

**Adopted Minutes
Spanish Fork City Council Meeting
May 18, 2010**

Elected Officials Present: Mayor G. Wayne Andersen, Councilman Steve Leifson, Rod Dart, Richard M. Davis, Jens P. Nielson, Keir A. Scoubes.

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Dave Anderson; Community Development Director; Kent Clark, Finance Director; Chris Thompson, Assistant Public Works Director; Angie Warner, Deputy Recorder.

Citizens Present: Kinsley Oates, Lana Harris, Cary Hanks, Brad Fillmore, Melanie Fillmore, Tyrel James.

CALL TO ORDER, PLEDGE, RECOGNITION:

Mayor Andersen called the meeting to order at 6:01 p.m.

Councilman Scoubes led in the pledge of allegiance.

Strawberry Days Rodeo Royalty

The Royalty announced that the Strawberry Days in Pleasant Grove City will be June 16, 17, 18. They invite everyone come join in the celebration.

Fiesta Days Rodeo Royalty

The Royalty invited everyone to the Spanish Fork Fiesta Days in July. They described some of the events that would be going on at the celebration.

PUBLIC COMMENT:

There was no public comment at this time.

COUNCIL COMMENTS:

Councilman Davis thanked everyone that helped plant all the flowers along Main Street. This City has great volunteers and grounds crews that put their time into making our Main Street look beautiful. On May 26th we will need volunteers to come to the cemetery to help put the veteran crosses out. There was an Eagle project completed recently where they built 2 wagons to carry the crosses.

The Fiesta Days planning is going great. We found volunteers that wanted to be our parade chairs for next year. We always are looking for more volunteers and thank all those that already help with the big event.

Councilman Leifson thanked everyone for helping plant the flowers along Main Street.

Councilman Dart announced that the Library is gearing up for the summer reading programs. He thanked Cary Hanks and the Chamber of Commerce for helping with the Economic Summit event.

Miss Pleasant Grove Royalty arrived to speak to the council.

Again, they invited everyone to the Strawberry Days. Explained a few of the events they have.

Councilman Scoubes announced the Summer Youth Arts Festival will be June 14 -25 at Maple Mountain High School. If you would like to participate you can register online.

Mayor Andersen said that everyone knows about the I-15 reconstruction project that is in the process, we do have some concerns. At the last Metropolitan Planning Organization meeting where they prioritize road construction. We requested a grant for \$150,000 to do a traffic study at Center Street & 2700 North interchanges that was granted.

Councilman Davis made a **Motion** to open the public hearing.
Councilman Nielson **Seconded** and the motion **Passed** all in favor at 6:20p.m.

PUBLIC HEARING:

Reconsider of proposed Zoning Map Amendment-the proposed Amendment would approve a Zone Change at 1968 East 1200 South to change the zoning from R-1-9 to R-1-6

Mr. Baker explained the reason for bringing this item back to City Council is that the notice that went out to the public stated that if the public could not attend they could send their comments via email. Some of the emails the City received were not included in the meeting. We will revisit the issue to be sure to include the emails. You have seen the staff reports on this issue from Mr. Anderson and his views have not changed.

Brad Fillmore, homeowner of the property, realizes that the City Council has a difficult job making all these decisions. He wondered why this issue was back before the City Council again. They have followed the procedure. At the meeting when the zone change was passed, no one opposed it at that time.

Melanie Fillmore was informed by Mr. Baker that if they got their application in while the property is a R-1-6 zone that they will be grandfathered in. They applied and have done all they were suppose to do and have spent a lot of time and money going through the process. She expressed a hope that their process would continue forward.

Councilman Leifson made a **Motion** to move out of the public hearing.
Councilman Dart **Seconded** and the motion **Passed** all in favor at 6:30p.m.

Councilman Davis still stands by his comments at the last meeting.

Mayor Andersen stated that several emails were received but not presented at the meeting and that some were not in favor of this action. Mayor Andersen made a statement that we sit and consider issues before us and implement laws that are passed by the state legislature that govern cities. I know that it is legal to spot zone but is it good policy? Does it protect the value of the community or of a neighborhood or does it just address one particular resident? The bigger picture needs to be taken into consideration. We need to guide and direct how the community is built. We have residential zones away from commercial. We shouldn't judge each spot zone separately; we should treat them equally and as a whole. It is very important that we do it concerning a whole zone by definition not by spot zone. I am concerned about the precedent set. Are we going to allow this flood gate to open and have spot zoning all over? I think we need to rescind the action that was made two meetings ago.

