



## **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 December 2, 2008**.

### AGENDA ITEMS:

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

- a. Pledge

#### **2. PUBLIC COMMENTS:**

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

#### **3. COUNCIL COMMENTS:**

#### **4. PUBLIC HEARINGS: 6:00 p.m.**

- a. \*[Title 15 Amendment](#)

#### **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 18, 2008](#)

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

- a. \*[Fieldstone Connectors Agreement](#)
- b. Workers Compensation Bid
- c. MATC Presentation – Mark Walker

### ADJOURN:

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

Notice is hereby given that:

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

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 798-5000.



# REPORT TO THE CITY COUNCIL

## TITLE 15 AMENDMENTS

**Agenda Date:** November 18, 2008

**Staff Contacts:** Dave Anderson, Planning Director

**Reviewed By:** Development Review Committee

**Request:** The proposal involves creating an additional zoning district or "overlay" that would provide additional options for the development of certain properties in the City.

**Zoning:** R-1-6 and R-3

**General Plan:** not applicable

**Project Size:** not applicable

**Number of lots:** not applicable

**Location:** City Wide

### Background Discussion

The concept of the In-fill Overlay zone originated with two separate discussions. One of the discussions pertained to concerns about flaglots and multi-family dwellings being constructed in the City's historic neighborhoods. The other discussion pertained to a desire to propose developments that Spanish Fork City's ordinance currently does not allow.

Ultimately, staff's proposal to address these issues is the In-fill Overlay zone. As proposed, properties that are currently zoned R-1-6 or R-3 and are at least 6,000 square feet would qualify for the proposed In-fill Overlay zone.

In essence, the In-fill Overlay zone has been prepared with the intent of accomplishing two goals. First, this zone would allow considerable flexibility in terms of what a developer could propose to do with a particular development. Second, this zone would give the City considerable discretion in determining whether a proposed development does or does not meet the criteria set forth in the ordinance.

One fundamental question relative to the proposal has to do with whether the City should or should not continue to allow the development of multi-family structures in the R-1-6 and R-3 zones without getting an In-fill Overlay zone approval. The Planning Commission has recommended that duplexes, twinhomes, three-plexes and four-plexes be removed from the lists of permitted uses in the R-1-6 and R-3 zones.

The City could, however, continue to allow the development of duplexes, twinhomes, three-plexes and four-plexes by right. In that case, developers would have the choice of whether to develop a project by simply meeting the basic zoning requirements or to go through the In-fill Overlay zone approval process. The only advantage that would be afforded to developers via the In-fill Overlay zone is the potential of enjoying flexibility when designing a project.

A similar situation exists with flag lots. In short, the In-fill Overlay zone is intended to allow for development types that may have some similar

characteristics to flag lots. As such, staff believes that any references to flag lots that exist in the ordinance should be removed.

plexes be removed from the list of permitted uses in the R-1-6 and R-3 zone and that references to flag lots be removed from Title 15.

In staff's view, it would be a mistake to make the In-fill Overlay zone an option rather than the only opportunity to develop multi-family structures. In short, staff is simply concerned that the In-fill Overlay zone will be under-utilized if it is only an option. Staff is therefore recommending that duplexes, twinhomes, 3-plexes and 4-plexes be removed from the list of permitted uses in the R-1-6 zoning district.

### **Development Review Committee**

The Development Review Committee reviewed this proposal on September 24, 2008 and recommended that it be approved.

### **Planning Commission**

The Planning Commission reviewed this request in their November 5 meeting and recommended that it be approved. It is anticipated that draft minutes from that meeting will be available in your meeting.

### **Budgetary Impact**

It is anticipated that there will be little or no budgetary impact with the proposed zone.

### **Alternatives**

The Council has considerable discretion relative to proposed ordinance amendments. In this case, they may approve, deny or approve the proposed amendments with modifications.

