



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 October 7, 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. *T.J. Business Park Preliminary Plat
- b. Title 15 Amendment

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 – September 16, 2008
- b. *Contract for Spook Alley Supplies
- c. PRCA Bullfighter and Barrel Man Rodeo Contracts

6. NEW BUSINESS:

- a. *Springville Boundary Line Adjustment
- b. Private Street Dedications to Spanish Fork City

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.



REPORT TO THE CITY COUNCIL TJ BUSINESS PARK PRELIMINARY PLAT AMENDMENT

Agenda Date: October 7, 2008

Staff Contacts: Dave Anderson, Planning Director

Reviewed By: Development Review Committee

Request: The applicant, Evans Grading and Paving, is requesting approval for an industrial subdivision.

Zoning: Industrial 1

General Plan: Light Industrial

Project Size: 19.70 acres

Number of lots: 9

Location: 2000 North 200 East

Background Discussion

The proposed subdivision is located in the Industrial 1 zoning district and contains some 19.70 acres. One structure is currently located on the subject property. All of the lots in the proposed subdivision conform to the City's requirements for industrial subdivisions.

Budgetary Impact

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

Development Review Committee

The Development Review Committee reviewed this plat in their September 17 meeting and recommended that it be approved. Draft Minutes from that meeting read as follows:

TJ Business Park

Applicant: Evans Grading and Paving

General Plan: Light Industrial

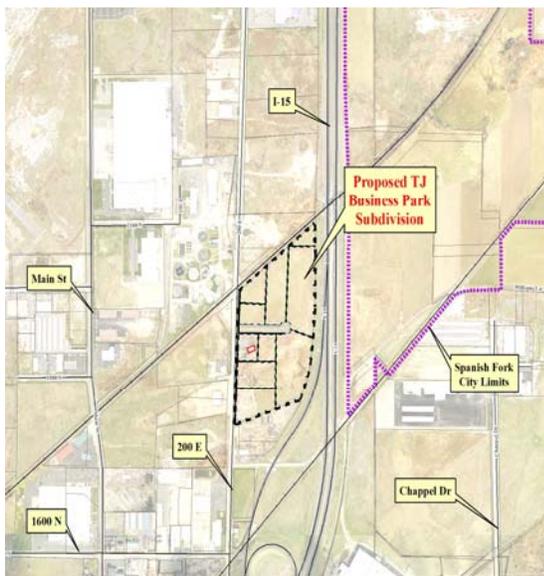
Zoning: Industrial 1

Location: 2000 North 200 East

Mr. Anderson explained the proposal.

Mr. Peterson explained that there was a power pole right in the middle of one of the lots and that it was not Spanish Fork City's pole. He said it belonged to Nebo Power and UAMPS and the applicant would need to obtain the required easements. Mr. Thompson said the required easement will need to be shown on the plat. Mr. Peterson said that there were some 600 amp sectionalizers that might need to be moved to be located within a planter strip. He also said the power would need to be piped under the railroad tracks on the east side. Mr. Thompson told the applicant that the railroad would require two separate permits for the sewer and the power.

Mr. Dudley asked what size of casing would be required. Mr. Thompson said at least a 14-inch casing. Mr. Dudley said that they had already gotten approval from the railroad for the sewer.



Mr. Nielson explained that they did need to cross the tracks with the sewer but that the applicant was addressing that.

Mr. Oyler asked if there was access on the north end. Mr. Nielson said it was a retention basin that the applicant would be responsible to take care of.

Mr. Thompson explained to the applicant that they would need to do curb and gutter, a 14-foot planter and then the 10-foot asphalt trail along 200 East.

Mr. Anderson expressed that he felt the need to ensure that the City has adequate property for the trail.

Mr. Johnston asked what the distance from the tracks was, if access would be allowed to 200 East, and if there were any height restrictions.

Discussion was held regarding the lot that is next to the tracks and line of sight for a train. The applicant explained that the sewer main will come across there and will eliminate anything being built right there. The applicant explained that each lot will provide for their own retention.

Mr. Nielson **moved to approve** the Preliminary Plat for TJ Business Park located at 2000 North 200 East with the following findings and subject to the conditions:

Findings

1. Subdivision meets zoning requirements.
2. That the proposed subdivision will meet the City's requirements if the proposed conditions are met.

Conditions

1. That the cross section along 200 East be modified to show the trail system.
2. That the applicant work with the Power Department on the power crossing on the 200 East and the north end of the project for the railroad.
3. That the applicant work with Nebo on the power line and ensure that any issues are taken care of.
4. That all buildings be constructed in compliance with the airport height restrictions.

Mr. Peterson seconded and the motion passed all in favor.

Planning Commission

The Planning Commission reviewed this request in their October 1, 2008 meeting and recommended that it be approved. It is anticipated that draft minutes from that meeting will be available prior to the City Council meeting.

