

**Adopted Minutes
Spanish Fork City Council Meeting
February 5, 2008**

Elected Officials Present: Mayor Pro Tem G. Wayne Andersen, Councilmember's Steven M. Leifson, Rod Dart, Richard M. Davis, Jens P. Nielson

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

Citizens Present: Richard V. Harris, Jason McGill, Chris Andreason, Alex *Illegible*, Andrea Rawle, Eric Kitchen, Adrea Beardall, Danny Davis, Michael G. Davis, Adrienne Ballif, Pat Parkinson, Jen Allen, Nicole Petersen, Jennifer Lowe, Jonathan Cole, Lana Creer Harris, Whitney Sanders, Alex Sanders, Bryce Taylor, Haylie Hansen, Brent Money, Steven Hansen, Golden Money, Tyler Barney, Jordan Stephens

CALL TO ORDER, PLEDGE:

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

Councilman Davis led in the pledge of allegiance.

Employee of the Quarter

Angie Jackson was recognized as employee of the quarter. The Council and staff appreciates the work that she does.

PUBLIC COMMENTS:

There was no public comment given at this time.

COUNCIL COMMENTS:

Councilman Davis reported the Airport Board will meet tomorrow; they have some issues with the wetlands and runway. The Youth Council meeting is tomorrow Rochelle Barber is the new advisor. She is great and the kids really like her. Fiesta Days is coming up. This years Chairman will be Everett and Nikki Kelepolo, the Past Chair is Mike and Alicia Norris, and Vice Chair is Clyde Nielson. He requested anyone that wants to help and be a part of Fiesta Days please e-mail him. The Budget training went well he was impressed with the staff. The City lost a great and wonderful citizen Glenn James, he served on the Chamber of Commerce, he loved the youth and was a Youth Council advisor, he was in the bishopric at a BYU ward, president of the Kiwanis Club, City Councilman, also an advocate for SFCN and went door to door talking to people and telling about the service. He had great vision for pressurized irrigation, which saved the citizens millions of dollars, he new that one day it would be a great service. It was an honor and privilege to know Glenn James and to call him a friend, he thanked his wife Joan for sharing him with us.

Mayor Pro Tem Andersen stated the Council all feel the same way about Mr. James.

Councilman Nielson reported the training last weekend was very helpful for him there is lots he learned. He appreciated the opportunity to meet with the department heads, one common thing is, everyone is bursting at the seams, all is stretched, but they seem to have a lot of optimism.

Councilman Leifson reported the UMPA Board is running really well they are looking after our needs in the future. Our past Council members have really had some foresight to get us into it. The SUVPS board is again involved with some really great things combine with other cities. They approved a study to make sure power will be available. The Parks and Recreation committee, discussed the survey sent out, there will be a second survey talking about the top three things the citizens wanted and ways we can fund them. There will also be an open house to have citizen comment and we can explain. It was a great budget training, we have some neat individuals working for this city they have a lot to offer. He wants each department head and employee to know they appreciate what they do.

Councilman Dart feels the same as Councilman Leifson about the retreat it was time well spent. He also spent time at the Chamber of Commerce retreat planning for future events. The fire department and public safety department are much appreciated. He congratulated the new fireman and thanked them for their willingness to serve.

Mayor Pro Tem Andersen reported he is on the legislative review committee for the ULCT that meets every Monday at the capital building. The group is a very professional group of people that know what they are doing and command a great deal of respect by all the legislatures on capital hill. All the cities of South Utah County participate in a number of things together there is a group called SUVMWA that have purchased property for a future regional wastewater treatment plant, we are trying to look into the future for the needs that will be happening in the valley. He discussed a few of the topics the Council covered at the budget training. They asked that they continue the installation of radio read meters, they will be getting bids on curbside recycling, they discontinued the cities sponsorship of the spook alley because there is a private entity that wants to do it, and we will get a portion of the gate, they will continue the Harvest Moon Hurrah, Festival of Lights, and Fiesta Days, because they involve young and old that can participate rather than being a narrow age group. They are working with the Jr. Livestock Show committee, the old auction barn is not structurally safe and the cost to repair is very expensive, the functionality would be limited and they will get rid of the building. They are also working to create a master plan for the fairgrounds. The police department will move out and the parks and recreation department will be moved into that building. This last summer there has been a company at the gun club that has been mining the lead. There has been enough money raised we can replace six of the traps at the gun club. A proposal has been made to hold a kite festival celebration and celebrate wind. The windmills will become a reality and they asked that a business plan be presented to the Council. They cautioned again about the use of e-mails, particularly during a council meeting, receiving and sending text or e-mail while in session could present a liability and they were cautioned to not do that while the meeting is in session. Everyone was invited that wanted to come to the budget training there was some local newspaper representation who found it to be an open and frank discussion. He thanked Lana for coming to the meeting.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting –January 22, 2007 Revised ALA Facilities Amended Agreement

Peak Alarm Contract

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

PUBLIC HEARINGS:

Councilman Leifson made a **Motion** to open the Public Hearings. Councilman Davis **Seconded** and the motion **Passed** at 6:20 p.m.

Davis Annexation and Annexation Agreement

Mr. Anderson explained the issues related to the annexation. The property includes just under 50 acres, and is General Planned at R-1-15 zoning, the applicants are comfortable with that zoning upon annexation. Also there is a proposed annexation agreement, staff and Planning Commission recommend the annexation be approved and that R-1-15 zoning be assigned to subject properties. Discussion was made regarding the power substation to accommodate development on the northeast bench area. There is a concern until the city has acquired a site for the substation. It is written into the agreement that no development applications can occur until that happens.

