

**Adopted Minutes
Spanish Fork City Council Meeting
March 20, 2007**

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

Staff: John Bowcut, IS Director; Brad Stone, Detective; Jeff Foster, Electric Superintendent; Dale Robinson, Parks and Recreation Director; Richard Nielson, Assistant Public Works Director; Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Kimberly Robinson, Deputy Recorder

Citizen: Sharyn Anderson, Kay Heaps, Danny Davis, Mike Davis, Kevin Payne, Tammy Peay, Wyatt Peay, Christopher Morgan, Jeremy Coutreras, Kaden Cook, Dallin Bies, Gunnar Ballard, Jordan Barclay, Junette Wood, Brian Wood, Kevin Wood, Quinn Frehner, Glenn James, Steve Eldridge, Alex Wheeler, Morgan Robinson, Cindy Bell, Gordon Bell, Nate Guymon, Caren Guymon, Colby Baum, Austin Taylor, Colton Baum, Gayle Baum, Clair Talbot, Nathan Talbot, Josh McGill, Gary Jarvis, Scott Jarvis, La Dean Jarvis, Farron LeFevre, Christine Baker, Danyelle Payne, Tim Taylor, Gary Sandel, John Smiley, Chase Wilson, Robert Lowe, Greta Trujillo, Caleb Rogers, Kevin Anderson, Connor Roberts, Anna-Marie Bass, Will Bass, Scott Hurst, Madison Hurst, Sara Pierce, Britni Measom, Shayla Sperry, Jeremy Twitchell, Krystal Lazenby, Zac Lazenby, Kayla Neves, Heidi Rogers, Beth Buckway, Rod Zeyer, Shane Zeyer, Jeff Heaps, Bart Bogess

CALL TO ORDER, PLEDGE:

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

Scout Leader Clair Talbot led in the pledge of allegiance.

PUBLIC COMMENTS:

There was no public comment made at this time.

COUNCIL COMMENTS:

Councilman Leifson attended the parks and recreation conference this last week, he stated Spanish Fork City was well represented, last year Dale Robinson the City Parks and Recreation Director was president.

Councilman Wadsworth reported there will be a finance committee meeting at the end of March, they will be reviewing the financial advisor requirements and then bring it to the Council. The River Trail project tonight on the agenda is a representative to continue to get funding from congress.

Councilman Sorensen reported the Chamber of Commerce is hosting the Easter egg hunt on April 7, 2007 at the new ball fields. Last Saturday they held the Miss Spanish Fork pageant the new Miss Spanish Fork is Diana Brandon, The Community Service award went to Diana Brandon, 1st attendant is Shalee Lewis, 2nd attendant is Clarissa Broomhead, 3rd attendant is Sydney Foulton, 4th attendant is Alina Haycock, The Academic Award went to Sarah Bernards and AnJanae Stephens, the Spirit of the Pageant Award went to Kaitlyn Startup, and the Photogenic Award went to Clarissa Broomhead.

Councilman Andersen reported that water is important to everyone especially in the west, they held the annual water meetings in St. George and received updates on changes to the laws, the city of Spanish Fork is in very good shape as far as the water rights and maintaining those rights

Mayor Thomas reported the Seniors Center is hosting the Irish Spring Fling Dance it will be pot luck. North Park is progressing. The windmills continue to move forward. He would like to publicly thank all those that take the time to send e-mails to the Council. He gave the Golf Course update on the brand new golf carts and also the new golf pro is in place. The Special Events Coordinator interviews have taken place this last week, and he feels it will be a great position for the city. There has been a lot of pressure for growth, he explained one of the issues is sewer capacity there has been a lot of work for options and expansions to work through the issue.

Councilman Leifson added that the Spanish Fork High School baseball team won the sunshine tournament again and represented the city well.

CONSENT ITEMS:

Deployed Military Benefit – Utility Credit for Deployed Military
Resolution of Intent to Adjust Common Boundary with Springville
Sky Properties Easement Agreement with Strawberry Water
Sky Properties Development Agreement
Sky Properties Maintenance Agreement with Strawberry Water

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

NEW BUSINESS:

Allied Waste Request

Mr. Oyler explained the letter in the packet and stated the Council has already previously adjusted a fuel cost increase, they are now requesting another change to the contract. It is a five year contract and they are approximately over one year into it.

Councilman Wadsworth would like to hear from a representative from allied waste.

The Council does not agree with the cost increase.

The Council agreed that Allied Waste be on the agenda in two weeks.

