

**Approved Minutes
Spanish Fork City Council
November 1, 2005**

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

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

Staff Members Present: David A. Oyler, City Manager; S. Junior Baker, City Attorney; Emil Pierson, Planning Director; Richard J. Heap, City Engineer/Public Works Director; Seth J. Perrins, Assistant City Manager; Kent Clark, Finance Director; Dee Rosenbaum, Public Safety Director; Dale Robinson, Park & Recreation Director; John Bowcut, Information Services Director; Pam Jackson, Library Director; Bart Morrill, Parks Maintenance Supervisor; and Marlo Smith, Engineering Secretary.

Citizens Present: Ashlee Stoddard, JoNell Stoddard, Jessica Egbert, Ally Hawkins, Austin Teasdale, Nicole Monk, Melanie Lefevre, Megan King, Wyatt King, Wade Richins, Royden Hill, Robert J. Pitelli, Treaci Tagg, Brady Davis, Kyle Patten, Lynette Morrill, Lindon Morrill, Aubrey Houck, Mike McCormick, Don Swenson, Mary Esther Isaac, David Grotegut, Wayne Anderson, Melissa Burton, Karl Christensen, Megan Brockbank, Courtney Gleaves, Philip Harding, Sam Wheeler, Britney Murray, Scot Perry, Bryce Westwood, Courtney Brown, Stacie Eagar, Tyson Edwards, Jamie Asay, Jason Asay, Rich Harris, Lana Harris, Vic Deauvono, Richard Mendenhall, David Simpson, Nathan Simpson and Charles Wixom.

Minutes

Councilmember Kelepolo made a **motion** to approve the October 4, 2005 minutes of City Council meeting with changes as noted. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Kelepolo made a **motion** to approve the October 11, 2005 minutes of City Council meeting as presented. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Barber made a **motion** to correct a clerical error to the April 6, 2005 City Council meeting minutes. Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

Employee of the Third Quarter 2005

Mayor Barney recognized Bart Morrill as Employee of the Quarter who was selected as employee of the quarter for his good work. Mayor Barney presented Mr. Morrill with a certificate and gift. A round of applause was given.

City Calendar

Mr. Perrins said the City has provided its residents with a calendar for the last ten plus years. It was taken out of the budget. When the budget was discussed, the calendar item was never discussed. Staff is looking for direction from City Council whether to have a calendar provided to the residents. The cost of last year's calendar was \$10,000, which is a very close estimate for this year. The scout groups and other various groups have delivered the calendar in the past. Mr. Perrins suggests, if there is a calendar, have the calendar mailed this year.

Mr. Perrins said the calendar is available on the City's website and is more accurate due to changes that occur throughout the year.

Mayor Barney said he feels like a calendar should be provided to the resident's due the fact that not all residents have access to the internet.

Councilmember Kelepolo said he agrees with Mayor Barney. He feels the calendar is a good thing to have.

Councilmember Sorensen said if it is available on the internet the City shouldn't need a paper calendar.

Councilmember Wadsworth asked Mr. Perrins to display the calendar on the City's website. Mr. Perrins displayed the calendar and demonstrated how to navigate through the different options.

Mayor Barney received a lot of calls regarding concern that the calendar wasn't distributed until February this past year. The residents were wondering about upcoming events. Mayor Barney said not all residents are as technical.

Councilmember Wadsworth asked if the City could have a paper copy of the calendar in the utility bill for the upcoming month, for those who don't have access to the internet.

Mr. Perrins said it would be very costly to add another page to the mailing of the utility bill. The mailing now allows for the utility bill, the newsletter and one additional flyer. We could eliminate either one or it would be approximately twenty cents per envelope.

Mr. Perrins said to help those residents that do not have access to the internet, the City staff can print the calendar out for the residents who come in and request.

Councilmember Wadsworth asked Mr. Perrins to clarify, that if residents come to City Hall and request to have a calendar printed, the Staff can print the calendar.

Mr. Perrins said yes, the calendar can be printed for the resident. He recommends the calendar not be printed for the entire year, because changes occur all the time.

Mayor Barney asked for a vote to continue the City Calendar for the year 2006.

Councilmembers Barber, Sorensen and Wadsworth voted neigh. Councilmember Kelepolo

voted yes. There was a majority vote of 3:1 to discontinue the City Calendar for the year 2006.

Councilmember Wadsworth asked for clarification for residents as to where they may request and receive their copy of the monthly City calendar.

Mr. Perrins said any office can print the calendar such as the City Manager's Office, Utility Office, etc. He said it is a community calendar and all residents are able to post events.

