



## 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 March 30, 2010.**

### AGENDA ITEMS:

#### 1. CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:

- a. Pledge, led by invitation
- b. Mayoral Recognitions

#### 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. 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 – March 16, 2010](#)

#### 5. NEW BUSINESS:

- a. Appointment of City Treasurer
- b. \* [Proposed Preliminary Plat, the proposed Academy Park Subdivision would create a six-lot subdivision at approximately 1200 South Del Monte Road.](#)
- c. \* [Arbor Day Resolution](#)
- d. \* [I-CORE Storm Drain Contract – I-15 from 100 North to Main Street, U.S.-6 from 1000 North to I-15](#)

#### 6. CLOSED SESSION:

- a. Land Sale

#### 7. BUDGET WORK SESSION:

- a. Review of Tentative Budget FY 2011

### 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 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 804-4530.

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**Tentative Minutes**  
**Spanish Fork City Council Meeting**  
**March 16, 2010**

Elected Officials Present: Mayor Pro Tem Steve Leifson; Councilman Rod Dart, Richard M. Davis; Keir Scoubes

Staff Present: David Oyler, City Manager; Seth Perrins, Assistant City Manager; Dale Robinson, Parks and Recreation Director; Dave Anderson, Community Development Director; Chris Thompson, Assistant Public Works Director; Kent Clark, Finance Director; Kimberly Robinson, City Recorder

Citizens Present: Jen Wakeland, Adam Wakeland, Lana Creer Harris, Rindee Sannar, Julia Gwilliam, Stacy Beck, Trenton Johnson, Lean Gorrell, Steve Easter, Joe Jeppson, Jackson Jeppson, Justus Thomas, Makade Morgan, Billy Schaefermeyer, Dean Davis, Mark Dallin, Bart Dallin, Joe Johnson, Kalin Hair

**CALL TO ORDER, PLEDGE, RECOGNITION:**

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

Scout Kalin Hair led in the pledge of allegiance.

**PUBLIC COMMENT:**

Ms. Cary Hanks Director of the Chamber of Commerce reminded all the citizens that they are having the Easter Egg Hunt April 3, at 9:00 a.m. she invites everyone out to attend. Also the 2010 super saver cards are now available through the Chamber.

Ms. Alex Adams with United Way of Utah County, noted the new program called "Help Me Grow" for ages birth to five years old. She said you can dial 211 for the information and there will be a kickoff event April 2, 2010 at 9:00 a.m. in Payson.

**COUNCIL COMMENTS:**

Councilman Dart congratulated the Senior Citizens on a successful open house last Friday. He also thanked the past Miss Spanish Fork Ginger Christopher for being a great representative of Spanish Fork. He thanked Cary Hanks for all the work she is doing with the Chamber of Commerce.

Councilman Davis also thanked the past Miss Spanish Fork for all the great work she has done. He talked about the Vietnam Moving Memorial Wall and that they have collected enough money to bring it to Utah, right here in Spanish Fork. He wants to thank all those that participated in bringing the wall to Spanish Fork. He asked the schools to make sure to set up field trips to come see the wall. He expressed how proud he is of the Spanish Fork City Ambulance and Fire Crews taking care of an accident up the canyon and the great work they do everyday.

49 Mayor Pro Tem Leifson had the opportunity to go to Washington DC with the Utah  
50 Municipal Power Agency and meet with our representatives. He noted one of the needs  
51 they discussed was climate changes, most of our power in the west comes from coal  
52 burning plants and the agency is working hard to keep the costs low.

53

54 **PUBLIC HEARING:**

55

56 Councilman Dart made a **Motion** to open the public hearing for the Proposed Amendment  
57 to Title 15. Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 6:11  
58 p.m.

59

60 **Proposed Amendment to Title 15, the proposed Amendment would make Wind Test**  
61 **Facilities a permitted use in the public facilities zone.**

62

63 Mr. Anderson noted the Council adopted the public facilities zone last year. At that time  
64 they did not recognize a historical use, and as the operators look to expand on that  
65 property this change would allow them to be a conforming use and they would be  
66 permitted to continue to operate.

67

68 This item was opened for public comment. There was no public comment made at this  
69 time.

70

71 Councilman Davis made a **Motion** to move out of public hearing. Councilman Dart  
72 **Seconded** and the motion **Passed** all in favor at 6:19 p.m.

