

**Adopted Minutes  
Spanish Fork City Council Meeting  
March 2, 1999**

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 local boy scout Taft Morley.

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; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Jack J. Swenson, Parks and Recreation Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Tiffany McIntyre, Keith Weinheimer, David Johnson, Zac Johnson, Jordan Hales, Charles R. Betts, Packer Morley, Dal Christofferson, Travis Stowell, Thomas Jarvis, Trevor Cambray, Taft Morley, Bridger Butters, Travis Nielson, J.J. Trane, Emanuel Dominguez, Wade J. Miller, J. Chris Burningham, Andrew Mohlman, *The Daily Universe*; Gary Clayson, Shawn Hansen, Trevor Maestas, Colby Vaifo'on, Rodger Hardy, *The Deseret News*; and Scott Hatch.

**Minutes**

Councilmember Shaw made a **motion** to approve the minutes of the February 16, 1999, meeting of the Spanish Fork City Council as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearing - Ordinance Z03-99: Willowbend Zone Change (R-R to R-3) and Willowbend PRD Preliminary Plat**

Councilmember Huff made a **motion** to open the public hearing at 7:03 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

A request has been submitted by Mr. Cris Child to rezone approximately five acres at 600 North State Route 51 from R-R, Rural Residential, to R-3, High Urban Residential. Preliminary Plat approval will create 39 lots from 5.02 acres for a density of 7.8 units per acre.

The Development Review Committee and Planning Commission have reviewed the zone change.

It was noted the General Plan for this area is residential: 5-12 units per acre. The applicant proposes to develop 17 townhouse units, 12 twinhome units, and 10 single residence dwellings. Four of the single residence units are also designed to allow accessory apartments over the garages. (Lots 9, 11, 12, and 13).

The loop street through the project will be private with a 24 foot pavement width, no on-street parking, and designated guest parking east of the townhouse units. There will be a 9 foot wide tree-lined planter strip around the outside of the road and a detached sidewalk beyond that. All homes and twinhomes will have covered front porches.

A gazebo will be provided in the townhouse area and a tot lot/playground will be provided in the northeasterly corner of the project. A concrete fence is being constructed adjacent to the railroad tracks to provide separation and improved safety.

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

Councilmember Shaw asked if the accessory apartments above the detached garage will be built in conjunction with the home. Mr. Keith Weinheimer, representing Prestige Properties, indicated it would be the buyers option to go the additional expense for the apartment at the time of purchase. Councilmember Shaw asked if the total height for the accessory building would exceed the 15 foot height restriction. Mr. Weinheimer stated the total height will be approximately 20 feet. Mr. Comstock noted in a planned residential development the City's normal standards can be amended, as long as they are reasonable. He does not feel the twenty feet would be an issue in this development because of the row of two story units adjacent to the property, but stated the height issue could be addressed as a condition of approval.

Councilmember Huff asked if the accessory building above garage would be allowed at any time after occupancy of the home. Mr. Comstock answered yes, unless the Council changed future zoning requirements. Mr. Weinheimer indicated all utilities will be installed when the original home is built if homeowners would like the option to construct the apartment later.

The Engineering Department recommends the sewer be private. Mr. Heap indicated sewer issues need to be finalized with Attorney Baker. It was noted the water will be public.

Storm drainage was discussed. The existing ponds in the County will be used for detention. Mr. Heap stated even if Mr. Child owns the ponds, easements need to be in place for this area before the final plat can be recorded. Councilmember Huff expressed concern for the safety of children when housing is being developed around open ponds. He acknowledged the property is in the County, and stated the property is designated as a no trespass area, but children are still inquisitive.

Councilmember Swenson made a **motion** to approve the Willowbend Zone Change from R-R to R-3 by Ordinance Z03-99 and the Willowbend PRD preliminary plat subject to the following conditions:

1. Setbacks for the perimeter lots shall be 15 feet from back of sidewalk to the porch; 20 feet to any living area; and 25 feet to any garage. Side setbacks will be 5 feet except for a 15 foot corner setback adjacent to SR 51. Rear setbacks will be 25. Rear setbacks on property adjoining Davencourt will be equal to or greater than the Davencourt setback.
2. Accessory apartments over the garages on lots 9, 11, 12, and 13 are allowed. Lot

- 9 may have an accessory apartment only if it meets Davencourt's rear setback.
3. Drainage calculations shall be approved by the Engineering Department.
4. A power line shall be extended north from Davencourt prior to occupancy of any units.
5. Approval must be obtained from Questar for use of their gas line easement.
6. Obtain storm drain easements for any offsite drainage prior to recording.
7. Sewer issues worked out with City staff.

Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Shaw made a **motion** to exit the public hearing at 7:24 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Ernest Hales Annexation - Preliminary Approval**

Mr. Comstock outlined the proposal for the Ernest Hales Annexation. The annexation consists of approximately 4.5 acres on U.S. Highway 6, across the street from the Oak Crest Inn restaurant. Mr. Comstock stated future issues could arise pertaining to access of the site, but it is a reasonable area to consider for annexation. Discussion took place on including additional property to the north.

Mr. Hales stated after annexation he would like to have a survey done to determine where water lines exist, and then give the City a right-of-way for the water lines. He asked if it was necessary to include the northerly piece in the annexation, especially if the property owners are unwilling. Mr. Comstock stated this issue could be determined during the annexation study.

Councilmember Shaw made a **motion** to proceed with study for the Ernest Hales Annexation, reviewing if additional property should be included, and assessing the water line situation. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Finch Annexation - Preliminary Approval**

Mr. Comstock outlined property included in the Finch annexation. This is approximately 179 acres adjacent to the airport runway, and the Swenson-Christianson Annexation which is still in the review process.

Councilmember Swenson noted one petitioner and property owner, Gerald Swenson may want to bring in all his property with this annexation.

Councilmember Huff made a **motion** to proceed with the study for the Finch Annexation. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

### **Ordinance 04-99: An Ordinance Amending the Violation Provisions of the City Ordinance Dealing with Building Regulations**

Ordinance 04-99 was reviewed by Attorney Baker. He stated the ordinance will clarify the

ability of the building official to enforce the building code.

Councilmember Kelepolo made a **motion** to adopt Ordinance 04-99: Amending the Violation Provisions of the City Ordinance Dealing with Building Regulations. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Approval of Playground for North Park**

Mr. Swenson stated the City has budgeted approximately \$50,000 to upgrade the playground facilities at North Park. He reviewed the recommendation of the Recreation Committee to use \$35,000 for playground equipment with the remaining \$15,000 going to site preparation of the playground area. Mr. Swenson noted this playground will be similar to the playground at Centennial Park. All existing equipment at North Park will be removed.

Councilmember Huff asked if the site preparation would be done by City employees. Mr. Swenson stated a portion of the work will be done by the City, but the concrete work will have to be bid out. The anticipated completion date for the project is May 1999. The Recreation Committee reviewed various layouts of playground equipment and recommended the layout from Miracle Recreation for \$32,632.00

Councilmember Huff made a **motion** to approve the plan for the playground equipment at the North Park from Miracle Recreation in the amount of \$32,632.00. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Shade Tree Committee**

Mr. Swenson noted the Shade Tree Commission's first meeting has been scheduled for this week. He stated the Commission will keep the Council aware of issues as they arise.

### **Resolution 99-04: A Resolution Approving the Municipal Wastewater Planning Program**

Mr. Heap outlined the 1998 Municipal Wastewater Planning Program Self Assessment Report for the City. He stated the report looks at how the City performed last year, as well as the City's future for wastewater and funding needed for future projects. Mr. Heap reviewed the report in detail and requested the City Council approve Resolution 99-04 which acknowledges the Council has received the data.

A general discussion took place.

Councilmember Kelepolo **moved** to approve Resolution 99-04: Approving the Municipal Wastewater Planning Program. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

## **Other Business**

Councilmember Shepherd addressed the Council with regard to fundraising options for the City's new ballpark complex. She noted a group of citizens have been organized to come up with ideas to raise \$500,000 dollars to continue work on the ballpark. The money will be used for items including, fencing, lighting, concrete work, snack shack, bleachers, and restrooms. Councilmember Shepherd discussed one idea to change the utility bill to include a voluntary recreation donation. She stated the City Council's approval is needed to amend the utility bill format. Other fundraising suggestions were discussed.

Consensus from the Council was to proceed using the new utility bill format.

## **Other Business - Fiesta Days Vice-Chair**

Mayor Barney noted Mr. Ray Lewis has accepted the responsibility to serve as Vice-Chair for the 1999 Fiesta Days celebration.

## **Adjournment**

Councilmember Kelepolo made a **motion** to adjourn the meeting of the Spanish Fork City Council at 8:20 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.