

Adopted Minutes
Spanish Fork City Council Meeting
April 1, 2008

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

Staff Present: Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Richard Heap, Public Works Director; Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Don Thomas, Emergency Preparedness; Kent Clark, Finance Director; Dale Robinson, Parks and Recreation Director; Kimberly Robinson, City Recorder

Citizens Present: Mark B. Dallin, Randy Tangreen, Dennis Tangreen, Preston Naylor, Khayyam Jones, Robin Halverson, Gordon Raymond, Jen Allen, Eneyra Rodriguez, Jesus Rodriguez, Pat Parkinson, Yesel Steven Rodriguez, Moriahm Rodriguez, Richard Evans, Bjorn Pendleton, Lana Creer Harris, Dianne Woolford, Merrill Bingham, Val Cope,

CALL TO ORDER, PLEDGE:

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

Councilman Dart led in the pledge of allegiance.

PUBLIC COMMENTS:

Moriaham Rodriguez

Mr. Moriahm Rodriguez stated they live on 1573 E 500 South. They are here for his brother Steven Rodriguez who is a senior at Spanish Fork High School. He is in the business and marketing club called DECA and is going to nationals to represent Spanish Fork and the State of Utah. They are here tonight to see if Spanish Fork City would like to donate for the trip or if anyone at home wants to donate as well towards expenses.

Yesel Steven Rodriguez

Mr. Yesel Rodriguez stated he is the first to go to nationals in the state of Utah with this club.

Mayor Thomas congratulated him on his success. He also asked if we can put the information on the website.

Dianne Woolford

Ms. Woolford was here three months ago and asked if the Council would match donated funds for a new auto-pulse system. She is done with the fundraiser and would like to give the city a check for over \$16,000.00. She then presented the check to Don Thomas.

COUNCIL COMMENTS:

Councilman Dart reported Spanish Fork won the Sunshine Tournament in St. George both the boys and girls teams. He thanked SFCN and their effort to be there. He also commended the conduct of the team, and how well they did. He attended the Animal Shelter Board meeting, they had a pretty good audit. He attended the Easter egg hunt and thanked the fire department for bringing the truck, he thanked the Chamber for their effort, and the volunteers that helped set up.

He reported the library is getting their summer reading program under way and will be offering incentives for kids that meet their goals, if any businesses would like to donate please contact the library.

Councilman Leifson said the annual Parks and Recreation Convention was held. Spanish Fork is represented really well there we should be proud of our Parks and Recreation. We have the new scoreboard up and working at Dons Field. There will be a public hearing tomorrow night on the Parks Master Plan. They attended the UMPA conference, it is run very well and we are in good hands.

Councilman Nielson met with the committee over the cultural heritage center and they had a good meeting there are some great people involved and they have a plan that will allow them to accomplish their goal.

Councilman Davis is working with the Youth Council and the Airport Board. He thanked staff for all they are doing for the citizens. The Pioneer Cemetery has taken down the monument he would like to thank those helping save those headstones. They figured they located about 102 graves at the site. He would like to thank the Fiesta Days committees for all they are doing, and all their hard work and commitment to make this happen. He had the opportunity to watch them demolish the auction barn. He thanked the citizens for all their support and comments and asked them to continue to talk to Council about their issues.

Councilman Andersen attended the water convention. The convention dealt with water law and one of the hot issues is House Bill 51 which passed. It helps the cities a great deal to protect their water from forfeiture. There are a few cities in the state that have found themselves on the losing end of the water situation. The other part was a meeting with the water users association. This coming Monday we will sign the final documents for the bond in order for SUVMA to purchase land for a future regional wastewater treatment plant. The Rodeo committee has met and is well under way they have most of the events sponsored. SFCN was there at the auction barn, they interviewed thoughts and memories of people about the building and what it meant to them and to the community, it has been an icon for a number of years. Before our logo was the city of pride and progress we were the livestock capital of the state.

Mayor Thomas thanked the Council for their reports. The UMPA conference in St. George last week was extremely informative. We are able to keep the electricity at a reasonable rate, some of the best rates in the nation. There will be an increase in rates in the future years due to fuel costs and all the other factors. Our electricity in the west comes from coal fired plants; he asked that all citizens do the small things such as changing out the light bulbs etc. to conserve energy. The windmills are moving forward and three of them are up. He thanked the citizens for the support they have given.

PUBLIC HEARINGS:

Councilman Leifson made a **Motion** to open the public hearings. Councilman Andersen **Seconded** and the motion **Passed** all in favor at 6:36 p.m.