73

74 Councilman Dart made a **Motion** to approve the Proposed Zoning Text Amendment  
75 Ordinance #07-10. Councilman Davis **Seconded** and the motion **Passed** all in favor.

76

77 Councilman Dart made a **Motion** to open the public hearing for the Proposed Zoning Map  
78 Amendment. Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:20  
79 p.m.

80

81 **Proposed Zoning Map Amendment, the proposed Amendment would approve the**  
82 **application of the In-Fill Overlay Zone at 142 West Center Street to permit the**  
83 **construction of a duplex.**

84

85 Mr. Anderson noted the DRC and Planning Commission recommend approval of this  
86 change. There was some discussion regarding the position of the duplex and he  
87 explained the DRC and Planning Commissions recommendation. The orientation will be  
88 changed as Mr. Dallin has proposed and it will make it more similar to the surrounding  
89 buildings in the neighborhood. As proposed with the site plan tonight it matches the  
90 recommendation of the DRC and Planning Commission. There will have to be one  
91 additional parking place added to the site.

92

93 This item was opened for Public Comment.

94

95 Lana Creer Harris asked if the empty lot behind the property was also part of the  
96 subdivision.

97  
98 Mr. Mark Dallin stated it was just going to be landscaped backyard for the homes.  
99  
100 Mr. Dallin stated they have changed the dimensions on the building so it will face the road  
101 and look nicer. They have also changed it so they will have plenty of parking.  
102  
103 Councilman Scoubes made a **Motion** to move out of public hearing. Councilman Davis  
104 **Seconded** and the motion **Passed** all in favor at 6:27 p.m.  
105  
106 Councilman Scoubes noted there has been concern regarding the density for the area  
107 and the impact on the neighborhood.  
108  
109 Mr. Anderson stated Mr. Dallin is well under the allowable density for the property. He  
110 noted the In-Fill Overlay is a tool that can only be used in two zoning districts in the city,  
111 this being one of them.  
112  
113 Councilman Davis made a **Motion** to approve the Mark Dallin Center Street In-Fill  
114 Overlay Project subject to the following conditions:  
115 1. That the applicant submit a landscape plan for staff's review and approval.  
116 2. That the applicant modify the parking arrangement to meet the parking requirements.  
117 3. That the applicant conform to the City's Construction and Development Standards.  
118 Councilman Dart **Seconded** and the motion **Passed** all in favor.  
119  
120 Councilman Dart made a **Motion** to open the public hearing. Councilman Davis  
121 **Seconded** and the motion **Passed** all in favor at 6:31 p.m.  
122  
123 **Proposed Zoning Map Amendment, the proposed Amendment would change the**  
124 **zoning at approximately 2900 South Highway 6 from Industrial 1 and 2 to Industrial**  
125 **3.**  
126  
127 Mr. Anderson explained the proposed zoning map amendment changing from I-1 and I-2  
128 zones to I-3 zoning. Mr. Anderson also handed out a letter from Strawberry Water Users  
129 Association, a landowner in the proposed map. They are requesting their property remain  
130 I-2.  
131  
132 Discussion was had regarding other locations this would be requested.  
133  
134 Councilman Davis made a **Motion** to move out of public hearing. Councilman Scoubes  
135 **Seconded** and the motion **Passed** all in favor at 6:37 p.m.  
136  
137 Councilman Davis made a **Motion** to approve the Spanish Fork Windmills Zoning Map  
138 Amendment changing the zoning from Industrial 1 and 2 to Industrial 3 with the  
139 exceptions of the Strawberry Water Users Association property. Councilman Dart  
140 **Seconded** and the motion **Passed** all in favor.  
141  
142 **CONSENT ITEMS:**  
143  
144 **a. Minutes of Spanish Fork City Council Meeting - February 16, 2010**

- 145       **b. Certified Shred Contract**
- 146       **c. Gardner Easement**
- 147       **d. Golf Pro Shop Contract**
- 148       **e. State Division of Forestry Fire Suppression Contract**

149  
150 Councilman Dart made a **Motion** to approve the consent items. Councilman Leifson  
151 **Seconded** and the motion **Passed** all in favor by a roll call vote.

