

**Adopted Minutes
Spanish Fork City Council Meeting
September 18, 2007**

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

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

Citizens Present: Jim Nielsen, Kevin Pritchett, Richard Evans, Les Allen, Jesse Brimhall, Allen Hall, Faye Hall, Dale E. Larssow, Josh Butler, Moriahm Rodriguez, Hailey Robbins, Scot Aitken, John Davis, Karleen Holland, Taalin Rasmussen, Heather Campbell, Daniel Wisdom, Matt Salzl, Brooke Hanson, Warren Johnson, Jake Wood, McKensie Froerer, Mercedes Carter, Allen Carter, John Bailey, Warren Johnson, Jodi Hoffman

CALL TO ORDER, PLEDGE:

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

Councilman Barber led in the pledge of allegiance.

Mayor Thomas recognized the Employee of the Quarter Mercedes Carter. He stated his personal experience has been great she has excellent customer service skills.

PUBLIC COMMENTS:

Karleen Holland

Ms. Holland is here for support to fix the model airport runway, also to get the asphalt filled because it is settling from being built on the landfill. She people are using public streets as runways because the airport is in such disrepair. They are working to get sponsors to make it self maintaining.

Mayor Thomas asked to look into the city providing the shavings to fix the airport if the cost is not too high.

Councilman Barber asked to find the agreement originally done for the model airport.

Rick Evans

Mr. Evans is here on behalf of Diana Butler who has worked hard to facilitate a local debate on the school voucher issue it will be on October 4, at 7:00 p.m. in the high chaparral at the Spanish Fork Fairgrounds. There will be representatives speaking for and against the vouchers. This is an equal opportunity debate and they would like to facilitate an open discussion. There will be an opportunity for questions as well.

Mayor Thomas thanked them for bringing this to the public and he encourages all to get involved. He is glad SFCN will be broadcasting the debate on our cable channel.

Kevin Pritchett

Mr. Pritchett came to the Council a few weeks ago concerning Main Street Plaza's rear parking, and easement to the parking. He would like this addressed and would like to know what they can do to pursue this and move forward.

Mr. Rosenbaum explained there are seven accesses to the property and only "no through traffic" signs on two of them. They feel the speed bumps have helped but he is not sure if it has fixed the problem. He likes the suggestion of a sign saying "slow speed fire station", and would like to leave 100 East as a "no through traffic", but has no problem changing the 400 north sign out for a slow down sign.

Mr. Pritchett said he would be more than willing to work with the Chamber and has a space available to them if the City wants to move them for use of that property.

Mercedes Carter was presented with the Employee of the Quarter award by Seth Perrins.

COUNCIL COMMENTS:

Councilman Andersen reported on the ULCT meetings. He feels there was great information presented and there are some things the City will need to address. Those meetings are helpful to know we do things correctly and don't get into trouble.

Mayor Thomas reported the election was held and there was a low turnout rate, he would like to encourage people to get out and get involved. The North Park continues to move forward demolition is happening on a daily basis. The windmills continue to move forward and they should start construction soon. Utah has the best economy in the nation right now and there are a lot of new businesses coming to our area.

Councilman Barber attended the Utah League of Cities and Towns, and has been doing some homework on a few big issues that will be a benefit for the community. He thanked everyone that sent their thoughts, cards, flowers and prayers for his family with the death of his father.

Councilman Leifson also attended the convention and learned a lot. They are still in the process of preparing the surveys for parks and recreation to present to the Council.

Councilman Wadsworth Joined by Electronic Telecommunication at 6:22 p.m.

PUBLIC HEARING:

Councilman Sorensen made a **Motion** to move to the public hearing at 6:22 p.m. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

Somerset Village Phase 4 Master Planned Development Preliminary Plat Request

Mr. Anderson gave a general overview of the projects and stated they were interconnected. He then explained this phase of Somerset Village will provide a needed ingress and egress for the projects.

