



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 April 20, 2010.**

AGENDA ITEMS:

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

- a. Pledge, led by invitation
- b. Employee of the Quarter

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.

- a. Agenda Request – Utility Disconnect Fee

3. COUNCIL COMMENTS:

4. PUBLIC HEARING:

- a. * [CDBG –Richard Heap, Public Works Director](#)
- b. * [Proposed Amendment to Title 15 – the proposed Amendment would, under certain conditions, permit the keeping of chickens in more residentially zoned areas of the City. – Junior Baker, City Attorney](#)
- c. * [Proposed Zoning Map Amendment – the proposed Amendment would approve a Zone Change at 1968 E 1200 South to change the zoning from R-1-9 to R-1-6. – Junior Baker, City Attorney](#)

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 – March 30, 2010](#)

6. NEW BUSINESS:

- a. * [Consideration for adoption of a resolution authorizing the issuance and sale of not more than \\$6,000,000 aggregate principal amount of Water Revenue Refunding Bonds, Series 2010; and related matters. - Kent Clark –Finance Director](#)
- b. * [NRCS River Trail Grant Agreement Amendment –Dale Robinson, Parks & Recreation Director](#)
- c. [Cable TV Rate Increase – John Bowcut, IS Director](#)
- d. * [Arrowhead Trail Del Monte Road Traffic Signal & Intersection Reconstruction Cooperative Agreement – Richard Heap, Public Works Director](#)

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

Notice is hereby given that:

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

e. Disc Golf Presentation – Dale Robinson, Parks & Recreation Director

7. CLOSED SESSION:

a. Real Property

8. WORK SESSION:

a. Budget Review

ADJOURN:



SPANISH FORK CITY
PUBLIC WORKS DEPARTMENT

TO: Mayor and City Council

FROM: Richard J. Heap, City Engineer

DATE: April 2010

RE: 2010 Community Development Block Grant

We have applied for a Community Development Block Grant through Mountainland Association of Governments and have been approved for a grant for \$250,000. The grant will replace the water and sewer on 800 North from Main Street to 600 East. The match amount for Spanish Fork City will have to fund for this grant is \$144,957.50. These grants must meet certain criteria such as benefit the low and moderate income residents, and be reviewed by MAG. This is the second of two required public hearings. We hope to have the money by fall. Our expected schedule is to have the project bid in January and start in early spring.



TEXT AMENDMENT

REPORT TO THE CITY COUNCIL TEXT AMENDMENT APPROVAL REQUEST

Agenda Date: April 20, 2010.

Staff Contacts: Junior Baker, City Attorney,
Dee Rosenbaum, Public Safety Director.

Reviewed By: Development Review
Committee, Planning Commission.

Request: Spanish Fork City is proposing
to amend the Zoning Code so as to change the
City's regulation for chickens.

Zoning: City-wide.

General Plan: City-wide.

Project Size: City-wide.

Number of lots: City-wide.

Location: City-wide.

Background Discussion

Attached is a proposed Text Amendment that has been crafted by the City's Legal and Public Safety Departments. This Amendment is proposed as a way to permit the keeping of chickens on most residentially-zoned properties in the City.

Development Review Committee

The Development Review Committee reviewed this request in their March 10, 2010 meeting and recommended that it be denied. Minutes from that meeting read as follows:

Title 15

Applicant: Spanish Fork City
General Plan: not applicable
Zoning: not applicable
Location: City wide

Mr. Baker said that the only reason this was being addressed was to permit hen chickens and explained the ordinance.

Mr. Anderson **moved** to recommend **approval** of the changes to Title 15. Mr. Baker **seconded** and the motion **passed** all in favor.

Planning Commission

The Planning Commission reviewed this proposal on April 7, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

Title 15

Applicant: Spanish Fork City
General Plan: not applicable

Zoning: not applicable
Location: City-wide

Mr. Anderson explained that the proposed change was relative to allowing chickens on smaller lots in the City.

Commissioner Evans asked why we would require permits when we wouldn't be able to enforce it. He said that our animal control people don't have the time to deal with the paper work for the permits. Commissioner Cope added that he objected to the annual fee. He asked if it applied to all zones. Mr. Anderson answered that it applied to all residential zones.

Commissioner Stroud said that slaughtering should be addressed.

Commissioner Evans made a **motion** to recommend to the City Council **approval** of the proposed amendments to Title 15 with the following changes:

1. That the wording in the first paragraph be adjusted so that the entire section is covered.
2. That the section on permits being required be removed
3. That an addition to Item G be included to say, "The slaughter of chickens will not be permitted."

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

Commissioner Robins made a **motion** to **close** the public hearing. Commissioner Evans **seconded** and the motion **passed** all in favor.

Budgetary Impact

While it is certainly possible that this proposed Amendment may require additional staff time to administer, no substantial budgetary impact is anticipated.

Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.

ORDINANCE NO.

ROLL CALL

VOTING	YES	NO
MAYOR G. WAYNE ANDERSEN <i>(votes only in case of tie)</i>		
ROD DART <i>Councilmember</i>		
RICHARD M. DAVIS <i>Councilmember</i>		
STEVE LEIFSON <i>Councilmember</i>		
JENS P. NIELSON <i>Councilmember</i>		
KEIR A. SCUBES <i>Councilmember</i>		

I MOVE this ordinance be adopted: Councilman
I SECOND the foregoing motion Councilman

ORDINANCE No. _____

AN ORDINANCE ESTABLISHING THE RIGHT TO KEEP CHICKENS, SETTING THE REGULATIONS THEREOF, AND AMENDING THE PROVISIONS OF TITLE 15 RELATING TO FOWLS AND POULTRY

WHEREAS, Spanish Fork City has adopted zoning regulations which regulate the number of animals located in various zones; and

WHEREAS, several residents have requested the City to consider allowing hen chickens on small residential lots in order to produce eggs for their family's personal consumption; and

WHEREAS, the City's research indicates that having hen chickens on small lots can be acceptable as long as noise and odors are controlled and the chickens are not allowed to freely roam, thus becoming a nuisance to neighbors; and

WHEREAS, requiring a registration requirement will aid in enforcement and help prevent the spread of disease; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on Wednesday the 7th day of April, 2010, where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 20th day of April, 2010, where additional public comment was received;

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

I.

Spanish Fork City Municipal Code §15.3.24.090(G) animal number and distance chart is hereby amended to add a section on hen chickens, and referring those regulations to Title 6, chapter 20 as follows:

15.3.24.090 Supplementary Regulations

(G) Animals.

Animal	Maximum# Per ½ Acre	Min. distance of barns, pens, or corrals to neighboring dwelling (In feet)
Cattle	2	100
Horses	2	100
Sheep, Goats, Llamas, Ostriches	4	100
Poultry, Turkeys or Fowl (other than hen chickens)	10	100
Hen Chickens	See Title 6, Chapter 20	
Rabbits	10	50
Pigeons	12	50

Ducks, Geese	8	50
Game Birds*	8	50
*with appropriate permit		

II.

