part V: FACILITY MAINTENANCE

A. Please complete the following table:

Question	Points Earned	Total Points
Do you follow an annual preventative maintenance program?	Yes = 0 points No = 30 points	0
Is it written?	Yes = 0 points No = 20 points	0
Do you have a written emergency response plan?	Yes = 0 points No = 20 points	0
Do you have an updated operations and maintenance manual	Yes = 0 points No = 20 points	0
Do you have a written safety plan?	Yes = 0 points No = 20 points	20
<b>TOTAL PART V =</b>		20

## Part VI: SUBJECTIVE EVALUATION

*This section should be with the system operators.*

A. Describe the physical condition of the sewer collection system: (lift stations, etc. included)

Generally good condition, some infiltration, pipes are structurally sound, lift stations in good condition w back-up power + SCADA

B. What sewerage system improvements does the community have under consideration for the next 10 years?

Replacement of old mains, reduce I + I



# Municipal Wastewater Planning Program (MWPP) Mechanical Plant Section

Owner Name: *SPANISH FORK CITY*

Name and Title of Contact Person:

*Dennis Sorensen*

*WWTP Manager*

Phone: *(801) 798-5051*

**PLEASE SUBMIT TO STATE BY: APRIL 1, 2008**

Mail to: Department of Environmental Quality  
Division of Water Quality  
c/o Paul Krauth, P.E.  
288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
Phone : 538-6146

Form completed by

*Dennis R. Sorensen*

**Part I. INFLUENT INFORMATION (cont.)**

C. Refer to the information in A & B to determine a point value for your facility. Please enter the points for each question in the blank provided.

Question	Number	Points Earned	Total Points
How many times did the average monthly flow (Part B., Column 1) to the wastewater facility exceed 90% of design flow?	0	0 = 0 points 1 - 2 = 10 points 3 - 4 = 20 points 5 or more = 30 points	0
How many times did the average monthly flow (Part B., Column 1) to the wastewater facility exceed the design flow?	0	0 = 0 points 1 - 2 = 20 points 3 - 4 = 40 points 5 or more = 60 points	0
How many times did the average monthly BOD <sub>5</sub> loading (Part B., Column 3) to the wastewater facility exceed 90% of the design loading?	1	0-1 = 0 points 1 - 2 = 10 points 3 - 4 = 20 points 5 or more = 30 points	0
How many times did the average monthly BOD <sub>5</sub> loading (Part B., Column 3) to the wastewater facility exceed the design loading?	1	0 = 0 points 1 - 2 = 20 points 3 - 5 = 40 points 5 or more = 60 points	20
<b>TOTAL PART I =</b>			20

**Part II: EFFLUENT INFORMATION (cont.)**

C. Refer to the information in A & B and your operating reports to determine a point values for your facility.

Question	Number	Points Earned	Total Points
How many months did the effluent BOD <sub>5</sub> (CBOD <sub>5</sub> ) exceed 80% of monthly permit limit?	8	0 - 1 = 0 points 2 = 5 points 3 = 10 points 4 = 15 points 5 or more = 20 points	20
How many months did the effluent BOD <sub>5</sub> (CBOD <sub>5</sub> ) exceed the monthly permit limits?	1	0 = 0 points 1 - 2 = 10 points 3 or more = 20 points	10
How many months did the effluent TSS exceed 20 mg/L?	0	0 - 1 = 0 points 2 = 5 points 3 = 10 points 4 = 15 points 5 or more = 20 points	0
How many months did the effluent TSS exceed 25 mg/L?	0	0 = 0 points 1 - 2 = 10 points 3 or more = 20 points	0
How many times did the Cl <sub>2</sub> exceed permit limit?	0	0 = 0 points 1 - 2 = 15 points 3 or more = 30 points	0
How many times did the NH <sub>3</sub> exceed permit limits?	3	0 = 0 points 1 - 2 = 15 points 3 or more = 30 points	20
How many times did the DO not meet permit limit?	0	0 = 0 points 1 - 2 = 15 points 3 or more = 30 points	0
How many months did the 30-day fecal coliform exceed 200 #/100 mL?		0 = 0 points 1 - 2 = 10 points 3 or more = 20 points	
How many months did the 30-day total coliform exceed 2,000 #/100 mL?		0 = 0 points 1 - 2 = 10 points 3 or more = 20 points	
How many months did the 30-day E-coli exceed 126 #/100 mL?	0	0 = 0 points 1 - 2 = 20 points 3 or more = 40 points	0
<b>TOTAL PART II =</b>			<b>50</b>

**Part VI: NEW DEVELOPMENT (cont.)**

- B. Approximate number of new residential sewer connections in the last year  
396 new residential connections
- C. Approximate number of new commercial/industrial connections in the last year  
40 new commercial/industrial connections
- D. Approximate number of new population serviced in the last year  
1420 new people served

**Part VII: OPERATOR CERTIFICATION**

- A. How many operators are currently employed by your facility?  
3 operator(s) employed
- B. What is/are the name(s) of your DRC operator(s)?  
Dennis R Sorensen  
Terry Hadlock  
\_\_\_\_\_  
\_\_\_\_\_
- C. You are required to have the DRC operator(s) certified at GRADE III.  
What is the current grade of the DRC operator(s)? 4/9 III

- D. State of Utah Administrative Rules Require that all operators considered to be in DRC to be appropriately certified. List all the operators in your system by their certification class.

Not Certified	_____
Treatment I	_____
Treatment II	_____
Treatment III	<u>1</u>
Treatment IV	<u>1</u>

**Part VII: OPERATOR CERTIFICATION (cont.)**

E. Please complete the following table:

Question	Points Earned	Total Points
Is/are your DRC operator(s) currently certified at the appropriate grade for this facility? (see C)	Yes = 0 points No = 50 points	0
How many continuing education units has each of the DRC operator(s) completed over the last 3 years?	3 or more = 0 points less than 3 = 10 points	0
<b>TOTAL PART VII =</b>		0

**Part VIII: FACILITY MAINTENANCE**

A. Please complete the following table:

Question	Points Earned	Total Points
Do you follow an annual preventative maintenance program?	Yes = 0 points No = 30 points	0
Is it written?	Yes = 0 points No = 20 points	0
Do you have a written emergency response plan?	Yes = 0 points No = 20 points	0
Do you have an updated operations and maintenance manual	Yes = 0 points No = 20 points	0
Do you have a written safety plan?	Yes = 0 points No = 20 points	0
<b>TOTAL PART VIII =</b>		0

## POINT SUMMATION

Fill in the values from Parts I through VIII in the blanks provided in column 1. Add the numbers to determine the MWPP point total that your wastewater facility has generated for the past twelve months.

Part	Points
I	20
II	50
III	18
IV	0
V	0
VI	
VII	0
VIII	0
Total	

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**Tentative Minutes**  
**Spanish Fork City Council Meeting**  
**February 19, 2008**

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

Staff Present: Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; Dave Andersen, City Planner; Kent Clark, Finance Director; John Bowcut, IS Director; Dee Rosenbaum, Public Safety Director; Elaine Hanson, Special Events; Steven Money, Special Events; Kimberly Robinson, City Recorder

Citizens Present: Alex Fuentes, Erasmo Fuentes, Eva Bradford, Susan Barber, Carol Pepperdine, Diane Butler, Netella K. Montague, Pat Mitchell, Bev Lewis, Cleo Cox, Kallin Nelson, Caleb Olson, Ashlyn Cardoza, Melissa Brimhall, Nikayla Wride, Conner Damon, Winston Morrell, Oaks Morley, Mckay Lewis, Jackson Lewis Jonna Lewis

**CALL TO ORDER, PLEDGE:**

Mayor Thomas called the meeting to order at 6:03 p.m.

Councilman Nielson led in the pledge of allegiance.

**PUBLIC COMMENTS:**

There was no public comment made at this time.

**COUNCIL COMMENTS:**

Councilman Davis reported he met with the Airport Board and the wetland issues have been resolved. The Youth Council are working very hard, they met at Hearthstone to put valentines on the doors, and will be going to Utah State University. He thanked Rochelle Barber again for all her help. The Fiesta Days Committee met last night, the new Vice Chairman are Terry and Lil Shepherd. They are working on the stock parade deciding whether or not to come down Main Street or continue going down Center Street. He thanked the DUP, this will be an excellent park. He thanked them for carrying on the heritage in Spanish Fork. He noted the snow storms and the hard work city employees have been doing to keep the snow off the roads. The Parks and Streets department cleaned all the snow off the senior citizens cars when it snowed while they were having a party at the senior center. He thanked the city staff and appreciates them for what they do for the city.

