



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 August 19, 2008**.

AGENDA ITEMS:

1. WORK SESSION - 5:30 p.m.

- a. Windmill Blade Discussion

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

- a. Pledge
- b. Employee of the Quarter
- c. *Wind Power Proclamation

3. 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.

4. COUNCIL COMMENTS:

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 – August 5, 2008

6. NEW BUSINESS:

- a. *Common Boundary Adjustment with Mapleton City
- b. *Old Mill Estates Preliminary Plat

7. EXECUTIVE SESSION:

- a. Potential Litigation

8. WORK SESSION:

- a. Branding Discussion with North Star

ADJOURN:

* Supporting documentation is available on the City's website 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.

MAYORAL PROCLAMATION

WHEREAS, our modern society relies heavily on electrical power; and

WHEREAS, electrical power generation consumes large amounts of natural resources and must be transmitted relatively great distances before it can be used; and

WHEREAS, alternative electrical power generation sources which consume fewer natural resources or which use renewable resources are being sought by governments, industries, and the population as a whole; and

WHEREAS, wind generated electrical power is becoming more and more feasible and is a renewable resource which consumes no natural resources; and

WHEREAS, Spanish Fork City has a constant, night time wind, blowing down Spanish Fork Canyon, which represents an incredible resource for wind generated electrical power; and

WHEREAS, a consortium of investors has come together to create a wind generated electrical power project in the mouth of Spanish Fork Canyon, within the city limits of Spanish Fork City; and

WHEREAS, the Spanish Fork wind power project is the first commercial wind generated electrical power facility in the state of Utah; and

WHEREAS, the Spanish Fork wind farm is ready to commence the generation of electrical power for sale to public utilities and for re-sale to consumers; and

WHEREAS, this represents a renewable resource in close proximity to numerous consumers, thus addressing the need for renewable power generation resources without large transmission costs; and

WHEREAS, Spanish Fork City is excited to be on the cutting edge of new technology and to be on the forefront of renewable, clean electrical power sources;

THEREFORE, I Joe L Thomas, the mayor of Spanish Fork City do hereby proclaim Saturday, September 6, 2008 as WIND POWER DAY in Spanish Fork City.

DATED this 19th day of August, 2008

JOE L THOMAS, Mayor

Attest:

KIM ROBINSON, Recorder

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Tentative Minutes
Spanish Fork City Council Meeting
August 5, 2008

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

Staff Present: Dave Oyler, Chris Thompson, Dale Robinson, Seth Perrins, Kent Clark, Junior Baker, Kimberly Robinson,

Citizens Present: Lana Creer Harris, Jen Allen, Melinda Frandsen, David Isaac, Reed Esplin, Pat Parkinson, Doug Ford, William Christensen, Barry Carlson, Gloria Carlson, Dan White, Claire White, Don Thomas, Ron Rydman

CALL TO ORDER, PLEDGE:

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

Councilman Leifson led in the pledge of allegiance.

PUBLIC COMMENTS:

Pat Parkinson

Ms. Parkinson represents the ALA band boosters. She thanked the Council for being able to participate in the Fiesta Days ice cream booth. She stated the coordinators and services were great to work with. Her comments are based on their experiences at Fiesta Days this year she then handed out comments. The primary problem with concessions is the Council chose not to conform to the requirements of the food sales. They feel despite long hours profits were cut by large margins. She thinks the City needs to set rules and abide by them.

1. Given the duplications this year it will be impossible to give the vendors priority next year.
2. She suggested an early deadline in June for booth requests 2009, the booth fee must be paid to reserve the booth.
3. Vendors that voice intent to have a booth must pay the fee.

They would like them to consider the suggestions and hopefully this year will be better.

Councilman Davis stated they held a Fiesta Committee meeting last night and considered a lot of the options; they will strive to do better next year.

Doug Ford

Mr. Ford is a Citizen and business owner in town. He stated the unwritten City meeting rules, if you violate them with your cell phone going off in the meeting you must bring donuts to the next meeting. There has been a violation of this rule by one of the Council. As a result of this Councilman Andersen has brought donuts and drinks to the meeting tonight.

