

Adopted Minutes
Spanish Fork City Council Meeting
January 4, 1995

The meeting was called to order at 6:30 pm by Mayor Marie W. Huff for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was lead by Mr. Kent R. Clark.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Jerald M. Chapple, Kim H. Peterson, Thora L. Shaw, Clyde A. Swenson, and Rex Woodhouse.

Staff Members Present: David A. Oyler, City Manager; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; and Heather Frost, Deputy Recorder.

Citizens Present: Ronald Payne, Leola Buffo, Rea Bleggi, John Bleggi, Gary Bastian, Dick Friedman, Mike Oswald, Doug Nielsen, Dick Bastian, Susan Bastian, Mike Valdez, Gayle Valdez, Mabel Williams, Peter G. Bell, D. Grotegut, Darlene Cowden, Lynn Sorensen, Zera Staheli, and Vicki Staheli.

Minutes

Councilmember Peterson made a **motion** to accept the minutes of the December 21, 1994, regular city council meeting, with noted corrections, and presented warrants. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Introduction

Mayor Huff introduced Mr. Jerald Hawks, the newest member of the library board, to the council.

Planning Commission Appointment

Mayor Huff made the appointment of Mr. J. Wayne Nelson to the planning commission.

Councilmember Woodhouse made a **motion** to ratify the appointment of Mr. J. Wayne Nelson to the planning commission. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Mayor Huff made the appointment of Councilmember Clyde A. Swenson to continue serving on the planning commission for one year.

Councilmember Shaw made a **motion** to ratify the appointment of Councilmember Clyde A. Swenson to continue serving on the the planning commission. Councilmember Woodhouse **seconded**, and the motion **passed** unanimously.

Ordinance 01-95: Constitutional Takings

Attorney Baker reviewed Ordinance 01-95 with the council. Mr. Baker said State law requires this ordinance be adopted.

Councilmember Swenson made a **motion** to adopt Ordinance 01-95: Constitutional Takings. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Ordinance 02-95: Animal Control - Ordinance Concerning the Impounding of Animals

Mr. Baker explained this ordinance would set specific guidelines for the county pound in regards to destroying animals. He said an animal with a current tag in the pound would not be destroyed for five days and the owner would be contacted by the animal control officer and the county pound. He said this ordinance states an animal without a current tag could be destroyed after a minimum time period of 24 hours.

Councilmember Chapple made a **motion** to adopt Ordinance 02-95: Animal Control - Ordinance Concerning the Impounding of Animals. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Public Hearing - Consideration of Entering an Inter-Local Agreement with Mapleton Regarding Sewage Treatment

Councilmember Shaw made a **motion** to open the public hearing at 7:20 pm. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

Mr. Heap said in 1983, Spanish Fork City bonded for and started construction on a sewer treatment plant. He said the plant is designed to handle five million gallons of sewage per day and a peak flow of ten million gallons. He said the total current use is 2.4 million gallons per day. Residential, commercial, industrial, and inflow and infiltration are included in that usage. Mr. Heap said it is estimated 5,448 connections could be added. After connecting Mapleton, it is estimated the current capacity of the plant will be sufficient up to the year 2008. At the time expansion is necessary, the design of the plant allows for expansion of the pipes and valves. He said Spanish Fork City is proposing selling sewer capacity to Mapleton, not the physical plant.

Mr. Clark reviewed the contract Mapleton and Spanish Fork City would enter. He said the purchase price Mapleton will pay is \$850,700. He said Mapleton will pay an initial payment of \$562,000, and because Spanish Fork City will use the trunk line for future growth, Mapleton will receive a credit for the trunk line. That leaves \$288,700 to be paid at the time of connection. Mr. Clark said Mapleton will begin paying Spanish Fork City after five years the amount of \$57,740 per year for five years. Mapleton will also pay approximately \$35,200 annual operation & maintenance charges. Mr. Clark said the council has not yet determined what to do with the proceeds. He said it would be possible to decrease Spanish Fork City citizens' utility bills on the sewer and sewer bond charges. Mr. Oyler said another option to consider would be to save the proceeds and use them at the time it is necessary to expand the sewer treatment plant.

Mrs. Gayle Valdez asked if Spanish Fork City citizens' utility bills would be affected by this sale of the sewer capacity. Mr. Heap explained the utility bills would not be increased because of the sale of sewer capacity to Mapleton.

