

**Adopted Minutes
Spanish Fork City Council Meeting
February 17, 2009**

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

Staff Present: David Oyler, City Manager; Seth Perrins, Assistant City Manager; Junior Baker, City Attorney; Richard Heap, Public Works Director; Kent Clark, Finance Director; Dave Anderson, Planning Director; Dee Rosenbaum, Public Safety Director; Chris Thompson, Assistant Public Works Director; Kimberly Robinson, City Recorder

Citizens Present: Bob Mason, Melanie Hunter, Adam Hunter, Elvera Sargent, Sydney Sargent, Barbara Olsen, Byron Betts, Jan Betts, Gerald Hansen, Clayton Weaver, Wendy Johnston, Carl Johnston, A.L. Abbott, Louise Abbott, Mark Dallin, David Livingston, Spencer Larsen, Brandon Bates, Dylan Hunter, Adam Wakeland, Jen Allen, Lana Creer Harris

CALL TO ORDER, PLEDGE:

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

Brandon Bates led in the pledge of allegiance.

PUBLIC COMMENTS:

Mr. Anderson explained they were informed today that Benjamin has filed for incorporation. He noted there is a public hearing scheduled for tomorrow night for those interested.

COUNCIL COMMENTS:

Councilman Davis said Fiesta Days is moving along and will run July 17th – the 25th this year.

Councilman Leifson thanked the senior citizens for inviting them to the valentines dance. He wanted to let them know how much they appreciate it and added they are doing a fine job. He thanked Dave Oyler for speaking to the rotary club today. He also attended an SUVP training meeting where they talked about upgrading the electrical lines, substations, safety procedures etc. This is a great thing we are involved in and it helps the neighboring cities to work together so we can get the best services.

Councilman Dart encouraged everyone to take advantage of the programs at the library, and to check the city's website to see all that is going on. He thanked the senior citizens and the youth council for the valentines dinner dance.

Councilman Andersen noted there is currently legislation being pushed nationally that would prohibit the transport of horses in double deck trailers. He noted this will affect several industries such as the rodeo and will make the cost of the stock contractors more than double. He stated with these rules it will not help the horses, they are being

turned out into the wild and starving to death in the name of being humane. He is concerned about the affect on the land with over grazing. He feels that citizens of Spanish Fork and Utah value animals, enjoy the entertaining of the rodeos; and if they have an opinion it will not hurt to contact your representative about this matter.

PUBLIC HEARING:

Councilman Davis Made a **Motion** to open the public hearing for the Jason Campbell zone change at 6:08 p.m. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Jason Campbell – Zone Change

Mr. Anderson explained the proposal changing the zoning from Industrial. Based on the zoning being completely consistent the DRC and Planning Commission recommend approval of the zone change.

This item was opened for public comment.

C.L. Abbott

Mr. Abbott asked that the city require dust control for the project. He also asked if it includes a city sewer system.

Mr. Anderson stated there would be construction standards required and that sewer would be provided to the property.

Mr. Abbott asked if the sewer could be made available to his property as well.

Mr. Anderson stated he cannot speak for certain, but it would make sewer more available in that area.

Mr. Abbott is in favor of the project he would rather have it there instead of an industrial park.

Bob Mason

Mr. Mason is the Engineer responsible for the project and is here to answer any questions. He stated they will try to accommodate the neighbors depending on the drainage etc. for the site. He added the soils report is the next step. He also noted they will probably phase this due to market conditions and it could be a while before they get to the south end of the project.

Councilman Nielson made a **Motion** to move out of the Public Hearing. Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:19 p.m.

Councilman Davis made a **Motion** to approve the Jason Campbell Zone Change from I-2 to R-1-12 in accordance with the map provided by Mr. Campbell. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

Councilman Leifson made a **Motion** to open the Public Hearing for the Mark Dallin Zone Change. Councilman Nielson **Seconded** and the motion **Passed** all in favor at 6:22 p.m.

Mark Dallin – Zone Change

Mr. Anderson said they had some question on the notice requirements for the public hearing for this item with the Planning Commission. This item was properly noticed. This proposal pertains to a property located at 760 E. 400 N. the DRC reviewed a request to construct two duplexes on this parcel. The Planning Commission reviewed this request and recommended that it be denied. The applicant has given some thought to the options that are before him and has looked at constructing a duplex. The Council can approve the project with two duplexes, deny it entirely, or approve construction of one duplex. He noted the applicant has gone to many lengths to meet the intent of the infill overlay zone, and has been very cooperative.

