

Adopted Minutes
Spanish Fork City Council Meeting
November 4, 2003

The meeting was called to order at 6:00 pm by Mayor Dale R. Barney. The pledge of allegiance was led by Mr. Chamber.

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; Dee Rosenbaum, Public Safety Director; Chris Thompson, Design Engineer; Kent Clark, Recorder/Finance Director; Morgan Warner, Police Sargent; Steven Adams, Police Lieutenant; John Jackson, Patrol Officer; Phillip Nielsen, Patrol Officer; Jill Thorpe, Police Secretary; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Robert J. Pittelli, Donya Taylor, Trent Taylor, Amberlie Talbot, Andy VanAusdal, Jill Cluff, Evan Rees, Kirk Humphreys, Cory Price, Terry Price, Richard A. Evans, Brenda Evans, Tanner Barney, Kim Hurst, Courtney Hawk, Terry Harward, Brent Tischner, Mike Morley, David Olson, Ray Swenson, Carol Swenson, Carolyn Judd, Janalee Brinkerhoff, Andrea Allen, Benjamin Black, Jerry Black, Ted Livingston, Diana Butler, Patricia Horton, Neil Horton, Denise Irwin, Ruth Cardon, Ross Johnson, Nancy Johnson, David Cloward, Frank Santos, Robert Gould, Allen Vincent, Karen Vincent, Dave Adams, and Tiana Boggs.

Minutes

Councilmember James made a **motion** to approve the minutes of the October 21, 2003, city council meeting with changes as noted. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Senior

Mr. Norman Smith presented an update of the Retired Senior Volunteer Program sponsored by Mountainland Association of Governments. Last year volunteers contributed 14,000 hours of service in our community.

Mayor Barney said the volunteer efforts help make Spanish Fork a great city.

Nebo School District

Mayor Barney said the School District requested to reschedule their presentation to allow the city council additional time to conduct the public hearings on the agenda.

Councilmember Huff made a **motion** to table the Nebo School District presentation. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

The Nebo School District presentation has been rescheduled for the city council meeting on December 2, 2003.

Agenda Request - Brent Tischner - Christmas Candles at the Cemetery

Mr. Brent Tischner said for past three years Salem City has been participating in a new tradition of candles at the cemetery on Christmas Eve. The tradition has been extremely well attended and heart felt. Residents of Spanish Fork have approached Mr. Tischner and requested to include Spanish Fork in the event. The press has agreed to advertise the event to help notify residents.

Councilmember Christensen said he joined Salem City and participated in the event on two occasions and he said it is worthwhile opportunity.

Councilmember Huff asked if there is a fire danger with the paper bags and candles.

Mr. Tischner said a few bags caught fire, however, there have never been any fire problems since the bags are at the road's edge and there is no place for the fire to grow.

Councilmember Johns made a **motion** to adopt the request to implement the Christmas Candles at the Cemetery tradition between dusk and midnight on Christmas Eve. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Introduction of Marshall Memorial Fellows

Mayor Bamey asked each of the German Marshall Fellows to introduce themselves.

Eniko Bothova from Slovakia, Myriam Sahraoui from The Netherlands, Constantin Trofin from Romania, Christos Varakis from Greece, Jose Carvalho from Portugal, and Stephen Dorgerloh from German, each stood and reviewed their backgrounds and thanked Mayor Barney, staff, and their host farm families for their hospitality and visit to Utah.

Public Hearing - Hawklanding Rezone

Councilmember Huff made a **motion** to move into the public hearing Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Mayor reviewed the procedures for a public hearing.

Mr. Pierson reviewed the request by William and Glenda Lewis to rezone approximately 1.73 acres from Very Low Urban Residential (R-1-30) to Medium Urban Residential (R-1-8). If approved, the developer would like to divide the property into 7 building lots. Mr. Pierson said the Development Review Committee and Planning Commission recommend approval of the

rezone with one condition.

Mayor Barney opened the meeting for public comment.

Diana Butler requested the rezone approval also include a requirement to finish fencing the property line between developments since there are different zones and housing. She also requested 6 building lots and not 7.

Councilmember Christensen asked what type of fencing exists at this time.

Mrs. Butler said a portion is chainlink, a portion is vinyl fencing, and a portion is stone.

Mayor Barney closed the public comment portion of the issue and opened the meeting for discussion by the city council.

Councilmember Kelepolo asked which structures will remain on the property.

Mr. Pierson said some out buildings will remain and some will be removed. More information will be presented concerning the structures on the property when the subdivision is approved.

Councilmember Huff asked if conditions can be required with the rezone approval.

Mr. Pierson said the city council can require conditions with the rezone approval.

Mr. Baker said the city council has broad discretion within the bounds of the law. He said this will be a zoning issue and staff can recommend imposing a fence but he does not think it can be a requirement.

