

**Adopted Minutes
Spanish Fork City Council Meeting
November 18, 2003**

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

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; Kent Clark, Recorder/Finance Director; and Connie Swain, Deputy Recorder.

Citizens Present: Robert J. Pittelli, Richard A. Evans, David Olson, Jesse Conway, Matt Barber, Greg Magleby, James Demita, Paul Nielson, Keith Williams, Alan Williams, Aaron Scott, Eric Perry, Patrick Covington, Marshall Erickson, Leon Harward, Tricia Stauffer, Riley Stauffer, Taylor, Stauffer, Charles ka luau, Evan Anderson, Marcus Monsen, Jacob Blaney, and Alyn Olson.

Minutes

Councilmember Huff made a **motion** to defer the minutes of the November 4, 2003, city council meeting to review needed changes. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to approve the minutes of the November 11, 2003, city council meeting as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Hearthstone Development - Whispering Willow Preliminary Plat Extension

Mr. Greg Magleby was present representing Hearthstone Development. They requested an extension of the Whispering Willow Preliminary Plat. He said there are approximately 180 units remaining. Many of those remaining units were recorded with the Final Plat last week.

Mayor asked for the reason why there have been delays.

Mr. Magleby said Hearthstone Development is selling the units to other developers and it has taken additional time.

Councilmember Kelepolo made a **motion** to approve the Whispering Willow Preliminary Plat extension. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Expressway Plaza - Preliminary Plat

Mr. Pierson said the applicants, David Gardner and Terry Harward, would like to develop five more lots in Expressway Plaza located at 1200 North Chappel Drive. The Development Review Committee reviewed the request and recommended approval with two conditions. The Planning Commission also reviewed the request and recommended approval with the same conditions. The property is presently in the Shopping Center (S-C) Zoning District. Mr. Pierson also said the lots will be accessed from a new road, 1200 North and eventually 1200 North will connect to 1100 East.

Councilmember Kelepolo asked if amenities and utilities will be added to the area if this plat is approved.

Mr. Pierson reviewed the process for approval of the site plan.

Mayor Barney said additional retail space could help generate more sales tax revenue.

Councilmember Kelepolo asked Mr. Gardner if there are businesses currently interested in the property.

Mr. Gardner said two properties in the surrounding area have been sold and the additional 5 lots will allow them to advertise the available property.

Councilmember Kelepolo asked Mr. Pierson what improvements will be required as part of the development.

Mr. Pierson said the developer will be required to install the road, curb, gutter, and sidewalk on one side of the road.

Councilmember Kelepolo made a **motion** to approve the Expressway Plaza Preliminary Plat on the following condition(s):

1. Install a 10-inch pressurized irrigation line along 1200 North,
2. Build a temporary turn around at the east end of 1200 North.

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

Expressway Business Park - Preliminary Plat/Site Plan

Mr. Pierson said the applicants, Mike Morley and Leon Harward, are requesting to develop a business park at the old Spanish Fork Ranch location. The applicants are planning to construct office/warehouse buildings on the property and will utilize as much of the existing infrastructure as possible. Letters have been received from the State Department of Environmental Quality (DEQ) and the Utah County Health Department. Mr. Pierson said the Development Review Committee reviewed the request and recommended approval of the Expressway Business Park subject to six conditions. The Planning Commission reviewed the request and also recommended approval, however, with seven conditions.

Mr. Leon Harward was present.

Mayor Barney said the Utah County Health Department has approved the project.

Mr. Harward said he and Mr. Morley have been working closely with the Health Department.

Councilmember Kelepolo asked who, from the city, will monitor the project.

Mr. Heap said the City Public Works Inspectors will observe and inspect the project throughout construction. He also said the DEQ and the Health Department have agreed to participate in monitoring construction of the project.

Councilmember Kelepolo asked Mr. Heap if there will be an 6-inch cap over the land fill in the building areas.

Mr. Heap said there will be a methane collection system installed under the concrete. The collection system and the entire project have been approved by the DEQ and the Utah County Health Department.

Councilmember Huff asked if capping the area will cause more problems with gas accumulation.

