

**Adopted Minutes
Spanish Fork City Council Meeting
July 18, 2006**

Elected Officials Present: Mayor Joe L Thomas, Councilman Chris C. Wadsworth, G. Wayne Andersen, Steven M. Leifson, Matt D. Barber

Staff Members Present: Seth Perrins, Assistant City Manager; Richard Heap, Public Works Director; Dale Robinson, Parks and Recreation Director; Dave Anderson, City Planner; Dave Oyler, City Manager; Junior Baker, City Attorney; Kent Clark, Finance Director; Dee Rosenbaum, Public Safety Director; Kimberly Robinson, Deputy Recorder

Citizens Present: Laura Powell, Spencer Powell, Bobeta Powell, Matt Singerman, Ty Singerman, Jeanne Singerman, Leah Walters, Jared Stubbs, Bradley Creer, Paul Platt, Gordon Raymond, Duane Allred, Monte J. Allman, Don Merrill, Marie Merrill, David Esplin

CALL TO ORDER

The meeting was called to order by Mayor Thomas at 6:04 p.m.

PLEDGE

The pledge of allegiance was lead by Councilman Wadsworth.

OPENING CEREMONY, RECOGNITIONS

Roy Christensen Recognition

Councilman Barber stated this was a unique experience where the City's Golf Pro qualified to play in the US Senior Open Tournament. The Council would like to honor him and acknowledge his accomplishments.

Mr. Christensen explained the qualifying process and his experience playing in the tournament. He says this was what dreams were made of.

PUBLIC COMMENTS

There was no public comment given at this time.

RECOGNITION

Mr. Perrins stated that the 2006 Fiesta Days Theme was "Everyday Heroes" and along with that theme the City had an incident at the pool and introduced three young heroes that helped to save a life. He feels this truly explains that everyday heroes can be any age. Spencer Powel, Ty Singerman, and Leah Walters were honored by the Council for their efforts.

Mr. Singerman and Mr. Powel explained the situation and what happened.

Ms. Walters recognized Paul Bradley for doing most of the CPR.

Mayor Thomas thanked them all for paying attention and coming to the rescue.

Councilman Andersen thanked them for representing our community.

Councilman Wadsworth thanked them for the team effort.

PUBLIC HEARINGS

Councilman Wadsworth made a **motion** to move to the public hearings at 6:12 p.m.
Councilman Leifson **seconded** and the motion **passed** all in favor.

Hughes Zone Change

Mr. Andersen explained the area proposed for the zone change. The current zoning is residential office and the owner of the property has prospective buyers and he would like to change the zoning to commercial office. Both zones are consistent with the General Plan designation. The Planning Commission spent quite a bit of time reviewing this request and ultimately feel commercial office zoning is the best zone for this property. They recommend this location be zoned commercial office with some potential changes to the setback requirements.

Mayor Thomas asked for public comment and there was none given at this time.

Councilman Leifson made a **motion** to approve the JP Hughes Zone Change Request approximately located at 415 North Main. Councilman Barber **seconded** and the motion **passed** all in favor.

Councilman Barber made a **motion** to move out of the public hearing. Councilman Wadsworth **seconded** and the motion **passed** all in favor at 6:19 p.m.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting – May 30, 2006, June 6, 2006, June 14, 2006

Canyon View Park Caretaker Contract

Mayor Thomas asked how they determine the value of the rent. He feels it is low, and asked that it be reviewed.

Mr. Robinson explained that it had not been looked at recently.

Mayor Thomas requested that the amount be looked at and updated if needed.

Mr. Robinson stated they would look into it.

Councilman Andersen states that as long as the value is fair for the work done he feels the amount is ok.

Mr. Perrins explained they have decreased the task list that the position holds, but that it is still fairly large.

Mayor Thomas wants the value equal to the work received. He also asked that the rent amount be reviewed again and send the Council an e-mail with the information.

Councilman Andersen said he feels comfortable that with the task list and being able to live in the home equals it all out.

Community Housing Affordable Housing Funds Resolution S.U.V.P.S. Amended Interlocal Agreement

Councilman Andersen made a **motion** to accept the consent items as presented. Councilman Barber **seconded** and the motion **passed** all in favor.

NEW BUSINESS

Wasatch Wind Meteorological Tower Lease – Christine Mikell

The Mayor stated Wasatch Wind Meteorological will be to the meeting in two weeks.

