

**Spanish Fork City Council Meeting  
Adopted Minutes  
September 5, 2006**

Elected Officials Present: Councilmembers G. Wayne Andersen, Matthew D. Barber, Steven M. Leifson, Seth V. Sorensen and Chris C. Wadsworth.

Mayor Joe L Thomas was excused.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, City Engineer/Public Works Director; S. Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Kent R. Clark, City Recorder/Finance Director; Dave Anderson, City Planner; Dale Robinson, Parks and Recreation Director; Chris Thompson, Design Engineer; and Marlo Smith, Engineering Secretary.

Citizens Present: Orlon M Black, Kyley Black, Krysti Gomm, Ryan Shawcroft, Raelynn Smith, Matthew Smoot, Steven Smoot, Keith Lyman, Mike Hardy, Terry Hallett, Scott Parson, Brian Fuhrman, Steve Day, Doug Ford, Cliff Hales, Kylie Baird, James Russell, Brandon Barber, Jeremy Thomas, Glenda Lyman, Kevin Lyman, Blake Bowen, Brett McInelly, Jeff Robins, Marianna Robins, John Ross, Schyler Ellsworth, Dakota Spann, Josh Yates, Kip Rasmussen, Dak Maxfield, and Larry Johnson.

**CALL TO ORDER, PLEDGE, OPENING CEREMONY, RECOGNITIONS**

**Call to Order**

The meeting was called to order at 6:00 p.m. by Mayor Pro Tem Matthew D. Barber.

**Pledge**

The pledge of allegiance was led by Chris Thompson.

**NEW BUSINESS**

**Oak Ridge Cove Preliminary Plat**

Mr. Anderson reviewed the proposed Oak Ridge Cove Preliminary Plat. The zone is R-1-30. He reviewed the two access points at Oak Ridge Drive and Fairway Drive. The proposed development is a master planned development. The master plan spreadsheet was prepared by the Development Review Committee and approved by the Planning Commission. Amenities include a trail, completion of the roadway of Spanish Oaks Drive, Contribute \$55,000 to a pavilion the city is constructing near the reservoir. Housing types were considered in the preparation of the bonus density spreadsheet. The Development Review Committee and Planning Commission recommend approval of the proposed development.

Discussion took place regarding hillside developments.

Mr. Heap reviewed the street situation as to waiving the street cross section standards because of the hillside. If the standard remained the cuts would be greater in length. That is the reason for allowing a modified sidewalk adjacent to the curb.

Discussion took place regarding the open space next to the gun club which would require curb, gutter and utilities.

Discussion took place regarding snow plow difficulty due to the steep grades.

Discussion took place regarding fire department access and water supply.

Councilmember Wadsworth asked Mr. Baker to clarify the discussion of the value of the lots but to look at the percentage of the lots.

Mr. Baker said the development ordinance does not deal with monetary costs but with a percentage increase in density.

Councilmember Wadsworth asked about the transaction of the 1.59 acres.

Mr. Baker explained the fallout of the gun club requirement.

Councilmember Wadsworth asked about the \$55,000 for the construction of the pavilion. Can the trail grant funds of \$500,000 be reallocated to install sidewalk coming into the subdivision.

Mr. Baker discussed the options the council could ask to allow the sidewalk to be completed coming into the existing subdivision.

Discussion took place regarding the secondary entrance access.

Discussion took place regarding widening the existing road.

Mr. Smoot addressed the island at the entrance of the road. He said the homeowners association was in favor of removing the existing island. He discussed his options for redoing the entrance.

Councilmember Barber asked if the proposed preliminary plat had a homeowner's association proposed.

Mr. Smoot said there would be a homeowner's association with restrictive covenants.

Discussion took place regarding the sidewalk down Spanish Oaks Drive.

Councilmember Andersen said the major concern is the fact the school buses will not go into this area. Something needs to be considered to mitigate the danger to the children.

Councilmember Wadsworth asked Mr. Heap about the estimated costs to complete the sidewalk on Spanish Oaks Drive.

Mr. Heap said the cost estimate the City projected was \$155,000.

Councilmember Wadsworth said he feels the sidewalk issue needs to be resolved due to the additional impact in this area.

Mr. Smoot said he feels they are doing over and above what should be required. Mr. Smoot discussed the different amenities they are including.

Councilmember Barber reviewed past master planned development and the different bonus densities that have been granted. He said it was the objectivity to stay consistent with the bonus densities.

The council reviewed the density bonus matrix by each line item.

Councilmember Andersen asked if the hillside ordinance needs to be addressed at this time.

Mr. Baker said it is not being addressed at this time. The proposed preliminary plat meets the standards at this time.

Discussion continued in regards to the density bonus matrix.

Discussion took place regarding the sidewalk on Spanish Oaks Drive.

Councilmember Wadsworth made a **motion** to approved the revised bonus density matrix. Councilmember Barber **seconded**, and the motion was **denied**. A roll call vote confirmed the following. Councilmember's Wadsworth and Barber were in **favor** of the motion. Councilmember's Leifson, Sorensen and Andersen were **opposed** to the motion for a vote of 2:3.

