

Adopted Minutes
Spanish Fork City Council Meeting
November 6, 2001

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

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: Dave A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Emil Pierson, Planning Director; S. Junior Baker, City Attorney; Kent Clark, Finance Director; Nate Crow, GIS Specialist; Dee Rosenbaum, Public Safety Director; and Pamela Bradley, Public Safety Secretary.

Citizens Present: Donald Nay, Carl Bowcut, Cheryl Evans, Gary Evans, Thor Leifson, Luene Ludlow, Freda L. McKell, June Leifson, Allen Leifson, Riley Measom, Robert Wheelock, Chris Wheelock, Curtis Averett, Kade Nelson, Thad Jensen, Sherman N. Beringer, Beverly B. Beamson, Audra Thorpe, Charles Thorpe, Joyce Leifson, Kevin Baadsgaard, John Russell, Spencer Barber, Bo Delaney, Blaine Jensen, Nathan Jensen, Amy Jensen, Shannon Russell, Andrea Allen, Phil Allen, Karen Payne, John Murdock, Rodger Hardy, Phillip Dame, Trevor Carter, Josh Butler, Brent Kimball, Tyler Rowley, Kyler Carter, Kolton Nelson, Dallin Kimball, Bud Barber, Barber Brandon, Bryan Jex, Kent Boogert, Rick Scott, Weston Ainge, Wyatt McGregor, Jordan Miller, Wesley Huff, Trevor Andrew, Brandon Warner, Eric Kitchen, Dennis Bernards, Patience Bernards, Mary Lou Brandon, Terry Brandon, Kyle Bradford, Bryce Jackson, Chad Milner, Darold Miller, Angie Poulter, Penelope _____, Brandon Poulter, and Janis Nielsen, *Spanish Fork Press*.

Agenda Review

The Mayor and Council reviewed each item on the agenda.

Minutes

Councilmember James made a **motion** to approve the minutes of the October 30, 2001 council meeting with changes as noted. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Leifson Family Library Donation

Mr. Charles Thorpe introduced Mr. Thor Leifson as a representative of the Leifson Family. The Leifson Family donated a set of books on Icelandic Heritage to the Spanish Fork City Library in the memory of their parents Victor L. and Mary Bradford Leifson. Mr. Leifson gave a brief history on the

Leifson family in relation to their Icelandic heritage. Several members of the Leifson family were present and were introduced by Mr. Leifson. The council thanked the Leifson family for their generous donation.

Eagle Project Presentation

Mr. Michael Clark of the Spanish Fork 6th Ward presented his eagle project. His project consisted of landscaping the substation at 2500 East Canyon Road. Mr. Clark said they planted 280 plants over 200 man hours were donated to complete the project. The council was presented with before, during, and after photos.

Public Hearing

Councilmember Huff made a **motion** to open the public hearing portion of the meeting. Councilmember Shepherd **seconded**, the motion **passed** with a unanimous vote, and the public hearing opened at 7:11 pm.

A. Consider the Adoption of the Urban Village Commercial District.

Mr. Pierson expressed a concern for the two issues to remain separate issues and to be considered separately. He began by stating that on April 3, 2001, the city council tabled the 2000 East zone change and requested a committee be formed with members of the Planning Commission and residents of Spanish Fork. The committee was formed and met eight times discussing: transportation issues, design elements, possible layouts, and the draft of new commercial zones. During these meetings there was much discussion about the transportation elements including pedestrians and their access as well as keeping the traffic slow but flowing for the adjacent neighbors. It was recognized this area would be a major collector. During the committees discussions concerning the design elements they were shown different plazas around the United States, especially in Utah. The major design elements on the new ordinance include: roof design, high quality materials, glass on the lower levels of buildings, and designs especially for pedestrians. The committee discussed the layout of the property with LEI and a developer. At that time the committee was shown a number of possible layouts for the area and they discussed it at great length.

Staff worked closely with the committee to take their ideas and to put it on paper. The staff started by first getting a vision of what the area should be like and followed that by what uses would best fit their vision, then followed it up with the design elements of the area. By combining all of these steps the committee drafted a new zone that resembles what their vision was of the area as well as protecting the adjacent residential neighborhood.

The committee invited a developer, Armond Johanssen, of Johanssen-Thackrey (Home Depot in Lindon, Sugarhouse in SLC) to talk to them about what a large developer looks for in an area. He reviewed the ordinance and the pros and cons of the area. He commented that developing this area is long way off and made suggestions on how the area could develop in the future.

