

**Adopted Minutes  
Spanish Fork City Council Meeting  
September 19, 2006**

Elected Officials Present: Mayor Joe L Thomas, Councilmember's Chris C. Wadsworth, G. Wayne Andersen, Steven M. Leifson, Matthew D. Barber

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

Citizens Present: Bob Tandler, Rosemary Jarman, Mike McKell, Mark McKell, Rudy Bischof, Irene Bischof, Randy Wilkinson, Chad Wilkinson, Scott Carlson, Henry Gardner, Troy Manwill, Krysti Gomm, Raelynn Smith, Alyn Olson, Jessica Morgan, Sam Broomhead, Clint Argyle, Jeff Johnson, Marty Warren, Rod Warren, Denise Bradford, Keith Bradford, Michael Tutton, James Nuls, Michael Ward, Brandon Plewe, Barbara Damon, Jeremy Twitchell, Jed Morley, Ray Morley, Greg Magleby, Pat Parkinson, Debra Frehner, Brad Frehner, Dan Barp, Kerry Judd, John Warby, Tracy Frandsen

**CALL TO ORDER, PLEDGE**

The meeting was called to order by Mayor Thomas at 6:00 p.m. The pledge of allegiance was lead by Councilman Barber.

**PUBLIC COMMENTS**

Brad Ford

Mr. Ford presented a photograph of the City, taken in July 2006 as a donation to Spanish Fork City.

Alyn Olson

Ms. Olson lives in Spanish Fork and has been involved with politics. She has worked to help the citizens get to know the candidates. There were campaign promises made and she reminded the Council about them. Councilman Wadsworth promised to work by principles, Councilman Sorensen said he would organize neighborhood groups, Councilman Barber promised to make changes in the development process. All three Councilmember's promised to lower the utilities and look at city finances. Councilman Andersen and Leifson promised to keep things the way citizens currently have and she feels they are doing a great job. She thanked all of the Council for getting the pressurized water prices lowered. She also said during the campaign the Council went out and talked to the citizens about the issues she would like to know why they are not continuing to do so now.

She also suggested covering the swimming pool for year round use. She feels with a cover it can be utilized year round for senior aerobics programs and other activities.

Councilman Wadsworth responded to the principles item. He believes that principle based leadership is the only way to lead. He believes the oath they take ought to be their focus as leaders. One of first things he is trying to do is create a mission statement, and he is still hoping to get the help from other councilmembers to support one.

Councilman Sorensen said he is still working on organizing the neighborhood meetings. It has taken longer to organize and get everyone on the same page then he thought. He feels input from the citizens is vital. There have been some committees from the city created to set up the neighborhood participation. He also commented on covering the pool, he said the Council has looked at the costs associated and has talked to the other cities. There are advantages, the down side is having people in pool year round creates more maintenance costs, there are a lot of factors but they can look at it again. So far it has not looked feasible to do.

Councilman Wadsworth said especially with the growth, Mr. Baker has visited with other cities for neighborhood participation.

Councilman Barber addressed the changes in development and that the citizens need to be more involved with the process. Everything has been put on the webpage and is readily available. They overhauled the General Plan and worked with Leland. It was very positive.

Councilman Andersen said the process worked out well. They were invited as a neighborhood to come and draw how they would like to see the area developed. The people in the river bottoms were also involved. They are now requiring a neighborhood meeting prior to the Planning Commission meeting. They are also working on having open houses around town. New posting signs Mr. Anderson has created are also a better way to notify citizens of the changes.

Troy Manwill

Mr. Manwill appreciates that the Council is personable enough to go through scenarios. He is one of the people causing problems with his trailer in the road. He uses his trailer for work and neighbors get bothered by it being parked. He wants to find out what he can do to get a permit like they do in Springville, so the neighbors quit complaining and he can make the changes he needs to make it user friendly. He wants some sort of work trailer permit created to do what he can do to make this user friendly. He feels if it is used week to week and being moved it should be just like a campsite which is required to be moved every 14 days. He suggests a 7 day limit.