Recommendation

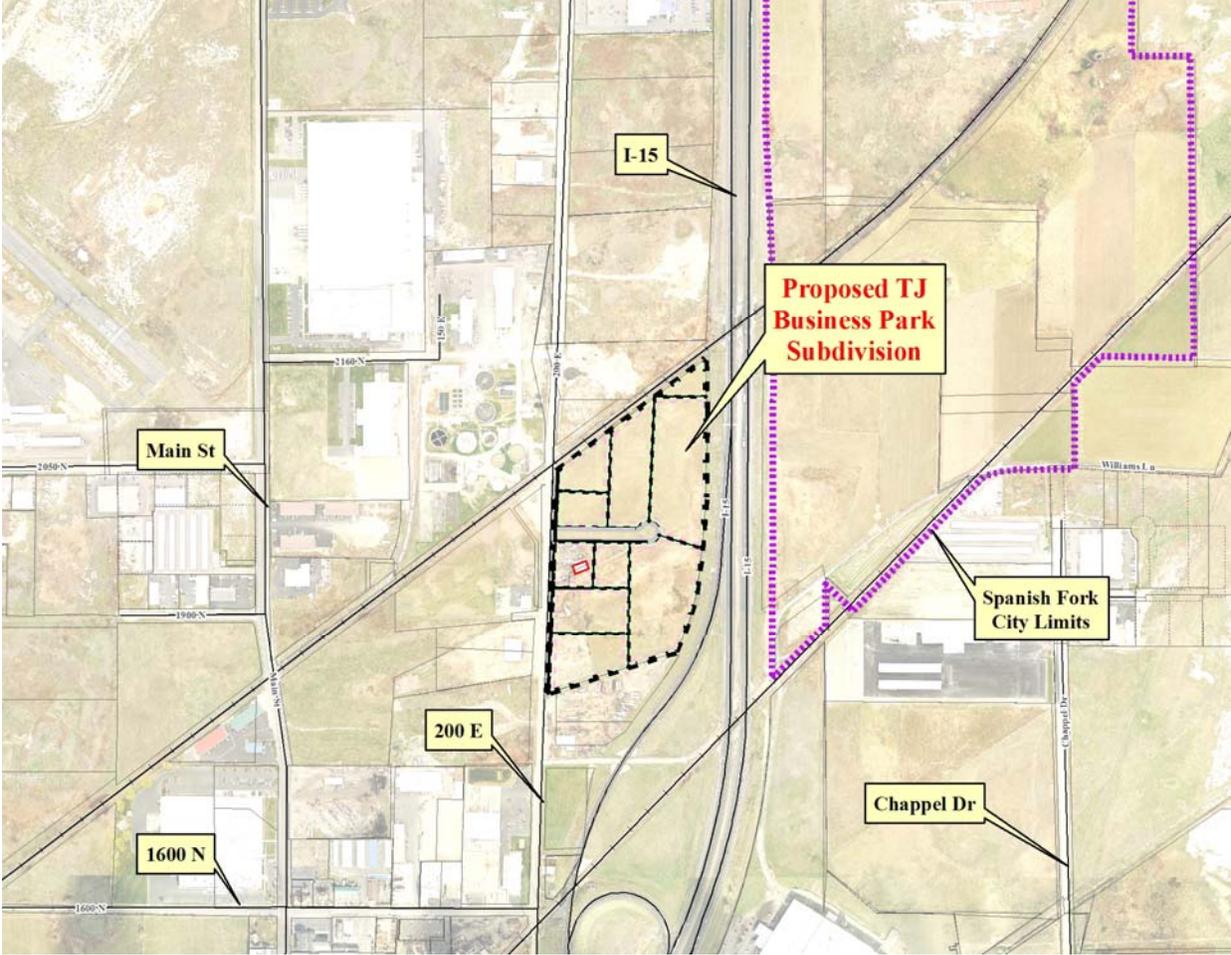
Staff recommends that the TJ Business Park be approved based on the following findings and subject to the following conditions:

Findings

1. That the proposed subdivision meets zoning requirements.

Conditions

1. That all improvements be constructed in accordance with City standards.
2. That the applicant address any concerns raised by the Power Department prior to submitting for Final Plat approval.



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Tentative Minutes
Spanish Fork City Council Meeting
September 16, 2008

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

Staff Present: Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Junior Baker, City Attorney; Richard Heap, Public Works Director; Dave Anderson, City Planner; Dale Robinson, Parks and Recreation Director; Dee Steven Money, Special Events; Kimberly Robinson, Recorder

Citizens Present: Bjorn Pendleton, Dana Robinson, Trista Pat Davis, Connie Muhlestein, Richard Muhlestein, Clyde McKean, Rich Harris, Lana Creer Harris, Jen Allen, Melinda Frandsen, David Isaac, Brent Jarvis, Schyler Ellsworth, Travis Wilkins, Tell Lindsey, Reagan Way, Clair Talbot, Pat Parkinson, Marilyn Davis, Allan Davis, Doug Ford, Roger Marris, Ryan Oldham, Val Simmons, Lance Argyle

CALL TO ORDER, PLEDGE:

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

Mr. David Isaac led in the pledge of allegiance.

