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 May 18, 2010**.

AGENDA ITEMS:

1. **CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS:**
   a. Pledge, led by invitation
   b. Strawberry Days Royalty

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 me made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines.
   a. * Agenda Request – Private Lane Consideration

3. **COUNCIL COMMENTS:**

4. **PUBLIC HEARING:**
   a. * Reconsider of proposed Zoning Map Amendment-the proposed Amendment would approve a Zone Change at 1968 East 1200 South to change the zoning from R-1-9 to R-1-6

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 – May 4, 2010
   b. * Regional Waste Water Property Lease Renewal

6. **NEW BUSINESS:**
   a. * I-Core Easement & Agreement along Highway 6 – Richard Heap, Public Works Director
   b. UDOT I-15 Project Update – Christina Davis

7. **CLOSED SESSION:**
   a. Real Property Acquisition

ADJOURN:

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

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

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Council Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the City Manager's Office at 804-4530.

-----Original Message-----
From: bspendleton1@gmail.com [mailto:bspendleton1@gmail.com]
Sent: Wednesday, May 05, 2010 11:46 AM
To: krobinson@spanishfork.org; webmaster@spanishfork.org
Subject: Agenda RequestagendaSubject

Values submitted by the user:
first_name - Bryan
last_name - Pendleton
address - 2262 Greens Ln.
city - Sp.Fork
state - UT
zip - 84660
contactphone - 801-380-0625
email - bspendleton1@gmail.com
agendaSubject - Private Lane consideration
detailed - As President of the Oaks Homeowners Assoc. I've been asked
to
pursue a meeting with City Fathers to have 1 of the 2 roads in our
association currently not receiving all city services (being labeled a
private lane), be considered for adoption as a city road.
secCode - 08958
submit - submit

MAP AMENDMENT

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

Agenda Date: May 18, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee, Planning Commission.

Request: Brad Fillmore is requesting that the R-1-9 Zone be changed to R-1-6 in order for an Accessory Apartment to be allowed.

Zoning: R-1-9 existing, R-1-6 requested.

General Plan: 3.5-4.5 U/A.

Project Size: 0.23 acres.

Number of lots: 1.

Location: 1968 East 1200 South.

Background Discussion

On April 20, 2010 the City Council approved the Zoning Map Amendment that is described in this report. At this time, the Council is reconsidering that decision. The information contained in this report has not changed from what was provided on April 20, 2010.

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

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

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

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

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

From only a land use perspective, the concept of permitting Accessory Apartments throughout more of the community can be positive. Contemporary planning thought suggests that developing communities more compactly can provide several advantages; and Accessory Apartments are one way to increase efficiency and the compact nature of a city. Accessory Apartments can also provide affordable housing a fairly unobtrusive way which may be viewed as another positive effect.

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

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

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

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

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

Development Review Committee

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

Brad Fillmore Zone Change

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

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

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

Budgetary Impact

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

Planning Commission

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

Brad Fillmore

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

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

Mr. Anderson explained that the proposal was to change the zoning so that the applicants could use an existing Accessory Apartment to care for an elderly family member. He explained that the surrounding properties would remain in the R-1-9 zone and that staff had recommended that the request be denied. He explained that it would be

better to amend the requirements of the R-1-9 zone than to change the zoning on this single property. He said that he did not believe that staff would recommend amending the text to permit Accessory Apartments in more zoning districts.

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

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

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

Chairman Christianson invited comment from the applicant.

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

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

Chairman Christianson invited public comment.