Councilmember Kelepolo suggested that notification of the decision to not publish a City calendar for the year 2006, be published in the newsletter, that will be delivered with the December city bill.

Utopia Contract

Mr. Baker discussed the proposed resolution that entails the exchange for the six strands of fibre between UTOPIA and the City.

Mr. Baker said this is not a transfer of ownership, but the right to use the fibre.

Councilmember Barber made a **motion** to accept the Resolution Authorizing the Mayor to Execute an Interlocal Cooperation Agreement with Utah Telecommunication Open Infrastructure Agency (UTOPIA). Councilmember Sorensen **seconded** and the motion **passed** unanimously.

Resolution of intention to expand the boundaries of the South Utah Valley Solid Waste District to include the City of Woodland Hills

Mr. Baker said when the South Utah County Cities formed the Solid Waste District, Woodland Hills Town opted not to be involved. Woodland Hills has since found the district to be beneficial to them and has petitioned the Solid Waste District to become members.

Discussion took place regarding the benefit the cities receive from forming this Solid Waste District.

Councilmember Barber made a **motion** to accept the Resolution of intention to expand the boundaries of the South Utah Valley Solid Waste District to include the City of Woodland Hills. Councilmember Sorensen **seconded** and the motion **passed** unanimously.

Review conditions of approval of Pine Meadows Subdivision

Mr. Pierson said some questions have arose regarding the masonry materials being used on the homes in the Pine Meadows Subdivision. When the he and other council members reviewed the Pine Meadows Subdivision minutes of approval there were some questions of the Council's intent for masonry materials required.

Mr. Pierson is asking for clarification on the Council's intent.

Mr. Baker said staff watched a DVD of the council meeting when the Pine Meadows Preliminary Plat was approved, the DVD did not help clarify the Council's intent.

Mr. Pierson said the use of brick and stone was understood, just not how much is required on the front of homes.

Mr. Pierson will have a copy of the DVD made for the Council to review and revisit this item at a following meeting.

Councilmember Barber made a **motion** to table the Review of conditions for approval of the Pine Meadows Subdivision until the next City Council meeting. Councilmember Wadsworth **seconded** and the motion **passed** unanimously.

Public Hearings

General Plan Update 2005

Mayor Barney reviewed the procedures and rules of conduct for a public hearing.

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

Mr. Pierson said the Council requested approximately ten months ago that Planning Commission review the General Plan for updates. The Planning Commission has reviewed the General Plan, has made updates and has held numerous public meetings pertaining to updates of the General Plan. There have been significant changes and includes a lot of pictures.

Mr. Pierson said the changes to the General Plan have been on the website for two months, there have been numerous public meetings both of these have allowed public comment.

Mr. Pierson reviewed the following changes:

- New maps, Flood plain, earthquake hazards, flood hazards, etc.
- Electrical System
- Public Safety
- Parks & Recreation
- Updated all facilities' location and what is available.
- Land Use Section
- General Design review guidelines
- Utility Master Plan
- Transportation Master Plan
- Moderate Income Section as required by State.
- Airport Area

Mr. Pierson asked the Planning Commission Chairman Paul Bradford to discuss his feelings on the General Plan.

Mr. Bradford said it has been a real education learning experience. He is very pleased with what has transpired. Emil Pierson and Richard Nielson have been wonderful to work with and has been very efficient in explaining information to help the Planning Commission make decisions. There has been some controversy on things decided, a lot of concern for the Leland area, the residents would like this area to stay a rural community, no one wants to see growth, but the City has to cover ever aspect. He is amazed at the way the City keeps track of everything that goes on in the City with the development, utilities, and the way the City plans ahead before the need arises. He feels like the General Plan preserves the integrity of the City and that the City is looked upon with pride. He said the Planning Commission gives the General Plan a high recommendation for approval.

Mr. Pierson said he is not looking for the City Council to approve the General Plan at this time, but wait until the City Council and residents are comfortable with the changes.

Vic Deauvano

Mr. Deauvano said he is a land owner and developer. He would like to ask that the City Council look at the redevelopment of the downtown area. Many buildings are great old buildings, but are not earthquake proof. He would like to see the City work to keep the facade of Main Street. He would also like to see more money to develop the airport area.

Richard Harris

Mr. Harris said the transportation plan in the Leland area shows a proposed road at 1550 West. He is concerned that if the road is built it will affect properties, irrigation rights and wetlands. The property owners in this area do not desire to sell their property for a road. He understands an eminent domain allows for government entities to condemn land. If the City decided to condemn land would it be at farm land value or subdivision value. The proposed road doesn't connect with other areas. New roads cause greater speeds and he fails to see any benefit in this new road.

