

**Adopted Minutes
Spanish Fork City Council Meeting
December 15, 2009**

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

Staff Present: Dave Oyler, City Manager; Kent Clark, Finance Director; Seth Perrins, Assistant City Manager; Junior Baker, City Attorney; Dave Anderson, Community Development Director; Richard Heap, Public Works Director; Kimberly Robinson, City Recorder

Citizens Present: Leland "Jay" Birch, Namon Bills, Deven Downey, Keir Scoubes, David Simpson, David Grotegut, Leah Butler, Lana Creer Harris, Ann Dart, Tamara Davis, Christina Leifson, Cheryl Leifson, Melanie Andersen, Max Sabey, Karen Sabey, Glen Bradford, Thad Jensen, Carl Empey, Jeff Heaps, Kay Heaps, Rodger Hardy, Grant C. Jensen

CALL TO ORDER, PLEDGE:

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

PUBLIC COMMENT:

A presentation was made by the wives of the current City Council, to Mayor Thomas. They know what a sacrifice it is for his family, and they wanted to express their appreciation for his hard work. He is very much appreciated.

Leland "Jay" Birch, 990 N 400 E.

Mr. Birch has been working with the city on 10th north and the snow removal garbage pickup and mail services. There is no buffer zone for the snow to be able to maintain the sidewalks and he is asking that there be a way to maintain those sidewalks. It is a hazard for snow removal there is no where for it to go and it is destroying the vegetation. He is here tonight because he was told by the staff that the City Council must be the ones to address this issue. He is concerned about the garbage cans being out in the lanes, and about the mail trucks being rear ended.

Richard Heap stated the road was designed by Horrocks Engineers in conjunction with a company hired by the developer.

Mr. Birch is concerned about the cost of the park and if the citizens are going to be taxed in order to pay for it.

Kent Clark explained the North Park construction and the cost differences.

Mayor Thomas noted a land exchange was made for the park.

Mr. Clark stated he would be happy to show Mr. Birch all the information regarding North Park.

Thad Jensen

Mr. Jensen passed out a dedication program from 1999 for the Veteran's Memorial Monument. He stated the monument was designed to last until 2012 and is already full. He is asking for some donations to make the needed additions to the monument.

Mayor Thomas stated if the citizens would like to contribute they can do so through the city office or one of the men serving with the American Legion.

Glen Bradford

Mr. Bradford is with the Department of Utah American Legion. They have had the opportunity to dedicate a Veterans Assisted Living Facility in Ogden. He noted there are additional facilities planned in the State. One planned for Utah County and one in Washington County. He is requesting the city consider helping them find some land for the facility to be located in Spanish Fork. He asked that the Council put the item on the agenda for more explanation and explained the first city to secure the ground will get the facility. He added that there is a potential for 100 jobs to run the facility.

COUNCIL COMMENTS:

Councilman Dart attended a Census Bureau open house. He said they emphasized the importance of filling out the brochure citizens will receive in the mail.

Councilman Leifson commented they held the Parks and Recreation Committee Meeting. They discussed the trail system and ask that if you have dogs they need to be on a leash and cleaned up after. There will also be a dog park built in the future. He thanked all the citizens that have been out helping others to get the snow shoveled, it is very much appreciated. The I-15, UDOT project has announced that the Spanish Fork exits will be included in the construction upgrades.

Councilman Nielson noted this is the Mayors last meeting, he commented the Mayor does a great job at showing enthusiasm and excitement when working towards something. He also has an open mind which is a great to make things work. He wanted to thank the Mayor for his hard work and he appreciates his service to the community.

Councilman Davis said the UDOT, I-15 project, including the Spanish Fork exits was like Christmas. He also reminded everyone about the Festival of Lights and to support the city and enjoy the lights. He asked everyone to shop local and help the businesses in Spanish Fork. He thanked the citizens for helping clean up the snow and commended the city staff for their hard work snow plowing. He noted the staff truly have an interest in making Spanish Fork the best it can be. He wants to wish everyone a Merry Christmas and a Happy New Year.

Councilman Andersen mentioned the I-15 project has been something he has been working on and is excited to see it accomplished. He noted there were many people involved to get this project through. His heart goes out to all those that are suffering due to

the economy, but he is grateful for the ability to get the project included. He expressed appreciation to the staff and fellow Council who helped, they had tremendous support from local and state representatives that helped carry the load. Mountainland Association of Governments, Senator's Bennett and Hatch, Congressman Chaffetz, he noted there wasn't many they didn't get involved to help. He appreciates the people of UDOT being open and receptive about Spanish Fork's concerns. They made it a priority to involve the contractors and encouraged them to go as far as they can with the funds available. He wished a Merry Christmas to Spanish Fork and a Happy New Year.