Annexation Acceptance – Davis Annexation

Mr. Anderson explained the project and stated there is some correspondence with a property owner that is a part of the annexation but they have not yet signed the petition, she would like to have some specific questions addressed. Staffs recommendation is to move forward with the annexation.

Councilman Leifson made a **motion** to approve the annexation acceptance of the Davis Annexation. Councilman Andersen **seconded** and the motion **passed** all in favor.

Preliminary Plat Maple Highlands

Mr. Anderson gave the Council some correspondence that has been provided by the neighbors. The applicant is requesting the R-1-12 zoning, it is consistent with the General Plan and consistent with the adjacent zoning. The plat contains a total of 100 building lots. The DRC and Planning Commission recommend the development preliminary plat be accepted.

PUBLIC HEARING:

Councilman Sorensen made a **motion** to move to public hearing. Councilman Wadsworth seconded and the motion passed all in favor at 6:40 p.m.

Maple Highlands Zone Change

Mr. Anderson explained it is currently zoned rural residential the applicant is requesting R-1-12 zoning and it is consistent with the General Plan. The Planning Commission and Development review committee recommend approval.

JulieAnn Curtis

Ms. Curtis lives on 1800 East, she feels this is a cookie cutter development, she does not see trails within the development, she does not see a lot of superior design features and feels they are basic, the proposed development feels like a conventional development. Active recreation such as facilities, swimming pools, spas etc. received 5% for a trail but there is not a lot of recreation like the master plan is stating. She is in favor of growth but feels if they can make a better master plan before putting these communities together they should. Staff believes it is important to retain consistency.

Mayor Thomas asked if there will be access allowed to get onto the city trail system.

Mr. Anderson stated it is a great idea to have trail access to the city trail.

Pat Parkinson

Ms. Parkinson asked why this is not a straight standard subdivision instead of a master plan development.

Mr. Anderson explained it is at the request of the developer of how they submit and request development.

Jay Merrill Hallom

Mr. Hallom lives adjacent to the property, he raised questions and concerns with Planning Commission on the issue of opening onto Highway 6, they can't cross over into Ivory homes until October, he is concerned about access into the site itself. He thinks they can do whatever they want to do with their property as long as it does not negatively affect his property. His concern is what outlet the kids have to minimize the impact on the kids. The other concern is the canal and what they plan to do with it. He suggested that they add the trail system to the piped canal area and make it more of an interior trail. He feels there is some opportunity to take the easements and make it a trail system. He stated they would have the support of the water users along that area to make that a trails system. He also stated the current water policy on developments such as this needs some updates and to look at what they charge for the water fees, he feels it is too low.

Councilman Barber arrived late at 6:57 p.m.

Mayor Thomas feels they should look at the water issues.

Chris Baker

Mr. Baker lives off Highway 6, and feels the whole area needs a park, the railroad will be too noisy for home owners and if they do not offer a park, kids will end up playing in the streets because they have no place to go.

Ms. Curtis asked that all the width for the road widening come off of both sides of the street.

Mayor Thomas stated it is planned.

Councilman Wadsworth asked about elongated parks and asked Dave Anderson to explain more.

Mr. Anderson explained the differences in the trail segments and meandering trail sidewalk, more of park type of corridor. He also stated that there is a long term commitment for the trails if they are more than just a trail.

Councilman Andersen stated as big as the project is and as many homes as it will contain, he would like to see some open space included, he has concerns about where children will play and where they will go. He does not feel comfortable approving this with out those items addressed.

Councilman Wadsworth asked how the open space could be overcome.

Greg Magleby

Mr. Magleby explained the open space was not chosen for the development it was decided to do upgrades on the homes and that type of changes rather than the open space.

Councilman Barber made a **motion** to approve the proposed Zone Change and Preliminary Plat for Maple Highlands, changing the zoning from Rural Residential to R-1-12, based on the following findings and conditions:

Finding:

1. That the proposed zoning is consistent with the General Plan.
2. That the proposed Preliminary Plat conforms to the City's standards for Master Planned Developments in the R-1-12 zone.
3. That the proposed features warrant the requested density bonus. Maple Highlands Preliminary Plat, Page 6

Conditions:

1. That the density matrix for the Master Planned Development be followed as outlined.
2. That they obtain an easement on 2550 East at the City's request.
3. That they meet the City's Construction and Development Standards.
4. That they obtain a connectors agreement with Nebo School District for the utilities.
5. That lots 99 & 100 be included in this plat.

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

Westfield's Development Preliminary Plat

Mr. Anderson explained the proposal and explained the process relative to the proposed commercial development. He noted this was a preliminary plat approval and everything is zoned Commercial-2 (C-2). It is the recommendation from the Development Review Committee (DRC) and Planning Commission to approve this plat approval. One of the concerns raised at the Planning Commission meeting was about having on-street parking maintained.

