

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

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

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

Citizens Present: Ginny Diraimo, Susan Anderson, Matthew Hansen, Pat Parkinson, Brenda McCarran, Jayden Griffiths, Moryah Love, Jacob Bunker, Natalie Hayes, Destiny Hayes, Layne Teuscher, Lynn Teuscher, Amanda Kersh, Charles Albert, Judd Hunter, John Damon, Nate Michelsen, Matia Young, Matthew Certonio, Justus Thomas, Tanner Michelsen, Chad Flake, T.J. Kessinger, Joshua Harding, Tyler Higley, Brett Buhler, Steve Harrison, *Illegible* Harrison

**CALL TO ORDER, PLEDGE:**

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

Councilman Barber led in the pledge of allegiance.

**PUBLIC COMMENTS:**

Mr. Heap responded to a comment from the last Council meeting regarding the turn lanes on Canyon Road. On Tuesday April 10<sup>th</sup> they sent a written request to have a turn lane researched. They talked to Doug Basset with UDOT, who told them they would look into it.

Judd Hunter

Mr. Hunter admonished the Council to think about today, tomorrow, and 15 years from now. He attended the Planning Commission meeting where they discussed the difficulties experienced in the Quail Hollow and Mill Road areas.

**COUNCIL COMMENTS:**

Councilman Wadsworth mentioned in the finance committee meeting yesterday they discussed the selection of a financial advisor for the city. They will do further research and meet again in December. Spanish Fork City was represented well in Washington DC for lobbying, they were very impressed with our leadership.

Councilman Sorensen reported the Chamber of Commerce met last week and compiled a business directory available to all the citizens of Spanish Fork. He feels it will serve to increase shopping locally and promote local businesses.

Councilman Andersen reported the seniors committee met and has three new board members. They expressed appreciation for the additional parking at the senior center.

Councilman Leifson reported the Airport Board held their annual social, he reviewed some of the things happening at the airport and feels it is moving in a positive way. The Parks and Recreation board met and are still working on the parks survey.

Councilman Barber thanked the Mayor and Councilman Wadsworth for going to Washington D.C., he feels it is worth lobbying for the future of Spanish Fork.

Mayor Thomas reported he heard good things about the Harvest Moon Hurrah. The spook alley is up and running, the first night had 500 plus attendants. The North Park is moving forward they will be announcing more once they get some issues settled. Washington D.C. went well and they hope to have obtained additional funds. The trails system and river reclamation project were the things they pitched to the lobbyist. They asked regarding recycling for funds that could be groundbreaking, there is a potential to have recycling that is self sustaining. He encourages all to get involved in the upcoming election, learn about the candidates and remember to get out and vote.

Councilman Leifson reported the candidate debate will be Wednesday and Thursday night which will be broadcast on SFCN.

### **PUBLIC HEARING:**

Councilman Sorensen made a **Motion** to move to public hearing at 6:18 p.m. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

### **Spanish Trails Amended Preliminary Plat**

Mr. Anderson explained this proposal has to do with amending the preliminary plat that was approved approximately ten years ago. The changes have to do with changing from single family homes to town homes. The number of units will not change it is the layout that will change. He reminded the density amount has not changed. He touched on an issue of Spanish Trails Boulevard, and where it connects. The concern has been raised by the existing residents in Spanish Trails regarding traffic on Spanish Trails Drive. The DRC recommend no steps be taken to preclude access between the two projects, but they also recommend along with the Planning Commission approval of the plat.

Councilman Wadsworth asked how the DRC and Planning Commission feel about not aligning the roads.

Mr. Anderson explained because of existing infrastructure they are limited on what they can do there.

This item was opened for public comment.

Susan Anderson

Ms. Anderson is concerned if they install a crash gate it will force the traffic onto the wild flower roads. 64 children will be affected by the increase in traffic going through the front of their houses. She feels between the city and their HOA there can be some compromises made to work for everyone.

Mayor Thomas thanked her for being so thorough.