Royden Hill

Mr. Hill thanked the Mayor and City Council for the opportunity to speak. He would like to see the plan delayed until the first of the year, so the new city council members are able to input on this General Plan Update.

Nathan Simpson

Mr. Simpson said he is a property owner and developer in the Northeast Bench area. He is in favor of the General Plan update as far changing the growth boundary and lifting the sewer restriction.

David Simpson

Mr. Simpson said he is also a developer and land owner, he feels the City Council is very capable of acting on these amendments.

David Grotegut

Mr. Grotegut said he has looked at the plan a number of times and does have a question on the East Bench general plan zone. He asked for clarification of the definition on 3.5 lots/per acre.

He would also like to question the proposed trail through his property.

Pat Parkinson

Ms. Parkinson said she is questioning the roads that are on the transportation master plan. She is concerned that the transportation map between Del Monte and Mill Road doesn't show any other roads. There is a great deal of traffic congestion and is not safe. She would like to see Mill Road widened. She questioned if the General Plan to have flexibility to allow more roads.

Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Mayor Barney said to answer Mr. Deauvano's question, Rocky Mountain Composites has a lot going on. This company is a big asset to the City, and will have a lot of changes to the airport area.

Mayor Barney said to Ms. Parkinson the access from the Charter School onto Mill Road went through a process, it would be a hazard to turn all traffic onto Mill Road, when 900 South is complete he feels the traffic situation will be taken care of. He feels the school opened before its completion time.

Councilmember Kelepolo asked Mr. Heap when 900 South would be open to West Park Drive.

Mr. Heap said the road base is in now, the curb went in last week and they are scheduled to asphalt Monday.

Councilmember Sorensen said to address Ms. Parkinson's question, the transportation master plan is just an outline of major planned roads as the development fills in between major roads other roads will be designed.

Councilmember Kelepolo asked Mr. Pierson to address Mr. Grotegut's concerns.

Mr. Pierson said the purple line shown on Mr. Grotegut's property are the boundary lines. It does not indicate a proposed trail. The density for the area is 2.5-3.5 units per acre. When the property is annexed, the City Council can zone how it likes.

Councilmember Kelepolo stated the General Plan is a working document, it can be changed at any time as input is received from the citizens.

Councilmember Barber asked why the road through the Harris property is shown on the transportation master plan, why was it put in this location.

Mr. Heap said the road through this area would allow for a 4-way intersection, the road might be designed other ways.

Mr. Pierson said the road is not meant to affect people's homes.

Discussion on the airport zones to allow for FAA required clearance zones took place.

Councilmember Kelepolo made a **motion** to close the public hearing portion and table the General Plan Update 2005 until the first meeting in December. Councilmember Wadsworth **seconded** and the motion **passed** with a unanimous vote.

Councilmember Barber asked Ms. Parkinson if her question was answered.

Ms. Parkinson said yes her question was answered, that roads can go in that is not planned.

Amend Title 15 Land Use

Mr. Baker said the State Legislature made significant changes to the land use state laws. Therefore, the City has adopted a land use ordinance and also construction standards to implement the ordinance. The ordinance has been effective for more than six months, realizing that some of the standards should be in the ordinance to create less confusion.

Mr. Baker reviewed the changes of the ordinance.

Mr. Baker said this past month a situation has occurred with contractors experiencing a concrete shortage. Therefore, it is restricting building permits to be submitted. Different developers and contractors have requested an amendment to the existing ordinance.

Mr. Baker said the Engineering Department has concerns with changing the ordinance and he suggests the Council hear public comment, but hear the Engineering Department concern's.

Charles Wixom

Mr. Wixom said the developers are running into problems with obtaining cement to completed sidewalks. The current ordinance does allow for leeway if asphalt plants are shut down. The way the current ordinance is written isn't allowing individuals to start on homes each day is costing money. He asks the City Council to not only look at cement, but other shortages of material that may occur in the future.

Nathan Simpson

Mr. Simpson is the developer of the Sunny Ridge Subdivision. He is concerned about the shortage of concrete to finish the sidewalk also. There has been talk of if concrete is available for footings and foundations, why isn't it used for sidewalks. The problem is they can get enough concrete for footing or foundations, but not for a continuous pour of sidewalks. He is concerned with the rising prices of materials. He would like to see some exception to shortages beyond the Developers control.

