



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 19, 2011.**

AGENDA ITEMS:

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

- a. Pledge, led by invitation
- b. URMMA Inspection Award – Carl Parker

2. PUBLIC COMMENTS:

Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by a group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines.

3. COUNCIL COMMENTS:

4. SPANISH FORK 101: Dave Anderson

5. PUBLIC HEARING:

- a. Public Hearing Regarding The Issuance And Sale Of Not More Than \$3,000,000 Aggregate Principal Amount Of Water Revenue Bonds, Series 2011 And Any Potential Economic Impact That The Project Described Herein To Be Financed With The Proceeds Of The Series 2011 Bonds May Have On The Private Sector.
- b. * Proposal to amend an ordinance to permit outdoor merchandise display in the Commercial Downtown zone and to permit outdoor seating and some signage in public rights-of-way.

6. 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 29, 2011; April 5, 2011.
- b. * Arbor Day Resolution #11-06
- c. * Disposal of Surplus
- d. * Changer Order #5 for 800 North Main to 00 East Sewermain & Waterline Replacement
- e. * River Bank Stabilization Contract Amendment #1
- f. * Arlen Ault Connector's Agreement
- g. * NRCS Contract Modification 006
- h. * Spanish Fork Canyon Pipeline Easement Encroachment Agreement

* 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.

7. NEW BUSINESS:

- a. Municipal Recreation Grant Application – Dale Robinson**

ADJOURN:



TEXT AMENDMENT

REPORT TO THE CITY COUNCIL OUTDOOR STORAGE – SEATING – SIGNAGE TEXT AMENDMENT

Agenda Date: April 19, 2011.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Spanish Fork City is proposing to amend its ordinance to permit outdoor merchandise display in the Commercial Downtown zone and to permit outdoor seating and some signage in public rights-of-way.

Zoning: City wide.

General Plan: City wide.

Project Size: City wide.

Number of lots: Not applicable.

Location: Not applicable.

Background Discussion

The proposal is perhaps best described as two separate amendments that are included in one proposed ordinance.

First, the proposal would permit the outdoor display of merchandise in the Commercial Downtown zone. At present, the Commercial Downtown zone is one of two commercial zones that do not permit the outdoor display of merchandise.

Second, the proposal would permit outdoor seating and some private signage within public rights-of-way. It is expected that the approval of this proposal will be followed by the development of specific standards for seating and the City's designation of locations where outdoor seating will be permitted. The City has already adopted standards for private signage within public rights-of-way.

Development Review Committee

The Development Review Committee reviewed this proposal on March 9, 2011. Draft minutes from that meeting read as follows:

Outdoor Display, Outdoor Seating

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

Mr. Anderson explained that the ordinance did not allow merchandise to be displayed outside in our Downtown Commercial zone. He further explained that the proposed amendment would allow the outdoor display of merchandise as long as it was on private property and not in a public right-of-way. He said the proposed language would also permit outdoor seating within the public right-of-way.

Mr. Baker explained what was proposed and discussion was held regarding the verbiage.

Mr. Anderson **moved** to recommend that the City Council **adopt** the proposed ordinance. Mr. Oyler **seconded** and the motion **passed** all in favor.

Planning Commission

The Planning Commission reviewed these changes in their March 16, 2011 meeting and recommended that they be approved with changes. Draft minutes from the Commission's meeting read as follows:

Outdoor Display, Outdoor Seating

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

Mr. Anderson explained the first amendment, Outdoor Display, which involves allowing businesses to display merchandise outside. With this change, businesses between 100 North to 400 North would be allowed to display merchandise outside between the hours of 7 a.m. to 9 p.m. At present, the current zone does not allow for the outdoor display of merchandise. He then explained the second amendment, Outdoor Seating, which involves creating the opportunity for outdoor seating to be placed in public rights-of-way throughout the City. Currently, the City does not allow anything to be placed or stored within any public-right-of-way. The real intent of the change is to permit the City, or a business, to have a table and some chairs out in front of their business. Mr. Anderson expressed his concern regarding who would own the tables and chairs, who would maintain them and what specific types of furniture would be permitted but explained that City staff would create standards to address his concerns.

Mr. Anderson explained that the Chamber of Commerce had submitted a letter requesting an ordinance change that would allow businesses to hold sidewalk sales. Businesses in the downtown district were requesting to hold a sidewalk sale once-a-month during the Spring, Summer and Fall months. Mr. Anderson explained to the Commission that if they were in support of the

change that they would need to recommend to the City Council that they amend the City Ordinance.

Commissioner Evans asked if a permit would need to be obtained every time that a sidewalk sale was held because he felt it was not necessary.

Mr. Anderson explained that the sidewalk sale would be limited to one weekend a month and businesses could choose to participate or not participate. He clarified that the direction was not for the businesses to be holding sidewalk sales on separate weekends but all on the same weekend.

The Chamber of Commerce President, Mike Mendenhall, explained that the impetus for the change was so that businesses could correlate sidewalk sales with other community events.

Discussion was held regarding the events that draw people into our town and capitalizing on the events with regard to business.

Discussion was held regarding separation between the travel lanes on Main Street and where outdoor seating is placed.

Discussion was held regarding the impact whether negative or positive relative to having a permanent weekend every month for the downtown businesses to have a sidewalk sale and whether or not to limit the sales to the Spring, Summer and Fall months or to just allow it year round.

Discussion was held regarding the liability of having outdoor display or seating within the public right of way and whether or not the City would need to obtain permits from the Utah Department of Transportation since Main Street is not a City street.

Chairman Christensen invited public comment. There was none.

Commissioner Evans asked the Chamber of Commerce President what his preference would be regarding sidewalk sales.

Mr. Mendenhall said he was open to whatever the Commission would grant but that he did not

want to see the sales get watered down by allowing them to be all of the time. He said that the businesses requested to be allowed to hold sidewalk sales once a month.

Commissioner Cope expressed that he was fine with the amendments and **moved** to recommend that the City Council **approve** a three part text amendment. First, permit the outdoor display of merchandise in the Commercial Downtown Zone. Second, permit outdoor seating within public-rights-of-way and third, permit sidewalk sales to be held every weekend beginning Friday and ending Sunday. Commissioner Evans **seconded** and the motion **passed** all in favor by a roll call vote. Discussion was held regarding displaying merchandise on privately owned property. The sidewalk sale would be for displaying merchandise within the public right-of-way, for commerce.

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.

ORDINANCE 06-11

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. SCUBES <i>Council member</i>		

I MOVE this ordinance be adopted: _____

I SECOND the foregoing motion: _____

ORDINANCE 06-11

AN ORDINANCE ADDRESSING THE OUTDOOR DISPLAY OF MERCHANDISE FOR SALE

WHEREAS, Spanish Fork City has adopted a comprehensive zoning ordinance which includes several commercial zones; and

WHEREAS, the commercial zones permit the outdoor display of merchandise for sale, except the C-D Downtown Commercial Zone, which prohibits any outdoor display of merchandise except during Fiesta Days; and

WHEREAS, the C-D Downtown Commercial Zone contemplates a walking friendly zone with easy pedestrian access to stores, which are situated close together; and

WHEREAS, several businesses have requested the ability to display merchandise for sale outdoors, which goal is consistent with the intent of the C-D Downtown Commercial Zone; and

WHEREAS, the outdoor display of merchandise needs to be prohibited in all zones on the public rights-of-way, except for limited outdoor dining, for safety purposes; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on Wednesday, the 6th day of April, 2011 where public comment was received; and

WHEREAS, following the public hearing, the Public Commission recommends adoption of an ordinance which allows the outdoor display of merchandise for sale in the C-D Downtown Zone; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 19th

day of April, 2011, where additional public comment was received; and

WHEREAS, it is in the best interests of the City and of its businesses and residents to allow the outdoor display of merchandise for sale in the C-D Downtown Zone as long as it is not on the public rights-of-way;

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

I.

Spanish Fork Municipal Code §15.3.060(A) is hereby amended as follows:

15.3.16.060 C-D Downtown Commercial

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

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building, **with no outdoor storage. The outside display of merchandise for sale is allowed between the hours of 7:00 a.m. and 9:00 p.m. if the merchandise remains off from the public right-of-way. Merchandise is allowed on the public right-of-way during sidewalk sales, which are allowed every weekend:**

1~12 No Change

II.

Spanish Fork Municipal Code §15.3.24.090(J), Public Rights-of-Way is hereby created as follows:

15.3.24.090 Supplementary Regulations

J. Public Rights-of-Way

It is not permitted to store or display merchandise or any other material, excepting those signs permitted in §5.36.050(9), within any public right-of-way. In certain locations designated by Spanish Fork City, outdoor seating may be permitted in accordance with restrictions provided in the City's Development Standards.

III.

This ordinance shall be effective 20 days after passage and publication.

DATED this 19th day of April, 2011

G. WAYNE ANDERSEN, Mayor

Attest:

Kent R. Clark, City Recorder

Tentative Minutes
Spanish Fork City Council Meeting
Work Session
March 29, 2011

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

Staff Present: Dave Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson, Community Development Director; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Chris Thompson, Public Works Director; Dee Rosenbaum, Public Safety Director; Angie Warner, Deputy Recorder; Shelley Hendrickson, Community Development Secretary; Chris Swenson, Building Inspector; Brent Smith, Code Enforcement Officer.

