



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 December 16, 2008.**

ADDENDUM

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. *Transportation Element of the General Plan
- b. *Proposed Changes to the Requirements for Master Planned Developments

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 – December 2, 2008
- b. *Dairy Barn Lease Agreement

6. NEW BUSINESS:

- a. Board Appointments
- b. SFCN Cost Increase Due to New Changes From Air Channels
- c. Resolution accepting private streets in Fairway Meadows

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.

SPANISH FORK

MEMORANDUM

TO: Spanish Fork Mayor and City Council
FROM: Dave Anderson, Planning Director
DATE: December 10, 2008
RE: Proposed Transportation Element of the General Plan

Several weeks ago, a draft Transportation Element of the General Plan was placed in each of your boxes here in the City Office building.

It is now proposed that the City Council approve the proposed Transportation Element of the General Plan. The Planning Commission reviewed this request in their December 3 meeting and recommended that it be approved. Draft minutes from that meeting accompany this memorandum.

In the event that anyone has any questions or needs any materials related to this proposal please contact either Chris Thompson or myself.

attachments: draft minutes from the Planning Commission's December 10, 2008 meeting

Transportation Element of the General Plan

Applicant: Spanish Fork City

General Plan: Not Applicable

Zoning: Not Applicable

Location: Citywide

Mr. Anderson introduced Horrock's Engineering and explained that a public meeting was held for the citizens to address any questions that they may have had regarding the Transportation Element of the General Plan.

Mr. Mortimer updated the Commissioners on the changes, which were: added the west frontage road parallel to the freeway and the section of Main Street as five lanes; widening Volunteer Drive as a three lane arterial; and the I-15 interchange and the road underneath not being able to be widened.

Commissioner Marshall said that as the plan is today, we live with the congestion on Main Street and it will not be a seven lane facility. Mr. Mortimer concurred. Discussion was held regarding the 8000 South interchange easing the congestion on Main Street, putting pressure on Utah County to construct a road on 1900 South, and changes on Center Street.

Commissioner Lewis said that UDOT had put on hold improvements until June or July of 2009 and asked if the interchange was part of the delay. Commissioner Marshall concurred.

Discussion was held regarding all of the green collector roads, 1100 East, and the drawbacks of a grid system.

Commissioner Lewis invited public comment. There was none.

Commissioner Marshall **moved** to recommend **approval** of the Transportation Element of the General Plan. Commissioner Christianson **seconded** and the motion **passed** all in favor.

Commissioner Christianson **moved** to **close** public hearings. Commissioner Lewis **seconded** and the motion **passed** all in favor at 7:46 p.m.



REPORT TO THE CITY COUNCIL TITLE 15 AMENDMENTS

Agenda Date: December 16, 2008

Staff Contacts: Dave Anderson, Planning Director

Reviewed By: Development Review Committee

Request: The proposal involves modifying two aspects of a chart found on page 15-36 of Title 15. First, the manner in which the City administers minimum square footage requirements for homes built in Master Planned Developments would be changed. Second, some of the specific requirements have been slightly altered.

Zoning: City wide

General Plan: not applicable

Project Size: not applicable

Number of lots: not applicable

Location: City wide

Background Discussion

Spanish Fork City and Dave Simpson are joint applicants on the proposed changes to the Master Planned Development section of Title 15.

The changes proposed by Spanish Fork have to do with modifying the City's square footage requirement for townhomes and twinhomes in Master Planned Developments. At present, the City requires 1,000 square feet of finished floor area on the main floor of townhomes and twinhomes. Staff is proposing that the reference to main floor be eliminated so as to simply require 1,000 square feet of finished floor area in the dwelling.

Mr. Simpson has proposed to change the manner in which minimum square footage requirements are administered for Master Planned Developments. These proposed amendments would change the scale from zoning district to lot size (that is to say that currently the minimum square footage requirements are based upon the zoning district rather than lot size). The proposed change would then administer the square footage requirement according to lot size rather than zoning district.

Mr. Simpson has also proposed to change some of the individual home size requirements for two-story homes.

The Planning Commission reviewed the proposed changes and recommended that they be approved with some modifications. Accompanying this report is a chart that has been updated based on the Planning Commission's comments. The chart shows the proposed changes in a bold and strike through format.

Planning Commission

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

Ordinance Amendment, Title 15

Applicant: Spanish Fork City

General Plan: Not Applicable
Zoning: Not Applicable
Location: City Wide

Mr. Anderson explained that the proposed changes were to the Master Planned Development Chart found in Title 15, page 15-36. He said that the City was a co-applicant with Mr. Dave Simpson on the proposed changes. He explained that the changes came about as staff recognized an oversight in approving Building Permits where the homes did not meet the requirements of the table. The City was proposing to change the square footage requirements for multi-family buildings in Master Planned Developments and Mr. Dave Simpson was proposing to change the manner in which the square footage requirements were administered and some of the specific standards relative to required square footage. Mr. Anderson displayed on the overhead projector the chart found in the City code and explained the City's proposed changes for multi-family and Mr. Simpsons proposed changes.

