

Adopted Minutes
Spanish Fork City Council Meeting
May 1, 2001

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 Roy Johns.

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; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Kent R. Clark, Finance Director/Recorder; Emil Pierson, City Planner; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*; Barbara Butler, James E. Butler, Heather Wiscombe, Shawn L., Rodger Hardy, *Deseret News*; Annie Taylor, Jason Byers, David Owen, and Windy McLean, *Simmons Outdoor Media*.

Agenda Review

The Mayor and Council reviewed each item on the agenda.

City Planner Emil Pierson addressed a non-agenda item. He has submitted a grant application to obtain funds for use on the City's trails system. Mr. Pierson asked if the Council was in favor of obtaining this grant. Councilmembers agreed the grant would be desirable and a benefit to the City's trails system.

Agenda Request - James Butler

Mr. James Butler, 8444 South State Street, addressed the City Council regarding the well that services his property. He indicated Thursday morning his well was dry. Mr. Butler estimates it will take at least four weeks to drill a new well and is requesting the City allow him to haul water to his property. He would store the water in a 325 gallon storage tank. Mrs. Butler indicated they have lived on the property since 1964, and this is the first time their well has gone dry.

Costs of water were reviewed. The City charges 77 cent per 1,000 gallons for residential culinary water. Outside the City limits the water is \$2.13 per 1,000 gallons. Private contractors are given a permit and charged an annual fee of \$50 for water use throughout the season. Mr. Butler has indicated his situation is temporary and he is willing to pay for the water.

Mr. Heap stated the City has allowed emergency use of City water when other wells went dry on Powerhouse Road. He feels the City could work out a temporary agreement with Mr. Butler.

Discussion took place regarding installation of a water line to Mr. Butler's property. A question arose as to whether the Butler's are in Salem City's policy declaration boundary. Costs to install a line would be extensive.

Consensus from Council was to allow Mr. Butler to haul City water on a temporary basis, working out the terms of the agreement with the Engineering Department.

Resolution 01-05: A Resolution Proclaiming Letter Carriers Food Drive Day

Ms. Peterson reviewed Resolution 01-05 which proclaims Saturday, May 12, 2001 as Letter Carriers Food Drive Day. Utah Letter Carriers will pick-up nonperishable food donations left by postal customers as they deliver the mail. The donations will then be redistributed to local food banks.

Councilmember Huff made a **motion** to adopt Resolution 01-05: A Resolution Proclaiming Letter Carriers Food Drive Day on May 12, 2001. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance 04-01: An Ordinance Amending the General Plan from Medium Residential to Light Industrial; and High Urban Residential to General Commercial/Light Industrial on 72.39 acres located at 1100 East Expressway Lane

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

City staff is requesting to amend the General Plan on 72.39 acres near Expressway Lane. The General Plan amendment would change the property north of Expressway Lane (Spanish Fork Ranch and Willowbrook subdivisions) from Residential 3.5 to 5 units per acre to Light Industrial; and the property south of Expressway Lane from Residential 5 to 12 units per acre to General Commercial. The Development Review Committee and Planning Commission has recommended approval of this amendment.

Mayor Barney opened the meeting for public comment. No public comments were received.

Councilmember Johns feels the General Plan amendment will be beneficial as it will follow the recent recommendation from the Utah County Health Department that the area not be allowed for residential use. Mayor Barney clarified that the Health Department feels conditions placed on the property to allow future residential use will be too prohibitive, therefore the property should not be used residentially.

A general discussion took place regarding the 16 acres of property to the south of Expressway Lane. This property was annexed with the Magellan (Palesh) annexation and is already zoned C-O, Commercial Office. This amendment will make the zoning conform with the General Plan use designation.

Councilmember Johns made a **motion** to adopt Ordinance 04-01: An Ordinance Making Changes to the General Plan zoning designations as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance 05-01: An Ordinance Amending the Billboard Requirements of the Spanish Fork City Zoning Ordinance

A request has been made by Simmons Outdoor Media to amend the billboard ordinance to allow billboards 500 feet apart in the I-1, Light Industrial zone. Mr. Pierson reviewed the current zoning requirements for billboards.

The proposed ordinance would allow an additional billboard on I-15 in the light industrial zone by the old sugar factory. These amendments would allow existing billboards on I-15 to be reconstructed and improved (black and monopole) to meet the new standards. Currently, billboards cannot be improved even though they could be there for years and be considered blight for the community.

A general discussion regarding the amendment took place. Ms. Windy McLean from Simmons Outdoor Media stated the amendment will allow signs to be upgraded making them more appealing for the City.