It was requested that the City send a letter to UMPA stating that Matt Barber is the second alternate to Councilman Leifson.

Mark Dallin Title 15 Amendment

Mr. Anderson explained the change to the zoning ordinance. Occasionally it is necessary to update the ordinance. There are two proposed changes; the first is to clearly define the required lot width for duplexes. In his opinion the language in the ordinance contradicts itself and is unclear. It is his understanding the current standard is 80 feet of lot width that would change it to 60 feet for duplexes in these zoning districts. Two years ago they changed the lot area requirement for twin homes to 9,700 square feet. He is asking to change the requirement in this zone district to 10,000 square feet. He feels it is time to move the information from the footnotes and create it in the text. The DRC and Planning Commission reviewed the changes and recommend approval.

This item was opened for public comment. There was none given at this time

Councilman Neilson made a **Motion** to approve the proposed amendment to Title 15 as presented. Councilman Davis **Seconded** and the motion **Passed** all in favor.

Master Planned Development Amendment to Title 15

Mr. Anderson explained the proposed amendment. The DRC decided two acres is an appropriate size for a master plan development. The Planning Commission recommended the 18,000 square foot size, and expressed concern about our development standards. They also expressed an eagerness to talk about the infill of the city lots. He personally feels it would be appropriate to take a time out relative to development in the older plats of the city and review the current standards. He feels the Council needs to take some additional time to discuss the development change idea.

Councilman Nielson clarified the affect will not change the density or the final project. He asked if the result will affect the safe streets, cleaning of streets, and other maintenance issue.

Mayor Thomas asked if they have concerns with public safety.

Mr. Anderson explained it will be addressed as part of the site design to ensure the standards are met.

This item was opened for public comment.

Pat Parkinson

Ms. Parkinson asked why they changed the Master Plan from 20 acres.

Mr. Baker stated it is the same 20 acres requirement except in these zones being discussed.

Ms. Parkinson feels the density bonus is being given for the ability to add more density. She thinks when there is a little master plan development allowed on an 18,000 square foot spot, it will become a patchwork area. She feels there will be a risk of little things added on small empty lots, and feels it will affect the flow and character of the neighborhoods. She feels it will break things up it just seems wrong. She feels we keep changing things to accommodate a developer. Have they changed the density bonus process and what qualifies people to get density bonus.

Mr. Anderson stated in May of 2007 they approved a revised master plan development program and the whole ordinance was overhauled to address concerns about how bonus density has been awarded. The new standards are quite a bit more stringent.

Ms. Parkinson's concern is little pockets of development that do not match the surrounding areas.

Merrill Bingham

Mr. Bingham thanked the Council for what they do. He is not a developer or a planner he is an engineer. The discussion occurred as he and his families discussed what they want to do with the property. They found that under the current zoning regulations they could build a 4-plex on it. They feel it has a lot of advantage if they are detached single family homes.

Val Cope

Mr. Cope feels this is a great example of what can be done. He feels this way they can keep the old home and still utilize the property by building private ownership homes, it will help the community.

Mr. Jones

Mr. Jones said the density bonus issue is not the issue for these small developments. He feels this allows more flexibility and that there is a lot of merit to that. There will not be a lot of density bonus until you get to the larger developments. This allows more control to ensure the flow of the current area, and allows for more creative design.

Mayor Thomas feels there are three voices that have to be listened to, the land owner, market forces, and how does it fit with the entire community. He feels they need to come up with some creative options and is in favor of this, he likes the idea.

Mr. Anderson has no reservations recommending approval of the DRC's recommendation for two acres. He feels it appropriate to take some additional time and think that through.

Councilman Davis lives in that type of an area and he would hate to have that in my neighborhood. He chooses to live where he lives because of the large lots, he bought the 4-plex to clean it up and make it safe. He recommends they do not approve anything and discuss more to get together with DRC and Planning Commission and see what they can come up with. He does not like flag lots and does not want 4-plexes. He knows there are a lot of people that do not want that in their area. He suggests tabling this item and discussing a solution that will work for everyone in his section of town.

Councilman Nielson stated right now it is five acres required, then proposed at two acres, and then proposed to 18,000 square feet. From case to case there could be more density. He doesn't seem like the net affect will be much different if they make the change from what it is now. They are already allowed to build a 4-plex according to current standards.

Mr. Anderson explained they should take the time to look into this more. He appreciates the type of comments that have been expressed.