Spanish Fork Municipal Code Title 6, Chapter 20, Chickens is hereby created as follows:

Chapter 6.20. Chickens

- 6.20.010 **Keeping of Chickens**
- 6.20.020 **Enclosures Required**
- 6.20.030 **Food Dispensers**
- 6.20.040 **Permit Required**
- 6.20.050 **Violation**

6.20.010. Keeping of Chickens

Subject to the requirements of this chapter and any other applicable provisions of Title 6, Chapter 1, hen chickens (and no roosters) regardless of age, in the numbers set forth below, may be kept on a lot or parcel of land in any residential zone. For lots one half acre in size or larger, the provisions set forth in §15.3.24.090(G) for turkeys, poultry, and fowl apply. For all smaller lots, the following applies:

(A) The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:

(i) five thousand (5,000) square feet and larger: up to six (6).

(ii) less than five thousand (5,000) square feet: none.

(B) The principal use on the lot or parcel shall be a single family dwelling, duplex (minimum square footage per dwelling unit), or twin home.

(C) Chickens may be kept on a non-nuisance basis strictly for familial gain from the production and consumption of eggs only and there shall be no sale or income resulting from the keeping of chickens.

(D) All enclosures, pens and coops shall be located in the rear yard of the main dwelling or in an interior side yard provided all of the requirements of this chapter are met.

(E) Enclosures, pens, and coops shall not be located in a corner side yard unless the side yard shall be completely fenced using site-obscuring fencing or vegetative screening, so as to prevent sight of such areas from the street or neighboring properties to the greatest degree possible.

(F) Dead birds and unused eggs shall be removed within 24 hours or less and shall be properly discarded.

6.20.020. Enclosures Required.

To keep chickens, an enclosure, including a coop, is required, in accordance with the regulations established in this section.

- (A) The coop shall meet the following construction standards:
 - (i) with solid walls on all sides, exclusive of openings for animals and access to animals;
 - (ii) with a solid roof;
 - (iii) so as to prevent intrusion, including by burrowing, from all types of rodents, vermin, and predatory animals; and
 - (iv) such that they resemble typical accessory buildings and are not unsightly.
- (B) The coop shall have a minimum floor area of at least two and one-half square feet per chicken.
- (C) If chickens are not allowed to roam within an enclosure outside the coop, the coop shall have a minimum floor area of six square feet per chicken.
- (D) The coop shall be structurally sound and located in a rear yard at least twenty-five feet from any neighboring residential structures and at least six feet from the primary residential structure on the property. The coop shall be set back from the property a minimum of five feet and must also meet the minimum setback for accessory structures within the zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials or vegetative screening. Because a corner lot technically does not include a rear yard, the owner of a corner lot may choose one of the "side" yards to function as a rear yard for the purposes of keeping chickens and locating the coop.
- (E) The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly, although waste may be composted so long as the composting area meets the setback requirements that apply to the coop and prevent any odor detectable at the property line.
- (F) No chicken shall be permitted to roam outside the coop or enclosure.

6.20.030. Food Dispensers.

Chicken feed shall be stored in rodent- and predator-proof containers. Water shall be available to the chickens at all times.

6.20.040. Permit Required.

A. Permit Required: Any person who desires to keep hen chickens as authorized by this chapter shall make application to the division of animal control for a permit. These permits are temporary uses only and attach to the resident applicant, as specified in the application, and not to the property. There can be no "grandfathering" or legal nonconforming use property rights arising from chicken permits.

B. Applications: Applications for a chicken permit shall be made in writing to the division of animal control. The application shall include the following information:

- (i). The name of the person desiring the permit.
- (ii). Location where the chickens will be kept.

- (iii). Basic plans and specifications of the proposed activities, showing size and dimensions of the facilities.
- (iv). The distance between the location of the proposed facilities and the nearest residential structure on all adjoining lots.
- (v). The distance between the location of the proposed facilities and the property lines.
- (vi). The applicant shall acknowledge the rules set forth in this chapter and shall, as a condition of applying for the permit, agree to comply with such rules.
- (vii). The application shall bear the signature of the applicant.

C. Permit Issuance: Upon receipt of a complete application and receipt of the required annual fee, the division of animal control shall issue a chicken permit. The permit shall expire on the last day of the calendar year. Such permit shall not be transferable.

D. Fee: The fee for the chicken permit shall be assessed on an annual basis in the amount established by the City Council in its annual budget, or by resolution.

6.20.050. Violation.

It is a class C misdemeanor to violate any provision of this chapter.

III.

This Ordinance shall take effect 20 days passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 20th day of April, 2010.

G. WAYNE ANDERSEN, Mayor

Attest:

Kimberly Robinson, City Recorder



MAP AMENDMENT

REPORT TO THE CITY COUNCIL BRAD FILLMORE ZONING MAP AMENDMENT APPROVAL REQUEST

- Agenda Date:** April 20, 2010.
- Staff Contacts:** Dave Anderson, Community Development Director.
- Reviewed By:** Development Review Committee, Planning Commission.
- Request:** Brad Fillmore is requesting that the R-1-9 Zone be changed to R-1-6 in order for an Accessory Apartment to be allowed.
- Zoning:** R-1-9 existing, R-1-6 requested.
- General Plan:** 3.5-4.5 U/A.
- Project Size:** 0.23 acres.
- Number of lots:** 1.
- Location:** 1968 East 1200 South.

Background Discussion

Brad Fillmore is requesting that the zoning on his property be changed from R-1-9 to R-1-6 to allow him the opportunity to legally utilize an Accessory Apartment.

Mr. Fillmore has submitted a letter and other materials that accompany this report.

The Development Review Committee recommended that this proposal be denied; the Planning Commission recommended that it be approved. Draft minutes from the Planning Commission's meeting are contained within this report.

From a land use regulation perspective, staff believes there is an appropriate way to legally accommodate more Accessory Apartments than what is currently allowed. At present, Accessory Apartments are only permitted in the R-3 and R-1-6 zones. Should the City Council wish to see rental units in areas that are not currently zoned R-3 or R-1-6, staff recommends that the City Council direct staff to initiate a Zoning Text Amendment to make Accessory Apartments permissible in other zones.

In order to permit this applicant to have an Accessory Apartment via a Text Amendment, the text would have to be changed to permit Accessory Apartments in at least the R-1-9 zone. If the Council would like to pursue this course of action, staff recommends that the City Council consider changing the text to permit Accessory Apartments in at least the R-1-8 zone as well. At present, Accessory Apartments are permissible in ten percent of the City's land area. Making them permissible in the R-1-8 and R-1-9 zones would make them permissible in twenty-three percent of the City's land area, a 130% increase.

From only a land use perspective, the concept of permitting Accessory Apartments throughout more of the community can be positive. Contemporary planning thought suggests that developing communities more compactly can provide several advantages; and Accessory Apartments are one



way to increase efficiency and the compact nature of a city. Accessory Apartments can also provide affordable housing a fairly unobtrusive way which may be viewed as another positive effect.

With that said, staff understands that previous Councils have consciously decided that it is best to limit the pervasiveness of Accessory Apartments in the City.

Other communities have faced challenges as Accessory Apartments have evolved into duplexes. Duplexes generally create more of an adverse impact on a neighborhood; as there isn't an owner occupant involved. It is understood that, in most cases, properties that are owner-occupied are better maintained than rental properties.