Commissioner Christianson asked what would happen to the lots in an R-3 zone if the zone were to be eliminated. Mr. Anderson explained that there had not been any Master Planned Developments approved in the R-3 zone. Discussion was then held regarding whether or not the City's ordinance had verbiage that defined what a rambler was and if the square footage requirements excluded garage space.

Discussion was held regarding the definition of a rambler and removing the multi-family verbiage in the left hand column of the chart with the lot sizes.

Mr. Anderson explained the primary impact of tying the square footage to the lot sizes and gave background for the Master Planned Development requirements. He said staff was concerned about reducing expectations and requirements for the Master Planned Developments but with the requirements that developers have to build a better product, staff recommended that the changes be approved.

Commissioner Marshall asked Mr. Anderson if he felt this proposal would entice developers into Master Planned Developments. Mr. Anderson said perhaps and that that he felt if reducing the square footage entices developer's into building a masonry home he thought that was a considerable upgrade.

Commissioner Lewis invited public comment. There was none.

Commissioner Christianson expressed concern with the need to draw the line somewhere and felt there was a lot of pressure to lower the lot sizes and feels that lot sizes have been pushed as low as he is willing to go. Commissioner Marshall agreed but said he felt they would be getting a better product in the end.

Commissioner Christianson **moved** to recommend that the proposed changes to Title 15 be **approved** by the City Council with the suggested changes including changing the title of the Minimum Lot Size column. Commissioner Marshall **seconded** and the motion **passed** all in favor.

Development Review Committee

The Development Review Committee reviewed this proposal on November 26, 2008 and recommended that it be approved.

Budgetary Impact

It is anticipated that there will be little to no budgetary impact with the proposed changes.

Alternatives

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

Staff Recommendation

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

C. Architecture

1. Minimum House Sizes - finished area (sq. ft.)

Minimum House Sizes - Finished Floor Area (square feet)

Minimum House Sizes - finished area (sq. ft.)			
District Minimum Lot Size and Multi- family	Rambler Main Level One-Story	2-story Main Level Multi-Level	Townhomes, Twinhomes Main Level
R-1-80 80,000 sq. ft.	1,600 sq. ft.	1,200 sq. ft. 2,400 sq. ft.	1,400 sq. ft.
R-1-60 60,000 sq. ft.	1,600	1,200 sq. ft. 2,400 sq. ft.	1,400
R-1-40 40,000 sq. ft.	1,600	1,200 sq. ft. 2,400 sq. ft.	1,400
R-1-30 30,000 sq. ft.	1,500	1,100 sq. ft. 2,200 sq. ft.	1,400
R-1-20 20,000 sq. ft.	1,500	1,100 sq. ft. 2,200 sq. ft.	1,300
R-1-15 15,000 sq. ft.	1,500	1,100 sq. ft. 2,200 sq. ft.	1,200
R-1-12 12,000 sq. ft.	1,400	1,000 sq. ft. 2,000 sq. ft.	1,100
R-1-9 9,000 sq. ft.	1,300	1,000 sq. ft. 1,600 sq. ft.	1,000
R-1-8 8,000 sq. ft.	1,200	750 sq. ft. 1,500 sq. ft.	1,000
R-1-6 6,000 sq. ft.	1,100	750 sq. ft. 1,400 sq. ft.	800
R-3	1,000	600 sq. ft.	600
Multi-family	1,000 (one level)	1,200 sq. ft.	

51 **Title 15 Amendment**

52

53 Councilman Leifson made a **Motion** to open the Public Hearing at 6:07 p.m.

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

55

56 Mr. Anderson explained the Title 15 Amendment changes and gave some background.

57 He then discussed the changes item by item. He also explained the potential projects

58 that these changes would affect.

59

60 This item was opened for public comment.

61

62 Gary Carter

63 Mr. Carter had a question about the structures meeting the new zoning for height.

64

65 Mr. Anderson stated that it would meet that requirement.

66

67 Mr. Carter stated a year ago he submitted preliminary plans to do a development in

68 north east Spanish Fork, but with changes in the economy and other reasons he wanted

69 to create some traditional 4-plexes. He supports the city and understands that they want

70 to keep the city clean and he understands having some parking controls in place. The

71 only caution he has is with the new code the costs will increase to the builder because

72 of the requirements. He is concerned that it might impact new low cost housing.

73

74 Kiam Jones

75 Mr. Jones is concerned how much the upfront cost will be, with no chance of success.

76 He feels there has to be some preliminary approval so they can justify the dollars to

77 move forward with a project.