Citizens Present: Aaron Stern, Sarah Stern, Josh Stern, Erica Rogers, Marvin Wharton, Cary Robarge, Lance Wilson, Cary Hanks, Rich Harris, Lana Creer Harris, Mike Mendenhall, Blake Barney.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Mayor Andersen stated that we will be discussing two items. The first discussion item is the trees on Main Street and whether to plant one, two or none in the planters. We need to determine how we want our Main Street to look and what is the purpose of our Main Street. Is it a place to do business or is it a park. The second discussion is the sign problems. Are we going to enforce the code or change it? The trees on Main Street are being replaced and now you are able to see the store fronts and signs. Some questions include: Is it dangerous? Is it a benefit to the individual and does it benefit the City? Does it look nice?

Seth Perrins read a portion of the minutes from the City Council Budget Training in January 2011 regarding signage.

Dave Oyler presented a study that was done in the 1985 for downtown revitalization, alternatives for Spanish Fork City. The City created a committee of downtown and created the Main Street we have. The trees have grown too big for the planters, and the roots are wrapping around lines and pipes. The trees also block the business signs. The question is how the City beautifies Main Street to bring more pedestrian traffic.

Councilman Dart asked if we are going to have the same problem with the new trees.

Dale Robinson stated that the new trees will not get as big as the old ones and they will last approximately 12 years.

Councilman Scoubes read a description of what the new tree will be.

47 Cary Hanks with the Chamber of Commerce took a survey from the downtown businesses.
48 Twelve do not want the trees, thirty-one like the trees, and seventeen would prefer one tree per
49 planter.
50
51 Junior Baker reminded the Council & Staff that UDOT owns Main Street to the building store
52 fronts.
53
54 Mayor Andersen wants to be aware of the business people and what is best for them to succeed.
55
56 Dave Oyler explained that if the City Council decides to put the trees back then the Council is
57 going to have to address the sign issues.
58
59 Blake Barney asked if the City could not mound the mulch above the curbing because it makes a
60 mess when the wind blows. Also, why does there have to be the big electrical boxes in the
61 planters that stick out.
62
63 Dale Robinson said he would look into those questions.
64
65 Councilman Davis said he believes that the trees should be there to bring the attraction.
66
67 Councilman Leifson said if we are going to put the trees back then we should allow better
68 signage.
69
70 Dale Robinson said that most of the planters on the west side will only allow one tree. Dale
71 Robinson agrees that there needs to be some landscaping. Business owners and the public
72 prefer landscaped frontage.
73
74 Dave Oyler reminded the City Council that the chamber survey shows that most want the trees
75 so is there something else that the Council needs to help make a decision.
76
77 Councilman Scoubes thinks the ordinance should be more defined about signage and looking
78 nice.
79
80 Blake Barney explained that the City should just create a simple sign solution for A-Frames.
81
82 Mike Mendenhall with the Chamber of Commerce pointed out that twenty businesses said they
83 would improve their building front if the trees were not put back. Others said they would not
84 improve their store front if the trees were put back.
85
86 Councilman Leifson would like to see trees in the planters whether it's one or two.
87
88 Councilman Dart agreed with Councilman Leifson.
89
90 Councilman Nielson agreed with Councilman Leifson & Councilman Dart.
91
92 Councilman Scoubes suggested that we look at each area and see what fits.
93
94 Councilman Davis feels that the trees bring a great atmosphere and they need to stay.

95

96 Mayor Andersen feels one tree per box would be adequate. He directed Dale Robinson to install
97 the trees at least one if not two in each planter as per their discretion and see if we can level the
98 dirt not have it mounded.

99

100 Junior Baker said we can include an A-Frame section into the ordinance for the next agenda. But
101 the rest of the problems will take longer.

102

103 Junior Baker said we would like some direction from the council of what they want. Do you want
104 banners, and how does the Council want "look nice" defined.

105

106 Mayor Andersen stated that the Community Development department has been confined into a
107 box. Over the past year or so the director feels he does not have any flexibility. Mayor
108 Andersen would like to find a way to give him some flexibility to use some of his creativity.

109

110 Discussion about zoning problem areas.

111

112 ***10 minute break*

113

114 Discussion about code enforcement

115

116 Dave Oyler asked if the Council wants staff to go around and find every little thing that doesn't
117 fall into the code.

118

119 Council agreed to take complaints as they come.

120

121 Councilman Dart asked about having a variance committee.

122

123 Junior Baker said it runs off of State law and is very hard to qualify to have a variance
124 committee.

125

126 Junior Baker suggested that maybe the City Council would like to go over parts of the code and
127 see what needs to be updated or changed.

128

129 Dave Oyler instructed that staff will still go by what the city ordinances say, until we can go
130 through and make what changes that the City Council would like.

131

132 Councilman Davis made a **Motion to adjourn**.

133 Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 9:29 p.m.

134

135 **ADJOURN:**

136

137 **ADOPTED:**

138

139

Angie Warner, Deputy Recorder

Tentative Minutes
Spanish Fork City Council Meeting
April 5, 2011

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

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

Citizens Present: Shane Marshall, Shelly Thompson, Vikki Masters, Jonathan Masters, Rachel Christensen, Andrea Christensen, Cary Hanks, Lana Creer Harris, Cary Robarge, Jessica Jeffress, Shelbi Lindsay, Amber Morrell, Brooke Zufelt, Terry Ficklin, Bonnie Huff, Sherman Huff, Amber Mendenhall, Mike Mendenhall, Goose Beardall, Nik Garcia Beck, Melissa Basua, Alexander Loa, Brent Wignall.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Councilman Dart led in the pledge of allegiance.

Recognition of outgoing Planning Commissioner Shane Marshall

Mayor Pro Tem Leifson recognized and thanked Shane Marshall for all his time and commitment to the Planning Commission. Shane has served 3 years on the Planning Commission.

PUBLIC COMMENTS:

Cary Hanks with the Spanish Fork/Salem Area Chamber of Commerce invited the public to the Easter Egg Hunt that will be at the Sports Park on Saturday, April 23rd at 9:00 a.m.

COUNCIL COMMENTS:

Councilman Scoubes reminded the citizens that this Saturday is the Household Hazardous Waste Collection Day in Orem from 9 a.m.- 3 p.m. The Fine Arts Council is looking for volunteers for their programs and events.

Councilman Dart congratulated the Spanish Fork baseball team for their national winnings. Councilman Dart also thanked the Recreation Dept for the naming of the baseball field ceremony.

Councilman Davis turned the time over to Mike and Amber Mendenhall, the 2011 Fiesta Days Chairman's.

Mike Mendenhall introduced the grand marshals for 2011, Sherman & Bonnie Huff. Sherman has served and volunteered on many boards & committees.

Sherman Huff thanked the City for being able to serve again.

49 Mike Mendenhall said that the Fiesta Days Committee had a contest to receive ideas from the
50 public for the Fiesta Days theme. The committee received over 60 entries. The committee voted
51 on "Spanish Fork Fiesta Days 2011 The Place to Be".

52
53 Councilman Nielson attended the Utah Water Association Conference. Spanish Fork City is
54 some what a leader in our pressurized irrigation system. Now other cities are adding the system
55 to their communities.

56
57 Mayor Pro Tem Leifson congratulated the Spanish Fork baseball team. A couple of months ago
58 we had a Spanish Fork boy that created an iphone app, now we have another Spanish Fork boy
59 to recognize. Sterling Brinkerhoff won a national honor for having the smelliest sneakers.

60
61 **SPANISH FORK 101:**

62 Chief Dee Rosenbaum spoke about the animal ordinances for the City. He highlighted some of
63 the common questions they receive. 1) Do we have a Leash Law? 2) How many dogs can I own?
64 3) Rabies Clinics 4) Can we have dogs in the parks? 5) Chicken Ordinance.

65
66 Councilman Dart made a **Motion** to move in to the Public Hearing to discuss the proposed Land
67 Use Element of the General Plan.

68 Councilman Davis **Seconded** and the motion **passed** all in favor.

69
70 **PUBLIC HEARING:**

71 **Review the proposed Land Use Element of the General Plan**

72 Dave Anderson stated that the Planning Commission has put a lot of time into preparing this. In
73 the past the City Council has requested changes for the General Plan. The General Plan is the
74 City's vision and guidance for development and land uses for the future. The Planning
75 Commission has reviewed the proposed documents and recommends approval.

76
77 Mayor Pro Tem Leifson welcomed any public comment.

78
79 No public comment.

80
81 Councilman Scoubes thanked the Planning Commission for their hard work in putting this
82 together. This is a rough plan build out of the City for the future. Councilman Scoubes would
83 like the design standards moved up on the list.

84
85 Dave Anderson said we would like there to be only twice a year that there can be changes made
86 to this document.

87
88 Dave Oyler asked if there was discussion about a potential commercial zone or a potential
89 interchange at 2700 North.

90
91 Mayor Pro Tem Leifson asked that Planning Commission to go back and look at the area of 2700
92 North.

93
94 Dave Anderson said that Mountainland is doing a study in that area and it will be done by the end
95 of the year.

96

97 Discussion about the zoning in the area of Arrowhead Trail.

98

99 Dave Anderson said that we are hoping that this sets the stage to help encourage the right
100 development to happen.

101

102 Councilman Nielson made a **motion** to move out of the Public Hearing

103 Councilman Dart **Seconded** and the motion **passed** all in favor.

104

105 Councilman Nielson made a **Motion** to **approve** Ordinance 05-11 Amending the Land Use
106 Element of the General Plan.