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

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

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

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

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

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

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

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

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

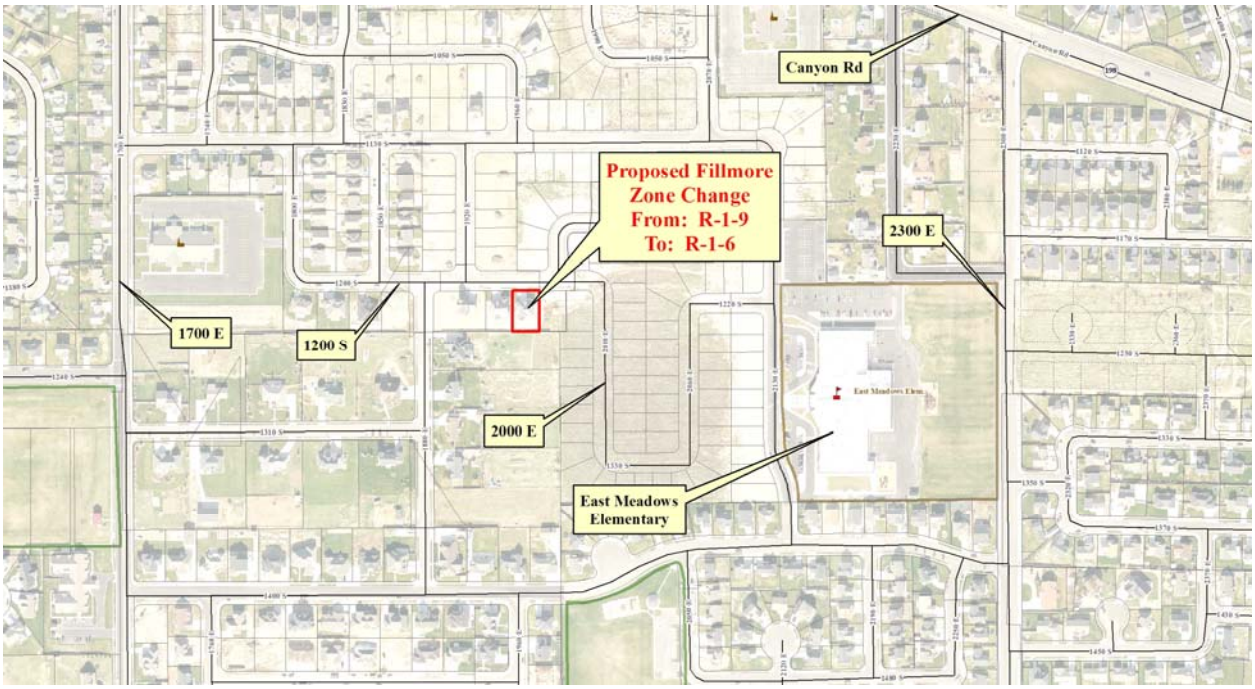
Commissioner Cope said that it might be appropriate to create some sort of overlay.

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

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

Recommendation

Staff recommends that the proposed Zone Change be denied.


Canyon Rd
Proposed Fillmore
Zone Change
From: R-1-9
To: R-1-6
2300 E
1700 E
1200 S
2000 E
East Meadows
Elementary

March 3, 2010

To Whom It May Concern:

