

Minutes
Spanish Fork City Council Meeting
August 21, 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 Sherman E. Huff.

Elected Officials Present: Mayor Dale R. Barney and Councilmember 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; Kent R. Clark, Finance Director/Recorder; Emil Pierson, City Planner; Dee Rosenbaum, Public Safety Director; Jack J. Swenson, Parks and Recreation Director; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Janis Nielsen, Spanish Fork Press; Tom Scribner, Pat Day, David Olsen, and Todd Whittaker, Hearthstone Development; Paul Christensen, Marianne Biesinger, James C. Biesinger, Lester VanNosdol, and Caleb Warnock, The Daily Herald.

Agenda Review

The Mayor and Council reviewed each item on the agenda. No general discussion took place.

Resolution 01-08: A Resolution Proclaiming the Week of September 2, 2001 as Utah Western Heritage Week

Mr. Heap outlined the purposed of the Western Heritage Festival. This is the second year the festival will be held in Spanish Fork.

Councilmember James made a **motion** to adopt Resolution 01-08: Proclaiming the Week of September 2, 2001 as Utah Western Heritage Week. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Ordinance Z06-01: The James Biesinger Zone Change and Old Faithful Inn at Maggies Bend Preliminary Plat

Councilmember Shepherd made a **motion** to open the public hearing at 7:07 pm. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

James Biesinger is requesting a zone change from R-R, Rural Residential to C-O, Commercial Office on 6.926 acres at 1143 East 800 North.

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

Councilmember Johns asked if Mr. Biesinger had clearance on the name “Old Faithful Inn”. Mr. Biesinger indicated the request is being considered by a group responsible for granting such permission.

Mr. Biesinger outlined the proposed use of the property. A portion of the property is wetlands and will be used as a park area. A building to be used as a retirement living facility will be constructed on the property. It will be independent living with rental units, not an assisted living facility. Mr. Biesinger indicated there are waiting lists to get into places such as these.

Amenities include enhancement of the wetlands, walking and equestrian paths, water features, and a swimming/exercise pool. Mr. Biesinger reviewed the interior layout of the facility. Rooms will be equipped with a call system and will be individually thermostated.

Mr. Pierson indicated the power issues from the Development Review Committee were only regarding the routing of the power. Mr. Heap and Mr. Pierson feel this is more of a commercial use so the power restriction would not apply.

Councilmember Kelepolo made a **motion** to approve the rezoning of 6.926 acres at 1143 East 800 North from R-R, Rural Residential, to C-O, Commercial Office by Ordinance Z06-01. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to approve the preliminary plat for the Old Faithful Inn at Maggies Bend located at 1143 East 800 North subject to the developer working with the Electric Department on power issues. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Johns made a **motion** to exit the public hearing at 7:32 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Northeast Park Preliminary Plat

Hearthstone Development and Dave Olsen are requesting preliminary plat approval for 246 units on 28 acres at 1200 North Highway 51. The development will contain 66 single family lots and 180 multi-family units. The property is zoned R-3, High Residential. The General Plan shows the density of the property allowed at 5 to 12 units per acre. Actual density will be 8.78 units per acre.

The City Council annexed this property at their meeting on August 14, 2001. It is proposed to move the residents and homes of Spanish Fork Ranch to this property. Hearthstone is receiving the right to develop 170 units from the transfer of development rights from Spanish Fork Ranch. The other 76 units will be constructed after the utility restriction is lifted.

Mr. Pierson reviewed details of the subdivision, stating the project is considered a master planned development and should be evaluated based on the amenities being proposed. Amenities will include 26% open space, a colored masonry wall, and vinyl fencing around the park. The two park areas that are being provided will have as much existing, native vegetation as possible. The City will maintain one of the parks and the retention basin.

Mayor Barney stated he thought the City was trying to get away from taking over small neighborhood parks. Mr. Pierson indicated staff felt it would be okay because the park will have native vegetation with minimum maintenance.