Mayor Thomas stated the concern is line of sight and safety issues. He would not mind public comment on the subject.

Mr. Baker said the state law allows parking for 72 hours and we as a city cannot exceed that requirement.

Mr. Manwill just wants to work together to create a good scenario.

Rosemary Jarman

Ms. Jarman stated the US Supreme Court has ruled that obscenity is defined by the community standard. She asked if Spanish Fork City has passed an ordinance defining what is considered the community standard. She is concerned for signage and issues with public displays.

Mayor Thomas invited that if people have issues or concerns to e-mail the Council at [council@spanishfork.org](mailto:council@spanishfork.org). He also would like added to the agenda a Council Comments section. He feels it gives them a chance to report on the issues.

The Council agreed the Council Comments section should be added to the agenda.

### **PUBLIC HEARINGS**

Councilman Barber made a **motion** to open the public hearings at 6:28 p.m. Councilman Wadsworth **seconded** and the motion **passed** by a roll call vote all in favor

#### **Thompson Annexation**

#### **Thompson General Plan Amendment**

#### **Thompson Zone Change**

Mr. Anderson explained that at the last meeting they did not have public comments on this topic. He then presented the proposals. Changing to R-3. The Planning Commission reviewed this project last month they recommended denying the higher density. The Development Review Committee reviewed this project and felt the property between the State Road, railroad tracks, and the property to north and south have General Plan designation and zoning that would give the area consistency. They recommend the change. The Council has the discretion to approve or not approve the changes. He noted that if the Council approves this change they would be committed to allow a development that would be consistent with the General Plan.

Councilman Andersen stated if they approve the 26 acres they could have a potential to have over 100 extra units and he feels that is a lot.

Mayor Thomas opened this agenda item for public comments.

Pat Parkinson

Ms. Parkinson commented that it would be unfair to take away animal rights where they have been long established and used. She quoted a comment made at a prior meeting. The comment was that they are alarmed at the rate of growth in this community and with the permits issued was stated at the Planning Commission meeting. Also the people that live in Blackhorse talked about how upkeep is very poor and don't want to see it across the road. She asked that they not approve the higher density.

Mayor Thomas asked what Ms. Parkinson would term as high density.

Ms. Parkinson said she feels the multi-family housing tends to become rentals and the upkeep goes down hill, it becomes a transient run down area.

Mayor Thomas stated that it seemed the issue is maintenance and upkeep, not the amount of density.

Councilman Barber noted the animal rights will stay with the land.

Mr. Baker explained the animal rights go with the land but if they were to split the parcel or abandon it then they cannot have them there anymore.

Steve Maddox

Mr. Maddox is the developer of the property. He is dealing with complexities that he does not understand, he notes that density seems to be a concern. He has 19.83 acres of build-able property with a density of 196 units. He is asking to move forward allowing the density that he is requesting, and not with what he is capable of obtaining. They added a swimming pool and club house. They are only able to do so if they have a density of over 100.

Dean Thompson

Mr. Thompson owns property and has had it for over 40 years. He feels what they are proposing to do with his ground looks nice, and he supports the project.

Brandon Plewe

Mr. Plewe asked how the density works with the density bonus.

Mr. Anderson stated the General Plan will set the maximum value for the allowable density.

Mr. Plewe said that expressway lane in the General Plan and the Counties plan show that as an arterial road. The conceptual plan distributed shows it as a fairly minor road with single family homes fronting it. He feels there should be a right of way stipulation so they don't lose the core.

David Weight

Mr. Weight said he does not have issues with the density of Blackhorse, but there is a pond and some of it is not finished with weeds and garbage. He asked if they have thought about the impact on schools and build out in the future. He also feels there is a lot they can do with enforcement for trailers and vehicles parked on the road.

Councilman Barber asked if the road driveway was addressed.

Mr. Anderson stated he feels it will be taken care of.