Mr. Smoot said he feels they are being held to a higher standard.

Councilmember Leifson said \$75,000 is too high to require the developer to pay. He thinks 50,000 is fair.

Councilmember Leifson made a **motion** to approve the revised bonus density matrix changing the sidewalk contribution to \$50,000. Councilmember Andersen **seconded**, and the motion **passed** with a majority vote. Councilmember Sorensen was **opposed** to the motion.

Councilmember Leifson made a **motion** to **approve** the proposed Preliminary Plat for Oak Ridge Cove based on the following findings and subject to the following conditions:

Findings:

1. That the density matrix is in accordance with the ordinance.

Conditions:

1. That they meet the construction and development standards.
2. That they meet the requirements of the geotechnical study.

3. That they provide offsite electrical improvements as dictated by the Electric Department in order to provide service to that project.
  4. That they pay \$50,000 toward the sidewalk project on Spanish Oaks Drive.
- Councilmember Wadsworth **seconded**, and the motion **passed** with a unanimous vote.

**PUBLIC HEARINGS:**

Councilmember Andersen made a **motion** to enter into the public hearing portion of the meeting. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

**Staker Parsons General Plan Amendment (continued from August 15, 2006)**

Councilmember Barber said this item has been continued from the last meeting. He opened the meeting for public comments and asked that only new comments be made.

Blake Bowen

Mr. Bowen said he owns Valley Management which has 5-acres. He is familiar with the zoning when Smith Auto was constructed. Mr. Bowen discussed the general plan and zoning districts allowed in the general plan. He doesn't feel that good planning has been shown when a company can expand in the middle of a zone when all the surrounding owners are not interested. He doesn't see other I-2 zoning districts that are available. He does not want this type of industry or the zoning changed to I-2 in this area. He doesn't think other companies will locate in this area if the I-2 zone change takes place. He is concerned about the traffic congestion due to the lack of an off-ramp.

Doug Ford

Mr. Ford said he is a property owner in the area. He is opposed to the rezone due to his concern about dust. He thinks land value of the property would immediately depreciate in value. He doesn't think this is good area for a cement plant. The traffic concern will be there regardless of the type of business that comes into this area. It is inevitable with growth. He would like additional lights to help with the increase in traffic.

Jed Morley

Mr. Morley said he is with Property Developers and was hired by Staker Parson to find a site. They have been before Development Review Committee and Planning Commission looking at parcel's throughout the City. The batch plant air quality report details that there will not be a problem. Traffic will be a concern regardless of the development. He doesn't see that property values will decrease. Many sites have been looked at and they feel this is the best location.

Larry Johnson

Mr. Johnson said he is a resident of Spanish Fork and also a driver for Parson's. He is one of six residents in the surrounding area. They are excited to see growth and be a part of it. Parson wants to build a state of the art facility in all respects. He discussed the strict standards the City requires in all new proposed buildings. He discussed the safety of the school children at their current facility. Spanish Fork City's motto is Pride and Progress and feels Parsons will echo their motto with this new plant.

Kyley Black

He is the owner of Ideal Machine. His concerns are the basically the same as what has previously been discussed. He is concerned of the dust affecting their high tech computerized equipment. They have deliveries coming and going every day which requires the doors to be left open. He is opposed to this facility coming in the area.

Kevin Lyman

Mr. Lyman is an owner of Smith Auto. He agrees that the cement plant needs to stay in Spanish Fork. He would like to see another location for the I-2 zone and not in the middle of the I-1 zone. He discussed the traffic concerns in respect to the surrounding intersections that are not wide enough for someone to turn onto Main Street. He asked for the council's plan on future commercial growth.

Ted Scott

Mr. Scott said he is an old neighbor of the current Parson facility. He has lived close to this area for many years. Parsons have always kept the dust and dirt down. The drivers are courteous. He feels this would be an asset to Spanish Fork to keep the cement plant in town.

Cliff Hales

Mr. Hales said he is a property owner to the north of the proposed batch plant. He is concerned with the location. He feels the property values will devalue. He said they use Parson's and would like to keep them in Spanish Fork.

Scott Parson

Mr. Parson is the general manager for Staker Parsons Ready Mix. He recognizes the concerns of the neighbors and appreciates the council's time. Mr. Parson gave a slide show presentation.

Councilmember Wadsworth said he visited the Beck Street Plant. He has provided a slide show to assist with the concerns. Councilmember Wadsworth presented his slide show.

Councilmember Barber made **motion** to **approve** the Staker Parson General Plan Amendment located at approximately 2200 North 200 East from Light Industrial to Medium Industrial based on the following findings:

Findings:

1. That the proposed General Plan designation is compatible with the designation of the neighboring properties.
2. That the proposed designation would allow for a type of development that is generally consistent with that which has been constructed in the immediate vicinity.

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

Councilmember Barber made a **motion** to **approve** the Staker Parson Zone Change located at approximately 2200 North 200 East from Industrial-1 to Industrial-2 based on the following findings:

Findings:

1. That the proposed zoning is compatible with the zoning assigned to the neighboring properties.
2. That the proposed zoning would allow for uses that are consistent and compatible with those that have been constructed in the immediate vicinity.