107 Councilman Scoubes **Seconded** and the motion **passed** with a roll call vote all in favor.

108

109 **CONSENT ITEMS:**

110 a. **Minutes of Spanish Fork City Council Meeting – March 15, 2011**

111 b. **Utah National Guard Deed Contract**

112 c. **Ratify Contract between Spanish Fork City and Extreme Tix, Inc.**

113

114 Councilman Dart made a **Motion** to **approve** the consent items.

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

116

117 **NEW BUSINESS:**

118 **Resolution #11-04 Establishing a New Public Hearing Date for a Water Revenue Bond**

119 Junior Baker said that we needed a little more time and they had scheduled a date for next week.

120 City Council does not meet until the 19th. So this is just changing the date to our regularly
121 scheduled meeting.

122

123 Councilman Davis made a **Motion** to **approve** Resolution #11-04 Establishing a New Public
124 Hearing Date for a Water Revenue Bond.

125 Councilman Dart **Seconded** and the motion **passed** with a roll call vote all in favor.

126

127 **Resolution #11-05 Intent to Adjust a Common Boundary with Mapleton City**

128 Junior Baker stated that we have been working on this item for about 3 years. The property

129 owner, Ensign-Bickford, has closed their industrial activities. Ensign-Bickford has looked at the

130 cost to develop with both cities. The conclusion is that the railroad tracks just make a natural

131 boundary. The City would like to transfer the Ensign-Bickford property to Mapleton. The first

132 step is a notice of intent, then a public hearing on June 7th. Junior Baker stated that we will need

133 to amend our interlocal agreement with Mapleton regarding the use of the sewer plant.

134

135 Councilman Dart made a **Motion** to **approve** Resolution #11-05 Intent to Adjust a Common
136 Boundary with Mapleton City.

137 Councilman Scoubes **Seconded** and the motion **passed** with a roll call vote all in favor.

138

139 **Ordinance #04-11 Proposed Amendment to Title 5 to permit animated signs, A-Frame signs and**
140 **to increase the permitted size of freestanding signs.**

141 Junior Baker said that a business owner would like to put up an electronic sign, but the sign was

142 not permitted under our code. Staff has gone through the process and has made amendments to

143 the following areas: 5.36.020 General Provisions; 5.36.040 Permitted Permanent Signs; 5.36.050

144 Permitted Temporary Signs. A lengthy discussion took place concerning A-frame signs. Junior

145 Baker stated that the ordinance requires the sign to be secured in front of the business during
146 business hours.

147
148 Councilman Dart asked if we would like to add wood A-frames.

149
150 City Council agreed to add well-kept A-frames, which would allow wood, as well as other
151 materials.

152
153 Junior Baker added in 9A "*signs shall be maintained and well-kept*" and took out the material
154 requirements.

155
156 Councilman Dart made a **Motion** to **approve** Ordinance #04-11 Proposed Amendment to Title 5
157 to permit animated signs, A-Frame signs and to increase the permitted size of freestanding signs
158 as modified by the City Council.

159 Councilman Nielson **Seconded** and the motion **passed** with a roll call vote all in favor.

160
161 Councilman Dart made a **Motion** to **adjourn**.

162 Councilman Davis **Seconded** and the motion **Passed** all in favor at 8:02 p.m.

163
164 **ADJOURN:**

165
166 **ADOPTED:**

167
168

Angie Warner, Deputy Recorder

169

RESOLUTION NO. 11-06

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor</i> <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 resolution be adopted: Councilman

I SECOND the foregoing motion: Councilman

RESOLUTION 11-06

A RESOLUTION PROCLAIMING ARBOR DAY

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

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

WHEREAS, 2011 is the 139th anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife, and

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

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

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

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

NOW, THEREFORE, I, G. Wayne Andersen, Mayor of the City of Spanish Fork, do hereby proclaim Friday, April 22nd, 2011 and Friday, April 29th, 2011 as Arbor Day in the City of Spanish Fork, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

This resolution adopted this 19th day of April, 2010, by the City Council of Spanish Fork City, Utah.

G. WAYNE ANDERSEN, Mayor

ATTEST:

KENT R. CLARK, City Recorder



MEMO

To: Mayor and Council
From: Max Sabey
Date: April 19, 2011
Re: Disposal of Surplus Property

It is proposed that we trade the 1988 GMC Sewer Rodder (Camel Jet Machine) to Utah County for the sum of \$0.00 in lieu of use of their equipment. They have been very good at letting the City use their equipment and we have a great working relationship with them. They are willing to let the City continue to use their equipment when available.

Last year alone we used the County's:

- Asphalt Rotomill Machine for 6 day and a total of 36 hours.
- Asphalt Roller for 30 days.
- Tack machine for 4 days.
- Use of their wood shop during our shop remodel project.

If we had of rented this equipment it would have cost the City:

- Asphalt Rotomill weekly rental: \$1400
- Asphalt Roller weekly rental: \$6000
- Tack Oil Machine: \$1000



Memo

To: Spanish Fork City Council and Mayor Andersen
From: Chris Thompson, Public Works Director/ City Engineer
Date: April 13, 2011
Re: Change Order #5 for 800 North—Main St to 600 East Sewermain & Waterline Replacement

STAFF REPORT

This change order is to adjust quantities required to construct the 800 North—Main St. to 600 East Sewermain & Waterline Replacement due to undetermined location and condition of existing utilities.

During the construction of the sanitary sewer line, existing manholes were inspected and determined to be structurally sound reducing project costs. Instead of installing new manholes it was decided to core the existing manholes. A few sewer laterals were difficult to find requiring the contractor to spend excessive time to determine their location.

As part of the waterline new fire hydrants were to be installed. It was determined that two of the existing fire hydrants met current code requirements, therefore replacement was not necessary. The existing waterline was found to be leaking. Proper notification was used and it was determined that Harper-Kilgore would repair the leak. During the installation of the new water services existing businesses had larger services than expected which required installation of existing larger size service.

Staff recommends approving the change order for 800 North Project in the sum of -\$14,244.72.

Attached: 800 North—Main St. to 600 East Sewermain & Waterline Replacement



Spanish Fork City

Contract Change Order

Change Order Number: **5**

Contract for	800 North Main Street to 600 East Sewer & Waterline Replacement Project - 2010	Date	3/30/2011
Owner	Spanish Fork City		
To	Harper-Kilgore		

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
SSMH Coring		\$625.00
Fire Hydrant Install/ noninstall		\$1,353.18
Fire Hydrant Sleeve @ \$658.49/ ea		\$1,316.98
Waterline Repair		\$461.50
Time for finding Sewer Laterals @ \$218.22/ ea		\$2,182.20
2 - 48" Sanitary Sewer Manhole @ \$2,868.57 / ea	\$5,737.14	
4 - Fire Hydrant Assembly @ \$3,611.61 / ea	\$14,446.44	
TOTALS :	\$20,183.58	\$5,938.86
NET CHANGE IN CONTRACT PRICE :		\$(14,244.72)

JUSTIFICATION
See Memo

The amount of the contract will be increased by the sum of :	Two Hundred One Dollars and 72/100.
	Dollars \$(14,244.72)
The contract total including this and previous change orders will be :	Five Hundred Twenty-Five Thousand Nine Hundred Thirty One
	Dollars and 87/100. Dollars \$525,931.87

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: Chris Thompson, Public Works Director/City Engineer
Date: April 14, 2011
Re: River Bank Stabilization Contract Amendment #1

Staff Report

During the beginning of spring runoff we have identified additional areas along the Spanish Fork River causing bank stability issues. These areas will require additional engineering and permitting to stabilize these areas. The new areas of concern will protect the newly constructed river bottoms trail. Additionally, after submitting plans and receiving review comments from the Division of Water Rights Stream Alteration program they have required additional information on the permit. This proposal also includes Engineering Inspections on installation and materials once construction of these projects begins.

We recommend that \$10,300 contract amendment with Bowen Collins and Associates be approved. The cost of this contract shall be paid for out of the approved budget and will not require an increase in the budget.

Attached: Task Order No. 8 Bank Stabilization Design



TASK ORDER No. 7
City-wide Storm Drain Master Plan

Amendment #1

City of Spanish Fork (OWNER)

Task Order No. 7 is hereby amended by the City of Spanish Fork (herein called OWNER) pursuant to the General Services Agreement between the OWNER and Bowen, Collins & Associates, Inc. (herein called ENGINEER) dated May 7, 2008.

1. SERVICES

Perform additional services not included in the original Task Order No. 7 as described below:

Task 3 Prepare Additional Drawings

The original scope of work for Task Order 7 included two drawings for 3 sites. Based on additional requests from Spanish Fork City personnel, 5 drawings were prepared for 5 sites. The work to prepare the additional drawings is included in this task.

Task 4 Additional Stream Alteration Permit Applications

The ENGINEER will prepare and submit up to two (2) more stream alteration permits for the Spanish Fork River for sites located upstream of Main Street. The following activities will be completed in conjunction with this task:

- Visit site and take photos to be included in the Stream Alteration Permit application.
- Prepare and provide up to three (3) PDF design drawings that will show the areas where work will be performed and typical channel cross sections showing recommend bank stabilization methods for the site. The bank stabilization will be designed based on the channel velocity from the Spanish Fork River LOMR hydraulic model.
- Prepare and submit applications for a Stream Alteration Permit for the study area.

Task 13 Construction Management Services

The ENGINEER will assist Spanish Fork City personnel with construction management services as requested by City personnel. Activities associated with this task will include up to 5 site visits and 4 hours of additional consulting.

2. COMPENSATION

Time and expenses not to exceed \$10,300 without prior written approval.

