



## **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 4, 2009**.

### 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:**

- a. \* Public Facilities Zoning Map Amendment (continued from July 7, 2009 meeting)
- b. \* Friar's Pointe Site Plan
- c. \* Pidcock Zone Change
- d. \* Title 15 Amendment, Permitted and Conditional Uses

#### **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 – July 7, 2009
- b. Airport Engineering Contract Agreement
- c. \* E-Verify Program

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

- a. \* Festival of Colors Discussion
- b. \* Request to Add Name to 1100 South – Dave Lewis
- c. Law Enforcement Teacher for Maple Mountain High School – Rashel Tingey
- d. Adoption of City Certified Property Tax Rate for 2009

### ADJOURN:

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

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed executive meeting for any of the purposes identified in that Chapter.
- This agenda is also available on the City's webpage at [www.spanishfork.org](http://www.spanishfork.org)

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 PUBLIC FACILITIES ZONING MAP AMENDMENT

**Agenda Date:** August 4, 2009 (continued from July 7, 2009)

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee, Planning Commission

**Request:** Spanish Fork City is proposing to change the zoning of most of the City-owned properties in the City and the American Leadership Academy Site to the Public Facilities zone.

**Zoning:** multiple zones

**General Plan:** multiple designations

**Project Size:** not applicable

**Number of lots:** not applicable

**Location:** not applicable

## Background Discussion

In 2007, Spanish Fork City created the Public Facilities zone. The purpose of creating a zone for publicly owned properties was to allow for the provision of customary and even perhaps essential public services at a variety of locations throughout the City.

At this time, it is proposed that most of the properties owned by Spanish Fork City be changed from their existing zones to the Public Facilities zone.

In addition to properties that are owned by Spanish Fork, it is proposed that the zoning of the American Leadership Academy Site be changed to Public Facilities. Spanish Fork City staff has also approached the Nebo School District about the prospect of changing the zoning on the properties that they own in Spanish Fork. This report contains two proposed maps, one that includes the American Leadership Academy as part of the proposed change and one that does not. Future changes may also involve entities such as the United States Forest Service or the State of Utah.

In essence, this proposal comes forward primarily as a means of maintaining an orderly, consistent zoning program in the City. At present, most municipal operations are allowed in each of the different zoning districts. While this program has effectively allowed the City or other agencies to conduct their necessary business, it is believed that the implementation of the Public Facilities zone will lead to the most functional way to permit the necessary activities while helping the residents of the City understand what is allowed at various locations throughout the City.

## Planning Commission

The Planning Commission reviewed this request on June 3, 2009 and recommended that it be approved. Minutes from the Planning Commission meeting read as follows:

### Public Facilities Map Amendment

(continued from May 6, 2009)

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

Mr. Anderson said he had prepared an amendment to the text that he believes clarified that public and charter schools are appropriate uses to have in the Public Facilities zone. Mr. Anderson acknowledged that the ALA Academy had a structure that did not conform but that it was not the principal motivation in suggesting that the ALA Academy be zoned Public Facilities.

Commissioner Stroud asked if there were other cities that allowed charter schools in public facilities zones. Mr. Anderson said he did not know.

Discussion was held regarding the Public Facilities Zone being a good zone so that it is clear to citizens what they would be living next to.

Commissioner Lewis said that the Spanish Fork City and the American Leadership Academy had a contract for Spanish Fork City to use the American Leadership Academy's facilities.

Commissioner Huff said he had reservations zoning the American Leadership Academy because the school is on private property. Commissioner Lewis said the property was owned by a non-profit organization.

Mr. Anderson said that the purpose of zoning codes and land-use regulations are intended to address impacts and that he felt the American Leadership Academy met the language of the Public Facilities zone.

Commissioner Stroud asked Mr. Anderson if the City would force the American Leadership Academy to remove the non-conforming structure if the proposal did not pass. Mr. Anderson said no.

Commissioner Christianson asked if charter schools would have to locate to the Public Facilities zone in the future. Mr. Anderson said that, because charter schools are already exempt, the proposed change would not have much of an affect.

Commissioner Huff asked, if the proposed change would bring the non-conforming use into a conforming use, how tall could the structure become if the American Leadership Academy built onto it. He said he remembered that there were concerns about whether or not elevation should be added to the structure because of the neighbors.

Mr. Anderson said the American Leadership Academy could not add onto the legal non-conforming structure in the current zoning but if the proposal was approved than they would be able add onto the structure, but that it was not the main motivation for the proposal.

Commissioner Huff said he would be completely against the proposal if the non-conforming structure were brought into a conforming use and asked how tall it could be and, if it became obtrusive to the neighbors, if they may have some reservation as well. Mr. Anderson said 65 feet would be the maximum height and that if they wanted to build it that tall the setback would need to match.

Chairman Robins welcomed public comment. There was none.

Commissioner Marshall said he felt the American Leadership Academy was a good fit for the proposed zone.

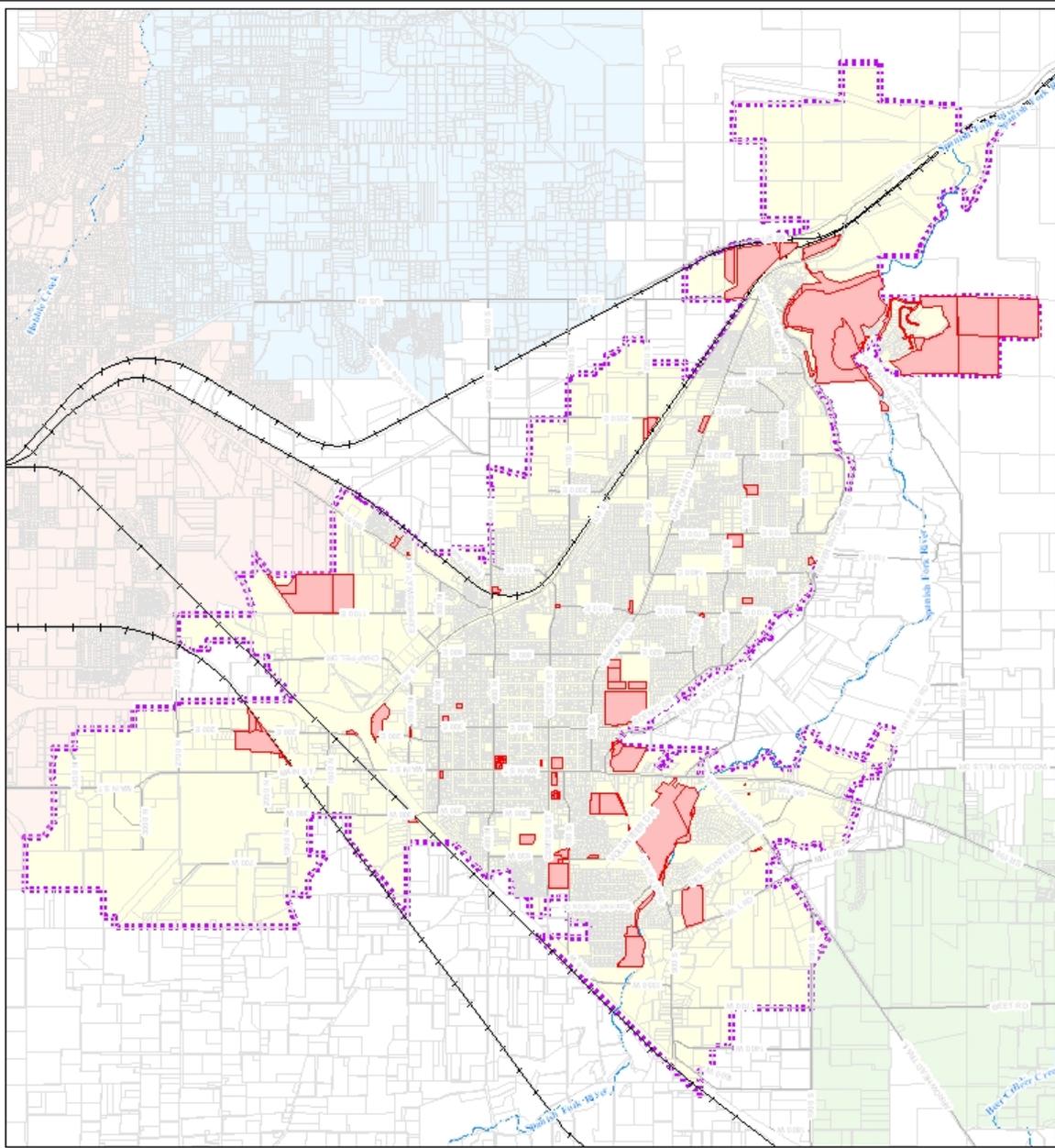
Commissioner Marshall **moved** to recommend that the City Council **approve** the Public Facilities Map Amendments. Commissioner Christianson **seconded** and the motion **passed** by a roll call vote. Commissioner Huff voted nay because of his belief that the American Leadership Academy property is owned by a private entity.

### **Budgetary Impact**

There is no anticipated budgetary impact with the proposed Zoning Map Amendment.

### **Recommendation**

Staff recommends that the proposed Zoning Map Amendment be approved.



# City Owned Property To Be Zoned Public Facilities 2009

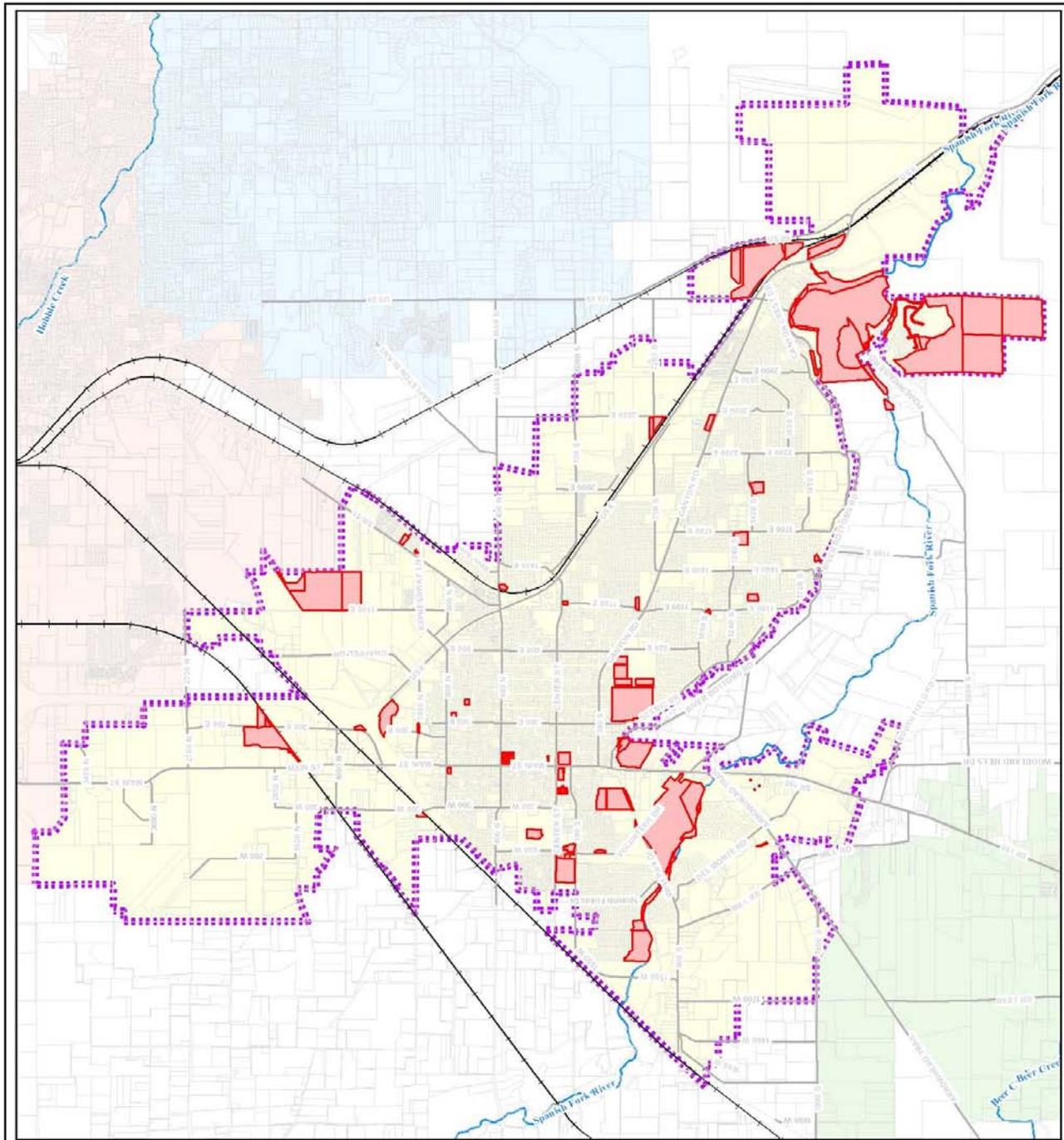
1" = 4,480 Ft

- Legend**
- City Owned Properties To Be Zoned Public Facilities - 2009
  - Major Roads
  - Subroad
  - Boundary of Fork
  - McKean
  - Phoen
  - Main
  - Woods
  - South Fork Boundary