Councilman Nielson agrees that we need to have consistency. His feeling is that we make decisions based on rules we have to follow, but they give some flexibility. This was a unique circumstance; and they had the support of the neighbors. If we had every homeowner wanting to have an accessory apartment, then that would cause problems. He agrees with the Mayor but does not regret his decision.

Councilman Scoubes is not a proponent of spot zoning but he still stands by his decision. The Planning and Zoning Commission recommended going through the process of a text amendment. That option of the text amendment did not work for the time frame for the Fillmore's, so it came down to the only option of spot zoning. He foresees the future of the neighborhood as allowing accessory apartments. Does that mean everyone is going to do it? No. But they would have the option.

Councilman Davis stands by the right way to do this and that is the text amendment. It is the best way. Spot zoning is just not the best way.

Councilman Davis made a **Motion** to change the zone at 1968 East 1200 South from R-1-6 back to R-1-9.

Councilman Leifson **Seconded** and the motion **Passed** by a roll call vote.

Councilman Nielson asked what happens next after changing the zone back to R-1-9

Mr. Baker explained that an accessory apartment is allowed in R-1-6. Once you have filed the permit for land use authorization, even if the zone change is back they can still proceed and they become a legal nonconforming use. If they move the zone stays with the home.

Councilman Scoubes - Nay

Councilman Dart – Aye; has some reservation he can see the need for accessory apartments.

Councilman Leifson - Aye

Councilman Davis - Aye

Councilman Nielson - Nay

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting - May 4, 2010
- b. Regional Waste Water Property Lease Renewal

Councilman Leifson made a **Motion** to approve the consent items.

Councilman Nielson **Seconded** and the motion **Passed** all in favor.

NEW BUSINESS:

I-Core Easement & Agreement along Highway 6 – Chris Thompson, Assistant Public Works Director

Mr. Thompson said that with the reconstruction of I-15 and Highway 6, UDOT will need to widen Highway 6. They need to acquire an easement over City property on the southwest side of the North Park Development. This easement should not interfere with the trail that is planned to connect to North Park. We recommend that they city approves this agreement.

Councilman Nielson made a **Motion** to approve the I-Core Easement & Agreement along Highway 6.

Councilman Scoubes **Seconded** and the motion **Passed** all in favor.

UDOT I-15 Project Update – Christina Davis, Project Communication Manager

Ms. Davis gave a presentation that highlighted what UDOT is doing to get the citizens information on the I-Core Project:

- Website utah.gov/i15core has a lot of information of what is going on at the moment and in the future.
- Weekly email that goes out with the updates. People can sign up on the website.
- Facebook and Twitter accounts
- Media: TV, newspapers, phones; we are using all the resources we can.
- Meeting with businesses, neighborhoods, citizens.
- Commuter Link Dashboard - businesses or cities can create their own website of their area to see traffic or how to get to their location.
- Holiday weekends – delays, leave early and stay late, other routes.
- There has been a decrease in traffic on the freeways in the last couple of weeks.
- Shift travel time, carpooling, work from home, walk and bike, bus system.

Councilman Leifson thanked Ms. Davis and appreciates the information that they are getting out to the citizens.

Ordinance 09-10 Specifying the Duties of the Finance Director – Junior Baker, City Attorney

Mr. Baker stated that there was change in the law during the last legislative session requiring a Finance Director to be appointed by the Mayor, with the consent of the Council. Two or three years ago the City Council passed an ordinance splitting the office of Recorder and Finance Director. At that time there was no state law concerning appointment of the Finance Director. This Ordinance conforms to the new state law. We recommend the City Council approve this ordinance.

Councilman Dart made a **Motion** to approve Ordinance 09-10 Specifying the Duties of the Finance Director.

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

Mr. Baker stated that he was asked by the mayor to schedule a Land Use Training for the City Council and Planning Commission. I have scheduled this meeting for 6:00pm on May 27th. David Church from the League of Cities and Towns will be presenting.

Matt McEwan announced that there will be a public session for the City Budget Wednesday May 19, 2010 at 7:00pm. He encourages the public to attend.

CLOSED SESSION:

Councilman Dart made a **Motion** to adjourn to Closed Session for Real Property Acquisition. Councilman Leifson **Seconded** and the motion **Passed** all in favor at 7:01p.m.

Councilman Nielson made a **Motion** to adjourn the Closed Session.

Councilman Dart **Seconded** and the motion **Passed** all in favor at 7:40p.m.

ADJOURN:

ADOPTED: June 1, 2010

Angie Warner, Deputy Recorder