Councilman Andersen stated the applicant had the project underway before they put the moratorium into effect.

Councilman Davis disclosed he does work for Mark Dallin and that he lives in this neighborhood.

This item was opened for public comment.

Mark Dallin

Mr. Dallin thanked the Council for all their help. He stated he tried to put this project together so it would be pleasing to the neighbors. The privacy fence will be installed, he tried to make it fit into the neighborhood to make it nice for everyone. Each unit has 2 ½ parking spots which is higher than the rest of the city.

Carl Johnston

Mr. Johnston is a resident in the area. He is in support of Mr. Dallin to build a second duplex and only a second duplex. He feels it is important to go back to the ordinance where it states they should promote single family or owner occupied dwellings. He then went on to read from the ordinance that it will provide new opportunities for home ownership. He noted they should have added information on restricted development with duplexes, town homes etc. If Mr. Dallin only wants the other duplex they are in support. They feel he is trying to put too many people in too small of a space. He encourages staff to go back and adjust the wording in the ordinance to make sure it follows the vision the Council wants done. He added we at Spanish Fork do not do the minimum end of noticing. He asked that the notice state a little more information such as the change of the zoning instead of just a zone change. He understands the residents need a little more information and feels we can do better with the notice we send out to the citizens.

Connie Lowe

Ms. Lowe lives on the corner of 700 East and 300 North, she does not agree with the parking. They have gone by and there has been up to seven people parked in the area. She said there is usually more than two people parked there. Parking is their big concern, with so many units they will need more parking, and the surrounding residents

need their parking for themselves. They are probably agreeable to one more building but not two more. She is concerned that visitors will take up too much parking and cause problems.

Mr. Dallin stated he will probably have to put parking on the extra space instead of leaving it a weed patch.

Ms. Lowe said they have already had people parking in their area. There is not enough room for parking to serve three duplexes as far as they are concerned.

Jan Betts

Ms. Betts owns a home on this block, they want it less dense, she presented a letter from a neighbor that also wants it less dense. They do not like the idea of three duplexes, she noted there were six more people that agree with what Mr. Johnston has said.

Clayton Lever

Mr. Lever lives in the neighborhood. He said it would be nice to have it owner occupied, so there is someone that owns it and is taking care of it. They feel it detracts from the use of their back yard right now.

Mr. Dallin stated if the third building was passed it would be set up as condominiums with separate property owners.

Byron Betts

Mr. Betts feels if they are allowed in as condominiums they will end up with the same problem as Diamond Fork apartments. The other problem is there are already over 100 apartments within two blocks, they can settle for two units but please not the third one there is not enough space.

Mary Sargeant

Ms. Sargeant lives on 200 N. and feels two would be fine but three would be too much, as people rent in and out they do not take care of the yard and they live in a beautiful neighborhood. They are in favor of the two units but not three.

Elizabeth Dallin

Ms. Dallin asked if they would rather see a weed patch or a nice beautiful building. She feels it is a beautiful project and stated if they looked at the other map it didn't crowd everything. They have good size yards, and to finish it off at the end of the property would just make it nicer.

Councilman Leifson made a **Motion** to move out of the public hearing at 7:00 p.m. Councilman Dart **Seconded** and the motion **Passed** all in favor.

Councilman Leifson asked if there was a notice sign on the property.

Mr. Johnston stated there was a sign.

Councilman Nielson commented from the very beginning the conversation goes back to whether or not they want to build in Spanish Fork. It will always be the case some

neighbors will want to build and some will not. The changes are to promote home ownership and improve the quality of our city. It seems like it comes back to if they want to build or not. He sees the Council's job as recognizing the input of the neighbors and the rights of the landowner and to find something that works for both. It is hard for the Council to deny Mr. Dallin when he has gone through the process and met all the requirements.

Councilman Davis noted this project was started with the intention to build two buildings. He lives in this area as well and does not want the high density, that is part of the overlay zoning, we need to listen to the needs of both the neighbors and property owners.

