

**Adopted Minutes  
Spanish Fork City Council Meeting  
January 16, 2007**

Elected Officials Present: Mayor Pro Tem Matthew D. Barber, Councilmember Seth V. Sorensen, Chris C. Wadsworth, G. Wayne Andersen, Steven M. Leifson

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

Citizens Present: Shirl Olsen, Mani Olsen, Gerry Hawkens, David Olson, Andrew VanNoy, Jeremy Duck, Geraldine Bingham, LaRue Petty, Nathan Simpson, Pat Garner, Bryan Jex, Shanna Besendorfer, Michael Besendorfer, Catherine Wahinehookae, Maris Grotegut, David Grotegut, Blanche Adams, Ken Welch, Jay Garlick, Paul Johnson, Pat Parkinson, Brian Hughes, Cal Hortin, Don Lagoon, Alex Phillips, McKay Sainsberry, Mande Webster, Lane Welch, Zachary Haycock, Nathan Vance, Logan Staheli, Hunter Hill, Kris Pace, Larry Welst, Rick Meyer, Hal Johnson, Madge Johnson, Farren ReFeure, Randy Giboney, Davin Walker, Brent Blas, Joshua Harding, Josh White, Tyler Higley, Brett Buhler, Alan Higley, Jeremy Higley, Austin Parsons, Brandon Jacquez, Skyler Allen, Dylan Roggeman, Dylan Allen, Chad Flake, Glenn A. James, Brent Bowers, Chris Snow, Chad McDonald, Brad Mackay, Greg Magleby

**CALL TO ORDER, PLEDGE**

Mayor Pro tem Barber called the meeting to order at 6:00 p.m.

Boy Scout Russell Smith lead in the pledge of allegiance

**Layton Construction**

Mr. Baker explained Mayor Thomas is out of town and Councilman Barber will be conducting the meeting as Mayor Pro tem.

Mike Daniels

Mr. Daniels is a partial owner of Layton Construction. He explained they plan to get started working on the Public Safety Building in the spring, and thanked the Council for the opportunity.

Councilman Sorensen made a **motion** authorizing the City to issue Layton Construction a notice of intent to proceed. Councilman Andersen **seconded** and the motion **passed** all in favor.

**PUBLIC COMMENTS**

Pat Parkinson

Ms. Parkinson expressed concern about the treatment of the applicant requesting access to property from the city road. She feels they were brought before the Council for a public flogging. She feels the whole discussion should have waited until the issue of the property line was settled. She hopes that when the Council talks to them again they are not quite so cruel this time.

Mr. Fox feels it's time to either make the golf course pay or quit transferring money to subsidize it.

Mr. Olson disagrees with the gentleman. The swimming pool, golf course and parks are part of the recreation package. He feels it is not even a question, when people move in they look at what is offered in the community. He plays golf and feels the course is something they need in the community. He feels these are items required for any city.

Kenneth Wilder

Mr. Wilder does not think they should subsidize the golf course. He does not think there is enough people in this community that play golf.

### **COUNCIL COMMENTS:**

Councilman Sorensen reported Thursday night they appointed the new Chamber of Commerce Board, the new president is Karen Morris.

Councilman Leifson said the Airport Board will give a presentation at the next meeting.

Councilman Barber reported they have been working on the historic committee program.

Mr. Anderson explained the concept that the State Office of Historic Preservation is offering funds to preserve and work on the restoration of homes in Provo. He would like to see the same opportunity presented here in Spanish Fork.

Councilman Andersen feels it would be worthwhile to give property owners the opportunities to preserve their homes.

Councilman Andersen asked if the projects include set areas of historical preservation.

Mr. Anderson said Provo City described a certain district and any property owner within that district is able to participate in the program.

### **PUBLIC HEARINGS:**

Councilman Sorensen made a **motion** to move to public hearing. Councilman Wadsworth **seconded** and the motion **passed** all in favor at 6:15 p.m.