COUNCIL COMMENTS:

Councilman Davis thanked Everett and Nikki Kelepolo, Mike and Alicia Norris, and Terry and Lil Shepherd for their work on the Fiesta Days Committee. He thanked all those involved and all that they have done. He added that the Youth Council will have their elections this September.

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Councilman Andersen would like to express appreciation to all who participated in Fiesta Days this year. He reminded that the County Fair will be here in a couple weeks and he invites all to attend the fair.

Mayor Thomas said the windmills are up and functioning. He thanked all that participated and helped with Fiesta Days this year.

Councilman Leifson has the same comments on Fiesta Days. He thanked everyone that helped the Council appreciates it. The Parks and Recreation steak fry for all the coaches and those involved in that program was held. They appreciate all they do, it is an outstanding program.

Councilman Dart echoed the sentiments the Council have said already. He thanked all the volunteers involved in Fiesta Days this year. He attended board meeting for the South Utah Valley Animal Shelter, there will be a County-wide dog and cat license fee soon. The Senior Citizens have started up again with their meals for those over 60. He spoke with an employee that went camping in town by Canyon View Park, they took a vacation and did not even have to leave town.

PUBLIC HEARINGS:

Councilman Andersen made a **Motion** to open the public hearings. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 6:23 p.m.

700 West Annexation

Mr. Anderson explained the proposed annexation. He noted there were no protests received and that Spanish Fork City is the sponsor of this annexation. It has been reviewed by DRC and Planning Commission both recommending approval.

Councilman Davis made a **Motion** to adopt the proposed 700 West Annexation based on the following findings:

Findings

1. That the annexation area is located within the City’s Growth Management Area.
2. That the annexation area is planned for industrial development.
3. That the City can provide the necessary services to the annexation area.

Councilman Leifson **Seconded** and the motion **Passed** by a roll call vote all in favor.

Esplin Industrial Park Preliminary Plat Amendment

Mr. Anderson explained the proposed preliminary plat amendment located by 84 lumber. The City approved a previous plat last year, but the last plat did not include the cul-de-sac, it includes a total of 8 lots. Staff recommends approval of the amended preliminary plat as it is shown.

Councilman Nielson asked about the right of way road dedication.

Mr. Anderson stated they are working on how much will be required in the development agreement.

Reed Esplin

101 Mr. Esplin explained the road was 70 feet wide, the standard required width is less than that
102 which is why he will need compensation.

103
104 Councilman Andersen made a **Motion** to approve the proposed Preliminary Plat for the Esplin
105 Industrial Park subject to the following conditions:

- 106 1. That the applicant meet all of the conditions of the previous approval.
- 107 2. That the wetland issue be resolved before phase two of the development is approved.
- 108 3. That a development agreement be executed to provide for the dedication and construction
109 requirements of 1100 East.

110 Councilman Nielson **Seconded** and the motion **Passed** by a roll call vote all in favor.

111

112 **Farnsworth Zone Change**

113

114 Mr. Anderson explained the two properties involved with the proposed zone change. They are
115 requesting R-1-9 zoning which is consistent with the adjacent property owners.

116

117 William Christensen

118 Mr. Christensen is confused about the lots because it includes his property.

119

120 Mr. Anderson explained from a zoning perspective it would remedy the zoning compliance
121 issues on his property now. He also stated the adjacent lot owner would have to bring the lot into
122 compliance with the subdivision laws.

123

124 Mr. Christensen stated he is now in compliance with this change.

125

126 Councilman Leifson made a **Motion** to approve the Farnsworth Zone Change based on the
127 following findings:

- 128 1. That the proposed change is consistent with the General Plan.
- 129 2. That R-1-9 zoning is consistent with the surrounding zoning of the property to the
130 north.

131 Councilman Dart **Seconded** and the motion **Passed** by a roll call vote all in favor.

132

133 **White Zone Change**

134 **Thomas Zone Change**

135

136 Mayor Thomas recused himself because he is a land owner and Mayor Pro Tem Andersen then
137 chaired the meeting.

138

139 Mr. Anderson explained the reason for reviewing these items together is because they are part of
140 the same zone change. He then explained the General Plan will need to be changed for the
141 additional properties included in the zone change because they are not currently in the General
142 Plan. He noted the proposed change is for the Commercial-2 (C-2) zone. The Planning
143 Commission had a recommendation of making contact with the property owners that are on the
144 north side of 900 north to explore their desire to have the General Plan for their properties
145 changed as well. They felt professional office uses would be a great option for those additional
146 properties.