Agreement for Professional Services for Electrical Substation Design

Mr. Baker explained that when the transformers were replaced the City contracted for help. We need to prepare for the new transformer coming in and enter into a contract. He asked that the contract be retroactive from December.

Councilman Andersen made a **motion** to accept the contract with Mr. Davis and move forward with the projects.

Councilman Wadsworth asked if the outages lately were from substation problems.

Mr. Heap explained the problems they have had in the last week were caused by the phases and having to rebalance it not from substation issues.

Councilman Leifson **seconded** and the motion **passed** all in favor.

PUBLIC HEARINGS

Councilman Barber made a **motion** to open the public hearing at 6:33 p.m. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Title 5 & 15 Ordinance Text Amendment

Mr. Baker explained this item deals with zoning changes. He explained the changes and why they were made. Also some of some of the changes were just making corrections to the reference information.

Mr. Baker noted section 5.36.050(3)(a) changing the allowable offsite directional signs to two or four. The Planning Commission recommended four offsite directional signs be allowed.

Mayor Thomas clarified the applicants will have to meet the other requirements of signage.

Mr. Baker stated they would have to meet the other requirements that apply.

Mr. Baker pointed out the changes that Sexually Oriented Businesses (SOB) have to be 1,000 ft. from a library, park or a residence.

Wind Turbines

Mr. Baker stated Mr. Fisher had made a request for wind turbines to change them farther east about a mile or two. He explained that when the Planning Commission reviewed this they felt they had done the proper studies and they recommend leaving it as is and not changing it. They felt the change was based on public clamor. He stated that this was the only part of the ordinance the Planning Commission did not move to adopt.

Mayor Thomas asked for public comment on these topics.

There was no public comment given at this time.

Councilman Wadsworth recommended that they allow four offsite directional signs. The Council was in consensus they did not have a problem with allowing four offsite directional signs.

Councilman Wadsworth made a **motion** to accept the Ordinance updating the Spanish Fork Municipal Code and specifically under section 5.36, changing the number of allowable offsite directional signs to four, and to leave the windmills. Councilman Leifson **seconded** and the motion **passed** all in favor.

Councilman Barber made a **motion** to close the Public Hearing at 6:42 p.m. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

NEW BUSINESS

Stubbs Subdivision

Mr. Anderson stated all the lots conform to the Cities requirements and Staff recommends that it be approved as it meets the standards.

Councilman Barber made a **motion** to approve the Stubbs Subdivision with the four conditions outlined by the Planning Commission.

1. That the Mapleton Bench Annexation be recorded before a Final Plat application is submitted.

2. That the development standards be met with the development of the property.
3. That the same utility conditions imposed on the Spanish Highlands be met with this development.
4. That the setback requirements be corrected on the plat.

Councilman Andersen **seconded** and the motion **passed** all in favor.

Sign Requirements

Mr. Anderson stated that some of these changes are to clarify items for himself and the Building Inspectors. He then explained the reasoning behind the changes and reviewed the proposed changes.

Mayor Thomas feels the amounts for signage violations are excessive.

Mr. Baker explained this change is geared for those that are not following the rules, are repeat offenders, and have the more expensive signs.

Mayor Thomas would like a clause added to give discretion to the enforcer.

Councilman Barber made a **motion** to approve the changes to the sign requirements. Councilman Leifson **seconded** and the motion **passed** all in favor.

Councilman Barber made a **motion** to recess the meeting for the flag retirement ceremony at 6:54 p.m. Councilman Andersen **seconded** and the motion **passed** all in favor.

RECONVENE

Mayor Thomas reconvened the meeting at 8:58 p.m.

Allied Waste Contract Amendment

Mr. Clark explained the amendment proposal from Allied Waste.

He stated that there is only an increase for the first container and not the second and it will apply through the end of the contract unless an amendment is made.

Councilman Leifson made a **motion** to approve the Fuel Surcharge Amendment for Allied Waste. Councilman Andersen **seconded** and the motion **passed** all in favor.

Councilman Wadsworth made a **motion** to adjourn to executive session for land use issues at 9:02 p.m. Councilman Barber **seconded** and the motion **passed** by a roll call vote all in favor.

