

**Adopted Minutes
Spanish Fork City Council Meeting
April 6, 2004**

The meeting was called to order at 6:00 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Alex Sanders.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Matthew D. Barber, Paul M. Christensen, Everett Kelepolo, Seth V. Sorensen, and Chris C. Wadsworth.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineering/Public Works Director; Emil Pierson, Planning Director; MaryClare Maslyn, Assistant City Manager; Kent R. Clark, Recorder/Finance Director; Dee Rosenbaum, Public Safety Director; S. Junior Baker, City Attorney; Dale Robinson, Parks and Recreation Director; Karen Bradford, Assistant Parks and Recreation Director; Paul Jamison, Parks and Recreation Supervisor; Brad Moon, Ambulance Captain; Connie Swain, Deputy Recorder.

Citizens Present: Janice Nielsen, *Spanish Fork Press*, Rodger Hardy, *Deseret News*, Richard Johnson, David Ashby, Thora Shaw, Robert Wyman, Rick Wyman, Calvin Wyman, Betty Wyman, Ivan Hall, Louella B. Hall, Ross Jardine, Deon Scott, Stacey Startup, Kaitie Startup, Branen Startup, Alan Dunn, Genevieve Larsen, Glen R. Larsen, Jill Fellow, Josh Miller, Jan Donald, L. Grotegut, O. R. Anderson, Jesse Galovich, Tyson Galovich, Skyler Hardman, Eric Booth, David Olson, Allen Evans, Tyler Christensen, Dallen Christensen, Ted Scott, Lindsay Whitney, DeAnn Sanders, Alex Sanders, Lana Creer Harris, Rich Harris, Seth Reese, Connie Muhlstein, Richard Moffitt, Richard Mendenhall, Cassandra Cole, Shannon Griffiths, Joshua Hansen, John Tuckett, DeAnn Tuckett, Elora Gines, Russell Gines, Kevin Baadsgaard, Jenny Baadsgaard, Lisa Olsen, Greg Stodtmeister, Kent W. Huff, Richard Muhlestein, Wayne Andersen, Harold C. Ostler, Brook A. McDonald, Charlotte Thomas, Brenda Christensen, Craig Pickering, David Simpson, Russ Boyack, William H. Barth, Alma Warner Barth, Bunt Warner, Justin Warner.

Minutes

Councilmember Kelepolo made a **motion** to approve the minutes of the March 2, 2004, city council meeting as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Barber made a **motion** to approve the minutes of the February 24, 2004, city council meeting as presented. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Spanish Fork High School Wrestling Team - First Place 2004 State Championship

Mayor Barney recognized members of the Spanish Fork High School Wrestling Team. The Spanish Fork High School Wrestling Team took first place in the State Wrestling Championship.

Layne Shepherd, wrestling coach, said he invited members of the wrestling team to be present. He introduced the following members of the team: Cameron Olsen, Steven Jensen, Trevor Brindley, and Jason Warner. Coach Shepherd thanked the citizens in the community and the city council for their support. The wrestling team was applauded for their efforts and achievement.

Spanish Fork Intermediate Wrestling Team - First Place 2004 State Championship

Mayor Barney recognized the Spanish Fork Intermediate Wrestling Team for placing first in the State Championship. He introduced John Allan, coach of the intermediate team. Mr. Allan said he has 92 wrestlers on the intermediate team consisting of both the Middle School and Junior High School Divisions. He expressed his appreciation to the city council for recognizing the achievements of the wrestling team, Spanish Fork Recreation Department for making the program possible, and the community for their support.

Parks and Recreation Awards

Steve Carpenter was present from the Utah Recreation and Parks Association. He said the Utah Recreation and Parks Association represents all levels of government in the State of Utah. Each year, through a selection process, cities in Utah are given awards for outstanding accomplishments. The Spanish Fork City Recreation Department has received awards routinely. Mr. Carpenter awarded Dale Robinson, Karen Bradford, and Paul Jamison, of the Spanish Fork Recreation Department, with the 2004 Outstanding Department Award for Class 2 Cities.

Kim Francom, President for the Utah Recreation and Parks Association, also awarded Dale Robinson, Karen Bradford, and Paul Jamison, of the Spanish Fork Recreation Department, with the 2004 Innovation of the Year Award for the Spanish Fork City Reservoir. The new reservoir provides service and recreation to the community.

Employee Recognition - Dee Rosenbaum

Mayor Barney recognized Chief Dee Rosenbaum. Chief Rosenbaum was given the 2004 Police Chief of the Year Award for cities with 1,000 to 50,000 residents. He congratulated Chief Rosenbaum for his recognition and presented him with a certificate.

Chief Rosenbaum said individuals do not make things happen, it is a combined effort. He thanked the city council for the support they give to the Police Department. He also said the Police Department has outstanding police officers who care about people and providing quality service to the community.