Councilman Andersen drove to Provo with Councilman Dart and looked at the development they showed on the slides. There were some concerns as far as the width of the driveway and parking issues that will need to be addressed. They also talked to one of the neighbors that lived next to

the development, she did not like some of the things about it but she could live with it. Given the choice between that and a 4-plex she preferred what was being built. The neighbors on the backside of the property were elated about it because it made it more attractive. They are comparing the density you could get by adding the 4-plex or the density by adding four homes. In his mind the density is the same, one of the big advantages is personal ownership of those homes which is better than those of a rental. There has to be a combination of what they would like to do, but address it from a zoning ordinance stand point. He does not feel comfortable letting anyone do it any way they want to. Overlay zoning ordinance and make it subject to individual review. He feels there is some merit in this but they need to take time out, He proposes they table this until they work this through and come up with something that is positive, works, and gives flexibility and control.

Councilman Dart said they went and visited the project and were impressed that four homes would fit on the lot size fine. He is open for stepping back and looking at this, if it happens they want to make sure it is done right.

Councilman Leifson feels they all agree, and that they should take a time out and get it right the first time.

Rick Evans

Mr. Evans is not a long time Spanish Fork resident, he feels the quality of life has changed and they feel it changed because there are many more people that live here. He understands what they are saying, but feels it will affect density. He does not favor a weed patch over a home but he does favor open space. In the beginning of the General Plan they say they value the small town feel of Spanish Fork. Generally speaking he is opposed to anything that packs more people into this town. He respects what they said about land ownership and feels people should do reasonable things with their land.

Mr. Andersen feels Mr. Evans is a little presumptuous. There are things that are out of the Councils hands and are controlled by state legislature. He asks what is right, what gives someone the authority to say I have mine now you can't have yours. People have a right to a place to live and they can live wherever they choose.

Mayor Thomas likes the small town feel but also wants his kids to have as well.

Councilman Leifson made a **Motion** to table the Master Plan Development Title 15 until they get adequate information. Councilman Davis **Seconded** and the motion **Passed** all in favor.

Vacation of 650 West

Mr. Anderson explained in recent months this annexation was approved. He then explained the reason for the vacation. He stated they have been asked to abandon the right of way so it can be included in the development. As part of any vacation in their motion they must have an easement for the water facilities and any public utilities to be maintained by Spanish Fork City.

Preston Naylor

Mr. Naylor represents the Kelly's on this annexation. They would like some flexibility for the development.

Councilman Davis said in their motion the pipe will have to be maintained.

Mr. Naylor asked that they have flexibility to maintain the property.

Mr. Anderson stated the DRC discussed the notification of the railroad for the vacation of the road.

Mr. Baker stated the affected property owners should have a chance to comment.

Councilman Davis made a **Motion** to vacate the road at 650 west subject to notifying adjacent property owners, maintaining an easement and Westfields irrigation company to maintain their ditch. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

Councilman Leifson made a **Motion** to close the Public Hearing. Councilman Andersen **Seconded** and the motion **Passed** all in favor at 7:59 p.m.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting – February 19, 2008; March 4, 2008

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

The Council took a break at 7:59 p.m.

The meeting was called back to order at 8:08 p.m.

NEW BUSINESS:

Municipal Wastewater Planning Program

Mr. Heap explained every year each city has to do a self assessment report.

Councilman Dart made a **Motion** authorizing the Mayors signature and adopting Resolution 08-08. Councilman Davis **Seconded** and the motion **Passed** all in favor.

Recycle Program Presentation

Mr. Heap gave a presentation regarding the recycling program.

Things you CAN recycle:

Plastics

All Paper Products

Paper Back Books

Cardboard

Newspaper

Phone Books

Steel Cans

Paperboard

Aluminum Cans and Foil

Plastic Bags

Things you CAN'T recycle:

Glass

Yard Waste

Clothing

Food Contaminated Items

Hazardous Material

Batteries

Print and Toner Cartridges

Motor Oil

Carpet and Padding

Disposable Diapers

Mayor Thomas feels this should be given more time so they can see if they can obtain funding.

Councilman Nielson clarified that everyone would receive a receptacle whether they want one or not.

Discussion was made regarding the options.

Jim Westwater

Mr. Westwater feels this is either a voluntary program or nothing.

Councilman Leifson stated the response he has been getting is that everyone likes the idea but do not want it mandatory.

Gordon Raymond

Mr. Raymond is with Allied Waste. He stated that the cities deal with the fuel charges by charging more so that they do not have to adjust it monthly.