Councilman Andersen reported the Legislative Policy Committee meets every Monday they are following a few things affecting us. The forms of government bill has now gone out of the senate and over to the house. Another bill is the water bill sponsored in the house and has gone to the senate, hopefully it will get passed. Two weeks ago SUVPS was interested in purchasing land for a regional wastewater treatment facility, they have received funds to proceed at a 2.4% interest rate. He addressed the article in the paper last week referring to the bus situation approved and talked about in November 2006. There are a few problems with the bus, they discussed some of those issues at the budget training and felt there were too many things of concern, they did not feel comfortable with this particular piece of equipment. It has been taken to a well respected

51 mechanic who feels it is not appropriate for what we were hoping to use it for. He then read a  
52 letter from Richard Lockhart who works for the Lakeshore Motor Company. They do not feel it  
53 is the right thing to do at this time.

54  
55 Councilman Dart attended the Chamber of Commerce meetings. They are determined to get the  
56 chamber rolling where they would like it to be, they are also planning for the Easter egg hunt.  
57 They had a house fire in their neighborhood and he witnessed first hand the police and the fire  
58 department. He would like to express his appreciation to the public safety department for how  
59 hard they work. The new lights on Dons field have been installed and will be good for the  
60 season.

61  
62 Councilman Leifson reported all the committees he is on have already met, he will report back.  
63 He agreed with Richard on the DUP, it will be great and will honor those early settlers with that  
64 monument.

65  
66 Councilman Andersen reported in the COG meeting, Provo City is trying to get a radar system  
67 for their airport. The FAA has a system for \$5 million they will bring in for \$3 million there will  
68 be a shortfall of \$750,00 to \$1 million the radar system will benefit our airport as well. Mayor  
69 Billings wants to meet to see what they can come up with to have that system in the valley.

70  
71 Mayor Thomas reported North Park is moving forward slowly, the senior citizens asked to  
72 express their thanks for the snow removal. He congratulated the DUP and all that they do. He  
73 encouraged donations for the park. He invited the Council to take a few minutes and pick up  
74 some of the projects that are outside of the Boards and Committee duties and report on them.

75  
76 **PUBLIC HEARINGS:**

77  
78 Councilman Leifson made a **Motion** to open the Public Hearings. Councilman Andersen  
79 **Seconded** and the motion **Passed** all in favor at 6:22 p.m.

80  
81 **North Springs Business Park Amended Preliminary Plat**

82  
83 Mr. Anderson explained the proposal amending a previously approved preliminary plat. The  
84 designs proposed eliminate the cul-de-sac, and allow for fewer lots.

85  
86 Councilman Davis asked how big the right of way would be.

87  
88 Mr. Anderson stated it would be 60 ft. He believes there is ample room to build a sidewalk, but  
89 they do not want to put in a sidewalk.

90  
91 Councilman Andersen asked if everything will be paved.

92  
93 Mr. Anderson explained that it will be landscaped.

94  
95 Ryan Bybee

96 Mr. Bybee is with Scenic Development. As this was approved it was approved as a 40 ft wide  
97 asphalt road if it is done to private code it could be 30 feet. They are trying to keep the road open  
98 as wide as they can due to the nature of the businesses located there.

99  
100 Councilman Andersen asked if there are tenants scheduled for it.

101  
102 Mr. Bybee stated the first few buildings are taken and they have a site plan submitted on the last  
103 area.  
104  
105 Councilman Davis does not want parking along the road especially if there will be tractor trailers  
106 there. He feels it should be required to have no parking along the road.  
107  
108 Mr. Anderson said the city will not get involved with a private street. He feels with 40 feet of  
109 asphalt there should be room for parking.  
110  
111 Mr. Bybee stated in the other projects they have done parking has not been an issue.  
112  
113 Councilman Andersen stated people that park on the street would be quickly parking due to the  
114 nature of the businesses.  
115  
116 Mr. Bybee agreed.  
117  
118 This item was opened for public comments. There was none given at this time.  
119  
120 Councilman Leifson likes the new design better than the cul-de-sac and feels there is a better use  
121 of property with it.  
122  
123 Mr. Bybee stated the public safety department liked this new plan better.  
124  
125 Mr. Anderson said our engineering staff has asked that the applicant have a sidewalk installed on  
126 one side of the street. The question is should the developer be required to install a sidewalk.  
127  
128 Councilman Nielson feels this is an instance where this does not meet the need, he would rather  
129 see a wider street than a sidewalk.  
130  
131 Councilman Andersen has a problem, they already approved it without requiring the sidewalk  
132 before, and feels they should not have to require it this time either.  
133  
134 Mayor Thomas agreed.  
135  
136 Councilman Leifson feels this is a different issue than a gated community and agrees with  
137 Councilman Andersen they do not have a problem, they like the wider road, for safety they  
138 would rather have a wider road in this case.  
139  
140 Councilman Davis agreed but has an issue if there are cars parked along the road.  
141  
142 Councilman Dart agreed with Councilman Nielson and Councilman Andersen he would rather  
143 see the wider street, he hates to go back on something they already told them they could do.  
144  
145 Councilman Andersen made a **Motion** to approve the North Springs Business Park Amended  
146 preliminary plat subject to the two conditions listed:  
147 **Conditions**  
148 1- That the applicant meet all conditions of original approval.  
149 2- That all improvements be installed according to City Standards except the sidewalk and width  
150 of the road be 40 feet.

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

152

153 **Title 15 Change**

154

155 Mr. Anderson stated this will be making changes that are mostly already routine, it gives staff  
156 requirements for things already needed.

157

158 Councilman Davis asked why the change required seven copies to be submitted.

159

160 Mr. Anderson explained they keep a copy on file and the plans get routed out to different  
161 departments such as public safety, engineering, planning etc, seven places in all.

162

163 Councilman Dart asked about the wetlands study and in what circumstances they could be  
164 waived.

165

166 Mr. Anderson explained examples of when the study would not be required.

167

168 Councilman Davis feels some of the changes are very instrumental in our city.

169

170 This item was opened for public comment. There was no public comment given at this time.

171

172 Councilman Leifson made a **Motion** to approve the Title 15 changes. Councilman Nielson  
173 **Seconded** and the motion **Passed** all in favor.

174

175 Councilman Leifson made a **Motion** to close the Public Hearings. Councilman Andersen  
176 **Seconded** and the motion **Passed** all in favor at 6:46 p.m.

177

178 **CONSENT ITEMS:**

179

180 **Minutes of Spanish Fork City Council Meeting – February 1&2, 2008; February 5, 2008**

181

182 Councilman Leifson made a **Motion** to approve the consent items with the noted correction.  
183 Councilman Dart **Seconded** and the motion **Passed** all in favor.

184

185 **ADJOURN TO RDA MEETING:**

186

187 Councilman Leifson made a **Motion** to adjourn to the Redevelopment Agency Meeting.  
188 Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:47p.m.

189

190 Councilman Andersen made a **Motion** to adjourn back to the City Council meeting. Councilman  
191 Davis **Seconded** and the motion **Passed** all in favor at 6:52 p.m.

192

193 **NEW BUSINESS:**

194

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

196

197 Mr. Baker explained the appeal and reminded, the Council acts as the quazi-judicial authority in  
198 this matter. He explained that at the conclusion of his presentation this matter be tabled to allow  
199 staff to do more investigating. Then it can be brought back to the next meeting where they can  
200 make a decision.

201  
202 Jamie Evans  
203 Mr. Evans talked about two properties. The problem with the one in the I-2 zone is the 50 foot  
204 setback. The question is when the Council approved a lease with Simmons. There is a problem  
205 with the structure, the code states a non-conforming use is lost if it is abandoned. Simmons had  
206 guy wires that crossed onto the north property, they came out and moved their sign without  
207 having an agreement for that use. The second is the expansion, or enlargement of a non-  
208 conforming use etc. He gave examples of the current width of the sign, the expansion of the sign,  
209 and the width of the billboard from light to light. This expansion has been expanded into the  
210 setback. If it has expanded there is a requirement for it to go through the DRC and then the  
211 Planning Commission for a Public Hearing. The next issue the footing and structural details must  
212 be submitted to the building department before a permit is issued. They do not believe this is an  
213 acceptable site plan, it does not meet the cities requirements. They believe if anyone else had  
214 come to the city with this plan it would have been denied. They have approval of a state license  
215 but must have a building permit to be approved by the State. Simmons lost it's non-conforming  
216 use when they voluntarily took the sign down, they expanded it more than 25% which required a  
217 public hearing, and they did not submit the proper site plans. The reason he did not apply earlier  
218 is because they had to meet all the requirements before they could submit application.