Retirement Recognition - Larry Johnson

Mayor Barney recognized Larry Johnson for 20 years of service on the Spanish Fork City Ambulance Crew.

Councilmember Barber said 12 years ago, when he joined the ambulance crew, he received training from Mr. Johnson. He thanked Mr. Johnson for the many untold hours he has served the

community.

Mayor Barney presented a certificate to Mr. Johnson and thanked him for his years of service to the community.

Ambulance Captain, Brad Moon, said ambulance crew members provide an average of 1600 to 1700 hours of service per year as part of their duties. Mr. Johnson's years of experience will be greatly missed.

Mr. Johnson said he was honored to have served the community and to be a member of the city ambulance crew.

Citizen Request - Icelandic Association Presentation - Richard Johnson

Richard Johnson said Thora Shaw would make the Icelandic Association presentation.

Mrs. Shaw, Iceland Committee Chairman, presented the current layout of the Iceland Monument and reviewed the history of the monument. Beginning June 23, 2005, the Icelandic Association will begin a Sesquicentennial Celebration of the 410 Icelanders who settled in Spanish Fork City. They were the first group of Icelanders to settle in North America. In preparation for the celebration the Icelandic Association requested permission to upgrade the monument area. The upgrade will consist of relocating the entrance to the area, building a wall with the names of the 410 Icelandic settlers, and possibly a rock from Iceland. Estimated costs for the project will be approximately \$70,000. The Association asked the city to contribute to the project by providing labor and materials. The balance of the project will be funded through the sale of posters.

David Ashby presented a framed fund raiser poster to be displayed in the city office.

Councilmember Christensen said he has served as a member of the Icelandic Committee for several years. The Icelanders are very dedicated. He said the celebration and the monument will be great.

Mr. Johnson thanked the city council for their support.

Public Hearing - Ordinance 05-04 - Impact Fee Enactment

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

Mayor Barney reviewed the procedures for a public hearing.

Mr. Clark presented copies of the impact fee analysis. The Ordinance will enact the impact fees and establish the maximum supportable amount for each area of the impact fees. He reviewed the basis and guidelines for impact fees. He also reviewed the results of the impact fee analysis as follows:

Impact Fee - FY 2004

Comparison

	Prior 2000	Prior 2001	Current 2002	Proposed 2004	Difference	% Change
Parks / Recreation:						
Single Family	\$1235	\$ 1,588	\$ 2,080	\$ 2,208	\$ 128	6%
All other	\$ 909	\$ 1,169	\$ 1,526	\$ 1,620	\$ 94	6%
Water:						
Single Family	\$1161	\$ 912	\$ 1,395	\$ 1,232	\$ (163)	-12%
All other	\$ 855	\$ 672	\$ 1,023	\$ 904	\$ (119)	-12%
Sewer:						
Single Family	\$1361	\$ 1,571	\$ 1,718	\$ 3,046	\$ 1,328	77%
All other	\$1002	\$ 1,156	\$ 1,260	\$ 2,235	\$ 975	77%
Electric:						
24 KVA - 100A 120/240 V	\$ 447	\$ 499	\$ 715	\$ 937	\$ 222	31%
Storm Water:						
<u>SE Bench</u>						
Single Family	\$ 354	\$ 369	\$ 353	\$ 375	\$ 22	6%
All other Residential	\$ 193	\$ 202	\$ 270	\$ 287	\$ 17	6%
Commercial/shopping	\$ 364	\$ 379	\$ 363	\$ 386	\$ 23	6%
Office/institutional	\$ 296	\$ 308	\$ 250	\$ 265	\$ 15	6%
Light Industrial						
<u>NE Bench</u>						
Single Family	\$763	\$ 763	\$ 691	\$ 900	\$ 209	30%
<u>Westfields</u>						
Single Family	\$ 329	\$ 385	\$ 383	\$ 402	\$ 19	5%
All other Residential	\$ 176	\$ 206	\$ 307	\$ 323	\$ 16	5%
Commercial/shopping	\$ 316	\$ 369	\$ 367	\$ 385	\$ 18	5%
Office/institutional	\$ 274	\$ 321	\$ 267	\$ 280	\$ 13	5%
Light Industrial	\$ 227	\$ 265	\$ 301	\$ 316	\$ 15	5%

Pressure Irrigation

Single Family	0	\$ -	\$ 429	\$ 501	\$ 72	17%
All other	0	\$ -	Based on Acreage			

	Prior	Prior	Current	Proposed	Difference	
Home on West Side:	\$ 4,533	\$ 4,955	\$ 6,720	\$ 8,326	\$ 1,606	24%
Home on SE Side:	\$ 4,558	\$ 4,939	\$ 6,690	\$ 8,299	\$ 1,609	24%
Home on NE Side:	\$ 4,967	\$ 5,333	\$ 7,028	\$ 8,824	\$ 1,796	26%