Geographic Information Systems  
 Spanish Fork City GIS  
 40 South Main St  
 Spanish Fork, UT 84660  
 GIS Phone Numbers:  
 (801) 804-4571 (Administrator)  
 (801) 804-4570 (Interns)

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**City Owned  
Property To Be  
Zoned Public  
Facilities 2009  
(Not Including ALA)**



1" = 4,480 Ft

- Legend**
- City Owned Property To Be Zoned Public Facilities - 2009
  - Water Roads
  - Water Bodies
  - County\_CSP\_Parcel
  - Zones
  - Majors
  - Pygons
  - Sales
  - Spanish Fork
  - Spanish Fork Boundary

7/31/2009



Geographic Information Systems

**Spanish Fork City GIS**  
 40 South Main St  
 Spanish Fork, UT 84660  
 (801) 804-4571 (Administrator)  
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# REPORT TO THE CITY COUNCIL FRIAR'S POINTE PRELIMINARY PLAT

**Agenda Date:** August 4, 2009

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee, Planning Commission

**Request:** The applicant, Jonathan Taylor, is requesting Preliminary Plat approval for a 2.36-acre site located at 200 East 1000 North.

**Zoning:** Commercial 2

**General Plan:** General Commercial

**Project Size:** 2.36 acres

**Number of lots:** 3

**Location:** 200 East 1000 North

## Background Discussion

In August of 2008, the City Council approved a Zone Change for the subject property. At that time, the Zoning was changed from R-3 to Commercial 2.

The proposed Preliminary Plat is consistent with the City's requirements for subdivisions in the Commercial 2 zone. The types of land uses that are permitted in the Commercial 2 zone are primarily retail-oriented. At present, staff understands that the applicant is working with prospective tenants for two of the three proposed lots. Prior to commencement of construction, an approved copy of the Site Plan must be field with the City, a preconstruction meeting must be held and the applicant must post a bond for and required public improvements.

## Development Review Committee

The Development Review Committee reviewed this request in their June 24, 2009 meeting and recommend that it be approved. Minutes from that meeting read as follows:

### Friar's Pointe

Applicant: Jonathan Taylor  
 General Plan: General Commercial  
 Zoning: Commercial 2  
 Location: southeast corner of 1000 North and 200 East

Mr. Anderson explained the proposal and said that Jered Johnson had put together a long list of corrections that needed to be made. He said the applicant had re-submitted yesterday and that plat approval could be subject to meeting any conditions. Discussion was held with Mr. Elliott regarding the current condition of the property and the need to have the weeds taken care of. Mr. Elliott said he would take care of the weeds.

Mr. Anderson **moved** to recommend **approval** of the Friar's Pointe Preliminary Plat located at approximately the southeast corner of 1000 North and 200 East subject to the following condition:



## Condition

1. That the applicant address any redlines provided by the Engineering and Power Departments prior to the submittal of a Final Plat application.

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

## Planning Commission

The Planning Commission reviewed this request in their July 1, 2009 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

### Friar's Pointe Preliminary Plat

Applicant: Jonathan Taylor

General Plan: General Commercial

Zoning: Commercial 2

Location: the southeast corner of 200 East and 1000 North

Mr. Anderson explained that the proposal involved property on the corner of 200 East and 1000 North just east of the post office. He identified an error in the staff report and said that the property was actually two acres in size. He said at present, the property was one parcel and that the applicant wanted to divide the parcel into three. He explained that the City's requirements are such that the City does not dictate size or width and from a zoning perspective.

Commissioner Christianson asked about landscape.

Mr. Anderson explained that landscape would be addressed at the Site Plan application process which was an administrative process where Site Plans were reviewed by City staff and then presented to the Development Review Committee.

Commissioner Christianson asked about the property boundary and right-of-way.

Discussion was held regarding the property boundary, the masonry wall requirement when a commercial development abutted a residential zone and whether or not a landscape buffer would be required.

Chairman Robins invited public comment.

Claire White

Ms. White asked about fencing. Mr. Anderson explained the fencing and setback requirements.

Ms. White asked what would be constructed in between the building and the fence. Mr. Anderson said it could be many different things. Ms. White said if there is a driveway there for truck delivery she would not like that.

Gilbert Jensen

Mr. Jensen said he was representing Jessie White. He said he thought that the City was interested in taking the entire area from 200 to 295 East on 900 North and making it into commercial. He expressed he felt that if the commercial develop is constructed without the inclusion of the homes along 900 North that it would decrease the value of the property and reduce the commercial opportunity. He also expressed that streets have always made for better buffers than residential homes.

Discussion was held regarding the opportunity for commercial development and the process to change zoning on parcels.

Barry Carlson

Mr. Carlson said that he feels his property won't be worth much if a big fence is installed behind his home.

Ms. Carlson said she could not understand why the other two homes along 900 North could not be zoned commercial. She said she felt that it would be advantageous to the developer to own the entire block.

Mr. Jensen stated that he felt he was misled by the City regarding the Zone Change and commercial development.

Commissioner Evans explained that he felt if the five property owner's along 900 North wanted to combine their properties into a commercial parcel they could.

Elliott Smith

Mr. Smith introduced himself and said that he and the applicant on the project were business partners. He said the comments that had been made were valid and well founded. He explained he had conducted an analysis for including more properties than what was proposed but that due to changes in the market it was not financially feasible. He said that they had users for the pads

that front 1000 North but not for the third pad because there just was not a market for sites that are off of the main road. He said they would be more than happy to not construct a six-foot masonry wall.

Mr. Anderson explained what the fencing and landscape requirements would be applied according to the subdivision of the property.

Mr. Smith said that as time goes on if they could find a user that needed two acres they would approach homeowners along 900 North but looking at current market calculations (per square foot) the residents along 900 North would not be able to replace the asset (home) that they currently have with what a developer would be willing to pay them at this time.

Mr. Jensen explained he felt this was where the City could step up and look into making the people who live there happy.

Ms. White asked Mr. Smith what would go behind the structures that would be constructed. Mr. Smith said he did not know.

Dan White

Mr. White asked if the developer would be interested in purchasing the properties to the north. Mr. Smith said if the economy were better they would be more open to looking into it.

Commissioner Christianson **moved to approve** the Friar's Pointe Preliminary Plat based on the following finding and subject to the following condition:

### **Finding**

1. That the proposed subdivision meets the requirements for the Commercial 2 zone.

### **Condition**

1. That the applicant address the redlines provided by the City's Engineering and Power Departments prior to submitting a Final Plat application or receiving Site Plan approval.

Commissioner Cope **seconded** and the motion **passed** by a unanimous roll call vote.

### **Budgetary Impact**

While the development of this project may eventually lead to an increase of revenue for the City, it is anticipated that the overall budgetary impact of the proposal is negligible.

### **Recommendation**

Staff recommends that the Friar's Pointe Preliminary Plat be approved based on the following finding:

### **Finding**

1. That the proposed subdivision meets the requirements for the Commercial 2 zone.







# REPORT TO THE CITY COUNCIL PIDCOCK ZONE CHANGE

**Agenda Date:** August 4, 2009

**Staff Contacts:** Dave Anderson, Community Development Director

**Reviewed By:** Development Review Committee, Planning Commission

**Request:** The applicant, Jerry Pidcock, is requesting that the zoning of a parcel be changed from R-1-9 to R-1-6.

**Zoning:** R-1-9 existing, R-1-6 requested

**General Plan:** Residential 2.5 to 3.5 units per acre

**Project Size:** 6,300 square feet

**Number of lots:** not applicable

**Location:** 1156 East Canyon Road

## Background Discussion

The applicant, Jerry Pidcock, would like to raze a legal non-conforming dwelling that currently exists on the subject property and replace it with a single-family home. However, the subject property falls short of having sufficient square footage in the R-1-9 zoning district to qualify as a legal building lot. If Mr. Pidcock removes the existing structure, then the property's legal non-conforming status will be abandoned.

In order for the lot to be recognized as a legal building lot, the area needs to increase or the zoning must change. At present, Mr. Pidcock is permitted to demolish the existing structure but is not eligible for a building permit to replace the existing dwelling.

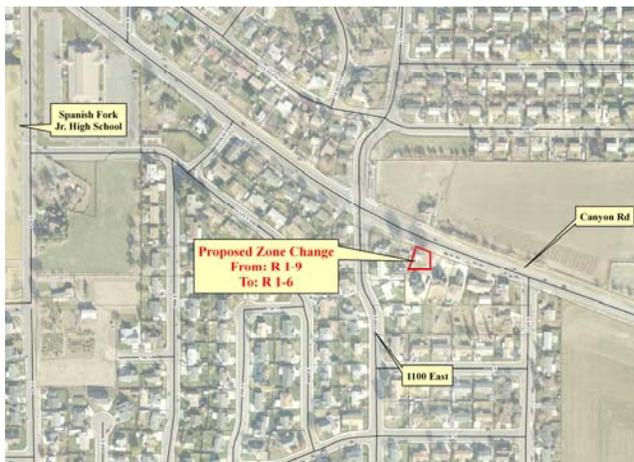
The subject property is currently zoned R-1-9. Mr. Pidcock has requested that the zoning be changed to R-1-6. If the zoning is changed to R-1-6 then the lot will be a legal building lot and would be eligible for a building permit.

In this case, three lots immediately east of the subject property are zoned R-1-6 but most of the surrounding area is zoned R-1-9. Also, the General Plan designation for the subject property is Residential 2.5 to 3.5 units per acre. R-1-9 zoning is consistent with the General Plan designation but R-1-6 zoning is typically considered inconsistent with the 2.5 to 3.5 unit per acre designation.

With all that said, staff supports the proposed Zone Change, as staff believes it will result in the removal of a blighted dwelling and facilitate the construction of a new home. Staff also believes it is appropriate to review a prospective amendment of the General Plan for the properties surrounding the 1100 East/Canyon Road intersection. In this case, staff suggests that such an amendment to the General Plan be undertaken as part of the City-wide update that will be performed in 2010.

## Development Review Committee

The Development Review Committee reviewed this request in their June 24, 2009 meeting and



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

**Pidcock**

Applicant: Jerry Pidcock  
General Plan: Residential 2.5 to 3.5 units per acre  
Zoning: R-1-6 requested, R-1-9 existing  
Location: 1156 East Canyon Road

Mr. Anderson explained that the applicant applied for a demolition permit two months ago. Carolyn Burningham in the Building Department caught the fact that the lot was only 6,300 square feet in an R-1-9 zone and that if the legal non-conforming structure was demolished that a new structure would not be able to be constructed. Mr. Anderson said the entire area was planned for to up to 3.5 units per acre and that the R-1-6 zone had not been consistent with the General Plan. He explained the DRC was not obligated to explicitly follow the General Plan and felt the Zone Change could be approved, addressing the General Plan issues when the next the General Plan review is changed City-wide.

Mr. Anderson **moved** to recommend **approval** of the Pidcock Zone Change located at 1156 East Canyon Road. Mr. Banks **seconded** and the motion **passed** all in favor.

**Planning Commission**

**Pidcock Zone Change**

Applicant: Jerry Pidcock  
General Plan: Residential 2.5 to 3.5 units per acre  
Zoning: R-1-6 requested, R-1-9 existing  
Location: 1156 East Canyon

Mr. Anderson explained the proposal involves a legal non-conforming structure and that the applicant's desire was to demolish the current structure and replace it with another single-family residence. He explained that if an act of God occurred that resulted in the structure coming down that the applicant would be able to keep the non-conforming use but that if the applicant demolished the structure than they would lose their entitlement to re-build. The subject property is zoned R-1-9 and the proposal is to change the zoning to R-1-6. He said that from his perspective, given the history and situation of the property (being adjacent to R-1-6), approving the change seems logical.

