

Adopted Minutes
Spanish Fork City Council Meeting
March 4, 2003

The meeting was called to order at 6:00 pm by Mayor Dale R. Barney for a preliminary review of the agenda, Councilmember James offered a prayer. The pledge of allegiance was led by Councilmember Huff.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Everett Kelepolo, Glenn A. James, Roy L. Johns, and Paul M. Christensen.

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; MaryClare Maslyn, Assistant City Manager; Kent Clark, Finance Director/Recorder; Richard Heap, Engineering and Public Works Director; Dee Rosenbaum, Public Safety Director; Emil Pierson, Planning Director; Kenneth Green, Utility Technician; David Peay, Utility Technician; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Rodger Hardy, *Deseret News*, Phil Carrol, *Community Housing Services*, Jason Rucker, Jared Elliott, Garrett Elliott, Clint Weight, Chris Baert, Kerry Crandell, Brett Miller, Chane Rasmussen, Zac Lewis, Tyler Kelly, Robert Howard, Eric Baum, Keri Andrus, Brian Andrus, David Hutchings, Elizabeth Binks, Tony Lewis, Scott Grow, Janeen Thomas, Phil Thomas, Chris Salisbury, Jolyne Beagley, Scott Beagley, Jason Warner, Jed Webb, Spencer Thomas, Dustin Davies, Jeb Clark, G. Richard Judd, Judi Judd, Jentry Youd, Dave Beagley, Brady Shepherd, Michael Collett, Steve Jensen, Gatlin Gardiner, Adam Bracken, Ryan Daknis, Layne Shepherd, Trevor Brindley, Chris Twitty, Wade Dudley, Kris Dudley, Craig Mortenson, Noelle Mortenson, Stephanie Hughes, Todd Stewart, Patty Esch, Brett Esch, Dennis L. Paxman, Tiffany Pickett, Chad Lindholm, Chelsea Argyle, Matthew Shockley, Jenna Giles, Matt Giles, Linda Voss, Stacy Beck, Kathleen Koyle, Todd Bramall, G. Wade Dudley, Kris Dudley, and Beth Pearson.

Minutes

Councilmember Kelepolo made a **motion** to approve the minutes of the February 18, 2003, city council meeting with changes as noted. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Mayoral Proclamation Honoring G. Richard Judd

Mayor Barney introduced G. Richard Judd. Mr. Judd is responsible for maintaining low electrical rates while many other area rates increased dramatically. He is one of the best men the Mayor has met. Mayor Barney read the Mayoral Proclamation Honoring Mr. Judd for his service. Mr. Judd was given a round of applause and Mayor Barney presented him with the Mayoral Proclamation.

Mr. Judd thanked city council for the opportunity to serve the community.

Spanish Fork High School Wrestling Team - State Championship

Councilmember Kelepolo said on February 14th the Spanish Fork High School Wrestling Team received 1st Place in the Utah State Championship. He recognized their efforts and expressed his appreciation to them for representing our community. Councilmember Kelepolo read the names of each of the team members and coaches. The team and coaches were given a round of applause.

Mayor Barney thanked the team for representing our community.

Layne Shepherd stated he was thankful for the opportunity to work with the young men on the High School wrestling team.

Employee of the Fourth Quarter 2002 - Kenneth Green

Mayor Barney introduced Kenneth Green, who has been employed by Spanish Fork City for 39 years, and Mr. Green will be retiring soon. Mr. Green was nominated by his peers to receive the employee of the quarter award. Mayor Barney thanked Mr. Green for his service to the city and presented Mr. Green with a certificate and a gift from the city. Mr. Green was given a round of applause

Mr. Green said he appreciated the work Spanish Fork City provided and the fellowship with city employees throughout the years.

Councilmember Christensen said Mr. Green has provided a great service to the community and has been an asset to the city for many years.

Agenda Request - Stephanie Hughes - Presentation of the 4-H Program

Mayor Barney introduced Stephanie Hughes. She filed an agenda request to appear before city council and give a 4-H Program presentation.

Ms. Hughes said the presentation is part of her State Project for 4-H. She is meeting with the city councils in the area to help make them aware of the 4-H Program.

Ms. Hughes's younger brother said he likes 4-H because he can spend time with his dad making things.

Ms. Hughes played a video of the 4-H program explaining the benefits to the community and individuals involved in the program. She reviewed the local sponsors for the 4-H and other programs.

Mayor Barney thanked Ms. Hughes for her time. He said the 4-H program is important to the community. Several of his own children benefitted from participating in the 4-H Program.