Brenda McCarran

Ms. McCarran is president of the Spanish Trails HOA. They held a meeting and voted as a HOA to crash gate Spanish Trails boulevard where it is now. The gates will be locked and not opened by remote it is for emergency use only. It will be chained at the center and used only by emergency vehicles. As a homeowners association they have had frustration. They are now trying to collect funds to maintain the roads.

Councilman Leifson asked how long the HOA has been in affect.

Ms. McCarran stated 2004 was when it started. The homes have been there approximately ten years.

Ginny Diraimo

Ms. Diraimo Lives in the Wildflower subdivision, and is concerned about the traffic. The residents will take the shortest route in and out, and it concerns her greatly because of the amount of young children in the area. She feels if they can use all the access points it will spread the traffic out over all the areas and make things better for everyone.

Christine Johnson

Ms. Johnson explained the road issue is not a City issue because it is a private road.

Ms. Diraimo encourages negotiations with the City and the HOA.

John Damon

Mr. Damon lives in the Wildflower section. He is concerned about the lack of access to first south and that it will critically affect the subdivision. Vehicles traveling through their subdivision will have increased problems, extra patrol and the road will not support this. He does not live in an area that will be affected, but is still concerned.

Mr. Heap remarked when the subdivision first came in there were only two entrances, he feels the traffic will work best for everyone to keep Spanish Trails Boulevard open.

Judd Hunter

Mr. Hunter lives on 300 south. When he built his house he knew there was going to be a road going through. He understands this being private property and their feelings of having to maintain their roads. He does not want to see excessive traffic anymore than people want to commute through a one way street. He understands their rights but encourages the city and them to consider looking ahead to what is best for all. The issue will be compounded in the future if there is not adequate access.

Timber Crandall

Ms. Crandall is one of the oldest residents of the Wildflower subdivision. She has children that drive the roads, and access to the roads is minimal, it barely accommodates what goes through there now. There is a lot of parking on those streets. She does not think those roads will accommodate much more traffic without keeping that road open.

Steve Harrison

Mr. Harrison has the same concerns as have been stated, the traffic that comes through will be bad.

Ms. Parkinson does not live in the area but feels it needs to be a collector road and the city should maintain and take responsibility for the road. She hopes in the future when they deem the road a private road they notice issues for the future.

Councilman Barber said the reason they made it private is because they wanted it to be a private road. It was not built to city standards, plus with the maintenance cost to the entire citizens it would not be fair.

Mr. Heap said they changed the private road standards, they are now required to be gated communities.

Mayor Thomas asked that staff bring back a recommendation.

Phillip Bringhurst

Mr. Bringhurst has the same concerns as stated prior. If he had to respond to a call as a police officer the road becomes a one way road. He feels right now the best interest would be for the HOA to work with the city and prevent the roads from falling apart they need to work something out.

Councilman Anderson explained the proposal before the Council tonight, he noted the access is the same as a future plat.

Ms. Diraimo asked if the HOA can compromise with the new HOA and work together for access.

Ms. McCarren said their concern is with the new construction traffic on their roads and no reimbursement to maintain them. They have several cuts into their roads that are sinking because they had a problem with the sewer lines. They tried to work with the city and begged them to take care of the roads. She noted the previous developer has been terrible to work with.

Councilman Wadsworth asked if the new construction tenants are the concern or if it's everyone else driving through.

Ms. McCarren stated the concern is mainly the ball park traffic.

Austin

He asked if a fee could be given by the HOA to have the city maintain those roads.

David Cottam

Mr. Cottam is an electrician by trade, the issue they have is access to the construction sites. He feels both subdivisions will be affected by traffic, and asked if the city could have the developer purchase some extra land to gain more accesses into the area. He would like to see two more accesses to that development giving them an easier way to access the property.

Joel Harris

Mr. Harris is the current developer and land owner in question, he appreciates the comments that have been made. They are trying to be good neighbors, they have discussed a lot of the issues and will continue to work with the HOA, and Wildflower residents. They are trying to work with

the HOA, and it has been brought up this is turning into a private issue, they are here simply for a preliminary plat approval.