Councilman Wadsworth asked how Rees Elementary School will be accessed.

Mr. Anderson stated the issues would have to be addressed in the future development with another development.

Councilman Andersen commented he had driven up the streets in the development and did not see anything he had a problem with. All the yards, homes, and landscaping are being taken care of.

Councilman Leifson said he drove the area the other day and there were some that don't take care of their yard as well as others but no differently than any other neighborhood. He has seen the pond and feels some of it can be taken care of better.

Councilman Sorensen drove the area and did not see anything out of the ordinary as far as the other neighborhoods around. He feels they try to mix housing units and he feels the area does not have a mix of housing sizes.

Mr. Anderson stated that it is the greatest concentration of the R-3 zoning in this area.

Councilman Andersen asked what the possibility is of taking the 6 acres of open space and keeping it open for the future.

Councilman Sorensen said it seemed to him the combination of the higher more compact housing can be in the future an area to be a less desirable neighborhood.

Mr. Anderson does not feel the multi-family development makes it a more less desirable area, it has more to do with the railroad tracks and the industrial area.

Councilman Sorensen is looking to see what can be done in that area to make it more desirable.

Councilman Wadsworth asked if there is a way to make it a better transition between the densities and he feels it will be a win-win situation. He does like the idea of a swimming pool.

Mr. Anderson said the Master Planned Developments are required to have garages.

Mr. Baker clarified the General Plan amendment is not part of the annexation.

Councilman Wadsworth asked how are they able to maintain the residents longer besides the amenities.

Mr. Maddox said the green space is more important than the square footage, families want places for the kids to play.

Mayor Thomas said he has driven through the areas and feels it is consistent with the area.

Councilman Barber made a **motion** to approve the annexation area designated as R-R in the annexed piece, and to deny the proposed General Plan amendment and the conditions of the Planning Commission, based on the findings the Planning Commission listed in their meeting.

1. That an Annexation Agreement be prepared and that it require the construction of Expressway Lane from the west edge of the property east to 150 feet west of the railroad right-of-way.
2. That the Annexation Agreement also include the construction of the trail as shown on the City's Master Trails Plan.

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

### **Fritzi Realty General Plan Amendment**

Mr. Anderson explained the proposal and clarified this proposal has been noticed and the Planning Commission discussed in last meeting initially there was a larger area. He stressed that from a planning prospective this is a wash on impact for municipal services and housing product and given the topography the traffic generated will be limited to access on a state road it is a better location for higher density in the city. As the city updated the General Plan it was a thorough process but the Council approved the map.

Greg Morley

Mr. Morley was engaged by Fritzi Realty to be involved with this project. He feels the property has always been a bit of an eye sore in his opinion. The property is just mediocre property now. He looks at that area as a gateway to the city and he can envision a very attractive entrance to the city. He is also a resident and said there is a hard transition to get out through volunteer way and the river bridge. He sees an opportunity to widen Main Street and to continue the jogging trail. He believes the planning that has been done by Mr. Tandler and his team will make a significant improvement to the City.

Mr. Tandler stated the project will include single family and multi family housing.

Scott Carlson

Mr. Carlson is a Civil engineer and he attended the Planning Commission meeting on July 6, 2006, where they addressed the issue of amending the General Plan. They went through the discussion of single family housing on the west side and opportunities for multi-family housing on the other side.

Mr. Magelby represents Salisbury Development, they have concluded the main topic is the traffic and there is an opportunity to develop access onto state roads. It should alleviate most of the issues. They have looked at keeping the west side single family dwellings and the multi-family on the lower portion of the property. There is no impact on the adjacent development.

Mike McKell

Mr. McKell representing Art Mikell and Brent Mikkell said there was a meeting on September 6, 2006, they want to have some concerns addressed. They do not oppose the project, but they want to ensure access will be guaranteed to their property.