Jerry Pidcock

Mr. Pidcock said the home was 85 years old and was built in three separate phases and that the family decided they needed to tear down the structure.

Chairman Robins invited public comment

Chris Poulsen

Mr. Poulsen said technically on the proposed lot the state owns six feet of the property and the lot is actually much smaller. He said he felt the square footage of the lot was less than the needed 6,000 square feet. He said that the home that will be built will not have a garage.

Chairman Robins explained what he remembered discussing when Mr. Poulsen's home was constructed. He said the concerns were traffic and that special consideration was placed for the three homes that were constructed. He said he felt it was a good thing to clean up the property. Mr. Poulsen said the applicant voluntarily tore the house down. Mr. Anderson said this is not a use that UDOT will be able to exact property as was the case previous for the adjacent property.

Commissioner Christianson said he felt the lot should have entitlements for re-building even if the structure was torn down. Mr. Anderson explained that was not the case.

Commissioner Evans asked Mr. Poulsen to explain to him that if a home was on the parcel before he built his home why he would have a problem with a new one being constructed. Mr. Poulsen did not answer the question.

Discussion was held regarding UDOT, right-of-way and lot size.

Mr. Pidcock said he had been in discussion with Mr. Poulsen several times and said the property had been surveyed three times. Mr. Pidcock said that he tried to negotiate with Mr. Poulsen but was unsuccessful.

Chairman Robins said that he saw the home two to three days ago and looking at the parcel with the home being torn down, that it was an upgrade to the neighborhood.

Commissioner Christianson asked if there was a way that if a structure is erased that someone is vested to build another single-family residence. Mr. Anderson said he would look into it.

Commissioner Evans said that Mr. Poulsen was saying that the Commission somehow was not following the rules but the fact that the structure was demolished before having the property re-zoned was a footnote to the discussion.

Mr. Anderson said that in his opinion there was not any advantage for the City if the lot was to remain vacant.

Mr. Poulsen said he talked to Mr. Anderson and was told that the lot could not be built on and expressed his dissatisfaction with Mr. Anderson and the job he was doing.

Commissioner Evans **moved to approve** the Pidcock Zone Change based on the following findings:

### **Findings**

1. That the proposed change will permit the construction of a new single-family dwelling on the subject property.
2. That the adjacent properties to the East are zoned R-1-6.

Commissioner Cope **seconded** and the motion **passed** by a unanimous roll call vote.

### **Budgetary Impact**

There is no budgetary impact anticipated with the proposed Zone Change.

### **Recommendation**

Staff recommends that the proposed Zone Change be approved based on the following findings:

1. That the proposed change will permit the construction of a new single-family dwelling on the subject property.
2. That the adjacent properties to the East are zoned R-1-6.



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# SPANISH FORK

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## MEMORANDUM

**TO:** Spanish Fork Mayor and City Council  
**FROM:** Dave Anderson, Community Development  
**DATE:** August 4, 2009  
**RE:** Proposed Changes to Permitted and Conditional Uses

The Planning Commission held a public hearing on July 1, 2009 and reviewed some substantial changes to Title 15 that have been proposed by staff. In the July 1, 2009 Planning Commission meeting, the Planning Commission recommended that the proposed changes be approved.

In my opinion, these proposed changes represent perhaps the most substantial amendments to Title 15 that we have considered in recent years. As such, I am very concerned about making sure that the City Council understands the nature of the proposed changes and that any questions you have get answered as we work through the review process.

We have scheduled a public hearing for this proposal on August 4. Given the far-reaching impact that these changes will have on the community I invite the Council to be as deliberate and methodical as you feel is appropriate in reviewing these changes. I hope you will feel free to contact myself, Junior Baker or other staff relative to any thoughts, suggestions or concerns that you might have about the proposed changes.

A draft version of the proposed changes accompanies this memorandum. Proposed additions or modified text is identified in bold red, proposed deletions are identified with a bold red strikethrough.

Draft minutes from the DRC and Planning Commission meeting read as follows:

### **Development Review Committee**

#### **Proposed Amendments to Title 15, Permitted and Conditional Uses**

Applicant: Spanish Fork City  
General Plan: City-wide  
Zoning: City-wide  
Location: City-wide

Mr. Anderson explained that there had not been any changes to the amendments since the DRC's last discussion which was in April. He said that Mr. Oyler had identified what he thought were problems in the industrial part of the City and discussed with Mr. Baker and Mr. Anderson how to deal with our industrial zones and the issues that we have. They determined that they felt the problem with industrial sites is not what is allowed but how people develop their property and run their businesses and that focus should be on our construction and develop standards instead of uses.

Discussion was held regarding how we are defining our permitted uses.

Mr. Nord **moved** to **approve** the amendments to Title 15, Permitted and Conditional Uses as proposed. Mr. Anderson **seconded** and the motion **passed** all in favor.

## Planning Commission

### Proposed Amendments to Title 15, Permitted and Conditional Uses

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

Mr. Anderson explained the proposed amendments and what the modifications of the language were.

Commissioner Christianson said he was concerned with the Child Care Centers and taking them out of residential and putting them into commercial because he felt they were good and that many people conducted daycare from their home. Mr. Anderson explained the Home Occupation ordinance and that daycares were allowed as Home Occupations as well as Instructional Studios but limited to the number of students.

Commissioner Evans asked for explanations of some of the changes (foster home has been removed yet we provide for elderly and residential treatment but what is the rational to permit one and not the other, in the agricultural and the residential zones we removed public schools what is the rational, why wireless communications were changed from guaranteed into a Conditional Use.)

Chairman Robins invited public comment.

Paul Bartholomew

Mr. Bartholomew asked if his wife's daycare business, of 25 years, would still be permitted. Mr. Anderson said it would become a legal non-conforming.

Commissioner Evans asked for explanations regarding residential office and museums and the C-2 zone and automotive versus lube stations. Mr. Anderson explained that he felt an automotive service station was more prone to outside storage and having vehicles stored over night and that a lube center would not have outside storage. Commissioner Evans asked about the Shopping Center zone and conditional uses applying to certain uses. Mr. Anderson explained he was trying to avoid cases such as in Provo where sites exist that were not car lots but have been adapted to car lots and they do not fit and function with the surrounding area.

Chairman Robins said this effort was started because someone proposed a use in an area that the City did not see fit.

Commissioner Cope asked for a definition for Entertainment uses. Mr. Anderson said there was not one but that it needed to be defined and he would draft language to address entertainment.

Commissioner Cope asked about farmer's markets and the Urban Village zone. Mr. Anderson said the City did not want to define the farmer's market as a use. Commissioner Cope asked for an explanation of what the difference was between uses subject to conditions and a conditional use permit. Mr. Anderson explained the difference.

Commissioner Christianson **moved to approve** the proposed amendments to Title 15, Permitted and Conditional uses with the additional language that was discussed involving entertainment. Commissioner Evans **seconded** and the motion **passed** by a unanimous roll call vote.

attachments: proposed changes to Title 15

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

#### **A-E Exclusive Agriculture.**

#### **R-R Rural Residential.**

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

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

#### **A. Permitted Uses:**

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

#### ~~6. Foster home.~~

7. Seasonal fruit, vegetable, and hay retail sales structures of less than 500 square feet when located on the premises where the products are raised.

#### ~~8. Public parks and recreational facilities.~~

#### ~~9. Golf courses and related facilities.~~

#### ~~10. Public schools (R-R District only, and when located on a collector or arterial street)~~

11. Veterinary offices including outdoor boarding of animals if animals are kept at least 200 feet from any neighboring house.

#### ~~12. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

13. Churches (R-R District only, and when located on a collector or arterial street).

#### **14. Veterinary offices for large animals and/or outside boarding of any animals.**

15. Municipal facilities required for local service.

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

#### ~~1. Home Child Care Center~~

2. Home Occupations (as described in §5.40.010 et seq.)

#### ~~3. Instructional Studio~~

4. Manufactured Home (as described in §15.3.24.040 et seq.)

5. Residential facility for persons with a disability. (as described in §15.3.24.010 (A) et seq.)

6. Residential facility for elderly persons. (as described in §15.3.24.010 (B) et seq.)

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

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

### 15.3.16.020. Residential Districts.

**R-1-80, R-1-60, R-1-40, R-1-30:** These districts provide a rural residential environment within Spanish Fork that are characterized by large single family lots conducive to animal rights **as defined in section 15.3.24.090 H.**

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

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

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

#### **A. Permitted Uses:**

1. One (1) single residence dwelling per lot.

~~2. Foster home.~~

~~3. Public parks and recreational facilities.~~

~~4. Golf courses and related facilities.~~

5. Municipal facilities required for local service.

6. Churches **(when located on a collector or arterial street).**

~~7. Public schools (R-R District only, and when located on a collector or arterial street)~~

~~8. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

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

~~1. Home Child Care Centers.~~

2. Home Occupations **(as described in §5.40.010 et seq.)**

~~3. Instructional Studio.~~

4. Manufactured Home **(as described in §15.3.24.040 et seq.)**

5. Master Planned Developments. **(as described in §15.3.24.030 et seq.)**

6. Subdivision Model Home Complexes. **(as described in §15.3.24.060 et seq.)**

7. Temporary office or construction trailers. **(as described in §15.3.24.040 et seq.)**

8. Residential facility for persons with a disability. **(as described in §15.3.24.070 (A) et seq.)**

9. Residential facility for elderly persons. **(as described in §15.3.24.010 (B) et seq.)**

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

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

2. Accessory, mother-in-law, or basement apartments (R-1-6 district only) must meet the conditions of 15.3.24.090.

3. Private schools **(when located on a collector or arterial street).**

4. Residential treatment center must meet conditions of §15.3.24.010.

5. Assisted living facility must meet minimum conditions of §15.3.24.010.

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

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

#### **A. Permitted Uses:**

1. Single residence dwellings.

~~2. Foster home.~~

~~3. Public parks and recreational facilities.~~

4. Municipal facilities required for local service.

5. Churches **(when located on a collector or arterial street).**

~~6. Public schools (R-R District only, and when located on a collector or arterial street)~~

~~7. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

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

~~1. Home Child Care Centers.~~

2. Home Occupations **(as described in §5.40.010 et seq.)**

~~3. Instructional Studio.~~

4. Manufactured Home **(as described in §15.3.24.040 et seq.)**

5. Master Planned Developments. **(as described in §15.3.24.030 et seq.)**

6. Subdivision Model Home Complexes. **(as described in §15.3.24.060 et seq.)**

7. Temporary office or construction trailers. **(as described in §15.3.24.040 et seq.)**

8. Residential facility for persons with a disability. **(as described in §15.3.24.010 (A) et seq.)**

9. Residential facility for elderly persons. **(as described in §15.3.24.010 (B) et seq.)**

#### **C. Uses Subject to Conditional Use Permit**

**(see §15.3.08.060):**

1. Residential treatment center must meet minimum conditions of §15.3.24.090.

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

3. Assisted living facility must meet minimum conditions of §15.3.24.090.

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

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

#### **A. Permitted Uses:**

1. Single residence dwellings.
2. Duplexes. The minimum lot size is 9,700 square feet, the minimum lot width is 60 feet and the side setback 10 feet.
3. Bed and Breakfast Inns.
4. Offices.
5. Home Occupations.

#### ~~6. Foster home.~~

#### ~~7. Public parks and recreational facilities.~~

8. Churches (when located on a collector or arterial street).

#### ~~9. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

10. Child care centers

#### **11. Instructional Studio.**

#### **12. Museums**

13. Municipal facilities required for local service.

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

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

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

##### ~~1. Home child care centers.~~

##### ~~2. Instructional Studio.~~

3. Manufactured Home (as described in §15.3.24.040 et seq.)
4. Residential facility for persons with a disability. (as described in §15.3.24.010 (A) et seq.)
5. Residential facility for elderly persons. (as described in §15.3.24.010 (B) et seq.)