**Impact Fee Survey
03/2004**

	Santaquin	Payson	Salem	Springville	Provo	Orem	PG	AF	Lehi	SF City Proposed
Electric		1,285.00	1,300.00	500.00	540.00				233.00	937.00
Water	2,500.00	1,236.00	3,500.00	972.00	1,078.00	2,200.00	1,024.00	1,630.00	940.00	1,232.00
Sewer	2,300.00	2,590.00	1,800.00	884.00	575.00		1,034.00	1,368.00	460.00	3,046.00
P.I.		598.00							960.00	501.00
Storm					525.00					375.00
Parks / Rec.	1,800.00	2,800.00	2,000.00	1,607.00			1,018.00	2,600.00	1,330.00	2,208.00
Roads							1,616.00		1,020.00	
Public Safety		405.00								
Fire							79.00			
Police							80.00			
Timp SS Dist.								2,480.00	2,480.00	
Grand Totals:	6,600.00	8,914.00	8,600.00	3,963.00	2,718.00	2,200.00	4,851.00	8,078.00	7,423.00	8,299.00

Mayor Barney opened the meeting for public comment.

Pat Parkinson asked where the parks and recreation impact fees are currently being spent and why people who do not play ball should have to pay the impact fees.

Dale Robinson said the parks and recreation impact fees cover a much broader area than ball sports. The impact fees are also used for the city pool, trails, open spaces, parks, land acquisition for future open space and park facilities, etc. Current projects include a splash pad at the pool to enhance capacity, continued expansion of the sports park, trails, and land acquisition on the east bench.

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

Councilmember Barber asked when the impact fees were last reviewed.

Mr. Clark said the impact fees were reviewed in July 2002.

Councilmember Barber asked what has changed so drastically to justify a substantial increase.

Mr. Clark said the main project is the sewer plant expansion. It is an expensive phase of the project.

Mr. Heap said sewer plant expansion is a large project. The current phase of the project allows capacity for an additional 2,000 homes. The next phase of the sewer treatment facility upgrade project is expensive and allows only a small increase in capacity. The impact fee amount is divided among the number of increased capacity.

Mr. Clark said the maximum amount to be imposed is determined by the study. If the impact fee amount imposed is less than the maximum the existing residents support those new projects.

Councilmember Wadsworth asked if data is available to support the impact fee increase.

Mr. Clark said the supporting data will come in the future.

Councilmember Kelepolo said the cost now is different from the cost in the past. He said it would be nice to see the data, however, the issue is the need for the future projects. He asked if the sewer upgrade included the filters.

Mr. Heap said the need for membrane filters will be determined by the technology over the next few years. There are changes in the processes continually. The costs are estimated based on possible process changes.

Councilmember Sorensen asked why there is a large range in costs for the storm water improvements.

Mr. Heap said when the storm drain costs were estimated the northeast bench was not part of the plan. Since the storm water plan for the northeast bench is complete, the numbers available are more accurate.

Councilmember Christensen asked if Mapleton City will participate in the sewer treatment facility upgrade.

Mr. Heap said Mapleton City will pay their portion of the sewer treatment facility upgrade project.

Councilmember Sorensen asked if the new ordinance enacting increased impact fees will apply to all of the currently vested projects.

Mr. Heap said the new impact fees will apply to all projects without recorded final plats.

Councilmember Barber asked if developers on the northeast bench are paying to install the storm drain.

Mr. Heap said developers on the northeast bench are paying to complete the storm drain upgrade, which greatly increases the capacity. However, the developers will be reimbursed in the future through impact fees.

Councilmember Barber said we want to continue to make it affordable to live here.

Mayor Barney asked if the city council wants to ask the residents who already live here to pay for the costs of the upgrades or do future residents pay for the costs.

Councilmember Kelepolo asked if the city council wants to maintain the quality of life or allow the quality of life to decrease. He pointed out the comparisons with other cities. Salem City and Payson City have higher impact fees than Spanish Fork City.

Councilmember Christensen made a **motion** to approve Ordinance No. 05-04.

Councilmember Kelepolo said there are still questions and concerns remaining.

Councilmember Christensen **withdrew** the motion.

Mr. Baker said if the impact fee enactment is delayed, additional funds will be needed.

Councilmember Christensen renewed his motion to approve Ordinance No. 05-04, an Ordinance Enacting Impact Fees. Councilmember Kelepolo **seconded** the motion. Councilmembers Wadsworth, Barber, and Sorensen were opposed to the motion. The motion was **denied**.

Mr. Baker said the public hearing notice will need to be published again.

Public Hearing - Boyack/Evans/Brockbank Annexation - 400 North 1300 East (a.k.a. Wood Springs or Sunny Ridge Annexation)

Mr. Pierson said the applicant Dave Simpson, of WoodsSprings LLC Development, is requesting to annex approximately 87.42 acres on the east side of town into Spanish Fork City. The majority of the area is within the city's Growth Boundary. The only property owner not signing the petition is Mr. Creer.