219  
220 Councilman Davis understands the sign was damaged in order for it to be taken down.

221  
222 Mr. Evans stated there is no damage to the sign Staker Parsons people stated there was none, also  
223 the city building inspector. He has been watching and checking the sign since 2001. He has been  
224 waiting for this sign to blow down since 2001.

225  
226 Councilman Nielson clarified what makes their application valid would be if Simmons  
227 application is not valid it would create an opening to build.

228  
229 Mr. Evans explained and clarified the issues and events.

230  
231 Councilman Davis has questions about non-conforming with Simmons, if the sign was damaged  
232 then it was not abandoned, he feels there are too many questions to make a decision at this time.

233  
234 Mr. Evans is asking for them to investigate and come back when they have questions and  
235 answers.

236  
237 Mayor Thomas clarified the reasoning of waiting for the sign to blow down.

238  
239 Councilman Davis asked how long staff would need to investigate.

240  
241 Councilman Leifson made a **Motion** to table the Appeal Authority Staff Denial of Building  
242 Permit – Jamie Evans, to the next Council meeting in March. Councilman Davis **Seconded** and  
243 the motion **Passed** all in favor.

244  
245 **SFCN Rate Changes – John Bowcut**

246  
247 Mr. Bowcut gave a presentation regarding the Spanish Fork Community Network rate changes  
248 that need to occur. He noted the rate increases are only for the cost change to us and in some  
249 cases they are not even that much.

250

251 Mayor Thomas asked for clarification regarding the Spanish channels and what we carry.

252

253 Mr. Bowcut explained some of the stations are required by the FCC to be carried.

254

255 Pat Parkinson

256 Ms. Parkinson asked one year there was 65,000 in retained earnings, in addition we put money in  
257 capital improvements where did all the money come from.

258

259 Mr. Bowcut explained they do not make anymore money, they pass along the increase they have  
260 to pay. If he does not have retained earnings he cannot continue to grow. They make money off  
261 the new subscribers.

262

263 Councilman Andersen made a **Motion** to approve the rate changes as presented. Councilman  
264 Leifson **Seconded** and the motion **Passed** all in favor.

265

### 266 **River Bottoms Annexation Acceptance**

267

268 Mr. Anderson explained this item is to simply accept this annexation for further study. There are  
269 a few unique factors to the river bottoms. The flood plain is one of the issues and the city has  
270 been working with FEMA for a flood plain study that would impact any development activity  
271 that could occur in the river bottoms area. If the river bottoms area should develop, they as the  
272 city, should discuss what they want to see develop. Before we have some understanding what the  
273 vision is for the river bottoms area they cannot accurately propose where the streets are and how  
274 big they need to be because of those fundamental issues.

275

276 Mayor Thomas asked how long it would take to get some of the information needed.

277

278 Mr. Anderson said it should be 6-12 months, he asks that they do not accept the annexation and  
279 direct staff with the completion of the FEMA study they research and get what they need to  
280 entertain annexation petitions for further study. He feels we must answer that fundamental  
281 question first. The property owners need to be a substantial part of the process in determining  
282 what will happen.

283

284 Mayor Thomas clarified when the city moves forward on these studies, he asked they be very  
285 broad and leave room for changing dynamics. The three voices to leave room for are the land  
286 owners, the market, and the needs of the community as a whole.

287

288 Councilman Andersen was invited to meet with some of the property owners this morning to talk  
289 to them about this. One of their concerns, if we did not accept this study right now, is they have a  
290 group of people together at this point, they are concerned if they did not approve this would send  
291 a message to them we are not interested and do not care. He tried to reassure them that we are  
292 interested and we do care. We need to get the study on the flood zone back first. We need to have  
293 the Council, staff members, and the property owners get together in some work sessions to throw  
294 out all the ideas to come together and get a clear view of what they want to happen in the river  
295 bottoms. Before we can do anything we need to get the study back and see what they have to  
296 work with, then they need to sit down and determine what they want to see for the area. He  
297 would like to suggest they do that as soon as they get the study back for the flood plain and set  
298 up a time for an additional work session.

299

300 The Council agreed with the idea.

301  
302 Councilman Andersen made a **Motion** to deny the petition for annexation study in the river  
303 bottoms area. Councilman Davis **Seconded** and the motion **Passed** all in favor.  
304  
305 Councilman Andersen clarified they direct staff as soon as the study comes back to get together  
306 and work on this with the land owners and Planning Commission.

307  
308 **Fee in Lieu of Water Rights – Richard Heap**

309  
310 Mr. Baker explained the background regarding this agenda item. In 1999 the city adopted a  
311 resolution for developers they only needed to provide ½ the water and could pay cash in lieu for  
312 the other ½. The formula is still good but they have discovered SUVMWA obtained an appraisal  
313 that states the water is worth \$3500 per acre foot. The cost of water if we have to go out and  
314 purchase it the city would have to make up the difference of \$1500 to the more current \$3500  
315 cost per acre foot of water.

316  
317 Councilman Leifson made a **Motion** to accept Resolution 08-02 increasing the amount the city  
318 authorizes for the purchase of water rights. Councilman Davis **Seconded** and the motion **Passed**  
319 all in favor.

320  
321 **Kite Festival Proposal – Dale Robinson**

322  
323 Mr. Robinson explained this is a follow up for the presentation at Midway.

324  
325 Mr. Money and Elaine Hanson presented the business plan and some more detailed information  
326 regarding the Kite Festival.

327  
328 Councilman Leifson appreciates them coming to the Council with a business plan so they can see  
329 some numbers.

330  
331 Councilman Andersen suggests this be tabled until they have a little more information on the  
332 numbers.

333  
334 Mayor Thomas hopes we do this and feels this will be a once in a lifetime event.

335  
336 Councilman Davis would like to see more sponsorship information and does not want to see a  
337 fee charged to get in, he thinks they need to look at this like they do Fiesta Days.

338  
339 Mr. Money feels there is a need for a time frame, he was skeptical at first and from what they  
340 have learned this will be unique, we will be the only one in the state to do it.

341  
342 Councilman Davis feels this is a family event and a great opportunity for the citizens.

343  
344 Mayor Thomas asked that there be an amount of money the Council agrees to pay.

345  
346 Councilman Andersen made a **Motion** authorizing up to \$30,000 sponsorship for the Kite  
347 Festival. Councilman Nielson **Seconded** and the motion **Passed** all in favor.

348  
349 **Appointment of Boards and Committees - Mayor**

350

351 Mayor Thomas proposed the appointment of the following:  
352 David Straud – Planning Commission  
353 Everett and Nikki Kelepolo Chairman - Fiesta Days  
354 Lil and Terry Shepherd Vice Chairman – Fiesta Days  
355 Shawn Warnick - Library Board  
356

357 Councilman Leifson made a **Motion** to accept the appointments as stated. Councilman Dart  
358 **Seconded** and the motion **Passed** all in favor.

359  
360 **ADJOURN:**

361  
362 Councilman Andersen made a **Motion** to adjourn the meeting. Councilman Dart **Seconded** and  
363 the motion **Passed** all in favor at 8:39 p.m.

364  
365 ADOPTED:

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

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**Tentative Minutes**  
**Spanish Fork City Council Meeting**  
**March 4, 2008**

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

Staff Present: Seth Perrins, Assistant City Manager; Junior Baker, City Attorney; Richard Heap, Public Works Director; Kent Clark, Finance Director; Dee Rosenbaum, Public Safety Director; Kimberly Robinson, City Recorder

Citizens Present: Derek Lounsbury, Rod Warren, Marty Warren, Ryan Lundell, Dawson Haycock, Whitney Bingham, Annalicia Fregozo, Kanasha Bitsinnie, Eileen Quintana, Tyler Durden, Lola Belula, Adrienne Ballif, Bjorn Pendleton, Dana Robinson, Jack Tobiasson, Velma Boothe, Carol Pepperdine, Madison Evans, Lance Coomes, Ali Greenwood, Amy Foote, Alma UMBER, Carl Bowcut, Anna Murdock, Carolyn Sorensen, Steven Twede, Jackie Robinson, Jamie Evans, Heather Anderson

**CALL TO ORDER, PLEDGE:**

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

Boy Scout Zack Phillips led in the pledge of allegiance.