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

#### **D. Development Standards (see Table 1).**

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

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

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

#### **G. Signs (see §5.36.010 et seq.).**

#### **H. Parking (see §15.4.16.120):**

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

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

1. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
2. Nursing or retirement homes
3. Supervisory Care Facility
4. Assisted Living Facility
5. Shelter Care Facility

#### ~~6. Nursing or Retirement Home~~

7. Residential Treatment Center
8. Financial Institutions not located between 100 West and 100 East.

**9. Museums**

**15.3.16.050. C-O Commercial Office.**

This district is intended to provide for general office development. It may serve as a transition between commercial uses and residential areas, or it may be designed as a concentration of similar uses intended as an employment center.

**A. Permitted Uses:**

1. Child care centers.
2. Churches.
3. Financial institutions.
4. Medical and dental laboratories, clinics, emergency medical care facilities.
5. Nursing or retirement homes.
6. Offices.
7. Municipal facilities required for local service.
8. Supervisory care facilities.
9. Veterinary offices for small animals with no outside boarding of animals.

**10. Instructional Studio**

~~11. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

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

1. Hospitals.
2. Restaurants ~~(no drive-thru or drive-in service).~~
3. Retail stores, personal service businesses, office supply stores, pharmacies when integrated into the office complex.
4. Veterinary offices for large animals and/or outside boarding of any animals.
5. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
6. Medical and dental clinics
7. Emergency medical care facilities

**8. Museums**

### **15.3.16.060. C-D Downtown Commercial.**

This district is intended to promote and maintain the character of a pedestrian oriented retail district along Main Street. Building orientation should strongly encourage pedestrian use by having buildings close to the street with frequent entrances to buildings, and significant amounts of glass. Drive-thru uses should be strongly discouraged.

#### **A. Permitted Uses:**

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Art galleries and studios.
2. Entertainment uses ~~such as theaters, museums, indoor commercial recreation, and health clubs.~~
3. Financial institutions with no drive-thru service.
4. Hotels, with all guest rooms above the first floor.
5. Office supply, copying, printing businesses.
6. Offices.
7. Personal service businesses.
8. Residential uses when located above the first floor.
9. Restaurant ~~(no drive-thru or drive-in service).~~
10. Retail uses, except those which include automotive service, repair **or sales.**

#### **11. Instructional Studio**

~~12. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

13. Municipal facilities required for local service.

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

1. Drive-thru facilities as part of a financial institution.

#### **2. Parking structures.**

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

**15.3.16.070. C-1 Neighborhood Commercial.**

This district is intended to provide small scale retail, personal and business services, and office uses to serve the immediate residential area. Individual businesses may not exceed 7,500 square feet to discourage uses which draw from outside of the immediate neighborhood.

**A. Permitted Uses:**

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise. The hours of operation are limited to 6:00 A.M. to 11:00 P.M.

~~1. Automotive service stations.~~

~~2. Automobile wash, self-service or automatic.~~

3. Child care centers.

4. Financial institutions.

5. Office supply, copying, printing businesses.

6. Offices.

7. Personal service businesses.

8. Restaurants.

9. Retail uses.

~~10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

11. Convenience store.

12. Instructional Studio

13. Municipal facilities required for local service.

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

1. Seasonal sales and special events. ~~(as described in §15.3.24.050 et seq.)~~

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

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

**2. Car wash (self or full service)**

### 15.3.16.080. C-2 General Commercial.

This district is intended to provide for a wide range of commercial uses designed to serve neighborhood, community, and regional needs. Uses may be freestanding or integrated in a center.

#### A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Art galleries and studios.

~~2. Automotive service stations, minor automotive repair.~~

3. Child care centers.

4. Churches.

5. Private clubs.

6. Entertainment uses ~~such as theaters, museums, indoor commercial recreation, and health clubs.~~

7. Financial institutions.

8. Hotels and motels.

9. Medical and dental laboratories.

~~10. Nursing or retirement homes.~~

11. Office supply, copying, printing businesses.

12. Offices.

13. Personal service businesses.

14. Public utility facilities required for local service.

15. Restaurants.

16. Retail uses.

17. Repair services for small appliances, bicycles, jewelry, and similar items.

~~18. Supervisory care facilities.~~

~~19. Veterinary offices for small animals with no outside boarding of animals.~~

~~20. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

21. Instructional Studio

22. Lube Center.

23. Tire Center.

24. Convenience Store.

25. Car wash (full service)

26. Municipal facilities required for local service.

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such:

1. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.

~~2. Retail plant nurseries.~~

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

1. Seasonal sales and special events. (as described in §15.3.24.050 et seq.)

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

~~1. Automotive body repair, major automotive repair.~~

2. Outdoor commercial recreation facilities.

~~3. Veterinary offices for large animals and/or outside boarding of any animals.~~

4. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.

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

### **15.3.16.090. S-C Shopping Center.**

This district is intended to provide retail uses, service oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Centers will typically be five (5) to fifteen (15) acres in size and provide neighborhood or community level destination shopping while incorporating a design which enhances pedestrian orientation within the center.

#### **A. Permitted Uses:**

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Retail uses.

**2. Personal service businesses.**

3. Offices.

4. Restaurants.

5. Entertainment uses ~~such as theaters, museums, indoor commercial recreation, and health clubs.~~

6. Office supply, copying, and printing businesses.

**7. Child care center.**

8. Art galleries and studios.

~~9. Repair services for small appliances, bicycles, jewelry, and similar items.~~

~~10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).~~

**11. Instructional Studio**

**12. Lube Center.**

**13. Tire Center.**

**14. Convenience Store.**

**15. Car wash (full service)**

~~16. Retail plant nurseries.~~

17. Municipal facilities required for local service.

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such business:

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

1. Seasonal sales and special events. (as described in §15.3.24.050 et seq.)

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

~~1. Automotive service stations, minor automotive repair, automobile wash facilities.~~

2. New **and used** automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.

3. Hotels and motels.

4. Outdoor commercial recreation facilities.

5. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.

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

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

**E. Development Standards (see Table 2).**

~~**F. Performance Standards:**~~

~~1. Design review for the entire shopping center must be approved prior to issuance of building permits for any portion of the site. A shopping center may be built in phases, but at least fifty percent (50%) of the gross floor area must be built in the first phase.~~

~~2. The shopping center must include a plaza or plazas containing at least 1,000 square feet per acre of the site. The plaza shall include shade trees, seating areas, tables, and trash receptacles.~~

~~3. Freestanding buildings apart from the main center must access from interior shopping center drives and not directly to the adjoining streets.~~

### **15.3.16.100. C-UV Urban Village Commercial.**

This district is intended to provide controlled and compatible settings for a wide range of commercial and residential uses in the same area, uses designed to serve neighborhood, community, and regional needs. Uses may be freestanding or integrated in a center. Developments in this district will be designed towards pedestrians in mind; designs will have the character of an urban village; with high quality materials being used. All site plans and subdivisions will be reviewed by the Planning Commission.

#### **A. Permitted Uses:**

1. Multi-family residential
2. Retail Uses
3. Offices
4. Restaurants
5. Financial institutions, without drive through facilities

#### ~~6. Department stores~~

#### ~~7. Gas station/convenience stores~~

#### ~~7. Convenience Store~~

8. Health and fitness facilities, recreation facilities
9. ~~Public~~ Private schools, professional and vocational
10. Personal service businesses

#### ~~11. Government facilities~~

#### ~~12. Museums, art galleries, dance studios, live performance theaters~~

#### ~~13. Movie theaters~~

13. Dental/medical offices

#### ~~14. Farmer's markets~~

#### ~~15. Plant and garden shops with outdoor sales~~

#### ~~16. Hotels~~

17. Laundry and dry cleaning

#### ~~18. Personal service businesses~~

#### ~~19. Instructional Studio~~

#### **B. Uses Subject to Conditions ~~(as described in §15.3.24.010):~~**

1. Seasonal sales and special events. ~~(as described in §15.3.24.050 et seq.)~~

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

1. Financial institutions, with drive through facilities

#### ~~2. Veterinary offices (small animals)~~

3. Restaurants with drive through facilities

#### ~~4. Child Care Center~~

#### ~~4. Day care facilities~~

#### ~~5. Auction sales (indoor only)~~

#### ~~6. Private schools~~

### **15.3.16.110. B-P Business Park.**

This district is intended to provide employment areas in a large scale campus style development. Projects will include generous landscaped areas, functional pedestrian spaces and walkways, and will also be designed to be compatible with any adjoining residential areas. Typical uses include administrative and research companies, offices, laboratories, and limited manufacturing and assembly industries. Limited commercial uses which are compatible with and support the Business Park are allowed.

#### **A. Permitted Uses:**

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Research, development, and testing services.

~~2. Manufacturing and assembly of finished products except animal and marine fats and oils, ammunition, and those listed as conditional uses in the I-2 District.~~

3. Trade or business schools.

4. Office supply, copying, printing businesses.

5. Offices.

6. Restaurants.

7. Financial institutions.

8. Health clubs.

9. Personal service businesses.

10. Child care centers.

11. Telecommunication towers not taller than sixty (60) feet.

**12. Hospitals**

**13. Convenience Store**

**14. Tire Center**

**15. Lube Center**

**16. Instructional Studio**

**17. Car wash (full service)**

**18. Museum.**

19. Municipal facilities required for local service.

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

~~1. Automotive service stations, minor automotive repair, automobile wash facilities.~~

~~2. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.~~

3. Hotels and motels.

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

#### **D. Development Standards (see Table 2).**

#### **E. Performance Standards:**

**1. No use shall be conducted which may cause the dissemination of glare, vibration, smoke, gas, dust, odor, or any other atmospheric pollutant outside the building in which the use is conducted.**

**2. No use shall result in noise perceptible beyond the boundaries of the immediate site of the use.**

**3. Outdoor storage is prohibited.**

### **15.3.16.120. I-1 Light Industrial.**

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit significant amount of air, water, or noise pollution will not be allowed. Residential uses are not allowed.

#### **A. Permitted Uses:**

~~1. Manufacturing and assembly of finished products except animal and marine fats and oils, ammunition, and those uses listed as conditional uses in the I-2 District.~~

1. The indoor manufacturing, assembly and storage of finished products.

2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.

3. Lumber and building material yards.

4. Contractor warehouse and storage yards.

5. Trucking and warehousing.

6. Research, development, and testing services.

7. Automotive service, paint and body work, other consumer goods repair.

~~8. Self-storage warehouses and/or recreational vehicle storage.~~

9. Trade or business schools.

10. Office supply, copying, printing businesses.

11. Offices.

12. Restaurants.

13. Financial institutions.

14. Retail businesses.

15. Telecommunication towers not taller than sixty (60) feet.

16. Agriculture, including the production of food and fiber crops, and tree farms; grazing and animal husbandry of livestock.

17. Instructional Studio

18. Veterinary offices for large animals and/or outside boarding of any animals.

19. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.

20. Car wash (self or full service)

21. Automotive repair.

22. Lube Center.

23. Tire Care Center.

24. Municipal facilities required for local service.

~~21. All permitted uses in the C-2 district except nursing or retirement homes and supervisory care facilities.~~

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

1. Seasonal sales and special events. (as described in §15.3.24.050 et seq.)

2. Sexually oriented businesses as defined in Chapter 5.28 of the Spanish Fork Municipal Code.

**C. Uses Subject to Conditional Use Permit**

(see §15.3.08.060):

1. Outdoor commercial recreation facilities.

2. Drive-in theaters.

3. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.

4. Telecommunication towers taller than sixty (60) feet.

5. Jails, county and city.

~~6. Transfer facility~~

7. Residential Treatment Center (not owner occupied).

8. Rehabilitation treatment facility

9. Shelter care facility

10. Publically owned and operated recycling centers.

11. Publically owned and operated compost facilities.

**15.3.16.130. I-2 Medium Industrial.**

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit moderate amounts of air, water, or noise pollution may be considered as conditional uses. Residential uses are not allowed.

**A. Permitted Uses:**

1. Manufacturing and assembly of finished products except animal ~~and marine~~ fats and oils, ammunition, and those manufacturing uses listed as conditional uses.
2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.
3. Lumber and building material yards.
4. Contractor warehouse and storage yards.
5. Trucking and warehousing.
6. Research, development, and testing services.

**7. Automotive repair.**

**8. Lube Center.**

**9. Tire Care Center.**

10. Municipal facilities required for local service.
11. Trade or business schools.
12. Office supply, copying, printing businesses.
13. Offices.
14. Restaurants.
15. Financial institutions.
16. Retail businesses.
17. Telecommunication towers not taller sixty (60) feet.