152  
153 **NEW BUSINESS:**

154  
155 **Proposed Preliminary Plat, the proposed Crosswind Subdivision would create a**  
156 **three-lot subdivision at approximately 1450 East 100 South.**

157  
158 Mr. Anderson explained this is one of those steps in the process to make the project  
159 move forward. All the improvements are on the location and both the DRC and Planning  
160 Commission recommend approval.

161  
162 Councilman Dart made a **Motion** to approve the proposed Preliminary Plat for the  
163 Crosswind Subdivision. Councilman Davis **Seconded** and the motion **Passed** all in favor  
164 by roll call vote.

165  
166 **Proposed Preliminary Plat, the proposed Academy Park Subdivision would create a**  
167 **six-lot subdivision at approximately 1200 South Del Monte Road.**

168  
169 The applicant requested this item be removed from the agenda for a later date.

170  
171 **Proposed Amendment to Title 5, the proposed amendment would change the City's**  
172 **standards for temporary commercial signage (Continued January 19, 2010)**

173  
174 Mr. Baker explained that a few meetings ago Westfield Development came asking to  
175 change to commercial signage requirements. Staff was asked to come up with some  
176 options that could work.

177  
178 Joe Johnson, WPI Enterprises

179 Mr. Johnson noted last time they came they proposed larger signage to help them market  
180 the properties. They have worked with the city's legal counsel on what they were able to  
181 negotiate on. They are willing to be flexible as long as in the end it will help them market  
182 the properties.

183  
184 Councilman Dart has been thinking quite a bit about this. He stands by what he said  
185 before; he can't see this sign being bigger or smaller making that much of a difference.  
186 He feels if they change the ordinance they open up a can of worms. He feels it seems like  
187 they are making an exception for us and this project.

188  
189 Councilman Davis stated they were driving home the other day in a snow storm and there  
190 was a sign with the allowable size, that he could read with no problem. He feels the  
191 ordinance is good the way it is written.

192  
193 Councilman Scoubes stated for him the biggest issue is the time. The options seem to  
194 address timing, he does not personally think the size will make a big difference, especially  
195 with the economy etc. He feels if they can limit the time the sign is out and up he does not

196 have a problem. He thinks showing the citizens they are working to do everything they  
197 can for the city is good. He feels if a sign might make a difference and bring retail sales so  
198 they don't have to raise taxes is a positive thing. He is willing to give it a try as long as it is  
199 not a permanent fixture.

200  
201 Mayor Pro Tem Leifson feels they are dealing with one particular area, he is not a fan of  
202 changing ordinances to fit one persons need. He feels the best advertisement for North  
203 Park is the infrastructure, the park and pavilion. He does not think a bigger sign is going  
204 to make that big of a difference. They are doing what they can to bring businesses into  
205 this City. He feels they are giving them a bigger bang for their buck than that sign would.  
206 He would like to keep the ordinance as it is written.

207  
208 **UDOT Aesthetics and Landscaping Cooperative and Maintenance Agreement**

209  
210 Mr. Robinson explained UDOT will put an additional \$100,000 to move us to the  
211 enhanced version of their landscaping and not just the field grass. If they choose the  
212 upgrade option the city will maintain it. He noted there will be some changes moving trees  
213 and rocks etc. and the city will provide utility connections for the landscaping areas.  
214 UDOT's design builder has an obligation to get with the City to work with us on what is  
215 installed. They are looking for authorization for the mayor to sign the contract. Mr.  
216 Robinson noted they are not thrilled with the landscaping they are proposing, but they  
217 have the option to add more to the entrance to our city in the future to make it look nice.

218  
219 Mr. Thompson noted this deal is only tied to the I-Core expansion projects, and it is only  
220 being offered for the Main Street interchange not the Highway 6 section of the project.

221  
222 Councilman Dart made a **Motion** to authorize the Mayor to sign the UDOT Aesthetics and  
223 Landscaping Cooperative and Maintenance Agreement. Councilman Scoubes **Seconded**  
224 and the motion **Passed** all in favor.

225  
226 **Ordinance Amending Business License Regulations with Respect to Alcohol Sales**

227  
228 Mr. Baker explained the State Law has changed regarding business license regulations  
229 and in order to keep us current he has changed the ordinance to reference the State Law.  
230 He noted the changes to discretion regarding the hearings and that there is no discretion  
231 the way it is written now there is just a set penalty. Also there are some minor issues  
232 being cleaned up with this verbage.

