



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 **4:30 p.m. on November 16, 2010.**

AGENDA ITEMS:

4:30 p.m.

1. CLOSED SESSION:

- a. Personnel

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

- a. Pledge, led by invitation

3. 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.

4. COUNCIL COMMENTS:

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 – [November 2, 2010](#)
b. * [Sterling Drive Sidewalks, Curb & Gutter Change Order](#)

6. NEW BUSINESS:

- a. Todd Graham Shade Tree Commission Appointment
b. * [Upper Crab Creek Trunkline Contracts](#) – Richard Heap

6:00 p.m.

7. PUBLIC HEARING:

- a. * [Ordinance #22-10](#) Capital Facilities Plan/Impact Fee Enactment – Electric, Recreation, Public Safety & Streets
b. * [Ordinance #23-10](#) Making Changes in Title 15 Concerning Accessory Structures, Fencing, Clear Vision Areas, and Organizational Changes

ADJOURN:

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

Notice is hereby given that:

- In the event of an absence of a quorum, agenda items will be continued to the next regularly scheduled meeting.
- By motion of the Spanish Fork City Council, pursuant to Title 52, Chapter 4 of the Utah Code, the City Council may vote to hold a closed 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.

Tentative Minutes
Spanish Fork City Council Meeting
November 2, 2010

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

Staff Present: Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Richard Heap, Public Works Director; Chris Thompson, Assistant Public Works Director; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Dee Rosenbaum, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Cory Slaymaker, Phil Nielsen, Rachel Nielsen, Jane McConnell, Brendon McConnell, Clayton Slaymaker, Colton Slaymaker, Ida Slaymaker, Jim Slaymaker, Lisa Slaymaker Moos, Kaylee Moos, Alexa Slaymaker, Deegan Slaymaker, Kyle Moos, Shiloh Slaymaker, Matt Slaymaker, Zack Slaymaker, David Lund, Claire DeWitt, Aspen DeWitt, Kiffin DeWitt, Daxtyn DeWitt, Nichelle Slaymaker, Sydnee Slaymaker, Travis Blaylock, Justin Blaylock, Jana Blaylock, Eden Russell, Unknown name, Wendy Osborne, Dennis Bernards.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Mayor Andersen reminded the public if you haven't voted yet please do so.

Justin Blaylock led in the pledge of allegiance.

Officer Recognition

Chief Rosenbaum was contacted by Jim & Ida Slaymaker who wanted to recognize the police officers that responded to their home.

Ida Slaymaker said a few weeks ago Jim had a heart attack and she called 911. They wanted to thank all that responded. But most of all they wanted to recognize the police officers because they were first to arrive. They saved Jim's life because they used the defibrillator. If they would not have had that equipment to use Jim may not have made it.

Chief Rosenbaum expressed how proud he is of our quick response times. The patrol officers are the first line and are the quickest responders. We do recognize officers for outstanding service. Officers Nielsen, DeWitt & Sherwood have been nominated for a life saving medal by their supervisors. Chief Rosenbaum presented the officers their lifesaving medal of honor.

Mayor Andersen thanked the officers for serving our community. Purchasing that equipment to have in their cars is one of the best things we could do to help save our citizens.

PUBLIC COMMENTS:

Wendy Osborne announced the opening of Tabitha's Way. It is a non-profit volunteer food pantry & thrift store.

49 David Lund said he wanted to express his thoughts regarding the incident with Chief Rosenbaum.
50 He wrote a letter to the Council a couple of months ago when the incident happened. He said
51 that Councilmember Nielson responded to his letter and spoke with him. Then last week the
52 incident was on the news again. Mr. Lund expressed his opinion of what he saw and his thoughts
53 about the incident.

54

55 **COUNCIL COMMENTS:**

56 Councilman Nielson stated that he does remember the email correspondence with Mr. Lund. The
57 full surveillance video was not shown on the news, nor has he seen the full video. The media
58 should portray the story right and with all the facts. KSL news ran with the story from the
59 anonymous person and did not wait for the City or the Chief to respond.

60

61 Councilman Davis announced on November 20th from 9:00 a.m. to 3:00 p.m. Utah County will be
62 at Macey's to collect and dispose of old medications. Citizens can always bring their old
63 medications to the police department during office hours. Councilman Davis reminded the
64 citizens to visit the City website to submit their idea for the Fiesta Days slogan contest. Also,
65 please contact Councilman Davis if anyone would like to volunteer for the 2011 Fiesta Days.

66

67 Councilman Leifson stated that the government is looking at combining power purchase with
68 other cities. And at UMPA we are looking at ways to keep the power rates low.

69

70 Councilman Dart invited Cary Hanks with the Chamber of Commerce to address a few items.
71 They had a great turnout for trick-or-treat on Main Street. They also will have a sack lunch
72 lecture on Thursday. Winners of the Scarecrow contest are: Cat in the Hat, Leavitt Group; Tin
73 Man, Triple T Heating & Cooling; Dispicable Me, Wendy Coates; Wheelchair Annie, Kris
74 Chapman; Daddy's Hunting Buddies, Lowe children; Upside Down Bubba, Froelich Family. The
75 winter lights parade is on November 26th.

76

77 Councilman Dart added to please support the local businesses.

78

79 Councilman Scoubes thanked the Chamber of Commerce for organizing trick-or-treat on Main
80 Street. Councilman Scoubes expressed that our rights apply to all; everyone is innocent until
81 proven guilty. On October 20th the solid waste district board met. The land that was purchased in
82 Palmyra will have a compost site, not a transfer station.

83

84 Mayor Andersen read the following statement to the citizens of the community.

85 *It is important that the residents of Spanish Fork City understand the position of the Mayor and City*
86 *Council concerning the actions of Chief Dee Rosenbaum and KSL-TV. We have considered and reviewed this*
87 *incident with serious diligence and have tried to divorce ourselves from emotion as we have considered the*
88 *appropriate actions.*

89

90 *As previously stated in June, Chief Rosenbaum immediately informed Spanish Fork City officials of the*
91 *accusation prior to initial newscasts concerning that accusation. Chief Rosenbaum always expressed his intent*
92 *to purchase all items he had selected from the department store. The Provo City Prosecutor's independent*
93 *decision at that time validated Chief Rosenbaum's statement.*

94

95 *Recent news stories have put Chief Rosenbaum in the news again for the events that took place over four*
96 *months ago. After completing our investigation in June, including the full review of the surveillance video,*
97 *Spanish Fork City issued a statement of full support for Chief Rosenbaum. Since that time, our position has*
98 *not changed – we unanimously support Chief Rosenbaum.*

99

100 *Spanish Fork City is disappointed by the actions of the Dillard's security staff. The law requires an individual*
101 *intend to permanently deprive a merchant of its merchandise to be guilty of this crime. By not allowing Chief*
102 *Rosenbaum to either purchase the selected items or move toward an exit, they prematurely judged his*
103 *intentions and circumvented their ability to make a clear determination of his intentions. The surveillance video,*
104 *viewed in its entirety, does not establish the intent to deprive.*

105

106 *Spanish Fork City is disappointed in the seemingly one-sided reporting of KSL Television. Chief Rosenbaum*
107 *was only given an opportunity to comment after the story had been completed, perhaps as an after-thought.*
108 *Chief Rosenbaum was invited to give a statement at the same time he was told that commercials would begin*
109 *running that evening. Additionally, Chief Rosenbaum sent comments to the reporter via email, within the*
110 *deadline she provided. However, it was reported that he declined to comment. These actions by the KSL*
111 *reporter leave one to wonder if the other side of the story even mattered. These actions bring into question the*
112 *integrity and credibility of KSL News. It appears that one pound of flesh is not enough for KSL as they hide*
113 *behind the dark figure of a nameless accuser.*

114

115 *Chief Rosenbaum has, as does everyone, a constitutional presumption of innocence until proven guilty when*
116 *accused of any crime. Based upon that constitutional right, his immediate and complete disclosure of all*
117 *details, his lack of intent to permanently deprive the store of its merchandise, and the City's experience with*
118 *Chief Rosenbaum for over 32 years – establishing his integrity – the Mayor and City Council continue to give*
119 *Chief Rosenbaum their unanimous support.*

120

121 Councilman Davis made a **Motion** to move into Public Hearing to discuss Ordinance #20-10
122 Vacating an Unimproved Street Located at Approximately 670 South 900 East.
123 Councilman Nielson **Seconded** and the motion **Passed** all in favor at 6:47 p.m.

124

125 **PUBLIC HEARING:**

126 **Ordinance #20-10 Vacating an Unimproved Street Located at Approximately 670 South 900**
127 **East**

128 Junior Baker stated that this is a public hearing for abandoning a street. When the property next
129 to the street was developed the City required the road to be there. The street was never built
130 and the City has no need for the street so we are proposing that the City abandon this street and
131 retain a public utility easement.