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

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

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

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

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

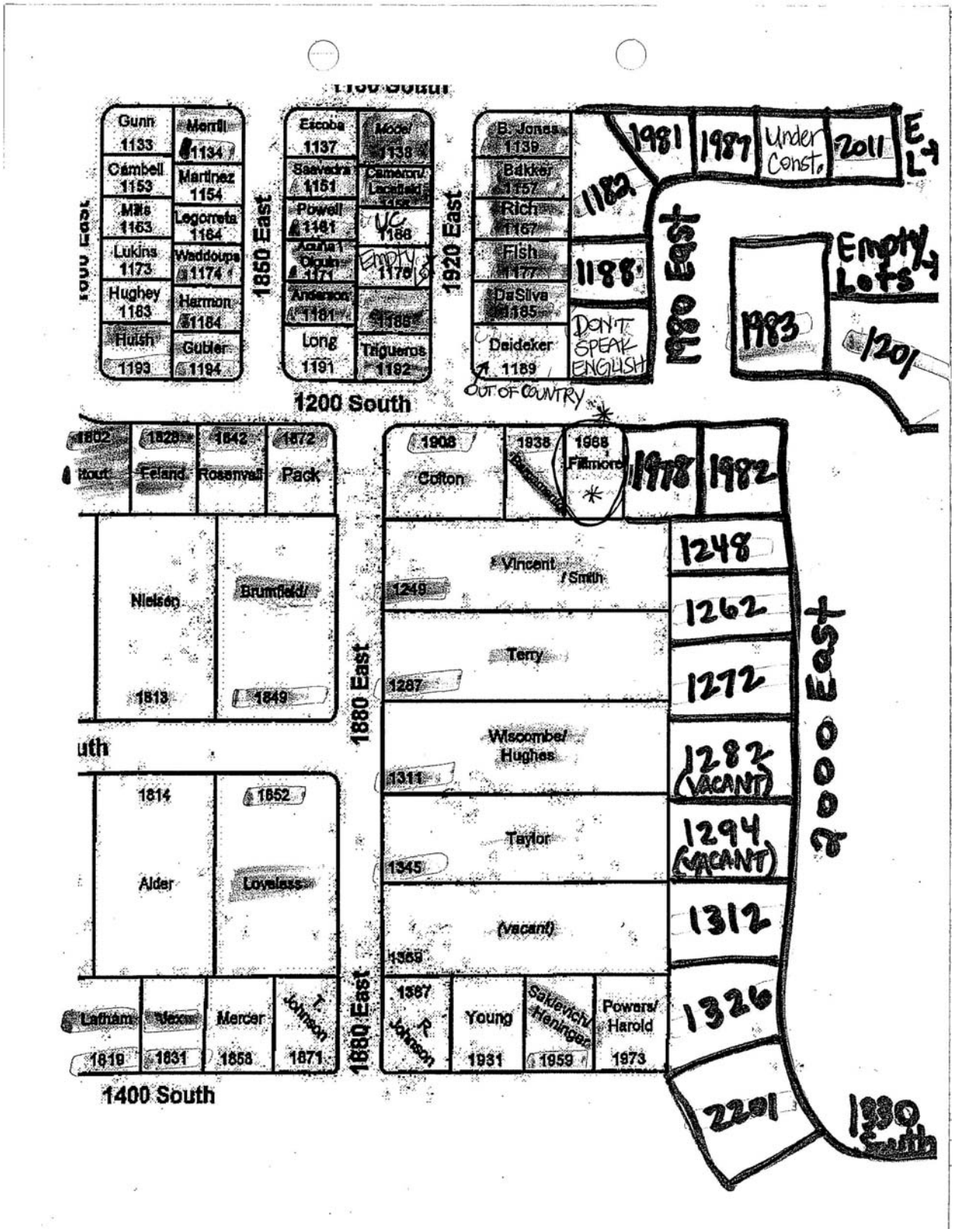
We appreciate your time and attention in considering this request.

Sincerely,

Brad & Melanie Fillmore

Brad and Melanie Fillmore

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



Gunn 1133
Merrill 1134
Cambell 1153
Martinez 1154
Mills 1163
Legorreta 1164
Lukins 1173
Waddoups 1174
Hughey 1183
Harmon 1184
Hulsh 1193
Gubler 1194
1850 East
Escoba 1137
Mode/ 1138
Saavedra 1151
Cameron/ Lacefield
Powell 1161
UC 1166
Acuña/ Olguin 1171
Empty 1176
Anderson 1181
1186
Long 1191
Trigueros 1192
1920 East
B. Jones 1139
Bakker 1157
Rich 1167
Fish 1177
DaSilva 1185
Deideker 1189
OUT OF COUNTRY
1200 South
1981
1987
Under Const.
2011
E L
1182
1188
DON'T SPEAK ENGLISH
1980 East
Empty Lots
1983
1201
1802
1828
1842
1872
Stout
Feland
Rosenvall
Pack
1908
1938
1968
Colton
Fillmore
1978
1982
Nielsen
1813
Brumfield/
1849
Vincent / Smith
1249
1248
1262
Terry
1287
1272
1880 East
Wiscombe/ Hughes
1311
1282 (VACANT)
uth
1814
1852
Alder
Loveless
Taylor
1345
1294 (VACANT)
2000 East
(vacant)
1369
1312
Latham
1819
Vex
1831
Mercer
1858
T. Johnson
1871
1880 East
1387
R. Johnson
Young
1931
Saklevich/ Heninger
1959
Powers/ Harold
1973
1326
1400 South
2201
1330 South