147

148 Mr. Anderson explained he believes the property to the north, should the Council change the
149 zoning, will be developed commercial in the immediate future.

150

151 Barry Carlson
152 Mr. Carlson owns the property on 900 north, he has talked to the other two property owners and
153 they both would like to know what is going on.

154
155 Dan White
156 Mr. White stated they are asking for the zone change because they are impacted by property on
157 both sides. Looking into the future it will happen either now or later. They would like to ask for
158 the zone change because of the current zoning on areas around the property.

159
160 Lana Creer Harris
161 Ms. Harris asked them to state the discussion said in the Planning Commission meeting.

162
163 Mr. Anderson reviewed the draft minutes of the Planning Commission meeting. The names in
164 the minutes and the two different items covered. Mr. Jensen requested there should be a buffer
165 from residential to commercial. Mr. Thomas made comments on behalf of the property owner.
166 Mr. Anderson gave thoughts on some prospective tenants. Mr. Jensen expressed concerns
167 relative to the height of buildings and would like to see the entire block zone changed.

168
169 Gloria Carlson
170 Ms. Carlson said they have had the trailer court behind them, they worry about a great big high
171 building being built with restaurants and stuff. They feel it should be zoned commercial so they
172 can move and find somewhere nice to live.

173
174 Mr. Thomas represents the trailer court, they found they have defective wiring and can't support
175 the trailers. The property owners adjacent are in favor of the change and just wish they were
176 included. He feels it will be an improvement to the city.

177
178 Councilman Leifson likes the idea Planning Commission suggested about transition from
179 commercial to residential, with some office space. It softens the impact on the residential
180 adjacent.

181
182 Councilman Davis is not sure he wants to change it to C-2 he would rather keep it C-O.

183
184 Ms. White is asking for C-2 because the corner is a good place for commercial use with the post
185 office and those looking at the property would like a larger commercial area. They would like the
186 zoning to be even with the corner of the red line or end of the trailer park.

187
188 Discussion was made regarding the transition areas for the properties.

189
190 Mr. White explained the problem with the depth of the lots being too shallow if it was combined
191 with the adjacent property to be included with another project as commercial it would help.

192
193 Discussion was made regarding the benefits of including the lots as commercial and the lot sizes.

194
195 Councilman Andersen does not have a problem with changing the zone, and feels it makes more
196 sense to include all the lots to the edge.

197
198 Councilman Nielson commented on the notification policy. He would be in favor of including as
199 many people as we can in what is going on in this area. He recommends approving what they
200 have tonight, and contacting the others in the area to discuss future issues.

201
202 Councilman Andersen agrees they need to make the quality of life as best as possible for all
203 those affected by this.
204
205 Councilman Leifson made a **Motion** to accept the White General Plan Amendment based on the
206 following finding:
207 1. That the proposed change is consistent with the proposed Zone Change to the north.
208 Councilman Nielson **Seconded** and the motion **Passed** by a roll call vote.
209 Councilman Davis voted Nay. He feels it is a good boundary to continue as a C-O and keep 900
210 as C-O and 1100 as C-2.

211
212 Councilman Leifson made a **Motion** to approve the Thomas Zone Change to C-2 based on the
213 following finding:
214 1. That the proposed change is consistent with the General Plan, provided that the White
215 General Plan Amendment is approved.
216 Councilman Dart **Seconded** and the motion **Passed** by roll call vote.
217 Councilman Davis voted Nay.

218
219 Mayor Thomas stated their property was under contract and the developer has expressed interest
220 in the adjacent properties as well.

221
222 **ALA Zone Change**

223
224 Mr. Anderson explained the proposed zoning for the American Leadership Academy. The
225 subject property is located between Mill Road and Del Monte road. The proposed change would
226 take the zoning from R-1-30 to R-1-12. The motivation for the change expressed to staff has
227 been to build and expand a facility on the property with different setbacks. He stated conditions
228 should be made at this time.

229
230 Councilman Andersen asked how the building was built not in compliance with the present
231 zoning.