Original Task Order 7 Amount	\$5,700
Amendment No. 1 - Requested Amount	<u>\$10,300</u>
Revised Task Order 7 Maximum Limit Not to Exceed	\$16,000

3. SCHEDULE

The work associated with Task 3 will be completed within 2 weeks of receiving a notice to proceed. The work associated with Task 4 will be completed within 4 weeks of receiving a notice to proceed.

The parties have executed this Task Order effective this 14th day of April, 2011.

OWNER

By _____
Name _____
Title _____

ENGINEER

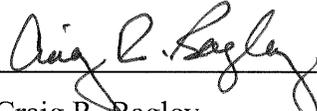
By 
Name Craig R. Bagley
Title Vice President

Exhibit A
Spanish Fork City
Bank Stabilization Design - Ammendment 1
Engineering Man-Hour and Fee Estimate

Last Updated 4/14/2011

						Subtotal Hours	Subtotal Labor	Subtotal Expenses	Total Cost
	Labor Category	Tech 3	Engineer 1	Lands. Arch.	Engineer 6				
	Labor Rate	\$82	\$88	\$93	\$135				
Task No.	Task Description								
1	Bank Stabilization Design		22		4	26	\$ 2,476	\$ 224	\$ 2,700
2	Stream Alteration Permit		7	20	2	29	\$ 2,746	\$ 254	\$ 3,000
3	Prepare Additional Drawings	8	7		1	16	\$ 1,407	\$ 193	\$ 1,600
4	Additional Stream Alteration Permit Applications	16	12		2	30	\$ 2,638	\$ 262	\$ 2,900
5	Construction Management Services		44		8	52	\$ 4,952	\$ 848	\$ 5,800
	Total Hours	24	92	20	17	153			
	Total Cost						\$ 14,219	\$ 1,781	\$ 16,000

Expenses include:

- Mileage reimbursement at \$0.75/mile
- Computer/Communications Charge at \$6/labor hour
- 10% Markup on Outside Services



Memo

To: Mayor and City Council
From: Trapper Burdick, Assistant City Engineer
Date: April 15, 2011
Re: Arlen Ault Connector's Agreement

Staff Report

Arlen Ault installed improvements for the Spanish Trails Boulevard from 390 South to approximately 530 South. Improvement installed include drinking water line, pressurized irrigation line, sewer, curb & gutter, sidewalk, typical street requirements and all utility services to the development lots.

This is a standard connector's agreement and, thus, appears on the consent agenda.

Attached: Proposed Connector's Agreement



CONNECTOR'S AGREEMENT

This Connector's Agreement made this ____ day of April, 2011, by and between Spanish Fork City, hereinafter called City, and Arlen Ault hereinafter called Developer.

RECITALS

WHEREAS, Developer has improved real property in Spanish Fork City; and,

WHEREAS, in order to improve that property, Developer has installed a culinary water line, pressurized irrigation line, sewer stubs, curb, gutter, sidewalk, and street in Spanish Trails Boulevard from 390 South to approximately 530 South, which improvements will also service those properties identified as parcel 1 on Exhibit A, attached hereto and incorporated herein by this reference, which property fronts the improvements; and

WHEREAS, Exhibit A also identifies the location of improvements installed by Developer; and

WHEREAS, Developer has incurred expenses of \$83,276.98 related to parcel 1 in installing the improvements; and

WHEREAS, Developer has heretofore been reimbursed the sum of \$38,182.98 related to parcel 1; and

WHEREAS, it is anticipated that the owner(s) of parcel 1 will, at some time in the future, desire develop their property; and

WHEREAS, the property owner(s) of parcel 1 would have to install equivalent improvements to develop their property, if not already installed by Developer; and

WHEREAS, City has determined that it is just and equitable that the owner(s) of

parcel 1 should reimburse Developer the sum of \$45,093.22, representing the difference between the cost of improvements benefitting parcel 1 and the amount already reimbursed, at the time parcel 1 is developed;

NOW, THEREFORE, in consideration of ten dollars and other good and valuable consideration paid by Developer to City, the parties agree as follows:

1. City will require the payment of \$45,093.22 from the owner(s) of parcel 1, as shown on Exhibit A, as a condition of permitting the owner(s) of parcel 1 to connect to or otherwise use the improvements fronting parcel 1 to develop their property.

2. That payment of the sum mentioned in the preceding paragraphs shall bear no interest from date hereof to date of payment.

3. That upon receipt of such sum, City agrees to remit said sum to Developer or its assignees.

4. That it shall be the responsibility of Developer, or its assigns, to advise City, in writing, of any impending development which likely would trigger the connector's fee. In no event shall City be liable for failure to make collection, it being understood and agreed that City will use it's best efforts to make such collection.

5. This connector's agreement shall remain in place for a period of twenty years from the date hereof.

DATED this ____ day of April, 2011.

ARLEN AULT

Spanish Fork City by:

G. WAYNE ANDERSEN, Mayor

Attest:

KENT R. CLARK, City Recorder

SPANISH TRAILS BILLING EXHIBIT A



1 Inch = 60 Feet

 Connector Agreement Area



4/18/2011



GEOGRAPHIC INFORMATION SYSTEMS

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 804-4571

Disclaimer: Spanish Fork City makes no warranty with respect to the accuracy, completeness, or usefulness of these maps. Spanish Fork City assumes no liability for direct, indirect, special, or consequential damages resulting from the use or misuse of these maps or any of the information contained herein. Portions may be copied for incidental uses, but may not be resold.



Memo

To: Mayor and City Council
From: Chris Thompson, Public Works Director / City Engineer
Date: April 15, 2011
Re: NRCS Contract Modification 006

Staff Report

The purpose of this memo is to approve a contract modification between the Natural Resources Conservation Service (NRCS) and Spanish Fork City. This modification adjusts funds that have not been expensed in the original contract and are not allowed to be used for construction. Remaining funds in these phases will be moved to a construction phase which will begin soon. The amount of money to be adjusted to the construction phase is \$15, 109.58.

Staff recommends approving the contract modification agreement with the NRCS.

Attached: 69-8D43-6-02 Modification 006 Agreement

**69-8D43-6-02
MODIFICATION 006
To Grant Agreement
Between
SPANISH FORK CITY (Recipient)
Located in the State of Utah
And the
UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE (NRCS)**

AUTHORITY:

The citation for program authority and appropriation of funds for the 2010 funding follows:

- 1 Soil and Water Conservation Act of 1936, as amended, Public Law 74-46, 16 U.S.C. 590 a-f. (CFDA 10.902)
- 2 H.R. Public Law 111-80 Omnibus Appropriations Act of 2010

All other program and appropriation citations shall remain unchanged.

PURPOSE:

The purpose for this Modification 006 is to readjust the expenditures in budget object class categories for the purpose of utilizing small remaining funds occurring in each category as the project comes to an end.

JUSTIFICATION:

Project Estimated budget category estimates can now be exactly identified. This has resulted in small amounts remaining in each category. The Fifteen Thousand One Hundred Nine and 58/100 U. S. Dollars (\$15,109.58) cumulative funding will be utilized in Phase 11 of this project entitled Interpretive Trail and Bridge Construction.

ATTACHMENTS:

The following Attachments are made a part of the agreement by this reference:

Attachment 006-A Request a Modification to the Plan of Work for the Spanish Fork River Parkway

Attachment 006-B Revised Plan of Work (2010)
Attachment 006-C Revised Budget, SF424, SF424A,

BUDGET AND PLAN OF WORK CHANGES:

NRCS agrees to accept the revision of the budget and plan of work as expressed in Attachment 006-B and 006-C.

All other terms and conditions as described in the Grant Agreement and Modifications 001, 002, 003, 004, and Modification 005, shall remain the same.

The United States Department of Agriculture, Natural Resources Conservation Service, and Spanish Fork City execute this agreement as of the date of final signature by USDA/NRCS. The signatories below represent that each is duly authorized to bind their respective organization to this agreement.

Spanish Fork City

**United States Department of Agriculture
Natural Resources Conservation Service**

Wayne Anderson Date
Mayor

Sylvia A. Gillen Date
State Conservationist

Attachment 006- A
LETTER OF REQUEST FOR MODIFICATION 006



March 10, 2011

Kerry Goodrich, ASTC-FO Area 1
USDA-Natural Resources Conservation Service
2871 South Commerce Way
Ogden, UT 84401

Amendments to Plan of Work
Spanish Fork River Parkway, March 10, 2011
Contract Number 69-8D43-6-02

This letter is to request a modification to the plan of work for the Spanish Fork River Parkway Project. Spanish Fork City requests that the following changes be made to our grant agreement #69-8D43-6-02. The request includes the reallocation of remaining funds to facilitate the timely completion of the Spanish Fork River Parkway Project. The proposed reallocation is as follows:

1. The amount of \$790.72 to be moved from **Phase 1: River Bank Stability Analysis** to **Phase 11: Interpretive Trail and Bridge Construction**.
2. The amount of \$1,148.33 to be moved from **Phase 3: Complete FEMA CLOMR Study** to be delivered to FEMA to **Phase 11: Interpretive Trail and Bridge Construction**.
3. The amount of \$9,818.34 to be moved from **Phase 4: NEPA Study Documents** to **Phase 11: Interpretive Trail and Bridge Construction**.
4. The amount of \$0.10 to be moved from **Phase 5: Trail Design** to **Phase 11: Interpretive Trail and Bridge Construction**.
5. The amount of \$3,352.08 to be moved from **Phase 6: Easement Acquisition** to **Phase 11: Interpretive Trail and Bridge Construction**.

