

**Adopted Minutes
Spanish Fork City Council Meeting
July 7, 1998**

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led by Councilmember Thora L. Shaw.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Everett Kelepolo, Thora L. Shaw, Lillian J. Shepherd, and Clyde A. Swenson.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Gregory A. Comstock, City Planner; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Jack J. Swenson, Parks & Recreation Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Jonathan F. Cope, *H.E. Davis*; John D. Smiley, Richard W. Johnson, Vic Deauvono, Gordon Jones, Matt Barber, and Jon Christensen.

Minutes

Councilmember Shepherd **moved** to approve the minutes of June 30, 1998, City Council meeting as presented. Councilmember Kelepolo **seconded** the motion and it **passed** with a unanimous vote.

Public Hearing - H.E. Davis Zone Change

Councilmember Shaw **moved** to open the public hearings at 7:04 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

A request has been received to rezone approximately 37 acres east of SR89 on the Ensign-Bickford property to a Surface Mining Overlay District. The underlying zoning district of this area is I-3. Mr. Comstock reviewed the recommendation for approval from the Development Review Committee.

The meeting was opened for public comment.

Mr. Jonathan Cope from H.E. Davis asked for future consideration to amend the Surface Mining Overlay district to allow the conditional use of a crusher which use would expire with the overlay.

Councilmember Swenson asked what was required to recover the site to a usable state. Requirements of the district were noted, and Mr. Cope stated a bond is posted to ensure complete recovery. Wetting of the extraction areas is required to keep the dust down.

Councilmember Shaw **moved** to approve Ordinance Z-07-98: The H.E. Davis Zone Change to

the Surface Mining Overlay District subject to design review approval which meets the requirements of Chapter 17.24.040 of the zoning ordinance being obtained for not more than ten acres prior to commencing any surface mining operations. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Hamilton Zone Change & Wapiti Estates Preliminary Plat

Mr. Comstock reviewed the original request to rezone approximately 32.2 acres between 1100 East and 1400 East, south of 1500 South from R-R to R-1-12. Preliminary Plat approval is also requested to create 62 lots from approximately 25 acres. The density on the plat is just under 2.5 units per acre.

Developers John Smiley and Bruce Hall purchased an additional eight acres to the north which they would like incorporated with the zone change and preliminary plat. Attorney Baker stated the original zone change and plat could be approved as is, with an amended Preliminary Plat being approved at a later date.

Mr. Comstock reviewed conditions of approval recommended by the Planning Commission and Development Review Committee as follows:

1. Necessary right-of-way shall be acquired on 1100 East to develop a half street plus ten feet of asphalt with curb, gutter, and sidewalk on the east side.
2. The retention basin/park shall be installed in Phase I with playground, a pavilion with tables, landscaping including grass, trees, and a sprinkler system. The developers shall build the playground and gazebo or pay cash equivalent to the City based on the City's estimate.
3. Setbacks from the brow of the hill for Lots 52-57 shall be a minimum of 25 feet from the main structure.
4. A grading plan shall be submitted for Lots 52-57
5. The street in front of Lots 59-62 must include a half street plus ten feet of asphalt, preferably with dedication of the entire road right-of-way.
6. A development agreement shall be signed with the City which incorporates the major components of the CC&R's regarding architecture, materials, fencing and landscaping.
7. Resolve relocation of the SESD power lines by either undergrounding or buying out the line.
8. Fire hydrant locations to be finalized by the Fire Department.

Councilmember Huff questioned the need to approve the zone change on all 32 acres when only 25 acres is being developed at this time. Mr. Smiley stated Blair Hamilton, the owner of the remaining acreage would still be required to come before the Council for his preliminary plat approval.

Councilmember Kelepolo **moved** to approve the Blair Hamilton Zone Change (Z-08-98) and Wapiti Estates preliminary plat subject to the eight conditions from the Development Review Committee and Planning Commission. Councilmember Shepherd **seconded** the motion and it

passed with a unanimous vote.

