

**Adopted Minutes
Spanish Fork City Council Meeting
August 3, 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 GIS Specialist Nate Crow.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Thora L. Shaw, Clyde A. Swenson and Lillian J. Shepherd. Councilmember Everett Kelepolo arrived at 8:00 pm.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Emil Pierson, City Planner; Nate Crow, GIS Specialist; and Heather Frost, Public Safety Department Secretary.

Citizens Present: Roy Johns, Glenn A. James, Roxanna Johnson, *Spanish Fork Press*; Ed Carter, Jon Miller, John Smiley, Shelly Brockbank, Mary Brockbank, Lynn B. Stimpson, Kathy Stimpson, Linda Pittelli, John Chakarun, Paul Washburn, Frank Santos, Rowe Hakes, Darrell Janson, Enoch Ludlow, Jody Brucker, Sandra Stokes, Devin Shaw, David Ludlow, Dale Phelps, Susan Phelps and Blaine Davis.

Minutes

Councilmember Shaw made a **motion** to approve the minutes of the July 13, 1999 meeting of the Spanish Fork City Council. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Public Hearings

A **motion** was made by Councilmember Huff to open the public hearings at 7:05 pm. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the public hearing procedure.

Consider Adoption of the J. Ross Nielsen Zone Change from R-R to R-1-8 (2.15 acres at 520 North 500 West)

City Planner Emil Pierson informed the council the petitioner originally requested a zone change from R-R Rural Residential to R-1-8 Medium Urban Residential and has since changed his zone change request to Rural Residential to Commercial zone change. Mr. Pierson recommended the council table this item until the amended zone change request is properly advertised and the Planning Commission has reviewed Mr. Nielsen's new zone change request.

Councilmember Huff made a **motion** to table Consideration of the J. Ross Nielsen Zone Change.

The **second** was made by Councilmember Swenson, and the motion **passed** unanimously.

Ordinance 13-99: Amending the Zoning Ordinance to Allow Rock Crushers as a Conditional Use Permit with a Surface Mining Overlay in the I-3 Zone

Mr. Pierson informed the council H.E. Davis has submitted a petition requesting an amendment to the zoning ordinance to allow rock crushers in the I-3 zone. He stated Mr. Davis would like to put a crusher at the mouth of Spanish Fork Canyon on the Ensign-Bickford property pending receipt of a conditional use permit. Mr. Pierson said the Development Review Committee as well as the Planning Commission recommend approval of this change to the zoning ordinance.

Mayor Barney asked for input from citizens in attendance. None was received.

The council discussed Mr. Davis' request. Councilmember Shaw mentioned there was not discussion against the request at the meeting of the Planning Commission, noting because of the conditional use permit, Mr. Davis would have to comply with conditions set by the city. Councilmember Huff voiced concerns with the amount of time the rock crusher would be allowed to remain at this site. Attorney Baker stated a time limitation could be added into the conditional use permit.

Councilmember Swenson **moved** to adopt Ordinance 13-99: Amending the Zoning Ordinance to Allow Rock Crushers as a Conditional Use Permit with a Surface Mining Overlay in the I-3 Zone. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Consider Adoption of the Cabin Creek Enterprises Zone Change from R-R to R-1-12 by Ordinance Z07-99 and the Maple Meadows Preliminary Plat (47 acres at 2300 East 1700 South)

Mr. Pierson reviewed the zone change and preliminary plat with the council. He pointed out proposed lot and home sizes, CC&R's and amenities. Mr. Pierson informed the council the Development Review Committee recommends approval of this proposed development subject to the following conditions:

1. A detailed plan for the park, including specifics on playground equipment.
2. Show piping of the westerly ditch on the plat.
3. Review of the CC&R's, including a requirement of 20 square foot-covered porch or larger; and up to 15% on gable ends sided, the remainder would have to be masonry, stucco, or brick.
4. The masonry wall and streetscape on 2300 East subject to the standard being developed for the Abbie Court development.
5. Meet all utility requirements with easements where appropriate.
6. 2300 East must be widened if not already done by Abbie Court developers with a minimum of 24 foot asphalt and 6 foot gravel shoulders.
7. To avoid confusion, the plat name must be changed from Wapiti Meadows.

and the Planning Commission also recommends approval contingent to the DRC's conditions as well as additional conditions as follows:

1. The CC&R's to include a clause to address monotony, similar to Esther Ridge

- CC&R's.
2. Change "Homeowners Association" to "Architectural Review Committee," and include the requirement of "two car" garages in the CC&R's.
 3. That the zoning for the subdivision be approved as R-1-12 instead of R-1-9.

Mayor Barney opened the meeting for public input.

Mr. Jody Brucker questioned the timetable for completion of the roads within the development and asked if access to Canyon Road would be through 2600 East. Engineer Heap answered access would be from 2300 East to Canyon Road. He noted on the Esther Ridge development, utilities and vehicular access would be required from 2300 East.

Mr. Darrell Jansen explained he moved to Spanish Fork from Oregon and he enjoys the nearby rural zoning. Mr. Jansen expressed concern with continual growth in Spanish Fork.

Mr. Blaine Davis asked the size of the average lot. Mr. Pierson stated Maple Meadows single family home lot sizes range from 8,200 to 19,600 square feet, and twinhome lots range from 4,400 to 5,500 square feet. Mr. Davis then asked if the developer would be given higher density in exchange for amenities and aesthetics within the development. Mr. Pierson explained the R-1-12 zone and the required setbacks. He then explained the intent of the Master Plan in relation to additional amenities offered by a developer of a Master Plan Community.

Ms. Shelley Brockbank informed the council she registered her child for school earlier and found there were 27 children in the class. Ms. Brockbank expressed concern with the affect growth will have on the schools. Mayor Barney informed those present Nebo School District has scheduled a new elementary school in this area of the city. He noted there are also plans for a church. Ms. Brockbank projected it will be at least two years to build that school, and asked what would be done until the new school is built. Mayor Barney answered saying it will also take approximately two years to build this proposed development. Ms. Brockbank expressed her concern with the rapid growth within the city.

Mr. Pierson informed the council the developer provided the lay-out of the playground as well as photographs of playground equipment. The council viewed the photos after which they were given to the citizens for review.

Councilmember Swenson asked if there would be siding on the homes in this development, to which Mr. Pierson answered siding on the homes would be limited to accents.

Ms. Sandra Stokes brought up the issue of schools. She asked who citizens could contact with concerns. She stated her feeling increased growth would be detrimental to the children of the community. Councilmember Swenson informed the citizens the school district is notified anytime a subdivision is approved. He reiterated the fact that the school district is responsible to provide schools for the children.

Mr. Blaine Davis said he is not opposed to developers developing land, however, he expressed his feeling developers and existing property owners should work together. Mr. Davis stated a

developer should not be given higher density in exchange for amenities within a development and his feeling that the density proposed for this development is too high.

Mr. Jon Miller explained he is a long time resident of Spanish Fork and has seen the city grow. He said as the city has grown, good people have been added to the community. Mr. Miller supports new development in the city and doesn't feel the city should stop growth. Councilmember Swenson informed those present Spanish Fork is one of many communities experiencing growth within Utah County.

Mr. Jody Brucker expressed his feeling the density of this development is too high.

Mr. Oyler reviewed the proposed density for this development.

Mr. Bruce Hall said the city's representatives are doing a good job of managing the growth within the city. He said the growth should not be stopped, but managed.

Mr. Dale Phelps asked if there is a liaison between the city and the school district. Councilmember Swenson informed Mr. Phelps the city and school district have good relations and the school district is notified of new development within the city. Councilmember Huff stated the city and school district do work together. He reiterated the fact that the school district is notified of new development and that the school district plans for future growth.

Planning Commissioner Roy Johns explained city officials look carefully at new development, making sure there are adequate utilities. He said city officials are working to manage the growth in Spanish Fork.

Mayor Barney turned the time to the council for discussion. Councilmember Shaw questioned the developer about a section of the CC&R's, asking if carports would be allowed on the twinhomes in the development. The developer answered carports would not be allowed.

***Note: Councilmember Kelepolo arrived at 8:00 pm.*

Councilmember Shepherd questioned the time frame for completion of the subdivision and the new school and asked if they could work together. Mr. Baker said the school would not be built until the population increased. He said the school would probably be completed after the subdivision.

Councilmember Swenson made a **motion** to adopt Ordinance Z07-99 Cabin Creek Enterprises Zone Change from R-R to R-1-12 and the Maple Meadows Preliminary Plat subject to the following conditions:

1. A detailed plan for the park, including specifics on playground equipment.
2. Show piping of the westerly ditch on the plat.
3. Review of the CC&R's, including the requirement of 20 square foot covered porch or larger; and up to 15% on gable ends sided, the remainder would have to be masonry, stucco, or brick.
4. The masonry wall and streetscape of 2300 East subject to the standard being developed for the Abbie Court development.

5. Meet all utility requirements with easements where appropriate.
6. 2300 East must be widened if not already done by Abbie Court developers with a minimum of 24 asphalt and 6 foot gravel shoulders.
7. To avoid confusion, the plat name must be changed from Wapiti Meadows.
8. The CC&R's to include a clause to address monotony, similar to Esther Ridge CC&R's.
9. Change "Homeowners Association" to "Architectural Review Committee," and include the requirement of "two car" garages in the CC&R's.
10. Setbacks will be as follows: Front - 25 feet; Rear - 25 feet; and Side - 10 feet. Corner lots - 15 feet to living area and 25 feet to garages or carports.
11. The block wall(s) on 2300 East be approved by the City.
12. That the zoning for the subdivision be R-1-12.

The **second** was made by Councilmember Shaw and the motion **passed** with a unanimous vote. Councilmember Kelepolo abstained from voting on this issue.

Consider Adoption of the Frank Santos Zone Change from R-R to R-1-9 by Ordinance Z08-99 and the Esther Ridge Preliminary Plat

Mr. Pierson informed the council Mr. Frank Santos is requesting preliminary plat approval to construct 110 single family homes, 21 townhouse units and 6 twinhomes at approximately 2400 East 1650 South from 39.59 acres. He reviewed the proposed density, CC&R's and amenities. Mr. Pierson then reviewed the recommendations from the Development Review Committee and the Planning Commission. He said both bodies recommend approval of the rezoning and preliminary plat subject to the following conditions:

1. Townhomes being reversed to face the street.
2. Eliminate two twinhomes units, or three townhouse units at the developer's choice.
3. Park to be designed to City Standards.
4. CC&R's which include a minimum of 20% of total units will be brick, stucco or rock, and verbiage in the CC&R's, satisfactory to the City Attorney, that guarantees no repetition of housing products, and the park will be maintained by the homeowners association.
5. CC&R's to reflect single family homes to have a minimum of 1,200 square feet finished on the main level, and townhomes to have a minimum of 1,000 square feet finished on the main level. Split level will be required to have a minimum of 1,200 square feet finished area between both floors.
6. Utilities and vehicular access must be from 2300 East.
7. That the zoning for the subdivision be approved as R-1-12 instead of R-1-9.

Mayor Barney opened the meeting for public input.

Mr. Devin Shaw asked the following questions: 1) Would all of the homes be built by the same builder in this development; 2) Are any traffic lights proposed; and 3) Is there adequate capacity in the schools. Mr. Paul Washburn, representing the developer, stated the CC&R's are very stringent for this development in relation to the homes that will be built, he said it is not the intention of the developer to sell off the lots. Mayor Barney reiterated the above mentioned elementary school planned for the area. Mr. Heap reviewed the process to have a traffic light

installed, noting traffic lights have to be warranted and approved by Utah Department of Transportation.

Mr. Blaine Davis requested a restriction be placed upon the townhomes, that they must be owner occupied, citing his feeling many problems stem from renters.

Ms. Susan Phelps asked if there is a certain required percentage of mixed housing types within a development. Mr. Pierson said the residential policy section of the Master Plan asks for a 75% detached single family home to 25% attached unit mix. Mr. David Ludlow addressed those present informing them he served on the Planning Commission when the existing Master Plan was written and adopted. He explained the feeling of the Planning Commission that one of the nice things about Spanish Fork is that there is a mix of housing types within neighborhoods and that is the reason they included mixing housing types within new developments in the Master Plan.

The time was turned to the council for discussion. Mr. Heap answered questions regarding the city's utilities as follows: After the city has changed to pressurized irrigation, there would be adequate water for 40,000 to 50,000 people; sewer capacity could provide for approximately 35,000 people and there is not a problem with power. Mr. Heap stated the city's utilities can accommodate this development.

Mr. Oyler mentioned if the developer sells the property before it is developed, the new buyer would have to comply with all of the conditions placed upon the development when approved.

Councilmember Huff questioned the access from 2600 East. Mr. Pierson explained until the homes are occupied, access to the development from 2600 East will be blocked, therefore, construction vehicles will be required to use 2300 East.

Discussion ensued regarding traffic lights. Mr. Heap said the city can request a traffic study by UDOT to determine if traffic lights are warranted.

Councilmember Shaw made a **motion** to adopt Ordinance Z08-99 Frank Santos Zone Change from R-R to R-1-12 and the Esther Ridge Preliminary Plat subject to the following conditions:

1. Townhomes being reversed to face the street.
2. Park to be designed to City Standards.
3. CC&R's which include a minimum of 20% of total units will be brick, stucco or rock, and verbiage in the CC&R's, satisfactory to the City Attorney, that guarantees no repetition of housing products, and the park will be maintained by the homeowners association.
4. CC&R's to reflect single family homes to have a minimum of 1,200 square feet finished on the main level, and townhomes to have a minimum of 1,000 square feet finished on the main level. Split level will be required to have a minimum of 1,200 square feet finished area between both floors.
5. Utilities and vehicular access must be from 2300 East.
6. Setbacks will be as follows: Front - 25 feet; Rear - 25 feet; and Side - 10 feet. Corner lots - 15 feet to living area and 25 feet to garages or carports.
7. That the zoning for the subdivision be approved as R-1-12.

8. Block wall(s) and stamped concrete on 2300 East be approved by the City. The **second** was made by Councilmember Kelepolo, and the motion **passed** with a unanimous vote.

A **motion** was made by Councilmember Shaw to close the public hearings at 9:05 pm. Councilmember Huff **seconded** the motion and it **passed** unanimously.

Acceptance or Rejection of Robert Gull Annexation Petition

Mr. Pierson reviewed the annexation petition of Mr. Robert Gull.

The council asked questions regarding the request and were answered as follows: 1) There are no city utilities; 2) Mr. Gull is currently a non-conforming use in the county and would become conforming in the city if annexation is permitted, however, the homes within the annexed area would become non-conforming in the city; 3) Mr. Gull could be required to install improvements to the property, such as curb and gutter before obtaining a city business license.

Councilmember Swenson made a **motion** to accept the Robert Gull Annexation Petition. The **second** was made by Councilmember Huff, and the motion **passed** unanimously.

Ordinance 14-99: Amending Regulations on the Sale of Beer

Attorney Baker reviewed previous agenda requests made by two Spanish Fork City business owners regarding the sale of beer. He then reviewed proposed Ordinance 14-99. The council discussed the existing ordinances and the proposed amendments.

Councilmember Shaw **moved** to adopt Ordinance 14-99: Amending Regulations on the Sale of Beer. The **second** was made by Councilmember Shepherd, and the motion **passed** with a unanimous vote.

Ordinance 15-99: Amending the Requirements to Obtain a Business License

Mr. Baker reviewed the proposed ordinance with Mayor Barney and council.

Councilmember Swenson made a **motion** to adopt Ordinance 15-99: Amending the Requirements to Obtain a Business License. The **second** was made by Councilmember Shaw, and the motion **passed** unanimously.

Adjournment to Executive Session

A **motion** was made by Councilmember Kelepolo to adjourn the regular session of the Spanish Fork Council meeting and to convene the executive session at 9:15 pm. Councilmember Shepherd **seconded**, and the motion **passed** unanimously.

Adjournment of Executive Session

Councilmember Shaw made a **motion** to adjourn the executive session of the Spanish Fork City Council meeting and reconvene the regular session at 10:10 pm. The **second** was made by Councilmember Shepherd, and the motion **passed** unanimously.

Real Estate Purchase Agreement

Councilmember Kelepolo made a **motion** to authorize the mayor to enter the Real Estate Purchase Agreement along with Springville City and Rocky Mountain Composites, Inc. The **second** was made by Councilmember Shepherd, and the motion **passed** with a unanimous vote.

Adjournment

A **motion** was made by Councilmember Kelepolo to adjourn the meeting of the Spanish Fork City Council at 10:15 pm. The **second** was made by Councilmember Shepherd and the motion **passed** unanimously.