

Adopted Minutes
Spanish Fork City Council Meeting
May 4, 2004

The meeting was called to order at 6:00 p.m. by Mayor Dale R. Barney. The pledge of allegiance was led by Ben Fjerstad, a member of the Boy Scouts of America.

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; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; Kent Clark, Finance Director; Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*, Rodger Hardy, *Deseret News*, Robert Pittelli, Ben Fjerstad, Melissa Hallam, Leah Rosenbaum, Erica Hamilton, Lisa Gillette, Deon Scott, Andrea Gleaves, Glenn A. James, Michelle Esplin, Sara Miller, Christina Roach, Jana Miller, John C. Robertson, Wayne Andersen, Eldora Sines, Erica Savage, Robyn Wilson, Kevin Baadsgaard, Jenny Baadsgaard, Glen R. Larsen, Genevieve Larsen, Brenda Christensen, Clint Muhlstein, Connie Muhlstein, Richard Harris, Lana Creer Harris, Kelly Petersen, Ryan Petersen, Jared Petersen, Julie Lane, Susan Larson, Stephanie Allen, Haley Hunstman, Richard A. Evans, Lisa Olsen, David Woodhouse, Rick Evans, Melanie Anderson, Pat Parkinson, Bill Barth, Greg Stodtmeister, and Brian Redd.

Minutes

Councilmember Wadsworth made a **motion** to approve the minutes of the April 20, 2004, City Council meeting with corrections as previously reviewed. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

Employee Retirement Recognition - Ron Lake and Ed Acey

Mayor Barney introduced Ron Lake. Mr. Lake is retiring from his employment with Spanish Fork City following 30 years of service. Mayor Barney presented Mr. Lake with a certificate and a book and thanked him for his contribution.

Mr. Lake thanked the City Council and staff for the opportunity to work for the city.

Employee of the First Quarter 2004

Mayor Barney moved this item to the May 18, 2004 City Council meeting.

Mayoral Proclamation Declaring the Letter Carriers Food Drive

Mayor Barney reading the Mayoral Proclamation declaring the Letter Carriers Food Drive.

Councilmember Kelepolo made a **motion** to approve the Mayoral Proclamation Declaring the Letter Carriers Food Drive. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Recognition - City Youth Council

Mayor Barney asked Councilmember Sorensen to present the current members of the City Youth Council with certificates of recognition from the city.

Councilmember Sorensen recognized Glenn James as the Adult Counselor for the Spanish Fork City Youth Council. He also presented certificates to the following members of the Spanish Fork City Youth Council: Lisa Gillette, Sara Miller, Michelle Esplin, Christina Roach, Andrea Gleaves, Erica Hamilton, Jana Miller, and Melissa Hallam. Members of the City Young Council not present are: Dustin Creer, Stacy Boothe, Jared Johns, Karen Lane, Megan Roberts, Teresa Roberts, Tesa Bird, and Teresa Kitchen.

Mayor Barney thanked the members of the Spanish Fork City Youth Council for their service.

Golf Cart Rental Rates

Mr. Robinson said during the previous City Council meeting a \$1.00 golf cart rental rate increase was approved by the City Council. He said partial information was presented and the rate should apply to a \$1.00 increase per person and not per cart.

Councilmember Barber asked if the increase in being implemented because other cities are increasing golf cart rental rates.

Mr. Robinson said the golf course is currently being subsidized and this increase will generate additional revenue.

Councilmember Wadsworth asked Mr. Robinson to make a comparison of golf cart rates with other cities and determine if lower golf cart rates would attract golfers.

Mr. Robinson said a lower golf cart rate will not increase golf users. The rates will remain competitive.

Councilmember Kelepolo made a **motion** to approve the \$1.00 per person golf cart rental rate increase. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Bid Tabulations - Pool Splash Pad

Mr. Robinson said only one bid was received for the construction of the pool splash pad at the city water park facility. The bid was received from C.E.M. Services in the amount of \$182,777.00. C.E.M. Services is certified and experienced in constructing pool splash pads. Mr.