This will allow the city to use the rest of the reallocated funds for the continuation of the final phase of the Spanish Fork River Parkway Project. All of the funds will be used by June 30, 2011.

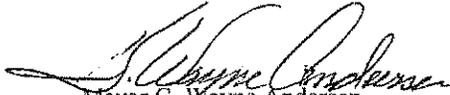
No timeline changes are proposed in this modification:

PHASE	Original Date	New Date
1. River Bank Stability Analysis (2006 Funds)	6-30-2008	n/a
2. Interpretive Trail and Bridge Construction (2006 Funds)	8-31-2010	n/a
3. Complete FEMA CLOMR Study to be Delivered to FEMA (2006 Funds)	12-17-2008	n/a
4. NEPA Study Documents (2006 Funds)	5-31-2010	n/a
5. Trail Design (2006 Funds)	7-14-2009	n/a
6. Easement Acquisition (2006 Funds)	8-31-2010	n/a
7. Interpretive Trail and Bridge Construction (2008 Funds)	8-31-2010	n/a
8. Engineering, Construction and Project Management (City Match)	8-31-2010	n/a
9. Land and Easement Acquisition (City Match)	8-31-2010	n/a
10. Interpretive Trail and Bridge Construction (2009 Funds)	8-31-2010	n/a
11. Interpretive Trail and Bridge Construction (2010 Funds)	n/a	6-30-2011
12. Engineering, Construction and Project Management (City Match 2010)	n/a	6-30-2011
13. Land and Easement Acquisition (City Match 2010)	n/a	6-30-2011

Spanish Fork City will be adjusting budget amounts for the following phases:

PHASE	Original NRCS	2010 NRCS	Original City	2010 City
1. River Bank Stability Analysis (2006 Funds)	\$30,000	\$29,209.27		
2. Interpretive Trail and Bridge Construction (2006 Funds)	\$157,900	\$157,900		
3. Complete FEMA CLOMR Study to be Delivered to FEMA (2006 Funds)	\$115,000	\$113,851.67		
4. NEPA Study Documents (2006 Funds)	\$60,000	\$50,181.66		
5. Trail Design (2006 Funds)	\$37,100	\$37,099.90		
6. Easement Acquisition (2006 Funds)	\$50,000	\$46,647.92		
7. Interpretive Trail and Bridge Construction (2008 Funds)	\$285,000	\$285,000		
8. Engineering, Construction and Project Management (City Match)			\$130,000	\$130,000
9. Land and Easement Acquisition (City Match)			\$274,833	\$274,833
10. Interpretive Trail and Bridge Construction (2009 Funds)	\$275,500	\$275,500		
11. Interpretive Trail and Bridge Construction (2010 Funds)	\$285,000	\$300,109.58		
12. Engineering, Construction and Project Management (City Match 2010)			\$15,000	\$15,000
13. Land and Easement Acquisition (City Match 2010)			\$80,000	\$80,000

Thank you,



Mayor G. Wayne Andersen
Spanish Fork City

Attachment 006-B

MODIFICATION 006 PLAN OF WORK

Amendment #6 to Plan of Work, Grant Agreement #69-8D43-6-02
Amendment Requested on March 8, 2011
Spanish Fork City River Parkway
Spanish Fork City

Spanish Fork City requests that the following changes be made to our grant agreement #69-8D43-6-02. The request includes the reallocation of remaining funds to facilitate the timely completion of the Spanish Fork River Parkway Project. The proposed reallocation is as follows:

1. The amount of \$790.73 to be moved from **Phase 1: River Bank Stability Analysis** to **Phase 11: Interpretive Trail and Bridge Construction**.
2. The amount of \$1,148.33 to be moved from **Phase 3: Complete FEMA CLOMR Study** to be delivered to FEMA to **Phase 11: Interpretive Trail and Bridge Construction**.
3. The amount of \$9,818.34 to be moved from **Phase 4: NEPA Study Documents** to **Phase 11: Interpretive Trail and Bridge Construction**.
4. The amount of \$0.10 to be moved from **Phase 5: Trail Design** to **Phase 11: Interpretive Trail and Bridge Construction**.
5. The amount of \$3,352.08 to be moved from **Phase 6: Easement Acquisition** to **Phase 11: Interpretive Trail and Bridge Construction**.

This will allow the city to use the rest of the reallocated funds for the continuation of the final phase of the Spanish Fork River Parkway Project. All of the funds will be used by June 30, 2011.

No timeline changes are proposed in this modification:

PHASE	Original Date	New Date
1. River Bank Stability Analysis (2006 Funds)	6-30-2008	n/a
2. Interpretive Trail and Bridge Construction (2006 Funds)	8-31-2010	n/a
3. Complete FEMA CLOMR Study to be Delivered to FEMA (2006 Funds)	12-17-2008	n/a
4. NEPA Study Documents (2006 Funds)	5-31-2010	n/a
5. Trail Design (2006 Funds)	7-14-2009	n/a
6. Easement Acquisition (2006 Funds)	8-31-2010	n/a
7. Interpretive Trail and Bridge Construction (2008 Funds)	8-31-2010	n/a
8. Engineering, Construction and Project Management (City Match)	8-31-2010	n/a
9. Land and Easement Acquisition (City Match)	8-31-2010	n/a
10. Interpretive Trail and Bridge Construction (2009 Funds)	8-31-2010	n/a
11. Interpretive Trail and Bridge Construction (2010 Funds)	n/a	6-30-2011
12. Engineering, Construction and Project Management (City Match 2010)	n/a	6-30-2011
13. Land and Easement Acquisition (City Match 2010)	n/a	6-30-2011

Spanish Fork City will be adjusting budget amounts for the following phases:

PHASE	Original NRCS	2010 NRCS	Original City	2010 City
1. River Bank Stability Analysis (2006 Funds)	\$30,000	\$29,209.27		
2. Interpretive Trail and Bridge Construction (2006 Funds)	\$157,900	\$157,900		
3. Complete FEMA CLOMR Study to be Delivered to FEMA (2006 Funds)	\$115,000	\$113,851.67		
4. NEPA Study Documents (2006 Funds)	\$60,000	\$50,181.66		
5. Trail Design (2006 Funds)	\$37,100	\$37,099.90		
6. Easement Acquisition (2006 Funds)	\$50,000	\$46,647.92		
7. Interpretive Trail and Bridge Construction (2008 Funds)	\$285,000	\$285,000		
8. Engineering, Construction and Project Management (City Match)			\$130,000	\$130,000
9. Land and Easement Acquisition (City Match)			\$274,833	\$274,833
10. Interpretive Trail and Bridge Construction (2009 Funds)	\$275,500	\$275,500		
11. Interpretive Trail and Bridge Construction (2010 Funds)	\$285,000	\$300,109.58		
12. Engineering, Construction and Project Management (City Match 2010)			\$15,000	\$15,000
13. Land and Easement Acquisition (City Match 2010)			\$80,000	\$80,000

**Attachment 006-C
REVISED BUDGET
STANDARD FORMS 424 AND 424A**

**APPLICATION FOR
 FEDERAL ASSISTANCE**

Version 7/03

1. TYPE OF SUBMISSION: Application		2. DATE SUBMITTED 12/14/2010	Applicant Identifier
<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Pre-application	3. DATE RECEIVED BY STATE	State Application Identifier
<input type="checkbox"/> Non-Construction	<input type="checkbox"/> Construction	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
<input type="checkbox"/> Non-Construction		69-8D43-6-02	
5. APPLICANT INFORMATION			
Legal Name: Spanish Fork City Corporation		Organizational Unit: Department:	
Organizational DUNS: 073105488		Division:	
Address: Street: 40 South Main Street		Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: First Name: Chris	
City: Spanish Fork		Middle Name M.	
County: Utah		Last Name Thompson	
State: Utah	Zip Code 84660	Suffix:	
Country: USA		Email: cthompson@spanishfork.org	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 87-6000284		Phone Number (give area code) (801) 804-4556	Fax Number (give area code) (801) 804-4556
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) <input type="checkbox"/> <input type="checkbox"/>		7. TYPE OF APPLICANT: (See back of form for Application Types) C Other (specify)	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE (Name of Program): 10-902		9. NAME OF FEDERAL AGENCY: USDA-NRCS	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Utah County, Utah		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Spanish Fork River Enhancement, Wetland Creation and Trail Project	
13. PROPOSED PROJECT Start Date: August 7, 2006		14. CONGRESSIONAL DISTRICTS OF: a. Applicant (Utah) Three	
Ending Date: June 30, 2011		b. Project (Utah) Three	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ 1,295,500	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$ 499,833	DATE:	
c. State	\$	b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
f. Program Income	\$	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No	
g. TOTAL	\$ 1,795,333		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Authorized Representative			
Prefix	First Name G.	Middle Name Wayne	
Last Name Andersen	Suffix		
b. Title Mayor	c. Telephone Number (give area code) (801-804-4530		
d. Signature of Authorized Representative	e. Date Signed		

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Standard Form 424 (Rev.9-2003)
 Prescribed by OMB Circular A-102