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

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

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

NAME(S)	ADDRESS
1. Glenn & LaDawna Chereporil	1177 S. 1920 E.
2. Gene & Joe Anderson	1981 E 1180 S.
3. A.J. & Christene Rich	1167 S. 1920 E.
4. [illegible]	1188 S. 1980 East
5. [illegible] Wood	1182 S. 1980 East
6. [illegible] Melo	1185 S. 1920 East
7. Kianna Allen	1186 S. 1920 S.
8. [illegible] Trigueros	1192 S. 1920 E.
9. Doreen E. Stout	1802 E 1200 S.
10. [illegible] Stout	S S
11. [illegible]	1194 S. 1850 E.
12. Mike Brown	1982. E. 1200 S.
13. Kerry Loveless	1852 E 1310 So
14. Nesasha Jacquilol	1156 S 1920 E.
15. Carol Stephan	1987 E. 1180 S.
16. Troy Bragley	1262 So 2000 E.
17. [illegible]	1312 S. 2000 E.
18. [illegible]	1819 E. 1310 S.
19. [illegible]	1849 E 1310 S
20. [illegible]	1249 S. 1880 E,

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

NAME(S)	ADDRESS
41. Jacob Dempsey	1326 S 2000 E
42. Brittney Beck	2002 E 1330 S.
43. MATT CHYNOWETH	2011 E. 1180 S.
44. TOM SAKIEVICH	1959 E 1400 S, SF
45. Mary Sakievich	1959 E. 1400 South
46. Daniel Carlisle	1748 S 2000 E
47. KELLY REDD	1201 S 2000 E
48. NATALEI TERRY	1287 S. 1880 E.
49. Scott Beardall	1272 S. 2000 E.
50. Kathy Wilcombe	1311 S. 1880 E.

Tentative Minutes
Spanish Fork City Council Meeting
May 4, 2010

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

Staff Present: David Oyler, City Manager; Seth Perrins, Assistant City Manager; Junior Baker, Richard Heap, Public Works Director; Kent Clark, Finance Director; Dee Rosenbaum, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Jenny Stone, Hailey Hall, Kelly Smith, Kinsley Oates, Auan Hutchings, Lana Creer-Harris, Susan B., Morgan Abbot, Blair Abbott, Duane Hutchings, Phyllis Hutchings, Shantel Harrison, Frank Harris, Cory Stone, Tanner Stone, Daniel Smith, Pat Parkinson.

CALL TO ORDER, PLEDGE, RECOGNITION:

Mayor Andersen called the meeting to order at 6:03 p.m.

Daniel Smith led in the pledge of allegiance.

PUBLIC COMMENT:

Mr. Blair Abbott asked the City Council about our representation for the bridge over Utah Lake, and he had heard that ATV's were allowed on city streets in Spanish Fork.

Mayor Andersen stated that there is a section in the City Code regarding ATV's. They are legal on certain streets as long as they are street legal and licensed the same as an automobile.

Mayor Andersen said regarding the bridge that will be built over Utah Lake, we have not attended because it does not affect Spanish Fork. The bridge enters into the Town of Vineyard. There has been a discussion about a bridge over Mudd Lake and that will be closer to us so when that project arises we will attend.

Mr. Brad Frank Harris asked why the City charges a disconnect fee on the utility bill and he feels this is out of bounds because they can do it right from the city office with technology. They don't send anyone out to the house anymore.

Mayor Andersen said the City will work with citizens to get their bills paid.

Councilman Leifson added that the citizens need to come in prior to being shut off to give staff time to work out a solution so our citizens can get their bills paid.

COUNCIL COMMENTS:

Councilman Leifson wanted to share the recognition of Spanish Fork in the Daily Herald's magazine "The best of 2010". Spanish Fork was voted:

DRAFT

1st place for the best rodeo in the Utah County
2nd & 3rd place for the best Parade in Utah County
2nd place for the best place to walk your dog at Spanish Fork Walking Trail
3rd place for the best City to live in Utah County
3rd place for best fall event the Harvest Moon Hoorah.