132 The street will be deeded back to the developer that is the home owner on the property.

133

134 Mayor Andersen welcomed any public comment.

135

136 There was no public comment.

137

138 Councilman Davis made a **Motion** to move out of Public Hearing.

139 Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 6:49 p.m.

140

141 Councilman Davis asked if we need to move the fire hydrant.

142

143 Junior Baker said no.

144

145 Councilman Dart made a **Motion** to **approve** the Ordinance #20-10 Vacating an Unimproved
146 Street Located at Approximately 670 South 900 East

147 Councilman Davis **Seconded** and the motion **Passed** all in favor by a roll call vote.

148

149 **CONSENT ITEMS:**

- 150 a. Minutes of Spanish Fork City Council Meeting - October 19, 2010
151 b. Connectors Agreement with Solacium New Haven LLC.
152 c. Approve River Trail Easement Agreements
153 d. Amendment #1 to Contract for the Storm Drain Master Plan
154

155 Councilman Leifson made a **Motion** to **approve** the consent items.

156 Councilman Nielson **Seconded** and the motion **Passed** all in favor.

157

158 **NEW BUSINESS:**

159 **Ordinance #21-10 Establishing Procedures for the Fire Department Response to Non-Fires**

160 Junior Baker stated that there has been some question on the billing of the rescue truck and
161 extrication equipment. Junior Baker reviewed the details of the ordinance as follows:

162 **8.28.060** *Non-Fire Responses*

163 A. *The rescue truck and extrication equipment will always respond with an*
164 *ambulance call to any accident scene involving automobiles, motor vehicles, and/or*
165 *trains.*

166 B. *Fire apparatus, in addition to the rescue truck and extrication equipment, will*
167 *respond to accidents when requested by Dispatch or the officer in charge at the*
168 *scene.*

169 C. *The party receiving the service of the ambulance, rescue truck and*
170 *extrication equipment, or fire apparatus will be billed for each apparatus*
171 *(ambulance, rescue truck, fire) which responds.*
172

173 Councilman Davis made a **Motion** to **approve** Ordinance #21-10 Establishing Procedures for the
174 Fire Department Response to Non-Fires.

175 Councilman Leifson **Seconded** and the motion **Passed** all in favor by roll call vote.

176

177 **East Maple Annexation, proposed to be accepted for further study, located at approximately**
178 **2550 East 100 South – Dave Anderson**

179 Dave Anderson asked the City Council to consider further study to annex 42 acres at
180 approximately 2550 East 100 South.

181

182 Councilman Leifson made a **Motion** to **approve** the East Maple Annexation, proposed to be
183 accepted for further study, located at approximately 2550 East 100 South.

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

185

186 **North Park Playground Shade Structure Proposal – Dale Robinson**

187 Dale Robinson stated that this is the bid for North Park Playground Shade Structure. Staff
188 recommends the bid be awarded to Sonntag Recreation with the lowest bid of \$76,102.00.

189

190 Councilman Dart made a **Motion** to **approve** the Mayor to sign the North Park Playground Shade
191 Structure Bid awarded to Sonntag Recreation in the amount of \$76,102.00.

192 Councilman Leifson **Seconded** and the motion **Passed** all in favor.

193

194 **LED Main Street Lighting, Federal Energy Grant**

195 Chris Thompson stated that the Recreation and Electric Departments applied for a Federal
196 Energy Grant and received \$86,000.00. This grant would be used to replace the street lighting
197 on Main Street from Arrowhead Trail to 1400 North. Staff recommends that the City Council

198 award the bid to Codale Electric, option #3, in the amount of \$66,672.45. Also, with the
199 remaining funds, install street lights further North on Main Street and on Center Street.

200

201 Councilman Nielson made a **Motion** to **approve** the Mayor to sign the LED Main Street Lighting
202 Bid awarded to Codale Electric in the amount of \$66,672.45.

203 Councilman Davis **Seconded** and the motion **Passed** all in favor.

204

205 **Streets Presentation – Jamie Chappel**

206 Jamie Chappel gave a presentation on the City Asphalt Maintenance Plan.

207

208 Councilman Davis made a **Motion** to **adjourn** to Closed Session to discuss Personnel.

209 Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:39 p.m.

210

211 **ADJOURN:**

212

213 **ADOPTED:**

214

215

Angie Warner, Deputy Recorder

DRAFT



Memo

To: Spanish Fork City Council and Mayor Anderson
From: Richard Heap
Date: November 10, 2010
Re: Change Order for Sterling Drive; Sidewalks, Curb and Gutter

This project was designed to replace 80% of the existing sidewalk. After reviewing the remaining sections of sidewalk, it has been determined that the remaining 20% should be replaced. The sections of sidewalk that were to remain had to be removed for the installation of storm drain pre-treatment boxes, sewer and water laterals.

During the construction of this project the sub base for the curb and gutter in sterling circle has been found to be defective. If left the material would cause the curb and gutter in this area to fail; leading to the asphalt in this area to fail.

There are enough funds in the current approved budget to pay for this change order. This memo is to recommend that the City Council approve Change Order #1 of the project contract with Sunroc Construction.

Spanish Fork City

Contract Change Order

Change Order Number: **1**

Contract for	Sterling Drive Utilities and Road Reconstruction - 2010	Date	11/10/2010
Owner	Spanish Fork City		
To	Sunroc Corporation		

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	Decrease in Contract Price	Increase in Contract Price
CO1-1 Excavate and Off Haul Unsuitable/Unstable Material 67 CU YD @ \$9.71		\$651.07
Wooven Stabilization Fabric - 350 SQ YD @ \$1.15		\$402.00
Imported Structural Fill - In Place 100 Tons @ \$17.25		\$1,725.00
CO1-2 500 Feet of Additional Sidewalk @ \$12.50 SQ FT		\$6,250.00
TOTALS :	\$-	\$9,028.07
NET CHANGE IN CONTRACT PRICE :	\$-	\$9,028.07

JUSTIFICATION

Possible curb and gutter failure if subbase is not replaced with a structural fill. If failure occurs it would extend to the asphalt which would result in failure. Remaining 20% of sidewalk is in need of replacement.

The amount of the contract will be increased by the sum of : Nine Thousand Twenty-Eight Dollars and 07/100.
Dollars \$9,028.07

The contract total including this and previous change orders will be : Seven Hundred Thirty-Five Thousand Two Hundred Twenty-Five
Three Dollars and 57/100. Dollars \$738,225.57

This document will become a supplement to the contract and all provisions will apply herein.

Requested: _____
(Owner)

Date: _____

Recommended: _____
(Owner's Architect/Engineer)

Date: _____

Accepted: _____
(Contractor)

Date: _____



Memo

To: Mayor & City Council
From: Richard Heap, Public Works Director/City Engineer
Date: November 10, 2010
Re: Upper Crab Creek Trunkline Proposals

Staff Report

The city currently has a contract with Whitaker Construction to reconstruct our Cold Springs collection system. We have been able to get approval from the Army Corp of Engineers to run the planned 18 inch upper Crab Creek transmission line in the same alignment as this collection line. This would allow us to avoid an area heavily congested with other pipelines.

The most efficient way to do this would be to construct it at the same time as the spring collection line since it would be in the same alignment. This proposal is to hire Whitaker Construction to do so with a not-to-exceed time and materials contract for \$383,254.90.

We also are submitting a proposal from Hansen, Allen and Luce Inc. to complete 3 related designs. First, they will do the design and construction management on the Cold Springs collection system and the Upper Crab Creek trunkline. Second, they would do the preliminary engineering and right of way acquisition for the Lower Crab Creek trunkline. Finally, they have a proposal to take a 12 inch main line project in the Crab Creek Zone from design through bidding. If we have time the engineering department will do this design, but if not, we will use this contract to ensure that the work is completed in a timely manner for recharging Cold Springs.

Sufficient funds for these proposals have already been budgeted in the current budget; we therefore recommend approval so that Cold Springs can be brought back on line as soon as possible.