233  
234 Councilman Davis made a **Motion** to approve Ordinance 06-10 Ordinance Amending  
235 Business License Regulations with Respect to Alcohol Sales. Councilman Scoubes  
236 **Seconded** and the motion **Passed** all in favor by a roll call vote.

237  
238 **ADJOURN:**

239  
240 Councilman Dart made a **Motion** to adjourn. Councilman Davis **Seconded** and the  
241 motion **Passed** all in favor by a roll call vote at 7:06 p.m.

242  
243 **ADOPTED:**

244  
245 \_\_\_\_\_  
Kimberly Robinson, City Recorder



# PRELIMINARY PLAT

## REPORT TO THE CITY COUNCIL ACADEMY PARK PRELIMINARY PLAT

**Agenda Date:** March 16, 2010.

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

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

**Request:** SFATC, LLC has requested Preliminary Plat approval for a six-lot non-residential subdivision.

**Zoning:** Industrial 2, Business Park and R-1-15.

**General Plan:** Business Park/Residential 2.5 to 3.5 units per acre.

**Project Size:** 40.91 acres.

**Number of lots:** 6.

**Location:** Approximately 1200 South Del Monte Road.

### Background Discussion

The proposed plat contains six lots and would permit the legal conveyance of the lots, including the conveyance of a lot to the MATC.

From a zoning perspective, the proposed plat meets the City's requirements for subdivisions in the applicable zoning districts.

Staff's discussion with the applicant relative to the proposed plat has mainly centered on two issues.

The first has to do with a zoning violation on the subject properties. In short, the unapproved use of a rock crusher and storage of concrete and asphalt debris constitute the violation. Relative to the violation, a representative of the property owner has offered to commit to abate the problem. Given the owner's commitment to address this problem, staff believes this issue need not impede the approval of the proposed plat.

The second issue has to do with required improvements on Del Monte Road. Staff believes the proposed plat conforms to City standards so long as Del Monte Road is improved to the City standard. This includes the installation of curb, gutter, sidewalk and storm drain. While this is a very customary requirement, staff understands that requiring these improvements may make the proposed project infeasible for the applicant to complete at this time.

### Development Review Committee

The Development Review Committee reviewed this request in their February 24, 2010 meeting and recommended that it be conditionally approved. Minutes from that meeting read as follows:

#### Academy Park

Applicant: SFATC LLC

General Plan: Business Park/Residential 2.5 to 3.5 units per acre

Zoning: Industrial 2, Business Park and R-1-15



Location: approximately 1200 South Del Monte Road

Mr. Anderson said that he had a couple of issues to discuss. He said that he had discussed with Laura Lee Adams the improvements along Del Monte and a zoning violation on a parcel that Mike Morley owns or is an entity of. He said that there was a rock crusher and heavy equipment on the site and explained that the site was not approved for that use. Discussion was held with Jennifer Lint, Mr. Morley's representative, regarding the public improvements in front of Mr. Morley's parcel. Ms. Lint indicated they would not do the improvements. Mr. Anderson said he could not recall a time where the City had allowed a gap in public improvements along a public right-of-way where we have not required that the entire frontage adjacent to a subdivision to be improved. He said that what is required was very clear; that the Del Monte frontage would need to be improved and all the lots brought into conformity.

Ms. Lint said that, in speaking with Mr. Morley, the material that is on the site had been dug up on site and not hauled in. She asked what they would need to do to be approved to continue the use of the crusher and haul off the material. Mr. Anderson said it would not be possible, that a crusher was not allowed in that zone. Ms. Lint said that they were running the crusher everyday, five days a week, and that they would not be able to be finished crushing within one month, but could be within three months.

Ms. Adams asked if they could come to some sort of an agreement on the zoning violation so that a final plat could be recorded.

Ms. Lint said that they would not be able to bond for the public improvements and explained the expenses they were currently incurring. She said that they were anxious to get the site improved so that they could sell or develop it. She said it would not be possible for them to improve the frontage on Del Monte and that their preference would be to not include the Morley property until they were ready to improve the parcel.

Discussion was held regarding the history of ownership on the parcels included in the proposal.

Mr. Anderson explained that it was the City's staff's job to look at the City's standards and policies when approving projects. He said in the case of this proposal he did not feel it would meet the City's standards and policies if the

improvements on Del Monte were not included with the plat. He explained that he believed the City Council had the power to deviate from the standards and policies but that the Development Review Committee did not.