### **Cobblestone Plaza General Plan Amendment and Zone Change**

Councilman Wadsworth made a **motion** to continue the public hearing to the next Council meeting on February 6<sup>th</sup> 2007. Councilman Leifson **seconded** and the motion **passed** all in favor.

### **Pheasant Run General Plan Amendment**

Mr. Anderson explained the applicant has requested the General Plan be changed to 5 ½ - 8 ½ units per acre. The Planning Commission recommended the General Plan be changed to allow for more density but not as much as the applicant is requesting. The DRC recommend the density increase but not as much as the applicant is requesting. He mentioned there is a piece of property between the applicants property and Highway 20 that is owned by the city, the DRC would like to see the city work out an exchange with the developer to include the acreage with the development and keep it open space.

Jay Garlick

Mr. Garlick said this project has gone through 6 stages of evolutionary design at this point. They originally designed it as a single family development to begin with but utilities and roads has made it unable to do so. Also the water table is such that there will be no basements, they feel they would like to do a development high in scale.

Mayor Pro tem Barber opened this item for public comment.

There was no public comment made.

Mr. Garlick explained the section that has the high pressure gas line would eliminate a unit of the four-plex.

Paul Johnson

Mr. Johnson explained the DRC and Planning Commission looked at a plan that was different and not as attractive as the one proposed.

Mr. Anderson stated the safest option is to remand it back to the Planning Commission for them to reconsider.

Councilman Andersen said it works out to be about 7 ½ units per acre. He asked what types of materials would be used on this project.

Mr. Garlick explained the project will have stucco, masonry, brick, and stone products.

Mr. Anderson said with the changes to the master plan development they will have to make some upgrades to reach their desired amount.

Councilman Andersen feels it might be a better idea to send it back to the Planning Commission for their review.

Mr. Garlick feels this project lends to the quality of the community with the upgrades and recreational uses.

Councilman Barber explained the DRC and Planning Commission saw something different than the Council is seeing and he does not want to create a precedence. His opinion is, he is comfortable with moving forward.

Councilman Andersen agrees but added that the Council is looking for quality.

Councilman Sorensen agreed this will have to be a quality project.

Councilman Wadsworth said it needs to be considered that there are limitations on what can be done on this piece of property and he is willing to be more supportive for higher end density housing.

Councilman Sorensen said there are a lot of single-family dwellings that tend to be on the higher end of cost and this helps mix up the types available.

Councilman Barber made a **motion** to approve the proposed General Plan Amendment at approximately 300 West Volunteer Drive, changing the General Plan Map from General Commercial/Residential 3.5 to 4.5 units per acre to General Commercial/Residential 4.5 to 5.5 units per acre based on the following findings:

**Findings:**

1. That the proposed designation would not create an incompatible land use arrangement.
2. That the increased need to allocate sewer connections for this property can be accommodated without significantly impacting the City's current objectives.
3. That the configuration of the subject properties is conducive to the type of development that is being contemplated with the proposed amendment.

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

**Westfield's Development Zone Change**

Mr. Anderson explained this is a zone change request before them tonight and there is no specific development proposal that is being reviewed at this time. The General Plan currently designates the subject properties as General Commercial and the applicants request is consistent with the General Plan. There have been a few specific concerns raised relative to the request. There were concerns that UDOT has had proposals to realign the exchange but UDOT has proposed changes that are within the UDOT right of way.

Mr. Heap explained there is no proposals that will affect the North Park project.

Mr. Anderson addressed concerns of traffic in the area. Part of the development review process involves the applicant doing a site specific traffic study and recommendations will be made. They are not at a point tonight to speak in detail on what the impacts would be. He also touched on the process any development would have to go through this stage and then on to construction. Should the Council approve the zone change the applicant has a couple of options. Before they can start construction they must receive site plan

approval. It is customary for developers that they sell different pieces of the property to people and they will have to go through the Planning Commission and public hearing process for a subdivision. The Planning Commission recommended this zone change be approved.