Robinson said he met with C.E.M. Services and discovered with a minimal change in the color of the surface material the bid was reduced to \$165,878.00. The city has already purchased the water park surface components with the understanding the city staff could perform the labor. However, with strict Health Department Codes certification is required. The total cost for the pool splash pad will exceed the \$175,000.00 budgeted in the past.

Mayor Bamey asked for departments to include more detailed specifications in future bids.

Mr. Robinson said the Recreation Department was unaware the color of the pad made a substantial reduction in bidding costs. The total cost for the splash pad will be \$240,019.00.

Councilmember Wadsworth asked why the splash pad is needed and what revenue will be generated. Also, he asked Mr. Robinson if he is concerned with accepting a sole bid.

Mr. Robinson said additional features were needed to increase the capacity of the existing facility. The splash pad will increase the capacity at a much lower cost than the alternatives. He estimated an increased revenue of \$300 per day, however, projections were not available. He also said splash pad construction is a specialized field.

Councilmember Sorensen asked if the Recreation Department has considered covering the pool.

Mr. Robinson said enclosed pools are substantially subsidized. They are not used as heavily has assumed and maintenance costs are extremely high. The splash pad will be paid for through impact fees.

Councilmember Barber asked if the impact fee amounts were determined based on the budgeted amount of \$175,000.

Mr. Oyler said the Parks and Recreation impact fees are based on the level of service provided.

Councilmember Kelepolo said the splash pad will replace the sand box area of the facility. The Recreation Committee reviewed the possibilities for increasing the pool capacity. The splash pad will also provide a safe area for smaller children at the pool.

Councilmember Kelepolo made a **motion** to approve the bid received from C.E.M. Services in the amount of \$165,375.00. Councilmember Sorensen **seconded**, and the motion **passed** with a majority vote. Councilmember Wadsworth was **opposed** to the motion.

Public Hearing - Ordinance No. 07-04 - Zoning Ordinance Amendment - Eliminate Height Restriction in Industrial Zones

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

Mayor Barney reviewed the procedures for a public hearing.

Mr. Pierson said city staff received a charge from City Council to encourage economic development in Spanish Fork. After meeting with developers it was determined the height restrictions present barriers and discourage companies from developing in the area. Mr. Pierson reviewed the proposed height restriction changes contained in the industrial zone ordinance.

Mayor Barney opened the hearing for public comment. None was given. The meeting was opened for City Council discussion.

Councilmember Wadsworth asked for the height of the Long View Fiber building. Also, he asked Mr. Pierson to review the city industrial zones.

Mr. Pierson said the Long View Fiber building, with the stacks, is 48 feet in height. He reviewed the industrial areas within the city limits.

Councilmember Kelepolo said protection of the height limits surrounding the airport is important.

Mr. Pierson said buildings within range of the airport are limited by the FAA requirements.

Councilmember Wadsworth made a **motion** to approve Ordinance 07-04, an Ordinance Elimination the Height Restrictions in the Industrial Zones of the Comprehensive Zoning Ordinance. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - River Cove Rezone - Continued from April 20, 2004

Mayor Barney opened the meeting for public comments with respect to any new information or comments.

Lana Creer Harris asked if the zoning of Leland meets the General Plan and why is the city zoning the area with a high density. She read a statement including the value of open spaces, her desire for fields and animals, and a small town lifestyle. She was born and raised in Leland.

Wayne Anderson said he has attended the last two City Council meetings. He is trying to understand the development process. He reviewed his understanding of the process and said the process ties the hands of the farmer. The process ties the hands of the city. He asked why there is no early citizen involvement and why the Planning Commission is not involved earlier in the process.

Clint Muhlestein thanked the councilmember who attended their neighborhood meeting even though the city attorney advised them not to. He seconded the thoughts concerning involving the community in the process. Notification areas need to be expanded. There are only two basic plans proposed for the street design. He recommended the bridge be kept and route the traffic in a northeast direction. Also, there are several other possibilities for routing the traffic. The biggest issue is the money it would cost to change the street design.

Lisa Olsen presented a VHS tape of the flood in the spring of 1984. She recommended City Council review the tape. The tape was viewed. She asked if there are adequate means available

to insure flooding will not occur again.