Councilman Andersen said in the comments of the Planning Commission they expressed concern for the property next to the developments to ensure that the owner will be able to access their

property. He wants to feel comfortable they can do something with their property and not be landlocked on both sides.

Mr. Anderson explained Mr. and Ms. Hall have requested their property not have the access removed so they can have future development. He has been operating under the assumption that access to the property will come from the West.

Councilman Andersen stated there has been some discussion rather than putting access from the west there is room to put access from the east side. He would like to see protection for the property owners to not lose their access.

Mr. Anderson stated there are some concerns with meeting the intersection requirements to provide access. This is proposed to be a master planned development including 42 building lots. There are 10 units of bonus density requested. It is the recommendation of the DRC that it be approved with a total of 42 units based on the amenities being proposed. The Planning Commission also recommended the project be approved with 42 units and all conditions plus a requirement to condition the approval upon the development of the other properties and the street being constructed.

This item was opened for public comment.

Allan Hall

Mr. Hall owns the ground next to the properties. At one time the developer wrote a letter and would like to see them incorporated in his development. They do not feel they want to develop right now but they want to retain access to their property for future development.

Les Allan

Mr. Allan is the Developer of Somerset Village. The three projects are before the Council in a working effort to move forward. It is not fair to the Halls to landlock them but he feels, no one is trying to landlock them. He does not have a problem with granting an easement where the canal is, but it belongs to the canal company.

Mr. Anderson does not feel the canal it is a good place for a road intersection.

Mr. Heap stated the developer to the West owns the road area and it would be in the best interest to come from the west accessing the Halls property.

Mr. Baker explained they are not changing the current access they have right now.

Mayor Thomas complimented the development.

Councilman Wadsworth thanked Les Allan for getting the HOA issues resolved.

Councilman Andersen said there are a few home owners that have some minor things to be taken care of in the development.

Mr. Baker said if the future development is legal and meets the city requirements they do not have to grant access.

Councilman Sorensen stated when the development goes in next door, they might have to lose a building lot to provide access for something that does not currently exist. He does not want to put undue burden on the adjacent property owner to grant more access than they currently have.

Councilman Andersen expressed his feelings and does not want to see the halls landlocked in a way they can't develop. He feels there should be a way to come up with a solution for access.

Mayor Thomas asked if there are ways they can require the developer to allow access so the Halls can purchase the land at market value.

Mr. Baker stated the City can create a situation where access is provided.

Councilman Barber **Motioned** that the City Council approve the proposed Preliminary Plat for Somerset Village Phase 4 with 42 lots based on the following findings:

Findings:

1. That the proposed development provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Somerset Village

Phase 4 Master Planned Development submittal packet:

1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the west boundary line.
 2. The construction of the proposed entrance features and gates.
 3. The construction of the proposed playground.
 4. The construction of the proposed sports court.
 5. The architectural upgrades of the proposed structures.
 6. The access that residents of this phase will have to the amenities in the existing development.
2. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
3. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

Councilman Sorensen **Seconded** and the motion **Passed**. Councilman Andersen voted Nay because he feels there is some way to incorporate language to address the easement and allow access where the canal is, he still has concerns with access to the Hall's property.

Sierra View Estates Master Planned Development Preliminary Plat Approval

Mr. Anderson explained this is Jacobsen Land Developments project. The project contains town houses and twin homes. The proposed development contains 57 units with a total bonus development requested of 14 additional dwelling units. They are offering similar amenities as the previous project. The DRC spent several meetings reviewing these projects and the Planning Commission spent a long time reviewing as well. The area for public gathering will need extra attention with the sidewalks, streets, and cross walks to enable people to get there. The applicant has given a hand shake promise they would address those issues. They also want to ensure the garages look decent, and the applicant will provide pictures.

Jesse Brimhall

Mr. Brimhall was asked by Nate Jacobsen to represent him. It was his understanding, Mr. Jacobson has agreed to the cross walks and the additional parking. He noted page two of the packet shows the increase in the individual outdoor parking lots as well.