Richard Mendenhall

Mr. Mendenhall said the application complies with the General Plan, the understanding is that the park will be reconfigured into a section of the new zone. He explained why the project will be in that location and not somewhere else. They anticipate the properties will be used for retail purposes, they recently finished a project in American Fork and it is very tenant driven. He explained the tenants choose the sites, and they would like the areas accessible from I-15 and Highway 6. They hope the development that happens here will help to revitalize the areas on the other side of Highway 6.

The Council opened this agenda item for public comments.

Blanche Adams

Ms. Adams has lived here 14 years on the corner of 1000 North, 400 East. She has been able to look out over park, and look at many views in the valley. She understands their way of life is in the Council's hands. She asked that the developer be watched when they build, she does not want to look out her window and see a big fence, or dumpsters, she feels somebody needs to watch the project.

Dave Olson

Mr. Olson has no problem with the development but has a problem with the area designated for the park. The concern is with the relocation of the park and picnic area, he hopes there will be something set aside for the parks before there is any approval given. He would like to hear where they will be located.

Chris Snow

Mr. Snow lives in the house on the end of the development, as far as the road goes he feels it is already a mess, if someone is willing to help fix it they should do it. They will not be taking the park away they will be moving it. He wants his kids safe, if they want to do a development. When they first approached him about buying his home he investigated Westfield's, they have a good track record and when they say they will do something he believes them. The ball parks need money and the city has to get revenue to take care of it, we have some of the best parks in the state, but they aren't free.

Larue Pay

Ms. Pay lives on 900 North and 500 East, like Ms. Adams she has accepted the fact the Council will do something and it is a prime place for commercial development. She feels they need an ordinance that gives guidelines for what they build there. It is frightening to her that this will be out of their hands once approved. She would like to see requirements that these developments be built into something nice not just give them a free hand to build whatever they want. We are a city of pride and progress and she hopes it will be taken seriously.

Sharon Jensen

Ms. Jensen lives in the trailer park. Her and her husband are both in school. They do not mind the development coming. They talked to the Westfield property, but as far as they know they will not be getting what they paid for their trailer. For a couple of college students if the trailer will not be movable they will be out the money and have nowhere to go.

Mage Johnson

Ms. Johnson lives at 391 East 900 North she built her home before the park was there. She voted for the park to come in, she voted for the Thomas trailers to come in, her children and grandchildren grew up in the park and they like it the way it is. How many of the businesses that locate there will receive a tax break and for how long. They are against moving the park. They have a question about how satisfied the city will be with this development, and if the development will be brought out further. The taxes have increased on her lot almost double. They have a good neighborhood and feel it will disappear, she understands the city needs revenue and homes do not bring in revenue, but they do not want to move the park.

Geraldine Bingham

Ms. Bingham lives at 880 North 500 East she said the people that live in that neighborhood don't want the park moved they like it the way it is. It's not about money it is about the safety and livelihood in that area. Please understand they don't want them to take the park.

Glenn James

Mr. James lived in the North Park area for 10 years before they built the freeway. He is concerned about the impact this will have on those in the area, and how the developers are going to mitigate those impacts. He is not against economic development. He stated developers look for location. It is going to cost a fortune to mitigate the traffic problems, He feels if it will be developed they should go in with smaller businesses. They need to consider the impact on the citizens.

Jamie Garner

Ms. Garner lives at 265 East 400 North she takes her granddaughter to the park. She asked what is to prevent the park by the library from developing in the future. They can't get the existing local jobs hired here how are they going to get staff for the big box stores. They need to think about the kids and the future, not just the city's pocket now.

Dave Grotegut

Mr. Grotegut realizes putting the park up in the north corner is moving it away from everyone. He submitted a drawing for an alternative design. He feels they need to put some kind of condition on this particular change in zoning that would not allow them to just move the park without consent of others in the city.

Councilman Wadsworth asked for ideas on the traffic issues.

Mr. Mendenhall said any commercial development plan will involve a traffic report and then they will make changes and suggestions. The changes will help mitigate the existing issues for traffic in that area.

