

**Adopted Minutes
Spanish Fork City Council Meeting
February 6, 2007**

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

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

Citizens Present: L. Kay Heaps, Jeff Heaps, Michael Ballif, Jessica Mortensen, Trevor Ware, Melissa Mortensen, Tawni Wilkinson, Heidi Everett, Ryan Brown, Tiffany Green, Tonya Green, Amanda Green, Cory Rosenkilde, CJ Struthers, Mandy Wilson, Scott Christian, Anna Harb, John Hafen, Clair Anderson, Alex Allan, Bennah Sauer-Davis, Jordan Downey, Jessica Weight, Lindsey Hales, Brittany Wride

CALL TO ORDER, PLEDGE

Mayor Thomas called the meeting to order at 6:00 p.m.

Councilman Sorensen led in the pledge of allegiance.

COUNCIL COMMENTS:

Councilman Wadsworth reported the Trails Committee is preparing their grant presentation, there will also be a risk management meeting coming up.

Councilman Andersen reported the Senior Citizens are having a valentines dance scheduled for the 14th at the seniors center.

Councilman Leifson has met with Airport Board and they will be giving a presentation later on in the meeting.

Councilman Barber reported they are requesting five (5) members for the historical committee they will be forming, there will be some work and training required, if anyone is interested please contact the City or the Council.

Mayor Thomas gave an update on the police court building, the property has been finalized. The senior's bus is under repair and should be ready to travel in two weeks. The Council continues to get feedback on the North Park and it has been overwhelmingly positive with a few concerns. They need more volunteers for the ambulance department, if anyone is interested please contact the city. He reported some good things have

happened this week with regards to jobs coming to the community and it is moving very favorably he will announce more details when he can do so.

CONSENT ITEMS:

Councilman Wadsworth made a **motion** to accept the minutes of January 2, and January 23, 2007. Councilman Sorensen **seconded** and the motion **passed** all in favor.

NEW BUSINESS:

Airport Board Report

John Hafen

Mr. Hafen is the chairman of the Airport Board. He handed out a report regarding decisions concerning the airport, and made a presentation to the Council. He asked that the Council support the changes.

Clair Anderson

Mr. Anderson is a member of the Springville/Spanish Fork Airport Board. He explained their intent is to purchase a snow plow tractor/mower.

Mr. Hafen explained fencing can be done through the airports own budget and will not disrupt the Councils budgets, they are just asking for the equipment.

Clair Anderson asked the Council to approve funding for the tractor and plow.

Mr. Hafen explained when it snows the city handles its own needs and then plows the airport after. This equipment would allow them to keep the airport open when it is needed. The equipment operators must be trained and certified to keep the tarmack clear.

Mr. Anderson said the equipment will be used for maintenance and cleaning up the property as well as for snow removal.

Mayor Thomas asked how the new rates would be determined.

Mr. Hafen said they will be going out and seeing the industry standard for rates in areas around.

Mayor Thomas feels he is excited about everything happening at the airport but does not feel it would be a good investment for the tax payer to purchase the equipment.

Mr. Hafen said wherever there is transportation the community will be enhanced.

Mayor Thomas asked how they can make the airport break even.

Mr. Hafen said by continuing to work with the businesses around and work hard to create something that will help them to become the airport authority. The money is in selling

the gas, and once it will be adequately financed through an airport authority there should be no problems.

Councilman Leifson said with the increased use of the airport, they are looking to step up with the airport manager and are not asking the city to help at all. With Rocky Mountain Composites they will be bringing a lot of people into the city. They do have issues with the snowplow because the city has to take care of themselves first, but with the increase of the usage they need to have someone there to take care of the airport which will be a duty of the airport manager. They have already scheduled five (5) volunteer projects to beautify the airport and improve the appearance this year. His feeling is they need to step the airport up from what it has been in the past and they are working towards becoming the airport authority so they can manage themselves.