Staff is not eager to create another program to administer. Nonetheless, should the Council lessen the regulations on Accessory Apartments, staff certainly recommends that the City Council implement a program to ensure that properties that are approved for Accessory Apartments continue to be used in accordance with City regulations. In recent years, several cities in Utah County have adopted regulation programs for Accessory Apartments and our staff believes such a program could be created in Spanish Fork with relative ease.

As was mentioned above, the Development Review Committee recommended that the proposed Zone Change be denied. Beyond simply recommending that the proposed change be denied, staff believes granting such a change would be completely out of character for the City and would potentially set a woeful precedent for other zoning decisions.

It was asserted in the Planning Commission meeting that the City has approved changes that are similar to what is now proposed. Staff believes that assertion is false. This proposed change involves changing the zoning on one lot in an existing subdivision. In this case, the subject property is zoned R-1-9, most of the surrounding properties are zoned R-1-9, the adjacent properties to the south are zoned R-1-30 and much more of the surrounding area is zoned R-1-12 than R-1-6. In fact, the closest property that is zoned R-1-6 is nearly 1800 feet away as the crow flies or a mile away via the shortest driving distance. Staff is unaware of any situation where staff has recommended that any such change be approved or where the City Council has approved a Zone Change for a single lot in an existing subdivision.

Development Review Committee

The Development Review Committee reviewed this request in their March 10, 2010 meeting and recommended that it be denied. Minutes from that meeting read as follows:

Brad Fillmore Zone Change

Applicant: Brad Fillmore
General Plan: Residential 3.5 to 4.5 units per acre
Zoning: R-1-9 existing, R-1-6 proposed
Location: 1968 East 1200 South

Mr. Anderson explained that the proposal was for an Accessory Apartment and that Accessory Apartments are not allowed in our R-1-9 zone.

Mr. Baker **moved** to recommend **denial** of the Brad Fillmore Zone Change. Mr. Thompson **seconded** and the motion **passed** all in favor.

Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of this plat.

Planning Commission

The Planning Commission reviewed this proposal on April 7, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

Brad Fillmore

Applicant: Brad Fillmore
General Plan: Residential 3.5 to 4.5 units per acre
Zoning: R-1-9 existing, R-1-6 proposed
Location: 1968 East 1200 South

** Commissioner Cope arrived at 6:07 p.m.*

Mr. Anderson explained that the proposal was to change the zoning so that the applicants could use an existing Accessory Apartment to care for an elderly family member. He explained that the surrounding properties would remain in the R-1-9 zone and that staff had recommended that the request be denied. He explained that it would be better to amend the requirements of the R-1-9 zone than to change the zoning on this single property. He said that he did not believe that staff would recommend amending the text to permit Accessory Apartments in more zoning districts.

Chairman Christianson asked if Mr. Anderson had discussed amending the text with staff. He said he had not.

Mr. Anderson explained the concept of spot zoning and how it influenced the staff's recommendation.

Commissioner Evans stated that density was one reason for not allowing Accessory Apartments. He said that they would have less of an effect in a less dense area.

Chairman Christianson invited comment from the applicant.

Brad Fillmore

Mr. Fillmore read a written statement. He explained that they had built the apartment to care for his father, but that circumstances had changed and that they would like to rent the basement until his father moved in. He said that, without the income from the rent, they would not be able to keep their house. He explained how renters would enter the apartment and that the Fillmores would still occupy the house. He said that he would be glad to add the condition that they could only rent if the owner was present. He mentioned the list of signatures of neighbors in support of the application.

Commissioner Evans asked if the Accessory Apartments were available in that zone. Mr. Anderson explained that, if the zone was changed, the applicants would be able to do anything allowed in the R-1-6 zone. He explained that the applicants would have to come back to the Commission and apply for a Conditional Use permit. Commissioner Evans said that there was no way to enforce conditions on future applicants.

Chairman Christianson invited public comment.

Michelle Gubler

Ms. Gubler explained that she was a neighbor of the Fillmores. She explained that she used to rent from the Fillmores and that they were very picky about who they would let live in their rental. She explained that there were people in rentals nearby that had multiple families staying there and that there were neighbors with illegal basement apartments.

Commissioner Robins explained that the City doesn't respond to zoning violations unless people complain.

Commissioner Evans said that because it is going on elsewhere doesn't make it right. He said that if the City was notified of illegal apartments that the City was obligated to investigate them. He said that, even though the Fillmores may be good people, they will not always own their house, and that if the zoning is changed the next owners could allow for more questionable renters. He said that spot zoning would allow anyone to do the same thing that the Fillmores did, regardless of who they were. Ms. Gubler said that she thought that Accessory Apartments should be legal in the R-1-9 zone.

Melanie Fillmore

Ms. Fillmore asked about Accessory Apartments in Orem. Commissioner Stroud said that they were done away with in 2004. He explained that they had to be owner-occupied and that the way to pursue this change was through a Zoning Text Amendment. Commissioner Evans said that they would be better off to invite renters and ask their neighbors not to complain.

Commissioner Cope said that with the economy the way it is, it is likely that we will see more applications like this and that it may be a good time to consider changing the ordinance. He said that there were strict guidelines for Accessory Apartments that would help insure the quality of the unit. He agreed that spot zoning was not the answer.

Commissioner Robins said that spot zoning is legal and that they should not make decisions based on spot zoning. Mr. Anderson said that there is no law that precludes the City from spot zoning. Commissioner Robins said that we do spot zoning all across the City, especially citing the in-fill overlay and the American Leadership Academy.

Chairman Christianson asked if these illegal apartments could apply for zone changes. Mr. Anderson said anyone has a right to apply.

Commissioner Robins said that these discussions often come down to parking, and that the neighbors were in support of the change. He said that this change wasn't opening the City up to massive change.

Commissioner Evans asked the Fillmores if they were aware of the requirement to apply for the Conditional Use. They said that they had not been and that they would be willing to become compliant with the requirements for the Conditional Use permit. Ms. Gubler said that she felt that the

requirements for Accessory Apartments are a good set of checks and balances.