Mr. Baker explained the buyout of facilities in the annexed areas, there are two aspects to it and each time we annex an area that SESD have facilities in it will have to be addressed.

Mr. Anderson explained MAG did a study for the Nebo area transportation plan and it looked for the need for transportation corridors. The study identified 2550 East as a 128 foot easement and could be a multi lane road.

Councilman Davis asked if the right of way included the trail way in the 90 feet.

Mr. Anderson stated that it does include the trail way.

Mr. Heap explained there will be a belt route type program eventually so on 2550 there would be a smaller amount of lanes they would use highway 91 for more of a belt route.

Councilman Davis asked about the 20 inch waterline that will be going down to 16 inches.

Mr. Heap explained they do not have as much impact on culinary lines because of the PI system it will handle less.

The DRC and Planning Commission recommend approval subject to the conditions they stated.

Envision Annexation and Annexation Agreement

Mr. Anderson explained this annexation is closer to 80 acres several property owners are involved. This will have an R-1-15 zoning with the exception of the property owner that requests the R-R zone be assigned to his properties. The DRC and Planning Commission discussed the concept with this property owner where the applicant is not requesting a zone adding any additional development pressure to the area.

Councilman Nielson feels most people will want to see the farm ground around and open space.

Mr. Anderson stated that at the point of development they can work with the property owners to protect his right to farm.

The DRC and Planning Commission recommend approval.

Mr. Anderson stated both parties have been a pleasure to work with, they have been very patient while we ensure that everyone involved be as protected as possible.

This item was opened for public comment.

Joel Peterson

Mr. Peterson asked if the adjacent properties to the west were already in the city.

Staff stated they are currently in the city.

Discussion was made regarding the usage of the road, the size, and concern that the trail remains in place and would not be moved.

Pat Parkinson

Ms. Parkinson asked if the trail system will be a sidewalk or a trail.

Mr. Anderson stated there will be an actual trail with 18 feet of landscaping and a 10 foot wide asphalt trail.

Ms. Parkinson also said thank you for the turn signal.

Councilman Leifson made a **Motion** to move out of the Public Hearing. Councilman Nielson **Seconded** and the motion **Passed** all in favor at 6:45 p.m.

Councilman Davis feels there needs to be five lanes on 2550 east and if it has been clarified he's fine with it.

Councilman Nielson made a **Motion** to accept the Davis annexation and authorize the city to enter into the annexation agreement, also the acceptance of the annexation is contingent upon Davis entering in to the annexation agreement. Councilman Davis **Seconded** and the motion **Passed** all in favor.

Councilman Nielson made a **Motion** to accept the envision annexation and authorize the city to enter into the annexation agreement, also the acceptance of the annexation is contingent upon envision entering into the annexation agreement with a zoning of R-R for the two western most parcels, and a zoning of R-1-15 for the remaining parcels. Councilman Davis **Seconded** and the motion **Passed** all in favor.

Councilman Nielson made a **Motion** that the Davis annexation be zoned R-1-15. Councilman Dart **Seconded** and the motion **Passed** all in favor.

NEW BUSINESS:

Airport Board Ordinance Amendment – Changing the Board Composition

Mr. Baker explained the changes to the ordinance and again stated the change is recommended by the Airport Board.

Councilman Davis made a **Motion** to accept Ordinance 03-08 amending the composition of the Airport Board. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Appeal Authority – Staff Denial of Billboard Building Permit – Jamie Evans

This item was continued to the next Council meeting.

Appeal Authority – Variance Request – Tracy Peterson Homes

Mr. Anderson explained the subject property is located on Center Street in Spanish Fork Manor subdivision. With approval of the subdivision there is an allowance of a duplex to be built on the lot it does meet the requirements. The ordinance requires 10 feet for a duplex and there are only 7 ½ feet as the structure currently fits. The structure has been completed. A duplex is defined as two dwelling units on one property. The only way the city can approve a subdivision and approve a twin home is by granting a variance. The DRC feels it is best for the city to grant the variance, it does meet the requirements in the city and state code. They feel a variance is justified. He personally feels having a twin home at this location is a benefit because they are more likely to be occupied by owners rather than renters.

Councilman Davis asked the criteria to be read for the code section.

Mr. Baker reminded that this is not a public hearing, only those that are affected neighbors can address the council on this issue.

This item was opened for public comment by affected entities there was none given at this time.

Mayor Pro Tem Andersen asked how it got building approval.

Mr. Anderson stated the zoning administrator signed the preliminary.

Mr. Anderson noted the applicant will still have to go through the subdivision process and meet all the requirements.

Councilman Nielson said the citizens feel the cities are a lot of times restrictive, if the neighbors have no problems, they need to do what's best for the citizens involved.

Councilman Leifson made a **Motion** to approve the Tracy Peterson variance home request based on the following finding:

Finding

1. That the requested Variance meets the criteria provided in Section 15.3.08.040.C

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

Appointment of Boards and Committees

Mayor Pro Tem Andersen explained it is the Mayor's responsibility to make appointments to the Boards and Committees so this item will be moved to the next Council meeting.

Home Depot Storm Water Agreement

Mr. Baker stated this is an agreement that was done with the prior City Council. Home Depot feels more comfortable to have a contract with the city, this is the same as the agreement made with the developer. This is the final item before they apply for their building permit, and will do so after the adoption of this item.

Councilman Leifson made a **Motion** to accept the Home Depot storm water agreement. Councilman Neilson **Seconded** and the motion **Passed** all in favor.

EXECUTIVE SESSION:

Councilman Leifson made a **Motion** to adjourn to executive session for Jamie Evans Appeal Deliberation, Pending Litigation, and Land Purchase. Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:11 p.m.

ADOPTED: February 19, 2008

Kimberly Robinson, Deputy Recorder