

**Adopted Minutes  
Spanish Fork City Council Meeting  
July 7, 2009**

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

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

Citizens Present: Lil Shepherd, Brad Gonzales, Thad Jensen, Diane Jensen, Deanna Swenson, Jack Swenson, Andrew Moleff, Taylor Betts, Mathew Moleff, Alejandro Aeosta, Richard Fifita, Raymond Naulu, Cole Tomadakis, Ammon Fifita, Keltin Hair, Jared Hair, David Nichols, Lana Creer Harris, Ben Davis, Chance Skiba, Nathan Eppley, Lisa Eppley, Jerick Rose, Landon Peterson, Tish Throckmorton, Vicki Thompson, Leah Butler, Carrie Walls, Jerrie Frank, Angela Murdock, Kelly Murdock, Paul Pullman, Sam McVey

**CALL TO ORDER, PLEDGE:**

Mayor Thomas called the meeting to order and led in the pledge of allegiance at 6:00 p.m.

**Recognitions**

Planning Commissioners Dave Lewis and Sherman Huff were recognized for their service to the City.

Mr. Dave Anderson explained the Planning Commissions duties and how unique it is. The Commission is the only one mandated by State Law, and they have been lucky to have Mr. Huff and Mr. Lewis serve on the Planning Commission. They are genuinely appreciated and it has been a pleasure to work with them.

Trent Anderson, Diamond Fork Riding Club

Mr. Anderson welcomed everyone out to the 67<sup>th</sup> Annual Fiesta Days Rodeo; they feel they have the best rodeo in the area. He introduced two members of the rodeo royalty and thanked the City for their involvement with the Riding Club to make this great event possible.

Councilman Andersen reported they had 569 contestants apply to participate in the rodeo, and had 105 entrants in the Mutton Bustin' event. He encouraged everyone to get their tickets before they sell out.

Councilman Davis asked the Council to put on their cowboy hats and start the Fiesta Day's Celebration. He then read background on Jack and Deanna Swenson the 2009 Fiesta Days Grand Marshals.

Lil Shepherd, presented Jack and Deanna Swenson the Fiesta Days Grand Marshals for 2009 with a plaque.

Brad Gonzales, Vice Chair Fiesta Days

Mr. Gonzales presented Thad Jensen with an award for the flag retirement ceremony and all his years of service; none of this would have happened without his hard work. He has been instrumental in getting this event going.

Thad Jensen

Mr. Jensen stated it has been an honor to serve Spanish Fork City.

**PUBLIC COMMENT:**

Sam McVey, Chairman of the Palmyra Scouting District

Mr. McVey stated they will be retiring the district because they have become too large. They will be dividing the district into two, the Diamond Fork District and the Blackhawk District.

**COUNCIL COMMENTS:**

Councilman Davis reported Fiesta Days starts on July 13<sup>th</sup> and runs through Saturday the 25<sup>th</sup>. He then listed the events they will be having.

Councilman Leifson commented on the 4<sup>th</sup> of July and the real reason for the celebration. He is grateful for the sacrifice our forefathers made. The Parks and Recreation Committee met, the zip line is moving forward and should be installed soon.

Councilman Dart commented the library has some exciting events happening. They will be having an adult reading program. This Saturday one of our own firefighters Bob Harrison will take over serving as president on the board for the State Fireman's Association.

Councilman Nielson hopes that everyone will participate in the Fiesta Day's events and asked that they be safe, careful and courteous.

Councilman Andersen reported last week he and Councilman Davis met with Senator Hatch. One of the most crucial problems for South County is transportation. They were able to address some funding issues that surround fixing the interchange on the north end of town. He reported the issue is number one on Senator Hatch's agenda for this coming year. They anticipate meeting with Senator Bennett to address that same issue.

Mayor Thomas reported on the energy bill and stated we can do a lot to take a look at our energy. He noted that the Banta plant will be closing this fall. That is 150 jobs. They stated they had to close it for economic reasons. He noted anyone interested in running for Council or Mayor should sign up at the city office before July 15<sup>th</sup>. He noted in the last six months he has traveled worldwide and there isn't a government he has seen that is even close to as good as ours. We are so profoundly blessed.

**PUBLIC HEARING:**

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

Councilman Andersen made a **Motion** to move out of public hearing. Councilman Nielson **Seconded** and the motion **Passed** all in favor at 6:38 p.m.

Joe Broderick, Spanish Fork Community Theater

Mr. Broderick presented the Council with umbrellas and announced that the production for this year is "Singing in the Rain". He invited everyone to attend and support the theater.

Councilman Leifson made a **Motion** to open the public hearing at 6:41 p.m. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

### **Peterson General Plan Amendment**

Mr. Anderson explained the changes to the general plan dealing with units per acre. They felt like it makes sense adjusting the general plan for a larger area containing three blocks. The Planning Commission recommends approval.

Kelly Murdock, Lives at 350 North 200 East

Mr. Murdock is opposed to this change, and stated they have seen some crowding already taking place throughout the neighborhood. His concern is there are a lot of older neighbors with older homes. There is potential that some developers would offer to buy the homes.

Councilman Davis asked where the crowding is located.

Mr. Murdock stated where the apartments are there is a lot of crowding. He is concerned for the children playing, and the congestion. He is concerned about a lot of rental properties in that area and is worried about the density.

Paul Pullman

Mr. Pullman is concerned about what is going on. He loves Spanish Fork and takes many opportunities to volunteer. He is worried about the changes being made, and has seen the proposal for the Peterson property. He feels it looks good on paper, but is concerned about the proposal and crowding in the area. He does not like the way this is being done, and feels the neighbors should have a say.

Councilman Davis asked if they change the zoning, how many units could be built right now.