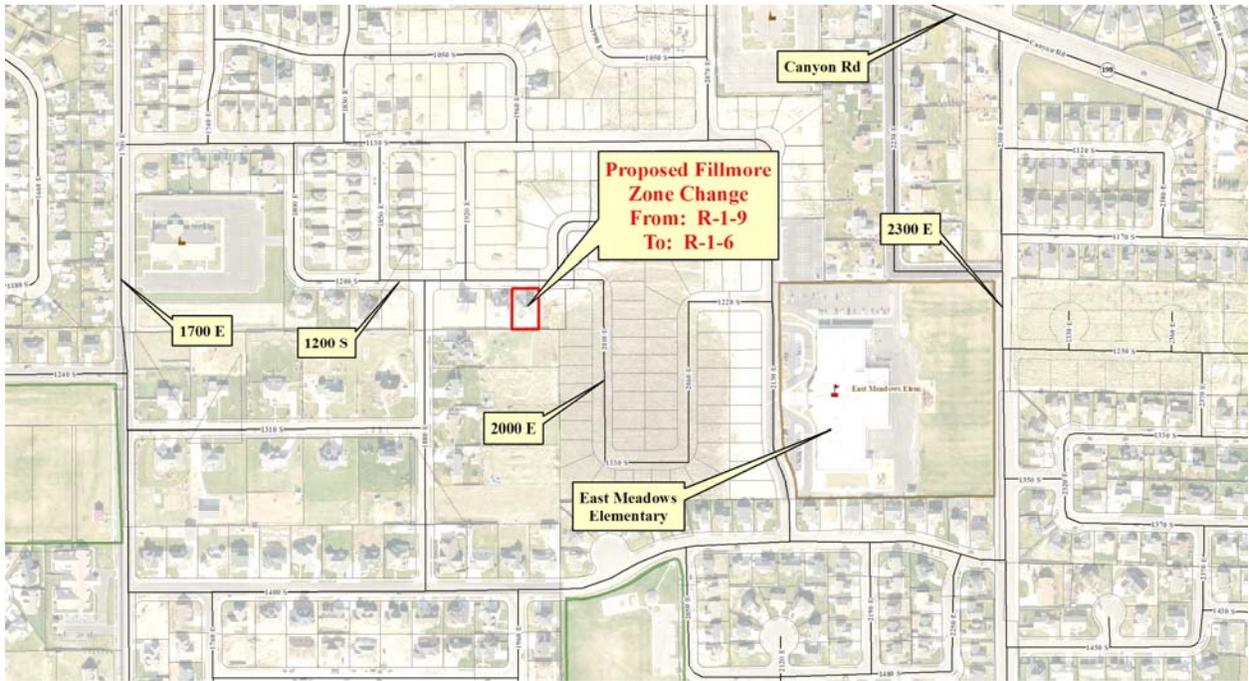
Commissioner Cope said that it might be appropriate to create some sort of overlay.

Commissioner Robins said that what we do here should not make families lose their houses.

Commissioner Robins made a **motion** to recommend to the City Council **approval** of the Brad Fillmore Zone Change. Commissioner Cope **seconded** and the motion **passed** by a roll call vote. Commissioners Stroud and Evans voted nay, saying that a text amendment would be more appropriate.

Recommendation

Staff recommends that the proposed Zone Change be denied.



March 3, 2010

To Whom It May Concern:

We are requesting that our property at 1968 East 1200 South be rezoned from an R-1-9 zone to an R-1-6 zone in order to maintain a legal accessory apartment in the basement.

As we were shopping for homes in the Spanish Fork area, we made a point of looking for homes with a mother-in-law apartment. My father's health had been deteriorating rapidly and we had expected that he would be moving into our home in the near future. We continued our search for homes with mother-in-law apartments throughout the city but eventually decided to move into our current home and build our own apartment. Our plan was that the rent my father is currently paying would help supplement our mortgage when he moved in with us.

Since purchasing the home, my father has changed his mind and decided he does not want to leave his current residence in Orem. His decision to stay has left us in a difficult financial situation. We are no longer in a position to handle our mortgage payment. Renting the basement, for the time being, is our best option of maintaining the home.

Some alternatives exist, such as a short sale, foreclosure, or possibly renting the entire home. However, these alternatives are less preferable not only to us, but to our neighbors as well. By keeping the home owner occupied, we preserve "pride of ownership," and help maintain property values in the area. Additionally, we strive to be conscientious neighbors. Those that know us know that we are careful and considerate members of the neighborhood. We have talked with our neighbors within a block radius of our home and 100% of those we were able to contact are in support of the proposed rezoning. (Please see enclosed petition* and map)

Entrance to the apartment is in the back of the home, which backs up to five acres of open land. It is a small one bedroom apartment and would only allow for 1 to 2 occupants. Occupants would be well-screened. Parking is provided to the side of the home; occupants would only park in provided parking and would be asked to keep cars off of the street. We believe the proposed rezoning would not affect the quality of life for anyone in the neighborhood. At the same time, it would make a significant difference for our family, keeping us in a home and neighborhood we love.

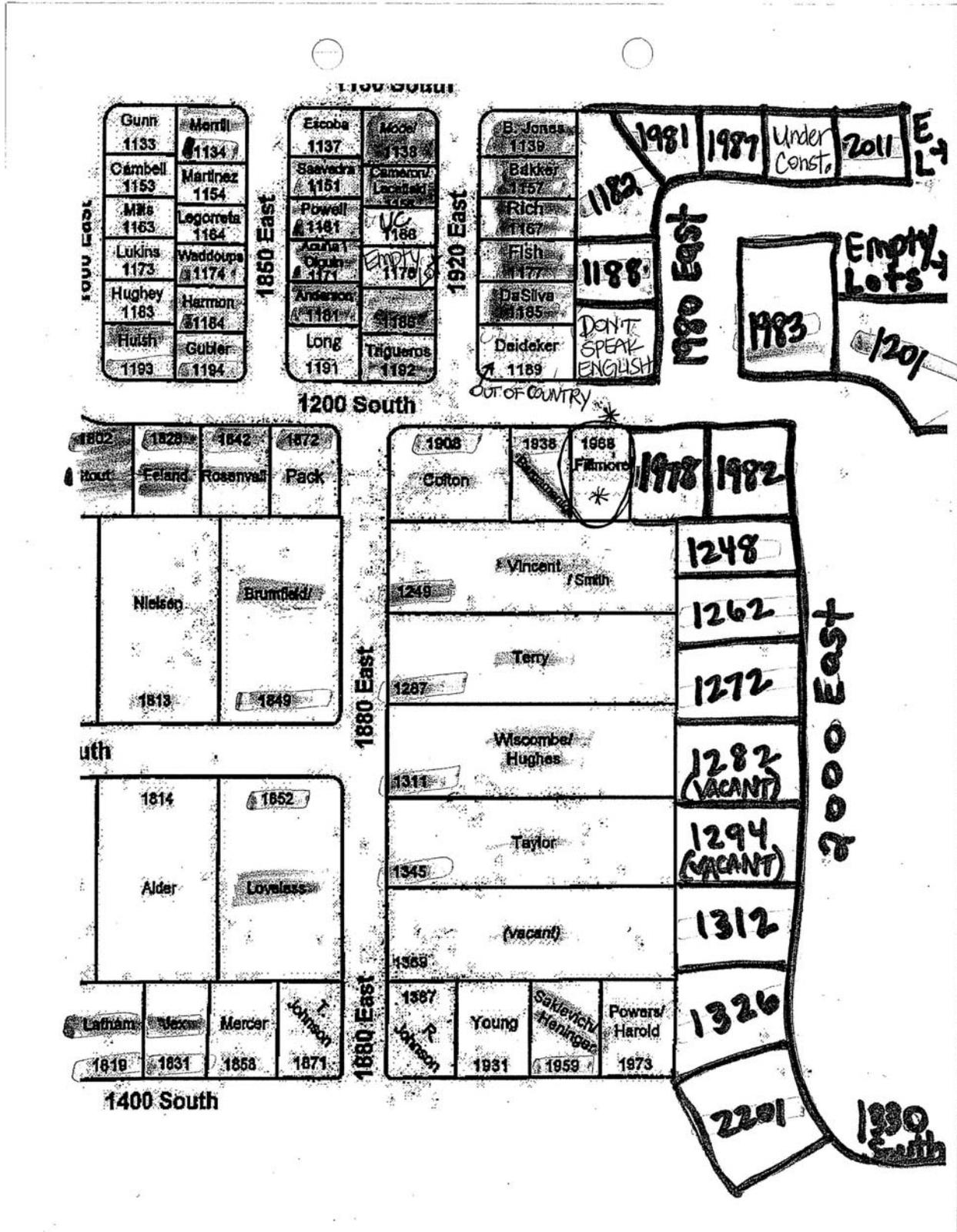
We appreciate your time and attention in considering this request.