Mr. Heap noted a letter of opposition to the inter-local agreement with Mapleton regarding sewage treatment was received from Mr. Howard Creer.

Mayor Huff asked for any additional public input. No further public input was received.

Public Hearing - Hampton Estates Zone Change (PO to R-2 with PRD Overlay)

Mr. Heap reviewed the area the developers are requesting a zone change and PRD overlay for. He said the developers propose building fourteen 4-plexes on this property and that the maintenance of the planned residential development will be handled by a homeowners association. Mr. Heap then turned the time over to Mr. Doug Nielsen, a representative of the developer.

Mr. Nielsen said this property was zoned R-2 in the past, and was re-zoned to the professional office zone. He said the developer's request is for an R-2 zone with a PRD overlay. He explained if the council approves the zone change, they would also be approving the development. There would be a homeowner's association that would insure safety and quality of the upkeep of the buildings. There is a common area with a playground for children, a barbecue area, more than adequate parking (he said there will be three parking spaces for each unit), and a sport area. Mr. Nielsen said the Development Review Committee recommends approval of this development, and the Planning Commission had a motion to approve the development, but the motion died for lack of a second.

Mayor Huff asked if the units would be owned or rented. Mr. Nielsen said they would be occupied by renters. Mr. Heap asked if each unit would be owned separately. Mr. Nielsen said the developers plan to keep seven of the dwellings, and sell seven. He said it is not likely there will ever be 14 different owners. Mr. Nielsen said there will be restrictive covenants recorded with the county, and the homeowners association will determine the amount monthly dues will be. These dues will be paid and will pay for landscaping, upkeep, maintenance, and snow removal. Councilmember Shaw asked if there are any other developments in the county similar to this one. Mr. Nielsen said there are some in Provo, but he could not think of a specific example. Councilmember Woodhouse asked Attorney Baker if the city had any recourse if the area is not maintained properly by the homeowners association. Mr. Baker said the city should not get involved in the upkeep requirements of the homeowners association. Councilmember Woodhouse asked if each dwelling was owned separately, how the maintenance of all of the buildings would be handled. Mr. Nielsen explained the purpose of the homeowners association is to use the monthly dues each owner paid to maintain the property.

Councilmember Chapple asked Mr. Heap how this type of development is addressed in the master plan. Mr. Heap said the 1982 master plan requires multiple family units have adequate utilities and are close to an arterial road. Mr. Heap said the 1989 master plan that was not formally adopted states the percentage of multiple family units is 15%. He said the city is currently at approximately 22% multiple family dwellings. Councilmember Shaw stated she feels the area is congested with 4-plexes and duplexes.

Mayor Huff asked for public input.

Mrs. Gayle Valdez said she can't understand why all of the apartments in the city are on the east side. She said in ten years she feels this development will be a junkyard. Mrs. Valdez said it is not fair to the homeowners in the east part of town that there are so many rentals in that area, and the council should not allow any further construction of rentals there.

Mrs. Darlene Cowden said she has been before the city council voicing her opposition to additional rentals near her home. She said she does not want to leave her home of sixteen years, but if additional rentals are built, she won't feel she can stay. She said eventually this development won't be taken care of. She said there is also a safety concern with the traffic on 400 North and 800 East.

Mr. Valdez said there would be several people moving in and out. She said she could name several similar developments that are not taken care of, but the developer couldn't name one that is taken care of.

Mr. Paul Robinson asked what the density of the development would be.

Mr. Nielsen said approximately 12 units per acre.

Mr. Jeff Finch said he is familiar with a similar development in Kearns that is located near railroad tracks as this one is. He said people don't want to live there and the development is run down. He said he feels this development will be similar and they won't be able to get good people to live there. He said low income tenants may stay, but from his perspective, he wouldn't live there long.

Mr. Nielsen said they propose building a barrier along the railroad tracks.

Mr. David Grotegut said there is a safety concern on the east access. He said he feels that would be a hazardous intersection and higher density will present a problem in that traffic area.

Mrs. Mable Williams said she is concerned with the safety of the children with the traffic on 400 North.

Mr. Peter Bell said he is not opposed to additional residents, but there is no guarantee of the type of people that will live in this development. He said single family dwellings are welcomed in the area, but in the long haul, the apartments will be run down and that is the concern.

