

Adopted Minutes
Spanish Fork City Council Meeting
December 4, 2001

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. Councilmember Shepherd offered a prayer. At 7 pm the pledge of allegiance was led by Councilmember 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: Dave Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Kent R. Clark, Finance Director/Recorder; S. Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Nate Crow, GIS Specialist; and Connie Swain, Deputy Recorder.

Citizens Present: Paul Christensen, Councilmember-Elect; Les Allen, Roger Hardy, *Deseret News*; Janice Nielsen, *Spanish Fork Press*.

Minutes

Councilmember Kelepolo made a **motion** to approve the minutes of the November 20, 2001 meeting of the Spanish Fork City Council with changes as noted. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Employee of the Quarter

Mayor Barney and the City Council presented Mr. Kelly Peterson with the employee of the 3rd quarter award. Mr. Peterson is presently a journeyline worker and has worked for Spanish Fork City since 1986. He was commended for his excellent work.

Public Hearing - Consider Adoption of the 2900 East Canyon Road Zone Change from R-R, Rural Residential to R-2, Medium Urban Residential - Ordinance Z07-01.

Councilmember Huff made a **motion** to open the public hearing at 7:05 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the procedures for the public hearing.

Mr. Crow reviewed the zone change request by Dos Amigos/Nielson at 2900 East between Canyon Road and Highway 6. The request is to change the approximately 26 acres from R-R to R-2. The general plan supports the requested zone change and shows five to eight units per acre. The Spanish Fork City Development Review Committee met on September 26, 2001 and recommended approval of

the 2900 East Canyon Road zone change request with the condition that the developer understand the utility restriction in place. The Spanish Fork City Planning Commission also met and recommended the approval of the 2900 East Canyon Road zone change.

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

Councilmember Huff asked how Spanish Fork Ranch influenced the zone change request. Mr. Crow stated Spanish Fork City has had a building moratorium in place for over one year. This zone change will allow the 62 units approved in Spanish Fork Ranch to be transferred to 2900 East Canyon Road. Mr. Baker stated the water, sewer, and electric capacity allows Spanish Fork to pick up the 62 units previously approved. Also, Mr. Allen will pay the costs to move the Spanish Fork Ranch homes to Whispering Willow. This will be a positive solution for Spanish Fork City, the owners of Whispering Willow, the residents of Spanish Fork Ranch and Mr. Allen.

Councilmember Kelepolo asked how this development would affect traffic flow. Mr. Heap stated the development will have only two entrances onto Canyon Road, which is designed to handle additional traffic. Utah Department of Transportation completed a study at 2550 East and Highway 6 and the area just missed the requirements for a light. Next spring it will most likely meet UDOT'S requirements.

Councilmember Kelepolo asked how the ditch flow will be addressed. Mr. Heap stated the East Bench Canal Company is discussing options and flow requirements. East bench will need to sign off on the plans concerning the ditch before the development will proceed.

Councilmember Kelepolo made a **motion** to approve Ordinance Z07-01: 2900 East Canyon Road, Dos Amigos/Nielson re-zone request from R-R to R-2, subject to allowing the developer to build only 62 units. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Johns made a **motion** to move out of public hearing and into regular council meeting agenda. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Swiss Mountain Village Preliminary Plat - 3000 East Canyon Road

Mr. Crow began the discussion by reviewing the duties of the homeowners association of the proposed Swiss Mountain Village. Mr. Allen stated the target market will be small families, single parents with children, part-time, professionals without time for yard maintenance, and older couples. The grounds will be professionally maintained. Mr. Allen will be required to maintain the grounds until such time as the required percentage of units have sold which should be approximately four years, at which time the homeowners association will assume responsibility. Councilmember James suggested landscaping along Canyon Road be completed with materials that would require little or no water. Mr. Allen is open to suggestions concerning landscaping.

Mr. Huff made a **motion** to approve the Swiss Mountain Village Preliminary Plat at 3000 East Canyon

Road subject to the sixteen conditions set forth by the Development Review Committee and Planning Commission as follows:

1. Only 62 units in Phase I are approved at this time and a note shall be placed on the plat stating the preliminary plat approval is limited to 62 units until infrastructure capacities for power, water and sewer have been resolved;
2. Install black fluted street lights along Canyon Road;
3. Provide additional parking with the approval of the Engineer and the Planning Director;
4. Meet electric standards per the electric department (Mr. Foster);
5. All streets in the development are to be private and 26 feet in width;
6. The development must meet what is shown in the packet: covered parking, park with playground and basketball court, pavilion, etc;
7. Swiss Mountain Village (Cantabury Court) is to be a private residential development with private streets maintained by Swiss Mountain Village (Cantabury Court) homeowners association;
8. Pressurized Irrigation is to be installed as approved by the Engineering Department;
9. Sewer will be private and maintained by Swiss Mountain Village (Cantabury Court) homeowners association;
10. Receive approval by East Bench Irrigation Company for piping or abandonment of canal;
11. Receive approval from Utah Department of Transportation for Canyon Road and Highway 6;
12. The 62 units are contingent upon the payment of up to \$100,000 to Spanish Fork City for the costs of moving the eight manufactured homes;
13. Decorative lighting will be installed throughout the subdivision with the City's upgraded street lights;
14. The development must meet all current Construction and Development Standards;
15. The CC&R's must be approved by the Planning Director and by the City Attorney;
16. Dos Amigos/Nielson will be required to sign off on all single family and multi-family plans.

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

Ordinance 12-01: Historic Preservation

Mr. Baker stated this ordinance came about when a couple wanted to purchase an old home to renovate and to use as a restaurant, however, because of the building codes they could not. A committee was created to gather information. Based on collected information, the ordinance follows State Historical Society recommendations, but does not create historic districts; rather, the City will handle each building separately. Members of the Historic Preservation Committee will to serve two terms [with five years each.] The board will consist five members. In the beginning the members will serve for one, two, three, four or five years with one member being replaced each year. Mr. Baker reviewed the duties and obligations of the committee, and the requirements for buildings to qualify for historic preservation.

Mayor Barney expressed concerns for a new owner of a historic building. Could a new owner demolish the building? Mr. Baker stated the new owner could not demolish the building without first coming

before the Historic Preservation Committee to seek permission to demolish. There would be a thirty day delay and the committee would then make recommendations to the city council. The same applies when the owner of a historic building wants to change the inside or outside of a building.

Councilmember Shepherd asked if a member of the city council will be on the committee. Mr. Baker stated it could be made part of the ordinance if the city council feels there should always be a Councilmember on the committee. Councilmember Shepherd felt it would be more consistent with requirements for other city committees. Councilmember Huff agreed.

Mr. Baker feels preservation is the most important issue connected with this ordinance. This ordinance will encourage property owners to take an active part in the process of qualifying buildings for historic preservation.

Councilmember Kelepolo made a **motion** to approve the Ordinance 12-01: Historic Preservation, with the necessary changes as previously noted and to insert on page four, last paragraph, "one of whom shall be a Councilmember". Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Adjournment

Councilmember Shepherd made a **motion** to adjourn the meeting of the Spanish Fork City Council at 7:55 pm. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Connie Swain, Deputy Recorder

Approved: December 11, 2001