Mr. Heap said there will be a drain system of rock which will allow the gas to be removed.

Councilmember Huff said it should be made public that the methane gas was never at a level of danger to people. He asked Mr. Heap why Utah County Health Department said the property is okay now but said it was not okay just a few years ago.

Mr. Heap said there was equipment used originally which did not indicate the levels of methane gas or the types of gas it just indicated there was gas present. Since then more specific information has been gathered and found the area to be safe. Mr. Heap also said in connection with the Expressway Business Park the developers have posted a bond and the Public Works Department will closely monitor construction of the development.

Councilmember Huff asked where the excavated materials will be buried.

Mr. Harward said the excavated materials will be buried on the north end of the property. He also stated it is not hazardous material but will be placed and capped as required by the DEQ. He also said some areas will remain as they are with the cap already in place.

Mayor Barney said if the original developer had followed through and finished the project, there would not have been a problem.

Mr. Harward said there is not, nor has there been in the recent past, a problem with methane gas in the area.

Mr. Heap said the existing roads appear to be stable and no settling has taken place at this point.

Councilmember Christensen asked if the east building would be vented with piping as indicated on the site plan.

Mr. Harward said the east building will be vented as shown.

Councilmember Kelepolo asked to see a sample of the type of buildings anticipated.

Mr. Harward presented a copy of a plan for the units.

Mayor Bamey asked Mr. Baker if the city could protect itself in the event there are problems in this area in the future.

Mr. Baker said in the past the city was held harmless, with respect to Spanish Fork Ranch, except for some bad publicity. The city has done all that could be expected to insure there are no problems in the future.

Councilmember Kelepolo asked for the road width at the point of access onto Expressway Lane.

Mr. Heap reviewed the road plans for the area. Also, parking and traffic issues have been addressed and all of the requirements will be met.

Mr. Pierson clarified the Development Review Committee's recommended condition number 3 should read "traffic rated meter lids."

Councilmember Johns made a **motion** to approve the Expressway Business Park Preliminary Plat/Site Plan on the following condition(s):

1. Obtain a letter of approval from the Department of Environmental Quality and The Utah County Health Department approving the methane distribution design system and disposal of excavated waste,
2. Install a cap over the landfill in accordance with the engineering design,
3. Use traffic rated meter lids subject to approval by Utah Risk Management Mutual Association (URMMA),
4. Receive approval of the electrical layout from Jeff Foster of the Electric Department,
5. Complete the former existing punch list of Spanish Fork Ranch completed as coordinated with the Public Works Department,
6. Meet current construction and development standards,
7. Submit a landscaping plan to be approved by the City Planner and the Shade Tree Commission.

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

Robin's Nest - Preliminary Plat

Mr. Pierson said the applicants, James Demita and James Nielson, are requesting to develop a townhome project at approximately 800 North and Highway 51. There is a single family home owned by Dr. Paul Robinson and a residential treatment facility located on the property. There

will be a total of 100 units consisting of 22 twinhome lots, 9 single family lots, and 69 townhome lots.

Mr. Demita was present and reviewed the packet concerning the proposed development.

Councilmember Huff asked how many of the townhomes will have two car garages.

Mr. Demita said 13 of the 69 townhomes will have garages.

Councilmember Huff asked if the roads in the development will be maintained by the city or a homeowner's association and if they all meet the city standards.

Mr. Demita said all of the roads within the development will meet the city standards and most of the roads will be maintained by a homeowner's association.

Councilmember Huff asked what role Dr. Robinson plays in the development.

Mr. Demita said Dr. Robinson owns the property and wants to remain in his home. He will continue to operate the treatment facility.

Councilmember Kelepolo asked what types of buildings will be constructed in the development and what will be the roof midpoints.

Mr. Demita said the roof midpoints will meet the construction and development standards of the city. He also said the interiors of the homes will be determined by the consumer.

Mayor Barney asked what will guarantee the homeowner's association will continue to maintain the property.

Mr. Demita said Dr. Robinson will be a member of the homeowner's association and will have a vested interest in the property. Most property owners desire to maintain the value of their property. Also, there will be rigid covenants and restrictions on the development.