Mayor Barney opened the issue for public comment. No comments were given. The meeting was opened for city council discussion.

Councilmember Barber disclosed his company currently does business with several property owners included in the annexation petition.

Councilmember Barber asked for verification of the areas outside of the growth boundary.

David Simpson reviewed the areas outside of the growth boundary.

Councilmember Wadsworth asked Mr. Pierson concerning the widening of the bridge in the area.

Mr. Pierson said a study will be completed to determine the impact of increased traffic on the bridge and will also determine the portion of the impact each new development will create. New development will pay their portion of the cost to widen the bridge.

Mr. Simpson said Mr. Creer has not signed the annexation petition. He does not want to be annexed.

Mr. Creer said he does not want to kill the project, however, if he is annexed he is unable to install curb and gutter as this time.

Councilmember Barber asked if Mr. Creer would be required to have pressurized irrigation.

Mr. Simpson said Mr. Creer would be required to utilize two city services.

Mr. Pierson said Mr. Creer is required to attach to two city services of his choice. He would not be required to install curb, gutter, and sidewalk at this time.

Councilmember Kelepolo asked Mr. Creer if he would be in favor of using two city services.

Mr. Creer said he is already on city power and other city services would be convenient to him.

Councilmember Barber said the precedence has been to annex only properties within the Growth Boundary. If the annexation is approved, it may create a potential for future annexation outside of the Growth Boundary. He asked if the Growth Boundary should be extended before the annexation is approved.

Mr. Baker said based on the reason for annexing the area outside of the Growth Boundary the decision will not be legally binding.

Councilmember Kelepolo said when the Growth Boundary was created the lines should have been straight.

Mr. Pierson said when the Growth Boundary was proposed the property owners were not interested. The issue was presented during city council training sessions. The traffic corridor was considered when determining the Growth Boundary to insure the corridor was developed as soon as possible allowing the road system to be upgraded in a timely manner. The plan is occurring just as anticipated.

Councilmember Kelepolo made a **motion** to approve the Boyack/Evans/Brockbank Annexation and Annexation Agreement subject to the following conditions:

1. Deed a right-of-way for the major collector roadway between Center St. and 400 North within 120 days of the annexation with all back taxes paid,
2. Make arrangements with the railroad to fence between the existing roadway and the railroad tracks and receive permission to maintain the roadway as part of the trail system,
3. Require the future developer of the subdivision to install a trail over the existing roadway from Center St. to 400 North,
4. The growth boundary amendment and the lots approved will be subject to the available sewer capacity at the time the plat is brought in for vesting,
5. Pay a share of the costs to widen the bridge in accordance with the percent of impact as per a

- traffic study,
6. The properties will be zoned R-1-12 with a condition of the annexation that a preliminary plat be submitted and approved within six (6) months of the recordation of the annexation if not the properties revert to the R-R zoning designation.

Councilmember Sorensen **seconded**, and the motion **passed** with a majority vote. Councilmember Barber was **opposed** to the motion.

Public Hearing - River Cove Rezone - 900 South Del Monte Road

Mr. Pierson said the applicants, David Hughes and Gerald Hill, are requesting to rezone approximately 80.37 acres located at 900 South Del Monte Road from Rural Residential (R-R) to Low Urban Residential (R-1-12). The property is located on the south side of the Spanish Fork River. The property to the north of the river is Quail Hollow which is also zoned R-1-12.

Mayor Barney opened the meeting for public comment in connection with the rezone application only.

Rich Harris said this is a major development located along the river. Historically the river has flooded and the development will be subject to major flooding. If a sewer pipe line breaks, it will flow into the river. The pumping of the sewer will be expensive. Children in the area will be in danger without fencing around the river. The area is partially rural and is used for raising cattle and pigs and the odor will cause conflicts. The existing property owners had to purchase five acres to build. There are not adequate exits for emergencies. He also asked what studies were done on the area.

Lisa Olsen asked if the preliminary plat discussion will be a public hearing.

Mr. Pierson said the rezone is a public hearing and the preliminary plat is not a public hearing.

Mayor Barney opened the public comments to include the preliminary plat.

Councilmember Kelepolo made a **motion** to open the public hearing for both the Hughes/Hill Rezone and the River Cover Preliminary Plat. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Lisa Olsen said she met with city staff several times and thanked them for their time. Her concern is the connection of the road. She provided a petition signed by 167 residents in the area. They do not want the connection to the development. The connection will increase the traffic in both directions. There will be many miles of through traffic. She has small children and chose the home because of the location and the rural area. She reviewed a portion of the staff report entitled "general use land and goals and policies." She said the plat does not support the policy. There are not adequate streets to support the traffic.

Mr. Harris was recalled to the podium. He said the road through the area is not designed to handle the increased traffic. Also, the road serves a mill and major gravel pits.