Councilmember Kelepolo made a **motion** to adopt Ordinance 05-01: An Ordinance Amending the Billboard Requirements of the Spanish Fork City Zoning Ordinance. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance 06-01: An Ordinance Amending the General Plan Text with Regard to Annexation Policies

At the City Council retreat in February 2001, the Council discussed annexations and the requirements that are imposed with regard to annexing properties outside of the City's growth boundary. The Council requested staff take this issue to the Planning Commission for their review and recommendation. The Planning Commission reviewed this issue at their April 4, 2001 meeting.

Mr. Pierson indicated the City has recently received a number of annexation petitions. One of those petitions was from Blaine Thompson. Mr. Thompson wanted to annex into the City so he could build a home on his property. He was not interested in receiving City utilities even though the property was inside the City's growth boundary. The Council rejected Mr. Thompson's request based on the fact that he did not want City utilities.

Mr. Pierson reviewed the proposed text amendment to the annexation policies in the growth management policies of the General Plan. Clarification on utility connections relating to annexed properties is proposed as follows:

“Properties being annexed into Spanish Fork City must connect to at least two City services (electric, telecommunications, garbage, water, sewer, etc.), either upon annexation or when development occurs, upon City discretion, and at the applicant(s)’ expense.”

Policy A of the annexation policies will also be amended to exempt commercial growth from developing only within the growth boundary. The text will read as follows:

“Allow urban residential and industrial land uses only within the adopted Growth Management boundary.”

Mr. Pierson stated, in a sense, this policy amendment will discourage annexations. If a property owner wants to become part of the City, they will have to pay the expense to get City services.

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

Mayor Barney asked if the County would be in favor of the City annexing property for commercial use that is outside the growth boundary. Mr. Pierson stated property being annexed would have to comply with County regulations and also be contiguous with existing City limits. Mr. Pierson indicated Mr. Gail Halvorsen has property going through the annexation process. The closest power line to the Halvorsen property is on Powerhouse Road. Mr. Halvorsen may not be interested in the expense of running power to his property, although he would be required to obtain two City utilities as a condition of annexation.

Mayor Barney questioned if the amendment would go against the City’s General Plan by allowing commercial development outside the City’s Growth Management Boundary. Mr. Pierson stated the Growth Management Boundary acts to control growth and that he considers growth to be residential in nature. Annexations outside the Growth Management Boundary for residential developments would be discouraged.

Councilmember Kelepolo noted that growth was one time allowed on the outskirts of the East Bench and now over time growth has gradually filled in the large gap. He expressed concern with this type of jump in growth which had created a lack of curb, gutter, and sidewalk in areas where it was needed. Councilmember Kelepolo also questioned if this City Council was binding future elected officials to something that was not realistic. Mr. Pierson feels it is most important for City residents to be using City services. He will review the annexation policy with all property owners interested in annexing to make sure they understand they will be required to use at least two City services. Councilmember Kelepolo expressed concern with the maintenance and upgrading of roads in rural areas that may come into the City. He questioned if this amendment would change the City’s past theories of building from the inside out.

City Engineer Richard Heap stated the proposed amendment will effectively make it harder for people to annex. Attorney Baker stated the ordinance has been drafted broadly to give the City Council

discretion. Annexations will be required to use at least two City services, but the Council may decide to require more. Attorney Baker also noted that the Council could decide to delay use of the City services until development on the annexed property occurs.

Councilmember James made a **motion** to adopt Ordinance 06-01: An Ordinance Amending the General Plan Text with Regard to Annexation Policies. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Shepherd made a **motion** to exit the public hearings at 7:55 pm. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Bid - Parking Lot at Centennial Park

Mr. Heap reviewed the bid received for a parking lot at Centennial Park. The parking lot was planned to go along the east boundary of cemetery from 400 South into the parking lot of Centennial Park. It will hold 56 cars. One bid was received from RB Construction in the amount of \$119,018. Staff originally thought the parking lot could be completed for approximately \$77,000. Mr. Heap recommend the Council reject all bids and evaluate other options for the parking lot.

Councilmember Huff made a **motion** to reject the bids for the parking lot at Centennial Park. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo noted as part of prior discussions regarding the skate park concerns were expressed that the area have a parking lot. Mr. Heap stated they will try and get some type of parking, although at this time they are not sure what.

FY 2002 Preliminary Budget

Mr. Oyler reviewed the basic highlights of the preliminary budget for FY 2002, including the proposed FY 2002 budget for the RDA. Mayor Barney and the City Council, as well as those present, were given a copy of the budget to review. The budget public hearing will take place on June 5, 2001, and adoption of the budget will take place prior to the end of June. Mr. Oyler indicated there may be minor adjustments to the budget between now and it's adoption.

Mr. Oyler requested the Council and citizens call him with any questions regarding the budget.

Adjournment to Executive Session

Councilmember Huff made a **motion** to adjourn the regular session of the Spanish Fork City Council at 8:24 pm and convene the executive session to discuss legal issues. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.