Richard Mendenhall

Mr. Mendenhall said he is the developer of the River Cove Subdivision, he doesn't want to duplicate what Mr. Wixom has said, but he agrees with the comments. He also said that 900 South will have asphalt and the other improvements complete, but the sidewalk.

Mayor Barney closed the public comment portion of the meeting and opened the meeting for City Council discussion.

Discussion took place regarding the maximum grade allowed for any City street. Each situation will be looked at on an individual basis.

Discussion took place regarding the shortage of concrete.

Mr. Heap said it isn't that the developers do not want to get the concrete installed, they are having difficulty getting enough concrete.

Mr. Heap said some background on the reason for the current ordinance is that several years ago houses were being built why improvements were going in. The homes were faster than the improvements and then homeowners weren't able to occupy their homes and were paying construction loan costs waiting for power and sewer, etc. The power can't be installed until the curb and gutter is installed to set proper grades for sectionalizers and transformers. Then after the power is in the power trenches are backfilled, then preparation for sidewalk is completed. There is a safety concern with no sidewalk for children to walk on.

Mr. Heap agrees there is a concrete shortage. If the City holds occupancy because no sidewalk then the City is pressured to allow someone to move into their completed home.

Discussion took place on how long the concrete shortage may continue and how much liability the City would have with no sidewalks.

Councilmember Sorensen made a **motion** to close the public hearing and table the Ordinance to Amend Title 15 until the next City Council meeting. Councilmember Barber **seconded** and the motion **passed** unanimously.

Councilmember Wadsworth made a **motion** for a five minute recess. Councilmember Kelepolo **seconded** and the motion **passed** unanimously.

8:02 p.m. - Break

8:08 p.m. - Reconvene

Councilmember Barber made a **motion** to move out of public hearing. Councilmember Kelepolo **seconded** and the motion passed unanimously.

Library Report

Ms. Jackson said she was assigned to update the Council on the library. There are several programs this month which are as follows:

- Food for Fines; anyone with fines can bring in food and it is then donated to the local food bank.
- Children's Book Week; Bookmarks, balloons, handouts, and new children's

books available.

- Family Night Story Time; Children who dress as favorite storybook character will have their names put in a drawing for prizes.
- Radical Reader Program, Offered to children who are reading chapter books.
- Preschool Story Time; Sign up for class is required.

There are classes and activities ongoing, if there are any questions, encourage residents to check with library or website.

Ms. Jackson said in closing she would like to thank the library staff for their wonderful work and dedication. The library is a nice place to be.

Councilmember Barber said the library staff is doing a great job.

Councilmember Kelepolo asked if all activities are on the website.

Ms. Jackson said they are all listed on website, but also if any questions, please come to the library or call.

Councilmember Wadsworth asked Ms. Jackson to discuss the effect of the ordinance regarding criminal charges for unreturned library material.

Ms. Jackson said mostly the public is very supportive. She has received questions from individuals who are not sure what it entails. She thanked the City Attorney Office for help putting the ordinance in effect.

Ms. Jackson said the State law went into effect back in 1989 to specify that all libraries use a system to collect delinquent and non returned items. The most effective way to collect fees are through a criminal process. Three overdue notices are sent before the account is sent to the attorney office. The process of a criminal action will be the people who don't contact the library, but because of the attention the media has given this new ordinance, a lot of very overdue accounts have been cleared up.

Ms. Jackson asks that the material be returned to the library. She doesn't want the taxpayers to replace the items two or three times.

Southeast Well and Water Rights Purchase

South well not ready motion to table Seth CW second until next CC mtg. all approved.

Senior Citizens/Parks Budget Adjustment

Mr. Robinson said the City had the opportunity to purchase the house adjacent to the Senior Center and have the house demolished to allow additional parking for the Senior Center. In order to compensate for the purchase and demolition, the parks department budget will need to be transferred. This will allow the Senior Center to still operate until budget revisions can be made next month.

Mr. Robinson asked for the Council to approve the transfer of \$130,000; \$80,000 from the library restroom budget and \$50,000 from the trails budget.

Councilmember Sorensen made a **motion** to accept the Senior Center Budget Adjustment in the amount of \$130,000; \$80,000 from the library restroom budget and \$50,000 from the trails budget. Councilmember Kelepolo **seconded** and the motion **passed** unanimously. A roll call vote confirmed the unanimous vote.

Other Business

None

Adjournment to Executive Session

Councilmember Barber made a **motion** to move into an Executive Session to discuss land acquisition issues. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:28 p.m.