Mr. Mendenhall said it will have a large architecture development. The Meadows in American Fork will be a minimum standard for this project. They expect to have higher requirements for landscaping and the municipal park facility. Their goal is to make a landmark development that the city can be proud of.

Councilman Wadsworth asked about the standards the city currently has in place.

Mr. Anderson explained the language they currently have in the General Plan is only advisory, they do not have a great deal of standards required for a development like this.

Councilman Wadsworth feels they need to work to create standards for pride and progress.

Mr. Anderson said standards such as look-and-feel have not been discussed. He also added that there are not requirements in place to require a certain architecture and feel.

Councilman Wadsworth asked from here where the Council goes to ensure the development is as they would like to see.

Councilman Andersen stated they have already seen conceptual plans for this project and are not in the dark.

Mr. Mendenhall said they create a product that conducts successful tenancy so they keep it for a very long time. They are happy to have the Council look at the architectural concepts and sight plans. They need zoning in place because they can't spend the money for plans and tenants. They are happy to try to accommodate what the Council wants for the future. The tax that benefits the community is retail and they want to create a timeless project. He explained the agreement with the Thomas family, they have expressed concern for the trailer park tenants and one of the contingencies in the agreement is under zoning they will be addressing each tenant individually. The current landlord is trying to work with the tenants and there is an allowance made and they are able to address this once zoning is determined.

Councilman Leifson said the ball parks are brought up, they have accelerated building at the sports park. There will be a little league four-plex and the soccer fields have been accelerated to accommodate until they can create new ones in the North Park area. They are addressing the parks issues.

Councilman Wadsworth stated the city will have a significant net gain in open space.

Councilman Sorensen stated there was a comment about why property taxes were raised. The County went through this last year and all the properties assessed for a higher value. The money taken has the majority of it going to the school district.

Ms. Bingham commented that she would like to see the development move across Highway 6.

Natalie Daily

Ms. Daily lives in the trailer park. She said they would like to get fair value for their homes.

Councilman Barber said the developer has addressed the issues.

Ms. Adams asked if it would be smart to build something more like the riverwoods in this area. She feels it would be more attractive and make it more attractive for the larger stores to go across the Highway.

Ms. Parkinson commented about the park and does not know if there is any good answer she does not understand why they would put the park behind businesses and by the freeway.

Councilman Wadsworth appreciates everyone's input, they have tried to be open and present potential ideas. He appreciates the response of all the citizens. He wishes that it wouldn't take an issue like this for them to get involved. Staff has been very good about forwarding all the opinions expressed regarding this project. He noted if you actually go look at the Utah State Constitution they are promoting the general welfare, they meet the needs of the largest base of citizens. The Supreme Court decisions have concluded developers, and private property owners have a right to develop their property and we need to respect that and support it. The arguments that have been made by some that are in favor, are: if they don't control the development as they wish businesses could go to other cities that could be a net loss of jobs, there are benefits that come from those jobs, and we want to keep those revenues here. A tax base is required to maintain the current quality of life; it takes money to maintain facilities, and property tax does not do that. In order to maintain the quality of life it takes revenue. This decreases individual citizen tax burdens which increasing revenues to benefit the community for more green space. Many citizens who come down to North Park already have to get in their car and drive, so they're used to it.

Councilman Sorensen appreciates the input, they have stacks of input from people and the majority is very positive and well thought out. All the issues presented over the last few months are things they have talked about over the last few years. Weighing the pros and cons and weighing what is in the best interest of the of the community. He feels comfortable with the project proposed.

Councilman Andersen feels why can't it just be black and white. Over the last year he has seen the conceptual drawings and thought it over and walked the area and imagined the

things that are going to take place. He is absolutely convinced the park that will be there will be so much better than what we currently have in place, plus the developments going in are what people would like to see. He is convinced this project is absolutely needed for this community, and feels it will be positive, if he did not think that, he would not be in support of it. He thinks this is right for the community.