232
233 Mr. Anderson explained the developer built the building without a permit, and there is some
234 history involved.

235
236 Melinda Frandsen
237 Ms. Frandsen is a resident at South Mill Road, she did some research in the state code, and the
238 cities land use code. Construction began in 2006. In that year a law went into affect that clarifies
239 sections of the Utah state code. She read some of the codes stating a municipality can require
240 Charter Schools to meet setback requirements. Only the construction company can be
241 responsible for the building being planned, plotted, and built without application for permit. She
242 stated two wrongs don't make a right. The City should have stopped construction when they
243 realized it was being built without a permit. Although it may be improper to stop building on a
244 school project it does not hinder the educational system.

245
246 David Isaac
247 In the Planning Commission meeting held July 2, 2008, he voiced his approval for the zone
248 change. He applauds the current ALA for trying to conform to the proper requirements. He feels
249 this is zoning to conform to a big mistake. They blatantly encroached upon the adjacent
250 properties and took away a view that would not have been lost if they met the setback

251 requirements. His question is what will be resolved by changing the zone, this structure has
252 footings and walls that are directly on the property lines. Changing the zoning to conform to the
253 structure would be redundant because it will still not conform to the new zoning requirements.
254 He feels it will instill the idea that it is easier to get forgiveness than to ask permission, 10-9a-
255 305 Utah State Code.

256
257 Ms. Parkinson feels it is ironic they are talking about changing rules after the fact. She does not
258 think it is without precedence that it is essentially immoral to change the rule. She does not feel
259 this is a precedence setting thing if they change the zone. She does not know enough about the
260 situation as to whether or not they should be allowed to build up.

261
262 Mayor Thomas was at the meeting where they made that request. He asked if there was
263 opposition voiced by residents during construction of the building. He is asking if people are
264 negatively affected by the structure as it is. He feels someone should have done something when
265 it was discovered.

266
267 Mr. Thompson recalled that we did not have jurisdiction over the school to require them to get
268 permits at the time.

269
270 Mr. Anderson agrees that the developer needed to go through the process to legally build the
271 building. Based on his experience with the code that was in place at that time with both charter
272 schools and the alpine school district he believes there would have been some argument about
273 the cities authority in this situation.

274
275 Councilman Andersen recalls a lot of conflicting information as far as what should or shouldn't
276 be done with charter schools. That was the impression given to people here in the city.

277
278 Mr. Anderson said we are talking about two wrongs don't make a right. Their typical mode of
279 operation when it is not conforming is to find the easiest solution that is a real solution.

280
281 Mayor Thomas asked if the process had been followed back then, would it stil have been
282 approved.

283
284 Mr. Anderson explained given the impact the facility is on the neighborhood, he does not think a
285 30 foot tall building of that kind of square footage at that location is a substantial impact on the
286 neighborhood.

287
288 Councilman Nielson asked if there was any mischief behind the construction of this. He stated
289 there are questions to be considered. Is there a public safety concern now, if we make the change,
290 is the applicant a good citizen, what is resolved if we change the zoning, and what if we don't
291 change the zoning. If the applicant is not a good citizen you are less likely to approve the change,
292 if it won't result in anything good you won't want to make the change or if it is a safety concern.

293
294 Mr. Davis asked about the structure underneath what footings are under there and can it support
295 build up, how high do they want to build and what's the material going to be made of.

296
297 Mr. Anderson recommends if the Council has concerns about the conditions set they should
298 express them now. He is concerned there is a safety issue when a final inspection has not been
299 done and a certificate of occupancy has not been issued. If we as the city took on the building
300 permit we required ourselves to ensure these items.

301
302 Mr. Isaac stated it is his understanding the set back ordinances are set to protect all the
303 neighbors, the closer you get to neighboring properties the more it impacts them, especially when
304 dealing with the height as an issue for neighboring properties. Why did they have to build it
305 where they did. As a citizen he assumed someone was there to enforce the laws at the time it was
306 built.

307
308 Councilman Leifson feels we don't have enough information to make a ruling tonight, someone
309 from ALA needs to come back and tell us what they plan to do and tell us why they want this
310 set- back. He would like more detail and what is going on, also as a point of interest they were
311 supposed to put landscape on the west side and curb and gutter. He feels before they give
312 permission on another project they need to take care of the business they said they would do.

