

**Adopted Minutes  
Spanish Fork City Council Meeting  
August 4, 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: Dave Oyler, City Manager; Seth Perrins, Assistant City Manager; Junior Baker, City Attorney; Richard Heap, Public Works Director; Dave Anderson, Planning Director; Kent Clark, Finance Director; Dale Robinson, Parks and Recreation Director; Dee Rosenbaum, Public Safety Director; Kimberly Robinson, City Recorder

Citizens Present: David Ridge, Dennis Gull, Derek Malan, Bryan Ridge, Mahonri Rodriguez, Jerry Pidcock, Jared Clark, Jonathan Chappell, Rashel Tingey, Lana Creer Harris, Bailey Bates, Alan Anderson, Mark Bloxham, Benjamin Sanders, Jen Allen, Clint Garner, Johnie Salimbene, Jeff Johnson, Jessie White, Dave Lewis, Gilbert Jensen, Brayden Jackman

**CALL TO ORDER, PLEDGE:**

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

**PUBLIC COMMENT:**

Creed Stevenson

Mr. Stevenson represents the Chamber of Commerce. He then gave an update on what they have going on. Some of their priorities are their relocation packets, a coupon booklet, and a visitor's map.

**Law Enforcement Teacher for Maple Mountain High School – Rashel Tingey**

Rashel Tingey

Ms. Tingey is the Assistant principal of Maple Mountain High School. They have been working with the police department to get a part time officer to teach the law enforcement class, they are hoping in the future to be able to use the funds available from the school district to get a full time officer.

**Request to Add Name to 1100 South – Dave Lewis**

Dave Lewis

Mr. Lewis represents American Leadership Academy. They would like to add the name Eagle Parkway to 1100 South.

Councilman Leifson made a **Motion** to authorize the addition of 1100 South Eagle Parkway. Councilman Dart **Seconded** and the motion **Passed** all in favor.

## **COUNCIL COMMENTS:**

Councilman Leifson thanked everyone that was involved with Fiesta Days, the Staff, Volunteers and all that participated. It is a great event and it keeps improving every year. He gave a reminder that the farmers market has started in the city office parking lot.

Councilman Dart agreed with what Councilman Leifson said. He would also like to thank Bart Morrill of the Parks and Recreation Department for taking care of an issue that a citizen needed.

Councilman Neilson agreed with what has been said about Fiesta Days, he has had some great feedback. He appreciates the good people in Spanish Fork.

Councilman Davis continued what has been said about Fiesta Days and the great volunteers, staff, grounds keepers, police and everyone that came out and made Fiesta Days the wonderful event that it is. He especially thanked his committee and all the hard work that they do.

Councilman Andersen echoed the same about Fiesta Days. He reported there are cowboys and cowgirls that come to Spanish Fork from all over the country for our rodeo. He heard comments that the facilities Spanish Fork has to offer are top notch. The citizens help to make everyone feel welcome and want to come back year after year. He expressed his thanks for the citizens and the staff. He added an invitation to all to attend the County Fair this month and enjoy that event.

Mayor Thomas thanked all those that participated in Fiesta Days he had lots of compliments. He met with the Pacific Railroad people regarding the graffiti on the rail cars sitting on tracks in our city. The railroad is still working to resolve that issue. There are so many volunteers making this city great. He thanked Alyn Olsen for the great work she does as the graffiti Czar. The Kite Festival is coming up and they have almost met their goal for financial sponsorship, he invited everyone to come out and enjoy that event at the end of the month.

## **PUBLIC HEARING:**

Councilman Dart made a **Motion** to open the public hearing at 6:17 p.m. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

### **Public Facilities Zoning Map Amendment (continued from July 7, 2009 meeting)**

Mr. Anderson explained they created a public facility zone mainly for the Justice Center. The proposal is to amend the zoning map to allow for the public facilities zone. There are two options one with just the city owned property and also one with city owned property and American Leadership Academy property. The Planning Commission reviewed this last month and recommended that the proposed changes

be approved with the ALA property included. The district was created to provide an area that can accommodate the City and State usage needs for those properties.

Councilman Andersen has a question as to whether this zoning is the appropriate way to handle the situation for that school. Why do they need a zone for schools when you can build a school anywhere as long as you meet the city ordinances. He does not want to jeopardize the area by trying to fix one problem and opening up another set of issues.

Mr. Anderson stated public schools are already listed in the public facilities zone.

Councilman Andersen asked what is the difference what zone it is listed in, and why does it have to be spelled out specifically for this school in the public facilities zone.

Councilman Davis has a question about this item because the city does not own ALA, he feels there is a better way to address the issue rather than adding them to the zone. He thinks the public facilities should stay in that zone and nothing else. He feels there is a better way to make this happen. The school districts are not owned by the city he feels there is no reason they should be in the public facilities zone.

Mr. Anderson has no problem removing school districts from the public facilities zone.

Councilman Andersen asked if there was a way to give options for the schools to build in the zone but that would give the Council the ability to be flexible.

Mr. Anderson stated there are ways they can be specific as to what is built in the zone and how tall they are allowed to build certain projects.

Councilman Andersen added the specific concern with ALA is that it was not built where it was supposed to be. He does not have a problem allowing them to finish the structure but does not want to open something up for the future.

Councilman Davis thinks it should be kept as Spanish Fork City properties only in the public zone.

Mr. Anderson stated this is not the only way to approach this issue.