**Employee of the Quarter**

Mayor Pro Tem Andersen recognized the Employee of the Quarter. Marty Warren was presented with the Employee of the Quarter award. He stated they appreciate all she does. The employees of the city are wonderful and the Council appreciates it, thank you.

**PUBLIC COMMENTS:**

Eileen Quintana is here for two programs. She is part of the Nebo School District Indian Education Program and she invited all to the pow wow there will be two sessions one starting at 2:00 and one at 6:00 p.m. They are the only program in the state and in the western area that has given away 20 scholarships.

Annalicia Fregozo is a member of the Cheyenne Sue River Tribe and she will be the head dancer at the Pow-wow on April 12, 2008.

Kanasha Bitsinnie is part of the Navajo tribe and stated this is a great program.

**COUNCIL COMMENTS:**

Councilman Dart attended the Library Board meeting there are some great things going on at the Library. Some upcoming programs are Family Night Story Time on March 10, 2008 and Mother Daughter Book Club March 20, Dads and Dudes March 22, and an Early Literacy Workshop on April 10, 2008. He commended the grounds crews at the ball complexes for doing a great job, he also commended the recreation department for offering the spring soccer program.

51  
52 Councilman Davis commented on Fiesta Days. They are working on stakes in the city to build  
53 floats this year to be more float oriented, the theme is to celebrate traditions. He would love to  
54 see the covered wagons and things come in the stock parade. The activities will be a baby  
55 contest, movie night, children's parade, flag ceremony, softball and golf tournament, street  
56 dance, program at the park, sidewalk sales, stock parade, Fiesta Days Rodeo, grand parade and  
57 all the activities in the park. The windmills are moving forward, the generators are there and they  
58 are building the crane. He thanked the employees and staff for their help keeping the city clean,  
59 he also thanked the citizens for cleaning the sidewalks and churches and keeping them clean. By  
60 helping each other it keeps our town a small town community. The DUP will be removing the  
61 memorial and would love to have help getting the headstones out, if anyone has an idea how they  
62 can do that please let him know.

63  
64 Mayor Pro Tem Andersen excused the Mayor and Councilman Leifson tonight. He noted in the  
65 last utility bill there was an announcement about the Rabies Clinic on March 22<sup>nd</sup>, it has been  
66 moved to March 29<sup>th</sup> at the Spanish Fork fairgrounds.

67  
68 **CONSENT ITEMS:**

69  
70 **Animal Pick Up Fee Resolution**  
71 **Amended Interlocal Agreement – Salem, Payson, Spanish Fork**  
72 **Resolution Authorizing IS Director to Enter Into Program Contracts**  
73 **UVCCC Funding Matrix Resolution**

74  
75 Councilman Nielson made a **Motion** to approve the consent items. Councilman Davis **Seconded**  
76 and the motion **Passed** all in favor.

77  
78 **NEW BUSINESS:**

79  
80 **Arts Council Presentation**

81  
82 Bjorn Pendleton  
83 Mr. Pendleton gave a handout for the presentation. He is president of the Arts Council and acting  
84 chairman of the Nebo Cultural Arts and Heritage Center Committee. He then gave a presentation  
85 regarding the Nebo Cultural Arts and Heritage Center.

86  
87 Dana Robinson  
88 Mr. Robinson gave part of the presentation.

89  
90 Eileen Quintana  
91 Ms. Quintana explained a lot of times they are unable to hold their events because of scheduling  
92 conflicts. She is looking forward to a cultural arts center.

93  
94 Anna Murdock  
95 Ms. Murdock discussed theater options and stated why she feels the educational theater  
96 experiences are important for the children. They are having a hard time with facilities being  
97 available. As the population continues to grow they continue to need a place.

98  
99 Carl Bowcut

100 Mr. Bowcut discussed the Utah Valley Children's Choir, and the need for facilities to help  
101 enhance the arts.

102  
103 Jack Tobiasson

104 Mr. Tobiasson is with the Icelandic Association. They would love to have a facility for their  
105 events, it is getting increasingly difficult to find facilities to hold their events.

106  
107 Mr. Pendleton stated there is representation for many groups here tonight.

108  
109 Scott Ward

110 Mr. Ward said they are working on putting together project implementation and project strategy.  
111 He presented information regarding how they plan to obtain their goal. They would like to look  
112 for big money donors to help raise the funds even if they are not from Utah. They want this to be  
113 a multi used facility and the more groups they can get involved the more they can fund the  
114 operation and maintenance of the facility.

115  
116 Councilman Davis clarified they are looking at \$15 million, how much do they project they can  
117 raise.

118  
119 Mr. Ward stated they plan on raising the funds with the city donating the ground.

120  
121 Councilman Davis asked who this would affect.

122  
123 Mr. Pendleton said this would affect the south county area.

124  
125 Mayor Pro Tem Andersen asked how they would do fundraising, collect money and keep track  
126 of it.

127  
128 Mr. Baker feels there are better ways to go about handling the fundraising, and that it needs to  
129 stay under the umbrella of the city or be a separate non-profit.

130  
131 Councilman Nielson said if this project is part of the city then the city is responsible for all the  
132 funds raised, it is critical whether this is under the umbrella of the city or not. He likes the idea of  
133 the city being able to take on a significant roll but if it is under the umbrella of the city they are  
134 on the hook, and there is the ongoing oversight of the building. He would rather see this as a  
135 non-profit and the city helping out where they can.

136  
137 Councilman Dart asked about the care tax.

138  
139 Mr. Clark stated they are called a ZAP or RAP tax and it is a sales tax the Council can impose,  
140 the cap max is 1/10 of 1% approximately \$400,000 a year. He stated that the tax will grow as the  
141 sales tax grows.

142  
143 Mr. Perrins stated Orem is the only city that has the tax in Utah County it is a process to go  
144 through but it can be done.

145  
146 Mr. Ward stated they hope to not have to have the tax imposed, that they can raise the funds.

147  
148 Mr. Pendleton stated there is software to track the donations and it was done in Provo City for \$8  
149 million.

150  
151 Mr. Robinson said Norm Nielson, with Scera, has stated he would sit down and teach them how  
152 to set up an organization such as Scera at any time. It is going to take a tremendous amount of  
153 effort.  
154  
155 Randy Boothe  
156 Mr. Boothe talked at great length with the manager of the Covey Center, he was charged by  
157 Provo City to have a certain percentage of use. He believes strongly there is more than enough  
158 interest and talent in this area and that it would be a tremendous thing to have this as a part of  
159 Spanish Fork City.  
160  
161 Mr. Ward said the \$15 million dollar amount could use part of parks and recreation impact fees.  
162 He would like to see the impact fees shared with the arts.  
163  
164 Councilman Nielson supports the arts and would like to see a center like this. His concern is can  
165 the city afford to do it. He feels the first step would be to explore how the others have done this if  
166 the support is in the community there should not be a problem raising funds to make this  
167 feasible. He will volunteer to find out how Provo did it and so on.  
168  
169 Councilman Davis feels this will be a wonderful thing for the community. There are a lot of  
170 issues in the city and he needs to know what we can do as a city.  
171  
172 Mr. Ward stated they are not looking for a motion they are just wanting support.  
173  
174 Councilman Davis would love to have a home for the DUP and have it stay there. His issue is  
175 how to fund it.  
176  
177 Mr. Pendleton stated the Utah Arts Council teaches how to get the funds, they will pursue all  
178 ways to get funds public and private.  
179  
180 Mayor Pro Tem Andersen feels there needs to be more homework done and a timeline created so  
181 the Council can see how they propose this project to progress with guides they can look at. He  
182 needs to do more homework on this issue and would like to table this with an opportunity to  
183 check it out and do more research, to be discussed at the next meeting. He encouraged the Arts  
184 Council to create a timeline of events so they can see.  
185  
186 Mr. Ward said they are here tonight to get the Councils blessing to move forward and look into  
187 this more.  
188  
189 Mayor Pro Tem Andersen would like a timeline of events and would support tabling this until  
190 they can understand more the issues that are going on. The city is already committed to several  
191 large projects. He would like to see the timeline and be able to study it more, with some options  
192 he feels comfortable with.  
193  
194 Councilman Dart said they are not against the project.  
195  
196 Mr. Pendleton would like to have Mr. Davis available so he can report back and make progress.  
197  
198 Councilman Davis promised to be there as much as he can.  
199

200 Mayor Pro Tem Andersen feels they need to be comfortable in how they progress, Councilman  
201 Davis has committed to come to the meetings and work with them. He would like this to be on  
202 the agenda for the first meeting in April to give him time to see what else can be done.