David Woodhouse said safety along 900 South is a major issue. If the road is widened, the front yards of his parents' lot and other neighbors' will be gone. It will become the natural flow of traffic. The road should be adjusted to line up with Del Monte Rd.

Greg Stodtmeister said 900 South cannot handle increased capacity. There are small children in the area and the grade of the road makes it difficult to see long distances. If there is a road it should run through the development. Also, in 1983 this area was all under water on both sides of the river.

Kent Huff said the road connection and rezone should be separate issues. He has seen the estimated numbers of cars that will use the road. It will be more like 7,000 vehicles per day.

Brian Redd lives on Mill Road and he said if the proposed road comes in it will come out in front of the Mill. People will take the shortest route including the canal bridge which is currently too narrow for two vehicles to pass. He wants to keep the area rural. It will be dangerous for his children to play in the yard next to a busy road. There will be lives lost.

Connie Muhlestein lives on Mill Road and said traffic is already greater and faster. Also, there are eight individuals who are physically challenged in the area. There needs to be some serious studies completed.

Richard Muhlestein said he has lived on Mill Road for a long time. After becoming blind he will not walk into the road, but he is concerned for when he goes into the road to place his garbage cans on the opposite side of the road for pickup. The speed is not controlled at this time. There are children walking on the road going to bus stops. Also, who will pay for the dike when the river floods. This development needs a dike and the developer should pay for it.

Judy Woodhouse said safety is the issue. No one wants to change the intersection. The farm vehicles use the road and they have a lot of spillage. The traffic should be rerouted to Del Monte Rd. It is time for the City of Spanish Fork to listen to the residents. She has no problem with the subdivision but wants the traffic rerouted.

Jenny Baadsgaard said the city is being irresponsible. The roads are narrow, full of pot holes, and in some areas two cars cannot pass. Timing and responsibility are the issues. The new development will interrupt the area if the traffic pattern is not changed. There will be accidents. She asked when funds will be available to make the road improvements.

Glen Larsen said he has lived in the area for 79 years. He is not in favor of a road or a subdivision in the river bottoms. He has operated the land in the river bottoms for 45 years. In 1952 the river flooded and was corrected by the Corps of Engineers. Utah County agreed to maintain the river. In 1972 the river flooded again and river rip rap was hauled to the area. It kept some areas from being flooded. Also, in 1983 and 1984 the area flooded again. It will happen again. It does not matter how large a dike is built. The area will be flooded without rip rap and yearly maintenance.

Allen Davis said his grandmother had a farm east of the area. It has flooded many times. He discovered a dirt road running along Del Monte Rd. which would be the logical location for the connecting road.

Kevin Baadsgaard said the current character of the area consists of small farms. The residents in the area like the current character and should be protected first. The process is backwards and residents are involved in the process too late. All the decisions were made. He said a lot is invested in the rural area and it is wrong to take that character away from the area.

Clyde Bradford has been a general contractor for 45 years. He has been looking at it from both points of view. If residents and the developer want to build in an area prone to flooding, it is their choice. The road could be rerouted. He thanked the city council and hoped they will make the right decision.

Cherlynn Wood said she is concerned for small children in the area and wants it to stay the way it is.

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

Councilmember Kelepolo thanked the citizens for their comments. There have been concerns expressed related to narrow roads. The reality is the town is growing. The issues relating to 900 South and the narrow road create a lot of concerns. He asked Mr. Heap concerning the traffic study and the flood plane.

Mr. Heap said FEMA determines the areas designated as a flood plane. When the General Plan was created in 1996, a traffic plan was also created. There were many residents involved in creating the General Plan. The Leland area has no arterial road or access road running east and west. The logical location for the corridor was determined to be 900 South.

Councilmember Wadsworth asked where the county road ends and the city roads begin.

Mr. Heap reviewed the roadways. Eventually the area will be developed and an access road will be needed. The asphalt will need to be widened and a chip seal will be required on the road soon.

Councilmember Wadsworth asked why the road has not been repaired.

Mr. Heap said he drove through the area and the road is sufficient. The edges of the asphalt have broken off in a few areas and need to be repaired. When traffic increases the road becomes a higher priority.

Mayor Barney said he has lived in the area being discussed and most of the residents attending the meeting are his neighbors. He has also been concerned with flooding. One condition of the development is to make anyone purchase property in the development be made aware of the standing water in the past. He also said everyone should be allowed to develop their property if they choose.

Councilmember Christensen has visited the area and did not run into a lot of traffic. He asked a Valley Asphalt truck driver what road they use. He was told they mostly use Arrowhead Trail. Mill Road is an issue and is narrow. He has experienced changes due to growth and he knows it is difficult. He wants the developer to reroute the road.

Councilmember Sorensen said he works for the school district and he is concerned when a major road is located in front of a school. Also, he is concerned with farm vehicles on the road.

