

**Adopted Minutes  
Spanish Fork City Council Meeting  
May 4, 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 Police Chief Dee Rosenbaum

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; Kent R. Clark, Finance Director/Recorder; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Gregory A. Comstock, City Planner; Nathan Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Rodger Hardy, *Deseret News*; CeAnn Whitehead, Roy Johns, Glenn James, Shad Larsen, Daisy Green, Greg Tidwell, Kim Turner, Stan Stevens, Steve Tanner, James Darling, Ryan West, Brixton Hakes, Eric Dunsmore, Bri Walton, Kristie L. Hickman, Jon Miller, Kip W. Gilleland, Pat Russell, R.E. Russell, Gene Marilyn Carter, and Bryan Mortensen.

**Minutes**

Councilmember Huff made a **motion** to approve the minutes of the March 30, 1999 and April 20, 1999 meetings of the Spanish Fork City Council as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

**Resolution 99-07: A Resolution Proclaiming Letter Carriers Food Drive Day**

Councilmember Shepherd made a **motion** to approve Resolution 99-07: A Resolution Proclaiming Letter Carriers Food Drive Day. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

**Resolution 99-08: A Resolution Proclaiming Municipal Clerks Week**

Councilmember Swenson made a **motion** to approve Resolution 99-08: A Resolution Proclaiming Municipal Clerks Week. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

**Bid - Crack Seal at the Spanish Fork/Springville Airport**

Mr. Heap reviewed bids received for crack seal at the Spanish Fork/Springville Airport. The crack seal is required to keep the runway up to standard. Mr. Heap indicated the State will provide a grant to the Airport covering 80% of the costs for the crack seal. Spanish Fork and

Springville City will be responsible for the remaining costs of 10% respectively. Approval of the bid from Morgan Pavement was recommended. The bid will be awarded after approval from Springville City Council and ratification from the Airport Board.

Councilmember Kelepolo asked how often crack sealing is required. Mr. Heap stated generally every 5 to 10 years, but because an airport runway is not used as often as parking lot the asphalt tends to become brittle, requiring crack seal more often.

Councilmember Kelepolo made a **motion** to accept the bid from Morgan Pavement in the total amount of \$11,216 with Spanish Fork City responsible for 10% of the actual bid amount. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

*Other Bids Received: Southwest Asphalt, \$16,500; M & M Asphalt, \$13,850; and Superior Asphalt, \$15,887*

### **Ordinance 06-99: An Ordinance Enhancing the Enforcement Ability for Illegally Parked Trucks**

Attorney Baker stated it has recently come to staff attention that the Police Department does not have the ability to immediately tow semi-trucks which are parking in residential neighborhoods. Due to traffic and pedestrian safety reasons, staff recommends the ordinance be amended to give law enforcement the ability to tow all vehicles illegally parked on the street. Attorney Baker noted if a vehicle parks in a private parking lot it will be the responsibility of the property owner to address the problem.

Councilmember Swenson made a **motion** to approve Ordinance 06-99: An Ordinance Enhancing the Enforcement Ability for Illegally Parked Trucks. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Ordinance A03-99: An Ordinance Annexing Property Known as the Finch Annexation**

Councilmember Shaw made a **motion** to open the public hearings at 7:15 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

A request has been submitted by Mr. Henry Finch to annex approximately 176 acres north of the Spanish Fork Airport and west of the Utah County Jail facility. The property is contiguous to the City limits on its south and east side, and most of the property is within the City's Growth Management boundary. Annexation of properties outside the Growth Management boundary is normally discouraged except in cases where environmental, open space, or safety concerns can better be managed if the property is within the City limits. Because the portion of this property outside the Growth Management boundary adjoins the airport runway, the Development Review Committee believed that safety issues would be managed better if it were within the City limits.

Mr. Comstock reviewed the Swenson/Christianson Annexation that has been put on hold by the

County because they state it creates a peninsula. The Finch annexation, as well as other annexations in the area done by Springville and Spanish Fork will help resolve the County's concerns.