203  
204 Mr. Robinson stated this can happen and he firmly believes that it will.

205  
206 Mr. Pendleton thanked all those supporting this project.

207  
208 Councilman Davis made a **Motion** to continue this item to the April 1<sup>st</sup> meeting. Councilman  
209 Nielson **Seconded** and the motion **Passed** all in favor.

210  
211 **Main Street Plaza Parking Proposal**

212  
213 Kevin Pritchett

214 Mr. Pritchett owns Main Street Plaza there are 12 different office spaces there, to keep business  
215 going they need more parking. They are proposing to move the Chamber into his property along  
216 with the DUP and would pay to demolish the home if the city will pave the parking.

217  
218 Councilman Dart explained the Chamber gets \$16,000 a year and they have to pay salaries and  
219 operation costs out of that.

220  
221 Mr. Perrins stated the only additional cost the Chamber incurs is approximately \$3,000 a year for  
222 operation and maintenance.

223  
224 Councilman Davis stated the Council is tight on money and still need to keep that house for the  
225 Chamber, they are going to have to build a satellite system for the fire department. Right now  
226 they are not in a situation to tear the house down. His biggest concern is the traffic coming  
227 through the area. The city cannot afford to tear the house down. The figures to him are way off  
228 because they still have to fund the chamber \$16,000. Eventually they will tear that down and it  
229 will become parking, but the city cannot afford to do it right now.

230  
231 Councilman Nielson asked if the city agreed to provide a paved area with parking stalls.

232  
233 Mr. Baker does not think it spells it out.

234  
235 Councilman Davis stated there is a safety issue that needs to be protected, but what is prioritized  
236 right now the money is not there. He understands the businesses need parking but Mr. Pritchett  
237 knew what he was buying into.

238  
239 Mr. Perrins stated that in order to move the Chamber the city would have to come up with the  
240 additional costs.

241  
242 Councilman Davis stated they are at \$20,000 to run the Chamber right now, and with this  
243 proposal they will be up to about \$40,000.

244  
245 Councilman Nielson stated the first issue is parking, it is one thing we keep the agreement to  
246 provide parking, and the Chamber is another issue.

247  
248 Councilman Dart suggest the city make this a better parking area as soon as possible.

249

250 Councilman Neilson asked if Mr. Pritchett feels good about the plan if they make the corner  
251 parking.

252  
253 Mr. Pritchett stated he hoped for the Chamber, but he thought they would pave it and now they  
254 will just provide the parking.

255  
256 Discussion was made regarding the parking area.

257  
258 Mayor Pro Tem Andersen suggested allowing them to have their discussion on other projects so  
259 they can prioritize, they will try to help out and make the area a place where people can park but  
260 at least it will be substantial enough they won't sink.

261  
262 **NEPA Compliance on the River Study- Richard Heap**

263  
264 Mr. Heap said they received a grant last year to do a river study, and design a trail. There is  
265 \$100,000 budgeted from the grant to have a consultant come in to ensure we meet the  
266 compliance. They would like to go with North Wind engineering who was the lowest, they  
267 checked with previous clients and are pleased with the work they have done.

268  
269 Councilman Nielson made a **Motion** to approve the contract with North Wind Engineering for a  
270 NEPA compliance study and authorize the mayor to sign the agreement. Councilman Davis  
271 **Seconded** and the motion **Passed** all in favor.

272  
273 **Transportation Master Plan Consultant Selection**

274  
275 Mr. Heap stated they sent out RFP's for a city transportation study they propose going with  
276 Horrocks Engineers they were also the lowest cost, the firm will be on a retainer as new plans  
277 come in they can go to that firm with the information. They will also provide an engineer twice a  
278 week for ½ day to answer questions anyone may have.

279  
280 Councilman Davis made a **Motion** to accept Horrocks engineering for the City Transportation  
281 study and authorize the mayor to sign the agreement. Councilman Dart **Seconded** and the motion  
282 **Passed** all in favor.

283  
284 Mr. Heap noted they are still working on bringing the recycling RFP's until the first meeting in  
285 April.

286  
287 **Annual Contribution Agreement Between SUVMWA & Spanish Fork City**

288  
289 Mr. Baker stated South Utah Valley Municipal Water Association has some property under  
290 contract in order to build a regional wastewater treatment facility. Bond council has asked that  
291 each city enter into some form of participation agreement. He received the actual agreement  
292 today and feels the resolution needs to be approved subject to changes to the actual agreement.  
293 There are two payments we will need to make, we may need to front the one time contribution  
294 until SUVMWA pays it back.

295  
296 Mayor Pro Tem Andersen talked to Dave Tuckett who is acting as SUVMWA's legal council  
297 and the Mayor of Elk Ridge will most likely make a payment of at least \$500,000 from the  
298 purchase of the water and our portion of that goes towards the one time payment.

299

300 Mr. Baker stated the surprise has been the upfront cost and it will be repaid.

301  
302 Councilman Nielson disclosed anytime we buy and sell property there is a title company  
303 involved, his company is doing the title work for this.

304  
305 Councilman Davis made a **Motion** to accept the Resolution 08-05 and the annual contribution  
306 agreement between SUVMWA and Spanish Fork City subject to the review and approval of the  
307 legal council. Councilman Nielson **Seconded** and the motion **Passed** all in favor.

308  
309 **OLD BUSINESS:**

310  
311 **Kite Festival Follow Up**

312  
313 Steven Money  
314 Mr. Money stated the concerns on the kite festival. Edison does not want to do the ribbon cutting  
315 until the windmills are in operation they want to be a big part of it but they want to move the  
316 dates to September 5-6, 2008. All facilities are available for those times, and for the California  
317 kite flyers it worked better for their schedule. They have informed the Governors office of the  
318 change and have some small windmills coming that will be displayed in the lobby. Elaine and  
319 Dale have an interview with KSL for sponsorship. He thanked the Daily Herald they have  
320 already pledged a sponsorship, Edison have indicated they want to be a big sponsor in it. They  
321 are asking for more time before they update the Council on the cost.

322  
323 **Appeal Authority – Staff Denial of Billboard Building Permit – Jamie Evans**

324  
325 Mr. Baker explained we as the city have to make the best decision to protect our legal interest.

326  
327 Councilman Nielson feels the biggest factor is within 500 ft, if it is valid they cannot build their  
328 own sign he has a hard view about their argument.

329  
330 **EXECUTIVE SESSION:**

331  
332 Councilman Davis made a **Motion** to recess the meeting to executive session for Jamie Evans  
333 Deliberation and Land Purchase. Councilman Dart **Seconded** and the motion **Passed** all in favor  
334 at 8:38 p.m.

335  
336 The meeting was called back to order at 9:00 p.m.

337  
338 Mayor Pro Tem Andersen denied based on the following findings:

339  
340 **FINDINGS OF FACT**

- 341
- 342 1. There is an existing billboard within 500 feet of Mr. Evans proposed billboard.  
343 That billboard is owned by Simmons Outdoor Media ( SOM).
  - 344 2. Setbacks for structures in the I-2 zone require a fifty (50) foot setback. The size  
345 and shape of the parcel on which the SOM sign sits makes it impossible to meet  
346 the setback requirements. It is a legal, non-conforming sign, having been in place  
347 at that location for several decades.
  - 348 3. SOM had to remove the guy wires from the existing sign because they were  
349 crossing the property line onto property currently owned by Staker-Parsons.

350 Without the guy wires, this sign would blow over with the wind velocities in that  
351 area. Mr. Evans acknowledged that fact when he told the council he has been  
352 waiting since 2001 for this sign to blow down. SOM claims the sign was  
353 damaged by the wind and needed to be taken down before it blew down. Mr.  
354 Evans disputes that the sign was damaged before it was taken down. In either  
355 event, SOM took down the sign before it blew over.

356 4. SOM has no intent to abandon the billboard.

357 5. Without the guy wires it was just a matter of time before the sign blew over. SOM  
358 does not need to wait for a disaster to happen in order to take measures to prevent  
359 the disaster.

360 6. The provisions of Utah Code Annotated §10-9a-513 come into play. Section  
361 513(a)(a)(i) and (iii) reads as follows:  
362 (1)(a) A municipality is considered to have initiated the acquisition of a billboard  
363 structure by eminent domain if the municipality prevents a billboard owner from:  
364 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is  
365 damaged by casualty, an act of God, or vandalism;  
366 (iii) structurally modifying or upgrading a billboard;

367 7. This state law provision takes precedence over the city ordinance dealing with  
368 setbacks or nonconforming uses.