### **Staff Recommendation**

Staff recommends that the proposed In-fill Overlay zone be approved by the City Council and that duplexes, twinhomes, three-plexes and four-

**ORDINANCE NO. 08-**

ROLL CALL

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

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

ORDINANCE 08-

WHEREAS, Spanish Fork City has enacted a zoning ordinance setting forth a number of zones and the permitted uses within each zone; and

WHEREAS, The City has recently imposed a moratorium on multi-family construction in the R-1-6 and R-3 zones while the City studied appropriate multi-family uses in those zones; and

WHEREAS, City staff has researched and studied the issue, as requested by the Council, and has made the recommendation to adopt an in-fill ordinance which will establish standards for multi-family housing in the R-1-6 and R-3 zones which will protect single family residence property values, provide opportunities for the development of single family dwellings, provide opportunities for the development of affordable housing and promote the development of owner-occupied dwellings; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on Wednesday, the 1<sup>st</sup> day of October, 2008, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the \_\_\_\_ day of \_\_\_\_\_, 2008, whereat additional public comment was received; and

WHEREAS, the Council finds that the proposed in-fill zone is consistent with the language and intent of the City's General Plan; and

WHEREAS, the Council finds that the proposed in-fill zone would allow residential units that promote the general welfare and common good of the community;

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

**I.**

Spanish Fork City Municipal Code §15.3.16.035 is hereby created as follows:

**15.3.16.035. In-Fill Overlay Zone (I-F).**

This district is intended to provide flexibility in development standards for small residential parcels that are difficult to develop under standard residential requirements, allowing them to be developed with modified standards, while maintaining high quality construction and maintaining the general character of the underlying zone. This zone may only be applied as an overlay zone in the R-1-6 and R-3 zones. Prior to approving the I-F Zone, the City Council shall determine that the proposed development promotes the historic character of the neighborhood, conforms to the physical characteristics of the adjoining properties and provides new opportunities for home ownership.

**A. Permitted Uses:**

- Single family dwellings.
- Twin homes.
- Duplexes.
- Triplexes.
- Fourplexes.

(see §15.3.08.060):

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

**C. Development Standards.**

Development standards for projects in the I-F Zone shall be generated on a project-by-project basis. It is expected that the development standards will provide for project designs that will promote conformity to existing neighborhood characteristics while allowing for innovation and creativity. Development standards shall also include design elements that will provide appropriate screening and buffers between the project and the surrounding properties. As appropriate, project designs should incorporate amenities for the use of the project's residents. In each case, standards created for elements including but not limited to setbacks, lot size, building design, fencing and landscaping shall be presented to the Planning Commission for recommendation and the City Council for approval.

Notwithstanding the potential flexibility in development standards for the I-F Zone, the following standards must be maintained:

1. Building design shall incorporate architectural elements that reinforce architectural styles found in other structures in the neighborhood and/or along the street. Architectural considerations shall offer reasonable protection relative to the privacy of adjoining properties. Architectural elements utilized to promote the purpose of the zone may include the following:
  - A. Roof pitch.
  - B. Building materials.
  - C. Door and window placement and orientation.
  - D. Building colors.
  - E. Building ornamentation.
  - F. Building articulation.
  - G. Garage placement.
2. Setbacks shall be as follows for all primary buildings:
  - A. Front yard, 10 feet from public right-of-way or shared driveway to living space.
  - B. Corner side yard, 15 feet to living space.
  - C. Interior side yard, 5 feet.
  - D. Rear yard, 10 feet.
  - E. Accessory buildings, 5 feet to property lines and other structures.
  - F. Garage doors, 20 feet from public right-of-way.
3. Density shall not exceed that which is identified on the Land Use Map of the

Comprehensive General Plan.

4. Minimum project size is 6,000 square feet. Minimum lot sizes and/or area requirements shall be as follows:

- A. Single family residences, 4,000 square feet;
- B. Duplexes, 6,000 square feet;
- C. Twinhomes, 8,000 square feet;
- D. Triplexes, 14,000 square feet;
- E. Other multi-family units, 18,000 square feet per four units.

5. Minimum street frontage for a development is 80 feet except for duplexes where the minimum frontage requirement is 60 feet.

6. Maximum impervious surface in the I-F zone shall be 60% of the project area.

7. Minimum parking shall include one garage per dwelling unit and 1.5 additional spaces per unit within the development.

8. Minimum finished living space shall be provided as follows:

- A. Single family residence, 1,000 square feet;
- B. Duplex, 900 square feet, each side;
- C. Triplex, 900 square feet, each unit;
- D. Other multi-family units, 900 square feet, each unit.

9. Curb, gutter, and sidewalk shall be provided in accordance with the City's Development Standards.

**D. Site Plan/Design Review (see §15.4.08.010 et seq.).**

**E. Landscaping, Buffering, Walls (see §15.4.16.130).**

Detailed landscape plans shall be submitted with each application for I-F Zone approval. Projects shall be landscaped in a manner that is generally consistent with surrounding properties. Landscape Plans shall identify the following:

- A. Planting Plan, including all ground cover.
- B. Plant schedule.
- C. Irrigation Plan.
- D. Details for any proposed structures or features.
- E. Walls.

