

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

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

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

Citizens Present: Colby Bellows, Ashlee Swenson, Lysie Beckstrom, Merrell Jolley, Veronica Hancock, Heidi Hancock, Spencer Borup, Stephen Atkinson, Ralph Calder, Kaiden Hunt, Calvin Hansen, Ray Galt, Ken *Illegible*, Heather Campbell, Chris Hansen, Taalin Rasmussen, Jackson Frame, Caleb Dayley, Brendan Dayley, Heath Morgan, Tanner Sandbakken, Ethan Lowe, Cody Fillerup, Jacob Wahinehookae, D. Weatherford, Shay LeFevre, Matt Chandler, Pat Parkinson, Josh Butler, Trevor Carter, Mallory Kelly, Katie Jackson, Alexa Beck, Matt Gardner, Alex Rodriguez Vaugas, Shiloh Nelson, Justin Humphreys, Spencer Barber, Bruce Fallon, Josh Fallon, Todd Mitchell, Silas Baum, Levi Mitchell, Justin Bradford, Treyven Harrison, Lafe Baum, Susan Barber, Ralph Calder

CALL TO ORDER, PLEDGE:

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

Scout Ethan Lowe led in the pledge of allegiance.

Mayor Pro Tem Barber recognized Planning Commissioner Sharon Miya for receiving a state science teacher award.

PUBLIC COMMENTS:

Susan Barber

Ms. Barber suggested adding on the city utility bill a place where people can donate to the pioneer cemetery. It will be in the same place as where they can donate to the Red Cross currently located on the city bill.

Mr. Clark explained they have done donations on the utility bill, there are a few options as to how to place it onto the bill.

Mayor Pro Tem Barber asked staff to see how to get the information on the city bill.

Mr. Clark explained the city will gather funds under a separate GL and then it will be spent by the city on what the DUP would like it to be.

COUNCIL COMMENTS:

Councilman Andersen commented there are two hours left before the polls close they encourage all to vote.

Councilman Leifson reported the 9th grade football team won the state tournament last week, which has not been done since the 1980's.

Mayor Pro Tem Barber thanked all the staff and kids for the spook alley this year.

PUBLIC HEARING:

Councilman Sorensen made a **Motion** to move to public hearing at 6:08 p.m. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

Budget Revision FY 2008

Mr. Clark handed out the 2008 Budget Revision 1, and explained the budget process. He then reviewed the changes made to the general fund.

Mr. Robinson explained the changes to the parks and recreation.

Mr. Clark explained changes to the enterprise funds.

Mr. Heap noted they had to replace two pumps, and there was some sidewalk replacement.

Mr. Clark explained the rate changes, and changes to the building permit fees.

This item was opened for public comment.

Pat Parkinson

Ms. Parkinson explained when her subdivision was built the developer was going to install the PI system. The homeowners gave money to install the service and it never got done. They paid \$2,000 before anyone else paid it and now they pay the rate as well, she would like to know why her 15 house development had to pay the impact fee too.

Councilman Sorensen made a **Motion** to close the public hearing. Councilman Andersen **Seconded** and the motion **Passed** all in favor at 6:28 p.m.

Councilman Leifson disclosed he has a conflict with the Better Biodiesel contract and excused himself from voting on that item.

Councilman Sorensen made a **Motion** to adopt the FY 2008 Budget Revision 1. Councilman Leifson **Seconded** and the motion **Passed** by a roll call vote.

Councilman Andersen voted Nay because he would like to read through the information better.

Councilman Barber voted Nay because this is the first time they have seen it and he would like to have more time to review it. The motion **Passed** 3-2.

This item was requested to be on the next agenda at the next Council meeting.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting – October 16, 2007
Better Biodiesel Contract
Electric Easement Agreement with BALY

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

NEW BUSINESS:

I-15 Corridor EIS Project Update

Merril Jolley

Mr. Jolley is the project manager for UDOT. He then gave an update of the project. They are about to publish their environmental document draft. They are looking at minor changes to the off ramps from Main Street and Highway 6. Public Hearings will be held December 13th and 15th.

Councilman Sorensen explained what a Budget Revision is and that it is the same budget approved at the first of the year, this is where they reconcile the changes they made between the time they approve the budget and the next budget.

Appeals Authority – Ridgeline Development Inc.

Mr. Baker explained this is an appeal for a decision made in the planning office. He reviewed the land use development appeal board duties. There are five criteria that have to be met in order to qualify for a variance. It cannot be a financial hardship and must meet the general intent of the code. This is not a public hearing, but notices have been sent to the adjacent property owners as interested parties.