369 8. The state law is applicable, requiring the city to allow SOM to rebuild the sign or  
370 pay SOM the value of the sign as though it had been condemned.

371 9. The faces of the back to back sign were sixteen (16) inches apart on the original  
372 sign, and now are five feet apart. However, the guy wires on the original sign  
373 extended onto the neighboring property, making the footprint of the sign much  
374 larger than the new sign, with a monopole and faces five feet apart.

375 10. The billboard which was removed had a copy area, or area of display, of 675  
376 square feet. The new billboard has a copy area of 672 square feet.

377 11. The city requires all new billboards to be constructed on a monopole (see Spanish  
378 Fork Municipal Code §5.36.060(8)). A sixteen inch separation cannot be  
379 maintained with a monopole.

380 12. Spanish Fork Municipal Code §15.3.24.020(5) allows billboards to be double  
381 faced or back to back if the separation of panels does not exceed five feet, the  
382 exact distance on the new billboard.

383 13. The current building code would not allow the identical sign to be rebuilt. Since  
384 UCA §10-9a-513(1)(a)(iii) allows a billboard to be structurally modified or  
385 upgraded, the state law will also mandate the sign meet current standards, despite  
386 a wider distance between the panels.

387 14. These facts do not constitute an expansion of a nonconforming use.

388 15. Spanish Fork Municipal Code §15.4.08,020 spells out what type of development  
389 requires a site plan. They are spelled out very specifically as all proposed new  
390 commercial or industrial developments, all additions to commercial or industrial  
391 buildings or structures, all multi-family developments with more than 3 units, and  
392 all conditional use permits or uses subject to conditions.

393 16. A billboard is not considered to be in any of these classes requiring a site plan

394 17. The City issues a billboard sign permit for a billboard, but requires a building  
395 permit for a building or structure. Indeed, the document submitted by SOM was a  
396 sign permit application.

397 18. Footing and structure details were furnished to the building official by SOM with  
398 the plans for the billboard under the 2006 building code.

- 399 19. The initial plans submitted by SOM showed the 2002 building code. When that  
400 was caught, before construction, the correct, 2006 building code plans were  
401 required. Consistent with city practice, a new application was not required, but  
402 2006 plans were required prior to allowing construction. Construction was  
403 allowed to proceed when the correct plans were received, which included the  
404 footing and structure details.
- 405 20. SOM has produced to the city a copy of a sign permit for its location issued by  
406 UDOT. The sign being a legal, nonconforming use, it meets all other  
407 requirements. The city must presume that a UDOT issued permit is valid and  
408 honor it until either UDOT or the courts indicate otherwise.
- 409 21. Mr. Evans has not produced anything from UDOT indicating it has approved the  
410 location requested by Mr. Evans.
- 411 22. UDOT approval is required prior to our issuance of a permit. See Spanish Fork  
412 Municipal Code §5.36.060(9). Since no UDOT approval has been provided, at  
413 the very least, a permit could not be granted until that approval is provided.

414  
415 The Spanish Fork City Council having made its Findings of Fact, now hereby  
416

417 **ORDERS**

- 418  
419  
420 I. The appeal of Jamie Evans for a billboard building permit near the Price/Manti  
421 exit of I-15 is hereby denied.
- 422 II. The decision of the planning department to deny the permit is hereby affirmed.  
423 DATED this 4<sup>th</sup> day of March, 2008  
424

425 The Council appreciates Mr. Evans civility in this matter and his good attitude.  
426

427 Mr. Perrins suggested the Arts Council create an ad-hoc committee to study this issue. He also  
428 stated they should have members of the committee that have strengths in many areas not just the  
429 Arts Council.  
430

431 The Council agreed that it was a good idea and that it gives a broader spectrum of members of  
432 the community.  
433

434 Mayor Pro Tem Andersen suggested the Council think of who they want to serve on this  
435 committee. They would like each Councilmember to bring back about five names they want to  
436 serve on the committee, then as a Council they can decide who they want to ask.  
437

438 Mr. Rosenbaum talked regarding the parking lot discussion follow up. He handed out the  
439 agreement. They want the public to utilize the parking and they want to ensure the accesses are  
440 there.  
441

442 Councilman Davis made a **Motion** to adjourn. Councilman Dart **Seconded** and the motion  
443 **Passed** all in favor at 9:27 p.m.  
444

445 ADOPTED:  
446

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

MEMO:

To: City Council and Mayor  
From: Kent Clark - Finance Director  
Subject: Switching from an Annual PCA to a Monthly PCA.  
Date: March 27, 2008

Attached is a graph showing the actual "monthly" PCA (Power Cost Adjustment) compared to the set "annual" PCA amount. The "annual" PCA is calculated using the average PCA from the prior year. This PCA is added to the base electric rates and charged to the customer each month. The PCA is used to pass increased power cost charged by our supplies on to our customers.

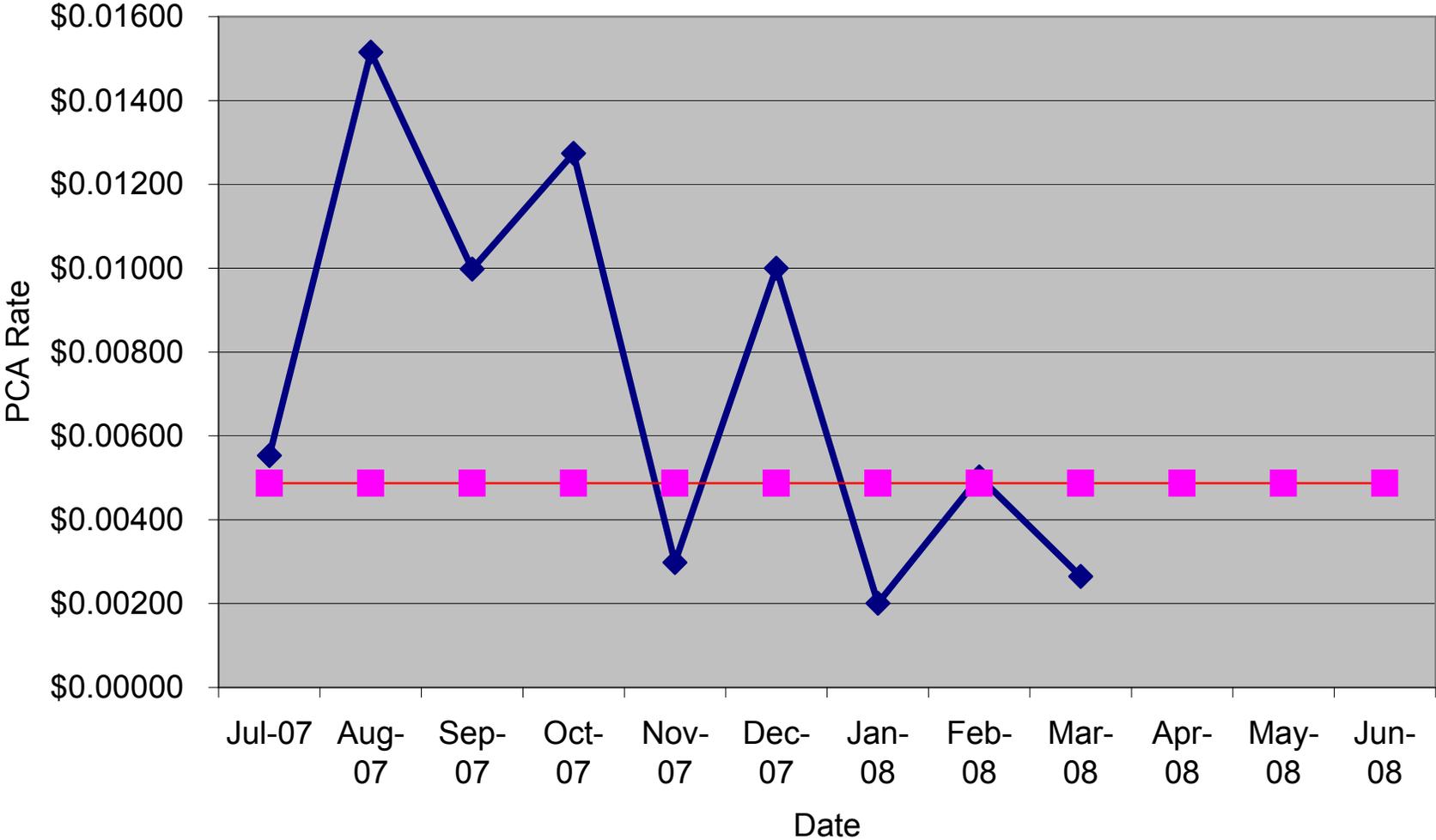
In the past, we have used both annual and monthly PCAs. In years, when the market electric rates are relatively flat and stable we have used an annual PCA. The same PCA rate used all year. In unstable years, we have used a monthly PCA to limit the amount of risk to the city on fluctuating and rising power costs.