Councilmember Kelepolo asked Mr. Demita if there are similar developments in Midway with homeowner's associations that the city council could view.

Mr. Demita said yes there are many similar developments in Midway. He gave the locations of several of these developments.

Councilmember Johns asked if the city council wants to review the density bonus spread sheet.

Councilmember Huff said the current city council has been criticized for some recent decision concerning new development. He said he would like to have the opportunity to view some existing developments and in addition he would like input from the newly elected officials.

Councilmember Huff made a **motion** to table the Robin's Nest Preliminary Plat to another date.

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

Mr. Baker reminded the city councilmembers not more than one or two of them can go at the same time to gather information and no decision can be made outside of the city council meeting.

Mr. Demita also asked the city council to reconsider the recommended condition no. 9 from the Planning Commission requiring all of the improvements along Highway 51 with the first phase of the development.

Mapleton Sewer Interlocal Agreement - Revision

Mr. Baker said the original Interlocal Sewer Agreement with Mapleton was signed several months ago. Since that time it has been determined there will be additional capacity beyond the amount estimated. Therefore, an amended agreement has been prepared. Mr. Baker reviewed page 4, paragraph 4.3, of the agreement containing the capacity amounts to be distributed between Spanish Fork City and Mapleton City.

Councilmember Johns asked if Mapleton City had paid their debt related to prior sewer capacity used.

Mr. Baker said Mapleton City will pay the debt between January and March of 2004 when they receive their loan funds.

Councilmember Huff asked Mr. Baker to review page 8 of the agreement.

Mr. Baker clarified the intent of the language used in page 8 relating to the option available to Mapleton City to build their own sewer treatment facility in the future.

Councilmember Huff made a **motion** to enter into the Mapleton Sewer Interlocal Agreement Revision and authorize the Mayor to sign the agreement. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

Ordinance 10-03 - An Ordinance Amending Various Sections of the Spanish Fork Municipal Code Pertaining to Utilities

Mr. Baker said Ordinance 10-03 revision generates a more compatible code with the new pressurized irrigation system. The current ordinance also referred to the flood irrigation system which is no longer in service and will be removed from the ordinance. He also reviewed changes addressing pressurized irrigation and other utilities. Also, the portion of the ordinance containing information concerning the transfer of water rights connected with new development has been included in a new ordinance (13.28.005) and moved to section 13.28.

Councilmember Huff asked if the Utility Board recommended the revision.

Mr. Baker said the Utility Board reviewed the ordinance and recommended the city council approval the ordinance.

Councilmember Kelepolo made a **motion** to adopt Ordinance 10-03 - An Ordinance Amending

Various Sections of the Spanish Fork Municipal Code Pertaining to Utilities. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Airport Agreement with Armstrong Consulting - Environmental Assessment and Wetland Delineation

Mr. Heap said the Spanish Fork/Springville Airport Board has been working toward improvements at the airport. Several months ago a portion of the Melva Prior property was purchased using FAA grant money. A portion of the grant funds were also approved to be used toward an environmental assessment and wetland delineation. The environmental assessment costs will be \$43,200.00 and wetland delineation costs will be \$3,800.00. It is required under the FAA grant agreement that five percent of the costs be divided between Spanish Fork City and Springville City. The city will be reimbursed when a second grant from the FAA is approved.

Councilmember Johns said that Spanish Fork/Springville Airport has experienced a lot of growth in the past few years.

Councilmember Kelepolo made a **motion** to accept the Airport Agreement with Armstrong Consulting for the Environmental Assessment and Wetland Delineation along with Springville City, of which Spanish Fork City will pay \$1,175.00 of the costs and will be reimbursed by a second FAA grant as presented. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Other Business

Councilmember Christensen thanked all those who participated in Heritage Week. The activities which took place during the event were being televised on SFCN Channel 17.

Councilmember Johns reminded the residents of the “Winter Lights Parade” on Main Street the evening of Friday, November 28th.

Adjournment

Councilmember Huff made a **motion** to adjourn from city council meeting. Councilmember Kelepolo **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 8:40 pm.

Connie Swain, Deputy Recorder

Approved: December 2, 2003