Attached: Upper Crab Creek Trunkline Proposals





whitaker

CONSTRUCTION CO.
44 S. 1100 N. W. Highways 170, 111 & 102
Phone #: (801) 728-2921 Fax: (801) 728-0868

Estimated Totals
Spring Collection Line Replacement
Cold Springs Pond, Spanish Fork City, UT

Labor	Cost	Hour Quantity	Total
Foreman	\$ 56.02	186	\$10,419.72
Loader	\$ 41.98	166	\$6,968.68
Compactor	\$ 42.34	163	\$6,901.42
Pipelayer	\$ 33.16	190	\$6,300.40
Laborer	\$ 25.81	190	\$4,903.90
Truck Driver	\$ 36.28	102	\$3,700.56
Project Mgr	\$ 49.15	60	\$2,949.00
Superintendent	\$ 74.04	120	\$8,884.80
Subtotal			\$51,098.48

EM Type	Cost	Hour Quantity	Total
Volvo 210 Tractor	\$ 62.50	184.00	\$11,500.00
Volvo 240 Tractor	\$ 72.50	146.00	\$10,585.00
Volvo 360 Tractor	\$ 97.00	0.00	\$0.00
ID Backhoe 310	\$ 37.00	0.00	\$0.00
Volvo 110 Loader	\$ 71.50	0.00	\$0.00
Volvo 90 Loader	\$ 55.00	171.00	\$9,405.00
Grader	\$ 72.00	0.00	\$0.00
Roller Ingersoll 70	\$ 30.00	0.00	\$0.00
Service Truck	\$ 15.50	188.00	\$2,914.00
Dump Truck	\$ 55.00	102.00	\$5,610.00
Transport Truck	\$ 90.00	10.00	\$900.00
Generator (day)	\$ 178.00	12.00	\$2,136.00
Pumps (3" & 4") (day)	\$ 53.00	12.00	\$636.00
Pumps (6" Electric) (day)	\$ 90.86	0.00	\$0.00
Pumps (6" Godwin) (day)	\$ 318.50	0.00	\$0.00
Trench Box (day)	\$ 30.00	0.00	\$0.00
Gravel Bedding Box (day)	\$ 10.00	20.00	\$200.00
Road Plates (day)	\$ 27.04	0.00	\$0.00
Hand Tools	\$ 5.00	188.00	\$940.00
Subtotal			\$44,836.00

Labor	\$51,028.48
Equipment	\$44,836.00
Trucking	\$12,330.00
Misc	\$150.00
Materials	\$251,276.02
Performance & Payment Bond (1.17%)	\$5,394.16
Subtotal	\$383,254.90
5% Profit	\$18,250.23
Grand Total	\$383,254.90

Customer: Spanish Fork City
Contact: Chris Thompson
Phone: (801) 804-4500

Trucking	Subcontracted (Hrs)	\$	Cost	Qty	Total
Subcontracted (Hrs)		\$ 90.00		137.00	\$12,330.00
Subtotal					\$12,330.00
Misc		\$75.00		0.00	\$0.00
Dewatering Tube Rental (EA)		\$75.00		0.00	\$0.00
Disposal Fee (Load)		\$75.00		0.00	\$0.00
Subtotal					\$150.00
General Material List		\$8,158.15		2.00	\$16,316.29
30x24 MixFL Tee		\$2,142.38		2.00	\$4,284.77
24x18 FL Reducer		\$2,399.09		3.00	\$7,197.27
30 MI Sleeve		\$2,962.28		2.00	\$5,924.57
18 BF Valve		\$1,126.13		2.00	\$2,252.27
18 MixFL Adpt		\$1,120.74		4.00	\$4,482.96
18 FL Acc Ring		\$83.01		5.00	\$415.05
564A Valve Box		\$972.93		12.00	\$11,675.12
30 Megalug		\$972.93		26.00	\$25,296.10
20" Poly Encasement		\$0.64		340.00	\$217.57
2" Poly Tape		\$7.94		6.00	\$47.67
Grease		\$5.53		6.00	\$33.18
18 DR18 PVC Pipe		\$36.04		3240.00	\$116,772.97
2" Marker Tape		\$22.54		4.00	\$90.17
12" Tracer Wire		\$0.34		3500.00	\$1,183.26
18 MI 90 Bend		\$1,063.40		2.00	\$2,126.80
18 MI 22 1/2 Bend		\$782.31		5.00	\$3,911.57
18 MI 45 Bend		\$789.09		3.00	\$2,367.26
18 MI Cap		\$406.40		1.00	\$406.40
18x18 MI Tee		\$1,754.27		1.00	\$1,754.27
12x12 MixFL Tee		\$570.31		2.00	\$1,140.61
12 MI Sleeve		\$264.83		1.00	\$264.83
12 MixFL Gate Valve		\$2,002.25		2.00	\$4,004.50
12 MI Gate Valve		\$2,092.67		1.00	\$2,092.67
12 Megalug		\$121.01		18.00	\$2,178.11
12 FL Acc Ring		\$50.35		2.00	\$100.70
12" DR18 PVC Pipe		\$16.18		80.00	\$1,294.34
12 MI 45 Bend		\$287.86		2.00	\$575.71
12 MI 22 1/2 Bend		\$250.61		1.00	\$250.61
30x12 Reducer		\$2.41		2.00	\$4.83
12 DI Pipe		\$37.43		10.00	\$374.30
12 Clb-Val		\$8,210.35		1.00	\$8,210.35
6x10 Concrete Vault		\$4,044.81		1.00	\$4,044.81
Sand Bedding (Ton)		\$8.15		2340.00	\$19,070.96
Rock Bedding (Ton)		\$13.18		10.00	\$131.85
Ready-Mix Concrete (CY)		\$132.81		36.00	\$4,781.32
Subtotal					\$251,276.02



SALT LAKE AREA OFFICE
6771 SOUTH 900 EAST
MIDVALE, UTAH 84047
PHONE: (801) 566-5599
FAX: (801) 566-5599
www.hansallenluce.com

Mr. Chris Thompson
Assistant Public Works Director
Spanish Fork City
40 South Main Street
Spanish Fork, Utah 84660

November 9, 2010

RE: Crab Creek and Cold Springs Water Line Improvements

Dear Mr. Thompson:

As requested we are providing a proposal for preparing conceptual design, design and construction services for the required Crab Creek and Cold Spring Water Line Improvements. Hansen, Allen & Luce, Inc. (HAL) appreciates the opportunity we have had to work with Spanish Fork City on your water related projects. This proposal addresses our understanding of the services HAL will provide and proposed budget.

UNDERSTANDING OF THE SERVICE HAL WILL PROVIDE

It is our understanding that the City desires assistance with the Emergency improvements associated with the Crab Creek and Cold Springs water systems to again get the Cold Springs System back online. Tasks 1 and 3 are required to assist in the completion of the Cold Springs Collection System and to assist with the future water quality of this important culinary source. Task 2 improvements were identified during the master planning of the culinary system and will result in reduced pumping costs and are associated with the Grant Application.

Based upon this understanding, we propose the Scope for Services for completion of these three projects as described below. HAL can adjust the Scope of Services as desired to fit the needs of the City.

SCOPE OF SERVICES

The scope of services is provided for each task below.

TASK 1 - CRAB CREEK AND COLD SPRINGS DESIGN AND CONSTRUCTION

Objective: Prepare design drawings for a number of improvements near Cold Springs required to bring the springs back on-line. Provide construction assistance as directed by the City for the improvements. It is our understanding that the projects will not include bid documents.

Activities:

- a. Provide project management throughout the project.
- b. Attend weekly construction meetings with the Contractor for a duration of eight weeks.
- c. Coordinate with the DDW and attain approvals for the improvements.
- d. Assist with construction observation with two site visits per week over an eight week duration.
- e. Prepare design drawings for the new Crab Creek 18-inch water line. Drawings would provide for specifications for construction, alignment, fittings and other appurtenances. Plans without profiles will be prepared. As the Contractor will be constructing the Cold Springs Collection Line surveying will not be provided.
- f. Coordinate with UDOT to construct the Crab Creek water line in their ROW and also coordinate the new crossing.
- g. Design and prepare drawings for the connection of the new Crab Creek line near the tanks. Drawings will provide details on the connection and required valving to bypass Crab Creek from the tanks.
- h. Design and prepare drawings for the construction of a new Spring Collection Box, a Flow Control Valve Vault that will provide water from the Cold Spring Storage Tanks and the 12-inch pump by-pass line.
- i. Design and prepare drawings and specifications for the crossing of the Highway and Railroad with a new 36-inch casing and future 24-inch Crab Creek water line.

TASK 2 - PRELIMINARY CRAB CREEK WATER LINE DESIGN & EASEMENTS

Objective: Prepare conceptual plans for the new Crab Creek Water Line along with identification and preparation of easements. The Water Line alignment would begin at Cold Springs and end at the Oaks Tanks. The task includes meetings and coordination with property owners along the preferred alignment.

Activities:

- a. Coordination and meetings with City Staff, Central Utah Water, Strawberry Water Users, Division of Wildlife Management and the Bureau of Reclamation to identify alignment and easement requirements.
- b. Prepare right-of-way and property base mapping. Research legal descriptions. Provide easement documents for the water line alignment. Provide surveying to determine and locate required section corners.
- c. Perform hydraulic calculations for pipe sizing and pressure class requirements of pipe.
- d. Prepare conceptual project plans and figures. Also provide cost estimating for the alignment.