Mayor Andersen complimented and thanked the men and women that put on the Junior Livestock Show. Youth from the entire state came to Spanish Fork. This year there were 600 animals entered and 500 exhibitors. Those volunteers are commended for the great job they do. We appreciate the hard work of the fairgrounds crew. The fairgrounds looked and ran great. Thank you to those individuals and businesses who supported the sale and the event.

CONSENT ITEMS:

a. **Minutes of Spanish Fork City Council Meeting - April 20, 2010**

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

NEW BUSINESS:

Appointment of the City Recorder

Mayor Andersen appointed Kent Clark as the City Recorder.

Councilman Nielson made a **Motion** to approve the Mayor's appointment of Kent Clark as City Recorder.
Councilman Davis **Seconded** and the motion **Passed** all in favor by roll call vote.

Mayor Andersen swore in Kent Clark as the City Recorder.

Qwest Centrex Agreement for Phone Lines – Kent Clark, Finance Director

Mr. Kent Clark explained that over the past two years the city has switched their phones to Voice Over IP. Some city buildings in remote areas or things that will not work with this technology have not been switched over. This agreement is to keep those phone numbers that are still needed for those locations.

Councilman Leifson made a **Motion** to authorize the Mayor to sign the Qwest Centrex Agreement for Phone Lines.
Councilman Dart **Seconded** and the motion **Passed** all in favor.

Presentation of Tentative FY 2011 Budget – Dave Oyler, City Manager
Mr. Oyler explained that we have had two work sessions thus far on the budget. One month from now will be the public hearing for the 2011 budget. Also, in June we will revise and finalize the 2010 budget. Staff has spent a lot of time putting the 2011 budget together. It has been harder to change the budget to match expenditures with revenue. The budget will be available on the website or in print for public tomorrow. Please review and let us know your concerns.

DRAFT

Mayor Andersen asked Mr. Oyler to take a minute and explain the solid waste change.

Mr. Oyler explained that the South Utah Valley Solid Waste District implemented a dollar per house hold increase on solid waste. This happened after the last City Council Work Session meeting. At the last meeting it was recommended that we decrease garbage collection $0.50, so now we have changed the budget to a $0.50 increase.

Mr. Oyler highlighted a few of the items in the budget. The Council would like to keep the property tax rate constant. The electric rates will increase, because of federal regulations, by approximately 4.5%. The broadband rates have already been approved for an increase and the rate of the new telephone service is included. There is a proposed Storm Drain fee increase of $0.50.

Mr. Oyler discussed a few of the city capital projects proposed in the budget.

Mr. Oyler added that we have implemented vehicle replacement back into the budget. The new state requirements for retirement have been implemented into the budget. We would like to thank the staff and volunteers that provide excellent service and help our budget stay stable and save the city money. We encourage the public to contact the City Council or city staff with any questions.

Mayor Andersen encourages the citizens to get involved and please contact us with your questions or opinions.

Councilman Dart made a **Motion** to adopt the FY2011 Tentative Budget.
Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Councilman Dart thanked the city staff for their time and efforts for putting this together.

Mr. Oyler further explained the expenditures and revenue, and also the transferring of money between funds within the budget.

Legacy Farms Discussion – Dave Anderson, Community Development Director

Mr. Dave Anderson introduced Greg Magleby from LEI to present this item.

Mr. Duane Hutchings, owner of the property, expressed that a couple of years ago they went to Planning Commission and City Council. In December 2009 land owners decided to put all the property into one LLC, that is when it became Legacy Farms. He said they appreciate the city staff in working with them. Legacy Farms is giving up about 25% of the ground to the city for streets and open space. Legacy Farms are not developers just land owners and would like to see a top notch project for the city. They want to see products that show growth.

Mr. Magleby went over the following items of the project:

Legacy farms is 480 acres; 295 acres is part of master plan.
13 different landowners, 18 parcels
Legacy farms LLC was created
City Master transportation plan
3 different types of park areas
Park connection trail

DRAFT

820 units proposed within legacy farms, 30 acres of parks.
Legacy Farms Parks & Parkway Road dedication to the City
Phasing Plan
Design Guidelines
Architectural Committee

Discussion was held about the standards, character, building height requirements, garages, landscaping, etc. of the homes.