**F. Signs. (see §5.36.010 et seq.)**

**G. Parking (see §15.4.16.120).**

## II.

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,  
UTAH, this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
JOE L THOMAS, Mayor

ATTEST:

\_\_\_\_\_  
KIM ROBINSON, City Recorder

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

**Tentative Minutes  
Spanish Fork City Council Meeting  
November 18, 2008**

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

Staff Present: David Oyler, City Manager; Dave Anderson, City Planner; Seth Perrins, Assistant City Manager; Richard Heap, Public Works Director; Dale Robinson, Parks & Recreation Director; Kent Clark, Finance Director; Kelly Peterson, Electric Superintendent; Bill Bushman, Buildings & Grounds Maintenance Supervisor; Richard Nielson, Assistant Public Works Director; Marlo Smith, Engineering Secretary; Trapper Burdick, Design Engineer; John Waters, Utility Technician; Brett Waldron, Utility Technician; Bryan Grace, Utility Technician; Jason Jarvis, Utility Technician; Paul Taylor, Utility Technician; Shawn Beecher, GIS Administrator; Kimberly Robinson, City Recorder

Citizens Present: Nicole Baum, Matt Dale, Jason Udy, Kregg Chidester, Jacob Chidester, Shelley Hawker, Patrick Stephens, Jim Bushman, Phyllis Bushman, Jennifer Bushman, Mark Dallin, M. Troy Richardson, Paul Olsen, Russ Hillman, Lance Wilson

**CALL TO ORDER, PLEDGE:**

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

Scout Jacob Chidester lead in the pledge of allegiance.

**Employee of the Quarter**

Mr. Perrins honored the employee of the Quarter Bill Bushman.

**Richard Nielson**

Council and staff congratulated Richard Nielson and presented him with a computer.

**PUBLIC COMMENTS:**

There was no public comment given at this time.

**COUNCIL COMMENTS:**

Councilman Nielson reported two of our city employees have been chosen to move forward to bigger and better things. He feels it pays tribute to our great city staff.

Councilman Davis said Mr. Nielson truly has been an asset to the city, and Mr. Bushman has been great, he has done everything we needed and he appreciates the hard work. The Fiesta Days Committee met yesterday, and asked that the stakes around get involved and build floats this year for the parade.

50 Councilman Dart reported the Chamber of Commerce Board encourages the citizens to  
51 shop in Spanish Fork and support our local businesses. It has been proven every dollar  
52 put into our community returns seven times. He urges citizens to support our local  
53 businesses. The Chamber of Commerce is sponsoring a social luncheon this Thursday  
54 at the High Chaparral, all local businessmen are invited to attend, RSVP to the local  
55 Chamber of Commerce. He attended a funeral for a police officer who used to work for  
56 Spanish Fork City. He was impressed with the support of the local police, County  
57 Sheriff, Salem, Mapleton, Payson, Provo, swat, etc. He was impressed with the  
58 camaraderie the police have for each other. We have an impressive group of individuals  
59 who help protect and serve us.

60  
61 Councilman Leifson reported the Festival of Lights starts Thanksgiving night at 6:00. He  
62 encourages all to come and see the lights. He attended the UMPA banquet last Friday  
63 and was impressed with the people running UMPA it keeps our power rates in line with  
64 everyone else. It has been a real asset to our city, we generate our own power and can  
65 keep rates in line with everyone else.

66  
67 Mayor Pro Tem Andersen reported the Spanish Fork City Offices will be closed  
68 Thursday and Friday in observance with the holiday. He echoes the sentiments of those  
69 that have spoken of the men giving service to the city and those recognized tonight. He  
70 reported on Veterans day and appreciates the veterans sacrifice, and hopes that  
71 anything the Council does will enhance and help some of the freedoms we have and not  
72 take them away.

73  
74 **PUBLIC HEARINGS:**

75  
76 **Title 15 Amendment**

77  
78 Councilman Leifson stated Dave Anderson was supposed to have a discussion tonight  
79 regarding the changes to Title 15. He will not be able to attend tonight due to family.

80  
81 Councilman Leifson made a **Motion** to continue this item to the next Council Meeting  
82 December 2, 2008. Councilman Neilson **Seconded** and the motion **Passed** all in favor  
83 at 6:25 p.m.

84  
85 **Canyon Ridge Estates Preliminary Plat**

86  
87 Councilman Leifson made a **Motion** to open the Public Hearing for the Canyon Ridge  
88 Estates Preliminary Plat. Councilman Davis **Seconded** and the motion **Passed** all in  
89 favor at 6:26 p.m.

