

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**March 20, 1996**

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 local boy scout Adam Wilkinson.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Clyde A. Swenson, Rex Woodhouse, Thora L. Shaw, and Sherman E. Huff.

Staff Members Present: David A. Oyler, City Manager; Kent R. Clark, Recorder/Finance Director; Richard J. Nielson, Assistant Public Works Director; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Greg A. Comstock, City Planner; and Heather Frost, Deputy Recorder.

Citizens Present: Shelley R. Emery, Robert R. Emery, Diana Hatch, Ryan Hatch, Tia Elketan, Heather Woodhouse, Kevin Oyler, Adam Wilkinson, Zach Thomson, Elecia Hardy, Rachelle Jensen, Teresa Rice, Karen Peterson, Ashlie Nielsen, Don Lyster, Pat Doty, Sonya Berry, Cris Child, Phil Hardy, Travis Cron, Sheri Acton, Quinn Batty, Segna Batty, Brandon Batty, Matt Barber, and Dale Phelps.

### **Minutes**

Councilmember Woodhouse made a **motion** to approve the minutes of the March 6, and March 13, 1996, meetings of the city council, with noted corrections. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

### **Agenda Request - Billy Hansen**

Mr. Billy Hansen addressed the council regarding construction of subdivisions and the requirement for road standards. He explained he lives near the Vineyard subdivision and the roads in Vineyard have not yet been completed. Mr. Hansen said there is constant mud tracked onto the existing roads in bad weather or dust when the weather is dry. He asked the council to change the road standard to require paved roads in developments before building starts. He felt that would eliminate problems with dust and debris.

Mr. Hansen said the city has recently put barricades up to stop traffic from going in and out of Vineyard. He told the council people are driving around the barricade and across his lawn to get into the development. Mr. Hansen asked the council to shut the construction down until the road in the Vineyard subdivision is paved. He said he has complained to the engineering department for over a year and has not had results. He noted in the past month, the city has made an effort to address his complaints. Mr. Hansen also complained that the temporary turnaround has not been properly maintained. Mrs. Sonya Berry, a neighbor of Mr. Hansen's, added because of the poor maintenance of the turnaround, the street was not plowed during the winter months.

Mayor Huff informed the council she has spoken with the developer, and he has in the past month been sweeping the existing streets. The developer promised Mayor Huff the streets in Vineyard will be paved as soon as the weather permits.

Mr. Nielson informed the council the building inspectors have been instructed to red tag and stop construction in developments with problems keeping the roads clean.

Mr. Cris Child, a developer, stated the expense to pave the roads in a development before starting construction of the homes would be unreasonable, and would increase the price of homes in the development.

After some discussion, Mr. Nielson said the city does not have the manpower to clean up after all of the developers. He said he has contacted the developer of this subdivision, and he was very cooperative and said he would keep the roads as clean as possible.

Mr. Oyler reminded the council this issue was discussed about a year ago, and the council determined roads should be all weather surface roads which are accessible for emergency vehicles.

Chief Rosenbaum will put "Road Closed" and "Do Not Enter" signs up to stop people from driving on Mr. Hansen's lawn.

Councilmember Woodhouse instructed the staff to make sure the requirements that are in place are enforced and that requests are responded to in a timely manner. The council voiced their understanding of the problem and said they would make sure action is taken to enforce the existing standards.

### **Millrace Repair Bid**

Mr. Nielson explained three bids were received for the repair of the Millrace. He said the bid includes cleaning the Millrace. Westfield Irrigation Company and Southfield Irrigation Company will reimburse the city for their share of the cost of repairs. Mr. Nielson reviewed the bids, he recommended the low bid of RB Construction for the amount of \$15,780.

Councilmember Woodhouse made a **motion** to award the Millrace repair bid to RB Construction for the amount of \$15,780. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote. Other bids received: Fish Construction, \$21,500; and Lyndon Jones Construction, \$24,685.

### **Spanish Fork Country Estates - Preliminary Plat**

Mr. Comstock explained a request has been made to develop a subdivision with fifteen one-acre lots on 1700 South about one-half mile south of Canyon Road. He said in the Comprehensive General Plan, the planning commission proposes higher density than one-acre lots, but the property is currently zoned appropriately for the request. Because it is in the affected area of the Strawberry Electric District lawsuit, the developer is unable to change the zone.