Kevin Payne

Mr. Payne explained as a citizen this is his last chance to voice the citizens concerns. He comes with the request to allow the citizens to have more time and information with the southern end of the plot, they feel they have been cheated and short changed by proposals for the southern end of the plot, and also feel it will further isolate their homes and cause issues with traffic and noise. In less than two hours he was able to collect signatures from the neighbors, they were not informed nor did they have a reasonable chance to voice their opinion. This plot is creating a new structure that changes its current form. They feel the design at the south end has been brushed aside. It is his opinion that the 32 feet of road requested by the applicant is too small and would pose great traffic congestion problems. He noted the other roads in the area are at least 41 feet wide. A garbage truck takes nearly a 40 foot turn radius, it could create potential for damage and could end up on the spot improvement plan for UDOT. If left at a width of 32 feet this will become their problem to deal with later, his primary purpose is the safety of his children and family. He would like to see the road access wider this is the final chance to voice their opinion in this matter, and plead with the Council to give more time for them to resolve these issues.

Rick Snow

Mr. Snow owns some homes by Mr. Payne and feels the field behind their homes needs to be addressed.

Jay Birch

Mr. Birch lives at 990 North 400 East, he talked about the intersections and the biggest problem the city has addressed with the traffic, he asked what will happen if they get all the commercial development and the impact it will have on traffic. He stated everyone has a designated place for parking for functions at his home. He feels they have sacrificed enough by allowing the development to come in and degrade their property values, they have to have access to allow parking. He would like some type of a buffer zone with some walking trail, he feels there are hidden things that have been represented to them, this development is now impacting the whole city. He hopes in the future they do not look back and wonder what they have done, there has been a lot of promises made to them that have not been followed through.

Farron LeFevre

Mr. LeFevre does not have any access of parking except in his driveway, he has four kids and three are drivers, he worries about the garbage cans in the street, mail delivery, city cable etc. they need the parking on the south side of the street.

Mr. Birch asked that the big green box installed for the light, be installed in the development and not on their property.

Ms. Parkinson is concerned that people are going to have problems turning into the south end of the development and feels it is a recipe for disaster. She also asked that the road curve more into the development and allow for parking on the south side.

Ms. Curtis gets concerned having the park at the back end of the commercial buildings it is a heavy traffic area for trying to stick a park in the back. There are important points that need to go on record, she went to the title company and stated what the court said for the park condemnation. She noted some articles from the past regarding the Clark family, the park and also the monument that is in the park. She feels the city is here to represent the people and feel they are not being heard. She wants the history of the public park to be known. She stated that it will be a noisy park so close to the freeway.

Mr. Birch explained the history of the land for the North Park.

Roger Wade

Mr. Wade is concerned about the impact of the traffic with the additional businesses, and as it is now you can't get down sixth east and the buffer zone of the park is being taken away to add more businesses.

Glenn James

Mr. James lived in the area for 10 years and is concerned about moving the park and transportation in that area. He is not opposed to development but he hates to see the park

area transformed into a shopping mall. He feels the park should be a great advantage to commercial development to have it there. He is concerned about the access onto Highway 6. He has personal feelings about that area and would like to see the concerns addressed.

Kris Baker

Ms. Baker loves coming into the city and seeing the park there, she feels the area will have some real traffic problems and would like to stand up for those people affected and protest the development until these issues are resolved. She feels the money that this project will bring will be negated by the impact on individuals in the area. She feels the city is letting the residents down in this area, she asked that the Council be different, that they need to look out for these people and be a different kind of a city.

Gordon Bell

Mr. Bell lives on 600 East, he feels the commercial in front of the park is dangerous for the children and feels there are still some other options where someone can get both things they are looking for.

Richard Mendenhall

Mr. Mendenhall is with Westfield development, they have issues, some of which are more technical than not, and they would like to address the specific concerns. He stated the traffic engineers can address the traffic and narrowing issues.

Gary Sandell

Mr. Sandell has done the Civil Engineering for the site. He then explained the concepts they have on the project.

Mr. Mendenhall explained the major collector corridor will have to be addressed regardless of the project proceeding or not.

Tim Taylor

Mr. Taylor represents the traffic development projects with this development. He explained there is the option of limiting the traffic flow for the roads during certain times of day and allowing limited parking. He stated that coordination of traffic is definitely an option.