Mr. Baker **moved** to recommend **approval** of the Academy Park Preliminary Plat as drawn. Mr. Oyler **seconded**.

Mr. Anderson explained that the City would not take any action with regard to the crusher on the Morley site unless at the end of the three-month period that the crusher, cement, asphalt or any other debris were still present on site. He told the applicant that a letter of agreement would need to be submitted to the City before the Planning Commission's March 3, 2010 meeting. Ms. Lint agreed to provide the letter by then.

Ms. Lint said that if the City was going to require the improvements along Del Monte they would agree to that and the deal would be off. Discussion was held on what the improvements were (curb, gutter, sidewalk and a storm drain line with two boxes.)

Mr. Anderson asked Mr. Baker to amend his motion and say that the public improvements be included with the Preliminary Plat first phase.

Mr. Baker **moved** to **amend** his **motion** to include that with the first phase the public improvements would need to be completed. Mr. Oyler **seconded** and the motion **passed** all in favor.

Discussion was held regarding the timing of the proposal. Mr. Anderson said that the Preliminary Plat was scheduled for the Planning Commission meeting on March 3, 2010 and then it would be scheduled for the City Council meeting on March 16, 2010, and a Final Plat could conceivably be on the Development Review Committee meeting agenda for March 17, 2010, as long as a Final Plat application was submitted within the next few days.

### Planning Commission

The Planning Commission reviewed this request on March 3, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

#### Academy Park

Applicant: SFATC LLC

General Plan: Business Park/Residential 2.5 to 3.5 units per acre

Zoning: Industrial 2, Business Park and R-1-15  
Location: approximately 1200 South Del Monte Road

Mr. Anderson explained the application. He said that this application was unique because parts of the plat had already been included in approved Site Plans and that the both MATC building and ALA Charter School had been constructed. The proposed plat would help to clean up past issues on the site. He said that staff had recommended that the proposed plat be approved and that all of the property included should be part of one recordable plat. As part of that, the City would require that the frontage along Del Monte Road be improved. He explained that the applicants may not be able to pay for the improvements at this time.

Commissioner Marshall asked if the other roads in the site had been improved. Mr. Anderson answered that they had been. Mr. Johnson explained what improvements would be required.

Commissioner Marshall invited the applicant to comment.

Laura Lee Adams

Commissioner Robins asked Ms. Adams what was owned by MATC. She indicated on the GIS map. She explained that the issue was with a plot of land owned by MTM along Del Monte Road, which SFATC did not have any control over. She said that MTM had told her that the sale price of the land wouldn't be enough to cover the cost of the improvements, and that they did not want to sell to MATC.

Clay Christensen

Mr. Christensen from MATC said that it would be beneficial for them if the project could move forward. He said that most of their employees are Spanish Fork Citizens and that they would like to see the project move forward.

Mike Morley

Commissioner Robins asked Mr. Morley why he had wanted to be a part of the subdivision. He said that he didn't, and that he wasn't in a financial position to put in the improvements. He said that they would when they got to a point that they could.

Mr. Robins asked if the application could be resubmitted without the MTM portion. Mr. Anderson explained the history of the properties in question and that they had been involved in unapproved subdivisions.

Commissioner Marshall said that he would be reluctant to grant the approval without the improvements. He said that he felt that the Commission had to uphold the City standards and that they should leave it up to the legislative body to make the final decision. Commissioner Robins agreed and said he was fine with the DRC's conditions.

Commissioner Robins made a **motion** to recommend to the City Council **approval** of the Academy Park Amended Preliminary Plat subject to the following conditions:

**Conditions:**

1. That the applicant provide written commitment to abate the zoning violation in 90 days.
2. That the required improvements to Del Monte Road are completed within the first phase.