Mr. Comstock noted the Development Review Committee recommends approval of this development. The Planning Commission discussed water issues at length and recommended approval of the subdivision with a majority vote of 2:1.

Mayor Huff questioned the services to the area. Mr. Comstock answered most of the utilities are near the proposed development.

Mr. Don Lyster, representing the developer, approached the council and presented plans for the development. He said he has met with J. Merrill Hallam and Fred Vincent of the East Bench Canal Company and they have reviewed concerns with water issues. Mr. Lyster informed the council strict conditions, covenants, and restrictions will be designed to ensure the homeowners understand the water issues associated with this development. He noted the homeowners association will pay a water master who will specifically care for this development.

Councilmember Woodhouse stated the developer will have to provide written approval of the plan for irrigation from the East Bench Canal Company. Councilmember Swenson expressed concern that the lots

will not be maintained. The council discussed several aspects of this development including: 1) Conditions, covenants, and restrictions; 2) Water issues; 3) Storm drainage; and 4) Animal rights.

Councilmember Woodhouse made a **motion** to approve Spanish Fork Country Estates - Preliminary Plat subject to the following conditions: 1) The developer will design an irrigation system for both flood irrigation and secondary irrigation; 2) The restrictive covenants which place responsibility of the ditch upon the homeowners are strict and irrevocable; 3) The buyers of the lots are informed of the water issues pertaining to this development; 4) A letter from East Bench Irrigation Company is received stating their approval of the developer's plans for irrigation.

Further discussion took place regarding irrigation issues.

The **second** was made by Councilmember Huff, and the motion **passed** with a **majority** vote of 3:1, with Councilmembers Woodhouse, Huff, and Shaw voting in favor of the motion, and Councilmember Swenson voting opposed.

### **Ordinance 04-96: Ordinance Amending Section 2.08.100 of the Spanish Fork City Municipal Code**

Attorney Baker explained Section 2.08.100 of the city code regarding vacancy of a city councilmember seat is currently contrary to state law. He recommended the council adopt Ordinance 04-96 to bring the city code into compliance with the state law.

Councilmember Shaw made a **motion** to adopt Ordinance 04-96: Ordinance Amending Section 2.08.100 of the Spanish Fork City Municipal Code. Councilmember Huff **seconded** the motion, and it **passed** unanimously.

### **Resolution 96-06: Resolution Authorizing the Entry of a Settlement Agreement**

Attorney Baker informed the council this resolution authorizes Spanish Fork City to enter a settlement agreement between the Utah School and Institutional Trust Lands Administration and the Division of Wildlife Resources, Department of Natural Resources. The proposed settlement agreement will clear title to 1,200 acres of the Bow Valley property which the city is in the process of selling.

A **motion** was made by Councilmember Swenson to adopt Resolution 96-06: Resolution Authorizing the Entry of a Settlement Agreement. Councilmember Woodhouse **seconded** the motion, and it **passed** unanimously.

### **Mike Gardner Lease**

Councilmember Woodhouse made a **motion** to authorize Mayor Huff to sign the lease agreement with Mike Gardner with the stipulation the lessee will vacate the property upon notice from the city. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

### **General Plan**

Mr. Comstock informed the council Mr. Nielson had reviewed the Capital Facilities Plan for streets, storm drainage, sewer, and water at the planning commission meeting held March 19, 1996. Mr. Comstock briefed the council on those items. He noted the commission also discussed the possibility of allowing basement apartments in all areas of the city as long as the house is owner occupied. This proposal will be discussed in detail as part of the general plan update.

### **Miscellaneous Item**

The council discussed the intersection of Center Street and US Highway 6. Chief Rosenbaum informed the council UDOT has approved a semaphore at that location. The project has been bid out and the bid opening is scheduled for March 26, 1996.

### **Adjournment to Executive Session**

Councilmember Woodhouse made a **motion** to adjourn the regular session of the Spanish Fork City Council meeting and convene the executive session at 8:35 pm. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.