

Adopted Minutes
Spanish Fork City Council Meeting
July 17, 2001

The meeting was called to order by Mayor Dale R. Barney at 6:30 pm for a preliminary review of the agenda. The pledge of allegiance was led at 6:40 pm.

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; Emil Pierson, City Planner; S. Junior Baker, City Attorney; Nate Crow, GIS Specialist; Dee Rosenbaum, Public Safety Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Frank Santos, Janis Nielsen, *Spanish Fork Press*; Kathy Stringham, Deloris Nilson, Janet Reese, and Greg Magleby.

Agenda Review

The Mayor and Council reviewed each item on the agenda. No general discussion took place. Mayor Barney noted the Council would be attending the flag retirement ceremony at the Fairgrounds scheduled at 8:00 pm. He requested any unfinished business at 7:45 pm be continued to after the ceremony.

Minutes

Councilmember Huff made a **motion** to approve the minutes of the July 10, 2001 meeting of the Spanish Fork City Council as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Resolution 01-07: A Resolution Creating a Historical Committee

Attorney Baker reviewed Resolution 01-07. Last month the Council had a discussion on historical buildings. Mr. Steve Allen was interested in a variance of the building codes due to the historic nature of his building. The Council determined to form a historical committee to review these types of issues and provide a recommendation to the Council. Attorney Baker outlined the proposed resolution and how the committee would be set up.

Ms. Kathy Stringham has lived in Spanish Fork for 26 years. She indicated the Spanish Fork chapter of the Daughters of the Utah Pioneers (DUP) have been quite concerned about historical issues and have started a historical register. Ms. Stringham requested a DUP representative serve on the committee.

The Council briefly discussed the resolution. A consensus was reached by the Council that the Historical Committee should consist of five members.

Councilmember Kelepolo made a **motion** to approve Resolution 01-07: A Resolution Creating a Historical Committee with the committee consisting of five members. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

It was noted Staff will not be considered members of the Committee.

Esther Ridge - Amended Preliminary Plat

Developer Frank Santos is requesting to amend the Esther Ridge Preliminary Plat. He has met with the Development Review Committee and Planning Commission and is requesting the City Council allow the following to be modified:

- Finished area on a rambler to go from 1,200 square feet to 1,100 square feet;
- Finished area on a two-story unit to go from 1,500 square feet to 1,300 square feet;
- Fifty percent of all homes will have 100% hard surface exterior.

Mr. Santos is requesting this amendment for Final Plats C, D, and E. The request does not include the townhomes in Plat F.

Mr. Pierson indicated Mr. Santos request will help facilitate the sale of more plats as well as increase the amount of hard surface materials used in the later plats. He feels the higher amount of hard surface homes will provide the City with an opportunity to have better quality homes.

Councilmember Huff noted Mr. Santos will be creating a more marketable home in today's economy. Councilmember Kelepolo expressed concern in decreasing the size of the homes.

A general discussion took place regarding the proposed conditions of approval.

Councilmember Johns made a **motion** to approve the Esther Ridge Amended Preliminary Plat affecting Final Plats C, D, and E subject to the following conditions:

1. Single family homes will be a minimum of 1,100 square feet and two-story homes will be a minimum of 1,300 square feet;
2. 100 percent of the front elevation of the units will be hard surface. 50 percent of the units will be entirely hard surface, including corner units which must be entirely hard surface. All homes on the north side of 1650 South will be entirely hard surface, these are included in the total 50 percent.
3. No duplicate plans will be allowed within 200 feet of another, as determined by the City Planner;
4. Basements are required on all homes.

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

Public Hearing - Ordinance 09-01: The Christensen General Plan Amendment

Councilmember Huff made a **motion** to open the public hearings at 7:00 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the procedures of the public hearing.

A General Plan amendment is being initiated by staff on 74.55 acres known as the Ken Christensen General Plan amendment.

Mr. Pierson reviewed proposed general plan property designations as follows:

- Jeff Foster parcel - Residential, 5-12 units per acre to change to Professional Office / Residential 5-8 units per acre.
- Cris Child parcel - Residential, 5-8 units per acre to change to Professional Office / Residential 5-8 units per acre.
- Robinson parcel - Professional Office to Professional Office / Residential 5-8 units per acre.
- Ken Christensen parcel - Business Park / Light Industrial to Residential 5-12 units per acre.