Councilman Sorensen says the first streets they plow are Main and Center, he feels that they are business owners and when it snows they need to make the airport businesses accessible as well.

Mr. Hafen said the funds currently going towards snow removal could be put towards maintenance costs.

Councilman Wadsworth appreciates them giving this presentation, and has heard a lot of good things regarding the airport.

Mr. Hafen explained there is a conflict of interest with the current airport manager Tom Woodhouse. Mr. Woodhouse is also the fix base operator, the airport manager must be separate from that position. He also added the time requirements would make it so he would not be able to run his own business. He complimented Mr. Woodhouse on his service through the years and stated this is in no way a negative reflection on him in any way.

Councilman Wadsworth commented that an individual approached him last week, they do work for Boeing, and would be looking to do some things here in the community. He added they are interested in working with the airport to create an aviation business park.

Councilman Barber thinks it is time to make the improvements they need to bring the airport to the next level. He also asked if the Council will need to approve the gas tax amount for them to move forward with it.

Mr. Hafen stated some direction from the Council would be good.

Mayor Thomas asked who would be the employer of the airport manager.

Mr. Hafen said the manager would be an independent contractor with the cities.

Councilman Barber asked about the discussion the board had regarding independent contractors for landscaping and snow removal verses the purchasing of the equipment themselves.

Mr. Hafen said they have not sat down and figured the amount up yet. They have sent a letter of notice out that the fees will be changing in the future.

Mayor Thomas asked for more information regarding the costs of contracting verses purchasing. His fear is this will be underutilized equipment, and he would love to see the comparison.

Mr. Hafen said to keep in mind as they make cost comparisons that the airport is different than a normal business.

PUBLIC HEARINGS:

Councilman Barber made a **motion** to move to public hearing at 6:47 p.m. Councilman Andersen **seconded** and the motion **passed** all in favor.

Cobblestone Plaza General Pan Amendment and Zone Change

Mr. Anderson explained the proposal for the General Plan Amendment and Zone Change. The Planning Commission spent two meetings reviewing these changes and they recommend the changes allowing 5.5-8 units per acre, they recommend the property be zoned R-1-6, with the condition a development agreement be prepared. The Commission expressed concern about density creep, if the Council approved the higher density it could allow the owners around the property to change their density as well.

Councilman Andersen asked why the recommendation given to the Planning Commission for studying the urban village zone was not done.

Mr. Anderson stated the urban village zone was discussed in the DRC meeting and they feel there is a need to look at a larger area than the subject property. The idea never took traction with the Planning Commission and was not discussed.

Mayor Thomas feels years ago there was a potential for a small business at that location, he does not feel there is anything that shows it would be good for commercial development now.

Mr. Anderson feels the area has the potential for small businesses but the time is not quite now for that. He is not sure if or when those changes would ever come. The Planning Commission said they have a select few areas of commercial property left on canyon road.

Mayor Thomas feels the commercial zone is better along Highway 6. He feels the businesses would not want to locate here if they can be more visible on Main Street or Highway 6.

Mr. Anderson said that is a key part of the applicant's argument. There are a lot of problems when the city changes the commercial zoning it is hard to get commercial zoned property back once it becomes residential.

This agenda item was opened for public comments.

Reed Call

Mr. Call owns property across from the applicants. They have a lot of apartments and town houses in the area and he thinks it is an excellent spot for commercial. However he feels it is not quite time for a commercial use. He likes the idea of not having people drive downtown if they can have a professional office close it will help eliminate some of the congestion down town. He personally would rather it stay zoned commercial and feels that the proposed property has a better opportunity than to be used to build more apartments and town houses.

Glenn James

Mr. James expressed his opinion that the property should remain as commercial property. When he was on the Council they had many discussions over this piece of property and it was always decided to leave it commercial. Spanish Fork is still growing and with growth he feels this will be a valuable commercial property. He has been involved with retail store development for 25 years and feels it is an ideal spot.