Reset Form

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Total Page 1		\$	\$	\$ 300,960.94	\$	\$ 300,960.94
2. Total Page 2				133,929.48		133,929.48
3. Total Page 3				285,000.00	404,833.00	689,833.00
4. Total Page 4				575,609.58	95,000.00	670,609.58
5. Totals		\$ 0.00	\$ 0.00	\$ 1,295,500.00	\$ 499,833.00	\$ 1,795,333.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Total Page 1	(2) Total Page 2	(3) Total Page 3	Total Page 4	
a. Personnel	\$	\$	\$ 130,000.00	\$ 15,000.00	\$ 145,000.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual	143,060.94	133,929.48			276,990.42
g. Construction	157,900.00		285,000.00	575,609.58	1,018,509.58
h. Other			274,833.00	80,000.00	354,833.00
i. Total Direct Charges (sum of 6a-6h)	300,960.94	133,929.48	689,833.00	670,609.58	1,795,333.00
j. Indirect Charges					0.00
k. TOTALS (sum of 6i and 6j)	\$ 300,960.94	\$ 133,929.48	\$ 689,833.00	\$ 670,609.58	\$ 1,795,333.00
7. Program Income	\$	\$	\$	\$	\$ 0.00

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Standard Form 424A (Rev. 7-97)
 Prescribed by OMB Circular A-102

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)	
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)		
1. Riverbank Stability	CFDA 10.902	\$	\$	\$ 29,209.27	\$	\$ 29,209.27	
2. Inter. Trail - 2006	CFDA 10.902			157,900.00		157,900.00	
3. FEMA-CLOMR	CFDA 10.902			113,851.67		113,851.67	
4.						0.00	
5. Totals		\$ 0.00	\$ 0.00	\$ 300,960.94	\$ 0.00	\$ 300,960.94	
SECTION B - BUDGET CATEGORIES							
6. Object Class Categories		GRANT PROGRAM FUNCTION OR ACTIVITY					Total (5)
		(1) Riverbank Stability	(2) Inter. Trail-2006	(3) FEMA-CLOMR	FEMA-CLOMR		
a. Personnel		\$	\$	\$	\$	\$ 0.00	
b. Fringe Benefits						0.00	
c. Travel						0.00	
d. Equipment						0.00	
e. Supplies						0.00	
f. Contractual		29,209.27		113,851.67		143,060.94	
g. Construction			157,900.00			157,900.00	
h. Other						0.00	
i. Total Direct Charges (sum of 6a-6h)		29,209.27	157,900.00	113,851.67	0.00	300,960.94	
j. Indirect Charges						0.00	
k. TOTALS (sum of 6i and 6j)		\$ 29,209.27	\$ 157,900.00	\$ 113,851.67	\$ 0.00	\$ 300,960.94	
7. Program Income		\$	\$	\$	\$	\$ 0.00	

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 Prescribed by OMB Circular A-102

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. NEPA Study	CFDA 10.902	\$	\$	\$ 50,181.66	\$	\$ 50,181.66
2. Trail Design	CFDA 10.902			37,099.90		37,099.90
3. Ease Acq. - 2006	CFDA 10.902			46,647.92		46,647.92
4.						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 133,929.48	\$	\$ 133,929.48
SECTION B - BUDGET CATEGORIES						
GRANT PROGRAM, FUNCTION OR ACTIVITY						
6. Object Class Categories		(1) NEPA Study	(2) Trail Design	(3) Ease Acq.-2006	Ease Acq.-2006	Total (5)
a. Personnel		\$	\$	\$	\$	\$ 0.00
b. Fringe Benefits						0.00
c. Travel						0.00
d. Equipment						0.00
e. Supplies						0.00
f. Contractual		50,181.66	37,099.90	46,647.92		133,929.48
g. Construction						0.00
h. Other						0.00
i. Total Direct Charges (sum of 6a-6h)		50,181.66	37,099.90	46,647.92		133,929.48
j. Indirect Charges						0.00
k. TOTALS (sum of 6i and 6j)		\$ 50,181.66	\$ 37,099.90	\$ 46,647.92	\$ 0.00	\$ 133,929.48
7. Program Income		\$	\$	\$	\$	\$ 0.00

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BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Inter. Trail - 2008	CFDA 10.902	\$	\$	\$ 285,000.00	\$	\$ 285,000.00
2. Eng. Const & Proj.	CFDA 10.902				130,000.00	130,000.00
3. Land & Ease. Acq.	CFDA 10.902				274,833.00	274,833.00
4						0.00
5. Totals		\$ 0.00	\$ 0.00	\$ 285,000.00	\$ 404,833.00	\$ 689,833.00
SECTION B - BUDGET CATEGORIES						
GRANT PROGRAM, FUNCTION OR ACTIVITY						
6. Object Class Categories		(1) Inter. Trail - 2008	(2) Eng. Const & Proj.	(3) Land & Ease. Acq.	Land & Ease. Acq.	Total (5)
a. Personnel		\$	\$ 130,000.00	\$	\$	\$ 130,000.00
b. Fringe Benefits						0.00
c. Travel						0.00
d. Equipment						0.00
e. Supplies						0.00
f. Contractual						0.00
g. Construction		285,000.00				285,000.00
h. Other				274,833.00		274,833.00
i. Total Direct Charges (sum of 6a-6h)		285,000.00	130,000.00	274,833.00		689,833.00
j. Indirect Charges						0.00
k. TOTALS (sum of 6i and 6j)		\$ 285,000.00	\$ 130,000.00	\$ 274,833.00	\$ 0.00	\$ 689,833.00
7. Program Income		\$	\$	\$	\$	\$ 0.00

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BUDGET INFORMATION - Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Inter. Trail - 2009	CFDA 10.902	\$	\$	\$ 275,500.00	\$	\$ 275,500.00
2. Inter. Trail - 2010	CFDA 10.902			300,109.58		300,109.58
3. Eng. Const. - 2010	CFDA 10.902				15,000.00	15,000.00
4. Land Acq. - 2010	CFDA 10.902				80,000.00	80,000.00
5. Totals		\$ 0.00	\$ 0.00	\$ 575,609.58	\$ 95,000.00	\$ 670,609.58

SECTION B - BUDGET CATEGORIES

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) Inter. Trail - 2009	(2) Inter. Trail - 2010	(3) Eng. Const & Proj. - 2010	(4) Land & Ease. Acq. 2010	
a. Personnel	\$	\$	15,000.00	\$	15,000.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual					0.00
g. Construction	275,500.00	300,109.58			575,609.58
h. Other				80,000.00	80,000.00
i. Total Direct Charges (sum of 6a-6h)	275,500.00	300,109.58	15,000.00	80,000.00	670,609.58
j. Indirect Charges					0.00
k. TOTALS (sum of 6i and 6j)	\$ 275,500.00	\$ 300,109.58	\$ 15,000.00	\$ 80,000.00	\$ 670,609.58
7. Program Income	\$	\$	\$	\$	0.00

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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8. Spanish Fork City	\$ 443,293.00	\$	\$ 56,540.00	\$	\$ 499,833.00
9.					0.00
10.					0.00
11.					0.00
12. TOTAL (sum of lines 8-11)	\$ 443,293.00	\$ 0.00	\$ 56,540.00	\$	\$ 499,833.00
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 168,002.74	\$ 152,893.16	\$ 15,109.58	\$ 0.00	\$ 0.00
14. Non-Federal	20,458.79	5,458.79	15,000.00		
15. TOTAL (sum of lines 13 and 14)	\$ 188,461.53	\$ 158,351.95	\$ 30,109.58	\$ 0.00	\$ 0.00
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16. Spanish Fork City	\$ 0.00	\$	\$	\$	
17.					
18.					
19.					
20. TOTAL (sum of lines 16-19)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
SECTION F - OTHER BUDGET INFORMATION					
21. Direct Charges:	22. Indirect Charges:				
23. Remarks:					

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Memo

To: Mayor and City Council
From: Chris Thompson, Public Works Director / City Engineer
Date: April 15, 2011
Re: Spanish Fork Canyon Pipe Line Easement Encroachment Agreement

Staff Report

During the spring collection rebuild it was determine an additional drinking water line would be required to be installed from the Cold Springs to the Sterling Hollow Tanks. The new city pipe line alignment requires an agreement with Bureau Reclamation to encroach in to the Spanish Fork Canyon Pipe Line easement for a short stretch. This agreement will allow installation, operation and maintenance of the new line/

Staff recommends approving the agreement with the Bureau of Reclamation.

Attached: Easement Encroachment Agreement





United States Department of the Interior

BUREAU OF RECLAMATION
Upper Colorado Region
Provo Area Office
302 East 1860 South
Provo, UT 84606-7317

IN REPLY REFER TO:

PRO-451
LND-6.00

APR 04 2011

Mr. Trapper Burdick
Spanish Fork City
40 South Main Street
Spanish Fork, UT 84660

Subject: Easement Encroachment Agreement – Spanish Fork City – Contract No.
11-LM-41-0460 – Spanish Fork Canyon Pipeline, Reach 2 – Central Utah Project, Utah

Dear Mr. Burdick:

Enclosed are four originals of an Easement Encroachment Agreement, Contract No. 11-LM-41-0460, allowing Spanish Fork City to encroach upon a United States easement acquired for the Spanish Fork Canyon Pipeline, Reach 2. When fully executed, this agreement will allow Spanish Fork City to install, operate, and maintain an 18-inch C-905 PVC pipeline along the edge of the easement and roughly parallel to the Spanish Fork Canyon Pipeline, Reach 2.

Please review this agreement and, if satisfactory, have all originals signed and notarized on behalf of Spanish Fork City and return them to this office for further handling. One original will be returned to your office after final signing by the Bureau of Reclamation. If you have any questions regarding this agreement, please contact Ms. Pauline Brown at 801-379-1089.

