

Adopted Minutes
Spanish Fork City Council Meeting
December 19, 2000

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 Councilmember Glenn A. James.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Glenn A. James, Roy L. Johns, Everett Kelepolo, and Lillian J. Shepherd.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Richard J. Heap, Engineer/Public Works Director; Emil Pierson, City Planner; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; Nate Crow, GIS Specialist; Ed Roberts, Utility Technician; Dan Henderson, Lead Cable Technician; and Gina Peterson, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*; Larry Ricketts, John D. Smiley, Nick Lopez, Ron Haskell, Boyd Peterson, Matthew T. Schutjer, and Rockwell Shutjer, *VoiceStream Wireless*; Ted Hansen, Scott Gifford, and Susan Gifford.

Agenda Review

Mayor Barney reviewed each item on the agenda with the Council. No general discussion took place.

Minutes

Councilmember James made a **motion** to approve the minutes of the November 21, 2000 meeting of the Spanish Fork City Council as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

New Employee Introduction

Dan Henderson has been selected for the position of lead cable technician. This is a new position with Spanish Fork City. Ed Roberts has also been hired as a Utility Technician to replace Juan Garrido. Mayor Barney and the City Council welcomed the new employees.

Discussion with VoiceStream for Proposed Cellular Tower at City Park

This issue was tabled from the December 5, 2000 City Council meeting so residents near the City park could participate in discussion.

VoiceStream is interested in locating a cellular tower in the City park located at 600 North 400 East. The park is located in the middle of a block surrounded by homes. It is accessed through the

backyards of residents surrounding the park, and a 12-foot wide pathway at the north end.

VoiceStream representative Rock Schutjer distributed pictures of the proposed tower.

Mayor Barney opened the meeting for public comment.

Mr. Nick Lopez, a resident of the block expressed concern that the tower and building would make the park unusable as a play area. Mr. Schutjer explained the equipment building can be located virtually anywhere in the park, even in one of the corners.

Mr. Ted Hanson asked why the pole could not be located in another area of town where no houses exist. Mr. Schutjer stated VoiceStream is limited by the City's ordinance which restricts towers to public property. He explained the need for the tower in this location. It was also noted the array on this antennae would be very small and unobtrusive in comparison to most antennae.

Mr. Ron Haskell asked what health hazards, including cancer, are associated with the tower. City Attorney Junior Baker stated there is more risk of getting cancer from cell phones than from a tower. Mr. Schutjer stated emissions from the antennae dissipate so quickly, that you can be within 6 feet of the direct beam with no effect. The Federal government has said there are no health hazards, and they continually monitor the effects with testing.

Mr. Boyd Peterson suggested the pole be placed at the City's North Park. Mr. Schutjer again noted VoiceStream engineers indicated this location was the best place for another tower to eliminate holes in cellular service. Mr. Peterson feels the City does not have enough parks, and placing a tower in this park would make it unusable.

Councilmember Kelepolo noted the park is maintained with City funds. Councilmember Johns stated the park is a nice area for kids to play. He feels the antennae would not have much of an impact but would give the City funds to utilize for maintenance. Additional discussion took place regarding the City's ownership of the park.

Mr. Lopez expressed concern with the equipment building blocking a resident's access to the park. He stated some residents drive through the park to get to their backyards. Mayor Barney stated residents should not have access to drive on a public park.

After additional discussion, Councilmember Kelepolo made a **motion** to table a decision on locating a VoiceStream cellular tower in the City Park at 600 North 400 East subject to further investigation of the Council. Councilmember Huff **seconded**, and the motion **carried** with a **majority** vote of 4:1. *Councilmember Johns was opposed.*

Chappel Drive Industrial Estates - Preliminary Plat

Property owner Clyde Swenson and developer Scott Gifford are requesting preliminary plat approval to create three industrial lots on 10.27 acres located at 2000 North Chappel Drive. Mr. Gifford is

planning to construct storage units on Lot 2 of the subdivision. The storage unit site plan was approved by the Development Review Committee on November 8, 2000.

Councilmember Huff asked if a residential unit was approved with the storage units. Mr. Pierson indicated, for security reasons, a caretaker's facility was included. The unit will be a duplex, and restricted to one bedroom in each unit. Staff felt this would deter residents with families in an industrial area.

Mayor Barney asked how much power would be used with the development. Developer Scott Gifford stated there will be no power in the units, and power usage will be minimal with lighting around the development. He noted the reason for on site management is to monitor any illegal activity and ensure the units are used for storage purposes only. The facility will be secured with chain link topped with barbed wire. The east property line will have a six foot high stucco wall and wrought iron entrance gate. It was also noted any vehicles stored in the RV parking must meet the requirements of the City's disabled vehicle ordinance.

Councilmember Johns made a **motion** to approve Chappel Drive Industrial Estates Preliminary Plat subject to the following conditions:

1. The subdivision must abide by all plans and profiles approved by the City Engineering Department;
2. Power approved by the Electric Department and shown on the plat. Power will come from Lot 3;
3. Preliminary title report provided prior to recordation;
4. Temporary drainage easement on Lot 1. Work with the Engineering Department on drainage specifications, including size.