TASK 3 - REQUIRED CITY WATER LINE IMPROVEMENTS

Objective: Prepare necessary drawings and design for improvements required to get Cold Springs back into system.

Activities:

- a. Provide design and drawings for a relief valve critical to relief pressures of the Cold Springs Water Line.
- b. Provide design and drawings for required water lines for the relief of pressure of the cold springs line and to improve pressures within the upper system (see figure).
- c. Provide Bid Documents and Bidding Assistance.

COST PROPOSAL

Our proposal is based upon a "Not to Exceed" contract according to the "Fee Schedule and General Conditions" provided with the Agreement for completing the project. We would be happy to discuss with you our Scope of Work should you desire to include any modifications to better fit the needs and desires of The City.

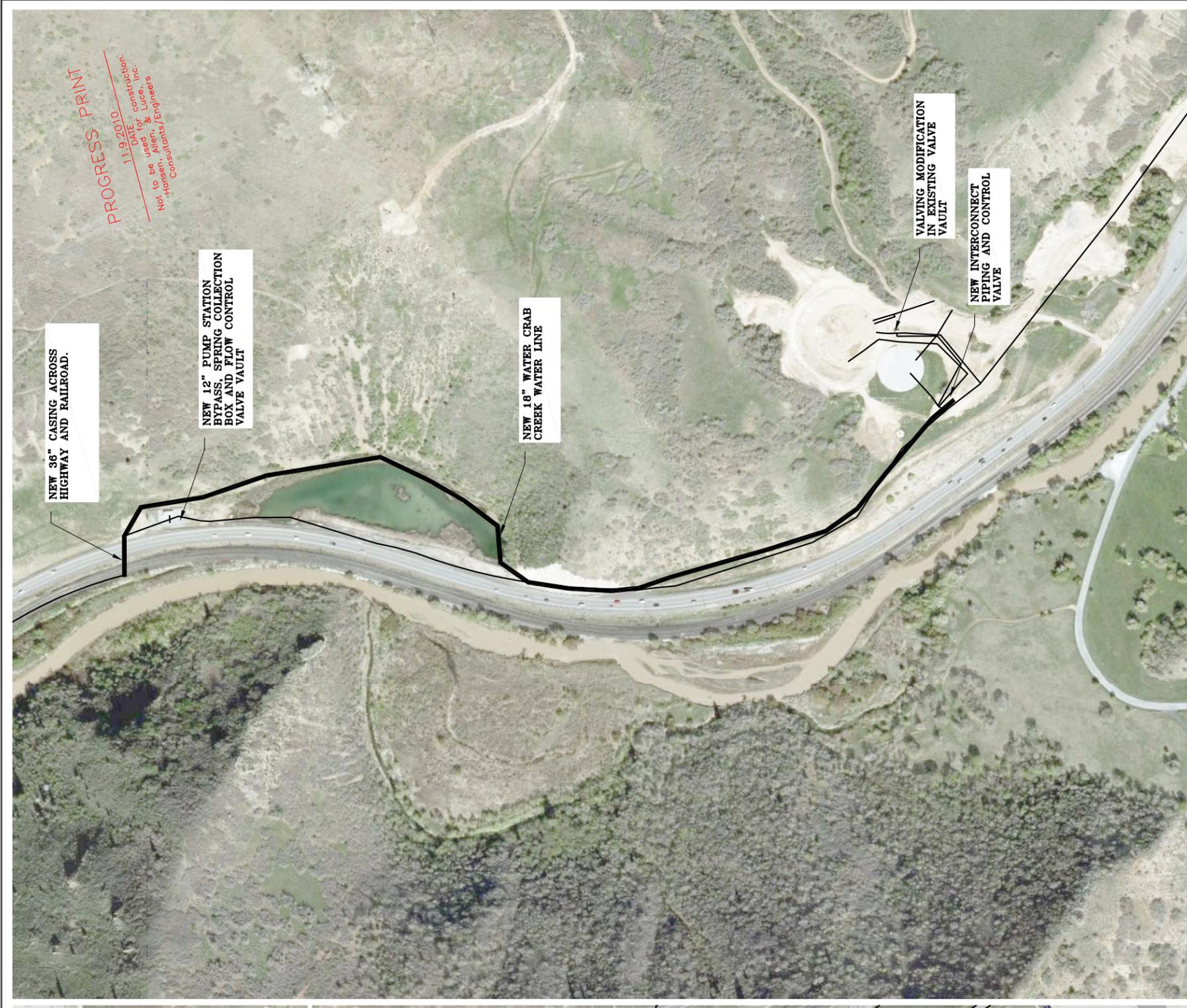
Based on the Scope of Services and assumptions presented above, the estimated fee for completion of the project, is outlined in the attached budget spreadsheet.

We wish to again thank you for your consideration of our firm to complete this work on your behalf. We invite you to call if you have any questions related to scope of services or level of services outlined above.

Sincerely:

HANSEN, ALLEN & LUCE, INC.

Tavis Timothy, P.E.
Project Manager



PROGRESS PRINT
 11.9.2010
 DATE construction:
 Not to be used for
 Hansen, Allen, & Luce, Inc.
 Consultants/Engineers

NEW 36" CASING ACROSS
 HIGHWAY AND RAILROAD.

NEW 12" PUMP STATION
 BYPASS, SPRING COLLECTION
 BOX AND FLOW CONTROL
 VALVE VAULT

NEW 18" WATER CRAB
 CREEK WATER LINE

VALVING MODIFICATION
 IN EXISTING VALVE
 VAULT

NEW INTERCONNECT
 PIPING AND CONTROL
 VALVE

DESIGN 12" WATER
 LINE

DESIGN WATER LINE
 FOR DISTRIBUTION
 CENTER WITH
 CHECK VALVE

DESIGN 12" WATER
 LINE

DESIGN 12" WL
 WITH RELIEF VALVE
 AND SCADA

		PROJECT ENGINEER _____	DATE NOVEMBER 2010	NO. 1	SHEET 348.02.300
REVISIONS		DESIGNED TBT 3	DRAFTED 2	CHECKED WSB 1	DATE NOVEMBER 2010
SCALE		BY APVD.	SPANISH FORK CITY 40 SOUTH MAIN SPANISH FORK, UTAH 84660		
CRAB CREEK AND COLD SPRINGS PROPOSED WATER LINE IMPROVEMENTS		FILE NAME: FILE DATE:			

CLIENT: SPANISH FORK CITY
PROJECT: CRAB CREEK WATER LINE & COLD SPRINGS IMPROVEMENTS

Task Number	Task Activity	Billing Period	Hours										Total HAL Cost with Contingency & Rate Inc.				
			Principal in Charge	Managing Prof.	Senior Prof. II	Senior Prof. I	Prof. II	Prof. Intern.	Survey	CAD	Total Hours	Labor Cost		Expense Cost			
1	CRAB CREEK & COLD SPRINGS DESIGN & CM (ASSUME NO BIDDING DOCS) Through January 1, 2011																
a	Administration and management	1	2											6	\$ 770.00	\$ 0.00	\$ 808.50
b	Construction Meetings with Spanish Fork City (1 Mtgs/Week)	1			4									28	\$ 3,380.00	\$ 390.00	\$ 3,958.50
c	Coordination & 2 Mtgs with DDW	1			2									10	\$ 1,202.00	\$ 130.00	\$ 1,398.60
d	Construction Assistance (2 Site Visits/week for 8 weeks)	1	2		8									58	\$ 7,078.00	\$ 180.00	\$ 7,620.90
e	Preparation of Crab Creek WL Plan	1	2				24							84	\$ 7,961.00	\$ 480.00	\$ 8,863.05
f	Coordination with UDOT	1				16								22	\$ 2,393.00	\$ 115.00	\$ 2,633.40
g	Preparation of Tank Valving Drawings	1				16								34	\$ 3,395.00	\$ 415.00	\$ 4,000.50
h	Preparation of Cold Springs Collection Box, FCV and Bypass	1				16		8						50	\$ 4,811.00	\$ 480.00	\$ 5,555.55
i	Preparation of UPRR & Hwy Boring Plan	1				16								34	\$ 3,395.00	\$ 415.00	\$ 4,000.50
j	Quality Control (QC)	1	2											2	\$ 318.00	\$ 0.00	\$ 333.90
k	Quality Assurance (QA)	1			4									4	\$ 534.00	\$ 0.00	\$ 560.70
	SUBTOTAL HOURS/UNITS:		8	12	160	18	32	0	0	0	102		332	\$ 35,237.00	\$ 3,305.00	\$ 40,469.10	
	SUBTOTAL:		\$ 1,272.00	\$ 1,602.00	\$ 19,520.00	\$ 2,034.00	\$ 3,312.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 7,497.00						
2	PRELIMINARY CRAB CREEK WL DESIGN																
a	Coordination & Meetings with City Staff, CUWCD, & UPRR.	1	2		4									26	\$ 3,210.00	\$ 390.00	\$ 3,780.00
b	Property, ROW, Easement Prep.	1	2		8									146	\$ 16,522.00	\$ 390.65	\$ 17,758.28
c	Provide Hydraulic Analysis to Pipe Sizing	1				8		4						16	\$ 1,760.00	\$ 0.00	\$ 1,848.00
d	Provide Conceptual Project Plans & Figures	1	2		4		16							104	\$ 10,513.00	\$ 730.00	\$ 11,805.15
	SUBTOTAL HOURS/UNITS:		6	2	148	20	16	4		16	80		292	\$ 32,005.00	\$ 1,510.65	\$ 35,191.43	
	SUBTOTAL:		\$ 954.00	\$ 267.00	\$ 18,056.00	\$ 2,260.00	\$ 1,656.00	\$ 332.00	\$ 2,600.00	\$ 5,880.00							
3	REQUIRED CITY WATER LINE IMPROVEMENTS																
a	Relief Valve at Golf Course	1	2		8									22	\$ 2,176.00	\$ 415.00	\$ 2,720.55
b	New 12" Line to Golf Course Pond (700')	1			12									40	\$ 3,878.00	\$ 830.00	\$ 4,943.40
c	Extend Water Line to Distribution Center (1500') w/ Vault	1	2		30		8			16	60			116	\$ 11,816.00	\$ 895.00	\$ 13,346.55
d	New 12" Line from Darger PS (2500') & Valving	1	4		40		8			16	80			148	\$ 14,824.00	\$ 1,510.00	\$ 17,150.70
e	Bid Documents & Bid Assistance	1	2		24		4		8					38	\$ 4,324.00	\$ 730.00	\$ 5,306.70
f		1												0	\$ 0.00	\$ 0.00	\$ 0.00
	SUBTOTAL HOURS/UNITS:		10	0	114	0	20	8	36	176		364	\$ 37,018.00	\$ 4,380.00	\$ 43,467.90		
	SUBTOTAL:		\$ 1,590.00	\$ 0.00	\$ 13,908.00	\$ 0.00	\$ 2,070.00	\$ 664.00	\$ 5,850.00	\$ 12,936.00							