**18. Car wash (self or full service)**

**19. Impound yard.**

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

1. Seasonal sales and special events. **(as described in §15.3.24.050 et seq.)**

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

1. Manufacture of concrete products.
- ~~2. Outdoor commercial recreation facilities.~~
3. Drive-in theaters.
4. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
5. Telecommunication towers taller than sixty (60) feet.
6. Self-storage warehouses and/or recreational vehicle storage.

**7. Transfer facility**

**~~15.3.16.150. Recreation Facilities (R-F):~~**

~~The purpose of this zoning district is to allow indoor and outdoor recreation activities and facilities in similar activities in certain sections of the City while insuring compatibility with surrounding uses.~~

~~A. Permitted Uses:~~

- ~~1. Animal exhibitions and competitions (fairgrounds only):~~
- ~~2. Antique fairs and shows:~~
- ~~3. Art and craft fairs and shows:~~
- ~~4. Auctions:~~
- ~~5. Campgrounds (tent and RV):~~
- ~~6. Circuses (fairgrounds only):~~
- ~~7. Fairgrounds:~~
- ~~8. Fishing and boating:~~
- ~~9. Home, farm, and garden shows (fairgrounds only):~~
- ~~10. Horse and animal shows (fairgrounds only):~~
- ~~11. Jamborees, scouting events, 4H club events, etc:~~
- ~~12. Municipal facilities required for local service:~~
- ~~13. Public events (concerts, picnics, farmer's markets, etc):~~
- ~~14. Public parks, recreation events, swimming pools and facilities:~~
- ~~15. Public golf course:~~
- ~~16. Rodeo (fairgrounds only):~~
- ~~17. Public shooting range (gun club only):~~
- ~~18. Sporting events:~~
- ~~19. Wireless communication facilities on light stanchions on public property (so long as the structure height does not exceed 60 feet and is a monopole). Because no list of uses can be complete, uses similar in size, scope, type, and impact to those listed above will be reviewed and allowed by the Planning Director. Appeals can be made to the City Council.~~

~~B. Uses subject to conditional use permit. (see §15.3.08.060):~~

- ~~1. Wireless communication facilities over 60 feet in height to a maximum of 120 feet must be located on a parcel over five acres in size.~~

~~C. Prohibited uses:~~

~~Uses not identified as permitted or allowed with conditions, are prohibited.~~

### **15.3.16.160. Public Facilities (P-F).**

This district is intended to provide for structures and uses that are owned, leased, or operated by a governmental entity for the purpose of providing governmental services to the community. Allowed uses will be necessary for the efficient function of the local community or may be desired services which contribute to the community's cultural or educational enrichment. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community.

#### **A. Permitted Uses:**

1. Child care centers.
2. Offices.
3. Public safety facilities.
4. Court buildings and related facilities.
6. Government owned nurseries and tree farms.
7. Municipal facilities required for local service.
8. Golf courses and related facilities.
9. Public parks and recreational facilities.
10. Libraries.
11. Public art galleries.
12. Transit centers and related facilities.
13. Government maintenance shops and related facilities.
14. Campgrounds.
15. Government storage buildings.
16. Government storage yards.
18. Public schools.
19. Museums.
20. Theaters.
21. Publicly owned zoos.
22. Temporary office and construction trailers.
24. Cemeteries.
25. Publicly owned stadiums and arenas.
26. Gun clubs and firing ranges.
27. Parking structures.

#### **28. Automotive repair.**

#### **29. Lube Center.**

#### **30. Car wash (self or full service)**

31. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

#### **B. Uses Subject to Conditional Use Permit**

**(see §15.3.08.060):**

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

**Instructional Studio:** A facility in which instruction is offered for piano, gymnastics, voice, art, or similar activities. ~~for seven (7) to twelve (12) students, including the instructor's own participating family members. Instruction of six (6) or fewer students is exempt from these regulations.~~

**Outdoor commercial recreation facility:** Enterprises which include such uses as miniature golf courses, batting cages, waterslides, swimming pools or other similar activities that do not involve motorized vehicles.

**Museum:** A building or place where works of art, scientific specimens, historic artifacts or other objects of permanent value are kept and displayed.

**Caretaker dwelling:** A dwelling which is ancillary to the principal use of a property which is exclusively occupied by an individual or individuals who are in charge of the maintenance of a building or business. Caretaker dwellings shall not have more than one bedroom.

**Lube Center:** A facility which primarily provides oil change and similar servicing or performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Lube Center use.

**Tire Care Center:** A facility which primarily sells and services automotive tires, provides oil change and similar servicing, and performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Tire Care Center use.

**Convenience Store:** A building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food and non-food products.

**Impound Yard:** A facility that provides for the secured storage of automobiles with or without the permission of the owners by a person who is licensed to hold the automobiles.

**Carwash (full service):** A car wash that is completely mechanized (drive-thru operation) and that is ancillary to another use or an operation where the cleaning services are exclusively performed by employees of the establishment without the aid of the patron or coin operated devices.

**Carwash (self serve):** A business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron with the aid of coin operated cleaning devices.

~~**Automotive Repair, Major:** A facility which services motor vehicles with all types of repair work including major engine and transmission repairs, body work, painting, and similar activities.~~

~~**Automotive Repair, Minor:** A facility which services motor vehicles with minor engine repair, tire repair, battery repair or changing, lubrication, storage of merchandise and supplies relating to the servicing of motor vehicles, but excluding major automobile engine or transmission repairs, body work, painting, or similar activities.~~

**Automotive Repair:** A facility which services motor vehicles with all types of repair work including major engine and transmission repairs, body work, painting, and similar activities.

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**Tentative Minutes**  
**Spanish Fork City Council Meeting**  
**July 7, 2009**

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

Staff Present: David Oyler, City Manager; Seth Perrins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; Chris Thompson, Assistant Public Works Director; Dave Anderson, Planning Director; Kent Clark, Finance Director; Junior Baker, City Attorney; Kimberly Robinson, Recorder

Citizens Present: Lil Shepherd, Brad Gonzales, Thad Jensen, Diane Jensen, Deanna Swenson, Jack Swenson, Andrew Moleff, Taylor Betts, Mathew Moleff, Alejandro Aeosta, Richard Fifita, Raymond Naulu, Cole Tomadakis, Ammon Fifita, Keltin Hair, Jared Hair, David Nichols, Lana Creer Harris, Ben Davis, Chance Skiba, Nathan Eppley, Lisa Eppley, Jerick Rose, Landon Peterson, Tish Throckmorton, Vicki Thompson, Leah Butler, Carrie Walls, Jerrie Frank, Angela Murdock, Kelly Murdock, Paul Pullman, Sam McVey

**CALL TO ORDER, PLEDGE:**

Mayor Thomas called the meeting to order and led in the pledge of allegiance at 6:00 p.m.

**Recognitions**

Planning Commissioners Dave Lewis and Sherman Huff were recognized for their service to the City.

Mr. Dave Anderson explained the Planning Commissions duties and how unique it is. The Commission is the only one mandated by State Law, and they have been lucky to have Mr. Huff and Mr. Lewis serve on the Planning Commission. They are genuinely appreciated and it has been a pleasure to work with them.

Trent Anderson, Diamond Fork Riding Club

Mr. Anderson welcomed everyone out to the 67<sup>th</sup> Annual Fiesta Days Rodeo; they feel they have the best rodeo in the area. He introduced two members of the rodeo royalty and thanked the City for their involvement with the Riding Club to make this great event possible.

Councilman Andersen reported they had 569 contestants apply to participate in the rodeo, and had 105 entrants in the Mutton Bustin' event. He encouraged everyone to get their tickets before they sell out.

46 Councilman Davis asked the Council to put on their cowboy hats and start the  
47 Fiesta Day's Celebration. He then read background on Jack and Deanna Swenson  
48 the 2009 Fiesta Days Grand Marshals.

49  
50 Lil Shepherd, presented Jack and Deanna Swenson the Fiesta Days Grand  
51 Marshals for 2009 with a plaque.

52  
53 Brad Gonzales, Vice Chair Fiesta Days  
54 Mr. Gonzales presented Thad Jensen with an award for the flag retirement  
55 ceremony and all his years of service; none of this would have happened without  
56 his hard work. He has been instrumental in getting this event going.

57  
58 Thad Jensen  
59 Mr. Jensen stated it has been an honor to serve Spanish Fork City.

60  
61 **PUBLIC COMMENT:**

62  
63 Sam McVey, Chairman of the Palmyra Scouting District  
64 Mr. McVey stated they will be retiring the district because they have become too  
65 large. They will be dividing the district into two, the Diamond Fork District and the  
66 Blackhawk District.

67  
68 **COUNCIL COMMENTS:**

69  
70 Councilman Davis reported Fiesta Days starts on July 13<sup>th</sup> and runs through  
71 Saturday the 25<sup>th</sup>. He then listed the events they will be having.

72  
73 Councilman Leifson commented on the 4<sup>th</sup> of July and the real reason for the  
74 celebration. He is grateful for the sacrifice our forefathers made. The Parks and  
75 Recreation Committee met, the zip line is moving forward and should be installed  
76 soon.

77  
78 Councilman Dart commented the library has some exciting events happening.  
79 They will be having an adult reading program. This Saturday one of our own  
80 firefighters Bob Harrison will take over serving as president on the board for the  
81 State Fireman's Association.

82  
83 Councilman Nielson hopes that everyone will participate in the Fiesta Day's events  
84 and asked that they be safe, careful and courteous.

85  
86 Councilman Andersen reported last week he and Councilman Davis met with  
87 Senator Hatch. One of the most crucial problems for South County is  
88 transportation. They were able to address some funding issues that surround  
89 fixing the interchange on the north end of town. He reported the issue is number  
90 one on Senator Hatch's agenda for this coming year. They anticipate meeting with  
91 Senator Bennett to address that same issue.

92  
93 Mayor Thomas reported on the energy bill and stated we can do a lot to take a  
94 look at our energy. He noted that the Banta plant will be closing this fall. That is  
95 150 jobs. They stated they had to close it for economic reasons. He noted anyone  
96 interested in running for Council or Mayor should sign up at the city office before  
97 July 15<sup>th</sup>. He noted in the last six months he has traveled worldwide and there isn't  
98 a government he has seen that is even close to as good as ours. We are so  
99 profoundly blessed.

100

101 **PUBLIC HEARING:**

102

103 Councilman Leifson made a **Motion** to open the public hearing at 6:36 p.m.  
104 Councilman Andersen **Seconded** and the motion **Passed** all in favor.

105

106 Councilman Andersen made a **Motion** to move out of public hearing. Councilman  
107 Nielson **Seconded** and the motion **Passed** all in favor at 6:38 p.m.

108

109 Joe Broderick, Spanish Fork Community Theater

110 Mr. Broderick presented the Council with umbrellas and announced that the  
111 production for this year is "Singing in the Rain". He invited everyone to attend and  
112 support the theater.

113

114 Councilman Leifson made a **Motion** to open the public hearing at 6:41 p.m.  
115 Councilman Andersen **Seconded** and the motion **Passed** all in favor.

116

117 **Peterson General Plan Amendment**

118

119 Mr. Anderson explained the changes to the general plan dealing with units per  
120 acre. They felt like it makes sense adjusting the general plan for a larger area  
121 containing three blocks. The Planning Commission recommends approval.

122

123 Kelly Murdock, Lives at 350 North 200 East

124 Mr. Murdock is opposed to this change, and stated they have seen some crowding  
125 already taking place throughout the neighborhood. His concern is there are a lot of  
126 older neighbors with older homes. There is potential that some developers would  
127 offer to buy the homes.

128

129 Councilman Davis asked where the crowding is located.

130

131 Mr. Murdock stated where the apartments are there is a lot of crowding. He is  
132 concerned for the children playing, and the congestion. He is concerned about a  
133 lot of rental properties in that area and is worried about the density.

134

135 Paul Pullman

136 Mr. Pullman is concerned about what is going on. He loves Spanish Fork and  
137 takes many opportunities to volunteer. He is worried about the changes being

138 made, and has seen the proposal for the Peterson property. He feels it looks good  
139 on paper, but is concerned about the proposal and crowding in the area. He does  
140 not like the way this is being done, and feels the neighbors should have a say.

141  
142 Councilman Davis asked if they change the zoning, how many units could be built  
143 right now.