This year (FY08) the annual PCA is \$ .00487 per Kwh usage. Power costs from our supplier has been very unstable. Using the annual PCA, the city has not been able to keep up with the rising cost of power. It is anticipated that power costs are going to be increasing over the next couple of years.

We are recommending switching back to the Monthly PCA. This will allow the city to capture the added cost of power and pass it on our customers in a more timely manner.

Kent

Annual PCA - Spanish Fork City



—◆— FY 2008 Actual Monthly SF City - PCA —■— FY 2008 Actual PCA Billed



# Spanish Fork City

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sfckclark - Spanish Fork City

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## Awarded Bid #0802-007 - Auction Building Demolition

[Expand All Offers](#)   Preferred -

AWARDED	VENDOR	QUALIFICATIONS	BID NOTES
✓	<a href="#">Sunroc</a>		<b>Total Price:</b> \$68,825.00
	<a href="#">B. D. Barney Construction</a>		<b>Total Price:</b> \$76,737.50
	<a href="#">DPG CONSTRUCTION NEWMAN CONSTRUCTION</a>		<b>Total Price:</b> \$82,942.50
	<a href="#">C.A.R.Trucking</a>		<b>Total Price:</b> \$85,350.00
	<a href="#">mkpenterprises</a>		<b>Total Price:</b> \$86,750.00
	<a href="#">High Gear Grading, Inc.</a>		<b>Total Price:</b> \$97,550.00
	<a href="#">Bland Tree &amp; Nursery</a>		<b>Total Price:</b> \$98,042.50
	<a href="#">Nelson Contractors Inc.</a>		<b>Total Price:</b> \$101,083.50
	<a href="#">Xceptional Construction</a>		<b>Total Price:</b> \$113,139.00
	<a href="#">Mike Kesler Enterprises</a>		<b>Total Price:</b> \$117,250.00
	<a href="#">L&amp;M Construction</a>		<b>Total Price:</b> \$139,583.00
			<b>Total Price:</b> \$144,025.00

### Vendor Notifications

<b>Agency Invited</b>	393
<b>No Bid Count</b>	0

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**\*\***All bids/proposals submitted for the designated project are reflected on this tabulation sheet. However, the listing of the bid/proposal on this tabulation sheet shall not be construed as a comment on the responsiveness of such bid/proposal or as any indication that the agency accepts such bid/proposal as being responsive. The agency will make a determination as to the responsiveness of the vendor responses submitted based upon compliance with all applicable laws, purchasing guidelines and project documents, including but not limited to the project specifications and contract documents. The agency will notify the successful vendor upon award of the contract and, as according to the law, all bid/proposal responses received will be available for inspection at that time.

[Weighted](#)

[All Bids Entered](#)

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# REPORT TO THE CITY COUNCIL

## 700 WEST ANNEXION ACCEPTANCE

**Agenda Date:** April 1, 2008

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

**Reviewed By:** Development Review Committee

**Request:** The proposed annexation includes some 206 acres of land which are adjacent to the current City boundary.

**Zoning:** Industrial 1 proposed

**General Plan:** Light Industrial

**Project Size:** 206 acres

**Number of lots:** not applicable

**Location:** approximately 700 West and 2000 North

### Background Discussion

Spanish Fork City has initiated the annexation of the subject properties with the goal of increasing the City's opportunities relative to economic development.

As such, City staff has conferred with the majority of the involved property owners about the City's desire to annex this area. The majority of involved property owners have consented to have their property annexed subject to the City addressing three specific issues. The issues that the City would address are 1.) the City's commitment to pay the annexation application fee; 2.) the City's commitment to provide the annexation plat; and 3.) the City's commitment to perform the SESD buyout for faculties located within the annexation area. To address these issues, City staff has prepared a contract that would bind the Redevelopment Agency to perform the three tasks mentioned above in exchange for the property owners consent to annex. Accompanying this memorandum is a copy of the contract that is proposed to be executed between the property owners and the Redevelopment Agency.

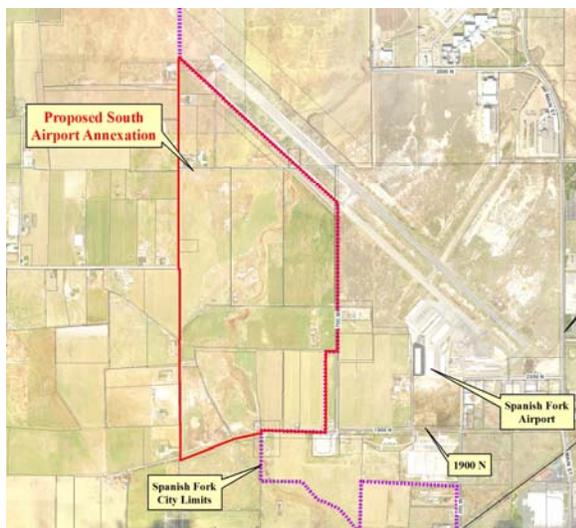
The Development Review Committee Reviewed this proposal in their March 25 meeting and recommended that the annexation be accepted for further study.

### Budgetary Impact

Certainly, the ultimate goal of the proposal is to positively impact Spanish Fork City's budget by attracting new commerce that would bring employment and capital investments. At this point, it is impossible to predict what the impact may be.

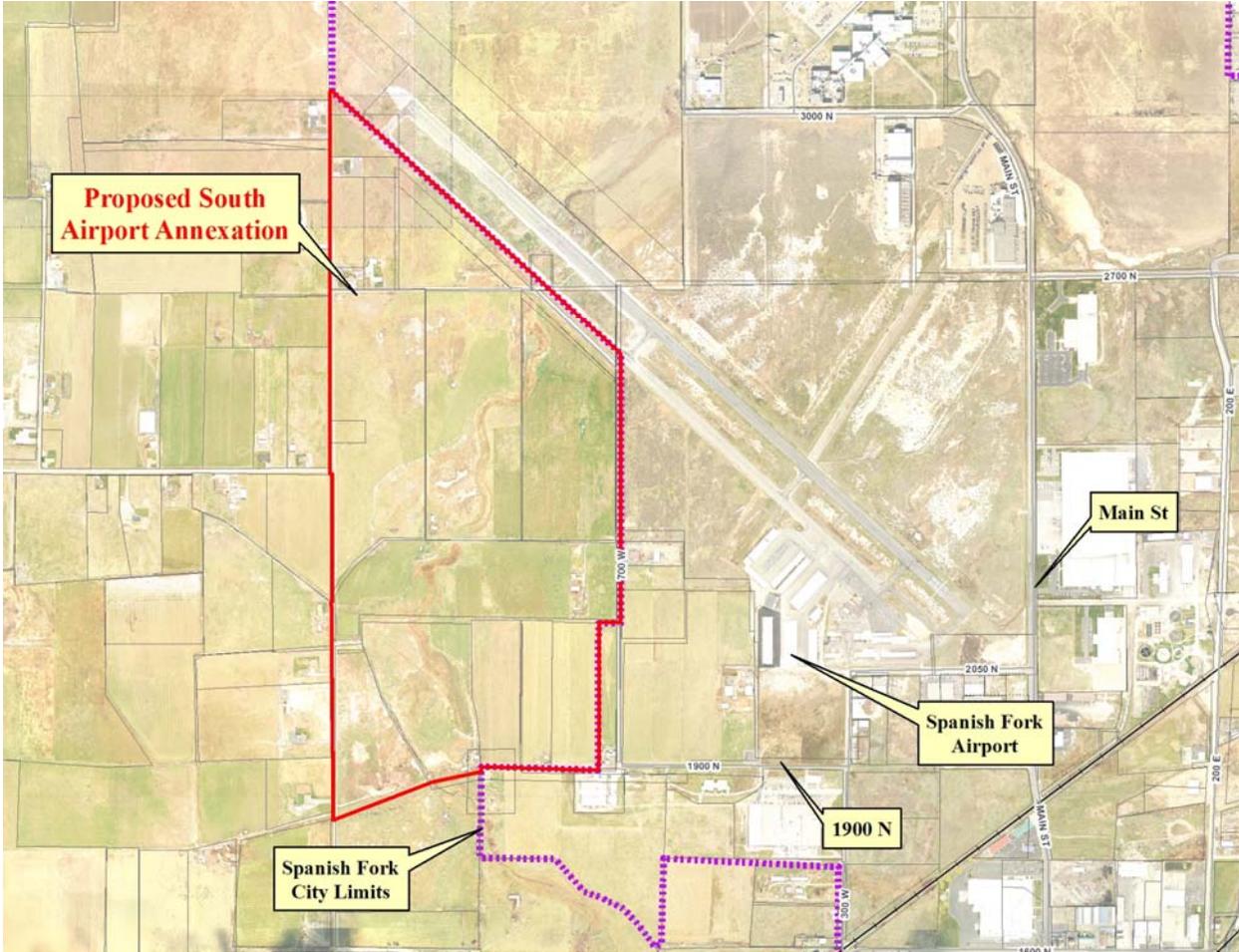
### Alternatives

The Council has considerable discretion relative to annexation proposals. In this case, you may accept the annexation for further study or deny its acceptance.