TASK	Labor Costs	Direct Costs	Subtotal w/Contingency	Subtotal Sub Consults	Total Phase
CRAB CREEK & COLD SPRINGS DESIGN & CM (ASSUME NO BIDDING DOCS)	\$ 35,237.00	\$ 3,305.00	\$ 40,469.10	\$ 5,250.00	\$ 45,719.10
PRELIMINARY CRAB CREEK WL DESIGN	\$ 32,005.00	\$ 1,510.65	\$ 35,191.43	\$ 0.00	\$ 35,191.43
REQUIRED CITY WATER LINE IMPROVEMENTS	\$ 37,018.00	\$ 4,380.00	\$ 43,467.90	\$ 2,100.00	\$ 45,567.90
TOTAL:	\$ 104,260.00	\$ 9,195.65	\$ 119,128.43	\$ 7,350.00	\$ 126,478.43

Prepared by TBT Review by SCJ 9/30/2010



ORDINANCE NO. 22-10

ROLL CALL

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

I MOVE this ordinance be adopted: Councilman

I SECOND the foregoing motion: Councilman

ORDINANCE No. 22-10

IMPACT FEE ENACTMENT ORDINANCE

WHEREAS, Spanish Fork City continues to experience extremely rapid growth; and,

WHEREAS, new facilities are necessary to accommodate the growth; and

WHEREAS, it is fair and equitable that the entities responsible for the new facilities pay for the cost thereof; and

WHEREAS, impact fees are an appropriate mechanism to pay for facilities made necessary by rapid growth; and

WHEREAS, Spanish Fork City has prepared a capital/impact fee facilities plan as part

of its comprehensive general plan; and

WHEREAS, the capital/impact fee facilities plan has been recently amended in order to remain current with the growth and needs of the city; and

WHEREAS, an analysis has been prepared whereby the needs, costs, and equitable allocation of those costs has been determined and fairly apportioned; and

WHEREAS, the City has an immediate need for parks and recreation facilities to accommodate the new growth; and

WHEREAS, public safety facilities are needed, and some recently built facilities have been over sized, in order to accommodate the growth; and

WHEREAS, electric facility upgrades are necessary to provide electric power to service the new growth; and

WHEREAS, the growth has created the need to widen certain collector and/or arterial streets, add signals, construct arterial streets, and realign certain major intersections; and

WHEREAS, it is fair and equitable that new residents pay their share of the buy-in cost of existing infrastructure, taking into account those factors identified in Utah Code Ann. §11-36-201; and

WHEREAS, all sources of revenue have been analyzed and considered by the City; and

WHEREAS, the City has previously adopted impact fees, which bases and analyses should be reviewed on a regular basis; and

WHEREAS, a written analysis dated July 21, 2010 has been prepared; and

WHEREAS, the written analysis has been available for public inspection for at least 10 days prior to the public hearing; and

WHEREAS, the analysis identifies the impact on improvements needed to the electric power system, the recreation facilities, the public safety facilities, and streets required by the development activities; and

WHEREAS, the analysis demonstrates how those impacts on the improvements are related to the development activities; and

WHEREAS, the analysis makes a conservative estimate of the proportionate share of the cost of impacts on the system improvements that are reasonably related to the development activity; and

WHEREAS, the analysis recommends that tiered impact fees be imposed in order to be most equitable; and

WHEREAS, the analysis identifies the amount of impact fee that could be imposed and how that fee was calculated; and

WHEREAS, the City has identified and analyzed, through the impact fee analysis, those criteria set forth in Utah Code Ann. §11-36-201(5)(b); and

WHEREAS, the impact fee proposed by this impact fee enactment does not exceed the highest fee justified by the impact fee analysis; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on the 16th day of November, 2010, wherein public comment was received, not only from concerned citizens, but from developers involved in the current development within the City; and

WHEREAS, the impact fee enactment has been available for public inspection for at least 10 days preceding the public hearing; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the

City, it is necessary to impose an impact fee on new development to pay for the improvements made necessary to the electric system, public safety facilities, streets, and recreational facilities by that new development;

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

SECTION I.

1. The recreational facility impact fee is hereby amended for each residential dwelling in the City.

2. The amount of the recreational facility impact fee is \$3,309.00 per multifamily residential dwelling unit.

3. The amount of the recreational facility impact fee for single family detached units is based on the size of the residence and is as follows:

<u>Size in square feet</u>	<u>Impact fee</u>
2499 or less	\$2,245.00
2500 - 2599	\$2,482.00
2600 - 2699	\$2,836.00
2700 - 2799	\$3,073.00
2800 - 2899	\$3,309.00
2900 - 2999	\$3,546.00
3000 - 3099	\$3,900.00
3100 - 3199	\$4,137.00
3200 - 3299	\$4,373.00
3300 - 3399	\$4,609.00
3400 - 3499	\$4,728.00
3500 - 3599	\$4,964.00
3600 - 3699	\$5,200.00
3700 - 3799	\$5,437.00
3800 or more	\$5,555.00

4. The municipal power impact fee is hereby amended for each building in the City

based upon the size of service.

5. The amount of the impact fee for electric power is as follows:

Residential Single Phase 120/240V Service Size

<u>Amps</u>	<u>Kilowatts</u>	<u>Impact Fee</u>
100	24	\$1,075.00
125	30	\$1,344.00
150	36	\$1,613.00
200	48	\$2,151.00
225	54	\$2,420.00
400	96	\$4,302.00

General Service Single-Phase 120/240V Service Size

<u>Amps</u>	<u>Kilowatts</u>	<u>Impact Fee</u>
100	24	\$3,352.00
125	30	\$4,190.00
150	36	\$5,028.00
200	48	\$6,704.00
225	54	\$7,542.00
400	96	\$13,409.00

General Service Three Phase 120/208V Service Size

<u>Amps</u>	<u>Kilowatts</u>	<u>Impact Fee</u>
125	45.0	\$ 6,285.00
150	54.0	\$ 7,542.00
200	72.0	\$ 10,056.00
400	143.9	\$ 20,099.00
600	215.9	\$ 30,156.00
800	287.9	\$ 40,213.00
1,000	359.8	\$ 50,256.00
1,200	431.8	\$ 60,313.00
1,600	575.7	\$ 80,412.00
2,000	719.7	\$100,526.00
2,500	899.6	\$125,654.00

General Service Three Phase 277/480V Service Size

<u>Amps</u>	<u>Kilowatts</u>	<u>Impact Fee</u>
125	103.8	\$ 14,498.00
150	124.6	\$ 17,403.00
200	166.1	\$ 23,200.00
400	332.2	\$ 46,401.00
600	498.2	\$ 69,587.00
800	664.3	\$ 92,788.00
1,000	830.4	\$115,989.00
1,200	996.5	\$139,189.00
1,600	1,328.6	\$185,577.00
2,000	1,660.8	\$231,978.00
2,500	2,076.0	\$289,972.00

6. A public safety impact fee is hereby established for each nonresidential building in the City based upon the jobs per square foot of building space.