Pat Parkinson

Ms. Parkinson lives by there and is concerned because there is a lot of density in the area. She agrees with the urban creep and feels it will happen if the Council approves this change. She knows there are people upset with the property being zoned commercial but if it is an office it would be safer and less congestive than residential. She asked that the developer speak before the public speaks so they know what he is proposing. She feels there is a lot of higher density in that area and they do not want to make that area of town the crammed in section.

Clark Mitchell

Mr. Mitchell is with Cobblestone Plaza. He explained they like the area because they bought it six years ago, but it has not worked for a commercial use. He believes the General Plan is good to decide where they will add commercial and residential but the market will decide where the commercial will end up going. He added when the city created the urban village center it overshadowed their site and all the commercial will locate there instead. He stated after so many years of trying to sell this property as commercial it has just not worked. They are requesting the R-3 zone change in order to get the 14 units they need to create a nicer site design.

Councilman Wadsworth asked how many people have been interested in the urban village zoning.

Mr. Anderson stated since he has been with the city he has only had one interested in the property but nothing has ever come of it.

Mayor Thomas feels the commercial zoning up and down Highway 6, is better than the proposed property.

Councilman Leifson feels just because a piece of property has stayed vacant for a while does not prove it is a bad zone.

Mayor Thomas feels 14 units seems reasonable to him.

Councilman Wadsworth said there will be growth in the future in different areas. As he has thought about this project he feels Mr. Mitchell has done everything he can to sell his property and should have a right to develop his property. He feels this proposal has been thoroughly reviewed by the Planning Commission and is something the Council should consider.

Councilman Barber asked how the development agreement would tie it to the 14 units and not more.

Mr. Mitchell is happy with requiring the development agreement as long as it can be tailored after he submits his plan.

Mr. Anderson added that the Planning Commission wanted to set a limit of allowable units in the development agreement. He said if the Council was inclined to agree with the Planning Commission the development agreement should not have to come back again for approval.

Mr. Baker added the Council should be careful before they put too many conditions on the agreement.

Councilman Andersen said he does not feel they are comfortable with changing the zoning, and would like the whole area considered as a commercial zone not just the proposed property. He is sympathetic to the idea that a landowner can do as he wants with his property, but not everything he wants. He is not totally comfortable with the concept of turning a dollar as a basis for this zone change.

Mr. Mitchell agrees with the ideas of the Council, but when he speaks to others about investing they like the site until they see the bigger commercial area close by.

Councilman Leifson said one thing about cities is change, he would love to see it stay commercial and understands where they are at and what they are up against. Like Ms. Parkinson said there are a lot of high density houses around that area and he would feel more comfortable keeping the unit size that they currently have there.

Councilman Sorensen lives in the area and is sympathetic, he can see the property still has some potential and likes the idea of what the DRC discussed, changing the whole area to commercial and enabling the opportunity to develop more amenities. He thinks there could be some other uses besides strictly residential that can be incorporated in that area.

Councilman Wadsworth commented they have discussed the area possibly being a park by the proposal.

Councilman Sorensen would like to explore working with the other property owners on the urban village expansion idea.

Mr. Mitchell feels the zones need to mix in with the current market conditions.

Reed Call

Mr. Call has spoken to Emil Pierson before he left and asked what the city plans for the future. He said they wanted to keep it commercial because they might want a store or something in that area in the future.

Councilman Wadsworth asked how they should proceed with the property.

Mr. Baker stated it can be sent back to the Planning Commission to study the Urban Village zone and to broaden the uses. The Council can always refer land use items back to the Planning Commission so they can get a recommendation.

Mayor Thomas feels he would like to see some additional input brought in and explored.

Councilman Leifson made a **motion** to close the public hearing. Councilman Barber **seconded** and the motion **passed** all in favor.

Mr. Mitchell asked what the objective is they would like looked into, he does not want to get into something that does not have a clear directive.

Mayor Thomas said the questions are, do they need this property commercial zoned, or is it better zoned as something else.