Mr. Anderson explained the request, and some background information. In 2006 the city annexed the Andersen salvage property and the subject property, the ground is currently zoned I-1. The specific zoning standard Mr. Calder is requesting tonight would change the city setback requirement for I-1 land next to residential property. The standard requirement for an I-1 zone is 25 feet from the property line. He noted prior to the property being annexed there would be no property setback required. There are five different standards in our ordinance and in order for the Council to grant a variance they all must be met. The property owner owns a 25 ft roadway easement to the north that would not be buildable. He then listed the five findings that need to be met in order to grant a variance.

1. That the literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance because it would not allow the construction of a building that is essential to the continued operation of an existing business.
2. That there are special circumstances attached to the property that does not generally apply to other properties in the same district because of the presence of the easement on the property line.
3. That granting the Variance is essential to the enjoyment of a substantial right possessed by other property in the same district as it is the only means of the City issuing a permit for the garage.
4. That the Variance will not substantially affect the General Plan and will not be contrary to the public interest as the existing easement will ensure an adequate separation between the garage and any residential use on the adjacent property.

5. That the spirit of the zoning ordinance is observed and substantial justice done as the Variance allows the owner to make use of his property to the same extent that he would have been able to before the adjacent property was annexed in 2006.

Councilman Wadsworth asked how long the applicant has owned the property.

Ralph Calder

Mr. Calder stated he has been there approximately 15 years.

This item was opened for any adjacent or across the street land owners to give public comments.

There was no comment made at this time.

Councilman Andersen made a **Motion** to approve the proposed variance for Ridgeline Inc. based on the five findings:

Findings:

1. That the literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance because it would not allow the construction of a building that is essential to the continued operation of an existing business.
2. That there are special circumstances attached to the property that does not generally apply to other properties in the same district because of the presence of the easement on the property line.
3. That granting the Variance is essential to the enjoyment of a substantial right possessed by other property in the same district as it is the only means of the City issuing a permit for the garage.
4. That the Variance will not substantially affect the General Plan and will not be contrary to the public interest as the existing easement will ensure an adequate separation between the garage and any residential use on the adjacent property.
5. That the spirit of the zoning ordinance is observed and substantial justice done as the Variance allows the owner to make use of his property to the same extent that he would have been able to before the adjacent property was annexed in 2006.

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

Board and Commission Appointments – Historic Committee

This item was moved to a later meeting.

Adjourn to Redevelopment Agency

Councilman Sorensen made a **Motion** to move to the Redevelopment Agency Meeting.

Councilman Leifson **Seconded** and the motion **Passed** all in favor at 6:57 p.m.

Councilman Sorensen made a **Motion** to close the RDA public hearing and return to the regular Council meeting. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 6:59 p.m.

OTHER BUSINESS:

Mr. Heap explained they want to discuss with the Council how to deal with private streets, and whether they want to have narrower streets or to do away with private streets. He would like input from the Council on the issue of private streets.

Councilman Leifson feels if there are houses there needs to be sidewalks, he is fine having gated communities but feels their streets should meet our standards. He feels really strong there should be sidewalks on both sides of the streets.

Councilman Sorensen is not a fan of private subdivisions, he feels they tend to have more issues, in most cases the HOA can't sustain the needs of the community. He agrees with Councilman Leifson that everything has to meet city standards.

Councilman Andersen feels any of those streets that have ingress and egress onto the major roads should be owned by the city. Being able to gate or hamper the cities ability to provide services is not justifiable to him.

Councilman Sorensen noted an issue that came up with a private street that will cause traffic problems.

Councilman Wadsworth noted this issue has come up a few times over the years, he asked what the positives have been with the private streets.

Mr. Heap stated people like living on private streets because they do not have as much traffic.

Councilman Leifson stated Somerset Village works because there is no through traffic.

Councilman Wadsworth likes the idea of private roads like Somerset Village.

Mr. Anderson explained there is an option to create a smaller street standard to correspond with some of the private roads.

Mr. Heap stated there would be restrictions on how many homes are allowed on it etc.

Mr. Anderson suggested staff give some options for private street standards.

The Council agreed they would like to see a standard that works for everyone involved.

Councilman Andersen does not like to be held in a position that could jeopardize the health safety and welfare of the citizens and have no control over it.

Mayor Pro Tem Barber would like to see options for fire and emergency access.

Councilman Leifson wants it to meet the city standards so in the future if the city has to take over it will not need to be brought to the city standards with tax payer dollars.

The Council agreed they would like to see the process gone through and brought back to the Council.

Mayor Pro Tem Barber encouraged staff to work on the traffic issues on Escalante drive.

Mr. Heap said they are looking at some other options, such as traffic counts and speeds.

ADJOURN:

Councilman Sorensen made a **Motion** to adjourn to executive session for Legal and Land Issues Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:18 p.m.

ADOPTED: November 20, 2007

Kimberly Robinson, Deputy Recorder