Councilmember Wadsworth said he has viewed the area. Mill Road is very dangerous and there are eight disabled individuals in the area. The developer should consider a cul-de-sac and there is a possibility Del Monte Rd. could be used to Arrowhead Trail.

Mayor Barney said no maintenance of the river for 10 years could cause problems. He has been

working with the Army Corps of Engineers and Utah County to begin regular maintenance of the river. The County will not take responsibility for maintaining the river.

Councilmember Wadsworth said there is a disclaimer required of property owners in the development. Also, the area has been taken from the flood plain by FEMA. He asked Councilmember Barber if property owners will be able to obtain flood insurance.

Councilmember Barber said the area is not in the flood zone and the property owners can obtain flood insurance.

Mayor Barney said maintenance of the river will prevent flooding.

Councilmember Barber made a **motion** to table the River Cove Rezone request.

Mr. Baker said if the motion to table the item includes a motion to continue the public hearing a specific date will need to be set.

Councilmember Christensen said he wants to hear from the developer before the matter is tabled.

Richard Mendenhall said when property is developed there are always issues and the issues presented are important. He has been working on this project for five years, concerns have been addressed, and studies have been completed. The decision should be based on the experts and the studies. He also has attempted to conform with the existing ordinances. He has made concessions and design changes to accommodate issues and concerns. He is also aware of the liability issues. FEMA has evaluated the area and the area has been removed from the flood plain. River armorment will be installed. The issues addressed are legitimate. The residents are not concerned with the subdivision but the majority are concerned with the impact on their property. The steps need to be taken to prepare for future growth. He does not know what else can be done to conform with the existing ordinances.

Mr. Farley said they have reviewed many alternatives. This is the logical location for the intersection. He has studied the river since 1998 and is sensitive to the river issues. There needs to be regular maintenance of the river. The development of the bridge will allow for increased flow. Other changes to the river will come with future development. Also, there has been work on Diamond Fork and Thistle which allow for control of the river flow. The concerns have been studied and he also wants to insure there will be no flooding.

Councilmember Wadsworth asked what has been determined concerning the bridge to the east.

Mr. Farley said there is also a problem with the flow of traffic on the bride located to the east of this property.

Mayor Barney said this council is bound by law. The area has been removed from the flood plane by FEMA. He knows the developer has done everything within the law to comply with the ordinances and requirements.

Mr. Farley said a permit is required from the Army Corps of Engineers when accessing the river. There are requirements to be met when access to the river is requested. He also worked with Fieldstone and

the city in determining the alignment of the road.

Mr. Mendanhall said the development to the north has been approved. The river corridor has been addressed, studies have been provided, and issues have been addressed. They have agreed to conform. He asked, if this is not acceptable then what is.

Councilmember Christensen asked why the road cannot be reconfigured.

Mr. Farley said a one-way intersection will constrict future growth. He reviewed the layout of the road and the visibility issues. The current plan best allows for future growth.

Mayor Barney said it is time for a decision.

Councilmember Barber asked why the traffic study was just done Friday if in fact it was discussed with Fieldstone concerning the traffic impact. He stated his issue is the healthy, safety, welfare, and the effect of the subdivision on the area. He said there must be a solution.

Councilmember Sorensen concurred. He said he is not comfortable with the road layout as it is.

Mr. Mendenhall said the only issue is the intersection and direction of traffic. He is willing to place the road in an area the city council requests.

Councilmember Barber concurred and requested a work session.

Mr. Mendenhall asked for the zone change to be approved and the preliminary plat be tabled.

Councilmember Barber made a **motion** to continue the Public Hearing for the River Cover Rezone to May 4, 2004 at 6:30 p.m. and to table the River Cove Preliminary Plat to the same date.

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

Public Hearing - Pine Meadows Rezone

Councilmember Kelepolo made a **motion** for a five minute recess. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

9:20 p.m. - Recess

9:30 p.m. - The meeting reconvened

Councilmember Wadsworth made a **motion** to consider the Pine Meadows Rezone and Preliminary Plat concurrently. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Mr. Pierson said this is a request to rezone the property at 1700 East 1400 South from Rural Residential (R-R) to Low Urban Residential (R-1-12). The request follows the General Plan. The property proposes to contain a 150-lot subdivision consisting of single family homes and twinhomes. The Development Review Committee and Planning Commission reviewed the request and recommended approval with 22 conditions as shown in the agenda packet.

Mayor Barney opened the meeting for public comment.

Pat Parkinson said her only real input came from residents requesting no siding on any of the homes and homes in the development match the homes in the adjacent development. She asked for an additional condition requiring the request.

Robert Wyman said he represents a number of residents and presented a list of their names. He lives north of the proposed development and the existing developments are required to have stone or stucco and no vinyl siding. The development should be integrated. He suggesting hardy plank as an alternative to vinyl siding.

