

Adopted Minutes  
Spanish Fork City Council Meeting  
October 21, 2008

**Elected Officials Present:** Mayor Joe Thomas, Councilman Jens P. Nielson, Councilman Richard M. Davis, Councilman Wayne Anderson, Councilman Steve Leifson, Councilman Rod Dart.

**Staff Present:** Richard Heap, Public Works Director; Seth Perrins, Assistant City Manager; Dave Oyler, City Manager; Junior Baker, City Attorney; Dee Rosenbaum, Public Safety Director; Kent Clark, Finance Director; Dale Robinson, Parks and Recreation Director; Dave Anderson, Planning Director; Steve Money, Events Coordinator; Elaine Hansen, Events Coordinator; Shelley Hendrickson, Planning Secretary.

**Citizens Present:** Brad King, Ted Huntington, Lynn Leifson, Sonnett Davies, Cody Pike, Katie Tanner, Kristen Roberts, Cecile Peay, Kenneth Peay, Michael Norris, Alicia Norris, Breanna Norris, Britneylee Reynolds, Adam Wakeland, Jen Allen, Jenny Hatch, Lana Creer-Harris, Skyler Bagshaw, Shelley Hawker, Paul Hawker, Karron Jackson, Trevor Brown, Connor Brown.

**CALL TO ORDER**

- a. Pledge
- b. Swearing in of new Youth City Councilmember's
- c. Remarks by State Senate District 13 Candidate – Kenneth Peay
- d. Remarks by State Senate District 27 Candidate – Brad King
- e. Presentation to Outgoing Fiesta Days Chairman
- f. Committee Appointments  
Brad and Tina Gonzales – Vice Chairman of Fiesta Days Committee

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

Councilman Anderson led in the pledge.

Rochelle Barber introduced Julie Ashton who will be helping her with the youth council. She explained that more youth were getting involved with the youth council and they were having a good time. The youth council introduced themselves and the activities they were involved in planning and carrying out. They were Jennifer Lowe, Katie Jackson, Shelby Relmquist, Ana Davies, Katie Tanner, Thomas Phillips, and Kelly Orton. Rochelle Barber asked the rest of the youth council to introduce themselves and the position they were holding and introduced the youth council to the current City employees so that the youth

would know who they would be working with. The youth council introduced themselves as follows: Rachel Bingham, Danielle Jones, Talin, Cody Pike, Ashley Shelley, Josie Osborne, Nisha Martinez, Kristen Prior, Kayla Adams, Kristen Roberts, Travis Kingree, Matt Russell, Brean Norris, Britany Reynolds, Sauna Novack, Kara Fatherstrom, Jennie, Hatch, Kara Breton, Angela Nuewala, and Jordan Osborne.

Kenneth Peay introduced himself to the council and expressed he felt it was great to see young kids getting involved in politics. He said he was raised in Benjamin, and graduated from Spanish Fork High School. He explained the reasons he was running for office and his years of service and his current employment. Councilman Anderson asked him what he could do for citizens of Spanish Fork City regarding transportation and I-15 interchange. Mr. Peay said he could lend his voice, and having been a Utah Highway Patrolman, he understood the safety concerns with the interchange and said public transportation would be one of his top priorities.

Brad King introduced himself and said he lived in Price. He explained the district boundary lines, that he had been in the House of Representatives for the last 12 years, his years of service, current employment, education, his desire to continue his service and that if he was elected it would not be the last time that the council would see him. With regard to transportation and the interchange he explained it would be a hard battle because of the cost but feels it can be worked through. He said he felt something the legislature did poorly was to complain about the unfunded mandates the Federal government gives but did not have any problem doing it to City officials.

Elaine Hanson said it had been a privilege to work with Mike and Alisha Norris as Chairman of the Fiesta Days Committee, thanked them for their generous service, and gave them a plaque. Mayor Thomas and Councilman Davis also thanked them.

Mayor Thomas appointed Brad and Tina Gonzales as the new Vice Chairman of the Fiesta Days Committee. Mr. Anderson **moved to accept**. Councilman Leifson **seconded** and the motion **passed** all in favor.

### PUBLIC COMMENTS

There was none.

### COUNCIL COMMENTS

Councilman Dart said there would be trick-or-treating along Main street on Saturday. He said he felt the fire station open house was a success and that while he was there they got a call and it was neat to see the firemen in action. He thanked the fire department, Bryce Walker and George Beardall for the great job they do on Channel 17.