Councilman Barber made a **motion** to continue the decision on the Cobblestone Plaza General Plan and Zoning Map Amendment with a target of the second meeting in April, and a recommendation from the Planning Commission on what the best use of the area should be. Councilman Leifson **seconded** and the motion **passed** all in favor.

Councilman Wadsworth made a **motion** to take a five minute break. Councilman Sorensen **seconded** and the motion **passed** all in favor at 7:53 p.m.

The meeting was called back to order at 8:00 p.m.

NEW BUSINESS:

Resolution 07-02 Consideration of a resolution authorizing the issuance of up to \$22,000,000 of Sales Tax Revenue Bonds of the City for a new public safety district court building, park and recreation improvements, public infrastructure and water, sewer and electric utility improvements and related land and equipment providing for a public hearing and establishing parameter for said bonds; providing for a pledge of sales taxes; and related matters.

Mr. Clark explained the bond for the police/court building and for the North Park.

Mayor Thomas clarified the authorization is to allow the city to bond up to that amount but it does not mean they will spend all of the money. It gives the city the option to go that high and it saves money in the long run.

Councilman Wadsworth asked that Mr. Clark explain the payback on the bond.

Mr. Clark explained the intent is as development increases and sales tax increase the Council can move to pay the debt off early if they choose. The payment amount will be budgeted in the next budget.

Councilman Wadsworth asked about penalties for early payment.

Carl Empey

Mr. Empey said within 10 years the Council can pay the bonds off but not sooner. He then explained several ways the Council can pay off the amount.

Councilman Barber made a **motion** to approve Resolution 07-02 authorizing the issuance of up to \$22,000,000 of Sales Tax Revenue Bonds of the City for a new public safety district court building, park and recreation improvements, public infrastructure and water, sewer and electric utility improvements and related land and equipment providing for a public hearing and establishing parameter for said bonds; providing for a pledge of sales taxes; and related matters. Councilman Sorensen **seconded** and the motion **passed** all in favor.

Contract with Layton Construction

Mr. Baker explained they are seeking approval for the construction contract subject to legal review, and subject to Layton providing to us a maximum price to build the building, right now it is approximately \$16 million. The contract start date and completion date have been set. They modified the billing procedure to meet the cities billing cycle to cover some of the operating costs.

Councilman Leifson made a **motion** to approve the contract with Layton Construction subject to final legal review and final construction prices within the budget. Councilman Barber **seconded** and the motion **passed** all in favor.

Spanish Oaks Annexation Petition Acceptance or Denial

Mr. Anderson explained the background relative to the discussion they have tonight regarding the annexation petitions. He discussed areas the Council and Planning Commission have directed as areas to amend the growth boundaries that are available for development.

Councilman Barber disclosed he has a close business relation with Mr. Bird.

Councilman Sorensen made a **motion** to deny the Spanish Oaks Annexation Petition and the Partridge Annexation Petition subject to the following findings:

Finding:

1. That it would create a peninsula.
2. That the property is not located within the growth areas that have been identified by the Planning Commission and the City Council.
3. That it is not currently located within the City's Growth Boundary.

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

Traffic Mitigation Presentation

Mr. Nielson gave a traffic presentation which will be available on the cities website www.spanishfork.org. He explained there is a street master plan to help control the traffic flow throughout to ensure traffic flow into adjacent cities it is also available on the website. There are three traffic calming methods used in local streets, speed humps, narrower cross-section, and non-continuous streets. He explained stop signs do not help reduce traffic speed, and that they can't add children at play signs anymore due to insurance issues.

Ms. Parkinson asked for an update on the 2550 East road widening.

Mr. Nielson stated he will ask UDOT where that project is standing.

ADJOURN:

Councilman Barber made a **motion** to adjourn to executive session for potential litigation, land purchase and land sale. Councilman Sorensen **seconded** and the motion **passed** all in favor at 8:45 p.m.

ADOPTED: March 6, 2007

Kimberly Robinson, Deputy Recorder