Sincerely,



Brad and Melanie Fillmore

* The enclosed petition refers to both a variance and rezoning. We originally understood them to be one in the same. All those signing the petition clearly understood our intentions to request a rezoning of the property. Of course, we have since then had further clarification.



I support Brad and Melanie Fillmore in seeking a variance on their property at 1968 East 1200 South, Spanish Fork. I understand they are requesting their property be rezoned from an R-1-9 zone to a R-1-6 zone in order to maintain a legal accessory apartment in their basement.

NAME(S)	ADDRESS
21. Carrie & Kenneth Barginento	1938 E. 1200 S.
22. Mark & Amy Colton	1908 E 1200 S
23. Bailey and Dawn Pack	1872 E. 1200 S.
24. Geneva L. Feland	1828 E. 1200 S.
25. Bobbi & Lourdes	1138 S. 1920 E.
26. Heather & Ben Bakker	1157 S 1920 E.
27. Brian & Elizabeth Jones	1129 So. 1920 E.
28. Joanna Taylor	1345 S. 1880 E.
29. M. Rosewell	1842 E 1200 S.
30. Mitchell Hinch	1193 S. 1800 E
31. Casey Anderson	1191 S. 1850 E
32. Camille & Spencer Powell	1161 S 1850 E
33. Mike + Sarah Saavedra	1151 S 1850 E
34. Laura & Russell Merrill	1134 S. 1850 E.
35. Bruce Harmon	1184 S 1850 E
36. Mark & Natali Wadday	1174 S. 1850 E.
37. Jerry & Amanda Simmons	1978 E 1200 S.
38. David & Brenda Morris	1983 E. 1200 S.
39. Steve & Trisha Flick	1779 E. 1400 S.
40. Anya & Darren Carter	1892 E. 1400 S.

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<u>NAME(S)</u>	<u>ADDRESS</u>
1. Glenn & Dawna Cherepail	1177 S. 1920 E.
2. Cheryl & Joe Anderson	1981 E 1180 S.
3. R.D. & Christene Rich	1167 S. 1920 E.
4. Jerry Allen	1188 S. 1980 East
5. Paul Wood	1182 S. 1980 East
6. James Melo	1185 S. 1920 East
7. Hanna Allen	1186 S. 1920 S.
8. Trigueros	1192 S. 1920 E.
9. Karen C. Stout	1802 E 1200 S.
10. Jim Stout	S S
11. Mike Galt	1194 S. 1850 E.
12. Mike Brown	1982 S. 1200 S.
13. Kerry Loveless	1852 E 1310 S.
14. Neasha Jacifal	1156 S 1920 E.
15. Carol Stephen	1987 E. 1180 S.
16. Jay Beagley	1262 So 2000 E.
17. Jim Galt	1312 S. 2000 E.
18. John Miller	1819 E. 1310 S.
19. Scott B	1849 E 1310 S
20. K.D. Miller	1249 S. 1880 E.

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<u>NAME(S)</u>	<u>ADDRESS</u>
41. Jacob Dempsey	1326 S 2000 E
42. Brittney Beck	2002 E 1330 S.
43. MATT CHYNOWETH	2011 E. 1180 S.
44. TOM SAKIEVICH	1959 E 1400 S, SF
45. Marij Sakievich	1959 E. 1400 South
46. Daniel Canister	1418 S 2000 E
47. Kelly REDD	1201 S 2000 E
48. NATALEE TERRY	1287 S. 1880 E.
49. Scott Beardall	1272 S. 2000 E.
50. Kathryn W. Combe	1311 S. 1880 E.

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**Tentative Minutes
Spanish Fork City Council Meeting
March 30, 2010**

Elected Officials Present: Mayor G. Wayne Andersen, Councilman Steve Leifson, Keir A. Scoubes, Richard M. Davis, Jens P. Nielson, Rod Dart

Staff Present: Seth, Dave Oyler, Junior Baker, Dave Anderson, Dale Robinson, Kelly Peterson, Richard Heap, Kent Clark, Dee Rosenbaum, Chris Thompson, Tyler Jacobson

Citizens Present: Michael Hess, Cary Hanks, Lana Creer Harris, Jen Wakeland, Adam Wakeland, Tyler Jacobson, Whitney Jacobson, Stephen Shaw, Mike Morely, Laura Lee Adams, Barbara P. Simpson, David Simpson, Taylor Peterson, Isaiah Peterson, Parker Peterson, Nik Simpson, Brianna Timmons

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Councilman Leifson led in the pledge of allegiance.

Mayor Andersen stated one of the fun things he has the chance to do is recognize those that have accomplished above and beyond the normal everyday.

Mayor Andersen stated Ms. Barbara Peterson Simpson received a prestigious award from the Veterans of Foreign Wars. He would like to say thank you on behalf of the city for all the hard work she does in the community.

Mayor Andersen stated Richard Heap is known throughout the state as Mr. Water. He has contributed as much to the beneficial use of water and the protection of water as anyone he knows. Mr. Heap was recognized by the Rural Utah Water Users Association this last week.

Mayor Andersen stated we have a dedicated staff and he is proud to extend appreciation for all that they do.

COUNCIL COMMENTS:

Councilman Nielson attended the water law meetings. He noted when you get a drink of water you do not understand the process it takes to make it possible to get the drink of water. Water in the West is a bigger issue than most people think and it is such a great resource to have access to.

Councilman Leifson attended the UMPA conference in St. George. He reported there was a lot of great information. We have some great people involved with great boards that are aware of what is going on in the power industry. The west has mostly coal burning power plants and they are doing the best they can to work with the new

48 administration, which is not fond of coal burning plants. There could be some costly
49 changes to our plants with the current legislation, if it's passed.

50
51 Councilman Dart reported the library staff is working hard to get the summer library
52 program going. He asked Cary Hanks with the Chamber of Commerce to come
53 announce what's going on.

54
55 Ms. Cary Hanks, Chamber Director, stated representative Jason Chaffetz is coming
56 tomorrow to speak at the High Chaparral. She invites anyone interested to attend and
57 hear what he has to say. She also announced Outback Graphics as the business of the
58 month. The Easter egg hunt will be this Saturday at 9:00 a.m. at the sports park. She
59 added that they have filled over 10,000 Easter eggs for the event.

60
61 Councilman Dart thanked all the local area merchants for their donations which make
62 the Easter egg hunt possible.

63
64 **CONSENT ITEMS:**

65
66 a. **Minutes of Spanish Fork City Council Meeting - March 16, 2010**

67
68 Councilman Leifson made a **Motion** to accept the consent items. Councilman Dart
69 **Seconded** and the motion **Passed** all in favor by a roll call vote.

70
71 **NEW BUSINESS:**

72
73 **Appointment of City Treasurer**

74
75 Mayor Andersen would like to appoint Tyler Jacobson as the City Treasurer as of June
76 15, 2010, effective after he is officially sworn in.