Councilmember Christensen asked who installed the existing fencing.

Mrs. Butler reviewed the owners of the existing fencing.

Councilmember Kelepolo asked Mrs. Butler how many units she recommended.

Mrs. Butler said she recommends six units.

Councilmember Kelepolo asked if the homes near Canyon Road will face 2300 East.

Mr. Pierson said the homes will be required to have side entry garages with T driveways to allow vehicles to turn and face the roadway prior to access rather than backing into the roadway.

Councilmember Huff said he is still not satisfied with the time conditions can be placed on the property.

Mr. Baker said he does not feel comfortable imposing conditions on the property at this time.

Mr. Pierson said if the city council feels there will be an adverse impact on a neighboring development they can impose conditions upon the property with the rezone. 17.12.70 (C)

Mr. Baker said the city council must decide what is an adverse impact and he still does not feel confident that it does.

Councilmember Johns said currently the area has animal rights. Would they still have animal rights?

Mr. Pierson said animals, other than domestic animals, are allowed only if the property is one half acre or more.

Councilmember Huff said he finds it difficult to understand an adverse impact simply because a property owner wants a fence.

Mr. Pierson said it depends on what is considered an adverse impact.

Mr. Terry Price said he is the developer and he, William, and Glenda Lewis will work with the adjacent property owners and try to come up with a solution that works for everyone.

Councilmember Johns made a **motion** to approve the request by William and Glenda Lewis to rezone approximately 1.73 acres from Very Low Urban Residential (R-1-30) to Medium Urban Residential (R-1-8), on the following condition:

1. Trees are to be planted along 2300 East similar to the trees on the opposite side of the street, to be planted at the time of future development.

Councilmember Huff asked Diana Butler how she felt about the fencing issue.

Mrs. Butler said she felt comfortable with the offer Mr. Price made in good faith to work with the residents concerning the fencing.

Councilmember Huff **seconded** the motion made previously by Councilmember Johns and the motion **passed** with a unanimous vote.

Public Hearing - Amendment to the General Plan Trails Map - Ted Livingston

Mr. Pierson said a request by Ted Livingston to amend the General Plan Trails Map has been presented to the Parks and Recreation Committee, Development Review Committee, and the Planning Commission.

Mr. Livingston said as the area has grown he recognized a need for a trail dedicated to biking, horses, and walking between Canyon Road and Bottoms Road connecting to the planned trail through the river bottoms. He said there are a few subdivisions in which the trail would need to follow the road system. He would be happy to work with developers and Mr. Pierson to help implement property to complete the trail. There are joggers, bikes, horses competing with cars and trucks. He requested the city council amend the trails map to include an additional trail.

Mayor Bamey opened the meeting for public comment.

Mr. David Cloward said he reviewed the approval process. The Development Review Committee voted not to approve the request. The Planning Commission voted to approve the request but the vote was not unanimous. Mr. Cloward said his development was presented before the trail request was made. He was not aware of a request to add a trail was being discussed. He reviewed the many additional costs he will incur if required to re-engineer his development. He said he will also be deprived of the revenues from two lots. When asked, residents said they would not consider purchasing the property in the development due to concerns with the horse trail. They said their concerns were with the odor, maintenance, having a blind alley, who will monitor the trail, fire truck access, motorcycles, and snow mobiles. He also said he reviewed the city code and found several conflicts. Mr. Cloward recommended the city council deny the request to amend the General Plan Trail Map.

Diana Butler said this is a rare opportunity to maintain access by property owners with horses. She said the trail systems in Provo are well used by mostly walkers and bikers and very few horses. She said it should be implemented before the land is not available. Ms. Butler also said volunteers would be available for maintenance and the trails provide more safety for children than sidewalks.

Rick Evans asked Mr. Pierson if the current developer would be required to comply. In reality it would be a dead end trail since he cannot be required.

Frank Santos said he owns property in the area. He said if homeowners want to buy those lots and put in the trail system they can.

Robert Gould said he leaves it up to the developers. Other developers have agreed to include the trail in their developments.

Allen Vincent said the trail would go past his property. It would enhance the area and he had no objection to the additional trail.

Karen Vincent said she lives at 1249 South 1880 East. She said the additional trail would enhance the community and would provide health benefits. She would like exercising and walking in more secluded area and it would allow places for children to play with more safety. She would enjoy seeing horses in the area and would volunteer a portion of her property.

Mayor Bamey closed the public comment portion of the meeting and opened the meeting for city council discussion.

Councilmember Johns asked if the intention was to allow the trail to run through the Spanish Vista Development.

Mr. Adams said he would be in favor of allowing the trail to run through his property.

Mayor Barney said the city accomplished getting a sidewalk along the south side of Canyon

Road. Also he said the volunteer efforts in the community are strong, however, maintenance is still a concern.

Councilmember Christensen said this is a request only to amend the general plan.