Councilmember Kelepolo made a **motion** to move into the public hearing portion of city council meeting. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Rock Cove - Amended Final Plat - Canyon Road and 2300 East

Mayor Barney reviewed the procedures for a public hearing.

Mr. Pierson reviewed the Rock Cove Amended Final Plat requested by Salisbury Development to adjust the utility easements from 10 feet to 5 feet on lots 12-27. At the time the original plat was approved the property was planned for twin homes. With a new proposal the set backs will be reduced and single family homes will be built. The Development Review Committee and the Planning Commission have reviewed the request and both recommend approval of the final plat.

Mayor Barney opened the meeting for public comment. None was given. Mayor Barney closed the public input portion of the meeting and open the meeting for city council discussion.

Councilmember Huff asked if the amendment changes the density.

Mr. Pierson said exchanging twin homes for single family homes will not change the density.

Councilmember Johns made a **motion** to approve the Rock Cove Amended Final Plat at Canyon Road and 2300 East as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Community Housing Services and Michael Gardner Rezone Request - 1400 East 1495 South - R-R to R-1-12

Mayor Barney reminded the public of the public hearing procedures.

Mr. Pierson reviewed the Rezone request submitted by the Community Housing Service and Michael Gardner to Rezone the property at 1400 East 1495 South from Rural Residential (R-R) to Low Urban Residential (R-1-12). This property consists of 1.41 acres and in the future the applicant would like to construct a Senior Housing Development at this location. Mr. Pierson reviewed each of the surrounding zones and said the Rezone request meets the policy requirements of the General Plan. According to the Zoning Ordinance this area meets the Rezone requirements. Mr. Pierson reviewed the permitted uses and conditional uses contained in the Zoning Ordinance. Mr. Pierson presented pictures of the area and the proposed building.

Mayor Barney opened the meeting for public comment.

Eric Baum, 1219 East 1400 South, said his concern is precedence setting when zones are changed and he chose the home he is in because it was zoned as residential. When change zones start what will happen to the zones for the several empty fields in the area.

Brian Andrus, 1341 East 1440 South, said he is concerned the area will have increased traffic for

the school crossing and we will have more similar developments in the area. There will be 41 units verses maybe six homes. There is no crosswalk there right now to the school. There are no homes in the area with siding. Who will monitor the residents in the facility?

Carrie Andrus, 1341 East 1440 South, said she lived in town homes for six years and she has enjoyed the single family homes, privacy, and peaceful neighborhood. Increased density is a concern to her.

Stacie Beck said she is concerned with Rezoning and has lived in apartments for many years and does not want to be near apartments. Since they have built their current home, twin homes have surrounded them.

Elizabeth Binks, 1392 East 1360 South, proposed tabling the project to allow time to determine the effect this complex would have on property values. Let the Planning Commission research the effects on the surrounding community. She called several cities asking if they have similar projects. In Payson there is one and it is in a commercial zone giving residents access to services. In the proposed area there are no commercial services. She also said in other cities these type of facilities are near services.

Tony Lewis, 1498 South 1170 East, asked why elderly resident would want to live next to a elementary school? He said he and his wife stretched to purchase their home because of the surrounding residential homes. He feels it will effect all of the surrounding homeowner's property values.

Chris Twitty, 1424 East 1240 South, said he has a new home under construction in the area. They researched the area, reviewed the maps, and zones before purchasing his home. He objects to the zone change. Mr. Twitty said in searching the City Council meeting minutes on the internet he found an entry when Mr. Carrol said he would like to locate the facility as near to sidewalks and amenities as possible. Mr. Twitty said this area does not apply and also traffic is a problem already. How will transportation be provided for the residents of the facility? The size of the building is much larger than the surrounding buildings. Mr. Twitty presented pictures of the area. He asked who will maintain the facility?

G. Wade Dudley, 1368 East 1440 South, said he purchased his home because of the neighborhood. The facility will ruin the neighborhood and he is concerned with traffic and children going to school. He is also concerned with transportation. Mr. Carrol said 20 percent of the residents will have cars. Mr. Dudley said 100 percent of them will need to shop.

Kris Dudley, 1368 East 1440 South, said the community as a whole is against the project.

Todd Stewart, 1757 South 1520 East, said he agrees with all that has been said. He has a child walking from Aspen Meadows and is concerned with the increased density around the school.