The committee last met on September 12, 2001 and made the following recommendations:

- 1) The properties along the 2000 East and south of 750 South become single family residential. This would include changing the General Plan for this area from High Urban Residential 5-12 u/a to Medium Urban Residential 3.5 to 5 u/a.
- 2) The property on the west side of 2000 East be zoned R-1-8 as recommended in the General Plan.

Mr. Pierson reiterated the actual development of this project is a long way off.

Mayor Barney thanked Mr. Pierson for his presentation and inquired if there were any public input on Item A, the adoption of the Urban Village Commercial District, only.

Councilmember Shepherd questioned item number 7 under heading (A.): permitted uses, gas station/convenience stores. Would this item open the door to also being used as a mechanic shop?

Mr. Pierson replied that this would apply only to gas stations/convenience stores only.

Councilmember Kelepolo referred to item number 6 under heading (C.): uses subject to conditional use permit, brew pubs (indoor only). Councilmember Kelepolo asked what type of an establishment this would be. Would they just serving alcohol or would it be a restaurant type setting?

Mr. Pierson stated that this would mostly likely apply to restaurant type businesses with alcohol licenses.

Councilmember Huff asked if the conditionals use items would need to come back to city council if any changes were to be made. Mr. Pierson stated all items would go through the planning commission and therefore this would provide flexibility and the right to change any of the conditions.

Councilmember Johns made a **motion** to adopt the Urban Village Commercial District. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

B. Consider the Adoption of the 2000 East Zone Change from R-R, Rural Residential to UV-C, Urban Village Commercial R01-8, Medium Residential, and R-3, High Residential by Ordinance. 61 Acres located at approximately 500 South 2000 East to 2550 East.

Mr. Emil Pierson recognized the 2000 East Committee and thanked them for their efforts and also for the opportunity to have worked with them.

Councilmember Shepherd also recognized the committee for their efforts.

Mr. Pierson presented the following information to the council.

The city council heard this request for a zone change on April 3, 2001, (the staff report is attached) and requested a committee be formed to discuss the requested zone, traffic issues and other items. The committee was to be made of the planning commissioners, residents of the community, neighborhood, and if needed a private consultant.

A committee was formed and met eight times over a four month period. The following individuals were members of the 2000 East Committee: Doug Huntsman, Carl Bowcut, Pat Mitchell, Karen Payne, Ceann Whitehead, Greg Magleby, Amy Jensen, Jesse Conway, Thora Shaw, Kevin Baadsgaard, Paul Healy, David Lewis, Thad Jensen, Roy Johns, and Emil Pierson.

The committee discussed numerous issues including: transportation issues, the adjacent neighborhoods (and the effects of a commercial zone), design elements, and possible layouts. The committee decided a commercial area was needed on the bench as shown in the General Plan but none of our current zones depict their vision, so a new "Urban Village" commercial zone was drafted. A private consultant met with the committee as did a commercial developer.

The last committee meeting was held in September 2001 and made the following recommendations:

- 1) Properties along the 2000 East and south of 750 South become single family residential. This would include changing the General Plan for this area from High Urban Residential to Medium Urban Residential.
- 2) Property on the west side of 2000 East be zoned R-1-8 as recommended in the General Plan.

The Planning Commission reviewed this request on January 3, 2001 and again February 7, 2001, before making their recommendation to the Council. They discussed this item as members of the 2000 East Committee and reviewed this item at their October 3, 2001 meeting.

John Murdock, Hunters Crossing, stated he was alarmed at the decision to buffer the area with condominiums. He and other residents in Hunters Crossing chose the area because of its rural location. He also stated that growth was anticipated but he thinks single family homes would be a better alternative.

Amy Jensen, 658 South 1850 East, stated that she appreciated the opportunity to serve on the 2000 East committee. Ms. Jensen's main concerns were public safety since 750 South would be a major collector of traffic and also a divider between commercial and residential areas.

Penelope _____, 750 South 1450 East, also stated her concerns with 750 South being a major collector. The area already has several difficult intersections. Also, she felt she should have been contacted concerning the zone change request since the changes will affect her.

Shannon Russell, 2307 East 1035 South, stated she moved from Provo to get away from the city atmosphere and agrees with Mr. Murdock. She is opposed to the re-zone.

Patience Bernards, 667 South Birch, stated she would like to see Spanish Fork remain a small community and questioned the need for more commercial areas.

Audra Thorpe lives on the west side of town but would still like to see Spanish Fork remain a small community for safety reasons and she does not believe the businesses are needed.