313
314 Councilman Nielson asked if they were to apply today would we approve this structure to be
315 built.

316
317 Councilman Andersen said he agrees two wrongs don't make a right, this is not just a little shed.
318 He absolutely does not agree that we go back and change the zoning to make that building
319 conform. Also it will set a precedent in that area that we don't want set. The people in that area
320 wanted building lots of at least ½ an acre, but they are ok with quality developments on 1/3 acre
321 lots. This would set a precedent they have the new zoning why can't we have that for our
322 property. He does not want to see the precedents set so someone can come back and say they
323 have that zoning we want it to.

324
325 Mayor Thomas would like Councilman Nielson's questions answered, and he would like to hear
326 the historical nature of the laws at the time. We should ensure the safety issue and make sure that
327 is addressed. He asked all involved to come up with some solutions.

328
329 Ms. Frandsen would like to support looking at the options.

330
331 Direction was given to Dave Anderson to make a formal request of ALA to meet and discuss the
332 issues.

333
334 Councilman Nielson made a **Motion** to table this agenda item and continue the public hearing to
335 the September 16, 2008 meeting. Councilman Leifson **Seconded** and the motion **Passed** all in
336 favor.

337
338 **Forbush Boundary Line Adjustment**

339
340 Mr. Anderson explained where we are with the boundary line adjustment.

341
342 Mr. Baker reviewed the requirements of the law dealing with this action.

343
344 Councilman Leifson made a **Motion** to approve Forbush Springville boundary adjustment.
345 Councilman Nielson **Seconded** and the motion **Passed** by a roll call vote all in favor.

346
347 Councilman Andersen made a **Motion** to close the public hearing. Councilman Davis **Seconded**
348 and the motion **Passed** all in favor at 8:25 p.m.

349
350 **CONSENT ITEMS:**

351
352 **Minutes of Spanish Fork City Council Meeting – June 17, 2008, July 1, 2008**
353 **SUVMWA Lease Renewal**
354 **License Agreement – McDonald**
355 **Senior Center – Mountain land Aging Contract for FY 2009**
356

357 Councilman Leifson made a **Motion** to approve the consent items. Councilman Dart **Seconded**
358 and the motion **Passed** all in favor.

359
360 **NEW BUSINESS:**

361
362 **Utah Valley Home Builders Association – Economic Model Report**
363

364 Ron Rydman

365 Mr. Rydman is with the Utah Valley Homebuilders Association and is here to present a copy of
366 the economic value report. He then explained the process of the economics in Utah County and
367 then presented a copy of the report.

368
369 Councilman Leifson appreciates Mr. Rydmans Association, and all they do for us.

370
371 Mayor Thomas asked that the Utah Valley Home Builders send the Council some information
372 regarding where the market is right now.

373
374 **Dispatch Special Services Resolution**
375

376 Mr. Baker explained the resolution needs to be adopted indicating our intent to be included in the
377 new dispatch center. This will be less expensive than the alternatives but will still hold an
378 increase in cost.

379
380 Councilman Davis made a **Motion** to adopt Resolution #08-13, a Resolution of the Legislative
381 Body of Spanish Fork City, and Consenting to the Inclusion of area within Spanish Fork City in
382 the Utah Valley Dispatch Special Service District. Councilman Nielson **Seconded** and the
383 motion **Passed** all in favor.

384
385 **Resolution of Intent to Adjust Common Boundary with Mapleton City**
386

387 Councilman Nielson made a **Motion** to table this agenda item.

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

389
390 **Lynnbrook Saddle Replacement project – 2008 Proposed Change Order**
391

392 Mr. Thompson explained the project in Lynnbrook, he then explained what a saddle was. As they
393 dug up the water main in the road it was impossible to blue stake and locate accurately. They feel
394 he should be compensated for the additional costs of the excavation.

395
396 Councilman Leifson made a **Motion** to approve the 2008 proposed change order for the
397 Lynnbrook saddle replacement project. Councilman Andersen **Seconded** and the motion **Passed**
398 all in favor.