Councilman Andersen made a **motion** to move out of executive session back to the regular meeting at 10:11 p.m. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

David Esplin

Mr. Esplin said he had purchased some property from Clyde Swenson and they can't get access to the property. He said he was not going to close on the property purchase until they had access to the property. That was three years ago in August and he did end up purchasing the property without gaining the access.

Discussion was made regarding the access points and he stated that he had paid for the infrastructure to be installed.

Councilman Andersen clarified where the property boundaries were.

Mr. Esplin stated he would pay for the land and for the infrastructure. He said that Junior Baker had told him to install the cul-de-sac to gain the access.

Mayor Thomas asked for Mr. Esplins contact information.

Mr. Esplin stated that Jamie Evans has the property leaned.

Mayor Thomas clarified that anything done in real estate has to be in writing. He will look into it and get back to Mr. Esplin.

Parks and Recreation Reservoir – Dale Robinson

Doug Ford

Mr. Ford gave a brief history regarding the pavilion. He stated there has been some private funding to fund half of it. It was unanimous with the committee that the pavilion be built and accept the offer from private sources to help fund this project.

Councilman Andersen clarified that there is one other stipulation and that is this project be completed.

Mr. Ford stated the stipulation is also that this pavilion be able to be occupied by March of this next spring.

Councilman Leifson said this is quite an offer from this private group and the committee feels this is something they can do. This falls under the impact fees and the money to match is available. He feels anytime a building can be purchased for ½ the cost they need to build it.

Mayor Thomas showed concern that if the development adjacent is approved and impact fees from that development can fund it and if not there are still funds available to use.

Councilman Barber stated he feels the traffic issues need to be addressed.

Mayor Thomas stated this will have issues that need to be addressed regarding the traffic and children on the road. He explained because Nebo School District will not bus the students they must walk from the bottom of the hill.

Councilman Leifson stated he agrees there is a traffic issue that needs to be handled.

Councilman Barber feels that if this development is willing to pay money it should be based on if it is approved or not.

Mr. Robinson noted the contract is written as if the project is approved then they will build the pavilion.

Mayor Thomas explained some issues there have been regarding the access roads in the proposed area.

Mr. Rosenbaum stated the road is narrow with some tight turns, and it is a safety concern. He stated an incident regarding the road where a driver was going too fast.

Mr. Heap stated they have investigated some speed bumps, but they become an issue themselves. He also addressed the sidewalk plans for the area. He stated that the cost estimate a few years ago was about \$125,000 to get to the homes and not all the way to the reservoir.

Mayor Thomas asked Mr. Creer to acquire information from people in the area.

Councilman Barber commented that the anonymous donors will feel his comments are negative and added that he is very appreciative of a donation of that size for anything to better our community. He stated that he did not see the pavilion or the parking lot in the six year capital improvements plan.

Discussion was made regarding the parking lot materials and the total cost for the project.

Councilman Barber thinks it is not in the capital facilities plan, and there are other recreational needs that the money has been set up to go to.

Mr. Oyler stated that when the capital facilities plan was put together this spring they did not have a private donation for \$55,000 so the pavilion was not put in any plan. He explained that they looked at the offers other developers have used in the past.

Mr. Creer stated that if they would build a pavilion it would raise the value of the area.

Councilman Leifson feels that there are private citizens giving funds to build the pavilion. He feels it is a good deal and a good fit for the amount of people using the reservoir. The committee recommends it is a good idea and to move forward.

Councilman Leifson made a **motion** to accept the park and recreation reservoir pavilion as stated. Councilman Andersen **seconded** and the motion **passed**. Councilman Barber voted NAY.

Land Exchange

Bruce Hall

Mr. Hall stated that in the process of getting the subdivision approved they deeded the property to the city. Approximately a year ago there were discussions with the City and it was decided they would deed the property back to them.

Mr. Heap pointed out that the way the amended plat is it needs to be deeded with the City as the administrative body and not a property owner.

Mr. Hall explained that with the original exchange everything on the south side was deeded to them.

Mr. Heap stated that he recommended the City would not need that property and it could be deeded to them.

Councilman Barber made a **motion** to approve deeding the land to honor the commitments made previously. Councilman Leifson **seconded** and the motion **passed** all in favor.

Councilman Leifson made a **motion** to adjourn to executive session for land issues at 11:05 p.m. Councilman Barber **seconded** and the motion passed by a roll call vote.

ADOPTED: August 1, 2006

Kimberly Robinson, Deputy Recorder