

**Adopted Minutes  
Spanish Fork City Council Meeting  
December 4, 2007**

Elected Officials Present: Mayor Joe L Thomas, Councilmember's Seth V. Sorensen, Matthew D. Barber, and Steven M. Leifson

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

Citizens Present: Chad McDonald, Dave Smiley, Quinn Johnson, Rod Dart, Richard M. Davis, Jens Neilson

**CALL TO ORDER, PLEDGE:**

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

Councilman Leifson led in the pledge of allegiance.

Mayor Thomas excused Councilmember's Wadsworth and Andersen.

**PUBLIC COMMENTS:**

Mayor Thomas noted the "Shop with a Cop" will happen again this year and asked that people be patient.

**COUNCIL COMMENTS:**

Councilman Sorensen reported the Chamber of Commerce parade of lights was held the day after Thanksgiving. He thanked Blake Barney for his effort, and encourages all to get out and visit the Festival of Lights this year.

Councilman Leifson reported the Festival of Lights will have hay rides by appointment only. The parks and recreation committee met and talked about the issues with the survey, they are almost ready to present to the Council their recommendation.

Councilman Barber said the lights parade had 45 entries this year and went well. Businesses contacted him about their commercials on SFCN they should let SFCN know so they can take care of it.

Mayor Thomas congratulated the city on its 15<sup>th</sup> year anniversary for the Festival of Lights, he thanked those that participated in the lights parade. The windmills are under construction and moving ahead. North Park is moving forward, the only retail store for sure so far is Home Depot. He noted Michelle Leifson has done work with the PANIC organization and invited him to a film premiere, the film was compelling, we have a real issue in this town and we need to be aware of it.

**PUBLIC HEARING:**

Councilman Sorensen made a **Motion** to move to public hearing at 6:09 p.m. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

### **Christensen General Plan Amendment (Continued)**

Mr. Anderson explained this was discussed in the meeting two weeks ago, and the Council requested more information regarding impact on the north east bench area. This part of the City is an area the Council has directed staff to help facilitate growth. Discussion was related to sewer capacity concerns and priorities. Aqua engineering has presented some data to the city showing we can have more treatment capacity than we thought. The sewer is still the issue for the north east bench development area. Land use is the issue and changing the use on this property will affect the designations for other properties in the area.

This item was opened for public comment.

Kimberley Dewey

Ms. Dewey represents the General Plan applicant. She again stated their reasons for the area being treated differently. They are adjacent to two major collector roads and high power utility lines. They do not plan to go in excess of 2.7 to 2.8 units per acre.

Councilman Barber asked if it goes R-1-12 would they have lots at 8,000 square feet.

Ms. Dewey stated they do not plan to create less than 10,000 square foot lots.

Councilman Barber asked if they go to 2.5 to 2.8 how many extra units would be created.

Mr. Anderson stated it would allow for 7-8 units more.

Councilman Barber has a hard time with the unknowns and what might come verses the what ifs before us. He asked if there are issues with this project that might work if they change the General Plan.

Mr. Anderson stated staff recommends the General Plan not be changed because it can be handled through zoning. In his opinion it is in the best interest of the city that the northeast bench not to develop with the same density.

Councilman Barber asked if there is a way to maintain density but each property owner gets equitable credit for owning land within the easement.

Councilman Anderson explained the city can give density, or purchase the property outright to make it work.

Mayor Thomas feels diversity is achieved just because of the market drive. He feels the landowner should have a say and the market as well.

Councilman Leifson has an issue with getting to be a city of high density housing throughout the city. He has been asked where the larger lots are with nicer homes. The General Plan helps them to tell the landowner who has to have bigger lots or not. The DRC and Planning Commission suggest leaving it the way it is. He is more inclined to see it the way it is.

Councilman Sorensen said looking at the property and surrounding areas the General Plan was based on the General Plan for the area and it is not just with sewer but with water as well, we need to ensure adequate water pressure and sewer for that area if they increase the density.

Ms. Dewey addressed the utility concerns, and stated their project should not affect the utilities in an adverse way.

Councilman Sorensen said no matter who it is anytime they add extra units to the area it will affect the area.

Ms. Dewey stated when they first applied they were comfortable with the density but because of the requirements they cannot afford to annex and do the project with 2.5 units per acre. She noted about the higher density areas but the market has the big factor and no one is going to pay the higher money in that area because of the collector roads and power lines.

Councilman Sorensen asked about the costs the city required that were unexpected.

Ms. Dewey stated 2550 east will cut into the property more than they expected and each time the changes are made they have had to give up additional acreage.

Councilman Leifson made a **Motion** to close the public hearing. Councilman Sorensen **Seconded** and the motion **Passed** all in favor at 6:48 p.m.

Councilman Sorensen feels they have to meet the long term needs of the city.

Councilman Leifson feels this is not cut and dried, that is why they have taken so much time reviewing it. This decision impacts the entire area.