This item was opened for public comment.

There was no public comment given at this time.

Councilman Andersen does not have a problem with any of the developments he thinks they look good. His hang up is because the access to the property has not been addressed to his satisfaction tonight.

Mr. Heap stated there is the ability to put a note on the plat.

Councilman Leifson made a **Motion** that the City Council approve the proposed Preliminary Plat for Sierra View Estates with 57 lots based on the following findings and subject to the following conditions:

Findings:

1. That the proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone due to the following amenities that are proposed as outlined in the Sierra View Master

Planned Development submittal packet:

1. The construction of the proposed masonry wall around the perimeter of the development with the possible exception of the east boundary line.
2. The construction of the proposed entrance features.
3. The construction of the proposed pavilion.
4. The construction of the proposed playground.
5. The construction of the proposed sports court.
6. The architectural upgrades of the proposed structures.
7. That the proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
8. That any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

Conditions:

1. That the public street in the proposed development be designed to meet the City's standards for a minor Collector Street with a 68 foot right-of-way
2. That the applicant provide final designs of all structures including the garages for the 12-plexes with final plat submittal.
3. That a condition on the easement for access to the Hall property is added as a note on the plat.

Councilman Barber **Seconded** and the motion **Passed** all in favor.

Councilman Andersen said he would rescind his vote of nay on the earlier development with the change of adding a note to the plat as a requirement.

Jim Nielsen General Plan Zoning Text Amendment

Mr. Anderson explained this is three items wrapped into one. The applicant does not meet the required ten acres to change the zoning. The DRC and Planning Commission recommend the text amendment be denied. There was consensus on the point of the DRC that it is not a good idea to change the text and requirement. The Planning Commissions concern is with the change to the land requirement.

This item was opened for public comment.

Gina Peterson

Ms. Peterson lives by the property. She commented about the information she received from her neighbor. She can't imagine the property is Mr. Nielsen's financial asset, but that it is the homeowner's assets. She wanted the Council to think about if they would want to live across from storage units or next to them. She talked to her appraiser about the value of their home with regards to the property and it would go down. She added that she appreciates all the Council does.

Allan Carter

Mr. Carter lives at 1390 E. 100 N. He does not feel light industrial is appropriate for a neighborhood and would like to see the property remain as it is currently zoned. He passed out a handout with information received by him through a GRAMA request. He asked the neighbors to check the boxes they are not opposed to seeing developed.

John Bailey

Mr. Bailey lives next to the property. He stated Mr. Neilson did come by and said he would like to improve the area with trees, not that he wanted storage units. They have been to four meetings so far and have not heard much word regarding other options for use of the property.

Tamson Davis

Ms. Davis lives at 1412 E. 100 S. She would think that to install storage units the Council would be in violation of spot zoning.

Mr. Baker explained the legislature has changed their look on spot zoning and it is now allowed.

Ms. Davis did some homework and felt that industrial zoning would be in violation of a nuisance. They would like it to stay residential, and not change to light industrial.

Warren Johnson

Mr. Johnson has the big tower behind his house. He explained Mr. Nielsen came to them and zoned the area commercial. Everyone agreed it would be ok, he said he would clean up the area, which has not been done yet. He would like to see it residential and start over from the beginning.

Mayor Thomas said in his opinion there are three sides to listen to, the land owner, market forces, and the public as a whole. If it can be done and not affect the neighbors, then fine, if not the Council has to make decisions.

Councilman Sorensen feels this is one of those issues where they have to weigh the affect to the land owner and the neighbors. He then read the findings the Planning Commission found with this application. He feels the findings hit home with him and that this site is not good for light industrial. He does not believe it is good policy to change the property for one individual.

Councilman Barber asked if there is a variance or conditional use process he can go through if he wants to do that.

Councilman Sorensen explained if they change the light industrial requirement then any light industrial use will be allowed on that zone.

Councilman Andersen read the minutes of the DRC meeting, stating Mr. Neilsen would do research into developing residential on the property.

