

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**April 6, 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 a local boy scout.

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: 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; Nate Crow, Engineering Intern; and Gina Peterson, Deputy Recorder.

Citizens Present: Lynn Flinders, Andy Gull, Jeff Keck, Trevor MacDonald, Russell Voorhees, Tysin Schaugaard, Devin Dutson, Dal Christofferson, Zackary Stewart, Charles R. Betts, Daniel Kimball, Jonathan Bradley, Stephen Ballif, Brian Gabler, Jordan Tanner, Zach Leifson, Danny Leifson, Kyle Olsen, Curtis Olsen, Daven Rosenbaum, Roxanna Johnson, Spanish Fork Press; James Perkins, Ben Gillie, Sean LeFevre, Spencer LeFevre, Seth LeFevre, Brendon Guymon, Karl Guymon, Jace Brinkerhoff, Kent Rosenbaum, Andy Mohlman, Daily Universe; Daniel Hyrum Carter, Brad Clark, Jolene Clark, Gordon Orr, Matt Orr, Gary F. Stone, CeAnn Whitehead, Casey Whitaker, Treanna Vorlage, Amanda Murri, Wes Swenson, Roy Johns, Ken Pinegar, Daisy Green, Pat Russell, R.E. Russell, Karen Brown, Brad Allred, Kristie Hickman, Brad Johnson, Trevor Pugh, Bobby Hale, AJ Roberts, Michael Carter, Ben Martin, Gene Carter, Marilyn Carter, Stephen Jensen, Braeden Brown, Eric Nilson, Arianne Baadsgaard, Wesley Talbot, J. Paul Ogden, Wardley Betters Homes & Gardens; Jon P. Miller, Coldwell Banker West Realty; Brad Simons, Portola Development; Stephen R. Whittaker, U.S. West Wireless; Lee Cotter, U.S. West Wireless; Jonathan Bradley, Daniel Kimball, and Matt Stoddard.

### **Minutes**

Councilmember Huff made a **motion** to approve the minutes of the March 23, 1999 meeting of the Spanish Fork City Council with noted corrections. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Resolution 99-05: Proclaiming the Week of April 26, 1999 Seatbelt Awareness Week**

Spanish Fork High School Students Andy Gull and Jeff Keck were present to discuss activities planned to promote seat belt use. The high school is working in conjunction with IHC Healthcare.

Councilmember Kelepolo made a **motion** to accept Resolution 99-05: Proclaiming the Week of April 26, 1999 Seatbelt Awareness Week. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Ordinance A02-99: An Ordinance Annexing Property Known as the Wapiti Annexation (Bruce Hall / John Smiley)**

Councilmember Swenson **moved** to open the public hearing at 7:11 pm. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the procedure for public hearings.

Bruce Hall and John Smiley have requested to annex approximately 2.44 acres east of 1100 East and south of 1750 South. The property is contiguous to the City limits on its north side. Mr. Comstock reviewed the annexation stating the property was inadvertently zoned and platted as part of the Wapiti Estates Subdivision. After the plat was recorded it was determined that portions of Lots 49-56 were still in the County. The property is within the SESD service area, but all issues regarding payments were addressed with approval of the Wapiti Subdivision.

The Development Review Committee and Planning Commission have recommended approval of the annexation subject to the property being zoned R-1-12.

Mayor Barney opened the meeting for public input. None was received. The public input portion of the hearing was closed.

Councilmember Swenson made a **motion** to adopt Ordinance A02-99: Annexing Property Known as the Wapiti Annexation, with the property being zoned R-1-12. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

#### **Public Hearing - Ordinance 05-99: An Ordinance Amending the Accessory Building Requirements of the Zoning Ordinance**

The Accessory Building Section of the City's zoning ordinance contains regulations regarding the size and location of buildings in residential districts. These regulations restrict the maximum size of detached accessory buildings to 500 square feet or 5% of the lot area, whichever is greater. Since this ordinance provision was enacted in 1996, there have been numerous requests for buildings which exceed this standard. Most of the applicants modified their plans to meet the requirements, but several also requested variances to the standard.

Mr. Comstock indicated that based in part upon a current pending application and the frequency of requests to vary this standard, the City Staff and Planning Commission believe that a modification should be made to this standard to increase the allowable area of detached accessory buildings. Mr. Comstock reviewed Ordinance 05-99 with the proposed amendment to the accessory building size regulation. This change would make the combined square footage of all detached accessory building, structures, and satellite earth stations not exceed 500 square feet, or 10% of the total lot area, whichever is greater.

Mayor Barney opened the meeting for public input.

Mr. Ken Pinegar indicated his support for the ordinance amendment. He stated he has an acre of property and would like to construct a pavilion, but the ordinance restricted him from doing so because of an existing shop on the property.

No other public input was received. Mayor Barney closed the public input portion of this hearing.

Councilmembers Shaw and Huff gave comments in favor of change. It was noted the setbacks and height restrictions for accessory buildings will remain the same.

Councilmember Shaw made a **motion** to adopt Ordinance 05-99: Amending the Accessory Building Requirements of the Zoning Ordinance. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearing - Ordinance Z04-99: Portola Development Zone Change (R-R to R-1-9) and Abbie Court Preliminary Plat**

Portola Development has submitted a request to rezone 35.2 acres at approximately 1400 South 2300 East from R-R, Rural Residential, to R-1-9, Standard Urban Residential. Preliminary Plat approval will create 122 lots from the 35.2 acres with a density of 3.47 units per acre. The General Plan for this area is Residential: 2.5 to 3.5 units per acre. The units to be developed will be single residences with lot sizes ranging from 6,000 square feet to 11,375 square feet, although the majority of the lots are in the 6,500 to 8,000 square foot range.