Councilman Barber knows the perception is they do not listen to the citizens. The tough part is they hear each of them, the responsibility they have is to listen to everyone and make the decision that is best for the community now and in the future. In this case as they have gone through this process they have listened, safety, pedestrians, park relocation, are all concerns of theirs which will have to be addressed in the future, they will do everything they can to make sure that happens. There are a lot of references about money, this is not about money to the city entity or the developer, the growth they experience and the quality of life they enjoy in the very near future will have to be cut or the burden will be back on the citizens. We must have commercial development or it will go somewhere else. It's about money in each citizen's pockets, this will maintain and improve the quality of life they enjoy now and in the future. Some comments have been made about tax incentives and tax breaks and that is partly because there are not tenants signed up for the businesses. He feels this project will change the face of Spanish Fork for the better and we are the city of pride and progress and this will show they have thought forward for our community.

Councilman Leifson echoes the comments of the Council. He was born and raised in Spanish Fork and has seen a lot of changes, there are tough decisions that have to be made for everyone, they do hear the comments, his feeling is this will be a good situation for the city. These developers spend a lot of money and the businesses that come in spend a lot of money making their businesses look appealing, he wants to see something that will be a benefit to the city that will look good and they can be proud of especially the park, he hopes to make it be a standard throughout the county. He has a commitment to make sure this project becomes a higher standard.

Councilman Andersen made a **motion** to approve the proposed Westfield Properties Zone Change request, changing the zoning at approximately 1000 North 400 East (North Park and surrounding properties) from R-1-6 to Commercial 2 (C-2), based on the following findings:

**Findings:**

1. That the proposed Zone Change is consistent with the General Plan designation.
2. The economic development of the City for the next 20-30 years will hinge upon this commercial development based upon the perspective that retail uses coming either here or to another City will impact the growth in this area for a long time to come.

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

Councilman Andersen made a **motion** to recess the meeting for 5 minutes. Councilman Barber **seconded** and the motion **passed** all in favor at 8:30 p.m.

The meeting reconvened at 8:39 p.m.

### **Spanish Highlands North Zone Change**

Mr. Anderson said the proposed zone change is consistent with the General Plan. The current zoning is R-R, the applicant would like it changed to R-1-12. The Development Review Committee and Planning Commission recommend approval of the zone change.

This item was opened for public comment.

There was no public comment made on this subject.

Councilman Sorensen made a **motion** to approve the proposed Spanish Highlands North Zone Change Request, changing the zoning at 150 North 1700 East to R-1-12, based on the following findings:

#### **Findings:**

1. That the proposed Zone Change is consistent with the General Plan designation.
2. That it is consistent with the surrounding zoning.

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

### **Spanish Highlands North Preliminary Plat**

Mr. Anderson explained the development is similar to the Spanish Highlands development. The applicant is requesting this as a master plan development and the approved density matrix was shown.

Councilman Wadsworth asked why Commissioner Christianson voted Nay in the Planning Commission vote.

Mr. Anderson said Commissioner Christianson has concerns with the master plan ordinance, he feels the developers have not offered the amenities they need to, he did not feel the lot layout and design layout fit the wording in the ordinance.

Councilman Wadsworth is impressed with what LEI has done on this project and feels they have raised the bar for developers and how they present the neighborhood meetings.

Councilman Leifson made a **motion** to approve the proposed Preliminary Plat for Spanish Highlands North based on the following findings and subject to the following conditions:

#### **Findings:**

1. That the proposed Preliminary Plat conforms to the City's standards for Master Planned Developments in the R-1-12 zone.
2. That the proposed features warrant the requested density bonus.

#### **Conditions:**

1. That the Engineering issues on 150 North be addressed.
2. That they obtain letters of approval from UDOT and East Bench Irrigation companies.
3. That any Center Street addresses be changed.
4. That any Power Department issues be addressed, including the SESD power being bought out.
5. That the applicant construct the trail on the development's property.

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

Brad Mackay

Mr. Mackay said he appreciates all the staff and the work and effort put into this it's been a great experience.