Mr. Pierson said the request is just to amend the general plan and not to approve the trail and location.

Councilmember James said there are other options for the location of the trail.

Councilmember Kelepolo said the Recreation Committee said many times the city has maintained even small parks within residential area and provide enforcement of motor bikes. He said the trail should be in a more open area to allow it to be monitored. It would be great if we could guarantee volunteers. Also, he said all of the recreation committee members feel the trail system is important.

Councilmember Johns asked how the area will be enforced to prevent access by four wheelers.

Mayor Barney said safety is a priority with the city council but he said is not an issue in this case.

Mr. Pierson said the city council is just approving the amendment to the general plan and in the future the city may require or trails may be offered by future developments. The amendment gives the opportunity to look ahead and plan ahead. The city may need to purchase some easements to implement the trail in some areas but this gives the city council the opportunity to have the option.

Councilmember Kelepolo said there are many more issues to be considered before a commitment is made to allow a trail.

Councilmember James made a **motion** to deny the request to amend the General Plan Trails Map. Councilmember Kelepolo **seconded**, and the motion **passed**. Councilmembers Huff and Johns were opposed to the motion.

Public Hearing - Spanish Vista Rezone

Diana Butler said her and others are concerned with number of homes not notified in the Abbey Court subdivision. Also, they are concerned the development does not fit in with surrounding communities. Other concerns are the effects on traffic with high density, utility demands, and the burden on school systems. The school district is reactionary and not prepared. The group requested changes from the developer concerning access points onto Canyon Road and changes concerning four way stops. Also, they understood there would be a park maintained by the property owners within the development. They would like a park in the area providing easy access by other children in the area. Ms. Butler expressed appreciation for the ability to speak to the city council.

Richard Evans thanked Mr. Adams for his willingness to work with the residents. He said the facts have been misrepresented by the media. The General Plan reflects a small town lifestyle.

He said higher density should be located closer to parks and commercial property. He said there should be more open areas in the development. He said he is not proposing to stop growth but to manage it carefully and develop the area but go with a lower density.

Neal Horton said he has watched the area grow and is concerned with pressurized irrigation, schools, and when do we stop or slow down. He said 310 units are too much for the area.

Denise Erwin said right now she reviewed the schools in the city and the capacity currently and also statistics for future children in the area. She said high density areas will cause problems with the school's capacity.

Brenda Evans said she is a realtor and wants to protect property values. Real Estates transaction statistics for the area show only 29 percent of the properties listed have sold. Most homes in the subdivisions are priced at entry levels. There will be more rentals due to no sales and prices will be decreasing.

David Olson said he lives at 1900 East Canyon Road and he has an acre lot and the smaller homes would allow first time property owners to qualify for homes. He said the Spanish Vista low density will allow first time property owners to afford housing. He said the areas surrounding are low density and Mr. Adams and spent a lot of time to make provisions for concessions. He approves of the subdivision being allowed.

Mr. Ballis, in Abbe Court area, said there are too many homes in the area. Most residents are concerned and want density changes.

Mayor Bamey closed the public comment portion of the hearing and opened the meeting for city council discussion.

Councilmember Christensen asked why property owners were not notified.

Mr. Pierson said the city attorney mailed 177 notices out to residents in the area concerning this meeting. There is a clause in the ordinance giving allowance in noticing and notices missed in the past have been resolved.

Councilmember Huff said the housing market is driven by what sales in the community. If the area is high density, the developer will build what he can sell. He said he would like to study the issue and appreciates input from residents.

Councilmember Huff made a **motion** to table the issue.

Councilmember Kelepolo said the developer, Dave Adams, has spent time working with the residents. There was a time when similar densities were put into similar areas. Then the city staff talked with other cities and determined the different types of housing should be mixed throughout the community. Should the government dictate what and when buildings are built? He said he still has many questions and also stated he works for the school district. His major concern is safety. If the overall plan for the city states there should be higher density near Canyon Rd. then the plan should be followed.

Councilmember James said additional time is needed to consider the issues and concerns. The concerns should be for the people and safety. He said growth in Utah will continue and homes are selling. He said the reason there are many homes for sale is because people cannot afford them.

Councilmember Huff made a **motion** to continue the public hearing and the decision concerning the rezone and preliminary plat until the city council meeting on December 2, 2003. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Winter Parking Ordinance

Mr. Baker reviewed the proposed changes to the winter parking ordinance. Currently, following a snow storm the main roads and roads near schools are cleared first and secondary roads are cleared during the day.

Councilmember Johns asked why changes are being proposed.

Mr. Baker said it will coincide with the priority plowing policy of the street department.

Councilmember Christensen said the 72-hour ordinance will cause additional enforcement work for the police department. He drove around the city and found 79 trailers out on the streets, 14 disabled cars, and 16 boats. If the winter parking ordinance is changed, how will this be policed.