Mr. Heap noted the current ingress and egress have not changed.

Mr. Harris stated they are doing everything they can to work with everyone involved, but they are simply here for a preliminary plat approval.

*Councilman Wadsworth excused himself early at 7:10 p.m.*

Councilman Andersen made a **Motion** to close the public hearing. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:22 p.m.

Discussion was made regarding the project and the fact that it conforms to the original approval.

Councilman Andersen is concerned if someone has a fire or there is a problem that needs police attention, the city has a responsibility to get there as quick as possible. He feels time will have to be given for the gate to open. It is a concern to him because the city has a responsibility in that respect. They commented they have relinquished their right to the park, and asked if they are going to gate the area and not let their children play there. He also asked about the children's access to school. He feels there is an attitude throughout the city that says "I have mine, and I don't want anyone else to come in". He made an analogy, regarding the access originally to the development. He feels the point of handling accesses should be taken care of even if as a city we need to take over and maintain the road.

Mayor Thomas agreed with Councilman Andersen and asked the private property to work with everyone in the area.

Councilman Sorensen agreed with the comments and hopes some type of compromise can happen. This development fits the requirements and standards of the city.

Councilman Barber noted comments made by the developer encouraging everyone to work with the developer, he strongly encourages the HOA to work with the developer.

Discussion was made regarding access restrictions to the property during construction.

Councilman Sorensen made a **Motion** to approve the spanish trails preliminary plat subject to the following condition:

1. Construction traffic will not be routed through the adjacent neighborhoods.

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

### **CONSENT ITEMS:**

#### **Minutes of Spanish Fork City Council Meeting – October 2, 2007** **General Service 2 Electric Rate Schedule** **Outdoor Channel Contract Renewal**

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

## NEW BUSINESS:

### **Old Mill Estates Preliminary Plat Approval Request**

Mr. Anderson explained this project was before the Council for a zone change, they accomplished an additional access to the project as asked. The plat presented tonight is one of three versions the applicant is comfortable having approved. The change from 55 to 56 lots happened in order to gain the additional access, the property to the north lost one lot. The DRC and Planning Commission requested the road be connected onto Mill Road.

Councilman Andersen has problems opening an access until Mill Road is addressed. In order for him to feel comfortable allowing any access the road needs to be addressed. He has worked with Mr. Anderson developing a rural road standard that can change the requirements to function with what is needed. He would like to have some discussion on the rural road standard being developed.

Mayor Thomas likes the idea of a rural road standard creation.

Councilman Sorensen has no problem with the rural road situation, but asked what happens in the future when it becomes a collector road and the proper improvements cannot be made.

Mayor Thomas asked for discussion regarding these issues and standards be on a future meeting agenda.

Councilman Barber feels he has obtained additional access and should not have to put money into another road.

Councilman Leifson agrees and likes the idea of keeping a connection open but not accessible right now.

Mr. Niederhauser is the developer for Old Mill Estates. He then clarified the changes in the lot amounts and also the promises made in order to obtain an additional access. They want to be workable and create the subdivision they envisioned. He feels it problematic to have a stub road with a gate. He also noted the need to have the option to install the lift station if Salem City backs out.

Councilman Andersen made a **Motion** to approve the proposed Preliminary Plat for Old Mill Estates based on the following findings and subject to the following conditions:

#### **Findings:**

1. That the proposed Plat conforms to the standards for master Planned Developments in the R-1-15 Zone.
2. That a full access onto Mill Road is necessary to:
  - a. provide public safety personnel access to the neighborhood.
  - b. to establish access to adjacent neighborhoods to create interconnectivity.
  - c. to facilitate reasonable traffic patterns without putting traffic onto existing roads.

#### **Conditions:**

1. That they meet the City's construction and development standards.
2. That the applicant complete the SESD buyout.
3. That the applicant work with the Electric Department on power issues.