77
78 Mayor Andersen stated there were several great applicants that applied for this
79 position. He extended his appreciation to those that went out of their comfort zone and
80 applied. The interview group was the Mayor, City Manager, and Assistant City
81 Manager. The Finance Director was also involved in the process.

82
83 Mr. Tyler Jacobson explained how he came to be employed by the city in the first place
84 and he is excited about this new opportunity.

85
86 Councilman Dart made a **Motion** to approve the Mayor's appointment of Tyler
87 Jacobson as City Treasurer effective June 15, 2010. Councilman Nielson **Seconded**
88 and the motion **Passed** by a roll call vote all in favor.

89
90 **Proposed Preliminary Plat, the proposed Academy Park Subdivision would create a six-**
91 **lot subdivision at approximately 1200 South Del Monte Road.**

92
93 Mr. Dave Anderson explained this proposed change has some requirements that will
94 need to be implemented within 90 days.

95
96 Mr. Mike Morley stated what they are asking for is due to the economy they are unable
97 to install the improvements in front of the old concrete plant at this time. He hopes

98 they can postpone those improvements until any further changes would happen. He
99 would make the commitment that when they are in a position to do those
100 improvements they will do so.

101
102 Mr. Junior Baker clarified what Mr. Anderson and Mr. Morley are asking. Mr. Anderson
103 is saying the Planning Commission recommendation requires the entire preliminary plat
104 s to be submitted as a single final. This would require improvements across the entire
105 frontage. Mr. Morley is asking to do is to allow them to do phase I MATC and at a later
106 time Phase 2 in separate final plats which is when they will do those improvements. It
107 is typical to do phasing and require improvements at those times. He stated it is
108 common to have plats come in phases as far as the improvements are concerned. The
109 City has also required off site improvements to fill in the gaps on the same preliminary
110 plat in master planned developments, so the Council has the discretion to approve
111 either request.

112
113 Councilman Nielson clarified on the improvements requirements.

114
115 Mr. Morley stated that any improvements on the site would trigger the requirements
116 and he is committing that when they can afford the improvements they will do so at
117 that time.

118
119 Councilman Nielson feels we need to be consistent and it is common in development to
120 have phases, he would like to do with what is consistent with what they do with other
121 developers.

122
123 Councilman Leifson made a **Motion** to approve Academy Park preliminary plat with the
124 following conditions:

- 125 1. That all zoning violations within the Plat be corrected within 90 days of the approval
126 of the Preliminary Plat.
127 2. That the project may be developed in two Phases.
128 3. That both Phases be completed within a reasonable time.

129 Councilman Nielson **Seconded** and the motion **Passed** by a roll call vote.

130
131 **Arbor Day Resolution**

132
133 Mr. Dale Robinson explained the events they are planning for Arbor Day and asked
134 that the resolution be approved.

135
136 Councilman Dart made a **Motion** to approve Resolution 10-03 Proclaiming Arbor Day.
137 Councilman Scoubes **Seconded** and the motion **Passed** all in favor.

138
139 **I-CORE Storm Drain Contract – I-15 from 100 North to Main Street, U.S.-6 from 1000
140 North to I-15**

141
142 Mr. Chris Thompson explained this agreement is the result of a lot of work with UDOT.
143 UDOT will also grant the easement between 100 north and 400 north in order to install
144 a trunk line to connect the system. He stated they have waited years to get the
145 approval for these projects and are now able to get the master plan finished in that
146 area.

147
148 Councilman Scoubes asked regarding the detention basins if they stay or are able to
149 be moved.

150
151 Mr. Chris Thompson stated these will be detention basins not retention basins,
152 retention basins do not have an outlet and detention basins do.

153
154 Councilman Davis made a **Motion** to approve the storm drain system maintenance and
155 cooperative agreement. Councilman Leifson **Seconded** and the motion **Passed** all in
156 favor.

157
158 **CLOSED SESSION:**

159
160 Councilman Dart made a **Motion** to adjourn to Closed Session for Potential Land Sale.
161 Councilman Leifson **Seconded** and the motion **Passed** all in favor by a roll call vote at
162 6:49 p.m.

163
164 Councilman Dart made a **Motion** to adjourn the Closed Session back to the Budget
165 Work Session. Councilman Scoubes **Seconded** and the motion **Passed** by a roll call
166 vote all in favor at 7:23 p.m.

167
168 **BUDGET WORK SESSION:**

169
170 **Review of Tentative Budget FY 2011**

171
172 Mr. Oyler stated the budget will be reviewed tonight. He then reviewed the different
173 departments. He noted there are no salary adjustments in this coming budget, the
174 current budget we have has no salary increases or merit increases, this will be the
175 third year we have not had a merit increase. Employees have not had a full raise for
176 three years. However, the insurance adjustments this year, so far, went up 8% in 2011.
177 The city will pick that adjustment up. Retirement has not changed with the exception of
178 the Police Department which went up 2% or 3%. The State retirement will continue to
179 increase for the next 4-5 years and then stay steady for the next 20+ years. The
180 benefit to the employee will decrease over the next years. This will be a decrease in
181 benefit to the employees over the years but it will cost more money. The biggest costs
182 other, than the purchasing of power are the labor costs.

183
184 Mayor Andersen stated they have not replaced all that have left the system, there are
185 positions that have been replaced and some that have not.

186
187 Mr. Oyler said they have tried to maintain a streamlined labor force, but they have not
188 stopped growing and the services still have to be provided. They have tried to cut back
189 considerably on some of the costs that are out there. The current budget they are in
190 did not include new motor vehicles, he noted we cannot do that for too many years or it
191 creates problems so they added back in next year's budget some necessary vehicles.
192 They have worked with the mechanics and know every motor vehicle in the city. They
193 determined which ones can last a little longer and which ones need to be replaced.
194 Capital expenditures are anything over \$5,000. Water and streets have large capital
195 expenditures. There are currently no capital projects budgeted in the General Fund.
196 Safety is the number one priority.

197

198 Mr. Kent Clark gave a presentation regarding the finances of the city budget.
199 Approximately \$14 million runs the General Fund. He explained what services come
200 from the General Fund, and how we pay for General Fund services. He noted that the
201 revenue stream is falling and they need to figure out how to bridge the gap. He stated
202 we have \$1,280,000 available this year in the General Fund Cash Reserves that the
203 State Auditor says we must use. Mr. Clark discussed the revenue sources and a
204 possible new source which could be the cable, internet and phones. They are also doing
205 a utility rate comparison to see where the city stands.
206

207 Mr. Dave Oyler stated the Council is open to any ideas the citizens may have to share
208 dealing with the balancing of the budget. There is really no way to trim out big items
209 unless they start to cut services. He added that one of the Council's in the future will
210 have to determine the capacity of the library or expand it because in the near future
211 they will be at capacity.
212

213 Councilman Scoubes suggested using some sort of offsite system to enable them to
214 keep books that don't get checked out as often at an offsite center.
215

216 Mr. Dee Rosenbaum addressed some of the issues with the public safety department.
217 He noted they now use electronic equipment which is quite costly to maintain, also
218 their gear and replaceable items are significant costs in the budget.
219