90  
91 There was no Public Comment given at this time.

92  
93 Councilman Davis made a **Motion** to move out of the public hearing. Councilman  
94 Leifson **Seconded** and the motion **Passed** all in favor at 6:27 p.m.

95  
96 Mr. Oyler stated the report from City Planner Mr. Anderson was in the Council Packet.

97  
98 Councilman Leifson made a **Motion** to approve the Canyon Ridge Estates Preliminary  
99 Plat subject to the following conditions:

100 **Conditions**

- 101 1. That power be connected between the development and 2600 East.
- 102 2. That the developer have all of the City utilities stubbed in and the power service
- 103 on the existing home changed to underground.
- 104 3. That the developer receive written approval from the Utah Department of
- 105 Transportation for the driveways.

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

107  
108 **Budget FY09 Revision**

109  
110 Councilman Dart made a **Motion** to open the public hearing on the Budget. Councilman

111 Davis **Seconded** and the motion **Passed** all in favor at 6:28 p.m.

112  
113 Mr. Clark presented the Budget Revision. He explained how the budget year works and

114 the expenses that were carried forward in order to catch up on some projects.

115  
116 Councilman Nielson asked what the decline is in the revenue for building permits.

117  
118 Mr. Clark stated it has dropped \$800,000 for building permit fees.

119  
120 Councilman Nielson feels they have done a lot of work on the budget keeping it within

121 funds and finding creative ways to not raise the rates as high.

122  
123 Mr. Clark stated we run the city as being a top quality community and we will not cut the

124 services.

125  
126 There was no public comment at this time.

127  
128 Councilman Davis made a **Motion** to move out of the public hearing. Councilman

129 Nielson **Seconded** and the motion **Passed** all in favor at 6:51 p.m.

130  
131 Mayor Pro Tem Andersen explained there are a lot of misconceptions that the cities are

132 funded primarily by property tax. As pointed out in the presentation a very small portion

133 of the property tax ends up with the cities most of it goes to the School District and

134 County. Sales tax however is a larger contributor to the general fund than any other

135 source. He encourages all of us to shop locally to ensure the funds go back to this City.

136 Whenever possible when we can use, generate, and get sales tax it is a positive thing

137 for every citizen. The funds are very frugally managed and the city is in relatively strong

138 shape.

139  
140 Councilman Davis stated you can see the property taxes and utility bills are the lowest

141 in the county. He thanked Mr. Clark for his work and all the staff for watching their

142 budgets and working together so we don't have to raise property taxes.

143  
144 Councilman Leifson stated when we transfer money from funds, you have to look at the

145 city as one big corporation, those funds are there to pay for the library, seniors,

146 cemetery etc. Some parts of the City pay for themselves some do not and as a whole

147 we are able to distribute money to help everyone and bring the quality of life higher, and

148 our rates low. He stated the department heads have done a great job and thanked them

149 for what they have done to maintain the quality of life in this city.

150  
151 Mr. Clark stated the budget revision is posted on the website and the public is able to  
152 comment at anytime.

153  
154 Mr. Oyler mentioned that Mr. Clark has done an excellent job putting the budget  
155 together; the department heads have worked hard. He noted this budget also reflects  
156 the 2% cap and some positions that have left and not been filled at this time.

157  
158 Councilman Leifson made a **Motion** to approve the FY09 Budget Revision 1.  
159 Councilman Dart **Seconded** and the motion **Passed** all in favor.

160  
161 **CONSENT ITEMS:**

162  
163 **Minutes of Spanish Fork City Council Meeting – November 4, 2008**

164  
165 Councilman Dart made a **Motion** to approve the consent items. Councilman Nielson  
166 **Seconded** and the motion **Passed** all in favor.

167  
168 **NEW BUSINESS:**

169  
170 **Fairway Meadows Street Acceptance from Private to Public**

171  
172 Mr. Heap stated there has been discussion in several different meetings regarding the  
173 Fairway Meadows Streets and the City taking over the private streets. There are two  
174 HOA's involved. They have met and came back to the Council with some proposals of  
175 what they would like to see the Council do.

176  
177 Lance Wilson

178 Mr. Wilson is the President of East Fairway Meadows Home Owner's Association; they  
179 have met and voted to approve having the roads transferred into the ownership of the  
180 City. They met with Richard Nielson and did a walk around in the neighborhood they  
181 identified five spots that need to be fixed. They chose to hire a private contractor to do  
182 the improvements and gave a time table of June 2009.