PUBLIC COMMENTS:

Bjorn Pendleton and Dana Robinson

Mr. Pendleton and Mr. Robinson invited everyone out to the Harvest Moon Hurrah. They have great entertainment lined up including the group Eclipse.

Trista Davis

Ms. Davis thanked the Council.

Pat Parkinson

Ms. Parkinson said the Kite Festival was a wonderful event. She then asked for a response to their letter regarding Fiesta Days concessions.

Councilman Davis then gave her the response letter from the Fiesta Days Committee.

COUNCIL COMMENTS:

Councilman Nielson reported he attended ULCT meetings in Salt Lake City last week. He then stated the three top concerns when people move to Utah, and asked that citizens help them out.

Mr. Perrins gave a recycling update and asked those watching to please sign up for the recycling program. They will be working with the local schools to partner in helping get the word out about the recycling program. Allied Waste has pledged \$1500 towards the school programs supporting this project. He also explained with the move of the courts we were able to install a new phone system that allows for more phone lines so there will hopefully be no more busy

50 signals. We will try our best to get the new phone numbers out and there is a great directory
51 available.

52
53 Councilman Davis reported there was a dinner honoring the employees of Spanish Fork City and
54 he thanked the employees from the bottom of his heart. They work hard for the city and he
55 thanked the spouses for the support they give.

56
57 Mayor Pro Tem Andersen excused the mayor for being out of town. The Mayor asked that his
58 thanks be expressed to those involved with the Kite Festival. It was wonderful to see families out
59 enjoying themselves as a family. Mayor Pro Tem Andersen added his compliments as well.

60
61 Councilman Dart thanked the city employees that went above and beyond the call of duty to
62 make it family friendly and helped all to enjoy the event. He thanked Steven Money and Elaine
63 Hansen for all the work they did on the event.

64
65 Councilman Leifson echoed all that has been said about the kite festival, he has received great
66 feedback. He noted Doris Kearns Goodwin spoke at the conference, she wrote a book on
67 Abraham Lincoln and Roosevelt. There was also Jeffery Collin who was in human resources, the
68 comment he made was trust in your individual talents and those around you. He feels that makes
69 Spanish Fork the way it is and what it is all about. The Parks and Recreation Committee met at
70 the reservoir and looked at a possible outdoor amphitheater area.

71
72 Mr. Robinson presented the honor of citizen volunteer to Doug Ford. He serves as chairman of
73 the Parks and Recreation Committee. He not only serves on that board but he headed up the
74 committee to raise funds for the Mountain Country Pavilion. He is the one that helped out with
75 the traffic at the kite festival.

76
77 Doug Ford

78 Mr. Ford thanked everyone for thinking of him for this award. He stated this community is a neat
79 and unique place to live. Seeing the community grow from when they had dirt roads in front of
80 their businesses to now. It shows what this city is all about and he is proud to be part of it. He
81 thanked everyone for the award.

82 83 **PUBLIC HEARINGS:**

84
85 Councilman Davis made a **Motion** to open the public hearing on the Title 15 Amendment.
86 Councilman Nielson **Seconded** and the motion **Passed** all in favor at 6:19 p.m.

87 88 **Title 15 Amendment**

89
90 Mr. Anderson explained the changes making amendments to the processes. He then listed the
91 three areas the changes address, and stated the addition of shade tree requirements in parking
92 lots.

93
94 Councilman Dart asked about the fencing requirements added.

95
96 Mr. Anderson stated it was to try to have quality.

97

98 Ms. Parkinson looked over the changes and asked about the tree and shrub requirements in the
99 parking strips. She feels it is inconsistent with them trying to conserve water. She then asked
100 about the requirement for a licensed landscaper when someone could do a nice job themselves.
101

102 Councilman Leifson made a **Motion** to close the public hearing. Councilman Nielson **Seconded**
103 and the motion **Passed** all in favor at 6:33 p.m.
104

105 Mr. Anderson clarified they require a licensed landscape contractor but there are provisions to
106 adjust that requirement. He stated the cost of the landscape architect is negligible in the cost of
107 the development.
108

109 Councilman Davis stated he discussed the requirements with Mr. Anderson when he was first on
110 the Council.
111

112 Councilman Leifson likes what they have done.
113

114 Councilman Andersen feels it clarified some points and made it easier to understand.
115

116 Councilman Leifson made a **Motion** to approve the proposed changes to the Title 15
117 amendments including the additions of the parking lots paragraph in all the other uses, and
118 requiring a minimum of two trees per planter area. Councilman Davis **Seconded** and the motion
119 **Passed** all in favor.
120