Clint Argyle

Mr. Argyle was asked by several neighbors to represent them. He said there are 12 homes this will affect. A lot of the issues have been already addressed. There has been a lot of work done and they have done a good job. As a neighborhood they were brought a concept plan and it included the proposed property but also more property. They feel there will be an impact on their neighborhood and lifestyles. They have a lot of kid related areas and they want to keep them safe. UDOT has agreed to make an exception for the light to help address the traffic issues. They would like to make sure the area is fenced and the difference in the communities is taken care of. They would like to have curb and gutter installed. They understand a nice development there will help their property values. The biggest concern is if the proposal is done right it will be excellent for the community. Developers can make great promises, but the delivery can be different from what they say. He would like to see the fencing, curbing, and safety for the kids is done, and the promises of the developers are followed through.

Deborah Freighner

Ms. Freighner found the map on Spanish Fork City website and it is 2003 traffic counts she commented in the difference between I-15 and SR6. Pointed out the traffic increase.

Councilman Wadsworth asked for an update regarding the traffic study.

Mr. Heap stated UDOT has done a traffic study in specific instances such as the charter school, but they have not done a study for the whole area. They expect the developer to do a study.

Ms. Parkinson commented related to the traffic the acceleration and deceleration will not help for left hand turns.

Mr. Magleby stated the traffic study had been completed for this project and at full build-out, with the widening that has occurred, and Main Street will have to be improved.

Mr. Tandler stated they turned down the offer to continue the lease on the cannery showing they want to move forward with this project.

Councilman Wadsworth asked what issues there were with the elevations.

Mr. Magelby said he sees great things with the elevations as far as the various housing types, he would like to know what the city is wanting to see regarding the density bonus.

Councilman Andersen made a **motion** to approve the proposed General Plan amendment located at approximately 1400 South Main, changing the General Plan map from General Commercial/Residential 4.5-5.5 units per acre to General Commercial/Residential 5.5-8 units per acre based on the following finding:

FINDING:

1. That the proposed designation would allow for a type of development that is compatible with that which is anticipated in the surrounding area.
- Councilman Wadsworth **seconded** and the motion **passed** all in favor.

The Council took a short break at 8:07 p.m.

The Council reconvened the meeting at 8:23 p.m.

### **Catholic Church General Plan Amendment Catholic Church Zone Change**

Mr. Anderson explained the proposal and that the acreage can not qualify for a Master plan development. The smallest lot allowed is 9,000 square feet. The proposal meets the cities requirements. Some of the potential uses a church, elderly care facility, multi-family development is not an option currently on that property.

Mayor Thomas asked that the applicant be informed of the cities requirements for building.

Councilman Wadsworth asked that the parking requirements be made available to the applicant.

Dan Barp

Mr. Barp is a Neighbor to Councilman Wadsworth, he is concerned with the width of the road and would like another street light installed. He has no problem with the proposed development.

Mr. Magelby said Mr. Anderson summarized everything, and added the lots are larger than 9,000 square feet. He also stated the parking requirement had been discussed.

Michael Ward

Mr. Ward lives in the area he would like to see it remain R-1-12, and see the development leave a stub into that area. He feels it would leave more options for the Catholic Church.

Councilman Wadsworth said the congestion is not only on Sundays. He drives the road often.

Councilman Barber made a **motion** to approve the proposed General Plan amendment at approximately 1520 South 1400 East, changing the General Plan map from Residential 1.5-2.5 units per acre to Residential 2.5-3.5 units per acre and changing the zoning map from Rural Residential to R-1-9 based on the following 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.

3. That the proposed zoning is compatible with the zoning assigned to the neighboring properties.

4. That the proposed zoning would allow for uses that are consistent and compatible with those that have been constructed in the immediate vicinity.

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

### **D Land L.L.C. General Plan Amendment**

#### **D Land L.L.C. Zone Change**

Mr. Anderson explained the proposal also improvements that will be required, trail, landscaping etc.