Councilmember Kelepolo said there are already problems with narrow streets.

Mr. Baker said the current ordinance is connected with clearing the streets for snow removal only. If the city council wants to have an ordinance to clear the streets, it should be rephrased and implemented year round.

Councilmember Johns asked if the public streets are available for parking.

Mr. Baker said the city does not prohibit parking on the streets.

Councilmember Kelepolo reviewed the current winter parking ordinance for the public.

Councilmember Huff said the ordinance was enacted to move vehicles in the evenings during the winter months to allow the streets to be plowed. He said his driveway and carport are narrow and it is difficult to provide enough parking off the streets. However, he is also concerned with the safety of children when cars are parking along the roadways. The city council needs additional time to consider the ordinance.

Councilmember Kelepolo agrees.

Chief Rosenbaum said enforcement is a challenge regardless of the winter parking or the 72-hour parking ordinance. It is a challenge to provide the enforcement. There is no easy answer and there are pros and cons on each side.

Mayor Barney said it is difficult to justify parking restrictions when there has been little snow the past five years. He said if we have a law we should enforce it or remove it.

Chief Rosenbaum said the city cannot reasonably plow all the streets in the night. It was decided to reduce the restriction to major streets for plowing during night hours.

Councilmember Kelepolo said some areas with narrow streets cause safety problems with cars parking on streets.

Councilmember James said snow plows will become aware of cars and citizens should be aware to remove vehicles from the streets when snow storms occur.

Councilmember James made a **motion** to adopt the new winter parking ordinance. There was no second to the motion.

Mr. Baker said the ordinance will remain as it is.

Councilmember Huff made a **motion** to move out of public hearing. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Quit Claim Deed

Mr. Baker said this is a request by Mike Morley. During a refinancing process of the Main Street Plaza property, it was discovered that an 18-inch strip, along the south property line, was not included in the original deed and still belongs to the city. They are requesting the city deed them the 18-inch strip of property. When the property was sold, it was a lump sum. Mr. Baker recommends the city council authorize the mayor to sign the quit claim deed.

Councilmember Kelepolo made a **motion** to authorize the Mayor to sign the quit claim deed to the Main Street Plaza property owners as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Change Order #3 - Water Reclamation Facility - STM Aerotor Basin Addition

Mr. Heap said the project involved installation of a new conduit between the existing vaults at the generator building and the screw pump building. These conduits are to provide for future power requirements when the next Aerotor basin is under construction. Completing the installation at this time will save money in preparation for the next phase of improvements to the treatment plant. Mr. Heap recommended approval of the change order.

Councilmember Huff made a **motion** to approve Change order #3 for the Water Reclamation Facility to Absolute Constructors in the amount of \$8,967.00. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Change Order #1 - Canyon Road Water Mains - 1100 East to Highway 6

Mr. Heap referred to the items listed in the Canyon Road change order requested in the amount of \$32,360.69.

Councilmember Johns asked why these items are not included in the original bids.

Mr. Heap said due to findings during construction with locating and excavating old utilities, there are issues which arise that cannot be predicted.

Councilmember Huff made a **motion** to approve change order #1 for the Canyon Road Water Mains to Dunn Construction in the amount of \$32,360.69. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Change Order #2 - Citywide Pressurized Irrigation Schedule 3 East Blocks Area

Mr. Heap said this change order includes concrete work on Canyon Road, a gate valve, storm drains to alleviate an existing problem, paving, repair of a main line leak, repair service caused by SFCN excavation, and a tee repair on Canyon Road.

Mayor Barney said he understood the leak was caused as a result of a previous contractor. He asked Mr. Heap to look into the matter to determine if the previous contractor should cover the cost of the leak repair.

Mr. Heap said he will look into the matter and pursue reimbursements if appropriate.

Councilmember Kelepolo made a **motion** to approve change order #2 for the Citywide Pressurized Irrigation Schedule 3 East Blocks Area to Johansen Construction in the amount of \$12,605.10, with the condition the Engineering Department pursues reimbursement from the previous contractor for the leak. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Other Business

Councilmember Christensen said Heritage week starts next Monday and invited members of city council and their wives to help serve ice cream at Ice Cream Social on November 14th at the High Chaparral.

Councilmember Johns asked why some residents said they did not have pressure with the pressurized irrigation system.

Mr. Heap said the complaints received came early in the summer. Adjustments were made and the problems have been resolved.

Councilmember Kelepolo asked for the level of the water in the reservoir at this time.

Mr. Heap said the water level in the reservoir at this time is approximately three feet below the overflow. He also said the reservoir will be better protected with water in it during the winter

months.

Adjournment

Councilmember Huff made a **motion** to adjourn from city council meeting. Councilmember Johns **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 8:49 pm.

Connie Swain, Deputy Recorder

Approved: December 2, 2003