Mr. Hales asked if the subdivision to the east was allowed to have vinyl siding.

Mr. Pierson said they were allowed siding on areas other than the home fronts.

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

Councilmember Kelepolo asked Frank Santos to clarify contents of previous Planning Commission minutes.

Frank Santos said he was required to build 25 percent of the homes with no siding.

David Cloward said they are trying to build homes with spacious lots and strong covenants including requirements for construction of home exteriors. The exteriors will consist of stone and stucco on street facing fronts and sides.

Mr. Pierson said the other subdivisions surrounding the area have vinyl siding.

Mr. Cloward said all homes will have at least a two-car garages and basements.

Councilmember Barber asked where the building materials are addressed.

Mr. Pierson said it is based on the density bonus matrix. He reviewed the density bonus matrix.

Councilmember Sorensen asked concerning the \$45,000 contribution request.

Mr. Cloward said a density bonus was granted in connection with a contribution to the city parks and recreation program in the amount of \$45,000.

Councilmember Sorensen asked what will happen if the \$45,000 contribution is removed and a density is granted for constructing 100 percent of the home exteriors with stone, stucco, and brick.

Mr. Cloward said building all of the home exteriors with stone, stucco, and brick will require higher purchase prices for homeowners. The purchase prices will increase by \$10,000 to \$15,000.

Mr. Pierson adjusted the bonus matrix as discussed.

Councilmember Kelepolo made a **motion** to approve the Pine Meadows Rezone from Rural Residential (R-R) to Low Urban Residential (R-1-12). Councilmember Christensen **seconded** the motion, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to approve the Pine Meadows Preliminary Plat subject to the following condition(s):

1. 1. Lifting of the utility restriction will take place when the storm drain line is:
 - a. bonded with a completion time frame of 120 days,
 - b. the rights-of-way are acquired and deeded to the city,
 - c. designed and approved by the city,
 - d. installed and functional prior to the issuance of any building permits and/or the paving of roads,
2. Install a six-foot sidewalk along 1700 East with a five-foot parkstrip,
3. Sign off, by the developer, of all single family home plans in the subdivision,
4. Provide to the city a clear title report for all properties included in the development,
5. Construct all homes with 100 percent masonry fronts with stone and brick accents,
6. Construct all homes located on corners lots with 100 percent masonry on street facing side and fronts with stone and brick accents,
7. Install front yard, and street facing side yards on corner lots, with two 2-inch caliper trees, sod, and sprinkler systems,
8. Receive approval of the density (150 lots/units) as shown on the attached density bonus matrix,
9. Provide setbacks for each home according to the R-1-12 standards,
10. Receive approval of the electrical design for the development from Jeff Foster of the Electric Department,
11. Meet all of the construction and development standards,
12. Provide to the city an approved plan for the irrigation ditches signed by the East Bench Irrigation Company or a letter of abandonment signed by the ditch owners,
13. Construct all lots along 1700 East with side entry garages and t-driveways and all corner lots along 1700 East are to access from the side streets,
14. Construct all single family homes and twinhomes according to the R-1-12 zoning standards (1,400 square feet on ramblers and 1,000 square feet on the main level for two-story homes),
15. Construct no duplicate homes within 200 feet of the other,
16. Construct no more than 150 units as contained in the development packet,
17. Construct all single family homes and twinhomes with basements and a minimum of a 2-car garage,
18. Construct side entry garages on all corner lots if possible,
19. Install a matching 6-foot fence with a 12-inch mow strip along the Abbie Court park (lots 98-101),
20. Complete all of 1700 East in phase one of the development,
21. Install a full street overlay of 1700 East and 1400 South, sharing the costs in areas with adjacent developers.
22. Construction 100 percent of the home exteriors with stone, brick, or stucco.

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

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

Citizen Request - Literacy Program Presentation - Leonard Ellis

Mr. Ellis presented a Powerpoint presentation concerning literacy statistics and the impact of the community. He said the Family Literacy Centers in the area are funded by cities to help eliminate the problems. He reviewed the services offered by the Family Literacy Program.

Councilmember Barber asked if the program serves both children and adults.

Mr. Ellis confirmed, including minorities.

Councilmember Wadsworth asked why funding is needed for the program.

Mr. Ellis said a director is needed to oversee the program. The individuals involved in providing services for the program are experienced educators.

Councilmember Wadsworth asked if the program competes with other State programs.

Mr. Ellis said most programs are run through the school district. The program in Orem is funded by Orem City. The Lehi City program tutors 300 students and consists of 90 volunteers.

Councilmember Kelepolo said he admires Mr. Ellis and his integrity. One of the constraints for the school district is money. He does not like to ask citizens to fund an additional program when they are already funding the school district.

Councilmember Sorensen asked for the time frame if the program is approved.

Mr. Ellis said he would like the program funds to be included in the 2004 city budget.