399
400 **Golf Course Sprinkler System Pump Station Project Sales Tax**

401
402 Mr. Robinson explained the contractor selected to do this project did not include the sales tax for
403 this project. The sales tax will need to be paid in order to clear this up. He noted even with the
404 bids and sales tax he was still the lowest bidder.

405
406 Councilman Andersen made a **Motion** to approve the golf course sprinkler system pump station
407 sales tax. Councilman Nielson **Seconded** and the motion **Passed** all in favor.

408
409 **Airport Master Plan Update**

410
411 Mr. Thompson stated they are rehabilitating a runway on the airport. He explained the FAA
412 gives us money in certain amounts this includes the agreement with Armstrong to do some extra
413 work.

414
415 Councilman Nielson made a **Motion** to approve the amendment to the agreement between
416 Spanish Fork City, Springville City, and Armstrong Consultants Inc. Councilman Davis
417 **Seconded** and the motion **Passed** all in favor.

418
419 **New Haven Emergency Water Connection**

420
421 Mr. Thompson explained the memo from Richard Heap regarding this agenda item. The Utah
422 County Health Department asked us to see if we can put New Haven on our water system. They
423 are currently on a section of road that is proposed to be developed. They do not feel it would hurt
424 the City to allow the school to install the water line and hook up to the cities water system. It will
425 also increase the fire protection for some residents in this area. It is required to get approval from
426 the Council to hook into the City system if outside the City limits. Staff recommends approval.

427
428 Councilman Andersen made a **Motion** to approve the emergency water connection for New
429 Haven. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

430
431 **EXECUTIVE SESSION:**

432
433 Councilman Andersen made a **Motion** to adjourn to executive session for the purpose of Pending
434 Litigation and Personnel. Councilman Davis **Seconded** and the motion **Passed** all in favor at
435 8:48 p.m.

436
437 **ADOPTED:**

438
439 _____
Kimberly Robinson, City Recorder

RESOLUTION 08-11

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS (votes only in case of tie)		
G. WAYNE ANDERSEN City Councilman		
RODNEY DART City Councilman		
RICHARD M. DAVIS City Councilman		
STEVE LEIFSON City Councilman		
JENS P. NIELSON City Councilman		

I MOVE this resolution be adopted: _____
City Councilperson

I SECOND the foregoing motion: _____
City Councilperson

RESOLUTION 08_11

**RESOLUTION OF INTENT TO ADJUST
A COMMON BOUNDARY**

WHEREAS, Spanish Fork City shares a common boundary with Mapleton City; and

WHEREAS, Jack Evans owns and/or has interests in parcels of property which lie in both jurisdictions; and

WHEREAS, Jack Evans has requested each city to adjust its common boundaries in order to match up with property lines; and

WHEREAS, matching city boundaries with property lines makes sense for the property owner and for the city as far as planning and development; and

WHEREAS, Utah Code Annotated §10-2-419 sets forth the procedure and requirements for municipalities with common boundaries to adjust such boundaries without the need to disconnect from one and annex to the other; and

WHEREAS, it is in the best interest of all parties to adjust the common boundary to match city boundary lines with property lines;

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

1. Spanish Fork City intends to adjust its common boundary with Mapleton City by adjusting its boundaries in accordance with the map attached hereto as exhibit A.
2. Spanish Fork City staff is directed to publish notice of this intent and schedule a public hearing and is further directed to follow all of the requirements of U.C. A. §10-2-419 to accomplish the boundary adjustment.
3. That the boundary line between Spanish Fork City and Mapleton City, east of U.S.

Highway 89 is described as follows:

A line located in portions of Sections 26, 27, & 35, Township 8 South, Range 3 East, Salt Lake Base & Meridian, more particularly described as follows:

Beginning at a point on the Spanish Fork City Corporate limits located N0°11'11"W along the ¼ Section line 770.00 feet and S89°59'41"W 627.53 feet from the South ¼ Corner of Section 27, T8S, R3E, S.L.B.&M.; thence S5°31'00"E 773.99 feet to the Section line; thence N89°57'06"E along the Section line 555.63 feet to said South ¼ Corner of Section 27, T8S, R3E, S.L.B.& M.; thence N0°11'11" W along the ¼ Section line 1,346.48 feet; thence S89°30'16"E 1,325.51 feet; thence S0°10'05"E 12.85 feet; thence N89°58'03"E 1,325.46 feet to the east line of said Section 27; thence N0°09'03"W along the Section line 1,018.03 feet; thence N89°49'10"E 1,287.28 feet to the 1/16th (40 acre) Section line; thence S0°10'07"W along the 1/16th (40 acre) Section line 2,350.50 feet to the Southeast Corner of the SW1/4 of the SW 1/4 of Section 26; thence S0°23'11"E along the 1/16th (40 acre)