Sincerely,

David K. Krueger
Chief, Lands Group

Enclosure - 4 originals

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
CENTRAL UTAH PROJECT
BONNEVILLE UNIT
UTAH LAKE DRAINAGE BASIN WATER DELIVERY SYSTEM
SPANISH FORK CANYON PIPELINE, REACH 2

EASEMENT ENCROACHMENT AGREEMENT
BETWEEN THE
UNITED STATES OF AMERICA
AND
SPANISH FORK CITY

This Easement Encroachment Agreement made this ____ day of _____ 2011, pursuant to the Act of Congress of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, all of which acts are commonly known and referred to as Reclamation Laws, among the UNITED STATES OF AMERICA and its assigns, hereinafter referred to as the United States, and UTAH DEPARTMENT OF TRANSPORTATION (UDOT), hereinafter referred to as the Landowner and SPANISH FORK CITY, hereinafter referred to as the Landowner's Permittee.

WITNESSETH THAT:

WHEREAS, the United States is the Grantee of a certain non-exclusive easement acquired from UDOT for the Spanish Fork Canyon Pipeline, Reach 2 being recorded on June 9, 2009, Entry 63751 on Pages 1 through 6, in the official records of Utah County, State of Utah, hereinafter referred to as the Easement of the United States; and

WHEREAS, the Landowner's Permittee has requested permission of the Landowner to cross the Landowner's property in such a manner as to encroach upon the Easement of the United States in a manner more particularly specified hereinafter; and

WHEREAS, the United States is willing to agree to said encroachment, upon conditions more particularly specified hereinafter;

NOW, THEREFORE, the United States hereby agrees to encroachment upon the Easement of the United States by the Landowner's Permittee only to the extent and for the purposes set forth below:

The Landowner's Permittee will install, operate, and maintain an 18-inch C-905 PVC pipeline along the eastern boundary of the non-exclusive Easement of the United States and roughly parallel to the Spanish Fork Canyon Pipeline, Reach 2, at Section 12, Township 9 South, Range 3 East, Salt Lake Base and Meridian as shown on Exhibits B and C, attached hereto and by this reference made a part hereof.

The pipeline will skirt the boundary of the non-exclusive Easement of the United States for approximately 340 feet.

1. The federal agency is the Department of the Interior, Bureau of Reclamation, represented by the officer executing this Agreement, his duly appointed successor, or his duly authorized representative.

2. The United States guidelines for agreeing to such encroachment upon the Easement of the United States are shown on Exhibit "A," attached hereto and by this reference made a part hereof.

3. The Landowner's Permittee or its Contractor shall perform all work within the encroachment area in accordance with the plans, drawings, guidelines, and maps attached hereto, and in a manner satisfactory to the United States, Central Utah Water Conservancy District, hereinafter called the District.

4. SEVERABILITY: Each provision of this use authorization shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this use authorization shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the use authorization as a whole.

5. ILLEGAL USE: Any activity deemed to be illegal on Federal lands will be cause for immediate termination of the use authorization.

6. TERMINATION OF AGREEMENT: This agreement will terminate and all rights of the Landowner's Permittee hereunder will cease, and the Landowner's Permittee will quietly deliver to the United States possession of the premises in like condition as when taken, reasonable wear and damage by the elements excepted:

After failure of the Landowner's Permittee to observe any of the conditions of this agreement, and on the tenth day following service of written notice on the Landowner's Permittee of termination because of failure to observe such condition.

7. HOLD HARMLESS: The Landowner's Permittee hereby agrees to indemnify and hold harmless the United States, its employees, agents, and assigns from any loss or damage and from any liability on account of personal injury, property damage, or claims for personal injury or death arising out of the Landowner's Permittee activities under this agreement.

(a) In consideration of the United States agreeing to encroachment upon the Easement of the United States by the Landowner's Permittee, the Landowner's Permittee hereby agrees to indemnify and hold the United States and the District, their agents, employees, and assigns, harmless from any and all claims whatsoever for personal injuries or damages to property when such injuries or damages directly or indirectly arise out of the existence, construction, maintenance, repair, condition, use or presence of the encroachment upon the Easement of the United States, regardless of the cause of said injuries or damages; provided, however, that

nothing in this agreement shall be construed as releasing the United States or the District from responsibility for their own negligence. Nothing herein shall be deemed to increase the liability of the United States beyond the provisions of the Federal Tort Claims Act, Act of June 25, 1948, 62 Stat. 989 (28 U.S.C. §1346(b), 2671 et seq.) or other applicable law.

(b) In consideration of the United States agreeing to the Landowner's Permittee encroaching upon the Easement of the United States, the Landowner's Permittee agrees that the United States shall not be responsible for any damage caused to facilities, equipment, structures, or other property if damaged by reason of encroachment upon the Easement of the United States by the Landowner's Permittee. The Landowner's Permittee hereby releases the United States and the District, their officers, employees, agents, or assigns, from liability for any and all loss or damage of every description or kind whatsoever which may result to the Landowner's Permittee from the construction, operation, and maintenance of Project works upon said lands; provided that nothing in this Agreement shall be construed as releasing the United States or the District from liability for their own negligence.

(c) If the maintenance or repair of any or all structures and facilities of the United States located on the easement area should be made more expensive by reason of the existence of the encroachment improvements or works of the Landowner's Permittee or its Contractor will promptly pay to the United States or the Landowner's Permittee, their agents or assigns, responsible for operation and maintenance of said structures or facilities, the full amount of such additional expense upon receipt of an itemized bill.

8. PROTECTION OF UNITED STATES INTERESTS: The Landowner's Permittee shall comply with all applicable laws, ordinances, rules, and regulations enacted or promulgated by any Federal, state, or local governmental body having jurisdiction over the encroachment.

9. UNRESTRICTED ACCESS: The United States reserves the right of its officers, agents, and employees at all times to have unrestricted access and ingress to, passage over, and egress from all of said lands, to make investigations of all kinds, dig test pits and drill test holes, to survey for and construct reclamation and irrigation works and other structures incident to Federal Reclamation Projects, or for any purpose whatsoever. Reclamation will make every reasonable effort to keep damages to a minimum.

10. COVENANT AGAINST CONTINGENT FEES: The Landowner's Permittee warrants that no person or agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established agencies maintained by the Lessee for the purpose of securing business. For breach or violation of this warranty, the United States shall have the right to annul this agreement without liability or in its discretion to require Landowner's Permittee to pay the full amount of such commission, percentage, brokerage, or contingent fee.

11. OFFICIALS NOT TO BENEFIT: No member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

12. SUCCESSORS IN INTEREST OBLIGATED: The provisions of this Agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto; provided, however, that no such heir, executor, administrator, personal representative, successor or assign of the Landowner's Permittee shall have the right to use, alter, or modify the encroachment in a manner which will increase the burden of the encroachment of the Easement of the United States.

13. This agreement makes no finding as to the right, title, or validity of the Landowner's Permittee or the encroaching interest, but merely defines the conditions under which the encroachment will not be deemed unreasonable by the United States.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

UNITED STATES OF AMERICA

By: _____
Curtis A. Pledger
Manager, Provo Area Office

LANDOWNER
UTAH DEPARTMENT OF
TRANSPORTATION

LANDOWNER'S PERMITTEE
SPANISH FORK CITY

By: _____
Title:

By: _____
Title:

CONCUR:

CENTRAL UTAH WATER CONSERVANCY DISTRICT

By: _____
Title:

ACKNOWLEDGMENT OF THE UNITED STATES

State of UT)
) ss.
County of UT)

On this _____ day of _____, 2011, personally appeared before me _____, known to me to be the _____ of the Provo Area Office, Bureau of Reclamation, Upper Colorado Region, United States Department of Interior, the signer of the above instrument, who duly acknowledged to me that he executed the same on behalf of the United States of America pursuant to authority delegated to him.

(NOTARY SEAL)

Notary Public

ACKNOWLEDGMENT OF SPANISH FORK CITY

State of)
) ss.
County of)

On this _____ day of _____, 2011, personally appeared before me _____, to be known to be the _____ of Spanish Fork City, the signer of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of Spanish Fork City, pursuant to authority delegated to him/her.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)

Notary Public

ACKNOWLEDGMENT OF UTAH DEPARTMENT OF TRANSPORTATION

State of)
) ss.
County of)

On this _____ day of _____, 2011, personally appeared before me _____, to be known to be the _____ of Utah Department of Transportation, the signer of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of Utah Department of Transportation, pursuant to authority delegated to him/her.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)

Notary Public

ACKNOWLEDGMENT OF CENTRAL UTAH WATER CONSERVANCY DISTRICT

State of UT)
) ss.
County of SL)

On this _____ day of _____, 2011, personally appeared before me _____, to be known to be the _____ of Central Utah Water Conservancy District, the signer of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of Central Utah Water Conservancy District, pursuant to authority delegated to him/her

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(NOTARY SEAL)

Notary Public

EXHIBIT "A"

ENCROACHMENT GUIDELINES FOR SPANISH FORK CANYON PIPELINE, REACH 2

PROTECTION CRITERIA

- A. Surface structures that generally will be allowed to be constructed within United States rights-of-way include asphalt roadways, with no utilities within roadway, non reinforced parking lots, curbs, gutters and sidewalks, walkways, driveways. However, where United States system pipe has specific maximum and minimum cover designation the special requirements for roadways, parking lots and driveways crossing over the pipe shall be obtained from the United States for the maximum allowable external loading or minimum cover. **HOWEVER, IT IS UNDERSTOOD THAT ALL SURFACE STRUCTURES SHALL BE ANALYZED AND CONSIDERED ON AN INDIVIDUAL BASIS.**
- B. Structures that may not be constructed in, on, or along United States rights-of-way include but are not limited to, permanent structures such as fences, retaining walls, block walls, buildings, garages, decks, carports, trailers, and swimming pools as designated by the United States.
- C. No trees or vines will be allowed within the rights-of-way of the United States.
- D. All temporary or permanent changes in ground surfaces within United States rights-of-way are to be considered to be encroaching structures and must be handled as such. Earthfills and cuts on adjacent property shall not encroach onto United States rights-of-way without prior approval by the United States.
- E. Existing gravity drainage of the United States rights-of-way must be maintained. No new concentration of surface or subsurface drainage may be directed onto or under the United States rights-of-way without adequate provision for removal of drainage water or adequate protection of the United States rights-of-way.
- F. Prior to construction of any structure that encroaches within United States rights-of-way, an excavation must be made to determine the location of existing United States facilities. The excavation must be made by or in the presence of water users or the United States.
- G. Any contractor or individual constructing improvements in, on, or along United States rights-of-way must limit his construction to the encroaching structure previously approved and construct the improvements strictly in accordance with plans or specifications.
- H. The ground surfaces within United States rights-of-way must be restored to a condition equal to that which existed before the encroachment work began or as shown on the approved plans or specifications

I. The owner of newly constructed facilities that encroach on United States rights-of-way shall notify the United States and/or the District upon completion of construction and shall provide the District with one copy and the United States with two copies of as-built drawings showing actual improvements in, on, or along the rights-of-way.