7. The amount of the impact fee for public safety for nonresidential buildings is \$169.00 per square foot of building space for retail and restaurant uses; \$432.00 per square foot of building space for all other commercial or other nonresidential services; and \$233.00 per square foot of building space for industrial uses.

8. The amount of the public safety impact fee is \$380.00 per multifamily residential dwelling unit.

9. The amount of the public safety impact fee for single family detached residences is based on the size of the residence and is as follows:

<u>Size in square feet</u>	<u>Impact fee</u>
2499 or less	\$258.00
2500 - 2599	\$285.00
2600 - 2699	\$325.00
2700 - 2799	\$353.00
2800 - 2899	\$380.00
2900 - 2999	\$407.00
3000 - 3099	\$448.00
3100 - 3199	\$475.00

3200 - 3299	\$502.00
3300 - 3399	\$529.00
3400 - 3499	\$543.00
3500 - 3599	\$570.00
3600 - 3699	\$597.00
3700 - 3799	\$624.00
3800 or more	\$638.00

10. A road and streets impact fee is hereby established for each nonresidential building in the City.

11. The amount of the roads and streets impact fee for nonresidential buildings is \$2,925.00 for retail and restaurant uses; \$1,287.00 for all other commercial or other nonresidential services; and \$446.00 for industrial uses.

12. The amount of the roads and streets impact fee is \$1,989.00 per multifamily residential dwelling unit.

13. The amount of the roads and streets impact fee for single family detached residences is based on the size of the residence and is as follows:

<u>Size in square feet</u>	<u>Impact fee</u>
2499 or less	\$1,750.00
2500 - 2599	\$1,845.00
2600 - 2699	\$1,965.00
2700 - 2799	\$2,061.00
2800 - 2899	\$2,181.00
2900 - 2999	\$2,277.00
3000 - 3099	\$2,373.00
3100 - 3199	\$2,469.00
3200 - 3299	\$2,565.00
3300 - 3399	\$2,637.00
3400 - 3499	\$2,732.00
3500 - 3599	\$2,804.00
3600 - 3699	\$2,876.00
3700 - 3799	\$2,972.00

3800 or more

\$3,044.00

14. These impact fees are due and payable when the building permit is obtained and shall be a condition precedent to the issuance of the building permit.

15. All impact fees are in addition to any other fees.

16. The impact fee shall be deposited into an interest bearing ledger account and may be only used for capital improvements to the capital facility system for which the fee was collected. These improvements may include analysis costs, the construction contract price, the cost of acquiring land, improvements, materials, and fixtures, the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the system improvements, the debt service charges incurred if the improvements are financed by bonds, notes, or other obligations carrying debt service charges, and for the cost of issuance of any such bonds, notes or other obligations.

17. The impact fees may not be used for operation or maintenance costs for any public facilities within the City.

18. Special exceptions, waivers, or credits may be granted, in the sole discretion of the City Council, upon application in accordance with the Spanish Fork City Municipal Code §15.4.12.050.

19. The impact fees identified herein shall become effective 90 days after adoption.

20. These impact fees are for system improvements and in no wise repeal or rescind the water transfer required upon development, pursuant to Spanish Fork Municipal Code §15.4.16.080, to insure that an adequate supply of water exists.

SECTION II.

This ordinance shall not be part of the Municipal Code.

SECTION III.

The impact fees adopted by this ordinance shall become effective on the 15th day of February, 2011.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 16th day of November, 2010.

G. WAYNE ANDERSEN, Mayor

Attest:

KENT R. CLARK, City Recorder

ORDINANCE No. 23-10

ROLL CALL

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

I MOVE this ordinance be adopted: Councilman

I SECOND the foregoing motion: Councilman

ORDINANCE No. 23-10

AN ORDINANCE MAKING CHANGES IN TITLE 15 CONCERNING ACCESSORY STRUCTURES, FENCING, CLEAR VISION AREAS, AND ORGANIZATIONAL CHANGES

WHEREAS, Spanish Fork City has adopted a land use title in the municipal code, known as Title 15, which includes zoning and development chapters; and

WHEREAS, a Development Review Committee (DRC) is created in Title 15, which lists the public utilities superintendent as a member, but which position no longer exists, due to organizational changes within the City; and

WHEREAS, the DRC also lists the city assistant public works director and planner as members, which positions are now included within the titles of assistant city engineer, and city

community development director; and

WHEREAS, the City Surveyor is knowledgeable and instrumental in the implementation of the flood plain regulations, and should, therefore, be the assistant flood plain administrator; and

WHEREAS, the City has determined that being more liberal with accessory structures, including awnings, allows residents more beneficial use of their property without adversely affecting neighboring property values ; and

WHEREAS, clear vision areas must be maintained with intersections and driveways to protect the safety of motorists and pedestrians; and

WHEREAS, the Planning Commission held a public hearing on Wednesday the 3rd day of November, 2010 where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 16th day of November, 2010 where 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 §15.3.08.010(B) is hereby amended as follows:

15.3.08.010. Administrative Bodies and Officers

B. Development Review Committee:

Purpose: [no change].

Organization:

The DRC shall consist of the public works director, assistant city engineer, electric superintendent, city manager, city community development director, city attorney, public safety director, and building official. Other entities may be invited to participate as non-voting members, such as utility companies, irrigation companies, the US Postal Service, or others.

The city engineer shall be the chair of the Committee, and shall retain the right to cast a vote while acting as chair.

A quorum of the Committee necessary before any business can be transacted shall consist of five (5) voting members. A majority vote of a quorum shall be necessary to approve any item or recommend approval of any item to the Commission or Council.

Policies and Procedures: [no change].

Powers and Duties: [no change].

II.

Spanish Fork Municipal Code §15.3.24.090(A) and (F) are hereby amended as follows:

15.3.24.090. Supplementary Regulations.

A. Accessory Structures:

1. All accessory structures must meet the following requirements:

- a. All accessory structures are required to obtain a building permit. Permits for structures that are less than 200 square feet or are otherwise exempt from the adopted building code, as set forth in §14.04.010, are free of charge.
- b. All detached accessory structures must be located behind the front wall plane of the principal structure.
- c. Where property abuts against I-15 or U.S. Highway 6, accessory structures have no required set back from the I-15 or Highway 6 right-of-ways.
- d. The combined square footage of all detached accessory structures shall not exceed the greater of 500 square feet or fifteen percent (15%) of the total lot area if the structure is entirely within the setbacks for the principal structure, or ten percent (10%) of the total lot area if the structure is located elsewhere on the lot.
- e. If any accessory structure must be removed, relocated, or otherwise modified in any manner in order to access public utilities, the property owner shall bear the full expense of such removal, relocation or modification, together with all costs of restoration.
- f. Accessory structures located on a corner lot shall meet the same front, rear, and side setbacks as required for accessory structures on an interior lot. Accessory structures located behind the front plane of the house and within twenty (20) feet a public right-of-way shall be architecturally compatible with the primary structure on the lot. The second clear vision area as addressed in §15.4.16.150 needs to be maintained at all times.
- g. The minimum front set back for detached accessory structures shall conform to the minimum front set back for the existing principal structure and shall be set at least five (5) feet from all structures on the property.
- h. Accessory structures located within the standard setback for a principal building within a zone may be allowed to meet the maximum height allowed in that zone.
- i. The maximum height for detached accessory structures shall be fifteen (15) feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure).
- j. Properties over one-half acre in size can increase the maximum height to twenty-four (24) feet by having the rear and side setbacks the same as the building height.

2. Structures that are 200 square feet and less in area and are less than five (5) feet from the property line must meet the following additional requirements:

- a. Structures with a wall height of eight (8) feet or less and a maximum peak height of twelve (12) feet may be constructed with no side or rear setback from property lines as long as the structure is constructed so all water runoff from the accessory structure does not flow onto adjoining properties. In no case may any portion of a structure extend beyond the property

line.

3. Structures larger than 200 square feet in area must meet the following additional requirements:

- a. Meet all adopted building code regulations as set forth in §14.04.010.
- b. Must maintain a minimum setback of five (5) feet to the side or rear property line with a maximum one (1) foot overhanging eave.
- c. Be anchored to concrete footings as outlined in the adopted building code as set forth in §14.04.010.
- d. Accessory structures over 200 square feet in size that are located between the front and back planes of the house must be architecturally compatible with the principal structure.
- e. Meet fire and building code requirements.