Mayor Thomas congratulated those that were elected in the last election. He noted the I-15 project is such a big deal. The fact we were able to accomplish it, will help to bring retail and business into the community. After traveling to other countries he stated that we truly live in the greatest place on earth, and there is no place like home. His Holiday Wish is for everyone to enjoy the holidays.

CONSENT ITEMS:

- a. **Minutes of Spanish Fork City Council Meeting – November 10, 2009; December 1, 2009**

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

NEW BUSINESS:

Resolution Authorizing the Issuance and Confirming the sale of up to \$5,000,000, of the aggregate principal amount of Electric Revenue Refunding Bonds, Series 2009 of the City; authorizing the execution and delivery of certain documents relating to such bonds; and providing for related matters. Refund from a 5% interest rate to a 2.75% rate.

Kent Clark explained this is an opportunity to refinance some electric Bonds that will save the city over the next few years. The Net Present Value benefit would be \$148,261.30 over the remaining life of the debt.

Carl Empey

Mr. Empey explained some background regarding the bonds and the savings available with the change.

Councilman Andersen made a **Motion** to adopt Resolution 09-12, Resolution Authorizing the Issuance and Confirming the Sale of up to \$5,000,000, of the Aggregate Principal amount of the Electric Revenue Refunding Bonds. Councilman Davis **Seconded** and the motion **Passed** all in favor.

Maple Mountain Amended Preliminary Plat, located in the vicinity of 100 North and 1500 East. The proposed amendment would create a site for an elementary school.

Mr. Anderson explained the Nebo School district would like to purchase the property and construct a school. Staff recommends approval subject to the conditions noted in the staff report.

Councilman Andersen asked about the retention basin included in the park. He is concerned that those be constructed quickly so they will not have water issues in that area.

Mr. Anderson explained the construction of the park will be completed with either the single family homes or the townhomes.

Councilman Leifson made a **Motion** to approve the Maple Mountain Amended Preliminary Plat subject to the applicant meeting all of the conditions of the original approval, the applicant signing an agreement relative to the phasing of improvements in the project and the applicant addressing any Engineering Department concerns prior to a Final Plat being approved. Councilman Dart **Seconded** and the motion **Passed** all in favor by a roll call vote.

Pine View Preliminary Plat, located in the vicinity of 2700 East 750 South. The proposed plat would create two lots of approximately 12 and 16 acres in size.

Mr. Anderson explained the purpose of the plat is to create a site for the location of an elementary school. The site created with this plat would be approximately 12 acres in size.

Discussion was made regarding SESD and the school.

Councilman Davis made a **Motion** to approve the proposed Preliminary Plat subject to the applicant completing the SESD buyout as is stipulated in the Envision Annexation Agreement. Councilman Andersen **Seconded** and the motion **Passed** all in favor by a roll call vote.

Swenson Addition, located at approximately 3000 North 700 West. The proposal involves the City Council's acceptance of an annexation petition for further study.

Mr. Anderson explained staff recommends acceptance of this petition for further review.

Councilman Andersen noted before it is brought to the Council for annexation he asks that the parcel of land be taken out of the agricultural protection zone. He also asked that any other parcels included in the city be removed from the agricultural protection zone as well. He then explained what the agricultural protection zone is.

Councilman Leifson made a **Motion** to accept the proposed Swenson Addition Annexation for further study. Councilman Dart **Seconded** and the motion **Passed** all in favor by a roll call vote.

PUBLIC HEARING:

Councilman Davis made a **Motion** to open the public hearing. Councilman Andersen **Seconded** and the motion **Passed** all in favor at 7:09 p.m.

American Leadership Academy Zoning Text and Zoning Map Amendments, located at 110 South Mill Road. The proposed text amendment would reduce the setback requirements in the R-1-15 Zone. The proposed map amendment would change the zoning on a portion of the ALA site from R-1-30 to R-1-15.

Mr. Anderson explained there has been discussions regarding a building previously built that do not meet the City set-back requirements. The changes proposed involve making the R-1-15 setback requirements match what they have in several other zoning districts. The DRC and Planning Commission have reviewed these changes and both recommend they be approved.

Councilman Andersen stated he has not liked any of the other changes proposed; he has wanted to protect the area and lot sizes they have there. When this solution came up it seemed to him as being the right thing to do. He encourages the Council to accept these changes and approve them.

Mr. Baker noted all the other zones have a height of 30 feet not 25 feet, so now would be the time to change that requirement to 30 feet.

This item was opened for public comment.

Dave Isaac

Mr. Isaac said this item passed Planning Commission with one negative vote, he was concerned with making exceptions but feels this needs to be dealt with. He supports the Council with whatever they decide.