Mr. Heap noted the building was built without the city's consent and the construction was stopped when it was discovered.

Councilman Leifson agrees they need to sit down and come up with a solution. Zoning it to correct this particular issue is not the way to fix it. He thinks there is a solution they can come up with where all those involved can be happy with.

Councilman Andersen asked Dave Lewis that he get those involved with ALA to sit down with the city and work to find a solution.

Mr. Lewis explained some history regarding the building at ALA, he also stated they would like to work together to get this issue resolved.

This item was opened for public comment.

There was no public comment given at this time.

Councilman Davis made a **Motion** to approve the amendments to the Public Facilities Zoning Map excluding the public schools. Councilman Neilson **Seconded** and the motion **Passed** all in favor.

### **Friar's Pointe Preliminary Plat**

Mr. Anderson explained the subject property had the zoning changed last year to Commercial 2. The proposed plat would divide the parcel into three lots. Each of the proposed lots meets the required size in the zone.

This item was opened for public comment.

Gilbert Jensen

Mr. Jensen stated it has always been advantageous to provide a buffer between commercial and residential zones. He feels the whole area from 900 North across should be the same and the road should be the buffer zone. It would also give an ingress and egress to the property. He feels the homes should be included in the project area so it will be more compatible and would provide a buffer zone.

Mr. Anderson feels it is advantageous to create some kind of non-residential buffer for those lots.

Councilman Neilson made a **Motion** to approve the Friar's Pointe Preliminary Plat. Councilman Davis **Seconded** and the motion **Passed** all in favor.

### **Pidcock Zone Change**

Mr. Anderson stated the subject property is approximately 6300 square feet in size, it was demolished voluntarily. Staff has no problems with allowing them to build a new home and feels it is a great upgrade.

This item was opened for public comment.

There was no public comment given at this time.

Councilman Leifson made a **Motion** to approve the Pidcock proposed Zone Change from R-1-9 to R-1-6. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

### **Title 15 Amendment Permitted and Conditional Uses**

Mr. Anderson explained the changes are significant in the zoning districts of the city.

Councilman Andersen asked for clarification on defining a foster home.

Mr. Anderson explained the foster homes are single family dwellings. They do not mean to make it anymore difficult for someone to have a foster home in Spanish Fork.

Discussion was made regarding accessory apartments.

Councilman Davis asked why they couldn't add accessory apartments as a conditional use in the R-3 zone.

Mr. Anderson stated he does not see a reason it couldn't be added as a conditional use in an R-3 Zone.

Councilman Davis asked about churches and requiring them to be located on arterial roads. He also asked about retail stores being allowed in residential office zones.

Mr. Baker explained these are in the conditional use section not the permitted use section. He noted the Council will grant the use but they can put conditions on it.

Councilman Davis noted permitted uses should be changed to 7:00 a.m. not 6:00 a.m.

Councilman Leifson noted that the child care facilities will need to be able to open earlier than 7:00 a.m.

Councilman Davis asked regarding the difference in small automotive repair and an oil and lube shop.

Mr. Anderson stated the nature of the business would have vehicles or parts outside versus the nature of the oil and lube center do not generally have vehicles overnight.

Councilman Davis asked about light industrial zones allowing agriculture.

Mr. Baker explained they did not want to make those properties non-conforming uses since there are a large number of agricultural properties in the I-1 zone.

Councilman Davis would like to remove public schools from the public facilities zone.

This Item was opened for public comment.

There was no public comment made at this time.

Councilman Leifson made a **Motion** to accept the Title 15 amendment as per the conditions reviewed.

**Conditions:**

1. Section 15.3 R-3 adding residential accessory apartments as a conditional use.
  2. Removing public schools from the public facilities zone.
- Councilman Davis **Seconded** and the motion **Passed** all in favor.

Councilman Andersen made a **Motion** to close the public hearing. Councilman Neilson **Seconded** and the motion **Passed** all in favor at 7:37 p.m.

### **CONSENT ITEMS:**

- a. **Minutes of Spanish Fork City Council Meeting – July 7, 2009**
- b. **Airport Engineering Contract Agreement**
- c. **E-Verify Program**

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

### **NEW BUSINESS:**

#### **Festival of Colors Discussion**

Caru Das

Mr. Das explained they sponsor the festival of colors. The event is growing year by year. There are two elements: the festival of colors and the bon fire. He stated the concerns they would like to work through. There is the issue of congestion, and safety. He then discussed their ideas regarding parking and safety.

Mayor Thomas said they have been a pleasure to work with and he supports the event.

Mr. Robinson stated there are 800 parking places available at the sports park with no event conflicts that could potentially use the parking lot.

The Council directed staff to work with Mr. Das to get the issues solved.

#### **Adoption of City Certified Property Tax Rate for 2009**

Mr. Clark handed out information regarding the property tax certified tax rate. He then explained where it comes from and that it is given to the cities by the County. If the City wants to raise the rates above what the County sets they would have to hold public hearings regarding the issue. The City is not raising the rates.

Councilman Neilson made a **Motion** to adopt the Certified Property Tax Rate for 2009 with the rate being 0.001076. Councilman Davis **Seconded** and the motion **Passed** all in favor.

### **EXECUTIVE SESSION:**

Councilman Dart made a **Motion** to adjourn to Executive Session to discuss Personnel. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 8:05 p.m.

**ADJOURN:**

ADOPTED: August 18, 2009

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Kimberly Robinson, City Recorder