Richard Harris presented two maps on a CD of the flood plain in 2003. He reviewed the maps indicating the flood plain in 2003. He reviewed the flood history for the area. He asked why the city is requiring a release from liability if flooding is not a concern. When flooding occurs will the city and tax payers be responsible.

Dave Woodhouse asked what will be done with 900 South to handle the traffic. He also asked who will pay the bill to widen the existing 22-foot road. It will be costly with irrigation ditches and a canal crossing. Also, property owners will need to be dealt with and property will need to be purchased. Leland is zoned Rural Residential, requiring 50-foot front yard setbacks. Trees and shrubs will need to be removed. There are other options and other directions to route traffic.

Rick Evans said when residents oppose development there are problems and unnecessary statements are made. He does not live near the proposed development. Therefore, it is not a case of "not in my back yard." He moved to Spanish Fork City a decade ago. A high density development next to a rural area does not respect the character of the surrounding area. He suggested reviewing the rules of process and tabling any new applications until the rules are reviewed.

Glenn James said he supports the citizens of Spanish Fork City. He is concerned with the environment. He voted against the Quail Hollow Subdivision because of environment and transportation concerns. He does not have a lot of faith in developers. There are a few that do not follow through with promises they make. He said this item should be tabled until means are guaranteed to maintain the river from flooding and also until plans to improve the roads to allow for increased traffic are addressed and resolved.

John Robertson, 2000 West 900 South, said he is concerned with the traffic and traffic control on 900 South. Also, in the fall when the trucks containing grain and crops drive through the area there will be spills and problems. He has no objection to the subdivision. The road should be re-routed.

Melanie Anderson said she has lived in Spanish Fork for more than 50 years. She loves the rural atmosphere of Leland. The flooding is likely to happen again.

Kevin Baadsgaard said he looked at the findings required to be in concurrence with the General Plan. The streets are not adequate. Is the Development Review Committee required to meet these standards. The minutes do not contain discussion concerning the character of the surrounding area. The health, welfare, and safety of the citizens in the area will not be met if this is approved.

Robyn Wilson said she lives on 1400 West. She drives down 900 South 30 times a day and has to stop many times for animals and children. The subdivision is not a good idea. There are already many houses for sale in Spanish Fork to accommodate growth. She will need to move if the development is approved and she does not want to move.

Glen Larsen said when the river floods it has no conscience. He reviewed the possibilities and suggested a T-intersection in lieu of the Y-intersection at the west end of 900 South.

Pat Parkinson said she is confused about the process. During the last public hearing concerns were addressed and the public hearing was continued to allow the City Council time to discuss the road options. It appears nothing has been done and there is no report of information providing answers to the concerns. What is the purpose of the meeting if questions are not answered.

Bill Barth said he planned on going to the Grand Canyon but the pot holes on 900 South are already the Grand Canyon.

Jenny Baadsgaard said a meeting was held and a question was asked concerning the need for a traffic survey. A traffic survey was completed and information was provided to the residents. The study indicated 1600 vehicles travel east on 900 South. She asked if the city has taken the time to review the type of traffic traveling on 900 South.

Connie Muhlestein said there are disabled individuals in the area that she is concerned for. She has no problem with the subdivision but the road should be rerouted to address safety concerns.

Greg Stodtmeister said people should have a right to develop their property, however, he is concerned with the river flooding. There is a water shortage in Utah and the properties will be on top of sand and there will be heavy water usage. Also, there are animals in the area and he asked if the subdivision residents are going to be offended by the smells. He wants safety issues to take precedence. He is against any access from the development to 900 South.

Brian Redd said under the General Plan, streets with discontinuous patterns are addressed. He asked why the T-intersection is the only alternative being considered.

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

Mayor Bamey said the public hearing allows residents to provide input which helps the City Council make decisions.

Councilmember Sorensen said there are two separate issues to be addressed, the rezone and the preliminary plat. The rezone is the public hearing item currently being discussed.

Councilmember Barber thanked the residents for giving well educated and well informed input.