### **Summers Ridge Town Homes**

Mr. Anderson explained the situation of the dwelling units and the applicant's request. His perspective is the same as the DRC and it is believed that dwellings are better when occupied by owners and not renters. This would potentially allow for these structures to be owner occupied. He recommends the City Council approve the preliminary plat based on the requirements given by the Planning Commission.

Rick Meyer

Mr. Meyer is the developer and said they have been actively engaged in meeting the city codes, they have been working on resolving the fencing issues as well.

This item was opened for Public Comments.

Clay Grant

Mr. Grant owns property adjacent to the proposals. He has mixed feelings because he does not want a lot of condominiums, and does not want the option for a bunch of four-plexes becoming condominiums. He worries how the interior walls are because it was built so long ago and the codes have changed.

Councilman Wadsworth stated Mr. Grant brought up a good point, there are issues converting to condos and maybe what is being overlooked is that there needs to be affordable housing in this city, and feels this would be an affordable project.

Councilman Wadsworth made a **motion** to accept the proposed Preliminary Plat for Summers Ridge subject to the following conditions:

#### **Conditions:**

1. That the buildings themselves not be enlarged in order to cause a non-conforming structure.
2. That they make any necessary modifications to meet the current Building Code.
3. That they include covered parking according to the City's ordinance.
4. That they meet the requirements of the City code on fencing.
5. That they remove any obstruction that is encroaching on any adjacent properties.

Councilman Barber **seconded** and the motion passed by a roll call vote. Councilman Leifson and Sorensen voted Nay.

The Council took a break at 9:14 p.m.

The meeting reconvened at 9:32 p.m.

### **Proposed Revision to Title 15 of the Municipal Code**

Mr. Anderson explained this change and listed the two specific criteria that must be met. The planning Commission recommends approval of the changes as proposed.

This item was opened for public comment.

Ms. Parkinson understands the only protection the city has is that they have to be a 20 acres in size. She is concerned about changing a rule to accommodate a single development instead of the city as a whole.

Discussion was made regarding the requirements for Master Plan Developments.

Councilman Andersen made a **motion** to approve the changes proposed to Title 15. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

### **Maple Mountain Preliminary Plat**

Dave Anderson explained the DRC and Planning Commission recommend approval. They are working with the developers to reroute access so it's not onto the busy streets.

This item was opened for public comment.

Maris Grotegut

Ms. Grotegut's main concern is the new standard for the trail requirement. She feels it seems incongruent with the way things are done throughout the city. Her concern is in her front yard, are they going to make the area look nice and keep it maintained.

David Grotegut

Mr. Grotegut said they were trying to hold to the 15,000 foot lot allowable. He would like to see the trail moved to the frontage of their house. The standards of 28 feet and the 24 feet are now a fixed 14 foot frontage that has to be taken. He would like the Council to consider the requirements of the trail based on where the requirements will be.

Mr. Anderson explained the 24 foot trail easements and how they work.

Greg Magleby

Mr. Magleby explained the only other access granted will be interior besides the Grotegut's home. This gives them the opportunity to have the density be where it needs to be.

Councilman Wadsworth excused himself early at 10:24 p.m.

Mr. Magelby said they feel they are taking care of the needs of the community.

This item was opened for public comments.

Councilman Barber asked Mr. Grotegut why he would want to be excluded from building a trail.

Mr. Grotegut is concerned with the trail width they are being required to give. He doesn't understand how they can take his property away because they are considered part of a subdivision.

Mr. Heap stated they have a circular drive that allows them to not have to back out onto the busy road.

Councilman Leifson feels the trail system should stay as they have approved it.

Councilman Leifson made a **motion** allowing for an additional lot 346, subject to the following findings and conditions:

**Findings:**

1. That the development is consistent with the General Plan, and is in the best interest of the city.
2. That the Master Planned Development Arranges the Density in a preferred manner.