78

79 Mr. Anderson explained it is the same as what they go through for the master plan

80 developments. The staff will show them other projects to help keep them on track with

81 the City requirements. He stated there will be an opinion from staff and eventually over

82 the years there will be a track record. They expect there to be considerable investment

83 in projects in this area.

84

85 Councilman Davis commented that there will be an issue of talking with the neighbors

86 before a project can get started he also said the planning department will have a good

87 idea of what the Council wants. He thought as the building has slowed it would be a

88 good time to work on this issue and discuss what should be done. There is only one

89 issue he does not agree with which is that they should be raised to 6,000 square feet for

90 single family lots. When he drives over to Provo he sees where there is too much

91 density in one area, the only thing he wants to change is to up the required lot footage

92 for single family residences. They have worked on this for months and have come to the

93 conclusion this will be a good thing.

94

95 Councilman Nielson feels property owners are equal, and if they own a property and

96 meet the city standards they should be able to develop it. He supports the ordinance.

97 There is no change in what you can do, you can still do what you could before there is

98 just an extra step but there are more options for uses on the property. He does not think

99 it will create problems but will create more options.

100

101 Councilman Dart stated the issues he was concerned with have been fixed the 10 foot
102 setback and the 4,000 square foot single family lot. He is in favor of this change.

103
104 Councilman Leifson stated they have spent a lot of time on this and Dave Anderson has
105 spent a lot of time. He feels this will be very good for the city, they did compromise on a
106 few things but the nice thing is the Council can review it and it has to fit. He likes the
107 ordinance the way it is.

108
109 Mayor Thomas stated his comments mirror what has been said, he agrees that the land
110 owners have rights.

111
112 Councilman Leifson made a **Motion** to close the public hearing. Councilman Nielson
113 **Seconded** and the motion **Passed** all in favor at 6:42 p.m.

114
115 Councilman Davis stated he is concerned because he represents the neighbors to the
116 property and they do not want the lot size changed that small.

117
118 Councilman Leifson said when the proposal comes to the Council the neighbors will
119 have a chance to speak, this will leave the option open for them to talk and then the
120 Council can consider the decision at that time.

121
122 Councilman Nielson made a **Motion** to adopt the Title 15 amendment, and repeal
123 section 15.3.16.020 sub paragraph A sub section 2&3, 15.3.16.030 sub paragraph A
124 sub section 2-5, and f. Councilman Leifson **Seconded**:

125 Councilman Nielson - Aye

126 Councilman Davis - Nay

127 Councilman Dart - Aye

128 Councilman Leifson - Aye

129 The motion **Passed** by a roll call vote.

130
131 Mayor Thomas would like to appoint Jennifer Groberg and Melody Barber to the library
132 committee. He would also like to appoint to the (TEC) Taxing Entity Committee
133 Councilman Leifson and Councilman Dart. The appointments will be sustained at the
134 next meeting in two weeks.

135
136 **CONSENT ITEMS:**

137
138 **Minutes of Spanish Fork City Council Meeting – November 18, 2008**

139
140 Councilman Dart made a **Motion** to approve the consent items. Councilman Davis
141 **Seconded** and the motion **Passed** all in favor.

142
143 **NEW BUSINESS:**

144
145 **Fieldstone Connectors Agreement**

146
147 Mr. Baker explained this is different than their usual connector's agreement. He
148 explained that a past fieldstone employee was delinquent and they will be unable to
149 recover their full funds. This is for water and sewer lines also a sewer lift station. The
150 other item is a deviation of our policy, they usually have a ten year limit for agreements.

151 The Staff proposes that from now on these connector's agreements will not have a
152 term. This is a major philosophy shift and staff will eliminate the ten year limit on the
153 connector's agreement.

154
155 Councilman Leifson made a **Motion** to accept the Fieldstone Connectors Agreement as
156 is. Councilman Nielson **Seconded** and the motion **Passed** all in favor.

157
158 **Workers Compensation Bid**

159
160 Mr. Clark explained the bid and stated the recommendation.

161
162 Councilman Davis made a **Motion** to accept the Workers Compensation Bid with option
163 two with the Utah Local Governments Trust (ULGT). Councilman Leifson **Seconded**
164 and the motion **Passed** all in favor.

165
166 **MATC Presentation – Mark Walker**

167
168 Mark Walker
169 Mr. Walker with MATC gave a presentation regarding the school and what they have to
170 offer.

171
172 Mayor Thomas stated there are several employers in Spanish Fork that have taken
173 advantage of the programs.

174
175 **ADJOURN:**

176
177 Councilman Leifson made a **Motion** to adjourn. Councilman Dart **Seconded** and the
178 motion **Passed** all in favor at 7:37 p.m.