183  
184 Mayor Pro Tem Andersen stated there needs to be some kind of agreement to take  
185 over the road and allow them to do the work by June.

186  
187 Mr. Baker stated the easiest way would be to adopt it by City resolution and not take it  
188 over until the work is done.

189  
190 Mr. Heap stated they propose to enter into an agreement and the roads will not be  
191 dedicated until the work is finished.

192  
193 Mr. Wilson stated they would be happy to fix the projects now and have the city take  
194 over soon.

195  
196 Councilman Leifson wants the roads brought to the city up to standard and then we will  
197 accept them.

198

199 Councilman Andersen stated they would like them to get it done and come back to the  
200 Council.

201  
202 Shelley Hawker

203 Ms. Hawker is the Fairway Meadows HOA President. She understood the last time she  
204 was here they were to work together with East Fairway Meadows HOA. They are a  
205 small association 16 units. She stated they were the ones that said they would pay for  
206 1/2. They have three concrete sections that need to be replaced and the rest is grinding  
207 for tripping, Richard Nielson quoted approximately \$1,200 to bring it to standard.  
208

209 Councilman Nielson lives in the other subdivision that could be taken over. He stated  
210 the City has had enough experience to know private roads are not done to City  
211 standards. The City has decided to help the citizens that have roads in reasonably good  
212 condition. The City is willing to do a good deed and take over the roads, there will be  
213 some upfront money in the future but a lot less than the city is going to pay. He stated  
214 the City does not need to do this but are willing to do it to help the citizens.  
215

216 Councilman Davis stated she should talk to Mr. Wilson and see if they can use the  
217 same contractor to save a little more money.  
218

219 Councilman Leifson guessed that the \$1,200 will be cheaper then what they will have to  
220 pay down the road. He noted they chose to live in a private community and take care of  
221 the roads. It is up to them the City is willing to let them come in.  
222

223 Mr. Heap stated it will be low on the priority list because it is rural; the other option is for  
224 Fairway Meadows to stay private.  
225

## 226 **Board Appointments**

227  
228 This item was moved to the next council meeting.  
229

## 230 **Letter to Central Utah Water Conservancy District**

231  
232 Mr. Heap explained there is a letter for the Mayor Pro Tem to sign dealing with power  
233 and indicates we will join with the other South Utah County Cities to allow hydroelectric  
234 power. Right now all they want to do is show they are in support with the other cities. He  
235 would encourage the Council to authorize Wayne as Mayor pro tem to sign the letter.  
236

237 Paul Olsen

238 Mr. Olsen was in listening and feels we should know who the people are that decide  
239 where the electricity goes.  
240

241 Mayor Pro Tem Andersen stated part of them will be the cities, Strawberry Water,  
242 UMPA, UAMPS. There are already several entities that have signed their support.  
243

244 Russ Hillman

245 Mr. Hillman is the former mayor of Payson.

246 He stated CUP will decide who gets the rights to the power. They want all the power to  
247 stay in the southern end of Utah County. He stated this is to get things started.  
248

249 Councilman Dart made a **Motion** to authorize the Mayor Pro Tem and the Power  
250 Superintendent to sign the letter to the Central Utah Water Conservancy District.  
251 Councilman Davis **Seconded** and the motion **Passed** all in favor.

252  
253 **Zip Line Presentation**

254  
255 Mr. Robinson stated they presented this idea at a parks and recreation meeting and the  
256 committee was interested in having the Council see this concept and that the committee  
257 could pursue this further at this point.

258  
259 Troy Richardson

260 Mr. Richardson owns a Business in Salem, and felt the reservoir was an ideal spot for a  
261 zip line. He then gave a presentation regarding the project. It will be no cost to the city  
262 he will have all the liability.

263  
264 Councilman Leifson stated in the recreation meeting they talked about this being an  
265 opportunity to offer group rates etc. and helps add more dimension for that area. He  
266 stated the committee is looking for the blessing of the Council and that they are  
267 interested in pursuing this so they can put together a contract.

268  
269 The Council agreed they liked the idea and the committee should move forward.

270  
271 **Independent Audit**

272  
273 Russell Olsen

274 Mr. Olsen is an Independent auditor from Spanish Fork. He then presented his report  
275 and opinion.

276  
277 Mr. Clark explained the summary of the audit, and that the auditor gave us a clean  
278 audit.

279  
280 Councilman Leifson made a **Motion** to accept and approve the independent audit.  
281 Councilman Davis **Seconded** and the motion **Passed** all in favor.