Mayor Barney thanked Mr. Ellis for the presentation and the information to be reviewed.

Agenda Request - Deauvono

This item was cancelled at the request of Mr. Deauvono.

Agenda Request - DelRoy Anderson

Mr. Anderson said he owns a home in Spanish Fork and his daughter lives in the home. She advised him of sewer problems and when the problem was investigated a septic tank was found. He was never connected to the city sewer lines and had been paying city sewer fees for 31 years. He was present to request a refund of the money he has paid for city sewer services. The funds will be used to help cover the costs to hook up to city sewer services.

Mayor Barney said the money should be returned to Mr. Anderson.

Mr. Baker said Mr. Anderson may have been required to connect to city sewer services 30 years ago and he elected not to.

Mr. Anderson said he bought the home and was told he was attached to city sewer services.

Mr. Heap said there have been similar problems in the past the property owners were not charged impact fees. Refunds have not been granted in the past. The impact fees are \$1300.

Councilmember Kelepolo made a **motion** to reimburse to Mr. Anderson the money paid for sewer services with the impact fees deducted from the amount to be refunded. Councilmember Sorensen **seconded** the motion, and the motion **passed** with a unanimous vote.

Agenda Request - Allen Evans

Mr. Evans said a year ago he requested to hook onto city water. He is requesting to begin his vested subdivision just as David Adams and Frank Santos have been allowed. He said he has also bought into the storm drain.

Mr. Pierson said Mr. Evans may proceed with the approval process, however, following a public hearing his development will be held until the storm drain is in, just as the David Adams and Frank Santos developments have been.

Resolution 04-05 - Military Utility Abatement Program

Mr. Clark said one year ago the military abatement was authorized allowing a utility discount for active military members in the amount of \$100 per month of active duty. There have been 45 participants. He reviewed the program. Mr. Clark said the program is due for review and the city council will need to determine if the program should be continued.

Councilmember Kelepolo made a **motion** to continue the military utility abatement program, to be reviewed again in one year. Councilmember Wadsworth **seconded** the motion, and the motion **passed** with a unanimous vote.

Golf Cart Rental Rates

Mr. Robinson said recently local golf courses have increased golf cart rates by \$1.00. He proposed to increase the Spanish Oaks golf cart rental rates from \$10.00 to \$11.00.

Councilmember Sorensen made a **motion** to increase the Spanish Oaks golf cart rental rates from \$10.00 to \$11.00. Councilmember Kelepolo **seconded** the motion, and the motion **passed** with a unanimous vote.

Professional Services Agreement - Armstrong Consultants, Inc.

Mr. Heap said for the last five years the airport board, along with Spanish Fork City and Springville City, have used the services of Armstrong Consulting. The services provided include grant applications and land acquisitions. Mr. Heap recommended renewing the contract with Armstrong Consulting. Springville City has already approved the contract renewal. The contract is for five years.

Councilmember Kelepolo made a **motion** to approve the contract with Armstrong Consulting as

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

Bid Tabulations - 500 East and 700 East Water Main Replacement Project

Mr. Heap said eight contractors bid for the 500 East and 700 East Water Main Project. The lowest bid was received from High Peaks Contractors in the amount of \$100,132. Other cities which have worked with High Peaks Contractors were contacted and each recommended them without reservation. Mr. Heap recommended approval of the bid received from High Peaks Contractors.

Councilmember Barber made a **motion** to approve the bid received from High Peaks Contractors in the amount of \$100,132 for the 500 East and 700 East Water Main Replacement Project. Councilmember Christensen **seconded** the motion, and the motion **passed** with a unanimous vote.

Waste Water Treatment Plant Advisory Committee

Mayor Barney recommended David Oyler, Richard Heap, and Councilmember Sorensen to serve on the Waste Water Treatment Plant Advisory Committee.

Councilmember Kelepolo made a **motion** to approve the appointment of David Oyler, Richard Heap, and Councilmember Sorensen to serve on the Waste Water Treatment Plant Advisory Committee. Councilmember Christensen **seconded** the motion, and the motion **passed** with a unanimous vote.

Change Order - Waste Water Treatment Plant

Councilmember Kelepolo made a **motion** to table the following items to the April 20, 2004 city council meeting:

Change Order - Waste Water Treatment Plant

Change Order - 2003 Airport Landscape Project

Resolution 04-04 - A Resolution Authorizing the Use of Spanish Fork City's 204 Allocation of Home Funds and Community Housing Development Organization Funds to Assist in the Development of Affordable Housing Projects Located in Utah County

Ordinance 04-04 - An Ordinance Making Changes to the Employee Personnel System

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

Other Business

None

Adjournment

Councilmember Kelepolo made a **motion** to move into Executive Session to discuss legal and land issues. Councilmember Christensen **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 10:45 p.m.

Connie Swain, Deputy Recorder

Approved: April 20, 2004