Mr. Birch noted that by having the residents watching the park it prevents vandalism and there will be no one watching the park at midnight behind the commercial buildings. If they are trying to make a safe environment for the city, he wants it within the city and not by the freeway.

Mr. Mendenhall stated if the park is moved to the front of the development the development would not be able to happen.

Mr. Birch feels the city is growing and will have more development that will bring commercial development to the city somewhere else. He feels the opportunity will come from some other development.

Mr. Mendenhall stated the traffic will be regulated by a signal and will allow for gaps in traffic. He stated it will be engineering that will create the traffic flow to function correctly. He said this will be developed one way or the other no matter who comes in and the traffic patterns will develop no matter if this development comes in or not. He stated the right of way will be moved on both sides and it is still disproportionately to the north already.

Councilman Wadsworth asked if they were able to make parking at certain times available and not have to worry about being towed.

Mr. Mendenhall stated it can be a condition with the tenants that would allow them to park there without being towed.

Councilman Barber noted the Planning Commission asked as a condition to provide traffic flow requirements.

Kevin Payne

Mr. Payne stated parking on the street is a problem and would like a special provision to be allowed to park their vehicles on the property.

Mr. Mendenhall stated they are in discussion with the property owners but they do not need the property for this development.

Mr. LeFevre is willing to give up the 15 feet of his property to have parking in front of his house he is willing to give up the scenic beautification to allow for parking as well.

Councilman Barber stated the comments made that they do not listen and don't hear are not true they accommodate those they can but they have to prioritize. The linear park was one of his favorites but to address traffic they had to give it up. To him the traffic has been addressed to be the safest for what they will have to do, if they do not do it now they will have to do it later. The fact that they do not listen to the citizens is not true there are thousands of citizens that would say they need this project. He feels they considered all the citizens and have done what is best for the citizens as a whole. He feels if there is a way to make everyone happy he is all for it but it can't be done. He feels there are options available for addressing parking concerns in the future.

Councilman Andersen commented that this project has been on the drawing board for a long time, it was on the drawing board when they came into their positions and it has been looked at and considered by the previous Council. All the issues they have brought up this evening have been discussed, they are trying to consider the best for the community, some of the decisions are not easy, some are not pleasant but there are some that will have to be made. He feels time will prove the decisions made now are right for the city.

Councilman Leifson gives his support to the project no matter if this project was at the south end of town they would have the same comments but from different people, this is a tough call and they have to do what is best for everyone.

Councilman Sorensen said this has been something they looked at for a long time and have discussed what is best for Spanish Fork as a whole not just today but 15 to 20 years from now, this will change the lives of everyone that lives in town, it will impact some for the better and some for the worst. It is hard knowing whatever decision they make could impact some possibly not for the best. They have tried to make this project the best for everyone in Spanish Fork it can be. His heart goes out to those that will be impacted by this project, but he thinks it is in the best interest of the citizens of Spanish Fork now and in the future.

Mayor Thomas sympathizes to those that are impacted by this project, he stated again he has no financial gain with this project. He told his family that he should wear his hat as the Mayor, look at the city as a whole and do what is best for the city. He personally put a lot of time and effort into this project and so has the Council. When they put the reservoir above his home, it impacted his home with traffic, he still supports the project. In response to the city as a whole it is about twenty five to every one that said not to do this, they are asking that the Council stand up for these people, there are 30,000 other people that are for this development and it will benefit them. He stated the market forces are not to be ignored. He disagrees and feels this park will not be a drug haven, or a transient area, there are already problems in the area and they will probably be there after, but it will not turn the park into a terrible place. He promises to do everything they can to address the problems if they do happen. They are doing their best to look in the future. This project is phenomenal for the city, it is money for the residents of the city, the money will have to come from the tax payer if they do not do this project. He feels he does not take the tax payer dollar lightly and hopes to continue to look after it. He feels this benefits so many people in so many ways, and realizes it is not perfect, but it will be good. He disagrees with those that say the Council does not listen, he feels they have and continue to try to solve the concerns.

Councilman Sorensen made a **motion** to approve the proposed Preliminary Plat for the Westfield's Development based on the following finding and subject to the following conditions:

Finding:

1. That the proposed plat does conform to the City's requirements for subdivisions in the Commercial 2 (C-2) zone.

Conditions:

1. That all utility plans be provided and approved by the City Engineer and Power Department as part of the Site Plan approval process.
2. That they make the correction to add the City parcel located at the corner of Chappell Drive and Highway 6 and the pertinent street improvements.
3. That the necessary easement language be added to the plat.
4. That they study the parking issue and look into allowance of parking at certain times.

Councilman Wadsworth **seconded** the motion **passed** by a roll call vote all in favor.