121 Councilman Leifson made a **Motion** to open the public hearing for the Construction and
122 Development Standards addition. Councilman Dart **Seconded** and motion **Passed** all in favor at
123 6:39 p.m.
124

125 **Construction and Development Standards Addition**

126

127 Mr. Anderson explained these changes are simple in comparison to the time and effort the staff
128 has worked on this item. He stated they need to provide developers with options that will work
129 well for Spanish Fork City. They decided to add two new options to their development standards,
130 to give developers a choice.
131

132 Councilman Leifson made a **Motion** to move out of the public hearing. Councilman Nielson
133 **Seconded** and the motion **Passed** all in favor at 6:48 p.m.
134

135 **OLD BUSINESS:**

136

137 **Interlocal Agreement with Utah County for the County Fair.**

138

139 Mr. Baker explained the document and stated this authorizes the agreement to bring the Utah
140 County Fair back to Spanish Fork City and to more fully take advantage of the amenities we
141 have in place. He noted this will open the use of the facilities to non-residents and will bring
142 back the County Fair. It will allow county residents to use the facilities for the same cost as
143 residents. In return the County will purchase the land adjacent and will create a South County
144 Equestrian Center. The county has agreed to share in the cost of the maintenance. He stated the
145 costs will be shared by the city and the county.
146

147 Commissioner Ellertson

148 Mr. Ellertson added they are appreciative of the cities willingness to work with them. They did
149 pass the resolution and have signed the Interlocal Agreement earlier today. In terms of the
150 facility he took the opportunity at the County Fair to talk with the residents and they were
151 favorable about seeing that function back in Spanish Fork. He had positive comments all the way
152 around. It is their hope that they view this favorably and see it as a win-win.

153
154 Councilman Leifson appreciates all the work they did to get this back where it belongs in
155 Spanish Fork.

156
157 Mayor Pro Tem Andersen expressed appreciation to the County Commissioners as a body, they
158 have been really willing to work with them on putting this agreement together. This agreement is
159 set for 50 years and at the end of 50 years it will automatically renew. They feel this is something
160 they need to make a long time commitment. He stated it was nice to work with the
161 commissioners and be able to trust people without having to have everything written down in an
162 iron clad contract. There were a lot of people involved and he thanked them for their work.

163
164 Councilman Davis made a **Motion** to authorize the execution of this agreement and approve the
165 resolution 08-14 authorizing the Mayor Pro Tem to sign both the resolution and Interlocal
166 agreement. Councilman Leifson **Seconded** 08-14 and the motion **Passed** by roll call vote.

167 Roll Call Vote:

168 Mayor Pro Tem Andersen

169 Councilman Davis - Yes

170 Councilman Dart - Yes

171 Councilman Nielson – Yes

172 Councilman Leifson - Yes

173
174 Councilman Leifson made a **Motion** to go back to the public hearing on the Construction and
175 Development Standards. Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:01
176 p.m.

177
178 This item was opened for public comment.

179
180 Councilman Dart made a **Motion** to move out of public hearing. Councilman Nielson **Seconded**
181 and the motion **Passed** all in favor at 7:02 p.m.

182
183 Councilman Davis stated he does not like the ability to narrow the streets to 28 feet and he asked
184 that there not be parking allowed on the streets. He added that in option two they need the ability
185 to be able to work on the meters. He has a hard time dropping the streets standards to 28 feet.

186
187 Councilman Nielson checked that the public safety department was on the adhoc committee.

188
189 Mr. Anderson stated they did have a representative on the committee, he noted that the 28 feet
190 requirement for asphalt was the number they were able to agree on.

191
192 Councilman Nielson feels there is a reduction in the chance that little kids would get hit because
193 you are forced to slow down.

194
195 Councilman Nielson made a **Motion** to approve the proposed additions to the Construction and
196 Development Standards. Councilman Dart **Seconded** and the motion **Passed** by a roll call vote.
197 Roll Call Vote:

198 Mayor Pro Tem Andersen
199 Councilman Leifson - Yes
200 Councilman Dart - Yes
201 Councilman Nielson - Yes
202 Councilman Davis – No, he explained the roads need to be wider and he has concerns about
203 combination curb, gutter and sidewalk.

204
205 Councilman Leifson made a **Motion** to open the public hearing for the ALA Zone Change
206 (continued from August 5, 2008). Councilman Nielson **Seconded** and the motion **Passed** all in
207 favor at 7:12 p.m.