Councilman Leifson stated this is just how they wanted it to work. Before this ordinance as long as the applicant met the requirements they could build. Now they have to have input from the neighbors, he knows the area up there, there are a lot of apartments there already. They are trying to reach a compromise for all involved. He feels they can come to an agreement and appreciates Mr. Johnston stating they are ok with one unit but not two. He feels ok with allowing one duplex as well.

Councilman Dart stated the citizens should be thankful Mr. Dallin listened to them because he did not have to.

Councilman Andersen would like to see individual homes built there, however Mr. Dallin started this project before the ordinance was passed. This has shown there are a few areas of the ordinance they can adjust to make it better. Under the situation they have a responsibility to the developer to allow him to put a duplex in whether it is one or two, if it was under different circumstances he would probably be pushing for single family homes.

Councilman Davis made a **Motion** to approve the Mark Dallin zone change for one (1) duplex on the property subject to the findings and conditions as stated.

Findings

1. That with the architectural upgrades the project shares elements with the surrounding neighborhood and satisfies the requirements of the ordinance.
2. That the project conforms to the physical characteristics of the adjoining properties.
3. That the project may provide new opportunity for home ownership.
4. That the driveway be constructed or modified to meet the City's curb requirements.

Conditions

1. That parking not be allowed on the driveway and that appropriate signs be installed.
2. That a minimum of five 1.5" caliper trees be installed with the development.
3. That a minimum of 18 one gallon shrubs be installed with the development.
4. That the entire parcel that the duplex is constructed on be landscaped prior to the insurance of certificate of occupancy.
5. That a vinyl fence be constructed around the perimeter of the project, six feet where it is not in the front setback.
6. That the driveway be constructed or modified to meet the City's curb requirements.

Councilman Nielson **Seconded** and the motion **Passed** by a roll call vote all in favor.

Councilman Dart made a **Motion** to open the public hearing at 7:15 p.m. for the flood prevention ordinance. Councilman Nielson **Seconded** and the motion **Passed** all in favor.

Flood Prevention Ordinance 02-09

Mr. Thompson explained the changes they have been working on for the flood plain ordinance. They received a federal grant to create a new flood plain, and feel there is a good reason to require the base two feet and not the minimum one foot, because it will allow Spanish Fork citizens to get a better insurance rate.

This item was opened for public comment.

There was no public comment given at this time.

Councilman Leifson made a **Motion** to close the public hearing at 7:26 p.m. Councilman Davis **Seconded** and the motion **Passed** all in favor.

Councilman Leifson made a **Motion** to adopt Ordinance 02-09 Flood Damage Prevention Ordinance. Councilman Dart **Seconded** and the motion **Passed** by roll call vote all in favor at 7:27 p.m.

CONSENT ITEMS:

Minutes of Spanish Fork City Council Meeting – January 9-10, 2009; February 3, 2009

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

NEW BUSINESS:

Spanish Fork/Springville Airport FAA 2009 Grant Application

Councilman Davis explained the changes to the grant, and what the airport will be responsible to pay.

Councilman Davis made a **Motion** to approve the grant application for the Spanish Fork/Springville FAA grant application. Councilman Nielson **Seconded** and the motion **Passed** all in favor.

Sewer Slip Lining Presentation

Mr. Heap gave a presentation regarding the sewer slip lining projects in Spanish Fork City.

Recycling Contract

Mr. Perrins gave an update regarding the Recycling Contract.

The Council agreed they would like Staff to go back and get the contract finalized and bring it to the next Council meeting.

Fiesta Days Carnival Award of Bid

Mr. Perrins explained the Fiesta Days Committee has reviewed the carnival contract and bids were sent out. They received two bids and the Committee would like to award the contract to Midway West. They will adjust the contract to be a one year contract with the opportunity to renew.

Board Appointments

Mayor Pro Tem Andersen stated Mayor Thomas has asked that the Council appoint Councilman Dart to the Solid Waste District Board.

Councilman Davis made a **Motion** to appoint Councilman Rod Dart to the Solid Waste District Board. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

ADJOURN:

Councilman Leifson made a **Motion** to adjourn. Councilman Nielson **Seconded** and the motion **Passed** all in favor at 8:10 p.m.

ADOPTED: April 7, 2009

Kimberly Robinson, City Recorder