Rick Scott, 1150 East, feels there is traffic relief needed for future growth and since 1150 East is the only main access he feels this plan is a poor traffic design.

Karen Payne stated that she feels this re-zone request needs to be seen as a future plan to protect land 20 years down the road and to remember that this is not an immediate plan. Creating a vision could prevent condemnation of homes and disruption of families in the future when Highway 6 is connected. She recognized that the 2000 East Committee was made up of people of different ages, ideas, and backgrounds with different attitudes and visions and we need to think 15, 20, even 25 years in the future.

Donald Nay, 714 South 1450 East, questioned Mr. Pierson as to whether 500 and 600 South would be extended.

Richard Heap, City Engineer, stated the extension of 500 South or 600 South was not in the projected plan. This only deals with the major collector roads.

Mr. Nay stated he agrees we need commercial areas but feels that there are other alternatives. He also stated a large group of residents in the area strongly oppose the East Bench Commercial area, especially being combined with residential areas. He stated one of his biggest concerns was on 750 East and Canyon Road and feels there should be stipulations on 750 East if the zone change is approved.

Bryan Jex, 1124 South 1100 East, said he feels the ditch is a natural buffer in this area and some kind of buffer is needed between the two areas.

Kevin Baadsgaard, Planning Commission Chairman from Leland, stated there is a general plan in place and we need to envision the future. He is in favor of commercial areas as long as the requested zoning is strict as to what can be placed in these areas. He feels if this area is designated commercial now, in the future this could help as far as where residents may choose to build homes and will leave options for area developers. He hopes everyone will have a vision of what was intended and look at a common good for everyone. He recommends the city council pass the motion for a zone change at 2000 East.

Carl Bowcut, 2110 East 750 South, stated he was also on the 2000 East Committee. His concerns are ways to manage size and type of businesses intended, the road change on the Luella Farnsworth

property, and forming a development committee to iron out issues so that this would not be a free-for-all for developers.

Mr. Pierson read letters from Carolyn Corsey at Hunters Crossing, Gabriel Heyn at 2333 East 1035 South, and John Russell who are opposed to this zone change.

Luella Farnsworth, 2210 East 750 South, stated she is also concerned with traffic in this area.

Utah Department of Transportation studies were presented on traffic lights for 2550 East.

Councilmember Shepherd made a **motion** to exit the public hearing portion of the meeting. Councilmember Johns **seconded**, the motion **passed** with a unanimous vote, and public hearing was closed at 8:07 p.m.

Councilmember James stated he understands the road is a major issue and assures residents this is a problem that can be corrected. He also agrees the traffic problem needs to be addressed. He made a point that the population of the city could double in the future and in order for the city to provide the services required it needs a source of income to support these services. He stated his main concern is safety and the welfare of the people.

Councilmember Kelepolo reiterated the need to facilitate a plan for future growth. He feels planning for proper growth and management now could prevent a larger problem in the future.

Councilmember Johns, who is also a member of the planning commission, stated they discussed many ways that could work for everyone. Commercial areas are needed for a tax base.

Councilmember Shepherd stated she understands this is a big decision, growth needs to be accepted, and everyone needs to work together to make this an easier alternative.

Councilmember Huff stated no one doubts the future growth of Spanish Fork and we need to be very careful in looking down the road for the future. He stated the tax base is a necessity. He has no reservations and feels that the 2000 East committee has done their homework.

Councilmember Kelepolo made a **motion** to adopt the 2000 East zone change from R-R, Rural Residential to UV-C, Urban Village Commercial R-1-8, Medium Residential and R-3, High Residential by ordinance. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Fire and Ambulance Retirement Ordinance Amendment

Mr. Rosenbaum presented the fire and ambulance retirement ordinance amendment. In order to qualify to receive the retirement benefits as provided, a firefighter or ambulance crew member shall have 20 years of service and be at least 62 years of age. The current amount of the monthly retirement at 62 years of age is \$75.00 per month. Chief Rosenbaum requested the retirement benefit provided to each

qualified firefighter or ambulance crew member shall be in the amount of \$75.00 per month through December 2001. Commencing January 2002, the monthly amount shall increase to \$77.50 and shall increase in January each year thereafter by the monthly amount of \$2.50 for a period of ten years, until the retirement benefit reaches \$100.00 per month. A discussion took place on the change in the ordinance.

Councilmember James requested as a recipient of the benefit he be excluded from the vote.