208
209 **ALA Zone Change (Continued from August 5, 2008)**
210

211 Mr. Heap explained a few meetings ago it was brought up about ALA not obtaining building
212 permits. He gave some history regarding this project. He stated over the years they have worked
213 with Nebo School District and have been told they have no jurisdiction over the schools. Again
214 they were reminded by Mike Morley and his attorney that the city did not have jurisdiction over
215 the school building. He stated there was a question as to who issues the certificate of occupancy.
216 They were told very frankly by our state legislator that the city does not have any say on what
217 they could do.

218
219 Councilman Andersen clarified they have built over the easement for the irrigation company and
220 the concrete to.

221
222 Mr. Heap stated it is up to the irrigation companies to know what is going on with their
223 easements.

224
225 Councilman Andersen brought the information up as part of the discussion because members of
226 the irrigation company have asked him.

227
228 This item was opened for public comment.

229
230 David Isaac

231 Mr. Isaac attended the last meeting on this subject. He asked if ALA has met with the city and
232 noted their intentions with the zone change. He thinks it is important there is some light shed on
233 the subject. He feels the students at ALA especially the athletic students deserve it done the right
234 way. He is not trying to negate them but at the same time feels they deserve for it to be done
235 correctly if it's done.

236
237 Ms. Parkinson asked if the form signed, not by a contractor, was mischief or were all the parties
238 truly trying to do the right thing. She said what the intent was when it was signed should be a big
239 part of it, she feels if they can clear up the intent that would help.

240
241 Allan Davis

242 Mr. Davis feels the school is entitled to a place to educate all parts of their curriculum but right
243 now they are crowded for space. They have four or five portables on the curb and he feels we
244 need to work together and abide by the rules and regulations.

245
246 Connie Muhlestein

247 Ms. Muhlestein said the amount of traffic they are starting to get is unbelievable and a little bit
248 scary. They have two handicapped people on their street. There are people coming out of the
249 ALA that are going to get killed on that turn. Some of the signs are down and not put back up.
250 She stated the road is in very very poor condition because of all the big trucks. It is frustrating
251 not being able to get anybody to work with them, there have been many promises made to them
252 personally by three different sets of developers that have not been followed through on. She is
253 concerned about the increase in students on their property, they were promised it would be
254 fenced. She realizes these are personal problems to them but if they press legal interest it will
255 stop the project. She said it would be nice to have someone take an interest and have these
256 developers do what they say they are going to do. She would appreciate knowing what the city
257 can do if anything.

258

259 Councilman Nielson clarified the name of the road discussed.

260

261 Ms. Muhlestein stated it was Mill Road.

262

263 Pat Davis

264 Ms. Davis said when you are a child and you tell them they can't have a cookie that is one thing,
265 but when you are an adult and you do it that is different. She feels there is some mischief
266 involved. She stated someone was going to get hurt on the road if they don't do something.

267

268 Councilman Nielson asked if all was done right would it still bother them.

269

270 Ms. Davis stated that is should be torn down they did not do what they were supposed to do if
271 they don't do something they set a precedence to get forgiveness later.

272

273 Dan Davis

274 Mr. Davis lives across from the football field. He agrees with his neighbors and has nothing
275 against anyone on the Council or the City. He stands with his neighbors, so with regard to the
276 building, he does not think it necessarily needs to be torn down. He feels they should find some
277 alternate plan and let it go so no one has to worry about it. He does not want them to build up on
278 it, but feels they do need to know what their intentions are. He is concerned about the traffic and
279 the road, he agrees with Ms. Davis. He feels it begs the question, if it was one of your family
280 members that gets hit it could get ugly towards those that did not make proper planning.

281

282 Clint Muhlestein

283 Mr. Muhlestein lives on the Leland road, he is concerned, the facility is already there and making
284 a zone change makes no difference so he does not see any sense in re-zoning anything. He feels
285 it will give them more opportunities to do basically what they want.

286

287 Claire Talbot

288 Ms. Talbot said that facility was built without proper permits, that is what they need to look at,
289 but the building needs to stay there for the kids and not torn down.

290

291 Claire Davis

292 Mr. Davis feels Mill Road would be ok if they made it a regular road with some asphalt. He feels
293 if they made it safe for two cars to pass on, it would help. He feels they should just make it a nice
294 road for people to drive up and down safely.

295

296 Rich Harris

297 Mr. Harris reminded the Council about the a premise of American justice.

298

299 Lana Creer Harris

300 Ms. Harris needed to know if the Council got the letter she sent to them as a private citizen.

301

302 The Council stated they had received the letter.

303

304 Ryan Oldham

305 Mr. Oldham asked if the rezoning involved the completion of Mill Road. He recommends they
306 don't add on unless they do some work on Mill Road. There are too many dangers to complete
307 that road.

308

309 Councilman Dart made a **Motion** to close the public hearing. Councilman Davis **Seconded** and
310 the motion **Passed** all in favor at 7:47 p.m.