Barbara Damon

Ms. Damon lives in the Canyon Glen Subdivision, and she is concerned about the project and changes. Asking for height restrictions for one story buildings. Cross walks, parking, access to schools.

Margie Robbins

Ms. Robbins lives on River bottoms road, she expressed the same concern. She has submitted a letter stating her concerns.

Vic Deavono

Mr. Deavono finds it Ironic that the issues are to have children walk through their area to be safe. He finds this is a beautiful land development and they will never lose the view of the mountains. He mentioned the 40 ft buffer with 10 ft trail and landscaping that creates almost 100 ft before you get to the garage. He also mentioned that every lot is a single family lot before the golf course. He talked with the Nebo school district regarding school collections. They are also contributing for the trail head and installation of the trail.

Rudy Bischof

Ms. Bischof is the President of the Canyon Glen Homeowner's Association and she expressed her concerns about the kids walking up the hill to school, and trespassing on their property.

Mayor Thomas acknowledged a letter submitted by the Canyon Glen Homeowner's Association expressing their concerns.

Mayor Thomas suggested the city explore creating a trail up the hill to help the children get to where they need to be.

Mr. Deavono stated that trail will be able to walk on and they can dictate where the crossings are. They like the idea of working together and building a walking path over to the school.

Marie Robbins

Ms. Robbins stated there is a bad speeding problem and a safety issue in that area.

Mayor Thomas replied to the letters. They do value their opinion as a Council. They truly believe this will enhance the area.

Councilman Andersen made a **motion** to approve the General Plan and Zone Map amendment located at approximately 3100 East River Bottoms Road. Councilman Sorensen **seconded** and the motion **passed** all in favor.

### **RDA MEETING**

Councilman Barber made a **motion** to move out of the public hearing to the RDA meeting at 9:22 p.m. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Councilman Barber made a **motion** to adjourn out of the RDA meeting back to the regular meeting at 9:28 p.m. Councilman Leifson **seconded** and the motion **passed** all in favor.

### **NEW BUSINESS**

#### **SFCN CABLE**

Mr. Bowcut explained the new channels have been added to the expanded basic package. They try to keep price increases down but this is the exact cost of the change.

Councilman Wadsworth made a **motion** to accept the SFCN Cable TV price adjustment for expanded basic, digital basic, and full package at \$1.83 per month. Councilman Sorensen **seconded** and the motion **passed** all in favor.

#### **Strawberry Water Staker Parsons Annexation**

Mr. Anderson explained that the Planning Commission recommended the I-2 zoning be assigned to these properties along with the annexation.

The Council decided to table this agenda topic until there is a public hearing posted.

#### **Gateway Commerce Amended Plat**

Mr. Anderson explained that Provo Craft has two lots that are in separate plats and they want to change these lots. The Planning Commission does recommend approval.

Councilman Leifson made a **motion** to approve the Gateway Commerce Park amended plat located at approximately 3450 North 100 East. Councilman Sorensen **seconded** and the motion **passed** all in favor.

#### **Training on E-mail Protocol – Junior Baker**

Mr. Baker gave a presentation on E-mail protocol. He explained there are two areas to be concerned with. The first area is the open meeting law, and the second is the potential discovery issues and liability issues that relate to e-mail. He gave examples of cities violating the open meetings act. He then advised the Council that they follow the open

meetings law requirements and encouraged them to “forget the e-mail and pick up the telephone”. He advised that they be careful when discussing city business through e-mail.

**Impact Fee Training**

This item was tabled for discussion.

**OTHER BUSINESS**

Mr. Anderson said we have a resident helping to create trails within cities. Dave Lewis has been working with them on some of the projects and he is ready to move forward.

The Council agreed that they should move forward with the trails.

**ADJOURN TO EXECUTIVE SESSION**

Councilman Sorensen made a **motion** to adjourn to executive session for Land Use, and Personnel Issues at 10:00 p.m. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

ADOPTED: November 7, 2006

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Kimberly Robinson, Deputy Recorder