It was asked why the developer is getting approval for 246 units with the City's building restriction in place. Mr. Pierson stated the General Plan allows that density although only a limited number of units can be built until the restriction is lifted.

Developer Dave Olsen requested permission to build 174 units rather than the limit of 170. He is planning to build the 66 single family homes and nine of the 12-plexes to equal 174 total units. Mr. Olsen reviewed the three phases proposed for the development.

Attorney Baker stated Hearthstone may only develop 170 units unless they can contractually show they have obtained a transfer of develop rights from the additional units from someone else. The developer that was transferring the units would have to acknowledge that he cannot develop until the restriction is lifted.

Mr. Olsen reiterated he is requesting approval of 174 units. Mr. Heap stated multi-family units only use three-quarters of the utilities that are used by a single family residence. Since this project has so many multi-family units he feels the City would come out ahead and 174 units may be okay.

Councilmember Johns made a **motion** to approve the northeast park preliminary plat subject to the following conditions:

1. A masonry wall will be constructed along Highway 51 except adjacent to the open space areas as shown on the preliminary plat. The open space areas shall have a six foot wrought iron fence;
2. Lot 68, open space, shall be native vegetation with a four foot wrought iron fence installed around the wetland area. Fencing will have a 12 foot wide access gate or removable panel. All spacing of wrought iron bars and finials shall be approved by the City Planner. This lot, including all amenities associated with it, must be completed as part of Plat B;
3. Lot 67, open space, shall include a tot lot and picnic area and shall have a six foot vinyl fence installed around the property except along Highway 51. A landscaping plan shall be submitted for this area and approved by the City Planner;
4. A four foot sidewalk for pedestrian access to the park shall be installed between Lots 46 & 47 and Lots 64 & 65, and on the east end of the project. A six foot chain link fence shall be installed along the walkways.
5. Decorative lighting will be installed throughout the subdivision to ensure the pathways in the

open space areas are lit. The interior of the subdivision will contain upgraded street lights with Highway 51 containing cobra lights.

6. Preliminary title report must be provided prior to final plat approval;
7. Single family setbacks will be as shown on the plat: Front - 20 feet, Garage - 25 feet, Rear - 15 feet, and Side - 5 feet. Corner lots - 15 feet to living area and 25 feet to garages.
8. CC&R's approved by the City Planner and City Attorney;
9. Hearthstone will be required to sign off on all single family and multi-family plans;
10. The development must meet all current Construction and Development Standards;
11. Offsite power requirements completed per the Electric Department;
12. Trees and stamped concrete along Highway 51 to be approved by the Shade Tree Commission and City Planner;
13. A berm with a six foot chain link fence will be installed along the railroad track to the east;
14. A landscaping plan for the multi-family area of the project must be submitted for final review per phase;
15. The amenities for the multi-family area will include two tot lots with swings and two pavilions with picnic tables;
16. The multi-family buildings will be constructed of 25% masonry (brick, rock, etc) with the remainder of the building being stucco or masonry except minor elements;
17. Front yard landscaping will be provided for all single family lots;
18. A note on the plat stating the preliminary plat approval is limited to 170 units until infrastructure capabilities for power, water and sewer have been resolved.

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

Resolution 01-09: A Resolution of Notice of Intent to Issue Water Revenue Bonds (Pressurized Irrigation)

Finance Director Kent Clark stated last week the City Council talked about seeking funding to continue with the pressurized irrigation construction. The Council determined to proceed with revenue bonding which does not require vote of citizenry. The bonds are backed by fees and not paid by the property taxes of citizens. Resolution 01-09 will set the parameters of what the bonding cannot exceed as well as setting the guidelines to proceed.

The principle amount of the bond will be \$16,000,000. Previously it was talked about being \$12,500,000. The additional amount gives the City a ceiling to work with interest rates or increasing costs. The interest rate cannot exceed 6.5 percent, yet if issued today it would be 4.59 percent. The maximum term will be 20 years although the City anticipates a 15 year term. If anything exceeds the maximum parameters, the City cannot proceed without further authorization from the City Council.