Mr. Magleby asked the City Council for any input or questions?

Councilman Davis thinks this project will really impact our city. He talked with Mr. Hutchings and knows they want something nice and a quality project.

Discussion took place about the entry level homes and step up homes.

Mayor Andersen asked in order for the architectural committee to keep control of the project are the contractors going to be working for the group or selling the parcels of land to developers.

Mr. Magleby stated any plat sold to a developer will have recorded CC&R's.

Mayor Andersen requested that the specifics of the design guidelines need to be clear. The architectural committee that will be handling the project needs to have the knowledge of the design guidelines before hand.

Councilman Davis expressed that he does not want any developer to come in and do what they want, rather to follow what was presented.

Mr. Magleby said they will have all of the elements and requirements defined, before any construction begins.

Discussion took place about having a City Representative on the Committee.

Discussion took place about CC&R's.

Mr. Magleby pointed out some of the phase processes they would like. This process of the home building helps with the financial side of having the money to cover the improvements.

Councilman Dart asked if there has been any interest from developers.

Mr. Magleby replied yes; local to national developers are interested in a project of this size.

Mayor Andersen expressed that he wants the landowners protected and a quality project.

CLOSED SESSION:

Councilman Leifson made a **Motion** to adjourn to Closed Session for Real Property Acquisition and Potential Litigation.
Councilman Dart **Seconded** and the motion **Passed** all in favor by a roll call vote at 7:46

DRAFT

p.m.

Councilman Leifson made a **Motion** to adjourn the Closed Session. Councilman Dart **Seconded** and the motion **Passed** by a roll call vote all in favor at 8:35 p.m.

ADJOURN:

ADOPTED:

_____

Angie Warner, Deputy Recorder

DRAFT

ZIONS BANK

Trust and Investment Management

ZIONS FIRST NATIONAL BANK
1 South Main Street 12th Floor
P. O. Box 30880
Salt Lake City, Utah 84111-1904
(801) 844-7548
(801) 594-8018 FAX

May 4, 2010

Spanish Fork City
Attn: Kent Clark, Finance Director
40 South Main Street
Spanish Fork, UT 84660

Re: Lease Renewal Certificate South Utah Valley Municipal Water Association Taxable Lease Revenue 2008 (Spanish Fork City)

Dear Kent:

Under the terms of the Master Lease, the city is required to provide Zions Bank, as trustee, with notice that the lease term for the current fiscal year has been renewed. According to our records Spanish Fork City's Lease **expires June 30, 2010**. Please forward a notice of lease renewal within the next 30 days. For your convenience, we have enclosed sample language that you may copy onto your official letterhead, complete and return to us.

Thank you for your prompt attention to this matter.

Sincerely,

Brandon Elzinga
Corporate Trust Officer

Date May 18th, 2010;

Zions First National Bank
Trust Department
1 South Main Street, 12th Floor
Salt Lake City, Utah 84111

Re: Notice of Lease Renewal

Dear Sir or Madam:

Pursuant to the terms of the Indenture and Master Lease Agreement for the above referenced bonds, please be advised that Spanish Fork City has renewed the lease term of the year ending June 30, 2011 and has appropriated funds in the annual budget for the payment all rentals, fees and expenses identified in said documents.

Sincerely,

Name
Title
Authorized Representative for _____

MEMO
SPANISH FORK CITY
PUBLIC WORKS DEPARTMENT

DATE: **May 14, 2010**

TO: **Mayor Andersen and City Council**

FROM: **Richard Heap, Public Works Director**

RE: **I-15 Core Project Easement Agreement**

Design for th I-15 Core project at the intersection of I-15 and Highway 6 has shown additional easement would be required for the improvements to Highway 6. The additional area proposed in the easement is to be used as the new fill and catch zone for the road construction. UDOT proposes to purchase the 0.174 Acre easement for $9,125.00. Attached you will find the proposed easement to be acquired form Spanish Fork City.

This memo is to recommend that the City Council approve of the Easement Agreement with UDOT.