Dave Hutchings, 1515 South 1170 East, said he agrees with all that has been said. He has been happy with the single family homes in the area. There are no sidewalks in the area yet in front of

Mr. Gardner's home. He asked if Mr. Gardner is planning on staying in the area?

Patty Esch, 1438 South 1400 East, said they just bought the home across the street from the proposed facility. She said marketability is a problem since she owns one of the largest homes in the area and it will make it impossible to sell her home. She suggested Canyon Road would be a better location.

Tiffany Pickett, 1246 East 5120 South, said even though the Fox Run neighborhood is zoned R-1-12 the area is filled with single family homes. The traffic causes a risk to children. The proposed facility should be near services and amenities.

Craig Mortenson, 1469 South 1580 East, said he looked at a proposed plan for the Fox Run area and bought his lot due to the proposed plan. There would only be eight houses on that street. The new proposed plan will increase traffic in front of his home.

Chad Lindholm, 1154 East 1400 South, said on the website zoning page says the General Plan keeps types and similar units in the same area. We are going against what is presented to people coming to our community. The Master Plan is in place and current residents did research before coming here.

Linda Voss, 1162 South 1700 East, said she was not well informed concerning the meeting. She sees red flags all over the place. Thirty feet to the midpoint or 31 feet to the peak (Mr. Pierson said it will not be higher than 31 feet to the peak.) Will the facility be sold to someone else and who will care for the property and who will live there in the future?

Beth Pierson, 1692 East 1000 South, said she is concerned with the overall safety of the children in the area. Elderly drivers and teenage drivers do not have the reflexes needed. She is also concerned with the future use of the facility. The Gardners, owners of the property, will be leaving the area.

Todd Bramall, said he runs a nursing home in Utah County and he said there is a moratorium on elderly housing right now since there are too many homes. The current facilities are suffering financially. One in the area is for sale and two others are coming up for sale. A parking stall is required for each person in the unit. They are not meeting those requirements. If this facility fails it could become a mental health facility or other type of facility.

Kathleen Koyle, local real estate agent, said she has recently built and sold homes to customers in the area and will be continuing to sell homes in this area. She asked members of the Planning Commission, Development Review Committee, or city council to go look at similar facilities and view the impact they have on the areas they are in. Who determines the age limit of the residents and who will enforce the limits? If the facility is not filled who will determine how it can be filled? She is concerned that there has not been enough study on the impact to the area.

Dennis Paxman asked if the property will be tax exempt? He would like to see the facility taxed.

Mr. Phil Carrol, Community Housing Service, said Community Housing Service of Utah is a

nonprofit organization providing housing of seniors of limited means. Therefore, the property would be tax exempt under Utah Law. Community Housing Service has applied for a grant. The property will have no mortgage. There will be a 40 year use restricting. The age limit is 61 or over and cannot be changed. Because there will be no mortgage the units will remain empty until residents are found. Approximately 40 to 50 percent of residents will have a car. The possible tenants are screened for background. This property will become an asset to the community. They will complete the sidewalks in the area.

Mayor Barney closed the public input portion of the meeting and opened the meeting for city council discussion.

Mayor Barney said city council members have received the petition and the letters from residents in the area of the property being discussed.

Councilmember Kelepolo asked Mr. Pierson how many units are currently in the Hearthstone Manor.

Mr. Pierson said 34 units were approved in Hearthstone and the facility was classified under “nursing retirement homes”.

Councilmember Johns asked Mr. Carrol if Community Housing Service searched for other possible locations.

Mr. Carrol said there are other options, however, they are not available at this time or not as appealing.

Councilmember Huff said the decision being considered tonight is the property Rezone request only. The Public Hearing scheduled is not a development issue.

Mr. Pierson concurred. The only purpose of the meeting tonight, in respect to this property, is the Rezone request. The city council is to determine if the Rezone requested meets the General Plan.

Councilmember Christensen said he drove through the area and counted approximately 100 homes. He saw several twin homes in the area. He said he understands the concerns of the residents and said he is elderly himself.

Councilmember Huff said his son lives in the area and he has watched the development of the area. The Planning Commission, Development Review Committee, and city council have watched the area closely and know what is going on. He asked Mr. Pierson if the proposed facility is being considered under conditional use permit number six.

Mr. Pierson said the proposed facility would be a conditional use and would go before Planning Commission for approval and condition requirements.

Councilmember Kelepolo asked Mr. Pierson to again review the surrounding zones.

Mr. Pierson reviewed the surrounding zones.

Mayor Barney asked if city council denies the Rezone request are we liable for legal action.

