

**Adopted Minutes
Spanish Fork City Council Meeting
October 5, 2010**

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

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Richard Heap, Public Works Director; Chris Thompson, Assistant Public Works Director; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Angie Warner, Deputy Recorder.

Citizens Present: Erickson Blair, Lisa Blair, Dallin Smith, Carter Haroldsen, Mitchell Jenkins, Unknown, Michele Youd, Gavin Henry, Cary Hanks, Lana Creer-Harris, Ricahrd V. Harris, Craig Gardner, Steve Gardner, Dennis Carlisle, Ronald Wiley, Joanne Wiley, Shauna Gardner, Ken Christensen, Larry Hutchings, Duane Hutchings, Lynn Jones, Phyllis S. Hutchings, Joanne D. Jones, Mary Jane Tuttle, Michael V. Hutchings, Glenn Perrins, Greg Magleby, Kent Mitchell, Terese Mitchell, Brenda Hutchings, Alan Hutchings, