

**Adopted Minutes
Spanish Fork City Council Meeting
December 21, 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 student Tyler Forsgren.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Thora L. Shaw, Lillian J. Shepherd, and Clyde A. Swenson. Councilmembers-Elect Glenn A. James, and Roy L. Johns were also present. Councilmember Kelepolo arrived at 7:56 pm.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; Emil Pierson, City Planner; Nate Crow, GIS Specialist; Claire B. White, Treasurer; Jolynne Burnell, Billing Clerk; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, Spanish Fork Press; Bryan Mathews, Ruth Swain, Kalene Mathews, Neal Morrow, Walt Heyman, James Shaw, Kevin Barker, Doug Barber, Steve Leifson, Les Allen, and Lynn Stratford.

Minutes

Councilmember Shaw made a **motion** to approve the minutes of the December 14, 1999 meeting of the Spanish Fork City Council as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Citizen Recognition - Tyler Forsgren

Police Chief Dee Rosenbaum introduced local student Tyler Forsgren to those present. Mr. Forsgren found stolen property on his way home from school on afternoon and turned it into the proper authorities. Tyler was commended for his actions by the Mayor and Council.

Citizen Recognition - Kevin Barker

Kevin Barker is a member of the Spanish Fork Fire Department and owns Kevin's Towing and Recovery. On numerous occasions Mr. Barker has assisted the Public Safety Department by responding to industrial accidents with a wrecker to lift debris and other things. He has also provided wrecked vehicles for the fire department to practice using the "jaws of life". The Mayor and Council recognized Mr. Baker for his contribution to the community.

Resolution 99-20: A Resolution Recognizing Thora L. Shaw for Outstanding Community Service

Mayor Barney and the Council recognized Councilmember Thora Shaw for her numerous years of service on the Spanish Fork City Council as well as other City boards and commission.

Councilmember Shaw thanked those present for allowing her the opportunity to serve, and be the first woman voted into office in Spanish Fork.

Councilmember Huff **moved** to adopt Resolution 99-20 recognizing Councilmember Thora Shaw. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Resolution 99-21: A Resolution Recognizing Clyde A. Swenson for Outstanding Community Service

The Mayor and Council also recognized Councilmember Clyde Swenson for his years of service to the City and Council. Councilmember Swenson expressed gratitude for his experience working with the City. He acknowledged innovations of Spanish Fork City.

Councilmember Shepherd made a **motion** to adopt Resolution 99-21 recognizing Councilmember Clyde Swenson. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Appointments to City Boards and Commissions

Mayor Barney reviewed new appointments and recommendations for various city boards and commissions as follows:

ARTS COUNCIL:	Councilmember Glenn A. James
BOARD OF ADJUSTMENT:	Lynn Jones Stuart White Brady Jex (Alternate) Gary Briggs (Alternate)
FIESTA DAYS COMMITTEE:	Councilmember Lil Shepherd Ann Banks (Chair-Elect)
FINANCE COMMITTEE:	Councilmember Everett Kelepolo
LIBRARY BOARD:	Bill Davis Bonnie Hicken
PARKS & REC COMMITTEE:	Greg Healey Doug Brown
PERSONNEL COMMITTEE:	Councilmember Lil Shepherd
PLANNING COMMISSION:	Councilmember Roy Johns Thora Shaw Thad Jensen Paul Healy

RISK MANAGEMENT COMM: Councilmember Glenn A. James
Councilmember Roy L. Johns

SENIOR CITIZENS Councilmember Glenn A. James

TERMINATION APPEALS BD: Councilmember Roy L. Johns

UTILITY BOARD: Terry Brandon

Councilmember Swenson made a **motion** to ratify the nominations as presented. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Public Hearings - Ordinance 18-99: An Ordinance Amending the Subdivision Ordinance as it concerns the Construction and Development Standards with regard to fencing requirements on reverse frontage lots

Councilmember Shaw made a **motion** to open public hearings at 7:25 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Over the last five months City staff and the Council have reviewed items needing clarification and modification pertaining the City's Subdivision Ordinance. City Planner Emil Pierson reviewed Section 39.08.110 of the City's Construction and Development Standards. This section discusses fencing on lots that have reverse of side frontage to arterial streets or major collector streets. City staff would like to amend the ordinance to give the City Council discretion to waive the fencing requirement on arterials and major collectors if a park or open space area is adjacent to such roads.

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

Councilmember Shaw stated the amendment would allow needed flexibility in the ordinance.

Councilmember Shaw made a **motion** to adopt Ordinance 18-99: Amending the Subdivision Ordinance as it concerns the Construction and Development Standards with regard to fencing requirements on reverse frontage lots. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance 19-99: The Jex/Barber General Plan Amendment from General Commercial/Residential Office to Downtown Commercial

Bryan Jex and Doug Barber are requesting to amend the General Plan with the anticipation of rezoning to Downtown Commercial (C-D) the north side of Center Street from Main Street to 100 East and the east side of Main Street from Center Street to 100 North.

The initial zone change request began with Mr. Jex wanting to open a retail store at 31 North 100 East. During the process it was concluded the requested zoning would not benefit the Mr. Jex since the property could not meet the landscaping and parking requirements. After working with staff, it was determined the alternative would be to apply for a C-D zone, in which the landscaping and parking requirements are not as restrictive. Mr. Pierson indicated the change would also help

bring many businesses in the area into conformance.

The Development Review Committee and Planning Commission recommended approval of the change subject to conditions.

The meeting was opened for public comment. None was received.

Councilmember Shaw made a **motion** to adopt Ordinance 19-99: The Jex/Barber General Plan Amendment subject to the following conditions:

1. The business located at 31 North 100 East be required to obtain a business license.
2. The water meter at the above location must be placed in landscaped area subject to the Engineering Department's specifications.

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

Public Hearing - Consider Adoption of the Main Street Development Zone Change from R-R, Rural Residential, to R-1-8, Medium Urban Residential, by Ordinance Z10-99 and the Rock Cove Preliminary Plat (2300 East Canyon Road)

Applicants, Melvin Morrow and Walter Heyman of Main Street Development are requesting a zone change from R-R to R-1-8 on 8.44 acres located at 2300 East and Canyon Road. The developers are also requesting preliminary plat approval to construct 8 single family and 32 twinhomes on the property. The General Plan for the area shows 3.5 to 5 units per acre, with this development at 4.74 units per acre. Mr. Pierson reviewed amenities provided with the project including a private park, sand volleyball, basketball, tot lot, and masonry wall along 2300 East. Both the Development Review Committee and Planning Commission recommended approval of the zone change and preliminary plat subject to conditions.

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

***Note: Councilmember Kelepolo arrived at 7:56 pm.*

A discussion took place among the Councilmembers regarding the maintenance of sidewalks along 2300 East and Canyon Road. Concerns were expressed regarding the responsibility for snow removal and weed abatement. Attorney Baker indicated maintenance requirements could be addressed in the restrictive covenants for the project, but penalties associated with the maintenance would be difficult to enforce.

Councilmember Swenson made a **motion** to adopt Ordinance Z10-99: The Main Street Development Zone Change from R-R to R-1-8 and the Rock Cove Preliminary Plat as the zone change is consistent with the General Plan. Approval is subject to the following conditions to help mitigate adverse impacts on nearby properties:

1. Setbacks for the development to be front - 25 feet; rear - 25 feet; side - 10 feet; and corner lots must be 20 feet to the living area and 25 feet to the garage;
2. Power poles on Canyon Road and 2300 East must be worked out with the Electric Department;
3. Amenities for the park will include, as shown in the development packet, the following:
 - a. 6-foot wide concrete walkway to the park,

- b. Non-site obscuring fence surrounding the park,
 - c. Basketball court,
 - d. Sand volleyball court,
 - e. Tot lot.
4. Fencing along the north sides of Lots 2 through 6 must be a non-site obscuring fence. The fence may be installed by the homeowner, and is not required of the developer;
 5. Wrought iron fence, and masonry wall along 2300 East and Canyon Road to be approved by the City Planner. Landscaping along Canyon Road designed to City Planner's specifications;
 6. Minimum of four different housing designs with the same design not being within 120 feet of another;
 7. 100% solid surface product must be used on the front elevation of buildings, or 50% of the entire building elevation solid surface;
 8. Gate installed on 2300 East for maintenance, fires and other emergencies;
 9. No lots to have access from 2300 East or Canyon Road;
 10. The park, all walls and fences must be built in the first phase of development;
 11. All tree types in the park and park strips along 2300 East and Canyon Road must be approved by the Shade Tree Commission and must be a minimum of 2-inch caliper;
 12. The CC&R's be amended to include verbiage allowing the Homeowners Association to be able to charge fees and maintain all common areas;
 13. Termination of the Homeowners Association and any open space area must be approved by the City Council.

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

Public Hearing - Consider Adoption of the Bryan C. Mathews Zone Change from R-R, Rural Residential, to R-1-12, Standard Urban Residential by Ordinance Z11-99

Mr. Bryan C. Mathews is requesting a zone change from R-R to R-1-12 on 5.05 acres located at 1400 South 1700 East. Mr. Mathews is planning to construct an assisted living center. This facility was approved as a conditional use by the Planning Commission subject to the City Council's approval of the zone change. Additional property included in the zone change is owned by Mr. Steve Leifson who plans to develop a single family subdivision to the west of the facility.

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

Mr. Bryan Mathews presented detailed information regarding the facility. The facility will include kitchen and dining areas, as well as areas for recreation and leisure. Mr. Mathews noted they will also house a secure dementia unit in one wing of the facility. The Living Center will be a Level II Facility in which most patients require assistance.