Mr. Anderson stated if they do not change the general plan he can construct a single family home. If he uses the in-fill overlay he could potentially build three.

Mr. Pullman said it does not seem fair that someone who does not even live in Spanish Fork can make changes to the zoning ordinance. He is sad to see everyone is not here tonight representing the neighborhood. He is concerned about the future.

Pat Parkinson

Ms. Parkinson expressed her concern about the ability to build more units, when they change the zone. She feels the neighboring property owners have a valid concern about the change.

Councilman Nielson stated nothing is guaranteed with this new in-fill overlay zone. Each applicant must apply and their project will be reviewed on a case by case basis.

Mr. Anderson said there is no guarantee that they would get a set amount of units.

Ms. Parkinson has heard many times that they have to approve something because the zoning is already set.

Councilman Andersen explained the overlay zone is brand new. They have only had one case so far. It allows the Council to review changes on a case by case basis.

Ms. Parkinson asked how they could really say no.

Mayor Thomas stated they would say no if it is not in the best interest of all involved.

Discussion was made regarding the project and the overlay zones etc.

Mr. Pullman explained he likes the idea of homeowners and not renters. He likes the idea of raising the bar and feels it is too crowded. He would not like the zoning of the block being changed right now.

Angela Murdock

Ms. Murdock agrees it looks nice on paper; she would like to know what the city can do to ensure it is owner occupied. They would prefer owner occupied units. She lives on the block that has a triangle and several units, and would not like this change to be approved.

Discussion was made regarding the density and allowable building units.

Ms. Murdock feels it is best to keep the density at its current state. She asked if there is a plan beyond the lots included in the change.

Mr. Anderson stated they are speculating at this point, and noted the general plan is the City's plan for the future.

Councilman Davis noted when they put a moratorium on the R-1-6 zones one of the issues was to get some areas like this cleaned up.

Lana Creer Harris

Ms. Harris needs to know what protection this in-fill overlay zone is going to give to the old historical houses within those areas. She would like to make sure they protect those homes.

Councilman Nielson stated the Council gets that information regarding the homes and they try to protect and preserve those areas.

Mr. Anderson stated the intent of the ordinance and noted that they are aware there are homes in the area that are historical. He added those things should be accounted for.

Gerri Frank

Ms. Frank's mother is Leah Butler and lives right next to the proposed area. She has been against it but realizes it will happen. Her only request is that the property setback lines be adjusted so it will not be so close to her property line. She also asks that the buildings be flipped from the proposed layout.

Mr. Anderson stated the applicant will have to consider that.

Councilman Andersen added it will be looked at in the next stage.

Councilman Nielson made a **Motion** to approve the Peterson General Plan Amendment. Councilman Dart **Seconded** and the motion **Passed** all in favor by a roll call vote.

### **Peterson Zoning Map Amendment**

Mr. Anderson explained the next step for the applicant is having the zone changed.

This item was opened for public comment.

Warren Peterson

Mr. Peterson commented he and his property are being used as an example. He feels everyone has a vested interest whether you live in Spanish Fork or work here. He hopes that his offices set a standard and improved Spanish Fork. He hopes that his project will improve property values and be a good project for Spanish Fork City.

Councilman Dart made a **Motion** to approve the Peterson Zoning Map Amendment located at 245 North 300 East, from an R-1-6 to an R-3. Councilman Nielson **Seconded** and the motion **Passed** by roll call vote.

### **Public Facilities Zoning Map Amendment**

Councilman Andersen made a **Motion** to continue this public facilities zoning map amendment to the August 4, 2009 meeting. Councilman Leifson **Seconded** and the motion **Passed** all in favor.

### **In-Fill Overlay Zoning Text Amendment**

Mr. Anderson explained that promoting ownership is the intent of the requirements. He then explained several reasons for the changes including not allowing extra units, setback requirements, and square footage in R-1-6 zones.

This item was opened for public comment.

Councilman Leifson made a **Motion** to approve the In-fill Overlay Text Amendment. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

Councilman Dart made a **Motion** to close the public hearing. Councilman Davis **Seconded** and the motion **Passed** all in favor at 8:08 p.m.

### **CONSENT ITEMS:**

- a. **Minutes of Spanish Fork City Council Meeting – June 16, 2009**
- b. **Zip Line Contract**
- c. **Title 2 Code Amendments**

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

**NEW BUSINESS:**

**Agenda Request – David Nichols Regarding Japanese ATV Trucks**

David Nichols

Mr. Nichols handed out information regarding this topic, including code and city ordinances from other communities. He noted Senate Bill 181 made an amendment to the allowable off highway vehicles as long as they meet all the requirements which includes safety and insurance. He then gave his presentation regarding the use of alternative vehicles on the roads.

Mayor Thomas thanked him for his effort and feels this is a good thing.

Mr. Rosenbaum gave some information regarding this item. He stated there are a lot of variables regarding this topic. He noted there is a separate area of the State Code for the G.E.M. vehicles. He then added that the vehicles Mr. Nichols is talking about have a specified allowable travel speed. Originally when this issue came up he was hesitant, because of safety but as he thought about it he does not feel they are any less safe than a motorcycle and those are allowed on our streets. He feels the evolution of transportation will take us in this direction eventually.

Mayor Thomas feels it is a green option and would be a good direction for the City to move.

The Council directed staff to create a draft ordinance and present it to the Council for review.

**EXECUTIVE SESSION:**

Councilman Dart made a **Motion** to adjourn to Executive Session to discuss Land Purchase and Potential Litigation. Councilman Andersen **Seconded** and the motion **Passed** all in Favor at 8:31 p.m.

**ADJOURN:**

ADOPTED: August 4, 2009

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Kimberly Robinson, City Recorder