Councilman Sorensen made a **Motion** to deny based on the following conditions:

1. That the current General Plan designation encourages the most functional pattern of land uses on the northeast bench.
2. That the applicant can essentially accomplish their ultimate goal without changing the General Plan.

Councilman Leifson **Seconded** and the motion died for lack of majority vote.

Councilman Barber NAY

Councilman Sorensen AYE

Councilman Leifson AYE

### **CONSENT ITEMS:**

#### **Minutes of Spanish Fork City Council Meeting – November 20, 2007**

#### **Renewal Agreement Sci-Fi Channel**

#### **Ordinance Revision – Flood Plain Manager**

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

### **NEW BUSINESS:**

#### **Eagle Scout Project – Dave Smiley**

Dave Smiley

Mr. Smiley is working on his Eagle Scout project, they want to name the retention basin Patriots Park. They will have flags stored separately, and a collapsible flag pole as well.

Mayor Thomas asked who will store the flags and put them out.

Mr. Smiley stated the Scout Troop will take on the responsibility.

Councilman Leifson feels it is a great thing, a good spot and an awesome Eagle project, it will be great for the city.

Councilman Sorensen feels there are great kids in the community wanting to help.

Mayor Thomas asked that the points for flags be built for easy maintenance.

Councilman Leifson made a **Motion** to approve the Dave Smiley Eagle Project. Councilman Sorensen **Seconded** and the motion **Passed** all in favor.

### **Workers Compensation Insurance Coverage Bid**

Mr. Clark explained the bids were received by two firms.

Councilman Barber suggests next year that they offer more bids.

Councilman Sorensen made a **Motion** to accept the Workers Compensation Coverage Bid and award it to ULGT for 2008. Councilman Barber **Seconded** and the motion **Passed** all in favor.

### **Amended Lease Agreement with Simmons Outdoor Media**

Mr. Baker explained the city has some ownership in a billboard and has had an arrangement with Simmons Outdoor Media. The options for our needs were to amend the earlier agreement with Simmons and it goes for 25 years with an opportunity to buy out or renegotiate. They feel the best thing is to replace the wooden poles with a single monopole. The cities half of the cost is \$16,717.50.

Councilman Sorensen made a **Motion** to accept the amendments to the Simmons Outdoor Media Agreement. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

### **Community Movie Program**

Mr. Perrins explained we have been approached by CGI to create a series of informational movies about Spanish Fork.

Councilman Leifson went on Farmington City's website and reviewed their movies he feels they are excellent and will be good for our community.

Councilman Leifson made a **Motion** to accept the community movie program. Councilman Sorensen **Seconded** and the motion **Passed** all in favor.

**OTHER BUSINESS:**

Mayor Thomas noted again “Shop with a Cop” will be held on Saturday. He wants to thank Alexis Packard for her Christmas memory drawing of the Festival of Lights.

Mr. Baker stated Mr. McDonald lives south of the Junior High School. He applied to build a garage on his property at 820 East and the city owns a private driveway on the south side of the house. Mr. McDonald approached the Council to have access to the private drive in 2004 the Council opted not to grant access. The fence was cut and the subject came back to the Council January of 2007. They requested again to use that private drive and direction was given to make some improvements that the driveway be built on his own property, he had until October of 2007. There has been blue staking to place a gate at the front of the private drive.

Chad McDonald

Mr. McDonald said they feel this is getting out of hand and they are being singled out for what the public has been using for over 20 years. They understand all the laws and feel they would like to come to some type of resolution. They have sought some legal council. They feel a gate at the front of the street would not be needed, and they offered to bring the access way up to current requirements. They are not trying to stir the waters but are trying to use the law and come to an agreement.

Mayor Thomas stated direction was given previously, he feels the blue staking and moving the gate will not benefit the city and it was a slap to Mr. McDonald. He feels moving the gate forward punishes the tax payer. He does not feel Mr. McDonald should have cut the fence. He does not think Mr. McDonald is hurting the road.

Councilman Sorensen stated the ordinance is being violated if we give him access.

Councilman Leifson stated this has been going on for three years, the previous Council when he applied for the building permit showed the driveway on their property and that’s how the permit was issued, then it came to this Council and they denied access again and gave them until October to put it on his own property.

Councilman Sorensen stated the option was given to pave the entire access way and they refused to do the option, they offered to split it. The Council felt it unnecessary for tax payers to pay for their use of access.

Mayor Thomas does not want to spend money that benefits nothing to the city. He feels a fee can be paid to use the access.

Councilman Leifson said this has been going on for three years both Councils have made a decision and they need to move forward. Right now he is in violation of our city ordinance. We offered solutions, he showed a driveway on his property in the plans, that’s how it should have been. If we were to let him do it then we will have others coming and asking for things at the expense of the city.

**ADJOURN:**

Councilman Sorensen made a **Motion** to adjourn to executive session for potential litigation, and personnel. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:25 p.m.

ADOPTED: December 18, 2007

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Kimberly Robinson, Deputy Recorder