Mr. Neilsen stated with the number of lots he can get, he would not profit enough, and would be in the negative. He is trying to do this in a way best for him and for the neighborhood. He stated if they want to purchase it from him and make it residential or a park they can do so.

Mr. Anderson clarified that storage units are a permitted use in a light industrial zone.

Rick Evans

Mr. Evans said the text amendment states if they change it from a ten acre to three acre requirement anyone in the future can be changed as a light industrial zone if they meet the acreage. He feels that will create a lot of small I-1 zone petitions and he worries about what this would affect. Changing it from ten acres to three is a huge commitment that he is not comfortable with.

Tish Throckmorton

Ms. Throckmorton was told there would be town homes built there when they purchased the home. If storage units were to go there they could have bombs, drugs, teenagers, and she worries about the safety of her children. She does not think it is the best fit for the neighborhood. She feels if the lots across the way can sell with railroad tracks behind them they can sell these as residential, she is opposed to the storage sheds.

Bryce walker

Mr. Walker had a conversation with Mr. Neilsen and was willing to explore options to purchase the property. He even stated he would sell the property for \$800,000. He feels the property was bought residential, and thinks it should stay residential.

Councilman Sorensen **Motioned** that the City Council deny the proposed General Plan, Zoning Map and Zoning Text Amendments at approximately 1450 East 100 South, based on the following findings:

Findings:

1. That the presence of dwellings adjacent to the subject property makes it unsuitable for Industrial 1 zoning and industrial uses.
2. That three areas is not a sufficient size to have a functional industrial area.
3. That the proposed changes are not necessary as large tracts of land in other areas of the City are designated Light Industrial and zoned Industrial 1.

Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Old Depot Preliminary Plat Approval

Mr. Anderson explained the proposal. The DRC and Planning Commission recommended the project be approved. He noted something was brought to the Planning Commission with concern about the road constructed and the width. Mr. Christianson would like the Staff to look into a requirement for the industrial road width requirement.

Councilman Andersen requested that the semi truck drivers have enough space to turn around, especially if they miss their turn.

Councilman Sorensen explained his issue is the waterline that was supposed to go into there to help the homeowners. He feels if the developer had no intention of putting the waterline in they should not have had to go through the process to expedite it for him. He added there are still residents who do not have water yet.

Councilman Andersen is concerned and disappointed, he understood the contractor was going to get in there immediately and get the waterline in, that misrepresentation bothers him.

Councilman Leifson said he agrees with the comments made and is disappointed that they, in good faith, approved the waterline and it has never even been put it in.

Councilman Sorensen asked where they go from here, there are residents that are still out of water and have been for over a month and a half.

Mr. Baker stated there can be a condition to approve conditional of putting the waterline in first.

Scott Aitken

Mr. Aitken was wondering what they are going to do with the storm water run off.

Mr. Heap stated they never let it run off onto private property it will be handled onsite.

Councilman Barber **Motioned** that the City Council approve the proposed Preliminary Plat for the Old Depot subdivision based on the following finding and subject to the following conditions:

Finding:

1. That the plat meets the City's standards for industrial subdivisions in an I-1 zone.

Conditions:

1. That the applicant meet the subdivision construction standards.
2. That the cul-de-sac meets the maximum length regulation.
3. That the Power Department issues are addressed.
4. That the applicant submits three copies of their Preliminary Plat for the City's files.
5. The waterline being installed prior to other infrastructure

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

Councilman Leifson said the issue he has is the Council went forward in good faith to approve this and the contractor did not do what they said they would. He feels they are justified in adding some additional stipulations to this approval.

Proposed Change to Title 15

Mr. Anderson explained the proposed changes reducing the rear setback on corner lots by five feet. The DRC and Planning Commission recommend approval.

Discussion was made regarding setbacks, placement of living space and yardage.

This item was opened for public comment.

Eric Whitaker

Mr. Whitaker explained the reasoning for his request.