Councilmember Wadsworth agreed there are process problems. He would like to see this type of discussion and input from citizens at the onset of proposed development.

Mayor Barney said in 1996 many citizens were asked what they wanted the city to look like and input was given. The door cannot be shut on growth. We need to allow our grandchild to live here. Regardless of what has been said tonight, a process took place in 1996 to determine the

road layout for the area. He also said he has worked with the Army Corps of Engineers. They have responsibility for maintaining the river. He does not understand why F.E.M.A. removed the area from the flood plain. The City Council approved two other subdivisions in areas removed from the flood plain. He was opposed to both of those subdivisions.

Councilmember Wadsworth asked Mr. Pierson to define what a General Plan is, and how it relates to Title 17.

Mr. Pierson said the General Plan was drafted in 1996. Updates, following public hearings, have been made to the General Plan. The General Plan is a vision for the growth of the city. Title 17 is the Zoning Ordinance and the two work hand in hand. The developer presents a plan for development to the city and the standards and the General Plan are reviewed. Mr. Pierson said his job as the City Planner is to interpret the application of the General Plan and Title 17 and to make sure it is enforced. If the City Council does not like the current General Plan then changes need to be made. He reviewed the responsibilities of the Development Review Committee and the Planning Commission. The Development Review Committee and the Planning Commission give recommendations to the City Council.

Councilmember Barber asked when the area being discussed was included in the Growth Boundary.

Mr. Pierson said in May 2003 the Growth Boundary was amended to include this area and the Quail Hollow area. In the past the east bench has taken the brunt of the growth. It was determined that growth should spread to others areas.

Mayor Barney said growth has always been a big issue. The city was asked to stop growth in the east area of town.

Councilmember Kelepolo said the process is difficult and he agrees citizens should give input early in the process. There are some areas in which the City Council is obligated. City staff followed the direction from the City Council in the past and currently follows the direction from the City Council. Our purpose is to listen to the citizens and make the best decisions based on the obligations and input from residents.

Councilmember Wadsworth asked Councilmember Kelepolo for the obligations of the City Council.

Councilmember Kelepolo said one obligation regarding the area in question is the fact that F.E.M.A. has removed the area from the flood plain.

Councilmember Barber asked Mr. Heap concerning the maps Mr. Harris provided concerning the flood plain.

Mr. Heap said he is not sure where Mr. Harris acquired the maps he presented. Mr. Heap provided the F.E.M.A. map of the flood plain. He said the tunnel now located in Thistle helps provide control of the river flow if needed. He also reviewed the process in determining the

1996 transportation plan.

Councilmember Christensen asked Mr. Heap concerning the flood in 1983 which included the Golf Course and Canyon View Park.

Mr. Heap said the river channel has been rebuilt and armored. Spanish Fork City and Utah County provided the work.

Mayor Barney said he has spent a lot of time with the Army Corps of Engineers and the County. Neither wants to take responsibility for provide regular maintenance of the river.

Councilmember Christensen asked if the developer of the Quail Hollow Subdivision is required to armor the river.

Mr. Heap said the developer of the Quail Hollow Subdivision is required to armor the river in the area.

Councilmember Sorensen said the rezone issue is to be decided first. The General Plan states any new development is to be contiguous with the surrounding areas. He asked if the area should have a less dense zoning.

Mr. Pierson asked if the area is a buffer for an Industrial Zone. The area is also next to an R-1-12 Zone. The density is less than the density shown on the General Plan.

Councilmember Wadsworth said the city's push for a road is the fulcrum upon which the entire issue balances.

Mr. Pierson asked City Council if they want to follow the Master Transportation Plan or not.

Councilmember Christensen said he agrees with the concerns presented by the citizens of Leland. The future growth is in their hands as property owners. Developers will also approach them to purchase and develop their properties.

Councilmember Christensen made a **motion** to approve the River Cove Rezone. Councilmember Kelepolo **seconded** the motion. Councilmember Barber, Councilmember Sorensen, and Councilmember Wadsworth were **opposed** to the motion. The motion was **denied** with a majority vote.