4. That a full City street open access be constructed onto Mill Road.
5. That the development include no more than 56 lots.
6. That access be created through Academy Park, onto Mill Road, and onto Arrowhead Trail. Councilman Sorensen **Seconded** and the motion **Passed**. Barber voted Nay.

Acknowledgement was made the approval of this plat is different from the zone change approval.

### **Academy Park South Preliminary Plat Approval Request**

Mr. Anderson explained with the approval of Old Mill it is necessary to approve the change to Academy Park allowing access.

Councilman Sorensen made a **Motion** to approve the proposed Preliminary Plat for 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. The applicant getting the electronic file to Shawn Beecher.
  2. The applicant submitting three (3) full size copies of the corrected plans for the City's files; upon approval by the City Council.
  3. The SESD buyout and any other concerns that the Power Department have be addressed prior to recordation of any plats.
  4. That all of the conditions from the original Preliminary Plat approval be met.
- Councilman Barber **Seconded** and the motion **Passed** all in favor.

### **Maple Mountain Amended Preliminary Plat**

Mr. Anderson explained the proposal tonight amending a portion of the Maple Mountain Preliminary Plat. One of the key issues discussed was relative to the original approval of the bigger project, they did not get a phasing schedule so that public amenities will be dedicated on a set schedule. He would like to suggest formulating a formal phase plan before any additional plats be created.

Councilman Leifson made a **Motion** to approve the amended Preliminary Plat for Maple Mountain subject to the following conditions:

#### **Conditions**

1. That the access from the cul-de-sac to the existing home be 12 feet wide and asphalted.
2. That a formal phasing plan for Maple Mountain be created before any additional plats are recorded.
3. That the improvements on 400 North be done with Plat C of the overall project.
4. That the area shown in green on the far east of the project the large park be done with the second phase of the overall project.
5. That the park at the south end by the railroad tracks be done when the next phase of the town homes comes in.
6. That all of the conditions of the original approval be met.

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

David Grotegut

Mr. Grotegut stated the Planning Commission member that read the conditions was ok with a 20 foot wide and asphalted access from the cul-de-sac but read 12 feet as written in the DRC minutes as the motion.

Ms. Christine Johnson explained this is the maximum density allowed and they would not be allowed to create another lot.

Mr. Grotegut explained there are 24 lots in the approved plan, and this approval has 23 lots so he can create an extra lot in the future.

Mr. Anderson explained the recommendation from staff.

Mr. Grotegut said if he can build on the lot with 12 feet of access he has no problem with it. He stated he has verified that it was 20 feet. He feels the Council is elected to represent the people and they do not seem to do such a thing.

### **Hawks Landing Preliminary Plat Approval Request**

Mr. Anderson explained this project has already been approved by the city. The previous approval expired and is going back through the process today. The Planning Commission recommends the t-driveways be constructed.

Councilman Leifson made a **Motion** to approve the proposed Preliminary Plat for Hawks Landing 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-1-8 zone.

#### **Conditions:**

1. That the applicant meet the City's construction and development standards.
2. That the applicant pay applicable connection fees contracts.
3. That t-driveways be required on all lots.

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

*Councilman Sorensen excused himself early at 9:08 p.m..*

### **Presentation of Comlink Electrical System Report – Richard Heap**

Richard Heap Introduced Dennis Wilkinson.

Mr. Wilkinson gave a presentation regarding the future of our electrical system and an action plan.

Mr. Oyler commented the Council has budgeted for this study and to do the impact fee study to make sure they have adequate funds.

### **Shop Wells Filter Bid Tabulation**

Mr. Heap presented the bid tabulation for the shop well behind the fairgrounds. They recommend going with Fish Construction.

Councilman Leifson made a **Motion** to accept the bid of Fish Construction for \$114,520 to construct a 50 X 60 foot building. Councilman Barber **Seconded** and the motion **Passed** all in favor.

**ADJOURN:**

Councilman Barber made a **Motion** to adjourn to executive session for Land use and potential Litigation. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 9:49 p.m.

ADOPTED: November 6, 2007

---

Kimberly Robinson, Deputy Recorder