The Council agreed to look into the comments the Planning Commission made regarding the setbacks to be changed for all lots.

Councilman Wadsworth asked if this would impact the accessory building changes.

Mr. Anderson stated that it would not have an impact.

Councilman Andersen **Motioned** to approve the proposed Zoning Text Amendment, reducing rear setback on corner lots by five feet in all residential zones, based on the following findings:

Findings:

1. That the proposed Text Amendment would not result in a detrimental situation.
2. That the proposed Text Amendment would allow property owners to make more efficient use of their property.

Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Councilman Sorensen made a **Motion** to close the public hearing. Councilman Andersen **Seconded** and the motion **Passed** all in favor at 8:16 p.m.

CONSENT ITEMS:

**Minutes of Spanish Fork City Council Meeting – August 7, 2007; September 4, 2007
Interlocal Agreement with Utah County to Conduct Spanish Fork City’s 2007 General
Municipal Elections on November 6, 2007
Repeal of Release of Prisoner Ordinance**

Councilman Sorensen made a **Motion** to accept the consent items. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

NEW BUSINESS:

Water Rights Review – Richard Heap

Mr. Baker stated the per capita water usage in Utah is one of the highest in the nation, because we are a dry state. Mr. Heap has prepared a presentation addressing some of the concerns.

Mr. Heap explained the history of forming SUVPS. Councilman Andersen is the Spanish Fork City board member representative. There has been some discussion on ground water rights that have been prepared. There currently are approximately 100,000 acre feet of actual water in South Utah Valley. In 2003 SUVPS hired a firm out of salt lake to analyze the papered water rights. The underground rights filed through the state engineers office equal 100,000 acre feet. They do not want to see the underground waters be over scribed. There are two things SUVMWA is proposing, to not import any more water rights underground, the other to be careful of converting surface water rights to underground rights. We need to be very careful to monitor what takes place in South Utah County, not import any more rights and not convert surface to underground.

Councilman Andersen agrees and if they start doing those things they will not have issues with their water.

Mr. Heap stated the biggest concern would be with the cities. SUVMWA will be pushing this with all the cities so we can protect our rights and not have problems like the other cities.

Jodi Hoffman from the ULCT

Ms. Hoffman commended the Council on the land use discussion given. She did not think water rights were going to be the big issue this year and it has been the biggest driver of everything they are going to do with the League. She then gave a presentation regarding water rights.

Councilman Sorensen feels the resolution the Utah League of Cities and Towns drafted is a win for everyone.

Councilman Wadsworth was excused from the meeting at 8:40 p.m.

2007 Primary Election Canvass

Mr. Clark explained the canvass of the election process. He also thanked Nebo School District for the use of their schools as polling places.

The top six vote getters will move forward and the County will administer the election because of the mandate for the voucher.

The six that will move forward for the General November Election are:

- a. Richard Money Davis
- b. Rodney C. Dart
- c. Rosemary H. Jarman
- d. Jens P. Nielson
- e. Matthew D. Barber

Councilman Sorensen made a **Motion** to approve the 2007 Primary Election Canvass. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

Wisteria Lane Preliminary Plat Approval

Mr. Anderson explained the proposed project conforms to the cities minimum lot size and meets the cities requirements. The Planning Commission recommends the project be approved.

Councilman Sorensen made a **Motion** that the City Council approve the proposed Preliminary Plat for Wisteria Lane 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-1-9 zone.

Conditions:

1. That the Spanish Fork City Trail be incorporated into the design for the Canyon Road Improvements.

2. That the applicant obtain UDOT approval for the intersection design at Canyon Road.

Councilman Barber **Seconded** and the motion **Passed** all in favor.

Financial Advisor Bid

This item was postponed to a future meeting due to the need for further information.

ADJOURN:

Councilman Sorensen made a **Motion** to adjourn. Councilman Andersen **Seconded** and the motion **Passed** all in favor at 9:03 p.m.

ADOPTED: October 2, 2007

Kimberly Robinson, Deputy Recorder