Section line 1,328.18 feet to the Southwest Corner of the NE1/4 of the NW1/4 of Section 35; thence N89°30'31"E along the 1/16th (40 acre) Section line 1,241.71 feet to a point of terminus at the North 1/16th Corner (Southeast Corner of the NE1/4 of the NW1/4) of said Section 35 which is located S70°10'25"E 6,170.68 feet from the point of beginning.

4. This resolution is effective immediately upon passage.

DATED this _____ day of July, 2008.

JOE L THOMAS, Mayor

Attest:

KENT R. CLARK, City Recorder



REPORT TO THE CITY COUNCIL OLD MILL ESTATES PRELIMINARY PLAT AMENDMENT

Agenda Date: August 19, 2008

Staff Contacts: Dave Anderson, Planning Director

Reviewed By: Development Review Committee

Request: The applicant, CW Management Corp, is requesting approval for an Amended Preliminary Plat for a residential subdivision.

Zoning: R-1-15

General Plan: Residential 1.5 to 2.5 Units Per Acre

Project Size: 29.51 acres

Number of lots: 57

Location: Approximately 1503 South Mill Road

Background Discussion

The applicant, CW Management, is requesting Preliminary Plat approval for a 57-lot residential subdivision that would be primarily accessed from Mill Road.

The original approval for this development was granted in 2007 with one significant difference between that approved plat and the proposed amendment.

The Utah Department of Transportation has denied the applicant access for the subdivision onto Arrowhead Trail. Therefore, the applicant is requesting that the plat be amended so as to allow the development to be accessed from Mill Road. The plat has been redesigned so as to replace the access onto Arrowhead Trail with a cul-de-sac. All other aspects of the development, such as amenities and building standards, are proposed to remain the same.

Staff understands the level of concern that is involved relative to additional traffic on Mill Road. In order to address these concerns, the applicant is proposing to improve Mill Road from their access to Arrowhead Trail. The proposed improvements would result in the road being some 30 feet wide when complete. The applicant is proposing to make these improvements with no participation from the City or anticipation for reimbursement. However, the applicant is requesting that they not be required to make improvements to Arrowhead Trail. As the applicant will not be directly accessing Arrowhead Trail, their proposal to not improve that right-of-way seems reasonable to staff.

Also, the applicant has apparently secured the ability to construct an access through the development to the north to Del Monte Road. In staff's view, this is a very significant item given that it will dramatically reduce the project's impact on Mill Road.

Development Review Committee

The Development Review Committee reviewed this request in their June 25 meeting and



recommended that it be approved. Draft minutes from that meeting read as follows:

Old Mill Estates

Applicant: CW Management
General Plan: Residential 1.5 to 2.5 Units Per Acre
Zoning: R-1-15
Location: 1500 South Mill Road

Mr. Anderson asked Mr. Nielson if Horrocks Engineering had sent us any traffic reports relative to Mill Road. Mr. Nielson said they had and the report indicated a 15 percent increase of traffic onto Mill road.

Discussion was held regarding Horrocks Engineering and the traffic study on the north portion of Mill Road increasing 30 trips per day and when the entire site is finished it would generate 600 trips per day.

Mr. Niederhauser explained the UDOT appeal process. Mr. Nielson explained that UDOT has four or five points they are denying the access on and that UDOT feels that even if they were to approve the access it would have to go to Federal highways for approval and they feel confident that Federal highways would not approve the access to Arrowhead Trail. Mr. Niederhauser feels that the denial of access is a local issue with UDOT Region 3 and is arbitrary. He said he has three deeds of access.

Mr. Baker **moved** to recommend **approval** of the Amended Preliminary Plat for Old Mill Estates located at 1500 South Mill Road subject to:

Conditions

1. That this plat be considered an option along with the current approval depending on how the Utah Department of Transportation rules on the access to Arrowhead Trail.
2. That the applicant meet all conditions of the original approvals.