Proposed Easement

1 Inch = 80 Feet

Legend

- Proposed Easement
- Property Lines

5/14/2010

GEOGRAPHIC INFORMATION SYSTEMS

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
GIS Phone Numbers:
(801) 804-4571 (Administrator)
(801) 804-4570 (Interns)

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.

Utah Department of Transportation
Right of Way Contract
Easement

Project No: MP-I15-6(178)245	Parcel No.(s): 311:E	
Job/Proj / Auth No: 70963	Pin No: 7037	
Project Location: I-15; Utah County Corridor Expansion (I-15 CORE)		
County of Property: UTAH	Tax ID / Sidwell No: 47:279:0012	
Property Address: Approx. Chapel Drive Hwy. 6 SPANISH FORK UT, 84606		
Owner / Grantor (s): Spanish Fork City		
Owner's Address: 40 South Main Street,Spanish Fork,UT,84660-2031		
Primary Phone: (801)804-455	Owner's Home Phone:	Owner's Work Phone: (801)804-455

IN CONSIDERATION of the foregoing and other considerations hereinafter set forth, it is mutually agreed by the parties as follows:
The Grantor hereby agrees to convey and sell by Perpetual Easement a parcel(s) of land known as parcel number(s) 311:E for transportation purposes. This contract is to be returned to: Ron Wicks (Consultant), Right of Way Agent c/o Utah Department of Transportation, Right of Way Division, 4501 South 2700 West, Box 148420, Salt Lake City, Utah 84114-8420.

1. Grantor agrees to transfer the property free of all debris and any hazardous materials (including paint or other household products.)
2. Grantor shall leave the property in the same condition as it was when this contract was signed. No work, improvements or alteration will be done to the property other than what is provided for in this agreement. Grantor agrees to maintain the property until the Department takes possession.
3. The Department shall pay in full to the Grantor for the real property in the deed or easement referenced above.

Additional Terms:
Grantor sall indemnify and hold harmless Grantee from and against any and all claims, demands and actions, including costs, from lien holders o lessees of the property.

Total Selling Price $9,125.00

_____ Ron Wicks (Consultant) / Acquisition Agent — _____ Date

_____ Eric Lyon / Team Leader — _____ Date

_____ Approved by Director of Right of Way — _____ Date

Grantor understands this agreement is an option until approved by the Director of Right of Way.

_____ **Grantor's Initials**

_____ Grantor — _____ Date

_____ Grantor — _____ Date

_____ Grantor — _____ Date

_____ Grantor — _____ Date

_____ **Grantor's Initials**

OFFER TO PURCHASE RIGHT OF WAY

Pin: 7037 **Project No**: MP-I15-6(178)245
Owner Name: Spanish Fork City
Property Address: Approx. Chapel Drive Hwy. 6, SPANISH FORK, UT 84606
Parcel No: 311:E
Authority No: 70963 **Tax Id:** 47:279:0012
Project Location: I-15; Utah County Corridor Expansion (I-15 CORE)

The Utah Department of Transportation hereby makes you an offer of $9,125.00 as Just Compensation for your property and/or easement(s) on your property.

This is the approved value for the parcel of land described in the Project shown above.

The Utah Department of Transportation declares that this offer has been established by the Department as Just Compensation and is in accordance with applicable State laws and requirements. Just Compensation is defined as the fair market value of the property acquired. This amount is based on the land, improvements and any fixtures considered to be real property.

The public use for which the property or property right is being acquired herein, may include but is not limited to the following possible uses: the construction and improvement of a highway, which may include interchanges, entry and exit ramps, frontage roads, bridges, overpasses, rest areas, buildings, signs and traffic control devices, placement of utilities, clear zones, maintenance facilities, detention or retention ponds, environmental mitigation, maintenance stations, material storage, bio fuel production, slope protections, drainage appurtenance, noise abatement, landscaping, and other related transportation uses.

This letter is not a contract to purchase your property. It is merely an offer to purchase the property and/or purchase easement(s) on your property for $9,125.00. Along with this Offer attached are the Statement of Just Compensation, Executive Summary of Property Owner's Rights, and the Agency's Brochure. Your signature is for the purpose of verifying that you have actually received these items. Signing this document does not prejudice your right to have the final amount determined through Condemnation proceedings in the event you do not accept this Offer. Information regarding your rights is explained in the agency's brochure.

