

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

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

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

Citizens Present: Brett Whitney, Zac Bennett, Kayden Porter, Howard Creer, Dylan Youngberg, Drew Pollard, Doug Legge, Angie Cauble, Rand Maxwell, Jeannie Maxwell, Dean Thompson, Diann Thompson, Ron Thurgood, Darin Cable, Zack Thurston, C. George Argyle, Kurtis Argyle

CALL TO ORDER, PLEDGE

Mayor Thomas called the meeting to order at 6:02 p.m.

Councilman Wadsworth lead in the pledge of allegiance.

PUBLIC COMMENTS:

Jay Birch

Mr. Birch lives at 990 North 400 East, he wants to address the Council about the North Park. He has done a lot of research about the older part of town and is concerned of the impact the city will have in planning the commercial area. He thinks there should be a buffer zone between the commercial and the residential areas. He looks at this long term as a resident regarding the impact on the proposed area. He asked if the Council has done research for the traffic impact in that area.

Councilman Wadsworth stated he did not think they had completed the traffic research since this project has been in the preliminary stages.

Mr. Birch feels there are major issues with traffic flow in that area because they are not very wide. He suggested bringing another entrance off Highway 6, and moving the park to the front of the project creating a buffer for the residents in the area. Mr. Birch feels there needs to be more entrances and exits into Spanish Fork City.

Councilman Leifson said there is a traffic study being conducted for this project, the traffic flow was one of his first concerns.

Councilman Andersen said he has been down there and walked the entire property. He appreciates the opportunity to work together with Mr. Birch, and is confident there is a

traffic study being conducted. When staff brings back their suggestions for traffic the Council will move forward from there.

Councilman Wadsworth asked what Mr. Birch envisions as a buffer for the residential zone.

Mr. Birch said if the park is moved behind the commercial and next to the highway there will be a big transient problem. He feels that with the neighborhood watching the park there is more safety for the area. He added another concern is when you develop a landfill there will have to be budgeted a larger amount of money for maintenance if they choose to utilize the ground for a recreation area.

Jeanie Maxwell

Ms. Maxwell is concerned with the traffic on 1150 East, she hopes there can be a study conducted for that area. When she moved to Spanish Fork in 1992 there was nowhere near the traffic. Now they feel their street has been turned into a freeway. She feels traffic is unreal at all times of the day and speeding is a big concern. They would like to see 2550 East re-open because it helped alleviate some of the traffic issues.

Mr. Heap stated the area has been a problem and they have gotten UDOT to approve another access off of Highway 6, at approximately 2000 East, but it has not been built yet. It is waiting on the developer to develop the property.

Councilman Wadsworth asked that there be an officer watching the intersection by the Tesoro.

Mayor Thomas stated that his personal involvement with the North Park project is that it was already in the process before he ever took office.

COUNCIL COMMENTS:

Councilman Barber feels the suggestions that were given at the last public meeting for the North Park have been discussed.

Councilman Wadsworth reported the trail committee meeting will be next Thursday morning, they will be discussing the different segments they would like to work on this year. They have also been working on lobbying issues and Mr. Stewart will be out to give a presentation in January 2007.

Mayor Thomas reported the seniors have obtained a bus through private funding, it should be online by the end of January. The Council has been actively working on obtaining open space and green space for the community. He would like to thank all the many homes that have decorated for the holiday and congratulations to all that participated. They are working on some potential changes with the golf course for the possibility of creating an annual pass. The festival of lights is great this year and he encourages all to go.

Councilman Barber made a **motion** to move to the Public Hearing at 6:32 p.m. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Argyle Zone Change and General Plan Amendment

Mr. Anderson stated the DRC recommends an approval for this proposal. He feels that it is appropriate to make the change given the fact the areas around are General Planned commercial. Mr. Anderson said he feels comfortable with this change.

There was no public comment made on this agenda item.

Councilman Andersen made a **motion** to approve the proposed Argyle Zone Change and General Plan Amendment request, changing the General Plan from 1 unit per 5 acres/2.5 to 3.5 units per acre to General Commercial and the zoning from Rural Residential to Commercial 2 at approximately 275 West Arrowhead Trail, based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

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

John Smiley Zone Change

Mr. Anderson explained the proposed request, the zoning change designation is consistent with the General Plan use. He explained we have adequate standards to protect residential and the only concern is the traffic for the area but the properties are General Planned for the proposed zone change.

Councilman Wadsworth asked how they might route the traffic.

Discussion was made regarding the traffic ideas for the area.

Glenn James

Mr. James lives in the neighborhood and he visualizes a tremendous traffic problem in that area with this proposal. He asked how much parking will be required for the project.