Councilman Leifson feels this is a good start on recycling they can study more, come up with some solutions, and give it a shot.

Mr. Evans feels they can study data forever the best way to do it is to have them sign up knowing if they reach the needed amount it will start the program and they will be automatically enrolled.

Mayor Thomas asked Seth Perrins to get some information out and to come back with some options.

Councilman Leifson made a **Motion** to table this item until an actual proposal is made to launch the volunteer program. Councilman Nielson **Seconded** and the motion **Passed** all in favor.

Monthly Power Cost Adjuster

Mr. Clark gave a presentation regarding the Power Cost Adjuster.

Councilman Nielson clarified UMPA does an analysis and gives us a rate we can use all year long for our power costs. He asked if we followed their analysis would the amount be the same in a year.

Councilman Andersen reminded the number UMPA budgets they bill the city if it goes over but if it goes under they still charge us the budgeted amount and keep the excess. He explained the city has subsidized the power users this year so far to the sum of \$500,000 because we only adjust once a year and the market is fluctuating so badly.

Councilman Nielson feels the city should get the money to cover it he wants to make sure it is necessary and we are not going to have some businesses in town struggling.

Councilman Leifson understands that with the bigger company it is harder for them but they still have to deal/budget with the costs going up.

Councilman Dart asked if the big companies can be on an equal pay program.

Mr. Clark stated there are not any good ways to do that they would have to basically pre-pay.

Councilman Andersen explained they have to remember the types of power and depending on the usage the cost can go up.

Mayor Thomas would like to see the citizens see the portion of the electric bill that they pay. He would support staying with the annual and adjusting more than what the budget is.

Discussion was made regarding the annual and monthly billing.

Councilman Davis explained with everything compared to all the other cities around with our property tax we are the lowest the nearest one to us is Springville at \$50.00 more. We need to go to a monthly basis so we can adjust with the monthly. At least we know what we are getting within a few months instead of a year.

Mr. Clark explained he feels the monthly should be passed along down or up.

Councilman Davis does not know if there is a gradual way to charge the bigger business to build up to the total cost.

Councilman Andersen feels option three is the best option.

Mayor Thomas would like UMPA to come and give a presentation to help us all understand better and talk to some of the other cities about why they are not charging monthly.

Councilman Davis stated if we do not use that fund to subsidize all the ways of life we have in Spanish Fork, we will have to raise property tax. He does not feel it should be called a tax it should be called a rate because it is one.

Councilman Dart made a **Motion** to table this, study it further and to make a decision at the first meeting in June. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Mr. Westwater asked what amounts to the substantial difference in the cost. His second question is would UMPA consider a program to encourage conservation. He agrees with the mayor and likes the idea of full disclosure.

Mayor Thomas stated he will look into the second question, and we already get the best possible rate all the time.

Auction Barn Demolition Bid Ratification

Mr. Robinson presented the Auction Barn Demolition bid. The low bid was with Sunroc.

Councilman Nielson made a **Motion** to ratify the contract. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

Councilman Andersen knows there will not be any buildings planned for that spot.

Councilman Andersen made a **Motion** to create an RFP to pave the parking. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Annexation Acceptance 700 West

Mr. Anderson explained this annexation needs to be accepted for further study.

Councilman Leifson made a **Motion** to accept the 700 West annexation for further study. Councilman Dart **Seconded** and the motion **Passed** all in favor.

OLD BUSINESS:

Arts Council

Bjorn Pendleton

Mr. Pendleton presented a general timeline and the next steps to proceed. They are also in favor to work with an ad-hoc committee. They would like to start meeting with the ten focus group categories in May. They plan not to use any tax dollars, but are still open to the city giving funds. They will start the fundraising campaign to raise the 15 million dollars over two years. He stated it was great to have Councilmember Nielson on the committee.

Mayor Thomas likes what they are doing and plans to help them in the ways he can.

Councilman Andersen appreciates their effort to come up with the timeline.

ADJOURN TO RDA MEETING:

Councilman Leifson made a **Motion** to adjourn to the Redevelopment Agency Meeting. Councilman Andersen **Seconded** and the motion **Passed** all in favor at 10:13 p.m.

Councilman Davis made a **Motion** to adjourn back to the regular meeting. Councilman Nielson **Seconded** and the motion **Passed** all in favor at 10:17 p.m.

EXECUTIVE SESSION:

Councilman Dart made a **Motion** to move to executive session for the purpose of land purchase. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 10:17 p.m.

ADOPTED: April 15, 2008

Kimberly Robinson, City Recorder