179
180 ADOPTED:

181
182 _____
Kimberly Robinson, City Recorder

LEASE AGREEMENT

THIS AGREEMENT, made by and between SPANISH FORK CITY, a Municipal Corporation of the State of Utah, hereinafter called "City", and JULIEANN CURTIS dba Sunshine Ranch, hereinafter called "Lessee".

1. In consideration of the mutual covenants herein contained, City leases to Lessee, and Lessee leases from City, the property hereinafter described upon the terms and conditions hereinafter set forth. The description of the leased property is as follows:

Spanish Fork City dairy barn and related facilities, together with ingress to and egress from Spanish Fork Main Street (State Road 198), located at 475 S. Main Street in Spanish Fork, Utah.

2. The term of this lease shall be from the 17th day of December, 2008 through the 30th day of June, 2009, unless terminated earlier in accordance with the terms and conditions herein set forth.

3. Lessee shall use the leased premises for the purpose of conducting horse riding lessons and horse training businesses and for no other purposes, and in the event said premises cease to be used for these purposes by Lessee, it is mutually agreed that this lease shall terminate at the option of the City.

4. Upon termination of this lease, for any reason whatsoever, it is mutually agreed that any improvements which have been made by Lessee shall remain with and become a part of the property and that the same may not be removed by Lessee.

5. Lessee accepts the facilities in their "as is" condition and agrees to return them in as good or better condition. Lessee agrees to maintain the premises in good repair, and do all other things necessary for the good maintenance of said premises.

6. Lessee agrees further to keep said premises clean and to comply with all laws and ordinances and rules and regulations governing the operation of its business.

7. Lessee agrees to maintain liability insurance against property damage and personal injury in the minimum amount of \$1,000,000.00 and to name the City as an additional insured thereunder. Lessee further agrees to indemnify and hold harmless the City from any and all claims, of any kind or type whatsoever, arising from Lessee's use of the premises.

8. It is mutually agreed that Lessee shall surrender its use of the premises for one week of each year (usually in May) for use by the Spanish Fork Junior Livestock Show, and that during said time, said premises may be used by the Spanish Fork Junior Livestock Show, officials, agents and participants for the purpose of conducting a livestock show in the manner as has been

customary in past years. It is mutually agreed that Lessee shall surrender its use of the premises for up to two weeks of each year in August for use by the Utah County Fair and that during said time, said premises may be used by Utah County, its officials, agents and participants for the purpose of conducting a county fair. It is further mutually agreed that Lessee shall surrender its use of the premises for up to one week at a time on no more than two other occasions during each calendar year, upon City giving twenty-four (24) hours notice.

9. Lessee further agrees that the said premises may be used at such times by such other entities as the City may designate, so long as such use does not interfere with business activities of Lessee.

10. Rent for the leased premises shall be the sum of \$700.00 per month, payable \$350.00 on the date hereof for the balance of the month of December, 2008, and \$700.00 on or before the first day of each month during the term hereof.

11. It is mutually agreed that this lease may be terminated by the City in the event the City has reason to use the premises for City purposes or desires to sell the premises. In such event, City shall give Lessee a minimum of ninety (90) days notice of City's intent to terminate the lease agreement.

12. It is agreed that Lessee will not let or sublet said land and premises or any part thereof without the written consent of City.

13. If any of the rent, or any part thereof, shall be unpaid for fifteen (15) days after the same shall become due, or if default be made in any of the covenants herein set forth to be kept by Lessee, or if Lessee shall vacate said premises, it shall be lawful for the City to re-enter said premises and take possession of every part thereof, and thereupon this lease shall terminate and all future liabilities thereunder on the part of the City shall terminate, but nothing contained herein shall prohibit the City from recovering against Lessee for any unpaid rent, or for damages for violation of any terms and conditions set forth herein.

14. City agrees to pay for all electric power, culinary water, sewer and other utilities used upon the leased premises during the term hereof.

15. Any notice required to be given shall be sufficient if hand delivered, or mailed, United States first class mail, postage prepaid, and addressed as follows:

If to City:
Spanish Fork City
Attn: City Manager
40 S. Main
Spanish Fork, UT 84660

If to Lessee:
JulieAnn Curtis
6931 S. 1800 E.
Spanish Fork, UT 84660

16. Any party breaching the terms of this agreement shall be liable to the other for court costs and attorney fees, with or without the filing of suit.

17. Time is the essence of this agreement, and this agreement shall be binding upon the heirs, representatives, administrators, executors and assigns of the parties.

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

19. A waiver of any portion of this agreement shall not constitute a continuing waiver, nor shall it act as a waiver of any other portion of this agreement.

IN WITNESS WHEREOF, the parties have set their hands this 17th day of December, 2008.

SPANISH FORK CITY by:

JOE L THOMAS, Mayor

Attest:

Kimberly Robinson, Recorder

JULIEANN CURTIS