Councilmember Christensen made a **motion** to move out of the public hearing portion of the meeting and return to the regular session of city council following a brief recess. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

8:05 p.m. - Recess

8:10 p.m. - Reconvene

Easement - Roy Bennion and Carol W. Bennion

Mr. Heap said Roy and Carol Bennion have signed the easement for a portion of the storm drain line on the east bench.

Councilmember Sorensen made a **motion** to accept the Roy Bennion and Carol W. Bennion easement. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Easement - Tyler Ward

Mr. Heap requested the Tyler Ward easement be tabled.

Councilmember Kelepolo made a **motion** to table the Tyler Ward easement. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Dave Tuttle - Utility Board Report

Mr. Tuttle reviewed the process of approval, installation, and funding for the pressurized irrigation system. The system has now been operating for one full year. The first year of service was successful and the debt services requirements were met. The Utility Board reviewed the next five years of pressurized irrigation service. The Utility Board recommends restructuring the pressurized irrigation rate and to reduce the usage rate. The City Council has already approved an increase in the water allotment per residence. The Utility Board recommends a usage rate reduction to \$1.00 per thousand gallons. A review of the pressurized irrigation rates and usage will take place yearly.

Mayor Barney thanked Mr. Tuttle and the members of the Utility Board for their volunteer time.

Councilmember Wadsworth asked Mr. Tuttle for a copy of the report for review.

Mr. Tuttle said the information gathered can be made available.

Mr. Heap said the information will be presented with the budget review.

Councilmember Christensen asked if new homes contributing to pressurized irrigation rates are helping to reduce the rates.

Mr. Tuttle concurred.

Councilmember Christensen thanked Mr. Tuttle for his service.

Councilmember Barber asked if we really want citizens to conserve water until the bond is paid off and he said if they conserve too much then the pressurized irrigation rates will need to be increased.

Mr. Tuttle said water conservation of our quality water is the real issue.

FY 2005 Tentative Budget

Mr. Oyler presented copies of the Fiscal Year 2005 Tentative Budget to the City Council and those attending the meeting. The City Council will have time to review the information. A public hearing for the approval or denial of the budget is scheduled for June 1, 2004. Mr. Oyler reviewed several important areas of the budget and the letter introducing the budget information. City staff needs direction from the City Council tonight concerning a telecommunication franchise fee tax. Currently, the city has set the tax at one half of one percent (.5%). The State requires notification if the City Council wants something other than four percent. The deadline for notification is approaching.

Councilmember Sorensen said he is in favor of keeping a .5% telecommunication franchise fee.

Mr. Oyler also said the franchise fee in the past was impose on land line phones only and will now also include cell phones.

Councilmember Wadsworth said his cell phone bill contains a Spanish Fork City fee.

Mr. Oyler said there may be sales tax charged on cell phones bills, however, they should not contain franchise fees at this time.

Mr. Clark suggested Councilmember Wadsworth contact his cell phone company.

Councilmember Wadsworth said he agrees with continuing a .5% telecommunication franchise fee.

Councilmember Christensen said a 1% fee should be charged.

Councilmembers Kelepolo and Barber agreed with a .5% franchise fee.

Mr. Oyler continued reviewing the budget process. He also said members of staff from each department in the city will be available to answer any questions the City Council may have. He suggested each member of the City Council allow questions to be addressed prior to the public hearing due to the quantity of information to be presented.

Councilmember Barber asked Janice Nielsen, of the Spanish Fork Press, if it would be possible to provide information in the press concerning upcoming public hearings. He also asked to have the budget information available on the city web site.

Ms. Nielsen said she will include public hearing information in the press.

Mr. Oyler said the budget is currently on the city web page.

Councilmember Kelepolo said the Request for Proposal (RFP) for benefit services was

presented. A committee reviewed the RFP process and the proposals received. Following the process it was determined First West Benefit Services was the obvious choice.

Other Business

None

Adjournment

Councilmember Kelepolo made a **motion** to adjourn. Councilmember **seconded**, the motion **passed** with a unanimous vote, and the meeting adjourned at 8:52 p.m.

Connie Swain, Deputy Recorder

Approved: June 8, 2004