Mr. Anderson reminded that they do not have a site plan but there are two points of access proposed for the property. There is not currently a site plan submitted yet. The issues will be addressed as part of the site plan project including parking.

Mr. James requested that they seriously consider traffic flow and problems in that area.

Mr. Clark lives in the same area and commented that when he sees the commercial around 100 East there are tremendous parking problems. He asked if there is a traffic/parking requirement for that area so that it does not create the same issues.

Mr. Anderson said the city has parking requirements based on the square footage and the use of the buildings. The applicant is required to meet the cities parking standards.

Mr. Clark asked if the standards in the city for parking are too low because of the example set by past commercial developments.

Mr. Anderson said the parking standards are similar to those across the Wasatch front. He assumes the standards are adequate since they are similar to the other areas.

Councilman Leifson said there will probably be more and more situations like this on Main Street, which was future planned as commercial. Other than putting stop lights on every corner they will just have to look at other traffic options. He is for seeing downtown and Main Street grow with commercial development and is in favor of what he sees.

Councilman Wadsworth echoed what Councilman Leifson stated.

Mayor Thomas feels this is an exciting thing and hopes the Planning Commission will work with the parking issues.

Councilman Leifson made a **motion** to approve the proposed John Smiley Zone Change request changing the zoning from Residential Office and R-1-6 to Commercial 2 based on the following finding:

Finding:

1. That the proposed Zone Change is consistent with the General Plan designation.

Councilman Wadsworth **Seconded** and the motion **passed** all in favor.

Academy Park Zone Change

Mr. Anderson explained the proposed project and stated that the applicants are requesting the zone change as R-1-12 and R-1-15. The DRC and Planning Commission reviewed these proposals and the General Plan allows for the zoning districts being requested, they recommend approval of the change.

Ron Haymore

Mr. Haymore's father owns property adjacent to the proposal, he explained some background on the project. He explained the developer had approached them for the development and that the preliminary plat shows lines with their property included.

Glen Way

Mr. Way represents the development company and feels there is not a change to the agreement.

Discussion was made regarding the areas proposed.

Allan Davis

Mr. Davis is concerned about the property lines and asked that the property lines and fences be installed before approval so they are completed.

Mr. Baker stated there are no requirements for fencing between residential areas.

Mr. Way explained that through the approval process they have agreed to install a concrete pre-cast fence between the school and the residential development.

Mr. Davis would like a fence to be required to be installed for the safety of the children in that area.

Connie Muhlstein

Ms. Muhlstein lives on Mill Road and part of their property was included in the development and it was their understanding the property would be used for recreation. She stated the construction has destroyed the survey markings and the ditch has been damaged. She is concerned about the children coming from the charter school and playing in the area and getting hurt. There needs to be a fence addressed to keep those children safe. They do not want to be liable for a drowning or harm from farming in that area.

Mr. Way stated they will be fencing the area Ms. Muhlstein is concerned about.

Mr. Muhlstein lives on Mill Road and stated there have been addenda signed and he is asking for the Council to help resolve the issues before this development is granted.

Councilman Leifson feels they need to set a precedence of having all the information together and resolved before they approve projects.

Mr. Way said he is offended and shocked that he has not heard anything about the fences and improvements before this and feels the application is in order to grant a zone change.

Councilman Sorensen said they are concerned about the property proposed not being owned by the applicant.

Mr. Anderson said the zone change approval can be mitigated

Mr. Andersen made a **motion** to close the Public Hearing. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Councilman Andersen said he disagrees with the developer saying they bent over backwards. He stated there has been no water delivered to the properties on the north side during the last irrigation season. There has been a pipe installed but it won't deliver water until a pump is installed. There has been a bill from the water company that has not been paid. He feels the developers track record is not as good as he would like to have them believe. He is concerned about the Mills and Isaacs and those areas that have been around since before we were even born. He feels they need to be taken care of.

Councilman Andersen then listed the other issues he's found dealing with this project. There has been pipe delivered but not installed. There has been no fence installed

between the business and the school that has been agreed to. He reiterated that lot #27 or portions of lot # 26 and 28 are not yet owned by the developer. As of this time there are no written contracts stating the responsibilities of each party and he feels that it would not be responsible to move forward without the agreements in place. There has also been a potential for contamination on the Muhlstein's property and there has been damage to the water flow. He agrees full heartedly that the fencing be addressed to ensure safety for the children in the area.

Councilman Andersen made a motion to table this item until these issues are addressed and finished.

Councilman Wadsworth asked for clarification on the issues.

Councilman Andersen stated he would like to see when the pump is installed as far as who will pay the extra cost of pumping the water.

Mr. Baker stated this agenda item can be continued to a later meeting.

Mr. Way said if he had received a call on the concerns he would have been able to address the issues. He explained the utilities issues and the fencing along the school property.