Public Hearing - Ordinance 07-98: An Ordinance Amending the Off-Street Parking Requirements in the Zoning Ordinance

At the April 1998 Planning Commission meeting the possibility of amending a provision of the zoning ordinance regarding the paving of long driveways for single residence dwellings on large parcels was discussed. The Commission directed staff to prepare a possible ordinance amendment which would relax this standard for driveways in excess of a certain length (200 feet), but still require an all-weather road surface beyond that distance. Mr. Comstock noted the change would just apply to the R-R and A-E zoning districts.

The meeting was opened for public comment.

Mr. Gordon Jones feels 200 feet is still a substantial amount to be required to pave.

Mr. Richard Johnson stated he read about this hearing in paper and thought it might involve the winter parking ordinance. He said one of his pet peeves is moving the cars off street in the winter because it seems to be a big waste of efforts as his street was only plowed twice during the night last winter.

A general discussion took place from the Council.

Councilmember Shaw **moved** to approve Ordinance 07-98: An Ordinance Amending the Off-Street Parking Requirements in the Zoning Ordinance as presented. Councilmember Huff **seconded** the motion and it **passed** with a unanimous vote.

Public Hearing - Ordinance 08-98: An Ordinance Amending the Zoning Requirements with Respect to Nonconforming Buildings, Sites, or Uses

Mr. Comstock stated when the new zoning ordinance was adopted in November of 1996, the provision regarding discontinuance of nonconforming uses was inadvertently left out. The Planning Commission and City staff recommend amending the Chapter 17.04.050 of the zoning ordinance to include this provision.

No public comment was received.

Councilmember Huff **moved** to adopt Ordinance 08-98: An Ordinance Amending the Zoning Requirements with Respect to Nonconforming Buildings, Sites, or Uses. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Consideration of Amendments to the Capital Facilities Plan

Mr. Oyler reviewed proposed amendments and additions to the capital facilities portion of the General Plan. He noted this is the first amendment to the plan which was adopted in early 1997.

Mayor Barney opened the meeting for public input. None was received.

Councilmember Shepherd asked if 200 North and 900 East could be included in the plan for sidewalk installation. Mr. Heap noted sidewalk installation in that area is up to the property owner. He stated he will visit with property owners to make them aware the City has incentives available if they would like to install sidewalks.

Councilmember Shepherd asked for more details about basement remodel at the Police Station. Chief Rosenbaum answered the remodel would allow office space in the basement so the patrol division could be moved downstairs.

Councilmember Swenson **moved** to adopt the amendments to the Capital Facilities Plan by Ordinance 09-98. Councilmember Shepherd **seconded**, and the motion **passed** unanimously.

Public Hearing - Consider Amendments to the Impact Fee Schedule

Attorney Baker stated any amendments to the City's impact fee schedule need to be reviewed by public hearing because it affects people city-wide. He requested the Council continue the public hearing until the 21st of July to ensure everyone has adequate time to review the proposed amendments. Time was turned to Mr. Comstock to review the proposed impact fees.

Mr. Comstock stated most of the fees have gone up slightly. He noted the most significant increase occurred with the Parks and Recreation impact fee, primarily because land costs have increased significantly. Other fees were reviewed. Mr. Comstock explained the proposed fees are what the model from Tischler & Associates figures the City could legally charge and be supportable.

Mr. Vic Deauvono spoke on behalf of 100 residents that are planning to move into the Spanish Trails development. He expressed concern with the high increase in the Parks & Recreation fee, especially since existing residents use the recreation facilities. He stated Spanish Trails is one of the few developments that have a park within the development, and asked if that was considered in the Tischler formula. He feels the increase is unfair and totally unjustifiable.

Mr. Bruce Hall stated impact fees are being collected with the building permit. He feels it would be more fair if impact fees were collected when the plat is recorded.

Mr. Gordon Jones stated calculation of impact fees has to be based on actual cost and not appraised value. He noted this was the reason American Fork City lost a lawsuit regarding their fees.

Mr. Matt Barber asked questions regarding the different formulas used to calculate the impact fees. He questioned if the parks have been evaluated correctly because Little Chicago was listed as having \$20,000 worth of playground equipment but actually it has none. Mr. Barber requested the Council research the value of the land closer because he feels \$40,000 an acre may be excessive.