**Conditions:**

1. That the access from the two existing homes onto 400 North be allowed, as long as they maintain circular driveways.
2. That the 24-foot trail standard be followed on 400 North.
3. That they address any Electrical Department Concerns prior to Final Plat Submittal.
4. That they address any Engineering Department concerns prior to Final Plat Submittal.
5. That they obtain letters of approval from UDOT and East Bench irrigation companies.
6. That the new lots fronting major collector roads be removed.
7. That any Center Street addresses be changed.
8. That they allow on the two existing homes an engineer label for a wall with pillars.
9. Based on the fact that it moves the density that is preferred, and gives lots in a location where the larger lots are preferable.

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

**Impact Fee Analysis & Enactment Ordinance**

Mr. Clark explained the analysis. He explained they did a survey of all the impact fees from cities around the County and State.

This item was opened for Public Comments.

There was no public comment made on this item.

Councilman Leifson made a **motion** to approve the Impact Fee Analysis and Enactment Ordinance. Councilman Sorensen **seconded** and the motion **passed** all in favor.

### **FY07 Budget Revision**

Mr. Bowcut noted the funds in the IS budget to hire someone, they will not hire anyone until the Council gives Direction to move forward.

Mr. Heap said they will be adding a new inspector, moving the part-time secretary to full-time also adding an Assistant City Engineer. He noted that in the Spanish Trails development the city agreed to pay ½ the piping costs.

Mr. Robinson said the reservoir pavilion has increased cost for the site, they also did the land purchase at gravel pit. They propose a new full-time leadworker, full-time special events coordinator, the golf cart lease out bid came in higher than before and will be \$30,000 for the GPS system for carts. They are building the new soccer complex, he noted that our long time golf professional will be retiring as of March 1, 2007.

Roy Christensen

Mr. Christensen reviewed the golf rate proposals.

The Council expressed their thanks for the years of service Mr. Christensen has given.

Mr. Christensen explained the daily fees will be raised and the dates for the season pass have been adjusted.

Mr. Oyler explained the parks and recreation fee changes, for the high chaparral and stall rentals.

Mr. Robinson is currently conducting a study to analyze the group lesson fee for swimming.

Mr. Rosenbaum will be adding a Code Enforcement officer they will also create another full-time secretary position to help with billing.

Mr. Oyler said there were minor adjustments for plan check fees and site plan reviews, some went up and some went down. The General Fund Revenue is adjusted with the sales tax increase and building inspections are going up substantially from the original budget. There were some changes to interest bearing, and grant money.

Councilmember Barber commented on the information regarding the transfer to the golf course.

This item was open for public comment.

There was no public comment given on this item.

Councilman Sorensen made a **motion** to approve the FY07 budget revision. Councilman Anderson **seconded** and the motion **passed** all in favor.

Councilman Leifson made a **motion** to move out of the Public Hearing. Councilman Sorensen **seconded** and the motion **passed** all in favor at 11:19 p.m.

### **CONSENT ITEMS**

Minutes of the Spanish Fork City Council – October 26, 2006, December 19, 2006

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

### **NEW BUSINESS**

#### **Harvest Ridge Preliminary Plat**

Mr. Anderson explained the proposal and stated it does conform to the city standard.

Councilman Sorensen made a **motion** to approve the proposed Preliminary Plat for Harvest Ridge subject to the following conditions:

#### **Conditions:**

1. That lot number nine (9) be resized in order to be wider.
2. That curb and gutter be extended to 1400 East during the first phase of construction.
3. That they install curb and gutter and grant the appropriate easement along 1400 east.
4. That they work with the Electric Department in putting the power underground throughout the plat.
5. That they meet the City's Construction and Development Standards.

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

#### **Academy Park**

Brian Hughes

Mr. Hughes has cleared up the title issues, and the staking of the property lines, he feels they have met everything required by the Council.

Councilman Barber Made a **motion** to approve the proposed Academy Park Zone Change request, changing the zoning at approximately 1200 South Del Monte Road from Rural Residential to R-1-12 and R-1-15, based on the following finding and subject to the following conditions:

#### **Finding:**

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

#### **Conditions:**

1. That they construct a berm with a six-foot concrete wall on top of it to produce a sound barrier between the development and the mill.
2. That the property being rezoned matches property lines.