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

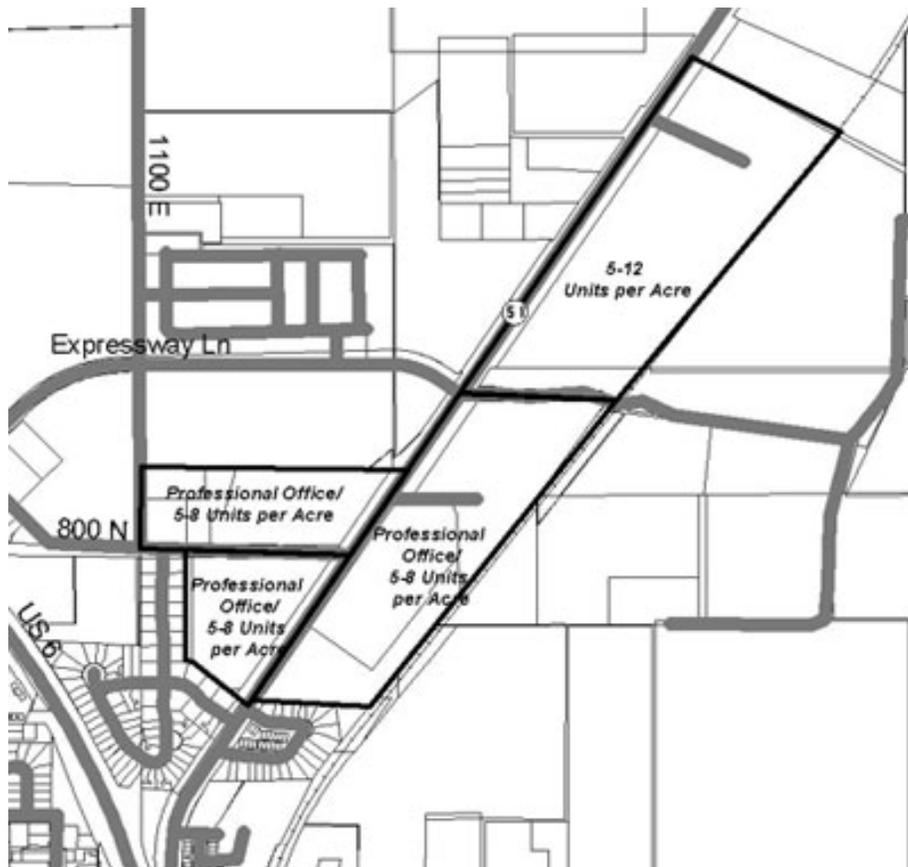
Councilmember Huff made a **motion** to adopt Ordinance 09-01: The Christensen General Plan Amendment as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance Z04-01: Highland Estates (Janet Reese) Zone Change

Janet Reese is requesting a zone change from R-2, Medium High Residential to R-1-8, Medium Residential for the Highland Estates subdivision located at 1007 East 200 North. Ms. Reese was the original property owner and developer of the lots. She is requesting the zone change to R-1-8 to ensure basement apartments (duplexes) will not be built in the subdivision. Recorded in 1992, the CC&R's for the subdivision do not allow multi-family dwellings. Ms. Reese feels the zone change will help her enforce the CC&R's.

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

Councilmember Kelepolo made a **motion** to adopt Ordinance Z04-01: The Highland Estates (Janet Reese) Zone Change as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.



Public Hearing - Ordinance Z05-01: The Greg Magleby Zone Change

Greg Magleby is requesting a zone change from R-R, Rural Residential to R-1-9, Standard Residential on property located at 1100 South 1100 East. The zone change will include property owned by Mr. Magleby, the Turner's, Jensen's, and the Frandsen's. Mr. Magleby has subdivided the property and would like to construct one single family home. It was noted access to the home will come from 1100 East.