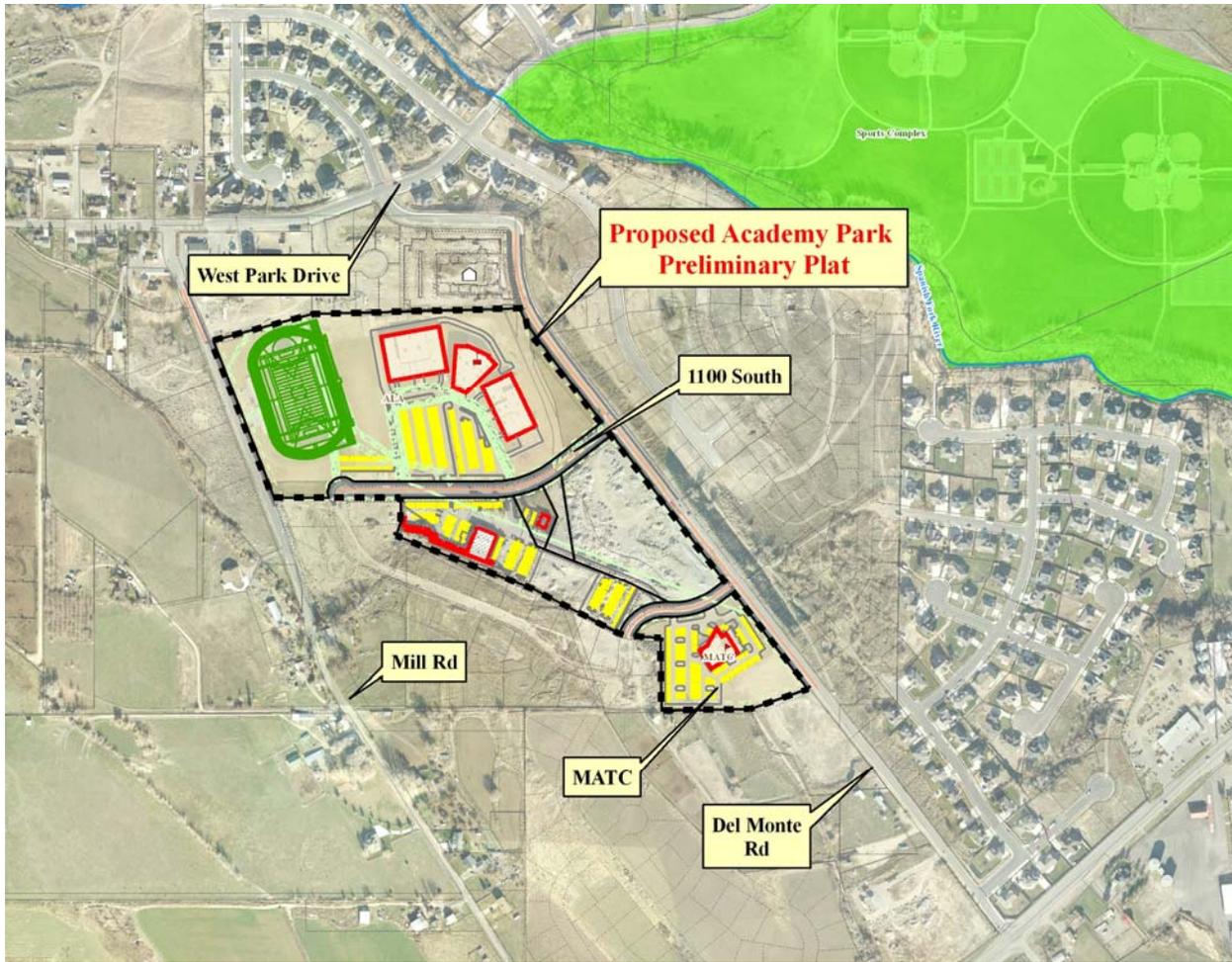
Commissioner Evans **seconded** and the motion **passed** all in favor.

**Budgetary Impact**

There is no anticipated budget impact with this proposed subdivision.

**Recommendation**

Staff recommends that the proposed Preliminary Plat be approved subject to the applicant completing the required improvements to Del Monte Road with the first phase.







# RESOLUTION NO. 10-03

## ROLL CALL

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

I MOVE this resolution be adopted: Councilman

I SECOND the foregoing motion: Councilman

## RESOLUTION 10-03

### A RESOLUTION PROCLAIMING ARBOR DAY

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, 2010 is the 138<sup>th</sup> anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut

heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewal resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of our business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and,

WHEREAS, Spanish Fork City has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices

NOW, THEREFORE, I, G. Wayne Andersen, Mayor of the City of Spanish Fork, do hereby proclaim Thursday, April 22<sup>nd</sup>, 2010 as Arbor Day in the City of Spanish Fork, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

This resolution adopted this 6<sup>th</sup> day of April, 2010, by the City Council of Spanish Fork City, Utah.