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

Councilman Andersen made a **motion** to approve the proposed Preliminary Plat for the Academy Park North based on the following finding and subject to the following conditions:

**Finding:**

1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-1-12 zone.

**Conditions:**

1. That the applicant provide a preliminary title report.
  2. That the applicant incorporate the property to the north triangle into the plat.
  3. That the applicant work with the Power Department on the power issues including working around the SESD line easement.
  4. That the applicant place a berm with a masonry wall on the west border adjacent to the Leland Mill.
  5. That the applicant relocate the utilities on the west end into the location they are suppose to be.
  6. That the applicant redraft the legal description to the easement.
  7. That a note be placed on the plat indicating that because it is adjacent to an industrial area that there will be noise and dust issues, and subject to the language being refined.
  8. That the development meet the City's construction and development standards.
  9. That the applicant submit a corrected electronic version.
- and authorize and Mayor to sign quit claim deed, and make road perpendicular to west park drive.

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

Councilman Andersen made a **motion** to accept proposal for preliminary plat for Academy Park South to be rezoned from RR- R-1-15 and based on the configuration of plats this afternoon plus conditions listed approve the proposed Preliminary Plat for the Academy Park South based on the following finding and subject to the following conditions:

**Finding:**

1. That the proposed Preliminary Plat conforms to the City's standards for developments in the R-1-15 zone.

**Conditions:**

1. That the applicant change the existing power over from SUVP to Spanish Fork remove SUVP power poles and work with the Power Department on providing a more efficient and effective service to the seminary and MATC auto shop.
2. That the applicant provide a preliminary title report.
3. That the development meet the City's construction and development standards.
4. That the applicant submit a corrected electronic version.

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

**Citizen Request for Access from City Property (Chad McDonald)**

Mr. Anderson explained the different options. One option is to asphalt an 8 ft driveway on their property to the garage. The second option is to grant them access to the property

to the south, and they participate in the cost of 8 ft of asphalt, and enter into a lease agreement to access the property. The last option requires the McDonalds to do the full 24 feet of asphalt required to be a public road.

Ms. McDonald apologized they did not mean to be contentious they just have some concerns and if they have caused injury she would like to know how they can make it better. They are willing to compensate the city for the cost of the fence they took down. They would like to help mitigate the expenses of the use of the driveway. They understood the city did not have to pay anybody anything until the McDonalds cut the hole in the fence. They are not trying to cause anyone to pay out any money. If they leave it the way it is she will offer to put pea gravel and have it compacted and will pay the monetary value of the fence. She is open to leasing the property as another option.

Mr. Baker explained the problem with the McDonalds proposal is the standard the city requires. There is a problem telling a number of people they have to meet the standard but not making others conform.

Ms. McDonald does not see a reason why the city cannot continue to grandfather the access like they have been doing.

Mr. Heap reminded that the city has required property owners to hard surface 200 feet back from any public street.

Councilman Andersen feels the cleanest way is to put the access on their own property, there will never be a conflict if it is done that way.

Councilman Sorensen feels that is the cleanest and easiest way to resolve this, to have them put the access on their property.

Councilman Leifson stated that originally the driveway was proposed on their own property, he agrees with the rest of the Council that the cleanest way to do this is to have them build it on their own property like originally proposed.

Councilman Barber made a **motion** to approve option one of the memo giving them until October 15, 2007 to put the driveway on their own property, and they can continue access as they currently do until that point. Councilman Leifson **seconded** and the motion **passed** all in favor.

### **ADJOURN:**

Councilman Leifson made a **motion** to adjourn to executive session to discuss land use. Councilman Sorensen **seconded** and the motion **passed** all in favor at 12:08 p.m.

ADOPTED: March 6, 2007

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Kimberly Robinson, Deputy Recorder