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

*8:23 p.m. Recess*

*8:33 p.m. Reconvene*

### **Thompson Annexation**

Mr. Andersen gave a brief history of the surrounding areas that would be involved with this annexation request. It would then be submitted for a proposed preliminary plat.

Councilmember Barber opened the meeting for public comment.

Chris Biesinger

Mr. Biesinger is a property owner in the area. He discussed Black Horse area and the concern of the density. He discussed the concerns with the development. There are recreational vehicles parked on the road. The development sees a turn over rate. He would not like to see anything with a high density.

James Biesinger

Mr. Biesinger is a property owner in the area. He also has not had a good experience with the Black Horse Run Development. He reviewed the high density developments in the area. He discussed the turn over in surrounding areas. He would like to see single family homes in this area.

David Lee

Mr. Lee discussed his concerns regarding the high density developments in the area. He is concerned of the quality of life and safety of the children. He urges the council to look at this request and be as concerned if this was in your backyard.

Pat Parkinson

Ms. Parkinson said we do not need any more high density in Spanish Fork. Over time they become circular living with people moving in and out.

Councilmember Sorensen made a **motion** to continue the public hearing until the September 19, 2006 City Council Meeting. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Sorensen made a **motion** to move out of the public hearing portion of the

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

### **CONSENT ITEMS**

#### **Minutes of the Spanish Fork City Council Meeting - August 1, 2006 & August 8, 2006**

Councilmember Sorensen made a **motion** to accept the consent items. Councilmember Leifson **seconded**, and the motion **passed** with a unanimous vote.

### **PUBLIC COMMENTS**

There was none.

### **NEW BUSINESS**

#### **Jeremy Joyner Real Estate Purchase Agreement**

Mr. Baker discussed the purchase of a twin home lot in the vicinity of the proposed police and court building in the amount of \$248,000.

Councilmember Andersen made a **motion** to accept the Jeremy Joyner Real Estate Purchase Agreement. Councilmember Sorensen **seconded**, and the motion **passed** with a unanimous vote.

#### **Water Rate Adjustment**

Mr. Heap reviewed the proposal to eliminate the excessive use rate in the pressurized irrigation and culinary water rates due to the water conservation efforts. He would like to monitor for the next few years and then determine if the excessive use rate needs to come back into effect. Mr. Heap asked that citizens still be cautious of watering.

Councilmember Sorensen made a motion to eliminate the excessive use rate in the Pressurized Irrigation and Culinary Water Rates. Councilmember Wadsworth seconded, and the motion passed with a unanimous vote.

#### **Sports Park Electrical Bid**

Mr. Robinson reviewed the bid tabulation for the sports park electrical bid, which includes the reservoir pavilion. Only one bid was submitted. All required actions were taken to notify people of the bid. Four plans were picked up and only one was picked up. The engineer's estimate was figured a couple of years ago because of this there was an anticipated significant increase. There is a representative with Wilkinson Electric for questions.

Jeron Wilkinson

Mr. Wilkinson said cost increases would be contributed to copper wire. In the past 8-9 months copper has tripled. PVC has raised since Hurricane Katrina. He is anticipating that is the increase since the estimate was calculated.

Councilmember Wadsworth asked if the cost of fuel for shipping has contributed to the increase.

Mr. Wilkinson said all materials have generally increased. Wages have also gone up some.

Mr. Thompson reviewed the overall cost for the sports park facility.

Councilmember Andersen said he thought the trench fees were high.

Mr. Thompson said this included trench, conduit and compaction testing. Mr. Thompson said he feels this is a good contractor with a good bid.

Councilmember Leifson made a **motion** to approve the Sport Park Electrical Bid.

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

### **Public Notices**

Mr. Andersen reviewed the public notice requirements to follow state codes. Mr. Anderson reviewed the current ordinance dealing with public notices. All property owners within 300 feet are notified of any public hearing. We also post notice on the proposed property.

Councilmember Barber asked who incurs the cost of the mailing.

Mr. Anderson said these fees should be incorporated with the application fee.

Mr. Anderson reviewed the proposed signs in the future to help bring enough information and bring attention to surrounding property owners.

Councilmember Wadsworth said the proposed signs are much better and allow for more transparency.

Mr. Oyler said in the past there has been complaints about not receiving notice. The County role is used to show ownership as to where the notice is sent. If the council wishes to go beyond the 300 feet, the council will also need to provide for additional clerical help.

### **City Development Report**

Mr. Anderson presented a slide show to discuss growth concerns. A broader and deeper discussion will take place with the Planning Commission in the near future.

### **Adjournment to Executive Session**

Councilmember Sorensen made a **motion** to adjourn into executive session to discuss real estate, legal and personnel issues. Councilmember Andersen **seconded** and the motion **passed** with a unanimous vote. The meeting adjourned at 9:30 p.m.

---

Marlo Smith, Engineering Secretary

Approved: February 20, 2007