---

G. WAYNE ANDERSEN, Mayor

ATTEST:

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KIMBERLY ROBINSON, City Recorder

FINANCE NUMBER \_\_\_\_\_

## **STORM DRAIN SYSTEM MAINTENANCE AND COOPERATIVE AGREEMENT**

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the UTAH DEPARTMENT OF TRANSPORTATION, hereafter referred to as UDOT and SPANISH FORK CITY, a Municipal Corporation of the State of Utah, hereinafter referred to as City.

### **WITNESSETH:**

WHEREAS, UDOT is in the process of preparing a design-build highway project identified as Project MP-I15-6(178)245; Utah County ("Project"), located in Utah County, Utah; and

WHEREAS, UDOT has awarded a design-build contract for the Project to a third party entity, hereinafter referred to as "Design-Builder", and shall require by contract that Design-Builder shall design and construct the Project; and

WHEREAS, as part of its Project UDOT shall install Storm Drain Systems to accommodate Project storm drain requirements; and

WHEREAS, the City shall be responsible for particular design, installation, operation, and maintenance of Storm Drain Systems covered by this agreement in accordance with the terms and conditions contained herein.

THIS AGREEMENT is made to set out the terms and conditions whereunder said work shall be performed.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. UDOT will require the Design-Builder to comply with this Storm Drain System Maintenance and Cooperative Agreement and shall incorporate it as part of its Project Contract with UDOT.
2. A Storm Drain System shall be designed and constructed for use by UDOT and City between 400 North and 100 North as follows:
  - a. UDOT's Design-Builder shall design and construct a 48" storm drainpipe along the east I-15 right-of-way, beginning at the existing 30" Spanish Fork storm drainpipe located at approximately 400 North and 700 West in Spanish Fork, and ending at a manhole at approximately 100 North and 1000 West.
    - i. UDOT shall discharge un-detained Project storm water to the 48" storm drainpipe at varying points between 400 North and 100 North.
    - ii. City shall reserve 32cfs continuous capacity to UDOT within the 48" storm drainpipe system.
    - iii. UDOT will place a manhole at 300 North I-15 to receive City flows from the east.
    - iv. UDOT shall acquire necessary easements required to construct the storm drainpipe.
  - b. The City, at its own expense, shall design and construct a detention pond at 100 North and I-15 to detain and treat Project and City flows, as shown in Exhibit A Pond A.
    - i. UDOT shall acquire the required right-of-way for the detention pond and shall transfer title to the City.
    - ii. Upon completion of construction, the City shall make the connection from the detention pond to the existing 54" Spanish Fork storm drain line.
    - iii. City shall size the detention pond such that combined discharge of Project and City storm water shall not exceed capacity in the existing 54" Spanish Fork storm drain line to the Spanish Fork River. The capacity of the 54" pipe shall also include 9cfs of undetained Project flows from I-15 at 6800 South.
    - iv. City shall complete all work no later than September 30, 2011.
  - c. Following completion and acceptance of the facilities the City shall own, operate and maintain the 48" piped system, the 100 North detention pond and downstream systems at no additional cost to UDOT.

3. UDOT's Design-Builder, through its Project activities and expense, shall design and construct a Storm Drain System at the Main Street Interchange as follows:
  - a. UDOT's Design-Builder shall design and construct a storm drain line from 300 West to a detention pond at Main Street, see Exhibit A Pond B, to accommodate Project and City storm drainage. UDOT shall reserve a minimum of 20cfs in the storm drain line and detention pond for City storm drainage. City shall operate and maintain storm drain line and pond B. UDOT shall retain ownership of property.
  - b. UDOT's Design-Builder shall design and construct storm drain detention ponds in the quadrants of the Main Street Interchange to accommodate Project storm drainage, (see Exhibit A Ponds C, D, E, & F). UDOT shall operate and maintain Ponds C, D, E, and F.
  - c. Storm drain detention ponds B, C, and D, and undetained area, as shown in Exhibit A, shall discharge into an existing City owned Storm Drain System in Main Street. The combined discharge shall not exceed 13cfs.
  - d. Storm drain detention ponds E and F shall discharge into an existing City owned storm drain system southeast of the I-15 Main Street interchange. The combined discharge shall not exceed 2cfs.
  - e. UDOT's Design-Builder may reconfigure City's storm drain systems within the Main Street Interchange to accommodate the subject Project and City storm drain requirements and connections.
4. UDOT's Design-Builder, through its Project activities and expense, shall design and construct a storm drain system at I-15 and 200 East as follows:
  - a. UDOT's Design-Builder shall design and construct storm drain detention facilities located in the US-6 Interchange to accommodate Project storm drain water, see Exhibit A Ponds I and J.
  - b. UDOT's Design-Builder shall construct a 24" storm drainpipe in 200 East beginning at approximately 1500 North to 2000 North. The storm drainpipe shall tie into an existing 24" storm drainpipe at 2000 North.
    - i. City shall allow the new 24" storm drainpipe to be constructed within the 200 East roadway right-of-way limits.
    - ii. City shall reserve 1cfs capacity to UDOT within the 24" storm drainpipe in 200 East for discharge of Ponds I and J.