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

Councilmember Kelepolo asked if any opposition has been received from neighbors in the area. Mr. Pierson stated he has only received one call from a resident that was in favor of the zone change as it would clean up weeds in the area.

Councilmember Huff asked if the recent restriction on preliminary plats affected this lot. Mr. Pierson noted the subdivision was done as a subdivision waiver which allowed only one home to be considered. Mr. Heap stated subdivision waivers are allowed on properties that already have improvements to the lot. When the restriction was put in place, calculations took into account there would be a number of subdivision waivers and flag lots.

Councilmember Shepherd made a **motion** to adopt Ordinance Z05-01: The Greg Magleby Zone Change as presented. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance A02-01: The Gail Halvorsen Annexation

Gail Halvorsen would like to annex 81.522 acres at 19 East South Field Road. The property has gone through the annexation process and is now before the City Council for final decision. Mr. Halvorsen has indicated his only desire in annexing is to save an existing adobe home which is considered historic. Mr. Halvorsen constructed a new home on the property, and the County has stated he must demolish the older home to comply with County zoning regulations or annex into the City. The property is not within the City's growth boundary.

Extensive review of the proposed annexation has taken place by the Development Review Committee and Planning Commission. Mr. Pierson reviewed the conditions of approval proposed from the Development Review Committee and Planning Commission which include Mr. Halvorsen deeding a 40 acre conservation easement to the City.

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

Councilmember Johns feels the annexation will benefit the City in preserving land and getting an easement along the river. He stated Mr. Halvorsen would not be required to give the City an easement if he did not annex into the City.

Mayor Barney noted there are no City services planned for the area for quite some time.

Councilmember Huff questioned the need for the annexation at this time. Has Mr. Halvorsen created a problem in the County and now expects the City to resolve the issue? Councilmember Huff asked who deemed the adobe home historical. He feels it would be remiss for the City to annex the property solely to save the adobe home. Mr. Pierson feels the Council should not base it's decision on the status of Mr. Halvorsen's home.

Councilmember Kelepolo expressed his concern that the annexation is jumping so far out from existing City limits. He acknowledged the goal of Envision Utah to preserve open space yet stated he is not comfortable skipping closer areas to get these properties.

Mr. Pierson stated Mr. Halvorsen has a problem, either he annexes into the City, or he has to tear down a home which is of value to him. Mr. Pierson feels the property will be an asset and a natural resource to the community. Currently, as a County resident, Mr. Halvorsen could subdivide his property into five acres parcels. Mr. Pierson feels this annexation can be a great opportunity for the City to get easements for a future trails system as well as preserve existing open space. The Council reviewed what portion of Mr. Halvorsen's property was in the flood plain

Councilmember James indicated he is an advocate of open space. He feels the City should have vision and take advantage of the annexation to maintain the river bottoms property.

More discussion took place about preserving the River Bottoms area.

Councilmember Kelepolo stated he recognizes the overall vision yet has a concern about facilitating City services to annexed residents. Mr. Pierson noted recent changes in the City's General Plan allows the Council flexibility to choose which City services newly annexed properties will receive.

Attorney Baker recommended the Council make clear that at the time of development it will be the developers responsibility to get utilities to the property.

Councilmember James made a **motion** to adopt Ordinance A02-01: The Gail Halvorsen Annexation subject to the following conditions:

1. Zoning on the property will be designated R-R and A-E per the Spanish Fork City General Plan;
2. The property will be divided into two parcels; one parcel will be in the five acre zoning designation (R-R) and the other parcel will be in the 40 acre (A-E) zoning designation;
3. The lots will be limited to the two existing dwelling units, extension of the utilities will be waived until additional lots are proposed for development;
4. Gail Halvorsen will give the City a trails easement along the Spanish Fork River and the entire parcel in the 40 acre zone (A-E) will be placed in a conservation easement;
5. At any time of development, the present or future owner will be required to provide the infrastructure to get utilities to the property;
6. Water rights must be provided as required at time of development.

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

Councilmember Johns made a **motion** to exit public hearings at 7:51 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Adjourn to Flag Retirement Ceremony

Councilmember Shepherd made a **motion** to adjourn to the flag retirement ceremony at 7:52 pm. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.