Councilmember Huff made a **motion** to approve the Fire and Ambulance Retirement Ordinance Amendment as presented. Councilmember Shepherd **seconded** the motion and it **passed** with a unanimous vote. Councilmember James abstained from the vote.
from the vote.

Project Change Order - North Main Pressurized Irrigation Project

Mr. Heap requested a project change order for Christensen Brothers Construction on the north main pressurized irrigation project. Mr. Heap presented the city council with the information as to why the change order was requested which was extenuating circumstances that were not foreseeable.

Mr. James questioned why the contractor does not have an allowance for such problems.

Mr. Heap stated that this was not something that could have been anticipated. A discussion took place between councilmembers and Mr. Heap.

Councilmember Kelepolo made a **motion** to approve the project change order for the north main pressurized irrigation project. Councilmember Shepherd **seconded** and the motion **passed** with a majority vote. Councilmembers Johns and James abstained from the vote..

Front End Loader Bid

Mr. Clark presented a request for a new front end loader. He presented the council with copies of the bids from Scott Machinery and Wheeler Machine. The bids were reviewed and a discussion took place concerning options of leasing or buying the equipment.

Councilmember Huff made a **motion** to approve the bid in the amount of \$107,732.00 received from Scott Machine. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Connector's Agreement - Matthews Assisted Living Center

Mr. Baker presented a connectors agreement between Spanish Fork City and Matthews Assisted Living Center, Inc. Whereas, Matthews, at its expense, will install 330 feet of twelve inch water line, 330 feet of ten inch pressure irrigation line, 330 feet of eight inch sewer line with manholes, 330 feet of eighteen inch storm drain line, and 330 feet of underground electrical line in order to develop its

property; and whereas, the cost of the water line is \$7730.00, the cost of the pressure irrigation line is \$6057.00, the cost of the sewer line is \$9154.00, and the cost of the electrical line is \$10,399.00 and whereas the city has determined that it is just and proper if the owners of the properties fronting these lines develop within ten years from the date of November 21, 2000, that Matthews should be reimbursed the pro-rata share of the cost of these lines. Now therefore, in consideration of the payment of \$10.00 by Matthews to city, city agrees:

1. That it will require the payment of the pro-rata cost of the utility lines defined herein as condition of permitting the owners of property fronting lines to connect into the lines described herein.
2. That the amount to connect to the water line is \$11.71 per front foot of property developed.
3. That the amount to connect to the pressure irrigation line is \$9.18 per front foot of property developed.
4. That the amount to connect to the sewer line is \$13.87 per front foot of property developed.
5. That the amount to connect to the electric line is \$15.76 per front foot of property developed.
6. That payment of the sums mentioned in the preceding paragraphs shall be without interest.
7. That if connections are made after ten years from the date of installation, there shall be no payments made as a precondition of connections.
8. That upon receipt of such sum (if said sum is ever paid to the City,) City agrees to remit the said sum to Matthews or its assignees.
9. The parties agree that City has the right to determine and apportion the cost for connection.
10. Matthews shall be responsible to inform the City to assess the connection fee if it notices the intent, need or attempt to connect the line.
11. City shall not be liable to Matthews for failure to collect the fee required by the agreement, unless the failure to collect is due solely to intentional misconduct.

Councilmember James made a **motion** to pass the connectors agreement with Matthews Assisted Living Center. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

ADL Agreement - Western Distribution

Mr. Baker presented an ADL agreement for Western Distribution and reviewed the terms of the agreement and final payment. The developer agrees to pay the Agency the sum of Two Hundred Fifty Thousand Dollars (\$250,000) within thirty (30) days after the Agency and the city have approved this Agreement and have fully executed and acknowledged counterparts of this Agreement. He also reviewed releases. Each party hereby releases each other party, and the officers, directors, members, officials, employees, consultants and agents of each other party, from all claims, liabilities, damages, costs and expenses arising under or in connection with the ADL agreement.

Councilmember Huff made a **motion** to accept the terms of the ADL agreement for Western Distribution. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Mr. Oyler presented RDA warrants for September and October 2001 legal bills in the amount of \$1633.37.

Councilmember Huff made a **motion** to accept the amount of \$1633.37 billed for RDA warrants for September and October 2001. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Johns made a **motion** to adjourn from the regular session of Spanish Fork City Council meeting. Councilmember Shepherd **seconded**, the motion **passed** with a unanimous vote and the meeting was adjourned.

Councilmember Shepherd made a **motion** to move to executive session of Spanish Fork City Council meeting. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Connie Swain, Deputy Recorder

Approved: January 8, 2002