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

Councilmember Swenson feels it would make sense to include all property surrounding the airport runway in the City's five year growth boundary.

Councilmember Huff made a **motion** to adopt Ordinance A03-99: An Ordinance Annexing Property Known as the Finch Annexation with the condition that the property be zoned I-1 and the recommendation that Council consider extension of the growth management boundary near the airport runway within 60 days. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Taylor/Turner Zone Change and Hunters Crossing Preliminary Plat**

A request has been submitted by Mr. Kim Turner to rezone approximately 12.46 acres at 2425 East Canyon Road from R-R, Rural Residential, to R-1-8, Medium Urban Residential. Hunters Crossing Preliminary Plat approval will create 35 single family lots and 27 townhouse lots from the 12.46 acres for an overall density of 4.98 units per acre.

Mr. Comstock reviewed discussion and conditions of approval from the Development Review Committee meeting. The project will include a 3/4 acre private neighborhood park and other landscaped open space around the townhouse area. A homeowners association will be responsible for maintenance of the project's open space. The single family lots range in size from 5,724 to 16,333 square feet with a wide variety of sizes in between. The roads will be public and constructed to City standards, however, the cul-de-sac will have a different design with parking spaces provided in its center, and no parking allowed around the perimeter. It is hoped this design will help minimize conflicts with snow removal, garbage pick-up, and parked cars. Mr. Comstock reviewed additional conditions of approval from the Planning Commission including the requirement of a minimum finished floor area of 1200 square feet on all single family homes.

Mayor Barney opened the meeting for public input.

Mr. Kim Turner, developer of the project, reviewed the development including ditch piping. The price range of the homes will be from \$120,000 to \$157,000. Mr. Turner stated he would like to address the minimum square footage requirement given by the Planning Commission. He expressed concern with the 1200 square foot minimum stating it would be difficult to build with the sideyard and general setback requirements. He request the minimum standard be 1000 square feet.

Ms. CeAnn Whitehead, a nearby property owner stated she has attended several recent meetings and would like to reiterate previous comments made at those meetings. She also feels 2550 East

is too small to accommodate increased traffic from the new homes.

No additional public input was received. Mayor Barney closed the public input portion of the issue.

Mr. Heap reviewed a proposed road that will tie into U.S. Highway 6 from the East Bench. He indicated 2550 East has approximately 24 feet of asphalt, with 40 feet of asphalt planned. The City does not have funds to widen the road yet. Mr. Heap stated as development comes to the area, those developments will fund the widening of 2550 East. The developers are in the process of having access to a State road (Canyon Road) approved by UDOT. Councilmember Huff asked how pedestrian traffic along Canyon Road will be addressed. Mr. Heap indicated sidewalks will be installed.

Councilmember Kelepolo asked the developers if they have ever meshed single family homes with multi-family dwellings in another development. Mr. Turner answered not in Spanish Fork, but they have done it in other cities.

Much discussion took place regarding the required minimum square footage of the homes.

Councilmember Huff commented he would like to see what a landscape architect/engineer would plan for the streetscape of 2550 East. He feels the Council needs to be sure an access road from this development to Canyon Road is approved by UDOT.

Councilmember Kelepolo stated he would like time to review the CC&R's and development plan.

Councilmember Huff made a **motion** to table the issue for two weeks to enable the Council further study and review and give the developers time to provide feedback on the anticipated landscape design for 2550 East and the accessibility of Canyon Road. Councilmember Huff also noted the Council should give serious consideration to maintaining conditions recommended by the Planning Commission. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to exit the public hearing at 8:10 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **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 noted this request has been reviewed at several previous Council meetings. He went through items discussed at these meetings with specific detail to the special meeting held April 29, 1999. Mr. Comstock requested more details on the revised park, including landscaping and proposed playground equipment. He also recommended the trees be spaced more frequently than every 150 feet. Every 30 to 50 feet was suggested. Conditions of approval from the Development Review Committee and Planning Commission were reviewed. The Council discussed building and block fencing materials.

Discussion took place on the development and items for approval.

Councilmember Swenson made a **motion** to approve the Portola Development Zone Change from R-R to R-1-9 by Ordinance Z04-99 and the Abbie Court Preliminary Plat subject to the following conditions:

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 the Electric Department specifications.
6. The 2500 East 1800 South road (approximately) to the north shall be moved further east.
7. Portola Development to provide a streetscape of 2300 East, from north property line to south property line. The streetscape will include a 6 foot masonry wall approved by the City, stamped concrete planter and sidewalk. The type and style of the masonry wall shall be approved by City staff. The planting and spacing of trees shall be adequate to Shade Tree Commission and staff determination.
8. Portola Development will provide a park on the east phase that will consist of a basketball court, tot lot, and picnic area. The park will be mostly hard surface with sand or wood chips in the tot lot. All features of the park will be built and comply with Spanish Fork City requirements for such improvements and approved by City staff.
9. Woodside homes will not allow any more than 10% of the exact same home with the same elevation to be built within the subdivision.
10. Woodside will have a minimum of 20% of the homes built with a non-vinyl exterior which will feature stucco, brick, or rock.

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

Mr. Kip Gilleland from Woodside Homes offered to design the streetscape for all of 2300 East and not just his development. He asked if the Council would be interested in him completing the design at his company's cost. The Council felt Mr. Gilleland's offer was a good idea.

#### **Addendum - Cris Child - Clarification of Resolution 99-06**

Mayor Barney suggested this issue be brought before the Council as a regular agenda item. He

requested Mr. Child put his request in writing and return in one week.

### **Resolution 99-09: A Resolution Adopting Plan Check Fees**

The 1999 legislature passed new legislation which limits the plan check review fee required by the Uniform Building Code. The City has conducted a study to ascertain costs incurred in doing a plan check review. Based on the study, staff recommends effective immediately, the initial plan check fee for residential buildings be \$193, with an additional fee of \$65 per hour for any time in excess of three hours. Plan check review fees for duplicate building plans on residential buildings will be \$109. The initial plan check fee for nonresidential buildings will be \$1,145, with an additional fee of \$77 per hour for any time in excess of four hours. If any of the fees exceed 65% of the building permit fee, the plan check review fee will be limited to 65% of the building fee.

Mr. Oyler reviewed the formula used to determine the new fees. He stated the new residential plan check fee represents a decrease from what was previously in effect.

Councilmember Huff made a **motion** to adopt Resolution 99-09: A Resolution Adopting Plan Check Fees as presented. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Contract - Fourth District Juvenile Court - Community Service Work Program**

Spanish Fork City has received the benefit of several hours of community service at the Fairgrounds by Utah County juvenile offenders who were adjudicated. Mr. Oyler stated the Community Work Service Program is now requesting the City provide some monetary remuneration. The fee totals approximately \$4000 - \$5000 annually. The fee works out to be around 75 cents per stall cleaning. Mr. Oyler recommended the Council approve the agreement with the Fourth District Juvenile Court for the Community Work Service Program. He also noted the money paid will go back into the court system and not to the individuals performing the community service.

Councilmember Shaw made a **motion** to accept Fourth District Juvenile Court Community Works Service Contract as proposed. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **FY 2000 Budget Review**

Mr. Oyler conducted a general review of the proposed FY 2000 Budget, including recommended rates and fees.

### **Adjournment to Executive Session**

Councilmember Swenson made a **motion** to adjourn the regular session of the Spanish Fork City Council at 9:28 pm and convene the executive session to discuss legal issues. Councilmember

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

### **Adjournment from Executive Session**

Councilmember Swenson made a **motion** to adjourn the executive session at 10:18 pm and reconvene the regular session. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Adjournment**

Councilmember Swenson **moved** to adjourn the meeting of the Spanish Fork City Council at 10:19 pm. Councilmember Huff **seconded**, and the motion **passed** unanimously.