Mr. Baker said no, the city would not be liable at this time, however the city council cannot hold a Rezone indefinitely. When the Zone change takes place this type of facility could still be approved. This is a Rezone request only and has nothing to do with the potential development of the property. If the Rezone request is approved there will be a conditional use public hearing at that time.

Councilmember James said most of the concerns are with the development of the property. The only request before city council is the Rezone request. The issues of development will be reviewed at a later date.

Mayor Barney said there are no recommendations from the Planning Commission or Development Review Committee since the only request at this time is concerning the Rezone.

Mr. Pierson said the area could be Rezoned R-1-9 or R-1-12. Eventually the city council will need to address the zoning of the property.

Councilmember Kelepolo said after examining other cities we have included multiple types of housing in the area.

Councilmember Johns said you could require Mr. Gardner to Rezone his entire property to R-1-12. This would allow for larger homes and lots.

Mr. Pierson said the only difference between R-1-12 or R-1-9 zones will be the size of the lots in the zones. The uses in either zone are exactly the same.

Councilmember Kelepolo said either zone could be requested.

Councilmember James asked how will we provide access in and out of Mr. Gardner's property to the East.

Mr. Pierson said there are two layouts for the property to the East with two different traffic flows.

Mr. Pierson said twin homes are allowed in master plan developments. The structures could have been town homes or 12 plexes. The developer chose twin homes to meet the density available.

Councilmember Kelepolo made a **motion** to approve the Rezone request by Community Housing Service and Michael Gardner to Rezone the property at 1400 East 1495 South from Rural Residential (R-R) to Low Urban Residential (R-1-12). Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Huff made a **motion** to close the public hearing portion of the meeting and open the regular session of city council meeting. Councilmember James **seconded**, and the motion

passed with a unanimous vote.

Davencourt Amended Preliminary Plat

Mr. Pierson said this is a request from Steve Maddox to amend the Davencourt Preliminary Plat located at 500 North Highway 51. When the project was originally approved it consisted of 30 units. Mr. Maddox is proposing to move the units around without exceeding the 30 unit limit. Development Review Committee reviewed the request and required him to contact Questar Gas Company to address any problems with the new gas line soon to be installed. Davencourt project supports the development as presented.

Councilmember Johns asked Mr. Maddox if the units to the South were sold.

Mr. Maddox said all units have been sold. He said the existing area will be fenced and brought to look new. He meet with Questar Gas as directed by the Development Review Committee and Questar will be renting property near the railroad tracks as a holding area for equipment and will be out of the area by June, 2003. Mr. Maddox said he postpone putting in amenities until June to allow Questar Gas to temporarily lease an area until the new gas line is in.

Mr. Pierson said there will be several multi-unit developments in this area in the near future. He reviewed several of the planned projects.

Councilmember Kelepolo said he is concerned with many multi-unit facilities in the same area.

Mr. Pierson said the projects follow the General Plan and due to the fact the property is near the railroad tracks and Highway 51 it is difficult to offer single family homes in the area.

Councilmember Kelepolo asked how many traffic outlets are on the complex.

Mr. Pierson said there are two exit points from the area onto Highway 51.

Councilmember Johns made a **motion** to approve the Davencourt Amended Preliminary Plat as presented on the following conditions (s):

1. Contact Questar Gas, and,
2. Develop landscaping as approved by the Shade Tree Commission.

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

South Utah Valley Animal Services Special Service District Board Appointment

Mayor Barney recommended the appointment of Mark Byers to serve on the South Utah Valley Animal Services Special Service District Board.

Councilmember Huff made a **motion** to approve the appointment of Mark Byers to serve on the South Utah Valley Animal Services Special Service District Board. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Spanish Fork City Network New Cable TV Channel Line-up

Mr. Clark said there are a couple of changes to the Spanish Fork City Network channel line-up. Residents have received notification with their city bills. There will be 22 channels added to the digital premium package. We have purchased packages through Hits and purchased suite packages with respect to movie channels. The costs are slightly higher but we will not raise rates. Also, the Speed channel will be added to the expanded basic package.

Other Business

Councilmember Christensen asked who films channel 16 and if it would be possible to cover some of the things going on in the community to inform the public. A brief discussion took place.

Adjournment into Executive Session

Councilmember Huff made a **motion** to adjourn from the regular session of city council meeting and into the Executive Session of the meeting. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote. The regular session adjourned at 8:18 pm.

Approved: March 18, 2003

Connie Swain, Deputy Recorder