311

312 Mr. Baker addressed some legal issues in light of the comments that have been made tonight.

313 One issue was the fact they did not get a building permit when they started. The position the city
314 has taken given the state of the law prior to 2006 was they treat this as a legal non-conforming
315 use. The city has taken that position given the state of the law at that time. He reminded that this
316 is a request for a zone change and because of that the discussion does not effect Mill Road
317 improvements. The post 2006 law is clear that schools have to meet setback requirements. He
318 stated the intent they have is to install bleachers and a classroom for an eagle scout project. They
319 cannot add the classrooms if this zone change is denied. He also stated that if this is denied the
320 building will remain the same. This is a discussion about a zone change that will either allow
321 construction within the set-backs or not. He reminded this is a zone change discussion and not a
322 development discussion.

323

324 Councilman Dart would like to see some definite plans for the site.

325

326 Councilman Davis would like to keep it zoned as R-1-30 and a legal non conforming building.

327

328 Councilman Leifson asked if there are locker rooms under the building now. He agrees with
329 Councilman Davis, they can leave it as a legal non-conforming use. He feels it unfortunate this
330 came about this way, there was a lot of confusion when this was built. He feels it is there and
331 they can use it as a locker room, if they want to build more, they can meet the setback
332 requirements. He reiterated there are some more projects on that site that were promised to be
333 done and feels they should be taken care of before they do any new projects.

334

335 Councilman Andersen feels strongly that two wrongs do not make a right. If one of the kids
336 breaks one of the rules and then comes to the school administration asking to disregard that rule
337 and make it ok now. In his mind it is the same thing, something was done incorrectly and now
338 they come asking to make a zone change making it right. He has heart burn about that. As far as
339 adding on to that structure they have no idea whether the building would hold the weight, how
340 can they allow a zone change that would allow construction on a building that might not be safe.
341 He is not in favor of setting the precedent of changing zonings after someone has already done
342 what it as they want.

343

344 Councilman Nielson views this with the main concern being is the structure safe for the use that
345 it is being used for now. He does not see the point in punishing whoever is involved now for
346 what happened earlier. He thinks what has been said is great and can continue to use it as it is.

347 He feels if they inspect it, it is sound, and it would be a good thing for the students, they should
348 be allowed to build. He feels the important thing is that it is safe for its current use and benefits
349 the students. He agrees if there were other items that should have been completed it all should be
350 done. He feels ALA should do all that is required, be a good citizen, and then they can move
351 forward. He feels there should be someone from ALA here to represent them.

352
353 Mr. Baker stated when you are dealing with schools a school district can hire an independent
354 inspector. He said the reports for the independent inspector were given to the city for the school
355 building. If they have those reports on this building it should be the same. He stated we should be
356 able to get that and determine if the building is safe.

357
358 Councilman Leifson asked if the bunker on top was built at the same time.

359
360 Mr. Heap stated it was built later. In the discussions with the inspector, he stated there has not
361 been any inspections done on it.

362
363 Councilman Leifson said his issue is that the volunteers should have known they needed
364 inspections. He feels they should not make a zone change just because they did something
365 wrong. He thinks it should not be rewarded and he is not inclined to approve this zone change.

366
367 Councilman Dart made a **Motion** to deny the ALA zone change request. Councilman Davis
368 **Seconded** and the motion passed by roll call vote.

369 Roll Call Vote:

370 Mayor Pro Tem Andersen

371 Councilman Dart – Yes

372 Councilman Leifson – Yes

373 Councilman Davis – Yes

374 Councilman Nielson – Yes

375
376 Councilman Nielson made a **Motion** to open the public hearing for the Compensation and
377 Compensation Schedules for Elected and Appointed Officials. Councilman Leifson **Seconded**
378 and the motion **Passed** all in favor at 8:05 p.m.

379
380 **Compensation and Compensation Schedules for Elected and Appointed Officials**

381
382 Mr. Perrins gave some history on the purpose of the public hearing. State law requires that when
383 they adjust elected officials and appointed officials salaries they must hold a public hearing. He
384 stated Spanish Fork City moved to be based on a range system. He gave history on the salary
385 ranges and work done by the Hay Group. He then discussed the purpose of the personnel
386 committee and stated they met to review the recommendations given by the Hay Group. He
387 stated the recommendation is they adjust the ranges by 2% and not the 4% budgeted.

388
389 Councilman Nielson asked how the recommendation relates to the budget.

390
391 Mr. Perrins said the budget was budgeted to handle this 2% adjustment with some funds to spare
392 and the committee felt it was a year to be conservative.

393
394 This item was opened for public comment.

395
396 There was no public comment made at this time.

397
398 Councilman Nielson made a **Motion** to close the public hearing at 8:12 p.m. Councilman Dart
399 **Seconded** and the motion **Passed** all in favor.