144  
145 Mr. Anderson stated if they do not change the general plan he can construct a  
146 single family home. If he uses the in-fill overlay he could potentially build three.

147  
148 Mr. Pullman said it does not seem fair that someone who does not even live in  
149 Spanish Fork can make changes to the zoning ordinance. He is sad to see  
150 everyone is not here tonight representing the neighborhood. He is concerned  
151 about the future.

152  
153 Pat Parkinson

154 Ms. Parkinson expressed her concern about the ability to build more units, when  
155 they change the zone. She feels the neighboring property owners have a valid  
156 concern about the change.

157  
158 Councilman Nielson stated nothing is guaranteed with this new in-fill overlay zone.  
159 Each applicant must apply and their project will be reviewed on a case by case  
160 basis.

161  
162 Mr. Anderson said there is no guarantee that they would get a set amount of units.

163  
164 Ms. Parkinson has heard many times that they have to approve something  
165 because the zoning is already set.

166  
167 Councilman Andersen explained the overlay zone is brand new. They have only  
168 had one case so far. It allows the Council to review changes on a case by case  
169 basis.

170  
171 Ms. Parkinson asked how they could really say no.

172  
173 Mayor Thomas stated they would say no if it is not in the best interest of all  
174 involved.

175  
176 Discussion was made regarding the project and the overlay zones etc.

177  
178 Mr. Pullman explained he likes the idea of homeowners and not renters. He likes  
179 the idea of raising the bar and feels it is too crowded. He would not like the zoning  
180 of the block being changed right now.

181  
182 Angela Murdock

183 Ms. Murdock agrees it looks nice on paper; she would like to know what the city  
184 can do to ensure it is owner occupied. They would prefer owner occupied units.  
185 She lives on the block that has a triangle and several units, and would not like this  
186 change to be approved.

187  
188 Discussion was made regarding the density and allowable building units.  
189

190 Ms. Murdock feels it is best to keep the density at its current state. She asked if  
191 there is a plan beyond the lots included in the change.

192  
193 Mr. Anderson stated they are speculating at this point, and noted the general plan  
194 is the City's plan for the future.

195  
196 Councilman Davis noted when they put a moratorium on the R-1-6 zones one of  
197 the issues was to get some areas like this cleaned up.

198  
199 Lana Creer Harris  
200 Ms. Harris needs to know what protection this in-fill overlay zone is going to give to  
201 the old historical houses within those areas. She would like to make sure they  
202 protect those homes.

203  
204 Councilman Nielson stated the Council gets that information regarding the homes  
205 and they try to protect and preserve those areas.

206  
207 Mr. Anderson stated the intent of the ordinance and noted that they are aware  
208 there are homes in the area that are historical. He added those things should be  
209 accounted for.

210  
211 Gerri Frank  
212 Ms. Frank's mother is Leah Butler and lives right next to the proposed area. She  
213 has been against it but realizes it will happen. Her only request is that the property  
214 setback lines be adjusted so it will not be so close to her property line. She also  
215 asks that the buildings be flipped from the proposed layout.

216  
217 Mr. Anderson stated the applicant will have to consider that.

218  
219 Councilman Andersen added it will be looked at in the next stage.

220  
221 Councilman Nielson made a **Motion** to approve the Peterson General Plan  
222 Amendment. Councilman Dart **Seconded** and the motion **Passed** all in favor by a  
223 roll call vote.

224  
225 **Peterson Zoning Map Amendment**

226  
227 Mr. Anderson explained the next step for the applicant is having the zone  
228 changed.

229  
230 This item was opened for public comment.

231  
232 Warren Peterson  
233 Mr. Peterson commented he and his property are being used as an example. He  
234 feels everyone has a vested interest whether you live in Spanish Fork or work  
235 here. He hopes that his offices set a standard and improved Spanish Fork. He  
236 hopes that his project will improve property values and be a good project for  
237 Spanish Fork City.

238  
239 Councilman Dart made a **Motion** to approve the Peterson Zoning Map  
240 Amendment located at 245 North 300 East, from an R-1-6 to an R-3. Councilman  
241 Nielson **Seconded** and the motion **Passed** by roll call vote.

242  
243 **Public Facilities Zoning Map Amendment**

244  
245 Councilman Andersen made a **Motion** to continue this public facilities zoning map  
246 amendment to the August 4, 2009 meeting. Councilman Leifson **Seconded** and  
247 the motion **Passed** all in favor.

248  
249 **In-Fill Overlay Zoning Text Amendment**

250  
251 Mr. Anderson explained that promoting ownership is the intent of the  
252 requirements. He then explained several reasons for the changes including not  
253 allowing extra units, setback requirements, and square footage in R-1-6 zones.

254  
255 This item was opened for public comment.

256  
257 Councilman Leifson made a **Motion** to approve the In-fill Overlay Text  
258 Amendment. Councilman Andersen **Seconded** and the motion **Passed** all in  
259 favor.

260  
261 Councilman Dart made a **Motion** to close the public hearing. Councilman Davis  
262 **Seconded** and the motion **Passed** all in favor at 8:08 p.m.

263  
264 **CONSENT ITEMS:**

- 265  
266 a. **Minutes of Spanish Fork City Council Meeting – June 16, 2009**  
267 b. **Zip Line Contract**  
268 c. **Title 2 Code Amendments**

269  
270 Councilman Leifson made a **Motion** to approve the consent items. Councilman  
271 Andersen **Seconded** and the motion **Passed** all in favor.

272  
273 **NEW BUSINESS:**

274

275 **Agenda Request – David Nichols Regarding Japanese ATV Trucks**

276

277 David Nichols

278 Mr. Nichols handed out information regarding this topic, including code and city  
279 ordinances from other communities. He noted Senate Bill 181 made an  
280 amendment to the allowable off highway vehicles as long as they meet all the  
281 requirements which includes safety and insurance. He then gave his presentation  
282 regarding the use of alternative vehicles on the roads.

283

284 Mayor Thomas thanked him for his effort and feels this is a good thing.

285

286 Mr. Rosenbaum gave some information regarding this item. He stated there are a  
287 lot of variables regarding this topic. He noted there is a separate area of the State  
288 Code for the G.E.M. vehicles. He then added that the vehicles Mr. Nichols is  
289 talking about have a specified allowable travel speed. Originally when this issue  
290 came up he was hesitant, because of safety but as he thought about it he does not  
291 feel they are any less safe than a motorcycle and those are allowed on our streets.  
292 He feels the evolution of transportation will take us in this direction eventually.

293

294 Mayor Thomas feels it is a green option and would be a good direction for the City  
295 to move.

296

297 The Council directed staff to create a draft ordinance and present it to the Council  
298 for review.

299

300 **EXECUTIVE SESSION:**

301

302 Councilman Dart made a **Motion** to adjourn to Executive Session to discuss Land  
303 Purchase and Potential Litigation. Councilman Andersen **Seconded** and the  
304 motion **Passed** all in Favor at 8:31 p.m.

305

306 **ADJOURN:**

307

308

309 ADOPTED:

310

311

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Kimberly Robinson, City Recorder

**SPANISH FORK CITY**  
**Staff Report to City Council**



<b>Agenda Date:</b>	August 4, 2009
<b>Staff Contacts:</b>	Seth Perrins, Assistant City Manager
<b>Reviewed By:</b>	Junior Baker, City Attorney
<b>Subject:</b>	E-Verify Program for Employment Verification Memorandum of Understanding

**Background Discussion:**

Senate Bill 81 was introduced and passed in the 2008 Legislative Session. This bill aimed at curbing illegal immigration in the State of Utah. One provision of this bill required that Public Employers use a status verification system to check whether employment new hires are legally able to work within the United States. While this bill was passed in 2008, it had an effective date of July 1, 2009. During the 2009 legislative session, there was an attempt to move that effective date back 1 year, however, that attempt failed.

We are now required to enroll in and use a status verification system. After researching the issue, we have identified a reliable and accurate verification program called E-Verify. This program is operated by the Department of Homeland Security (DHS) in conjunction with the Social Security Administration. As is typical with Federal Government programs, the enrollment and training programs have been long and somewhat cumbersome and it has taken us longer than expected to complete all the steps they required. However, the registration is now complete and we are now ready to move forward and begin using their program.

This program will add one step to our hiring process but it will be the most reliable way for us to verify that our newly-hired employees are eligible to work in the United States. This program also has very stringent requirements and checks that are built in that ensure all newly-hired employee's rights are not violated through this process.

**Budgetary Impact:**

There is not financial cost to use this verification system; the DHS does not charge us for the checks that we will run. There is a minimal cost to employee time because we will change our hiring processes and add this additional step. However, because of this law, we will have add this step no matter which program we select.

**Alternatives:**

There are other verification programs out there, however, this is the best and most affordable. We will interact directly with the DHS and the Social Security Administration and it is free.

**Recommendation:**

Approve the Memorandum of Understanding and begin using the E-Verify tool. By registering to use this tool, the DHS already has given its consent, we simply want your approval before we proceed.

**Attachments:**

E-Verify Program for Employment Verification Memorandum of Understanding

Company ID Number: 221768

## THE E-VERIFY PROGRAM FOR EMPLOYMENT VERIFICATION MEMORANDUM OF UNDERSTANDING

### ARTICLE I

#### PURPOSE AND AUTHORITY

This Memorandum of Understanding (MOU) sets forth the points of agreement between the Department of Homeland Security (DHS) and **Spanish Fork City** (Employer) regarding the Employer's participation in the Employment Eligibility Verification Program (E-Verify). This MOU explains certain features of the E-Verify program and enumerates specific responsibilities of DHS, the Social Security Administration (SSA), and the Employer. E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of the Employment Eligibility Verification Form (Form I-9). For covered government contractors, E-Verify is used to verify the employment eligibility of all newly hired employees and all existing employees assigned to Federal contracts.

Authority for the E-Verify program is found in Title IV, Subtitle A, of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. 104-208, 110 Stat. 3009, as amended (8 U.S.C. § 1324a note). Authority for use of the E-Verify program by Federal contractors and subcontractors covered by the terms of Subpart 22.18, "Employment Eligibility Verification", of the Federal Acquisition Regulation (FAR) (hereinafter referred to in this MOU as a "Federal contractor") to verify the employment eligibility of certain employees working on Federal contracts is also found in Subpart 22.18 and in Executive Order 12989, as amended.

### ARTICLE II

#### FUNCTIONS TO BE PERFORMED

##### A. RESPONSIBILITIES OF SSA

1. SSA agrees to provide the Employer with available information that allows the Employer to confirm the accuracy of Social Security Numbers provided by all employees verified under this MOU and the employment authorization of U.S. citizens.
2. SSA agrees to provide to the Employer appropriate assistance with operational problems that may arise during the Employer's participation in the E-Verify program. SSA agrees to provide the Employer with names, titles, addresses, and telephone numbers of SSA representatives to be contacted during the E-Verify process.
3. SSA agrees to safeguard the information provided by the Employer through the E-Verify program procedures, and to limit access to such information, as is appropriate by law, to individuals responsible for the verification of Social Security Numbers and for evaluation of the E-Verify program or such other persons or entities who may be authorized by SSA as governed by the Privacy Act (5 U.S.C. § 552a), the Social Security Act (42 U.S.C. 1306(a)), and SSA regulations (20 CFR Part 401).

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4. SSA agrees to provide a means of automated verification that is designed (in conjunction with DHS's automated system if necessary) to provide confirmation or tentative nonconfirmation of U.S. citizens' employment eligibility within 3 Federal Government work days of the initial inquiry.

5. SSA agrees to provide a means of secondary verification (including updating SSA records as may be necessary) for employees who contest SSA tentative nonconfirmations that is designed to provide final confirmation or nonconfirmation of U.S. citizens' employment eligibility and accuracy of SSA records for both citizens and aliens within 10 Federal Government work days of the date of referral to SSA, unless SSA determines that more than 10 days may be necessary. In such cases, SSA will provide additional verification instructions.

## **B. RESPONSIBILITIES OF DHS**

1. After SSA verifies the accuracy of SSA records for aliens through E-Verify, DHS agrees to provide the Employer access to selected data from DHS's database to enable the Employer to conduct, to the extent authorized by this MOU:

- Automated verification checks on alien employees by electronic means, and
- Photo verification checks (when available) on employees.