F. Awnings, Carports or Covered Decks

1. [no change].
2. Awnings or other structures that are open on three (3) sides must be setback at least five (5) feet from the side property line.
3. [no change].

III.

Spanish Fork Municipal Code §15.4.16.130(G) is hereby amended as follows:

15.4.16.130. Landscaping, Buffering, Walls, and Fences.

G. General Fencing Requirements:

1. The maximum height of a fence is six (6) feet in all zoning districts; fence pillars are not to exceed 6½ feet in height. The Council may waive the height requirement at its sole discretion.
2. [no change].
3. [no change].
4. [no change].
5. Fences must be built with a minimum setback of three (3) feet around the following utilities: fire hydrants, water meters (culinary and irrigation), telephone pedestals, power boxes, and cable boxes.
6. A clear vision area is required at each driveway as set forth in §15.4.16.150.
7. A building permit is required for all fences that are taller than three (3) feet. No fee is charged for fence permits unless the permit is required by the adopted building code set forth in §14.04.010.
8. Corner lots must maintain the clear vision area as set forth in §15.4.16.150.

IV.

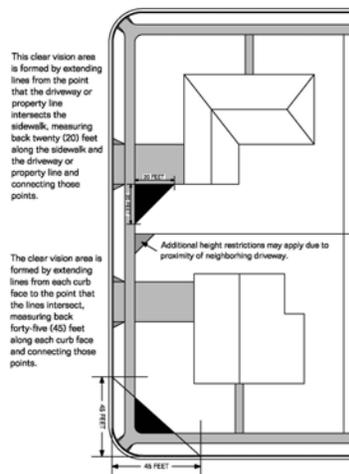
Spanish Fork Municipal Code §15.4.16.150 is hereby amended as follows:

15.4.16.150 Clear Vision Area

A. The clear vision area is formed by extending lines from each curb face to the point that the lines intersect, measuring back forty-five (45) feet along each curb face and connecting those points. Fencing, planting and other obstacles are restricted within this area as follows:

1. No fence shall exceed a height of three (3) feet, measured from the curb.
2. Shrubs shall be pruned to a height not to exceed three (3) feet in height.
3. Trees shall be pruned to maintain a clear area below five (5) feet in height.
4. Other site obscuring obstacles of that are three (3) feet or taller may not be placed in the clear vision area.

B. A second clear vision area is also required at each driveway or where the rear of a corner lot adjoins an interior lot's driveway. This clear vision area is formed by extending lines from the point that the driveway or property line intersects the sidewalk, measuring back twenty (20) feet along the sidewalk and the driveway or property line and connecting those points. The same restrictions for landscaping, fencing and obstacles apply in this area.



V.

Spanish Fork Municipal Code §15.4.20.030(A) is hereby amended as follows:

15.4.20.030. Administration.

A. The Spanish Fork City Engineer or his/her appointee is hereby appointed the Flood Plain Administrator, with the City Surveyor appointed as the Assistant Flood Plain Administrator, to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

VI.

This Ordinance shall take effect 20 days after passage and publication.

DATED this 16th day of November, 2010.

G. WAYNE ANDERSEN, Mayor

Attest:

KENT R. CLARK, City Recorder



TEXT AMENDMENT

REPORT TO THE CITY COUNCIL ACCESSORY STRUCTURE TEXT AMENDMENT

Agenda Date: November 16, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee, Planning Commission.

Request: The attached ordinance would modify the requirements for the construction of accessory structures.

Zoning: City-wide.

General Plan: City-wide.

Project Size: City-wide.

Number of lots: Not applicable.

Location: Not applicable.

Background Discussion

The proposed Text Amendment would accomplish five main things.

1. The Text Amendment would permit accessory structures to be constructed within 20 feet of the public right-of-way on corner lots so long as the accessory structure is architecturally compatible with the home.
2. The Text Amendment would change the setback requirement between structures from six feet to five feet.
3. The Text Amendment would require applicants to obtain a Building Permit for accessory structures regardless of the size of the structure. Permits obtained for structures that are less than 200 square feet would be free of charge.
4. The proposed changes clarify the fact that it would be the responsibility of the property owner to move or modify an accessory structure that has been built within a public utility easement if that easement ever needs to be accessed.
5. This may not qualify as a main thing but there are several language modifications that have also been made. These changes do not have any significant impact on the standards or how they are applied.

The process to change these standards was initially started in response to a request submitted by Byron Wann. However, the overall scope of the proposed changes has since expanded that Spanish Fork City is acting as the applicant for the Amendment.

A public hearing has been scheduled with the City Council for the November 16, 2010 meeting.

The proposed changes are provided below. All but a few of the changes are identified with the bold and strike through typeface.

15.3.24.090

A. Accessory Buildings, Structures, or Satellite Earth Stations:

1. All accessory structures must meet the following requirements:

- a. All accessory structures are required to obtain a building permit. Permits for structures that are less than 200 square feet or are otherwise exempt from the applicable building codes are free of charge.
- b. All detached accessory structures must be located behind the front wall plane of the principal structure.
- c. Where property abuts against I-15 or U.S. Highway 6, accessory buildings or structures need have no required set back from the road or I-15 or Highway 6 right-of-ways.
- d. The combined square footage of all detached accessory buildings, structures, and satellite earth stations shall not exceed 500 square feet, or fifteen percent (15%) of the total lot area if the structure is entirely within the setbacks for the principal structure and ten percent (10%) of the total lot area if the structure is located elsewhere on the lot; whichever is greater, the 500 square foot standard or the applicable percentage standard.
- e. If any accessory structure must be removed, relocated, or otherwise modified in any manner in order to access public utilities, the property owner shall bear the full expense of such removal, relocation, or modification, together with all costs of restoration.
- f. Accessory structures located on a corner lot shall meet the same front, rear and side setbacks as required for accessory structures on an interior lot. Accessory structures located behind the front plane of the house and within twenty (20) feet a public right-of-way shall be architecturally compatible with the primary structure on the lot. The second clear vision area as addressed in section 15.4.16.150 needs to be maintained at all times.
- g. The minimum front set back for detached garages and other accessory buildings accessory structures shall conform to the

minimum front set back for main buildings the existing principal structure and shall be set at least six five (5) feet from the main all structures on the property. Accessory building located on a corner lot shall meet the same front and corner set backs as a main structure.

- h. Accessory buildings structures located within the standard setback for a principal building within a zone may be allowed to meet the height restrictions allowed in that zone.
- i. The maximum height for detached accessory structures buildings, structures, or satellite earth stations shall be fifteen (15) feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure).
- j. Properties over 1/2 acre in size can increase the maximum height to twenty-four (24) feet by having the rear and side setbacks the same as the building height.

2. Buildings, Structures, or satellite earth stations that are 200 square feet and less in area and are less than five (5) feet from the property line must meet the following additional requirements:

- a. be a minimum of three (3) feet from property lines, structures with a wall height of 8 feet or less and a maximum height of 12 feet may be located on property lines so long as the structure does not drain onto neighboring properties. Structures with a wall height of eight (8) feet or less and a maximum peak height of twelve (12) feet may be constructed with no side or rear setback from property lines as long as the structure is constructed so all water runoff from the accessory structure does not flow onto adjoining properties. In no case may any portion of a structure extend beyond the property line.

3. Buildings, Structures, or satellite earth stations larger than 200 square feet in area must meet the following additional requirements:

- a. Meet all the applicable building code regulations.
- b. Must maintain a minimum setback of five (5) feet to the side or rear property line with a maximum one (1) foot overhanging eave.

- c. Be anchored to concrete footings as outlined in the applicable building code.
- d. Accessory structures ~~buildings~~ over 200 square feet in size that are located between the front and back planes of the house must be architecturally compatible with the principal structure.

Development Review Committee

The Development Review Committee reviewed this proposal on October 20, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

Title 15 Amendment – Accessory Buildings

Applicant: Spanish Fork City and Byron Wann
 General Plan: City Wide
 Zoning: City Wide
 Location: City Wide

Mr. Anderson explained that an accessory building had been constructed right out to the property line. He read from the Municipal Code what staff was proposing that the City Council change to the Code. He said staff was proposing to reduce the setback from the main structure from 6 feet to 5 feet and that accessory structures be constructed to be architecturally compatible with the primary structure on the lot. He further explained that Mr. Wann's structure would meet the proposed changes except for the eave went beyond the property line. Mr. Anderson explained to the applicant that the eave of the building would not be able to go beyond the property line at all and may need to be modified.

Discussion was held regarding the existing driveway and our clear vision ordinance.

Mr. Anderson asked the applicant if he had any questions for the Committee regarding the proposed changes. Mr. Wann did not.

Mr. Baker said rather than reference a specific version of the building code into the ordinance that he was going to have the code read: meet the applicable building code at the time.