Information about the acquiring process and procedures is included in the Agency's Brochure, which has been given to you. Other information regarding your rights as a property owner was also given to you with this offer. If you have questions regarding this offer or information given to you, please contact me, Ron Wicks (Consultant). I can be reached at (801)456-3730.

Receipt: Please sign below to indicate you have received the following documents:
- Agency's Brochure
- Executive Summary of Property Owner Rights
- Statement of Just Compensation
- Offer to Purchase

Date: _____ *By:* _____
Signature of Grantor/Owner

Date: _____ *By:* _____
Signature of Grantor/Owner

Date: _____ *By:* _____
Ron Wicks (Consultant) / Acquisition Agent

WHEN RECORDED, MAIL TO:
Utah Department of Transportation
Right of Way, Fourth Floor
Box 148420
Salt Lake City, Utah 84114-8420

Easement

(CITY)	Tax ID No.	47:279:0012
	Parcel No.	I15-6:0311:E
Utah County	Project No.	MP-I15-6(178)245

Spanish Fork City, a municipal corporation of the State of Utah, Grantor, hereby GRANTS and CONVEYS to the UTAH DEPARTMENT OF TRANSPORTATION, at 4501 South 2700 West, Salt Lake City, Utah 84119, Grantee, for the sum of _____, Dollars, a perpetual easement, upon part of an entire tract of property, situate in City Parcel "B" Open Space as shown on the North Park Phase 1 Subdivision, in the SE¼NW¼ and the SW¼NE¼ of Section 18, Township 8 South, Range 3 East, SLB&M, for the purpose of constructing cut and/or fill slopes and appurtenant parts thereof to facilitate the construction of a freeway known as Project No. MP-I15-6. The easement includes the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The Easement shall run with the Real Property and shall be binding upon the Grantor and the Grantors successors, heirs and assigns, and includes and conveys all rights of grantor to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the northwesterly right of way of Chapel Drive and the existing southerly right of way of Highway 6, said point also being the northeast corner of said entire tract, which point is 204.44 feet N.00°17'53"W. along the section line and 2,285.09 feet S.89°42'07"W. and 46.97 feet N.44°32'00"W.; and running thence N.44°32'00"W. 636.91 feet along the northerly line of said subdivision; thence S.45°28'00"W. 0.59 feet, to a point 75.36 feet perpendicularly distant southwesterly from the center line of US HWY-6 (Ramp F1) of said project, opposite approximate Engineers Station 28+70.65; thence S.40°57'15"E. 138.88 feet; thence S.44°56'37"E. 186.45 feet;

Continued on Page 2

Parcel No. I15-6:0311:E
Project No. MP-I15-6(178)245

thence S.44°53'14"W. 7.20 feet; thence S.44°08'26"E. 328.41 feet to a point of intersection with a non-tangent curve; thence southeasterly 3.29 feet along the arc of said 12.61-foot radius curve to the right (chord bears S.36°59'51"E. 3.29 feet) to a point of reverse curvature with a 20.00-foot radius curve on the northerly right of way of Chapel Drive; thence northerly 29.22 feet along the arc of said curve to the left (chord bears N.02°40'39"W. 26.69 feet) to the point of beginning.

The above described parcel of land contains 7,596 square feet in area or 0.174 acre.

IN WITNESS WHEREOF, said _____ has caused this instrument to be executed by its proper officers thereunto duly authorized, this _____ day of _____, A.D. 20 _____.

STATE OF UTAH)
) ss.
COUNTY OF)

_____

By _____

On the date first above written personally appeared before me, _____, who, being by me duly sworn, did say that he is the _____ of _____, a municipal corporation of the State of Utah, and that the within and foregoing instrument was signed in behalf of said municipal corporation by authority of a resolution adopted at a regular meeting of the _____, held on the _____ of _____, A.D. 20 ___, and said _____ acknowledged to me that said municipal corporation executed the same.

WITNESS my hand and official stamp the date in this certificate first above written:

_____
Notary Public

Prepared by MWW 1/18/10