Mr. Nielsen said he could see the concern of the residents. But, there is a need in Spanish Fork City for rental units for people that cannot afford a house. He said if the developers plan properly and they work together with the city, this development could be a nice place for renters.

Mr. Grotegut asked if there are currently any perspective owners.

Mr. Nielsen said there is currently one investor interested in the development, but the developers plan to keep at least seven of the buildings.

Mr. Bruce Hall said there is a demand for rental units in Spanish Fork City, and these will be nice apartments.

Councilmember Shaw said the planning commission did not approve this, they approved conceptual idea, but not in this area of town. She said the planning commission and the city council need to determine long range planning in regards to multiple family units in Spanish Fork City.

Mr. Heap said the planning commission and the city council plan to meet with a professional planning consultant to review the multiple housing situation in the city.

Mr. Zera Staheli said he is not opposed to apartments in general, but he is opposed to any additional rentals in this area of the city. He said he feels apartments should be dispersed throughout the city, not all built in one part. He said if city's goal is 15% multiple family units, and is currently at 22%, the concern should be addressed. He said he would like to voice his opposition to this project.

Councilmember Woodhouse said he is concerned with the enforcement of the maintenance of the development.

Mrs. Susan Bastian said she lives in area with a homeowners association, and in her experience, the development is maintained nicely.

Councilmember Peterson said this would be a reasonable use for the property. He said it would be close to shopping, there is access to arterial roads, and there is a need for rental units in Spanish Fork City.

Councilmember Shaw made a **motion** to close the public hearing at 8:45 pm. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Mayor Huff expressed the council's appreciation for their input. She said the council will discuss the issue with the professional planning consultant, and a decision will be made at the February 1, 1995, regular city council meeting.

TCI Franchise Agreement

Mr. Oyler said the council had approved an amended franchise agreement with TCI at the previous city council meeting. He said he had since contacted TCI, and they agreed to the changes with the exception of the amendment setting a 60 day limit on service extension the council added. He said Mr. Dick Friedman, TCI, is concerned with the timetable requirement in the extension of service section.

Mr. Dick Friedman, TCI General Manager of Utah and Idaho, explained to the council TCI's budget process and service process. He said it would not be possible in all instances to connect service within 60 days. He said he would rather agree to a period of time that TCI would be able to comply with rather than committing to a timetable then not being able to accomplish it. There was discussion regarding the joint trenching TCI does with new development.

Discussion ensued regarding the possible time period for extension of service both TCI and the council could agree to.

It was agreed TCI would provide extension of service within 60 days for eleven homes or less provided the trunk line does not have to be extended, and within one year on all others, and for those, they will be completed in priority order from date of application.

Councilmember Shaw made a **motion** to table the TCI Franchise Agreement until such time as Mr. Dick Friedman presents an amended agreement. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Westfield Contract

Mr. Oyler and the councilmembers reviewed the proposed contract, and the areas affected by the contract.

Councilmember Swenson made a **motion** to table a decision on the Westfield Contract until a revised contract is received. The **second** was made by Councilmember Shaw, and the motion **passed** unanimously.

Resolution 94-22: An Inter-Local Agreement on the South Utah Valley Water Association

Mr. Heap asked that this item be tabled.

Consideration of Entering an Inter-Local Agreement with Mapleton Regarding Sewage Treatment

Councilmember Chapple made a **motion** to authorize Mayor Huff to sign the Inter-Local Agreement with Mapleton Regarding Sewage Treatment. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Hampton Estates Zone Change (PO to R-2 with PRD Overlay)

Councilmember Shaw made a **motion** to table a decision on the Hampton Estates Zone Change until the council is able to receive input from the professional planner hired by the planning commission. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

*NOTE: Councilmember Woodhouse left the room at 10:35 pm.

Utah Risk Management Mutual Association - Inter-Local Agreement Amendment

Mr. Oyler reviewed the U.R.M.M.A. Inter-Local Agreement Amendment with the councilmembers.

Councilmember Swenson made a **motion** to adopt Resolution 95-01: A Resolution of the City Council of Spanish Fork City approving the amended interlocal agreement that established the Utah Risk Management Mutual Association. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

*NOTE: Councilmember Woodhouse returned at 10:40 pm.

Adjournment

Councilmember Chapple made a **motion** to adjourn the Spanish Fork City Council meeting at 10:45 pm. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.