Councilman Wadsworth requested a five minute recess at 9:45 p.m.
The meeting reconvened at 9:55 p.m.

Nate Jacobson Zone Change

Mr. Anderson explained the applicant is requesting the property be zoned R-1-6 which is consistent with the General Plan, they have met with the property owners and adjacent property owners. The DRC and Planning Commission recommend approval with the zone change. The use of the property that was purchased by the city for the UDOT requirements will be addressed.

The meeting was opened for public comment. There was no public comment given.

Nate Jacobson

Mr. Jacobson stated he was willing to do whatever as long as it works with the area to the point of buying the property for the city road.

Councilman Barber made a **motion** to approve the Nate Jacobson Zone Change request, changing the zoning at approximately 2550 east and Highway 6, from Rural Residential to R-1-6, 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.

Public Hearing to Receive Input with Regard to the City's proposal Issuance of Sales Tax Revenue Bonds, Series 2007, in the Amount of Not to Exceed \$22,000,000

Mr. Baker explained this is a public hearing to meet the requirements for the issuance of the sales tax revenue bonds needed for the police court building and some funds for the north park improvements.

Ms. Parkinson asked how the amount has gone up so much.

The Council explained inflation and the amounts added to expand the bond to what is needed.

Councilman Barber made a **motion** to close the public hearing at 10:07 p.m. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

NEW BUSINESS:

Discussion on the Larson Stewart Myrick & Link Proposal

Mr. Johnson is a consultant with Larson Stewart Myrick & Link. They are looking to do some lobbying work for the city in appropriations and there is a very close relationship for those that use consulting firms and lobbying and the amount of appropriations they receive. He is available for anything the Council may need.

Mayor Thomas stated there is a way to measure their services and they do get a fee but we measure their work by how many times we get that fee back in trails and other projects.

Councilman Barber stated he spent a lot of work in Washington, and the processes have changed as far as being difficult to get what you need without having someone back there.

Mr. Johnson said they are very transparent in whether they produce or they don't. He stated the risk to the city is not long term if they are not getting any production.

Councilman Wadsworth stated they emphasize having someone at the capital and you will also have to work with the federal agencies and build a foundation with them.

Councilman Andersen stated the contract specifies \$3,000 a month plus expenses, he just wanted clarification. He feels it has come to a point now where they have a 10 day window where they are forced to do something. Last meeting they wanted to give all the banks an opportunity to vote on this and they have been asked tonight to vote on this and they do not have enough information to make a decision to know if this is the best way to go. He has a hard time with this and would really like to understand it more and if they are supposed to give consideration in other areas the same consideration ought to be given here. In all fairness to what they have done and said and represented themselves to do.

Mayor Thomas stated the proof is if they pay them a fee can they get that back.

Mr. Johnson explained the only pressure is that there needs to be someone back there representing as soon as possible.

Councilman Andersen would like a little more formal presentation of what the company can offer, and what they do.

Boards and Commission Appointments

Mayor Thomas would like to appoint Steve Eldridge to the Airport Board.

Councilman Barber made a **motion** to appoint Steve Eldridge to the Airport Board. Councilman Wadsworth **seconded** and the motion **passed**. Councilman Sorensen and Leifson voted nay.

Mayor Thomas would like to appoint Chris Hansen to the personnel committee.

Councilman Sorensen made a **motion** to appoint Chris Hansen to the personnel committee. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Mayor Thomas would like to appoint Todd Jackson to the Utility Board.

Councilman Sorensen made a **motion** to appoint Todd Jackson to the Utility Board. Councilman Leifson **seconded** and the motion **passed**, with Councilman Wadsworth voting nay because he doesn't know anything about Mr. Jackson.

Mayor Thomas would like to appoint Jerry Stubbs to the Utility Board.

Councilman Barber made a **motion** to appoint Jerry Stubbs to the Utility Board. Councilman Wadsworth **seconded** and the motion **passed** all in favor.

Police/Court Contract

Mr. Baker reviewed the numbers for the police court building with the Council. He explained the Council needs to approve the contract with Layton Construction in order for them to move forward with their sub contractor bids. He also explained that they have been working with them to get some cost savings. There is no motion to approve this as they approved it at the last meeting as long as the Council is comfortable with the numbers.

ADJOURN:

Councilman Wadsworth made a **motion** to adjourn to executive session for personnel and potential land sale issues. Councilman Sorensen **seconded** and the motion **passed** all in favor at 10:52 p.m.

ADOPTED: April 17, 2007

Kimberly Robinson, Deputy Recorder