2. DHS agrees to provide to the Employer appropriate assistance with operational problems that may arise during the Employer's participation in the E-Verify program. DHS agrees to provide the Employer names, titles, addresses, and telephone numbers of DHS representatives to be contacted during the E-Verify process.

3. DHS agrees to provide to the Employer a manual (the E-Verify User Manual) containing instructions on E-Verify policies, procedures and requirements for both SSA and DHS, including restrictions on the use of E-Verify. DHS agrees to provide training materials on E-Verify.

4. DHS agrees to provide to the Employer a notice, which indicates the Employer's participation in the E-Verify program. DHS also agrees to provide to the Employer anti-discrimination notices issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC), Civil Rights Division, U.S. Department of Justice.

5. DHS agrees to issue the Employer a user identification number and password that permits the Employer to verify information provided by alien employees with DHS's database.

6. DHS agrees to safeguard the information provided to DHS by the Employer, and to limit access to such information to individuals responsible for the verification of alien employment eligibility and for evaluation of the E-Verify program, or to such other persons or entities as may be authorized by applicable law. Information will be used only to verify the accuracy of Social Security Numbers and employment eligibility, to enforce the Immigration and Nationality Act (INA) and Federal criminal laws, and to administer Federal contracting requirements.

7. DHS agrees to provide a means of automated verification that is designed (in conjunction with SSA verification procedures) to provide confirmation or tentative

Company ID Number: 221768

nonconfirmation of employees' employment eligibility within 3 Federal Government work days of the initial inquiry.

8. DHS agrees to provide a means of secondary verification (including updating DHS records as may be necessary) for employees who contest DHS tentative nonconfirmations and photo non-match tentative nonconfirmations that is designed to provide final confirmation or nonconfirmation of the employees' employment eligibility within 10 Federal Government work days of the date of referral to DHS, unless DHS determines that more than 10 days may be necessary. In such cases, DHS will provide additional verification instructions.

### **C. RESPONSIBILITIES OF THE EMPLOYER**

1. The Employer agrees to display the notices supplied by DHS in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through the system.

2. The Employer agrees to provide to the SSA and DHS the names, titles, addresses, and telephone numbers of the Employer representatives to be contacted regarding E-Verify.

3. The Employer agrees to become familiar with and comply with the most recent version of the E-Verify User Manual.

4. The Employer agrees that any Employer Representative who will perform employment verification queries will complete the E-Verify Tutorial before that individual initiates any queries.

A. The Employer agrees that all Employer representatives will take the refresher tutorials initiated by the E-Verify program as a condition of continued use of E-Verify, including any tutorials for Federal contractors if the Employer is a Federal contractor.

B. Failure to complete a refresher tutorial will prevent the Employer from continued use of the program.

5. The Employer agrees to comply with current Form I-9 procedures, with two exceptions:

- If an employee presents a "List B" identity document, the Employer agrees to only accept "List B" documents that contain a photo. (List B documents identified in 8 C.F.R. § 274a.2(b)(1)(B)) can be presented during the Form I-9 process to establish identity.) If an employee objects to the photo requirement for religious reasons, the Employer should contact E-Verify at 888-464-4218.
- If an employee presents a DHS Form I-551 (Permanent Resident Card) or Form I-766 (Employment Authorization Document) to complete the Form I-9, the Employer agrees to make a photocopy of the document and to retain the photocopy with the employee's Form I-9. The employer will use the photocopy to verify the photo and to assist DHS with its review of photo non-matches that are contested by employees. Note that employees retain the right to present any List A, or List B and List C, documentation to complete the Form I-9. DHS may in the future designate other documents that activate the photo screening tool.

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6. The Employer understands that participation in E-Verify does not exempt the Employer from the responsibility to complete, retain, and make available for inspection Forms I-9 that relate to its employees, or from other requirements of applicable regulations or laws, including the obligation to comply with the antidiscrimination requirements of section 274B of the INA with respect to Form I-9 procedures, except for the following modified requirements applicable by reason of the Employer's participation in E-Verify: (1) identity documents must have photos, as described in paragraph 5 above; (2) a rebuttable presumption is established that the Employer has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act (INA) with respect to the hiring of any individual if it obtains confirmation of the identity and employment eligibility of the individual in compliance with the terms and conditions of E-Verify; (3) the Employer must notify DHS if it continues to employ any employee after receiving a final nonconfirmation, and is subject to a civil money penalty between \$550 and \$1,100 for each failure to notify DHS of continued employment following a final nonconfirmation; (4) the Employer is subject to a rebuttable presumption that it has knowingly employed an unauthorized alien in violation of section 274A(a)(1)(A) if the Employer continues to employ an employee after receiving a final nonconfirmation; and (5) no person or entity participating in E-Verify is civilly or criminally liable under any law for any action taken in good faith based on information provided through the confirmation system. DHS reserves the right to conduct Form I-9 compliance inspections during the course of E-Verify, as well as to conduct any other enforcement activity authorized by law.

7. The Employer agrees to initiate E-Verify verification procedures for new employees within 3 Employer business days after each employee has been hired (but after both sections 1 and 2 of the Form I-9 have been completed), and to complete as many (but only as many) steps of the E-Verify process as are necessary according to the E-Verify User Manual. The Employer is prohibited from initiating verification procedures before the employee has been hired and the Form I-9 completed. If the automated system to be queried is temporarily unavailable, the 3-day time period is extended until it is again operational in order to accommodate the Employer's attempting, in good faith, to make inquiries during the period of unavailability. In all cases, the Employer must use the SSA verification procedures first, and use DHS verification procedures and photo screening tool only after the SSA verification response has been given. Employers may initiate verification by notating the Form I-9 in circumstances where the employee has applied for a Social Security Number (SSN) from the SSA and is waiting to receive the SSN, provided that the Employer performs an E-Verify employment verification query using the employee's SSN as soon as the SSN becomes available.

8. The Employer agrees not to use E-Verify procedures for pre-employment screening of job applicants, in support of any unlawful employment practice, or for any other use not authorized by this MOU. Employers must use E-Verify for all new employees, unless an Employer is a Federal contractor that qualifies for the exceptions described in Article II.D.1.c. Except as provided in Article II.D, the Employer will not verify selectively and will not verify employees hired before the effective date of this MOU. The Employer understands that if the Employer uses E-Verify procedures for any purpose other than as authorized by this MOU, the Employer may be subject to appropriate legal action and termination of its access to SSA and DHS information pursuant to this MOU.

9. The Employer agrees to follow appropriate procedures (see Article III. below) regarding tentative nonconfirmations, including notifying employees of the finding, providing written referral instructions to employees, allowing employees to contest the finding, and not taking

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adverse action against employees if they choose to contest the finding. Further, when employees contest a tentative nonconfirmation based upon a photo non-match, the Employer is required to take affirmative steps (see Article III.B. below) to contact DHS with information necessary to resolve the challenge.

10. The Employer agrees not to take any adverse action against an employee based upon the employee's perceived employment eligibility status while SSA or DHS is processing the verification request unless the Employer obtains knowledge (as defined in 8 C.F.R. § 274a.1(l)) that the employee is not work authorized. The Employer understands that an initial inability of the SSA or DHS automated verification system to verify work authorization, a tentative nonconfirmation, a case in continuance (indicating the need for additional time for the government to resolve a case), or the finding of a photo non-match, does not establish, and should not be interpreted as evidence, that the employee is not work authorized. In any of the cases listed above, the employee must be provided a full and fair opportunity to contest the finding, and if he or she does so, the employee may not be terminated or suffer any adverse employment consequences based upon the employee's perceived employment eligibility status (including denying, reducing, or extending work hours, delaying or preventing training, requiring an employee to work in poorer conditions, refusing to assign the employee to a Federal contract or other assignment, or otherwise subjecting an employee to any assumption that he or she is unauthorized to work) until and unless secondary verification by SSA or DHS has been completed and a final nonconfirmation has been issued. If the employee does not choose to contest a tentative nonconfirmation or a photo non-match or if a secondary verification is completed and a final nonconfirmation is issued, then the Employer can find the employee is not work authorized and terminate the employee's employment. Employers or employees with questions about a final nonconfirmation may call E-Verify at 1-888-464-4218 or OSC at 1-800-255-8155 or 1-800-237-2515 (TDD).

11. The Employer agrees to comply with Title VII of the Civil Rights Act of 1964 and section 274B of the INA by not discriminating unlawfully against any individual in hiring, firing, or recruitment or referral practices because of his or her national origin or, in the case of a protected individual as defined in section 274B(a)(3) of the INA, because of his or her citizenship status. The Employer understands that such illegal practices can include selective verification or use of E-Verify except as provided in part D below, or discharging or refusing to hire employees because they appear or sound "foreign" or have received tentative nonconfirmations. The Employer further understands that any violation of the unfair immigration-related employment practices provisions in section 274B of the INA could subject the Employer to civil penalties, back pay awards, and other sanctions, and violations of Title VII could subject the Employer to back pay awards, compensatory and punitive damages. Violations of either section 274B of the INA or Title VII may also lead to the termination of its participation in E-Verify. If the Employer has any questions relating to the anti-discrimination provision, it should contact OSC at 1-800-255-8155 or 1-800-237-2515 (TDD).

12. The Employer agrees to record the case verification number on the employee's Form I-9 or to print the screen containing the case verification number and attach it to the employee's Form I-9.

13. The Employer agrees that it will use the information it receives from SSA or DHS pursuant to E-Verify and this MOU only to confirm the employment eligibility of employees as

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authorized by this MOU. The Employer agrees that it will safeguard this information, and means of access to it (such as PINS and passwords) to ensure that it is not used for any other purpose and as necessary to protect its confidentiality, including ensuring that it is not disseminated to any person other than employees of the Employer who are authorized to perform the Employer's responsibilities under this MOU, except for such dissemination as may be authorized in advance by SSA or DHS for legitimate purposes.

14. The Employer acknowledges that the information which it receives from SSA is governed by the Privacy Act (5 U.S.C. § 552a(i)(1) and (3)) and the Social Security Act (42 U.S.C. 1306(a)), and that any person who obtains this information under false pretenses or uses it for any purpose other than as provided for in this MOU may be subject to criminal penalties.

15. The Employer agrees to cooperate with DHS and SSA in their compliance monitoring and evaluation of E-Verify, including by permitting DHS and SSA, upon reasonable notice, to review Forms I-9 and other employment records and to interview it and its employees regarding the Employer's use of E-Verify, and to respond in a timely and accurate manner to DHS requests for information relating to their participation in E-Verify.

#### **D. RESPONSIBILITIES OF FEDERAL CONTRACTORS**

1. The Employer understands that if it is a Federal contractor subject to the employment verification terms in Subpart 22.18 of the FAR it must verify the employment eligibility of any "employee assigned to the contract" (as defined in FAR 22.1801) in addition to verifying the employment eligibility of all other employees required to be verified under the FAR. Once an employee has been verified through E-Verify by the Employer, the Employer may not reverify the employee through E-Verify.

a. Federal contractors not enrolled at the time of contract award: An Employer that is not enrolled in E-Verify as a Federal contractor at the time of a contract award must enroll as a Federal contractor in the E-Verify program within 30 calendar days of contract award and, within 90 days of enrollment, begin to use E-Verify to initiate verification of employment eligibility of new hires of the Employer who are working in the United States, whether or not assigned to the contract. Once the Employer begins verifying new hires, such verification of new hires must be initiated within 3 business days after the date of hire. Once enrolled in E-Verify as a Federal contractor, the Employer must initiate verification of employees assigned to the contract within 90 calendar days after the date of enrollment or within 30 days of an employee's assignment to the contract, whichever date is later.

b. Federal contractors already enrolled at the time of a contract award: Employers enrolled in E-Verify as a Federal contractor for 90 days or more at the time of a contract award must use E-Verify to initiate verification of employment eligibility for new hires of the Employer who are working in the United States, whether or not assigned to the contract, within 3 business days after the date of hire. If the Employer is enrolled in E-Verify as a Federal contractor for 90 calendar days or less at the time of contract award, the Employer must, within 90 days of enrollment, begin to use E-Verify to initiate verification of new hires of the contractor who are working in the United States, whether or not assigned to the contract. Such verification of new hires must be initiated within 3 business days after the date of hire. An Employer enrolled as a Federal contractor in E-Verify must initiate verification of each employee assigned to the

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contract within 90 calendar days after date of contract award or within 30 days after assignment to the contract, whichever is later.