400
401 Councilman Nielson explained he asked the question of the adjustment in the budget for the
402 public so they could know. He feels the committee is a very well rounded committee and wanted
403 to make sure the public knows they are taking care of the employees and have not forgotten the
404 public and tax payers. He felt the committee did a great job of keeping in mind the interest of all
405 those involved.

406
407 Councilman Leifson said they have some great employees and in his opinion they are some of
408 the best. He stated there was a comment that they should freeze wages and feels that is not the
409 way to go. He feels they have been conservative and left them a way to adjust more if it changes
410 but that the employees deserve compensation.

411
412 Mayor Pro Tem Andersen said he had an opportunity to go over the budget and discuss it. He
413 stated if they had stuck with that original budget they would have found themselves in a deficit.
414 With the adjustment they will save themselves money and will not be in a shortfall situation at
415 the end of the year. He feels that is significant, and all of the committee recognizes the economy
416 and that it is important for the citizens to understand exactly what they are talking about. He
417 believes they have some of the greatest employees in the world. It has been more than
418 demonstrated and he feels they need to recognize that effort to a certain degree. He feels good
419 about the recommendation.

420
421 Mr. Perrins added this was published as including the elected officials but the recommendation
422 did not include an adjustment in the ranges of the Mayor and Council. He reiterated that at the
423 end of the year the city has healthy reserves and will be able to balance the budget. The
424 committee felt those extra funds would be better to be kept in the reserves for needs in the future.

425
426 Councilman Leifson made a **Motion** to accept the 2% compensation schedule adjustment for
427 employees. Councilman Nielson **Seconded** and the motion passed all in favor by a roll call vote.

428 Roll Call Vote:

429 Mayor Pro Tem Andersen – Yes

430 Councilman Leifson – Yes

431 Councilman Nielson – Yes

432 Councilman Davis – Yes

433 Councilman Dart - Yes

434

435 **CONSENT ITEMS:**

436

437 **Minutes of Spanish Fork City Council Meeting – September 2, 2008**

438

439 Councilman Leifson made a **Motion** to adopt the consent items. Councilman Davis **Seconded**
440 and the motion **Passed** all in favor.

441

442 **NEW BUSINESS:**

443

444 **Purchase of New Pat Trap for the Gun Club**

445

446 Mr. Oyler stated the gun club needs to replace one of their trap clay pigeon throwers. He then
447 gave some background on the funds in the accounts and the set up of the gun club funds. He
448 stated the funds are available but it is before the Council because it was not budgeted.

449
450 Councilman Andersen noted the trap that is to be replaced has released over two million clays in
451 it's life time.

452
453 Councilman Dart made a **Motion** to approve the purchase of a new Pat Trap for the Gun Club.
454 Councilman Leifson **Seconded** and the motion **Passed** all in favor.

455
456 **ADJOURN:**

457
458 Councilman Leifson made a **Motion** to adjourn at 8:26 p.m. Councilman Davis **Seconded** and
459 the motion **Passed** all in favor.

460
461
462 ADOPTED:

463
464 _____
Kimberly Robinson, City Recorder

CONTRACT FOR THE PURCHASE OF SPOOK ALLEY SUPPLIES

COME NOW Spanish Fork City (City) and Liberty Land Fun Center, Inc. (LLFC) and hereby acknowledge as follows:

RECITALS

1. City owns various supplies, props, costumes, equipment, and storage container necessary to produce a spook alley; and
2. City is no longer desirous of producing a spook alley and is desirous of selling its supplies, props, costumes, equipment, and storage container; and
3. LLFC is in the business of providing recreational opportunities of various kinds and is desirous of producing a spook alley and is therefore interested in purchasing the spook alley supplies, props, costumes, equipment, and storage container from City;

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

TERMS

1. City agrees to sell to LLFC all of the spook alley supplies, props, costumes, equipment, and storage container, as itemized on exhibit A, as set forth herein.
2. City sells and LLFC buys the items on exhibit A in their "as is" condition. LLFC represents that it has had the opportunity to inspect the items, understands that they are used, and finds that they are suitable for its needs. No warranties are included in the sale, including warranties of merchantability nor of fitness for a particular purpose. Likewise, no implied warranties are included in the sale.
3. LLFC agrees to pay \$13,000.00 for the items listed on exhibit A in their "as is" condition.
4. The payments from LLFC are due, \$6500.00 prior to taking possession of the items, and the balance of \$6500.00 on or before the 1st day of September, 2009.
5. City retains a purchase money security interest in the items listed in exhibit A. In the event the balance of the purchase price is not paid when due, City may re-take possession of the items listed in exhibit A, with no notice given to LLFC. In such event, LLFC forfeits its initial payment and City shall be free to re-sell, or put to other use the items. LLFC shall not be subject to any deficiency in the event a re-sell does not pay off the balance. Likewise, City shall not be liable to LLFC if any re-sell price exceeds the balance.
6. LLFC shall be responsible to transport the items listed in exhibit A to its location. Any risk of damage during loading, unloading, or transport shall be borne by LLFC.