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

Swenson Industrial Park - Preliminary Plat

Lyle Swenson is requesting preliminary plat approval to create four industrial lots on 9 acres at 2400 North 200 East. A new building for Torey Metals will be housed on one of the lots. It was noted there is a connectors agreement in place with the City for work that was done to 200 East.

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

Councilmember Huff made a **motion** to approve the Swenson Industrial Park Preliminary Plat subject to the following conditions:

1. The subdivision abide by all plans and profiles of approved by the City Engineering Department;
2. The lots be numbered consecutively beginning with the southern most lot as Lot 1.

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

Aspen Meadows - Amended Preliminary Plat

Developers John Smiley and Bruce Hall, with Cabin Creek Enterprises, are requesting to amend the Aspen Meadows Preliminary Plat that was approved by the City Council on April 4, 2000. The final plat was never recorded at Utah County. The property is zoned R-1-12, Low Urban Residential with a general plan designation of 2.5 to 3.5 units per acre. The applicants have designed the subdivision to take advantage of density bonuses as part of a Master Planned Development. There are 108 single family lots and one large lot to be used as a site for an LDS Church. The density for the development is 2.93 units per acre.

As part of the amended plat, the developers are proposing 26 twinhome lots in the northwest corner of the property. The twinhomes will be 100% brick, 1,200 square feet on the main level with a pop-out on the front elevation. Access to the twinhomes will come from 1400 East.

The remaining single family lots will be developed using a "point system" created by the developers. Mr. Smiley feels this will create a better curb appeal to the development, and balancing a variety of unique homes.

The entrance of the subdivision will have a three-rail vinyl fence similar to ones in the Fox Run subdivision, and Mathews Assisted Living Center. A six foot vinyl fence will be constructed on the southern tip of 1400 East, and along 1700 East. Tree grates and stamped concrete will also be installed along 1700 East.

Developer John Smiley addressed the Council. He stated the previous Aspen Meadows subdivision was his dream subdivision, but the market was not right for the development, therefore the plat allowed zero profit margin for the developers. Mr. Smiley feels the amended amenities package is very substantial. Open space is being contained in the large lots. The developers feel the proposed plat is offering as good as, if not better, amenities than any other subdivision in town. Mr. Hall also noted additional amenities including many offsite costs such as oversized water, pressurized irrigation, and sewer lines.

The point system was reviewed in detail as well as the amenities of the subdivision.

Much discussion took place on whether the current amenities in the subdivision warranted the increased density. Councilmember Johns suggested the developers donate proceeds from two building lots to go toward parks and trails systems. Mr. Smiley countered, noting the large sum they are putting into oversized water and sewer lines.

The discussion turned to issues regarding 1700 East. Some Councilmembers indicated they would rather see berming along 1700 East rather than fencing. The Mayor expressed concern with snow removal in the cul-de-sacs. It was suggested homes along 1700 East be allowed access from 1700 East and then the street alignment could be changed to eliminate some of the cul-de-sacs.

Councilmembers Huff and Kelepolo indicated they like the feel of the subdivision, including the cul-de-sacs and varying lot sizes. Mr. Heap noted it may be possible for vehicles to back onto 1700 East, as it will not be as high traffic as 1400 East.

Councilmember James made a **motion** to approve the Aspen Meadow Amended Preliminary Plat subject to all conditions recommended by the Planning Commission and subject to staff determining the feasibility of allowing access from 1700 East and amending the roads if needed.

Discussion ensued after the motion was made regarding the possibility of eliminating the fencing and stamped concrete along 1700 East. Different road layouts were suggested to allow access from 1700 East.

Mayor Barney asked for a second on the motion. The motion **died** for lack of a second.

Councilmember Huff made a **motion** to table a decision on the Aspen Meadows Amended Preliminary Plat until a redesign of road can be presented with an in-depth proposal on eliminating the fencing and stamped concrete along 1700 East, as well as allowing access from 1700 East. Councilmember Shepherd **seconded**, and the motion **carried** with a **majority** vote of 4:1. *Councilmember James was opposed.*

Adjournment to Executive Session

Councilmember Kelepolo made a **motion** to adjourn the regular session of the Spanish Fork City Council meeting at 9:43 pm and convene the executive session to discuss the sale and purchase of property and legal issues. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Reconvening of Regular Session

Councilmember Kelepolo made a **motion** to adjourn the executive session at 10:15 pm and reconvene the regular session. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Other Business

A list of City board and commission members was distributed. Mayor Barney requested the Council review vacancies and give him recommendations to fill them.

The topic of the use of inner block City parks, including Little Chicago was again discussed. The Council reviewed the possibilities of deeding the park to the residents.

Adjournment

Councilmember Shepherd made a **motion** to adjourn the meeting of the Spanish Fork City Council at 10:45 pm. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.