Councilman Andersen made a **Motion** that the proposed American Leadership Academy Zoning Text Amendment and Zone Change be approved based on the following findings:

1. That the proposed Zone Change is consistent to the General Plan designation for the property.
2. That changing the setback requirements for the R-1-15 zone will not create any significant or noteworthy change in how properties in the R-1-15 zone are developed.

Councilman Davis **Seconded** and the motion **Passed** all in favor by a roll call vote at 7:19 p.m.

Jensen General Plan and Zoning Map Amendments, located at 55 East 700 North. The proposal would change the General Plan and Zoning Maps to permit a 3,600 square foot area to be used commercially.

Mr. Anderson explained Mr. Jensen would like to utilize a portion of the property as a parking lot for employees or patrons that are involved with a property he owns next door. This would require a lot line adjustment with the adjacent commercial lot. This is acceptable as long as the remaining property, with the home, is conforming. If the parking lot is constructed according to city standards there is no down side to approving what Mr. Jensen wants to do. There would be a 6 ft masonry wall requirement along the residential sides of the parking lot. Provided that City standards are met both the Planning Commission and DRC recommend approval.

This item was opened for public comment.

There was no public comment given at this time.

Councilman Davis asked about the easement on the Oil Spout property.

Grant Jensen

Mr. Jensen owns the property, when he bought it he insisted on an easement to his property on the Oil Spout Property. He intends to keep the property residential and noted he does own the easement.

Councilman Davis asked about the ground water and expressed concerns about the neighbors.

Mr. Jensen stated he would probably have to put a sump pump in, which he would do because he does not want to impact the neighbors.

Councilman Leifson made a **Motion** to approve the Jensen General Plan and Zoning Map Amendments from R-1-6 to C-2. Councilman Davis **Seconded** and the motion **Passed** all in favor by a roll call vote at 7:34 p.m.

Isaacson General Plan and Zoning Map Amendments, located in the vicinity of 885 North 200 East. The proposal would change the General Plan and Zoning Maps to permit commercial uses at 885 North 200 East.

Mr. Anderson explained the Isaacson's have a home occupation business license for acupuncture at the proposed location. He then noted the home is largely surrounded by other Commercial Office Uses. The Isaacson's are looking to change the zoning so they can have a business at that location. The DRC reviewed the proposal and with the pattern of zoning in the General Plan it makes sense to change the General Plan for the entire block. The City is due in 2010 to update the General Plan. One option is to postpone action until the General Plan update, another is to take action on the land use. The Planning Commission recommended postponing action on this item.

Councilman Leifson made sure the city wasn't creating a hardship on the owners by postponing this item.

Peterson Spanish Cove, In-Fill Overlay and Preliminary Plat Approval, located at 245 North 300 East. The proposal would approve the application of the In-Fill Overlay Zone and a Preliminary Plat to permit the construction of two twin home structures.

Mr. Anderson explained the proposal for the In-fill overlay and Preliminary Plat approval. He noted there were a few details that still need to be worked out. It is staff's recommendation that the proposed plat and In-fill overlay be approved.

This item was opened for public comment.

There was no public comment made at this time.

Councilman Davis noted at the Planning Commission public comment it was requested to add a street light or yard light so people walking could see the cars.

Mr. Anderson stated that the light was already being discussed with the property owner.

Councilman Davis made a **Motion** to approve the In-Fill Overlay for Peterson Spanish Cove proposed project, located at 245 North 300 East subject to the following findings:
Findings

1. That the number of units is within the density range found in the General Plan.
2. That the proposed design meets the requirements of the In-Fill Overlay Zone.
3. That the proposed architecture is superior to what is found in other twin home projects in the City.
4. That the development would not have an adverse impact on the surrounding properties.

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

Councilman Davis made a **Motion** to approve the proposed Peterson Spanish Cove Preliminary Plat subject to the following conditions:

Conditions

1. That the applicant submit a more detailed landscaping plan with the final plat submittal.
2. That the applicant meet the City Construction and development standards.
3. That the applicant meet any engineering and Electrical Department conditions with the Final Plat submittal.

Councilman Nielson **Seconded** and the motion **Passed** all in favor by a roll call vote at 7:57 p.m.

Councilman Leifson made a **Motion** to close the public hearing. Councilman Davis **Seconded** and the motion **Passed** all in favor by a roll call vote at 7:58 p.m.

Councilman Leifson made a **Motion** to continue the decision for the Isaacson General Plan and Zone Change. Councilman Andersen **Seconded** and the motion **Passed** all in favor.

EXECUTIVE SESSION:

Councilman Dart made a **Motion** to adjourn to executive session to discuss a real property transaction. Councilman Davis **Seconded** and the motion **Passed** all in favor by a roll call vote at 7:59 p.m.

ADJOURN:

ADOPTED: January 5, 2010

Kimberly Robinson, City Recorder