220 Mr. Dave Oyler explained the savings they have being able to use the volunteer fire
221 and ambulance. He stated Lehi City spends over \$3 million annually where we spend
222 about \$1 million for the same services.
223

224 Mr. Dee Rosenbaum said the changes in the traffic school fees that the district court
225 has implemented have caused a reduction in the participation of the program. The
226 changes have cost the city approximately \$50,000 as a loss. The changes in the
227 dispatch fees have also caused a fairly significant increase as well, close to \$280,000.
228

229 Councilman Scoubes asked if there are false calls and erroneous calls to dispatch
230 often. He noted they are roughly charging \$26 dollars a call and asked if there is a fee
231 to re-coupe the costs for the false dispatch calls.
232

233 Mr. Dee Rosenbaum stated the dispatch center takes a certain amount of dollars to
234 operate and the calls are evenly spread throughout the county, they spread the cost to
235 all the participating entities.
236

237 Discussion was made regarding ways to re-coupe fees for the false 911 dispatch calls.
238

239 Mr. Junior Baker stated there is not a lot of savings regarding calls to dispatch that
240 are not warranted, since false 911 calls are a crime anyway.
241

242 Mr. John Bowcut addressed the Broadband changes to the budget especially regarding
243 the phone system roll out. The costs are directly based on a 30% take rate. The cable
244 rates have increased and the tradition has been to charge only our cost, they would
245 like to continue to do that. There is a full digital conversion in the budget, the

246 competition has been doing that and the City will need to keep up. That will be based
247 on if the revenue comes in and will not roll out until the end of the year for the full
248 digital conversion.

249
250 Mr. Dale Robinson reviewed the Parks and Recreation budgets and noted the
251 departments that had increases mostly due to vehicle lease issues and the rodeo
252 status change. They are being stretched in the parks departments. The city requires
253 developers to build parks and the city maintains them.

254
255 Discussion was made regarding increases in recreation program costs to help cover
256 the needs.

257
258 Mr. Chris Thompson reviewed the water and streets department budget issues. He
259 noted that roads are one of the main concerns right now. They have taken a hard look
260 at chip sealing roads and are working on a new maintenance program to use the B&C
261 Road funds. The water department in Spanish Fork is run with fewer employees than
262 other cities our size and we have two water systems. The Water Master Plan is a big
263 project to see where the city is losing water and they plan to work to get those fixed.
264 The Pressurized Irrigation has an item to create a master plan, and sewer collection
265 has received a CDBG grant to maintain the sewer line replacement rotation. They are
266 planning to do a major review of the lines.

267
268 Mr. Kelly Peterson reviewed the electric department budget. He noted a few years ago
269 they started tracking their substation employees. They are shifting job duties around to
270 try to save on personnel. They are trying to do everything they can if someone has left
271 by not replacing them. They are finishing a loop line that will tie into the new line built
272 down by the county jail. This will help take the load off some of the other feeds. The
273 other big item is the dry creek substation. He noted we are spending the impact fee
274 money faster than we are bringing it in. They are working with Tischler Bise to review
275 the impact fees, and are also looking at a rate increase in order to cover the costs.

276
277 Councilman Dart thanked Dave Oyler and his staff for the hard work they are doing
278 with the budget. He feels our city is well managed compared to some other cities.

279
280 Councilman Leifson made a **Motion** to adjourn. Councilman Nielson **Seconded** and the
281 motion **Passed** all in favor at 10:12 p.m.

282
283 **ADOPTED:**

284
285

Kimberly Robinson, City Recorder

Spanish Fork, Utah

April 20, 2010

The City Council of Spanish Fork City, Utah, met in regular public session at its regular meeting place in Spanish Fork, Utah at 6:00 p.m. on Tuesday, the 20th day of April, 2010, with the following members of the Council being present:

G. Wayne Andersen	Mayor
Rod Dart	Councilmember
Richard M. Davis	Councilmember
Jens P. Nielson	Councilmember
Steve Leifson	Councilmember
Keir Scoubes	Councilmember

Also present:

David A. Oyler	City Manager
Kent R. Clark	Finance Director
Kim Robinson	City Recorder
S. Junior Baker	City Attorney

Absent:

After the meeting had been duly called to order and after other matters not pertinent to this resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance With Open Meeting Law with respect to this April 20, 2010 meeting, a copy of which is attached hereto as Exhibit A.

The following resolution was then introduced in writing, and pursuant to motion made by Councilmember _____ and seconded by Councilmember _____, adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of Spanish Fork City, Utah. The resolution is as follows:

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$6,000,000 AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE REFUNDING BONDS, SERIES 2010 (OR SUCH OTHER TITLE/SERIES DESIGNATION DETERMINED BY THE CITY), OF SPANISH FORK CITY, UTAH; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended (the "Act"), the City Council (the "Council") of Spanish Fork City, Utah, (the "Issuer"), has authority to issue its Water Revenue Refunding Bonds, Series 2010 (to be issued from time to time and with such other series or title designations as may be determined by the Issuer) (the "Bonds") to achieve a debt service savings; and

WHEREAS, the Council desires to issue the Bonds to (i) refund outstanding water revenue bonds of the Issuer, (ii) fund any required deposit to a debt service reserve fund and (iii) to pay all costs of issuance.

WHEREAS, the Act provides for the publication of a Notice of Bonds to be Issued, and the Issuer desires to publish such a notice at this time in compliance with the Act with respect to the Bonds;

NOW, THEREFORE, it is hereby resolved by the City Council of Spanish Fork City, Utah, as follows:

Section 1. The City Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer and the residents thereof for the Issuer to issue not more than \$6,000,000 aggregate principal amount of its Bonds, to bear interest at a rate or rates of not to exceed five percent (5.0%) per annum, to mature in not more than nine (9) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof for the purpose of (i) refunding outstanding water revenue bonds of the Issuer, (ii) funding any required debt service reserve fund, and (iii) paying all costs of issuance, all pursuant to this Resolution and a final authorizing resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds (herein referred to as the "Final Bond Resolution"), a General Indenture of Trust (the "General Indenture") and a Supplemental Indenture of Trust (the "Supplemental Indenture" and, collectively with the General Indenture, the "Indenture"), and the Council hereby declares its intention to issue the Bonds according

to the provisions of this Section, the Final Bond Resolution when adopted, the Indenture and other documents authorized thereby.

Section 2. The Issuer directs officers and staff of the Issuer to proceed with the preparation of a Preliminary Official Statement, if needed, for the sale of the Bonds and to make other necessary preparations for marketing the Bonds.

Section 3. The Issuer hereby authorizes and approves the issuance and sale of the Bonds pursuant to the provisions of this Resolution, the Final Bond Resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds, and the Indenture, with the General Indenture and Supplemental Indenture to be in substantially the forms as was before the Council at the time of adoption of this Resolution and in the final forms as shall be approved by the Council upon the adoption of the Final Bond Resolution.