c. Institutions of higher education, State, local and tribal governments and sureties: Federal contractors that are institutions of higher education (as defined at 20 U.S.C. 1001(a)), State or local governments, governments of Federally recognized Indian tribes, or sureties performing under a takeover agreement entered into with a Federal agency pursuant to a performance bond may choose to only verify new and existing employees assigned to the Federal contract. Such Federal contractors may, however, elect to verify all new hires, and/or all existing employees hired after November 6, 1986. The provisions of Article II.D, paragraphs 1.a and 1.b of this MOU providing timeframes for initiating employment verification of employees assigned to a contract apply to such institutions of higher education, State, local and tribal governments, and sureties.

d. Verification of all employees: Upon enrollment, Employers who are Federal contractors may elect to verify employment eligibility of all existing employees working in the United States who were hired after November 6, 1986, instead of verifying only those employees assigned to a covered Federal contract. After enrollment, Employers must elect to do so only in the manner designated by DHS and initiate E-Verify verification of all existing employees within 180 days after the election.

e. Form I-9 procedures for Federal contractors: The Employer may use a previously completed Form I-9 as the basis for initiating E-Verify verification of an employee assigned to a contract as long as that Form I-9 is complete (including the SSN), complies with Article II.C.5, the employee's work authorization has not expired, and the Employer has reviewed the information reflected in the Form I-9 either in person or in communications with the employee to ensure that the employee's stated basis in section 1 of the Form I-9 for work authorization has not changed (including, but not limited to, a lawful permanent resident alien having become a naturalized U.S. citizen). If the Employer is unable to determine that the Form I-9 complies with Article II.C.5, if the employee's basis for work authorization as attested in section 1 has expired or changed, or if the Form I-9 contains no SSN or is otherwise incomplete, the Employer shall complete a new I-9 consistent with Article II.C.5, or update the previous I-9 to provide the necessary information. If section 1 of the Form I-9 is otherwise valid and up-to-date and the form otherwise complies with Article II.C.5, but reflects documentation (such as a U.S. passport or Form I-551) that expired subsequent to completion of the Form I-9, the Employer shall not require the production of additional documentation, or use the photo screening tool described in Article II.C.5, subject to any additional or superseding instructions that may be provided on this subject in the E-Verify User Manual. Nothing in this section shall be construed to require a second verification using E-Verify of any assigned employee who has previously been verified as a newly hired employee under this MOU, or to authorize verification of any existing employee by any Employer that is not a Federal contractor.

2. The Employer understands that if it is a Federal contractor, its compliance with this MOU is a performance requirement under the terms of the Federal contract or subcontract, and the Employer consents to the release of information relating to compliance with its verification responsibilities under this MOU to contracting officers or other officials authorized to review the Employer's compliance with Federal contracting requirements.

### **ARTICLE III**

#### **REFERRAL OF INDIVIDUALS TO SSA AND DHS**

##### **A. REFERRAL TO SSA**

1. If the Employer receives a tentative nonconfirmation issued by SSA, the Employer must print the tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the tentative nonconfirmation.
2. The Employer will refer employees to SSA field offices only as directed by the automated system based on a tentative nonconfirmation, and only after the Employer records the case verification number, reviews the input to detect any transaction errors, and determines that the employee contests the tentative nonconfirmation. The Employer will transmit the Social Security Number to SSA for verification again if this review indicates a need to do so. The Employer will determine whether the employee contests the tentative nonconfirmation as soon as possible after the Employer receives it.
3. If the employee contests an SSA tentative nonconfirmation, the Employer will provide the employee with a system-generated referral letter and instruct the employee to visit an SSA office within 8 Federal Government work days. SSA will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary. The Employer agrees to check the E-Verify system regularly for case updates.
4. The Employer agrees not to ask the employee to obtain a printout from the Social Security Number database (the Numident) or other written verification of the Social Security Number from the SSA.

##### **B. REFERRAL TO DHS**

1. If the Employer receives a tentative nonconfirmation issued by DHS, the Employer must print the tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the tentative nonconfirmation.
2. If the Employer finds a photo non-match for an employee who provides a document for which the automated system has transmitted a photo, the employer must print the photo non-match tentative nonconfirmation notice as directed by the automated system and provide it to the employee so that the employee may determine whether he or she will contest the finding.
3. The Employer agrees to refer individuals to DHS only when the employee chooses to contest a tentative nonconfirmation received from DHS automated verification process or when the Employer issues a tentative nonconfirmation based upon a photo non-match. The Employer will determine whether the employee contests the tentative nonconfirmation as soon as possible

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after the Employer receives it.

4. If the employee contests a tentative nonconfirmation issued by DHS, the Employer will provide the employee with a referral letter and instruct the employee to contact DHS through its toll-free hotline (as found on the referral letter) within 8 Federal Government work days.

5. If the employee contests a tentative nonconfirmation based upon a photo non-match, the Employer will provide the employee with a referral letter to DHS. DHS will electronically transmit the result of the referral to the Employer within 10 Federal Government work days of the referral unless it determines that more than 10 days is necessary. The Employer agrees to check the E-Verify system regularly for case updates.

6. The Employer agrees that if an employee contests a tentative nonconfirmation based upon a photo non-match, the Employer will send a copy of the employee's Form I-551 or Form I-766 to DHS for review by:

- Scanning and uploading the document, or
- Sending a photocopy of the document by an express mail account (furnished and paid for by DHS).

7. The Employer understands that if it cannot determine whether there is a photo match/non-match, the Employer is required to forward the employee's documentation to DHS by scanning and uploading, or by sending the document as described in the preceding paragraph, and resolving the case as specified by the Immigration Services Verifier at DHS who will determine the photo match or non-match.

#### **ARTICLE IV**

#### **SERVICE PROVISIONS**

SSA and DHS will not charge the Employer for verification services performed under this MOU. The Employer is responsible for providing equipment needed to make inquiries. To access the E-Verify System, an Employer will need a personal computer with Internet access.

#### **ARTICLE V**

#### **PARTIES**

A. This MOU is effective upon the signature of all parties, and shall continue in effect for as long as the SSA and DHS conduct the E-Verify program unless modified in writing by the mutual consent of all parties, or terminated by any party upon 30 days prior written notice to the others. Any and all system enhancements to the E-Verify program by DHS or SSA, including but not limited to the E-Verify checking against additional data sources and instituting new verification procedures, will be covered under this MOU and will not cause the need for a supplemental MOU that outlines these changes. DHS agrees to train employers on all changes made to E-Verify through the use of mandatory refresher tutorials and updates to the E-Verify User Manual. Even without changes to E-Verify, DHS reserves the right to require employers to take

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mandatory refresher tutorials. An Employer that is a Federal contractor may terminate this MOU when the Federal contract that requires its participation in E-Verify is terminated or completed. In such a circumstance, the Federal contractor must provide written notice to DHS. If an Employer that is a Federal contractor fails to provide such notice, that Employer will remain a participant in the E-Verify program, will remain bound by the terms of this MOU that apply to non-Federal contractor participants, and will be required to use the E-Verify procedures to verify the employment eligibility of all newly hired employees.

B. Notwithstanding Article V, part A of this MOU, DHS may terminate this MOU if deemed necessary because of the requirements of law or policy, or upon a determination by SSA or DHS that there has been a breach of system integrity or security by the Employer, or a failure on the part of the Employer to comply with established procedures or legal requirements. The Employer understands that if it is a Federal contractor, termination of this MOU by any party for any reason may negatively affect its performance of its contractual responsibilities.

C. Some or all SSA and DHS responsibilities under this MOU may be performed by contractor(s), and SSA and DHS may adjust verification responsibilities between each other as they may determine necessary. By separate agreement with DHS, SSA has agreed to perform its responsibilities as described in this MOU.

D. Nothing in this MOU is intended, or should be construed, to create any right or benefit, substantive or procedural, enforceable at law by any third party against the United States, its agencies, officers, or employees, or against the Employer, its agents, officers, or employees.

E. Each party shall be solely responsible for defending any claim or action against it arising out of or related to E-Verify or this MOU, whether civil or criminal, and for any liability wherefrom, including (but not limited to) any dispute between the Employer and any other person or entity regarding the applicability of Section 403(d) of IIRIRA to any action taken or allegedly taken by the Employer.

F. The Employer understands that the fact of its participation in E-Verify is not confidential information and may be disclosed as authorized or required by law and DHS or SSA policy, including but not limited to, Congressional oversight, E-Verify publicity and media inquiries, determinations of compliance with Federal contractual requirements, and responses to inquiries under the Freedom of Information Act (FOIA).

G. The foregoing constitutes the full agreement on this subject between DHS and the Employer.

H. The individuals whose signatures appear below represent that they are authorized to enter into this MOU on behalf of the Employer and DHS respectively.

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To be accepted as a participant in E-Verify, you should only sign the Employer's Section of the signature page. If you have any questions, contact E-Verify at 888-464-4218.

**Employer Spanish Fork City**

**Joe Thomas**

Name (Please Type or Print)

**Mayor**

Title

Signature

**08/04/2009**

Date

**Department of Homeland Security – Verification Division**

**USCIS Verification Division**

Name (Please Type or Print)

Title

*Electronically Signed*

Signature

**08/04/2009**

Date



E-VERIFY IS A SERVICE OF DHS

Company ID Number: 221768

### Information Required for the E-Verify Program

#### Information relating to your Company:

Company Name: Spanish Fork City

Company Facility Address: 40 South Main

Spanish Fork, UT 84660

Company Alternate Address:

County or Parish: UTAH

Employer Identification

Number: 876000284

North American Industry Classification Systems

Code: 923

Parent Company:

Number of Employees: 100 to 499

Number of Sites Verified

for: 1

Are you verifying for more than 1 site? If yes, please provide the number of sites verified for in each State:

- UTAH 1 site(s)

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**Information relating to the Program Administrator(s) for your Company on policy questions or operational problems:**

Name:	<b>Seth J Perrins</b>	Fax Number:	<b>(801) 798 - 5000</b>
Telephone Number:	<b>(801) 804 - 4535</b>		
E-mail Address:	<b>sperrins@spanishfork.org</b>		
Name:	<b>Kimberly D Robinson</b>	Fax Number:	<b>(801) 798 - 5005</b>
Telephone Number:	<b>(801) 804 - 4530</b>		
E-mail Address:	<b>krobinson@spanishfork.org</b>		
Name:	<b>Angie R Warner</b>	Fax Number:	<b>(801) 798 - 5005</b>
Telephone Number:	<b>(801) 804 - 4531</b>		
E-mail Address:	<b>awarner@spanishfork.org</b>		

Values submitted by the user:

first\_name - Caru

last\_name - Das

address - 8628 South State Road

city - Spanish Fork

state - UT

zip - 84660

contactphone - 801-798-3559

email - carudas@earthlink.net

agendaSubject - Festival of Colors

detailed - We at the Sri Sri Radha Krishna Temple would like to explore how to make our next Festival of Colors event a win-win-win for us, the city of Spanish Fork, and the festival attendees. We would like to discuss parking and any other relevant issues that were brought up after this past year's event. This event takes months of preparation and issues such as these need to be tabled asap and moved forward on quickly - for ourselves and also for the city. Thank you for allowing us to be on the agenda.

submit - submit

Gwen Nitya

801-358-1614

[gwennitya@yahoo.com](mailto:gwennitya@yahoo.com)

Caru Das's personal assistant/office manager



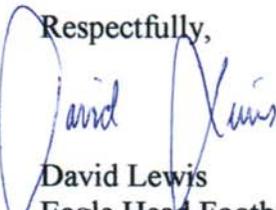
July 4, 2009

Richard Heap  
Spanish Fork City  
40 South Main  
Spanish Fork, Utah 84660

Dear Richard Heap,

I am writing with a special request involving the naming of the Road to the South of American Leadership Academy. The road is currently 1100 south, we would like to follow the same pattern that has been used in the case of Orem High, Provo High, Spanish Fork High School and many other local high schools. Our request is to leave the current address signs in place and add an additional sign marking the road as "Eagle Parkway". We understand there will be costs associated with making the sign, if you approve our request please coordinate with us about the cost so that we can pay for the signs. Thank you for your consideration. I look forward to hearing from you.

Respectfully,

  
David Lewis  
Eagle Head Football Coach  
1227 South 1180 East  
Spanish Fork, Utah 84660  
(801) 787-1832

*Thanks for your  
help with this!*