Councilman Leifson commented about the scarecrows on Main street and commended those who participated. He said the Recreation Department had moved into the old police station at 775 North Main.

Councilman Nielson commented on voting. He explained that the citizens could vote early and explained when and where.

Councilman Davis said he was proud of the Youth Council and that it had doubled from last year. He said Rochelle Barber was doing a great job. He then thanked Mike and Alisha Norris and said they were truly great volunteers. He said he was excited to work with Brad and Tina Gonzales. He thanked all of the volunteers that helped with the flowers on Main street.

Councilman Anderson expressed his interest in transportation and feels the north end of town was critical. He explained the meetings he attended and would be attending to figure out a way to bring the I-15 interchange construction into play earlier than anticipated. He said there were six major transportation corridors and that three of them converge at that Spanish Fork interchange and feels there will be a problem if it is not addressed. He said he would be working very hard in the next year to get it taken care of. He then explained the revenue stream, capital projects and the funding with them and that the City was in a strong position and would be diligent and frugal.

Mayor Thomas said that he felt the scarecrows on Main street were fantastic and encouraged people to go and see them and shop. He said the windmills continue to get great press and that there was an article in the New York Times. He explained the windmills are very sophisticated and if everything is not right they will trip and then come back on in 30 minutes, thus explaining why all nine windmills may not be turning at once. He said the biggest delay with North park was the economic down turn in the country and the wetlands but that Home depot publicly announced that the Spanish Fork store would move forward. He explained the projects he would be putting his energy into over the next year (other recycling options and going green) and challenged the council members to come up with their own projects or help the Mayor with his.

## PUBLIC HEARINGS

### a. Huntington/Leifson Annexation

Councilman Anderson **moved to open** into public hearings. Councilman Davis **seconded** and the motion **passed** all in favor at 6:42 p.m. Councilman Leifson recused himself.

Mr. Anderson explained that the proposal was 10.25 acres and that there were two petitioners involved. He said the properties were located south and east of the intersection of South Lane and River Bottoms Road and there was one dwelling in the proposed annexation. He said the Planning Commission and the Development Review Committee had both reviewed the proposal and the bodies did not see eye to eye; that the Development Review Committee made a motion to deny and the Planning Commission made a motion to approve. He said the Planning Commission did not see any harm in approving the annexation if the exclusive agriculture zone was assigned thus making it impossible for the owners to change the use of the property. The Development Review Committee's perspective was that the general plan elements along with transportation, power, or storm drain facilities for the river bottoms area had not been completed and based on those things the annexation was premature. He explained the subject properties were not within the growth boundary. Mr. Anderson said his opinion from a planning perspective was that the River Bottoms was a big area that would require careful planning in advance before development and change of uses that would alter the character of the River Bottoms today and the timing was off. He explained the applicants understood the bigger process but had concerns with being attached to a bigger project. Mr. Anderson said he did not see a purpose in annexing properties in a fashion of limiting agricultural zoning and feels the county provides adequate service to the subject properties. Mayor Thomas asked if this parcel was included in the group that had come in months ago. Mr. Anderson said these properties were not included.

Discussion was held regarding the exclusive agricultural zone.

Mayor Thomas opened for public hearing.

Ted Huntington said he was disappointed in the City's staff's decision. He said he did not want to be part of the River Bottoms as a whole because they are on the north side of the canal. He explained why he felt he would not negatively impact the City by being annexed in. He said he would be happy to be annexed in as exclusive agriculture.

Mayor Thomas said he did not see any risk if this proposal is involved in the 1600 acres. He said he would support the annexation if the land was zoned exclusive agriculture. Councilman Nielson asked how much costs the applicants had incurred. Mr. Huntington explained the costs he had incurred. Councilman Nielson said he felt that other property owners might come in and want to annex as well.

Paul Hocker

Mr. Hocker asked if the City was entertaining the idea of annexing why they wouldn't consider annexing River Bottoms Road. Mayor Thomas said the City would not want responsibility for the road.

Shawna Warnick

Ms. Warnick said she lives close to River Bottoms Road and appreciated hearing that the City was wanting to carefully plan the river bottoms area.

Lynn Leifson

Mr. Leifson explained there was talk some time ago of a 1600 acre annexation with one acre lots and initially started his annexation with the idea to be separate from the bigger annexation. He said he had three acres in the county but lives on contiguous property. His house and lot are in the city but the rest was in the county. He said he could not do anything with his property in the county. He said he knows now that the costs from the infrastructure is too much and given today's economy that development was not an option but would like to be annexed into the City and would not expect anything from the City.