J. Except in case of ordinary maintenance and emergency repairs, an owner of encroaching facilities shall give the District at least 10 days notice in writing before entering upon United States rights-of-way for the purpose of reconstructing, repairing, or removing the encroaching structure or performing any work on or in connection with the operation of the encroaching structure.

K. If unusual conditions are proposed for the encroaching structure or unusual field conditions within United States rights-of-way are encountered, the United States reserves the right to impose more stringent criteria than those prescribed herein.

L. All backfill material within United States rights-of-way shall be compacted to 90 percent of maximum density unless otherwise shown. Mechanical compaction shall not be allowed within 6 inches of the projects works whenever possible. In no case will mechanical compaction using heavy equipment be allowed over the project works or within 18 inches horizontally of the projects works.

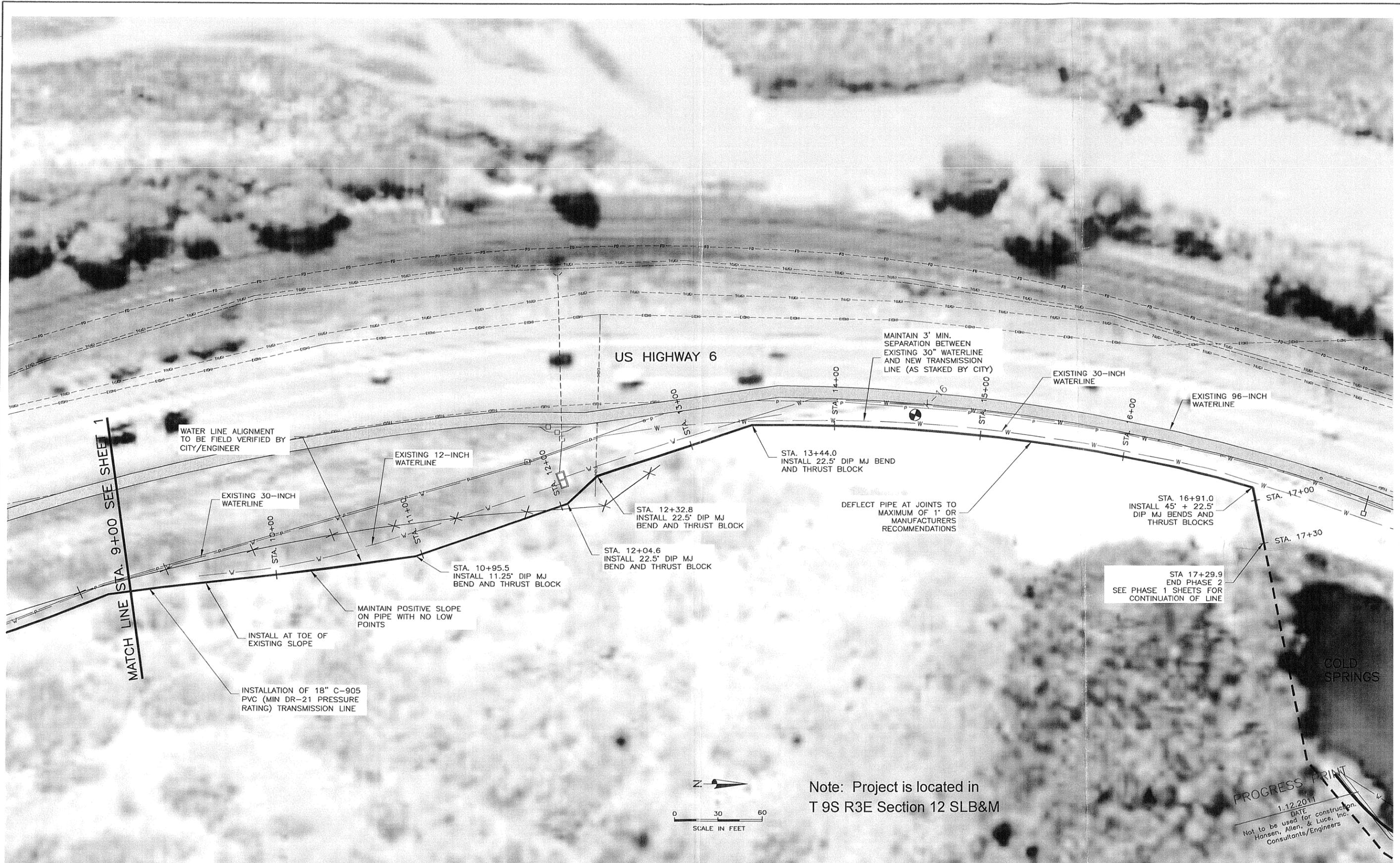
M. That the backfilling of any excavation or around any structure within the United States rights-of-way shall be compacted in layers not exceeding 6 inches thick to the following requirements: (1) cohesive soils to 90 percent maximum density specified by ASTM Part 19, D-698, method A; (2) noncohesive soils to 70 percent relative density specified by ANSI/ASTM Part 19, d-2049, par. 7.1.2, wet method.

N. Any nonmetallic encroaching structure below ground level shall be accompanied with a metallic strip within the United States rights-of-way.

O. Owners of encroaching facilities shall notify the United States at (801) 379-1000 and/or the District at (801) 226-7100 at least forty-eight (48) hours in advance of commencing construction to permit inspection by the United States and/or the District.

P. No use of United States lands or rights-of-way shall be permitted that involve the storage of hazardous material.

FILE NAME: PROJECTS\348 - SPANISH FORK CITY\10.100 - COLD SPRINGS IMPROVEMENTS\CRAB CREEK PH2 TRANSMISSION.DWG
 FILE DATE: 1.12.2011 13:59:45 (JEB)



MATCH LINE STA. 9+00 SEE SHEET 1

WATER LINE ALIGNMENT TO BE FIELD VERIFIED BY CITY/ENGINEER

EXISTING 30-INCH WATERLINE

EXISTING 12-INCH WATERLINE

US HIGHWAY 6

STA. 13+44.0
INSTALL 22.5' DIP MJ BEND AND THRUST BLOCK

STA. 12+32.8
INSTALL 22.5' DIP MJ BEND AND THRUST BLOCK

STA. 12+04.6
INSTALL 22.5' DIP MJ BEND AND THRUST BLOCK

STA. 10+95.5
INSTALL 11.25' DIP MJ BEND AND THRUST BLOCK

INSTALL AT TOE OF EXISTING SLOPE

MAINTAIN POSITIVE SLOPE ON PIPE WITH NO LOW POINTS

INSTALLATION OF 18" C-905 PVC (MIN DR-21 PRESSURE RATING) TRANSMISSION LINE

MAINTAIN 3' MIN. SEPARATION BETWEEN EXISTING 30" WATERLINE AND NEW TRANSMISSION LINE (AS STAKED BY CITY)

EXISTING 30-INCH WATERLINE

EXISTING 96-INCH WATERLINE

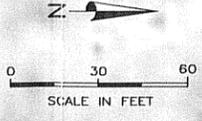
DEFLECT PIPE AT JOINTS TO MAXIMUM OF 1" OR MANUFACTURERS RECOMMENDATIONS

STA. 16+91.0
INSTALL 45' + 22.5' DIP MJ BENDS AND THRUST BLOCKS

STA. 17+29.9
END PHASE 2
SEE PHASE 1 SHEETS FOR CONTINUATION OF LINE

COLD SPRINGS

Note: Project is located in T 9S R3E Section 12 SLB&M



PROGRESS PRINT
 DATE 1.12.2011
 Not to be used for construction.
 Hansen, Allen, & Luce, Inc.
 Consultants/Engineers



DESIGNED TBT	3				
DRAFTED JEB	2				
CHECKED WSB	1				
DATE JANUARY 2011	NO.	DATE			
REVISIONS			BY	APVD.	

SCALE AS SHOWN
SPANISH FORK CITY
 40 SOUTH MAIN
 SPANISH FORK, UTAH 84660

COLD SPRING WATER LINE IMPROVEMENTS
CRAB CREEK TRANSMISSION LINE
PHASE 2 - 18-INCH ALIGNMENT

SHEET 2
 348.02.300

EXHIBIT B



Project Location