Councilman Leifson clarified the developer made the agreement with Mr. Isaac to install the fence.

Mr. Way again discussed the water issues to the four properties.

Arguments ensued regarding water and pumping issues.

Councilman Sorensen made a **motion** to table this agenda item until the next Council Meeting. Councilman Leifson **seconded** and the motion **passed** all in favor.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – November 21, 2006
- b. Elk Ridge Water Rights
- c. Howard Creer Boundary Line Agreement

Councilman Leifson made a **motion** to approve the consent items as listed. Councilman Sorensen **seconded** and the motion **passed** all in favor.

NEW BUSINESS:

Board Appointment Assignments

Mayor Thomas stated this will be on the next Council meeting agenda.

Utility Services Presentation, Corix Utility Services – Doug Legge

Councilman Sorensen asked if anyone else felt this is something they need to proceed with. He said he was opposed to hearing the presentation.

Doug Legge

Mr. Legge gave a presentation on the services that Corix has to offer.

Councilman Wadsworth asked regarding a large regional wastewater plant.

Mr. Legge stated Fairbanks Alaska has a plant servicing 80,000 and there are other areas they have worked with.

Mayor Thomas asked why they should take something that is not-for-profit, and give it to a profitable organization. The only way he is for something like that is if it can offer a better or equal service for the same or less cost.

Mr. Legge said they understand it is their responsibility to show their services would benefit the city and if not, they say thank you and move on.

Mayor Thomas feels there is always room for improvements and supports looking into this service.

Mr. Legge stated the Council will have to determine if this is something that will benefit the community or not.

Councilman Sorensen does not want to take the time to look into the project.

Councilman Wadsworth is open to look into this service.

Mr. Legge explained big cities are not really their market, but they have provided contract services to cities such as Salt Lake City.

Councilman Wadsworth feels they could provide a benefit by letting the city know if they are doing things well.

Councilman Wadsworth made a **motion** to take a five minute recess. Councilman Andersen **seconded** and the motion **passed** all in favor 8:52 p.m.

The meeting reconvened at 8:59 p.m.

Temporary Land Use Ordinance

Mr. Anderson explained that the Planning Commission would like not to allow master plan developments while the growth issues are being addressed. The Council was in agreement that the ordinance has a maximum of 90 days. They tentatively set the growth meeting for January 23rd or 30th 2007.

Mr. Baker said to adopt the ordinance as is allowing the Council discretion for a shorter period of time.

Councilman Wadsworth made a **motion** to adopt the Ordinance Implementing Temporary Land Use Regulations Concerning Master Planned Developments. Councilman Barber **seconded** and the motion **passed** all in favor.

Special Needs Registry with Division of Homeland Security – Agreement

Mr. Rosenbaum explained the service and listed the names of those allowed to access the information. The following people were authorized access to the information, Seth Perrins, Assistant City Manager; Dee Rosenbaum, Public Safety Director; Don Thomas, Emergency Preparedness Officer.

Councilman Barber made a **motion** to authorize the Mayor sign the agreement. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Spanish Highlands North Preliminary Plat Approval

Academy Park North Preliminary Plat Approval

Academy Park South Preliminary Plat Approval

Councilman Barber made a **motion** to table the agenda items as listed. Councilman Leifson **seconded** and the motion **passed** all in favor.

Arts Council Presentation

Mr. Pendleton gave a handout listing the events planned for the next few years, and some proposed names for appointment to the committee, he also gave other information regarding proposals for a new Arts Council building.

Mayor Thomas feels the Arts Council can achieve their goals and supports them as they work to achieve the funds.

Mr. Pendleton stated the Community Theater still wants to be part of the Arts Council he also added that they will be creating a policy for being self sustaining. The children's theater will be changing to the youth theater and they feel it is still best to keep it under the Arts Council as far as leadership and decision making.

Mr. Robinson explained they have had discussion that the community school will have changes and administratively it would be best to bring all of them into the Recreation Department. It has been discussed to see if they qualify to become an enterprise fund as well.

Councilman Barber made a **motion** that we allow the groups as proposed. Councilman Leifson **seconded** and the motion **passed** all in favor.

Corporate Alliance

The Council agreed that this service looks good and they should move forward with it.

Councilman Wadsworth made a **motion** to accept the proposal to fund a membership in Corporate Alliance. Councilman Sorensen **seconded** and the motion **passed** all in favor.

ADJOURN

Councilman Leifson made a **motion** to adjourn to executive session for Land Use Issues, Councilman Wadsworth **seconded** and motion **passed** all in favor at 9:25 p.m.

ADOPTED: January 16, 2007

Kimberly Robinson, Deputy Recorder