Discussion was held regarding changes to the proposed language to A. 1E, 1F, 15.104.020 Accessory Building definition.

Mr. Anderson **moved** to recommend to the City Council that they **approve** the proposed changes to section 15.3.24.090 A. Accessory Buildings with the changes that Mr. Baker touched on. Mr. Swenson **seconded** and the motion **passed** all in favor.

Planning Commission

The Planning Commission reviewed this request in their November 3, 2010 meeting and recommended that it be approved. Draft Minutes from that meeting read as follows:

Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.



TEXT AMENDMENT

REPORT TO THE CITY COUNCIL SETBACK REQUIREMENT TEXT AMENDMENT

Agenda Date: November 16, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee, Planning Commission.

Request: The applicant, Jose Ferreyros has requested that the setback requirement be reduced for awnings, carports, covered decks and other structures that are open on three sides.

Zoning: City-wide.

General Plan: City-wide.

Project Size: City-wide.

Number of lots: Not applicable.

Location: Not applicable.

Background Discussion

The proposed Text Amendment would modify the setback requirement for awnings, carports, covered decks and other structures that are open on three sides. At present, the setback requirement for these structures is typically ten feet. The proposed change would reduce that requirement to five feet.

A public hearing has been scheduled with the City Council for the November 16, 2010 meeting.

The proposed Amendment is provided below, changes are noted with red text.

15.4.23.090

F. Awnings, Carports or Covered Decks

1. Awnings or **other** structures that are open on three (3) sides on the rear portion of a home may extend within 15 feet of the rear property line.
2. Awnings **or other structures that are open on three (3) sides must be setback at least five (5) feet from the side property line.** ~~on the side of a home must meet all required side setbacks for that zoning district.~~
3. A building permit must be obtained for all awnings.

Development Review Committee

The Development Review Committee reviewed this proposal on October 20, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

Title 15 Amendment – Setback Requirements

Applicant: Jose Ferreyros
General Plan: City Wide
Zoning: City Wide
Location: City Wide

Mr. Anderson explained to the applicant that this was not the first time that the City Council in Spanish Fork had discussed changes to the ordinance with regard to setbacks. He invited the applicant to explain the reason for his request.

Jose Ferreyros

Mr. Ferreyros explained that he had a basement entry that he would like to cover with an awning to keep snow off of the sidewalk. He said that his neighbors house was only setback about 7 feet from the property line.

Mr. Baker asked if anyone on the Committee knew the circumstance behind the neighboring home having a 7-foot setback. Mr. Swenson said he was not involved in the inspection process when the home was constructed and he did not know how it was approved. He said that he had researched what the setback was at the time the home was constructed and that the setback should have been greater than 7 feet. He further explained what he felt the applicant was proposing. The applicant agreed with what Mr. Swenson explained.

Mr. Anderson said there were a couple of ways to accommodate the applicant's request. He read from the Code what was required relative to awnings on the side of homes. The options include reducing the awning setback or reduce the setback overall relative to setback requirements. Mr. Anderson explained that the setback had been 10 feet for a long time.

Mr. Baker explained what he felt was the objection from the Council in the past which was that people were living to close to each other. He said that where this was an awning, with three open sides, that he felt it was okay.

Discussion was held regarding setbacks and the reason we require there to be setbacks.

Mr. Anderson explained that he felt there was something different between an open awning versus living space with regard to setbacks.

Mr. Swenson explained that a 5-foot setback was required by the Fire Code.

Discussion was held regarding whether or not to allow any portion of any structure within the 5 or 10-foot setback (awnings, eaves etc.). Mr. Swenson explained the difference in the Fire Code and the City Code regarding what was allowed to encroach into the setback.

Mr. Oyler explained there was an interest in allowing awnings into the setback but not the living quarters into the setback.

Mr. Baker **moved** to recommend to the City Council that they **approve** an amendment to 15.3.24.090 sub paragraph F of the Municipal Code concerning setback requirements. That they change the side yard setback for structures that are open on 3 sides, awnings, carports, or covered decks must maintain a minimum setback of 5 feet from the property line. Discussion was held regarding the language being clear so that everyone involved was interpreting it correctly. Mr. Anderson **seconded** the motion and it **passed** all in favor.

Planning Commission

The Planning Commission reviewed this request in their November 3, 2010 meeting and recommended that it be approved. Draft Minutes from that meeting read as follows:

Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.



TEXT AMENDMENT

REPORT TO THE CITY COUNCIL FENCING REQUIREMENTS TEXT AMENDMENT

Agenda Date: November 16, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee, Planning Commission.

Request: The attached ordinance would modify the requirements for the placement and construction of fences.

Zoning: City-wide.

General Plan: City-wide.

Project Size: City-wide.

Number of lots: Not applicable.

Location: Not applicable.

Background Discussion

The proposed Text Amendment would establish a setback requirement for fences and utility facilities, clarifies where fences and other site obscuring objects can be placed with respect to intersections and would require that a building permit must be obtained for fences that are taller than three feet.

Staff believes the proposed changes would clarify the existing standards and employ new standards to ensure that fences and other objects do not obscure views in certain situations.

A public hearing has been scheduled with the City Council for the November 16, 2010 meeting.

The proposed changes are provided below. All but a few of the changes are identified with the bold and strike through typeface.

15.4.16.130

G. General Fencing Requirements:

1. The maximum height of a fence is six (6) feet in all zoning districts; pillars are not to exceed 6 ½ feet. The Council may waive the height requirement at their sole discretion.
2. The maximum height of a solid fence within the front yard setback area is three (3) feet. Substantially open fences such as chain link, or wrought iron may be four (4) feet high.
3. Barbed wire fencing is allowed in A-E, R-R, I-1, and I-2 districts.
4. Razor wire, and other similar type fencing is allowed in C-2, I-1, and I-2 districts when located above a height of six (6) feet, subject to Design Review approval. Additional screening of any such fence with plant materials may be required.
5. Fences must be built with a minimum clearance of three (3) feet around the following utilities: fire hydrants, water meters, telephone pedestals, power boxes and cable boxes.

6. A clear vision area is required at each driveway as set forth in 15.4.16.150.7. A building permit is required for all fences that are taller than three (3) feet. No fee is charged for fence permits unless the permit is required by applicable building codes.
8. Corner lots must maintain the ~~a second~~ clear vision area as set forth in 15.4.16.150.

15.4.16.150 Clear Vision Area

A. The clear vision area is formed by extending lines from each curb face to the point that the lines intersect, measuring back forty-five (45) feet along each curb face and connecting those points. Fencing, planting and other obstacles are restricted within this area as follows:

1. No fence shall exceed a height of three (3) feet, measured from the curb.
2. Shrubs shall be pruned to a height not to exceed three (3) feet in height.
3. Trees shall be pruned to maintain a clear area below five (5) feet in height.
4. Other site obscuring obstacles of that are three (3) feet or taller may not be placed in the clear vision area.

B. A second clear vision area ~~with twenty (20) foot sides~~ is also required at each driveway or where the rear of a corner lot adjoins an interior lot's driveway. This clear vision area is formed by extending lines from the point that the driveway or property line intersects the sidewalk, measuring back twenty (20) feet along the sidewalk and the driveway or property line and connecting those points. The same restrictions for landscaping, fencing and other obstacles apply in this area. ~~unless the interior lot is already developed and has no existing driveway within ten (10) feet of the property line adjoining the corner lot.~~

Development Review Committee

The Development Review Committee reviewed this proposal on October 20, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

Title 15 Amendment – Fence and Clear Vision requirements

Applicant: Spanish Fork City
 General Plan: City Wide
 Zoning: City Wide

Location: City Wide

Mr. Anderson said 6 feet was what he felt was all that the trees would need to be trimmed.

Mr. Rosenbaum asked, on a corner lot, where we were measuring the clear vision area from. Mr. Anderson said it was from the back of the curb.

Mr. Oyler said his concern was where the asphalt was set from which was the curb. Mr. Rosenbaum said he did not feel that 30 feet was enough in some instances. It was decided to measure from the sidewalk and not the property line and increase the setback number from 30 feet to 45 feet.

Mr. Anderson explained different circumstances involving more than one driveway on a lot.

Discussion was held regarding second driveways and gating them.

Mr. Anderson **moved** to change the City's General Fencing Requirements number 5 under G to read a minimum of 3 feet of clearance around any utility, on the clear vision area change 3 to 5 feet and that we change how the setback on the corner is measured so instead of saying the triangle is formed by property lines the triangle is measured from the curbface and the triangle be 45 feet in each direction. Mr. Rosenbaum **seconded** and the motion **passed** all in favor.

Planning Commission

The Planning Commission reviewed this request in their November 3, 2010 meeting and recommended that it be approved. Draft Minutes from that meeting read as follows:

Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.