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

Planning Commission

The Planning Commission reviewed this request in their August 6 meeting and recommended that it

be approved. Draft minutes from that meeting read as follows:

Old Mill Estates

Applicant: CW Management
General Plan: Residential 1.5 to 2.5 Units Per Acre
Zoning: R-1-15
Location: 1500 South Mill Road

Mr. Anderson gave background on why the proposal was continued from the previous Planning Commission meeting. He said a traffic impact study was reviewed and explained what the findings were for traffic on Mill Road. The applicant has secured the ability to construct the street connection to Del Monte and will bear the financial burden for the improvements onto Mill Road to the Arrowhead intersection in exchange that the City not require the improvements on Arrowhead Trail.

Mr. Neiderhauser
Mr. Neiderhauser said his agreement with the Academy Park subdivision is that CW Management will secure first right to construct the access to Del Monte. He feels the impact Woodland Hills Drive will create on Mill Road is far greater than the impact of his proposal but is willing to improve Mill Road without any participation from the City.

Commissioner Christianson asked if there were any other utilities going in the road. Mr. Nielson explained what would take place.

Pat Davis
Ms. Davis asked if the right-of-way in front of Gary Duran's parcel is big enough and feels he should be contacted.

Duane Kirkham
Mr. Kirkham feels that the agreement for the access through Del Monte should be in place before any ground is broken on this project. He said he feels this proposal changes every time a meeting is held. He disagrees with Horrock's Engineer study. He feels Mill Road needs to be addressed and wants assurance that the irrigation is not interrupted.

Val Simmons
Mr. Simmons expressed concern with the irrigation ditch. He said he feels the ditch on the Orton property needs to be addressed.

Mr. Nielson explained the laws for prescriptive easements and what they govern, that the

irrigation issues would be reviewed by the irrigation company and their engineers, that the irrigation ditch would be in an easement area and not under a house, the study dated May 28, 2008 by Horrock's Engineering and what it revealed without the Arrowhead Trail access and that they determined 530 trips would be generated out of the project area to Arrowhead Trail and 15 percent or 80 trips per day would use Mill Road traveling north of the project site.

Ben Davis

Mr. Davis asked what the plan for the future was for increasing the size of Mill Road. Mr. Nielson explained there was not one at this time and it does not warrant this developer to widen the road.

Val Simmons

Mr. Simmons asked if the City would be paying for the costs to widen, a special improvement district, or what.

Mr. Kirkham said he feels that the property owners will have to bear the burden of the mess that this development will create.

Mr. Nielson explained that the Horrock's Engineering report showed that there would be 620 trips per day impacting Mill Road because of the Utah County widening of Woodland Hills Drive and that the City had no control over that project and the traffic it would create onto Mill Road.

Pat Davis

Ms. Davis is concerned about the widening of the road and explained why she feels the way she does.

Commissioner Marshall **moved** to recommend **approval** of the Amended Preliminary Plat for Old Mill Estates subject to the following conditions:

Conditions

1. That the applicant construct improvements on Mill Road, from the development's entrance to Arrowhead Trail, that would provide for 30 feet of asphalt.
2. That the applicant constructs an access through Academy Park to Del Monte Road.
3. That the Plat be modified to remove the proposed curb, gutter and additional asphalt on Arrowhead Trail.

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

Commissioner Huff **moved** to **open** into public hearing. Commissioner Marshall **seconded** and the motion **passed** all in favor at 7:33 p.m.

Budgetary Impact

Residential development typically generates more long-term costs for the City than revenue to cover those costs. In this case, it is conceivable that the development will generate some need to improve infrastructure in the area that could result in expenses for the City.

Recommendation

Staff recommends that the Amended Preliminary Plat for Old Mill Estates be approved subject to the following conditions:

1. That the applicant construct improvements on Mill Road, from the development's entrance to Arrowhead Trail, that would provide for 30 feet of asphalt.
2. That the applicant construct an access through Academy Park to Del Monte Road.
3. That the Plat be modified to remove the proposed curb, gutter and additional asphalt on Arrowhead Trail.