Section 4. In accordance with the provisions of the Act, the City Recorder shall cause the following “Notice of Bonds to be Issued” to be (i) published one (1) time in the Spanish Fork News, a newspaper of general circulation in the Issuer, (ii) posted on the Utah Public Notice Website (<http://pmn.utah.gov>) and (iii) posted on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, and shall cause a copy of this Resolution and the Indenture to be kept on file in the City Recorder’s office in Spanish Fork, Utah, for public examination during the regular business hours of the Council until at least thirty (30) days from and after the date of publication thereof. The “Notice of Bonds to be Issued” shall be in substantially the following form:

NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Refunding Bond Act, Title 11, Chapter 27, Utah Code Annotated 1953, as amended, that on April 20, 2010, the City Council (the "Council") of Spanish Fork City, Utah (the "Issuer") adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Water Revenue Refunding Bonds, Series 2010 (with such other series or title designations as determined by the Issuer) (the "Bonds") in the aggregate principal amount of not to exceed Six Million Dollars (\$6,000,000), to bear interest at a rate or rates of not to exceed five percent (5.0%) per annum, to mature in not more than nine (9) years from their date or dates, and to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, plus accrued interest to the date of delivery. No deposit is currently contemplated in connection with the sale of the Bonds.

The Bonds, pursuant to the Resolution, are to be issued for the purpose of (i) refunding outstanding water revenue bonds of the Issuer, (ii) funding any required deposit to a debt service reserve fund and (iii) paying issuance expenses to be incurred in connection with the issuance and sale of the Bonds.

The Bonds are to be issued and sold by the Issuer pursuant to the Resolution, a General Indenture of Trust and a Supplemental Indenture of Trust (collectively, the "Indenture") which were before the Council, and said General Indenture of Trust and Supplemental Indenture of Trust are to be approved by a final resolution to be adopted by the Council in such forms and with such changes thereto as shall be approved by the Council upon the adoption thereof.

A copy of the Resolution and of the Indenture are on file in the office of the City Recorder of Spanish Fork City, Utah, in the City offices in Spanish Fork, Utah, where they may be examined during regular business hours of the City Recorder from 8:00 a.m. to 6:00 p.m. Monday through Thursday, and 8:00 a.m. to 4:00 p.m. on Friday, for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Indenture (but only as it relates to the Bonds) or the Bonds, or any provision made for the security and payment of the Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality or legality thereof for any cause whatsoever.

DATED this 20th day of April, 2010.

/s/ Kim Robinson
City Recorder

Section 5. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this 20th day of April, 2010.

Mayor

ATTEST:

City Recorder

(SEAL)

(Other business not pertinent to the foregoing appears in the minutes of the meeting.)

Upon the conclusion of all business on the Agenda, the meeting was adjourned.

Mayor

ATTEST:

City Recorder

(SEAL)

EXHIBIT A

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Kim Robinson, the undersigned City Recorder of Spanish Fork City, Utah (the "City"), do hereby certify, according to the records of the City in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the April 20, 2010, public meeting held by the City as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the City's principal offices on April ____, 2010, at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be delivered to Spanish Fork News on April ____, 2010, at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of such Notice in the form attached hereto as Schedule 1, to be published on the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2010 Annual Meeting Schedule for the City Council of Spanish Fork City, Utah (attached hereto as Schedule 2) was given specifying the date, time and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be (a) posted on _____, at the principal office of the City Council, (b) provided to at least one newspaper of general circulation within the City on _____ and (c) published on the Utah Public Notice Website (<http://pmn.utah.gov>) during the current calendar year.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this 20th day of April, 2010.

City Recorder

(SEAL)

SCHEDULE 1

NOTICE OF MEETING

SCHEDULE 2

ANNUAL MEETING SCHEDULE

(attach Proof of Publication of Notice of Bonds to be Issued)

EXHIBIT B

FORMS OF GENERAL INDENTURE AND
SUPPLEMENTAL INDENTURE

(See Transcript Document No.'s __ and __)



Memo

To: Mayor & City Council
From: Dale Robinson, Parks and Recreation Director
Date: April 16, 2010
Re: NRCS River Trail Grant Agreement Amendment

Staff Report

The city has been appropriated another \$285,000 from NRCS for our River Trail Grant. This amendment to our original agreement will include these funds as well as a 25% city match. The total city match will be \$71,250. We have not been given the agreement amendment yet but anticipate that we will have it before the city council meeting on April 20th. We will send out copies of the amendment as soon as we receive it.





Memo

To: Mayor & City Council
From: Richard Heap, Public Works Director/City Engineer
Date: April 14, 2010
Re: Arrowhead Trail Del Monte Road Traffic Signal & Intersection Reconstruction
Cooperative Agreement

Staff Report

UDOT has proposed that we enter into a Cooperative Agreement to make improvements to the intersection of Arrowhead Trail (S.R. 164) and Del Monte Road. These improvements include installing a traffic signal as well as acquiring some right of way and constructing some improvements for Del Monte Road. Arrowhead Trail is a state road and Del Monte Road is a city street.

UDOT has asked that the city participate in this project by paying UDOT \$100,000. They estimate the value of the improvements they will make to Del Monte Road to be closer to \$300,000 in value because of some land acquisition they had to do. We recommend that the city council approve this cooperative agreement as it benefits both city and state road traffic.

Attached: Cooperative Agreement



COOPERATIVE AGREEMENT
S-0164(3)2; Utah County
Traffic Signal at SR-164 & Del Monte MP 2.3
Authority No. 90249; Pin No. 6114
SPANISH FORK CITY
Federal ID No. 87-6000284

COOPERATIVE AGREEMENT

THIS COOPERATIVE AGREEMENT, made and entered into this _____ day of _____, 2010 by and between the **UTAH DEPARTMENT OF TRANSPORTATION**, hereinafter referred to as “**UDOT**,” and **SPANISH FORK CITY**, a municipal corporation of the State of Utah created, hereinafter referred to as the “**CITY**”,

WITNESSETH:

WHEREAS, **UDOT** is engaged in the construction of that project identified as S-0164(3)2, Traffic Signal at SR-164 & Del Monte MP 2.3, Utah County Utah, and said project includes roadway widening and improvements to Del Monte Drive; and

WHEREAS, the **CITY** desires to partner in the cost of said roadway widening and improvements; and

THIS COOPERATIVE AGREEMENT is written to facilitate the transfer of funds from the **CITY** to the above mentioned **UDOT** project.

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

1. **CITY** agrees to pay a **ONE TIME LUMP SUM AMOUNT OF \$100,000.00** to the **UDOT** for the cost of said roadway widening and improvements.

TOTAL LUMP SUM COST TO CITY \$100,000.00

2. Within 60 days of execution of this Cooperative Agreement, the **CITY** will pay **UDOT \$100,000.00** for services relating to this work. Payment is to be sent to **UDOT**, Division of Planning and Programming, PO Box 143200, Salt Lake City, Utah 84114-1510. Please reference project number S-0164(3)2 and Authority No. 90249.

COOPERATIVE AGREEMENT
S-0164(3)2; Utah County
Traffic Signal at SR-164 & Del Monte MP 2.3
Authority No. 90249; Pin No. 6114
SPANISH FORK CITY
Federal ID No. 87-6000284

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

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

RECOMMENDED FOR APPROVAL: UTAH DEPARTMENT OF TRANSPORTATION

By: _____
Region 3 Utility and Railroad Coordinator

By: _____
Region Director

Date: _____

Date: _____

COMPTROLLER OFFICE

By _____
Contract Administrator

Date: _____