7. This document represents the entire agreement between the parties concerning this subject matter. Any prior agreements, understandings, or arrangements are merged herein and superceded hereby.

9. This agreement may be modified only by a written document, signed by each of the parties hereto.

DATED this _____ day of October, 2008

SPANISH FORK CITY by:

JOE L THOMAS, Mayor

LIBERTY LAND FUN CENTER, INC. by:

JERRY B. BRADSHAW, President

MEMO

To: Mayor and Council
From: S. Junior Baker
Date: 19 Sept. 2008
Re: Springville Boundary Adjustment

On the City Council agenda, for October 7, is an ordinance which formally adjusts our common boundary with Springville City. The Forbush property is partially in Springville and partially in Spanish Fork. The property owner has asked that all of its property be in Spanish Fork. Utah Code Ann. allows cities to adjust common boundaries without the need to de-annex and annex into the adjoining city.

The Council passed a resolution of intent on March 20, 2007 to proceed. A public hearing to conclude the boundary adjustment was held on August 5. It was approved at that time. However, the public hearing for Springville was not held until September 16. At that hearing, Springville also approved the adjustment. We can now formally adopt the ordinance.

Since this has been reviewed by the Council twice in the past, I have placed the formal adoption of the ordinance as a consent item.

ORDINANCE NO. 09-09

ROLL CALL

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

I MOVE this ordinance be adopted: _____
City Councilman

I SECOND the foregoing motion: _____
City Councilman

ORDINANCE 09-09 _____

**AN ORDINANCE ADJUSTING A COMMON BOUNDARY WITH
SPRINGVILLE CITY AND ZONING THE PROPERTY**

WHEREAS, the Spanish Fork City Council the Springville City Council have each adopted a resolution of intent to adjust their common boundary; and

WHEREAS, each City has agreed that the property herein described and which is owned by the MD and SK Forbush Investment Trust Dated December 01, 2003 may be moved from the Springville City to Spanish Fork City; and

WHEREAS, the property needs to be zoned pursuant to Spanish Fork City zoning requirements; and

WHEREAS, a public hearing was held on the 5th day of August, 2008 to consider the boundary adjustment; and

WHEREAS, a public hearing was held by Springville City on the 16th day of September, 2008; and

WHEREAS, at the public hearing, support for the boundary adjustment was voiced and objection was made; and

WHEREAS, the Spanish Fork City Comprehensive General Plan designates the property to be zoned residential;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

The boundaries of Spanish Fork City are hereby extended so as to include and incorporate within the said City limits the following described land located in Utah County, Utah:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; THENCE SOUTH 89°31'22" WEST 1,327.97 FEET ALONG THE SECTION LINE AND THE EXISTING SPRINGVILLE / SPANISH FORK CITY BOUNDARY LINE TO A FENCE; THENCE NORTH 00°34'04" WEST 259.31 FEET ALONG SAID FENCE TO A FENCE CORNER; THENCE ALONG EXISTING FENCES ALL OF THE FOLLOWING COURSES TO WIT: NORTH 89°52'50" EAST 905.07 FEET, SOUTH 89°52'34" EAST 457.56 FEET, NORTH 88°07'28" EAST 89.29 FEET, SOUTH 88°54'36" EAST 168.89 FEET, SOUTH 89°47'51" EAST 167.13 FEET, NORTH 89°42'22" EAST 287.57 FEET, SOUTH 89°30'41" EAST 164.27 FEET, SOUTH 88°37'31" EAST 105.43 FEET, SOUTH 85°55'46" EAST 26.53 FEET; THENCE SOUTH 34°17'43" WEST 282.13 FEET ALONG A FENCE ALONG THE WEST LINE OF HIGHWAY 91; THENCE SOUTH 58°23'26" EAST 6.72 FEET ALONG THE EXTENSION OF THE EXISTING SPANISH FORK CITY BOUNDARY LINE TO THE SECTION LINE; THENCE ALONG THE EXISTING SPRINGVILLE /

SPANISH FORK BOUNDARY LINE AND ALONG SAID SECTION LINE
SOUTH 89°31'41" WEST 887.83 FEET TO THE POINT OF BEGINNING.
AREA = 13.19 ACRES.

II.

The property is hereby zoned RR - Rural Residential.

III.

This ordinance shall not become part of the Spanish Fork City Municipal Code.

IV.

This ordinance shall become effective twenty days after passage and publication.

DATED this 7th day of October, 2008.

JOE L THOMAS, Mayor

ATTEST:

KIMBERLY ROBINSON, City Recorder