Mr. Dick Button, a resident of Spanish Fork, feels the impact fees are unbalanced and should be spread out more.

Mr. Craig Snyder, an attorney representing the Spanish Trails homeowners association asked if any appraisal had been done on the City's parks to reach the value of \$40,000. Mr. Baker answered no formal appraisal has been done. Mr. Snyder questioned whether any impact fees would be used to fund construction of the new sports facility, or to fund land acquisition costs of the project. Mr. Oyler answered a portion of the Parks & Recreation impact fee would be used to purchase the property and reimburse the City for the buy-in. Mr. Snyder feels the City risks opening up areas they may not want to step into when impact fees of the extent and size of the Parks & Recreation fee are discussed, especially when bonding of those areas have been turned down.

Mr. Gordon Jones stated he is concerned because the hearing does not have equal representation. He stated it doesn't affect Spanish Fork citizens, it affects people that don't live here yet. Mr. Jones asked the Council to consider the fees as if they were moving into the City. Mr. Heap stated impact fees have a great impact on citizens because if they are not paid taxes have to be raised and water rates increase. Mr. Jones agreed, but feels only one side of the debate can be addressed without representation.

The meeting was opened for Council discussion.

Councilmember Huff feels the City does look out for new residents. He stated he has six kids that will hopefully reside in Spanish Fork.

Councilmember Shaw expressed support for impact fees in general. She stated some people have expressed concerns when they purchase a new home and have to pay impact fees and yet people that purchase their old home do not.

Councilmember Swenson stated property value goes up because of the market, and the City has no control over the market. Mr. Oyler stated a major issue is at what value does the City reimburse. If a developer was being reimbursed by the City for a retention basin he would want the highest value of the land, yet home buyers want impact fees figured at the lowest value of the land.

Councilmember Shepherd expressed support for impact fees. She had to pay impact fees when she built her new home.

Councilmember Swenson **moved** to continue the Impact Fee public hearing until July 21, 1998. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Huff **moved** to exit public hearings at 8:55 pm. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

Payment for Mapleton Sewer Line

Spanish Fork City and Mapleton previously worked out an agreement for Mapleton to bring the sewer line to their city. Mr. Heap reviewed the terms of this agreement. He then illustrated problems Mapleton had with their contractor. With escalated costs associated with the sewer line, Mapleton is now requesting their payment to Spanish Fork City be reduced to \$54,390.89. Mr. Heap requested approval to accept this payment.

Councilmember Huff **moved** to accept the letter of recommendation for the payment for the Mapleton sewer line as presented with a reduced amount of \$54,390.89 paid to Spanish Fork City. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Crime Victim Advocate Interlocal Agreement

Attorney Baker stated the police department has discovered victims which need assistance and would like to join with other cities to hire an individual who could come in and assist these victims. The interlocal agreement proposed would be done on an experimental basis for one year. He said the program has worked well in Orem and Provo.

Councilmember Shepherd asked if the individual has to be a police officer. Attorney Baker answered no, but some police background is beneficial.

Councilmember Swenson **moved** to authorize Mayor Barney's signature to enter into the Crime Victim Advocate Interlocal Agreement. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Bid - Fencing of Sports Complex

Parks and Recreation Director Jack Swenson reviewed fencing bids for the new sports complex. The bids include fencing for the four ballfields, outfielders, sidelines, backstops and dugouts in the first phase. Mr. Jack Swenson recommended the bid from Custom Fence Company in the amount of \$117,310. Labor has been donated from RB construction for the footings and from Davis Construction to pour the concrete walls.

Councilmember Kelepolo **moved** to accept the bid for fencing of the Sports Complex from Custom Fence Company in the amount of \$117,310. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Bids Received: American Fence, \$104,900 (did not include mow strip); Mountain States, \$158,754; and Custom Fence Company, \$117,310.

Mr. Jack Swenson recognized Mayor Barney for the outstanding job he has done with volunteer work. He stated the workers are high quality people and are having a good time doing the work.

Adjournment

Councilmember Shaw **moved** to adjourn the meeting of the Spanish Fork City Council at 9:40 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.