Mr. Comstock reviewed amenities included with the project including two neighborhood parks. A 1.5 acre park will be located in the middle of the plat on the east side of 2300 East and a 3.5 acre park will be located in the far southwesterly portion of the plat on the west side of 2300 East. The 3.5 acre park will also be used as a storm water retention basin for this development and future development in the area.

Mr. Comstock stated the developer will install landscape improvements along 2300 East and proposes to charge \$100 with closing costs of the lot that will go to the City for maintenance of the landscaped area.

At the Development Review Committee and Planning Commission meetings there was considerable discussion with regard to house products. Mr. Brad Simons, President of Portola Development reviewed the house products stating there will be 25 different house plans, with each plan having an option of three different elevations. He also noted they have committed to build no more than 30% of one product.

The following recommended conditions of approval from the Planning Commission and Development Review Committee were reviewed by Mr. Comstock:

1. The westerly road shall connect with 1880 East in the Spanish Fork Country Estates.
2. 2300 East shall be improved to Canyon Road with 24 feet of asphalt and 6 foot gravel shoulders.
3. The model home shall be a minimum of 1200 square feet.
4. The utility easement in the rear yards can be reduced to 5 feet.
5. Power issues to be resolved per Electric Department.

Mr. Brad Simons reviewed more about the development stating they have been very successful across the Wasatch Front with their concept. He stated the project provides 1.5 acres more open space than is required by City ordinance. Mr. Simons stated many of today's couples are both employed in order to afford a house, and therefore do not want larger lots because they are too busy for yardwork. He feels the advantage of this development is there will be a nearby facility where children can play. Mr. Simons stated the additional 5 lots gained from doing a PRD do not

compensate for the costs of the park.

Ms. CeAnn Whitehead lives near 2600 East. She expressed concern for increased traffic on Canyon Road, as well as water, power, and drainage issues. Mr. Comstock explained the City's storm drainage system. He stated unfortunately in Ms. Whitehead's subdivision they have sumps instead of storm drainage. Ms. Whitehead feels the City is being saturated by starter homes. She stated many people enjoy bigger lots and then a neighborhood park is not necessary.

Mr. Gary Stone is a developer and owns property adjacent to the development. He expressed support for the project, but would like a condition added for approval which states "location of the northerly access road to be determined by City staff, the developer, and Mr. Gary Stone after further analysis of future development."

Mayor Barney asked for further public comment. No additional comments were received. The public input portion of the hearing was closed.

Councilmember Swenson asked what Ms. Whitehead would like done to address her traffic concerns. Ms. Whitehead requested the homes not be built, or not so many homes in such a dense area. Ms. Whitehead expressed a need for more elementary schools in the area. Councilmember Shaw indicated negotiations are taking place for another school on the East Bench.

Mr. Heap reviewed traffic issues on Highway 6 including the potential for a traffic light in the area. He also reviewed water and sewer capacity issues. Mr. Heap noted all homes in this project will be using pressurized irrigation with the only culinary demand being on in-home water use.

Mayor Barney expressed support for the sidewalk connection to the school, but stated he would like to study the project further.

Mr. Comstock expressed the concern of Staff members about maintenance costs for the 1.5 acre park. The developer does not want to establish a homeowners association for maintenance of the park, and therefore the maintenance would become the City's responsibility. Councilmembers Huff and Shaw agreed the City does not want to shackle themselves with prohibitive park maintenance costs for an assortment of small neighborhood parks. Mr. Simons stated he felt the park was a nice addition and reminded the Council the 1.5 acre park was not required.

The Council expressed the feeling they would like to take some time to visit other sites developed by Woodside Homes.

Councilmember Shaw made a **motion** to exit the public hearing at 8:18 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Swenson made a **motion** to table a decision on the Portola Development Zone Change and Abbie Court preliminary plat until the April 20<sup>th</sup> Council meeting. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

**Lease Agreement - U.S. West Wireless**

Attorney Junior Baker reviewed the proposed lease agreement with U.S. West Wireless for a wireless phone tower at 2550 East and Canyon Road. Attorney Baker noted the Planning Commission approved a conditional use permit for the site, but the remaining issue is the amount of the lease. U.S. West has proposed a monthly lease fee of \$455.

Mr. Steve Whittaker and Ms. Lee Cotter were present representing U.S. West Wireless. Mr. Whittaker acknowledged the City's request for a lease fee in the amount of \$750. He requested approval of the lease in the amount of \$455 citing reasons as the minimal ground area needed and the fair market rental value based on other sites in the City.

Councilmember Shaw feels the lease amount is fair because U.S. West has to obtain a building permit and construct the pole.

Councilmember Shaw made a **motion** to accept the lease agreement with U.S. West Wireless for the monthly lease amount of \$455 with a minimum increase of 4% per annum on a five year lease with option of renewal and other details to be worked out with the City Attorney. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

#### **Storm Drain Agreement - Wildflower Estates**

Attorney Baker indicated the City Council approved the Bob Bagley development *Wildflower Estates*\*\* with the condition that Mr. Bagley enter into a developers agreement for storm drainage.

*[\*\*NOTE: Wildflower Estates was previously called Bagley Estates]*

Councilmember Swenson made a **motion** to authorize Mayor Barney's signature on the Storm Drainage Agreement for Wildflower Estates. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney requested the Engineering Department look at the feasibility of adding a water line while the storm drain lines are being constructed in this area.

#### **Phillips Annexation - Preliminary Acceptance or Rejection**

Mr. Comstock reviewed the proposed Phillips Annexation at the north end of the existing City limits.

Councilmember Huff made a **motion** to accept the Phillips Annexation petition for further study. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

#### **Adjournment**

Councilmember Shaw made a **motion** to adjourn the meeting of the Spanish Fork City Council at 8:50 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.