**Staff Recommendation**

Staff recommends that the proposed 700 West Annexation be accepted for further study.





**CONTRACT**

COMES NOW the Redevelopment Agency of Spanish Fork City (RDA) and the Gerald L. Hill Family LLC, Sherald W. and Mary A. James, Robert J. and Janice B. Gull, Ricky D. and Connie B. Hansen, Hal M. and Carolyn M. Lucas, and the Robert L. and Evelyn M. Lucas Family Trust (collectively, Petitioners) and hereby enter into this contract for the benefit of all parties.

**RECITALS**

WHEREAS, RDA seeks opportunities to assist various business entities with economic development within Spanish Fork City; and

WHEREAS, RDA has had businesses contact it about locating to Spanish Fork City if suitable property can be located adjacent to the airport; and

WHEREAS, Petitioners own property adjacent to the airport; and

WHEREAS, Petitioners' property is south and west of the airport but is not within the corporate limits of Spanish Fork City; and

WHEREAS, RDA has requested that Petitioners annex their property into Spanish Fork City in order to accommodate potential economic development; and

WHEREAS, Petitioners are willing to file a petition for annexation if they are not required to incur any expense related to the annexation; and

WHEREAS, RDA is willing to assume responsibility for the usual and ordinary expenses related to the annexation;

NOW THEREFORE, the parties now hereby

**CONTRACT, COVENANT, and AGREE**

1. Petitioners agree to file a petition for annexation with Spanish Fork City, requesting annexation of the property identified on the map attached hereto as exhibit A and incorporated herein by this reference. The petition will be filed on or before the 31<sup>st</sup> day of March, 2008.
2. Petitioners represent that they own sufficient of the real property identified in Exhibit A to annex it into Spanish Fork City.
3. RDA agrees to assume and pay the usual and ordinary expenses of the petition for annexation and to hold Petitioners harmless therefrom, which expenses are identified as follows:
  - A. Filing fees;
  - B. Plat preparation fees and related costs;

C. SESD facilities buy out costs.

4. In the event RDA fails to pay the costs identified herein, Petitioners may withdraw the petition for annexation. If RDA pays the costs identified herein, Petitioners shall proceed with the annexation.
5. RDA does not represent that economic development will occur as a result of the annexation, nor does it represent nor guarantee that Petitioners will gain any benefit if economic development does occur.
6. This agreement represents the entire agreement between the parties concerning the subject matter hereof. Any prior representations, discussions, or agreements are merged herein and superceded hereby.
7. This agreement may be modified only by a written amendment to the agreement, signed by all the parties hereto.

DATED this 1st day of April, 2008

REDEVELOPMENT AGENCY OF  
SPANISH FORK CITY by:

\_\_\_\_\_  
JOE L THOMAS, Chair

Attest:

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

THE GERALD L. HILL FAMILY LLC by:

\_\_\_\_\_  
GERALD L. HILL, Manager

\_\_\_\_\_  
SHERALD W. JAMES by:  
CARL JAMES, Power of Attorney

\_\_\_\_\_  
MARY A. JAMES by:  
CARL JAMES, Power of Attorney

---

HAL M. LUCAS

---

ROBERT J. GULL

---

JANICE B. GULL

THE ROBERT L. AND EVELYN M. LUCAS  
FAMILY TRUST by:

---

ROBERT L. LUCAS, Trustee

---

DAVID K. JAMES

---

KARLA K. JAMES



## **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 April 1, 2008.**

### **AGENDA ITEMS:**

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

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

a. \* February 19, 2008

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

a. \* Contract Concerning 700 West Annexation

### **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 **February 19, 2008**  
4

5 Elected Officials Present: Mayor Joe L Thomas, Councilmember's G. Wayne Andersen,  
6 Steven M. Leifson, Rod Dart, Richard M. Davis, Jens P. Nielson  
7

8 Staff Present: Dave Oyler, Seth Perrins, Dale Robinson, Dave Andersen, Kent Clark,  
9 John Bowcut, Dee Rosenbaum, Elaine Hanson, Steven Money, Kimberly Robinson  
10

11 Citizens Present: Alex Fuentes, Erasmo Fuentes, Eva Bradford, Susan Barber, Carol  
12 Pepperdine, Diane Butler, Netella K. Montague, Pat Mitchell, Bev Lewis, Cleo Cox,  
13 Kallin Nelson, Caleb Olson, Ashlyn Cardoza, Melissa Brimhall, Nikayla Wride, Conner  
14 Damon, Winston Morrell, Oaks Morley, Mckay Lewis, Jackson Lewis Jonna Lewis  
15

16  
17 **ADJOURN TO RDA MEETING:**  
18

19 Councilman Leifson made a **Motion** to adjourn to the Redevelopment Agency Meeting.  
20 Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:47p.m.  
21

22 **MINUTES:**  
23

24 **December 18, 2008**  
25

26 Mr. Andersen made a **Motion** to adopt the Redevelopment Agency minutes of December  
27 18, 2008. Mr. Leifson **Seconded** and the motion **Passed** all in favor.  
28

29 **NEW BUSINESS:**  
30

31 **Restated Development Agreement with Tenedor**  
32

33 Mr. Baker explained the action item for the RDA. Some time ago the city entered in to an  
34 agreement with the RDA and a separate agreement with Tenedor. The developer will put  
35 in the infrastructure and in order for them to get their funding the bank wants an  
36 agreement that merges those prior two agreements. We made it very clear their obligation  
37 is to build us a north park, and the wetlands issues, delays and what they put out there  
38 will generate funds for the city. They have agreed that if the project does not meet our  
39 obligations they assume that risk. Staff recommends the adoption of this restated  
40 development agreement.  
41

42 Mr. Nielson feels as you read through this it is a very complicated process.  
43

44 Mr. Davis made a **Motion** to authorize the Mayor to sign the first amended and restated  
45 supplemental development agreement. Mr. Nielson **Seconded** and the motion **Passed** all  
46 in favor.

47

48 **ADJOURN:**

49

50 Councilman Andersen made a **Motion** to adjourn back to the City Council meeting.

51 Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:52 p.m.

52

53 ADOPTED:

54

55

---

Kimberly Robinson, City Recorder

## **CONTRACT**

COMES NOW the Redevelopment Agency of Spanish Fork City (RDA) and the Gerald L. Hill Family LLC, Sherald W. and Mary A. James, Robert J. and Janice B. Gull, Ricky D. and Connie B. Hansen, Hal M. and Carolyn M. Lucas, and the Robert L. and Evelyn M. Lucas Family Trust (collectively, Petitioners) and hereby enter into this contract for the benefit of all parties.

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C. SESD facilities buy out costs.

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DATED this 1st day of April, 2008

REDEVELOPMENT AGENCY OF  
SPANISH FORK CITY by:

\_\_\_\_\_  
JOE L THOMAS, Chair

Attest:

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

THE GERALD L. HILL FAMILY LLC by:

\_\_\_\_\_  
GERALD L. HILL, Manager

\_\_\_\_\_  
SHERALD W. JAMES by:  
CARL JAMES, Power of Attorney

\_\_\_\_\_  
MARY A. JAMES by:  
CARL JAMES, Power of Attorney

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HAL M. LUCAS

---

ROBERT J. GULL

---

JANICE B. GULL

THE ROBERT L. AND EVELYN M. LUCAS  
FAMILY TRUST by:

---

ROBERT L. LUCAS, Trustee

---

DAVID K. JAMES

---

KARLA K. JAMES