Mayor Thomas asked if the applicant is granted exclusive agriculture what that would entail.

Mr. Anderson said the City would not incur any significant down side if the proposal was annexed into the City.

Mayor Thomas encouraged the council to annex the subject properties since it would not hurt the City.

Mr. Anderson said he felt annexing a property just to annex, without a specific goal in mind, was not good land use.

Mr. Oyler said that the state law implies that if you annex a property you have to be capable of providing services to the property, and that typically when you annex you put certain stipulations on the property. Mr. Oyler explained that the best time to put the stipulations is at the time of annexation. He said that the property owners requested to be de-annexed into the county.

Mr. Anderson explained that the growth boundary did follow a very topographical ridge and that the City had not annexed the slope or the River Bottoms. He said the Council had a report from Mr. Heaps spelling out what infrastructure would be needed and feels a development agreement could be helpful.

Councilman Anderson explained there were examples all over town of properties that were developed with no coordination or consideration to the adjacent properties. He said he felt, because of the problems experienced in the past, that the council determined that when a piece of property was annexed as part of the annexation process they would look at the master plan in the area to see if it would fit in. He said they had an excellent example of this with the northeast bench. He said he felt if the subject property was annexed in with no forethought or planning that they were defeating the purpose they were trying to accomplish and going back on what they felt was an important process to do.

Councilman Davis **moved** to **close** public hearings. Councilman Anderson **seconded** and the motion **passed** all in favor at 7:24 p.m.

Councilman Davis said he feels that the river bottoms road may not be in existence when the transportation report comes back. He got a report from Richard Heap and feels that transportation reports need to be looked at. He hates to see it zoned just to be zoned again.

Councilman Nielson **moved** to **deny** the Huntington Leifson annexation request. Councilman Davis **seconded** and it **passed** all in favor.

### CONSENT ITEMS

#### a. Minutes of Spanish Fork City Council Meeting – October 7, 2008.

Councilman Leifson **moved** to **approve** the consent items. Councilman Dart **seconded** and the motion **passed** all in favor.

### NEW BUSINESS

#### a. Connell Easement Agreement

Mr. Baker said this should have been a consent item and explained the canal runs along Powerhouse road.

Councilman Leifson **moved** to **approve** the Connell easement agreement. Councilman Dart **seconded** and the motion **passed** all in favor.

### OTHER BUSINESS

#### a. Private Street Dedications to Spanish Fork City – Fairway Meadows & East Fairway Meadows

Richard Heap said it was his understanding from a few meetings ago that the council wanted to take over private streets and there were a couple that may qualify. He said that East Fairway Meadow and Fairway Meadows homeowners associations had requested the city take over the roads. He said the asphalt widths meet the sub local street requirements but that there was sidewalk on only one side of the street.

The setbacks are adequate the only thing not up to standard was the ADA ramps and there are a few small trip hazards.

Mayor Thomas asked if the HOAs would be incurring any of the costs.

Councilman Leifson asked what happens when the ADA standards change. Mr. Heap explained they were put on a list.

Discussion was held regarding whether or not the City would put sidewalk on both sides of the streets and that if it needs to be done that the HOA pay for it.

Councilman Dart said that vehicles start going faster at the section of the road where it widens. Mr. Heap said they can study it to see what the actual speeds are.

Rebecca Cressman

Ms. Cressman said she needed to go back and talk to the members of the HOA that they did have some legal requirements if there was a change of property.

Mayor Thomas asked if the homeowner's would be willing to pay for the sidewalk.

Mr. Heap explained to get the sidewalk up to standard it would cost \$105,000 and that the snow removal would be a level 3.

Mr. Anderson asked if the City would have liability if the city took over the sidewalks with them not meeting ADA standards. Mr. Baker explained what would trigger the liability.

Shelley Hocker

Ms. Hocker explained what was originally planned to be constructed and the reason for the HOA split. She said the members of her HOA have approved the city to take over the streets.

Mayor Thomas explained he felt that the HOAs should make an offer to the City and then the City would decide if they would take over the streets.

Discussion was held regarding the HOAs and making an offer.

## EXECUTIVE SESSION

- a. Property Purchase
- b. Security Issues
- c. Personnel

Councilman Leifson made a **motion** to **adjourn** to executive session for property purchase, security issues and personnel. Councilman Dart **seconded** and the motion **passed** all in favor at 7:47p.m.

**Adopted: November 4, 2008**

---

Shelley Hendrickson, Planning Secretary

DRAFT