Ms. Venus Ernst teaches at Canyon Elementary. She indicated the school feels the Living Center will present a good opportunity for students to interact with senior citizens.

Councilmember Shaw noted the Planning Commission was concerned with obtrusive parking lot lighting on the south side of the property. Mr. Mathews stated they have worked with the City Planner to install decorative lighting that will shine down rather than out.

Much discussion took place regarding the proposed use.

Councilmember Huff made a **motion** to adopt the zone change for Bryan C. Mathews from R-R to R-1-12 by Ordinance Z11-99 subject to conditions from the Development Review Committee and Planning Commission which will help mitigate adverse impacts on adjoining properties. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - A06-99: The Hill Annexation

Mr. Pierson reviewed the proposed Hill Annexation consisting of 28 acres west of the Spanish Fork Boundaries (approximately 2700 North 800 West). Owners of the property to be annexed include Ricky Hansen, Robert Gull, David James, and Gerald Hill. The property contains residential homes. Property owned by Mr. Robert Gull also contains a welding business.

Mr. Pierson stated annexation of properties outside the City's Growth Management Boundary is typically discouraged except in cases where environmental, open space, or safety concerns can be better managed if the property is within the City limits. Because the portion of this annexation outside the Growth Management Boundary adjoins current City boundaries and abuts the Spanish Fork/Springville Airport, it would be appropriate to annex the property in order to create a proper perimeter. Annexations of such areas are consistent with City policies in the General Plan. It was noted utilities are not readily available, and will have to be extended by the property owner.

Both the Development Review Committee and Planning Commission reviewed the annexation and have recommended approval subject to conditions.

The Mayor opened the meeting for public comment. None was received.

The Council discussed the proximity of the annexation to the airport and easements with regard to the airport.

Councilmember Shaw made a **motion** to adopt Ordinance A06-99: The Hill Annexation subject to the following conditions:

1. All property will be zoned Light Industrial (I-1);
2. The southerly property line will be adjusted to match the northerly right-of-way;
3. Utilities to be extended by the property owners when needed;
4. The existing residential units will be nonconforming;
5. Aviation easements will be provided for the airport which include flyover and noise. Easements must comply with the General Plan of the Airport;
6. Acreage of the annexation may not decrease in size;
7. Ownership of the property adjacent to the airport must be determined;
8. Business property meet the City's landscape ordinance (2700 North 800 West);
9. Signage on business property must meet City standards for industrial areas;
10. No displaying of merchandise or materials will be allowed in front of the businesses or designated "front" of the lot. Property must be maintained in a proper manner.
11. An Annexation Agreement must be signed with the City and the petitioners which

incorporates the major conditions of the annexation before the annexation is recorded. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Shaw made a **motion** to exit the public hearings at 8:41 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Preliminary Plat - The Oaks - Plat H

Development company Dos Amigos is requesting preliminary plat approval to construct 22 twin homes on 6.49 acres at approximately 2400 East Fairway Drive. The property is adjacent to the City's golf course. The area is currently zoned R-2, Medium High Urban Residential with a General Plan designation of 3.5 to 5 units per acre. The proposed development has a density of 3.39 units per acre.

Lynn Stratford from Dos Amigos discussed the proposed old European theme for the development of twinhomes.

Councilmember Shaw asked if the City would have any flooding liability from the high-line canal above the development. Attorney Baker said no.

Councilmember Kelepolo made a **motion** to accept the Preliminary Plat for The Oaks Plat H subject to the following conditions:

1. Setbacks for the development will be: front - 25 feet; rear - 25 feet; and side - 10 feet;
2. A hammerhead turnaround, approved by the Engineering Department, be provided at the southeastern end of the development;
3. An agreement be entered into with the City and the developer pertaining to the water tank to be completed prior to sales of the homes. The agreement will include a clause stating if the tank is not completed, the City is not liable for providing adequate fire protection due to low water pressure;
4. No cuts may be made to the canal banks. Necessary cuts must have a soil engineer's recommendation;
5. No accessory buildings allowed within the development;
6. All fencing must be wood. No sight obscuring fences will be allowed along the golf course;
7. The Shade Tree Commission and the golf course must approve the type and location of trees in the rear of the properties;
8. The subdivision meets all plans and profiles approved by the Engineering Department;
9. The development be constructed with the Old European theme, as shown in Development Review Committee, Planning Commission and City Council meetings;
10. The City be indemnified, by the homeowners, from damage resulting from golf balls.
11. The monument sign into the subdivision must be approved by the City Planner.

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

Development Agreement - Abbie Court Subdivision

Attorney Baker reviewed the amended development agreement with Abbie Court Subdivision.

Councilmember Swenson made a **motion** to authorize Mayor Barney's signature of the development agreement for the Abbie Court Subdivision. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Other Business

Councilmembers Shaw and Swenson were again thanked for their service to the City.

Adjournment

Councilmember Shaw made a **motion** to adjourn the meeting of the Spanish Fork City Council at 9:17 pm. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.