Mayor Barney asked why the bond limit was being set so high. Mr. Clark answered the additional amount acts as a cushion so if the principle amount changes or interest rates go up or down the process doesn't have to be redone. Amortized costs are more than the actual amount needed. The additional amount will also pay other costs such as bond issuance and insurance. Mayor Barney stated he wants to assure citizens this project will be done at a minimum cost.

Mr. Clark stated the bond counsel will be Ballard, Spahr, and the financial advisor is Zions Bank. These are the same people the City used when bonding for SFCN.

Councilmember Huff made a **motion** to adopt Resolution 01-09: A Resolution of Notice of Intent to Issue Water Revenue Bonds for Pressurized Irrigation with a principle amount not to exceed 16,000,000 with a maximum interest rate of 6.5 percent and a term not to exceed 20 years. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Mr. Heap stated surface irrigation is very inefficient and causes other damage besides the waste of water. It is his recommendation that surface irrigation be discontinued beginning next year.

Councilmember Shepherd asked if it was feasible to have the pressurized irrigation system installed for surface irrigation users by next year. Mr. Heap anticipates bids to be received by January 2002 with construction beginning in February, depending on the weather. The older part of town where surface irrigation is used would be concentrated on as one of the first areas to begin.

Bid - Spanish Fork Skate Park

Parks and Recreation Director Jack Swenson noted the City requested bids in May 2001 for the skate park. Those bids came in extremely high and other options were considered. Staff decided to reopen the bidding process and has now received new bids, some from different companies. Mr. Swenson reviewed the three bids received. The amount budgeted for the skate park is \$85,000. The low bid came in at \$99,200 from Rockin H, Inc. Mr. Swenson stated the Council can wait until January and re-do the bidding process again, or find additional money to in the budget to continue with the project.

Mr. Swenson gave a synopsis of the three bidders. Stapp just completed a really nice skate park in St. George for \$300,000. Rocking H built Roy City's skate park two years ago for \$85,000. This is also the design Spanish Fork was looking at.

Mayor Barney asked if the bid was line item or a lump sum. Mr. Heap answered there is a specific design with curves, elevations, and concrete heights and staff felt it was best to do a lump sum bid. There is a spec book that will have to be followed.

Mayor Barney stated he worries about bidding out the project since of the bids is very close and the kids have waited long enough for the park. He believes there will be a greater possibility of contractors losing interest in the project if it is bid out again. Mr. Swenson agreed and recommended if funds can be found the bid from Rockin H be approved.

Mr. Clark indicated the skate park kids have raised approximately \$7,000 to go toward construction of the park.

Councilmember Shepherd made a **motion** to accept the bid from Rocking H in the amount of 99,200 to construct the Spanish Fork Skate Park. Councilmember Kelepolo **seconded**, and the motion

passed with a unanimous vote.

Bids Received: Stapp - \$130,000; Rocking H - \$99,200; and Workman - \$127,046.

Daily Herald report Caleb Warnock asked if the City will consider naming the skate park after a significant donor. Mayor Barney answered no because the City has had so many volunteers it would be difficult to determine who to name it after.

Other Business

Mr. Warnock asked about communication issues with the residents of Spanish Fork Ranch. Mayor Barney stated the item was not on the agenda so he would defer that question. He also noted all communication regarding that issue should go through the City Attorney, Junior Baker.

Councilmember Kelepolo noted Deputy Recorder Gina Peterson would be leaving for other employment. He made a **motion** to adopt a Resolution recognizing Gina Peterson as an outstanding Deputy Recorder. Councilmember Shepherd **seconded**, Councilmember Huff **thirded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Huff made a **motion** to adjourn to executive session at 8:27 pm to discuss personnel issues. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.