- c. Following completion and acceptance of the facilities the City shall own, operate, and maintain the 24" pipe in 200 East at no additional cost to UDOT.
  - d. UDOT shall own, operate, and maintain Ponds I and J.
5. UDOT's Design-Builder, through its Project activities and expense, shall design and construct a storm drain system at the US-6 Interchange to accommodate Project storm drain water, see Exhibit A Ponds G & H, as follows:
  - a. City shall accept Project storm water discharges from ponds G and H at a rate of 0.15cfs/acre based upon a 25-year 24-hr storm event.
  - b. City shall allow detained Project flows from Pond G to discharge into the City storm drain system north of US-6 and east of I-15. City shall own, operate, and maintain the pond at no additional cost to UDOT.
  - c. City shall allow detained Project flows from Pond H to discharge into the City storm drain system south of the US-6 interchange. UDOT shall own, operate and maintain the pond.
6. UDOT's Design-Builder, through its Project activities and expense agrees to pay all design and construction expenses associated with the Storm Drain Systems identified in this agreement, with the exception of the detention pond identified in section 2.b. In exchange, the City agrees to operate and maintain all Storm Drain pipes and Ponds A, B, and G with no further expense to UDOT for the life of the systems and shall allow continuous capacities and flows as stated in each section. UDOT will own, operate, and maintain Ponds C, D, E, F, H, I, and J.
7. UDOT shall maintain ownership of its properties unless otherwise stated in this agreement.
8. UDOT's Design-Builder shall obtain all applicable permits and shall comply with all current and future State and Federal storm water permits, rules, and regulations for the construction of the detention and storm drain system that it is obligated to design and construct.
9. UDOT shall maintain all applicable permits and shall comply with all current and future State and Federal storm water permits, rules, and regulations for the detention and storm drain systems it owns and operates.

10. City shall maintain all applicable permits, including but not limited to canal discharge permits, fees, and shall comply with all current and future State and Federal storm water permits, rules, and regulations for the life of the storm drain systems covered herein.
  
  11. City and UDOT agree to indemnify, defend and save harmless the other from any and all damages, claims, suits, costs, attorneys fees and actions arising from or related to its actions or omissions or the acts or omissions of its officers, agents, employees or contractors in connection with the performance and/or subject matter of this Agreement. The obligation to indemnify is limited to the dollar amounts stated in the Governmental Immunity Act, provided the Act applies to the action or omission. This paragraph shall not construed as a waiver of the protections of the Governmental Immunity Act by City and UDOT. The indemnification in this paragraph shall survive the expiration or termination of this Agreement.
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IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

**Attest:**

**Spanish Fork City,**  
a Municipal Corporation of the State  
of Utah

\_\_\_\_\_  
**Title:** \_\_\_\_\_

\_\_\_\_\_  
**Title:** \_\_\_\_\_

\_\_\_\_\_  
**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Date:** \_\_\_\_\_

(IMPRESS SEAL)  
.....

**Recommended for approval:**

**Utah Department of Transportation**

\_\_\_\_\_  
**Title:** Engineering Director

\_\_\_\_\_  
**Title:** Project Director

\_\_\_\_\_  
**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Date:** \_\_\_\_\_

The Utah State Attorney General's  
Office has previously approved all  
paragraphs in this Agreement as to  
form.

**UDOT Comptroller Office Contract  
Administrator**

**Date:** \_\_\_\_\_