282  
283 **ADJOURN:**

284  
285 Councilman Dart made a **Motion** to adjourn to Executive session for sale of property.  
286 Councilman Davis **Seconded** and the motion **Passed** all in favor at 8:06 p.m.

287  
288 ADOPTED:

289  
290 

---

Kimberly Robinson, City Recorder

## CONNECTOR'S AGREEMENT

This connector's agreement made this \_\_\_\_\_ day of November, 2008, by and between Spanish Fork City,(City), and Fieldstone Homes LLC, a Utah limited liability company (Fieldstone).

WHEREAS, Fieldstone is the owner of certain real property on the southwest side of Spanish Fork north of the Spanish Fork River and south of 100 South Street; and

WHEREAS, Fieldstone, at its expense, has installed a twelve inch culinary water line along 100 South from approximately 630 West through approximately 1100 West, for 1,820 feet at a total cost of \$59,950.00; and

WHEREAS, Fieldstone, at its expense, has installed a twelve inch secondary irrigation water line along 100 South from approximately 630 West through approximately 1100 West, for 2,130 feet at a total cost of \$65,070.00; and

WHEREAS, Fieldstone, at its expense, has installed a twelve inch culinary water line and a ten inch secondary irrigation water line along West Park Drive from approximately Volunteer Drive through approximately Spanish Fields Boulevard, for 1,850 feet at a total cost of \$101,740.00; and

WHEREAS, it is anticipated that property adjacent to these lines, at some time in the future, will desire to connect to said lines in order to service said properties with City water and irrigation services; and

WHEREAS, because of delays by Fieldstone in submitting invoices and requesting this connector's agreement, several properties with frontage have already developed and Fieldstone has lost the opportunity to collect the pro-rata share of expenses from those properties; and

WHEREAS, Fieldstone, at its expense, as installed a sewer lift station to service its development, which also has the capability to service other properties, as shown on the map attached hereto as Exhibit A, and incorporated herein by this reference, which sewer lift station has a life expectancy of thirty (30) years; and

WHEREAS, the cost of the sewer lift station is \$339,599.23, which, based on average densities set forth in the Comprehensive General Plan for the area serviced by the sewer lift station, is \$260.93 per residential lot, or equivalent; and

WHEREAS, the City has determined that it is just and proper that if the owners of the adjacent property connect on to said water lines or secondary irrigation water lines, or if owners of property serviced by the sewer lift station, as shown on Exhibit A, connect to the sewer system, that said owner(s) should pay their share of the costs of the construction of said improvements, with the exception of those already developed;

NOW THEREFORE, in consideration of the payment of \$10.00 by Fieldstone to City, City agrees:

1. That it will require the payment of \$16.47 per foot of frontage as a condition to permit the owners of property to connect, from the date hereof, to the culinary water line in 100 South, as described herein.

2. That it will require the payment of \$15.28 per foot of frontage as a condition to permit the owners of property to connect, from the date hereof, to the secondary irrigation water line in 100 South, as described herein.

3. That it will require the payment of \$27.50 per foot of frontage as a condition to permit the owners of property to connect, from the date hereof, to the culinary and secondary water lines in West Park Drive, as described herein.

4. That it will require the payment of \$260.93 per residential unit, or equivalent, outside of the Fieldstone development and within the area described in Exhibit A, as a condition to permit the owners connect to the city sewer system, as described herein.

5. That payment of the sums mentioned in the preceding paragraph shall be without interest.

7. That if connections or developments are made after thirty years from the date of installation, there shall be no payments made as a precondition of connection to the described sewer lift station.

8. That upon receipt of such sum (if said sum is ever paid to the City,) City agrees to remit said sum to Fieldstone, or its assignees.

9. The parties agree that City has the right to determine and apportion the footage for connection, which footage shall be assessed at the rates set forth herein per foot for the water and secondary irrigation water, based upon the frontage of the property being serviced.

10. Fieldstone shall be responsible to inform City to assess the fees if it notices the intent, need, or attempt to connect to the improvements. City will use its best efforts to properly assess the fees set forth herein, but shall incur no liability for its failure to do so, unless the failure is due to intentional misconduct.

DATED this \_\_\_\_\_ day of November, 2008.

SPANISH FORK CITY by:

\_\_\_\_\_  
JOE L THOMAS, Mayor

Attest:

\_\_\_\_\_  
Kim robinson, City Recorder

FIELDSTONE HOMES, LLC by:

---

, Manager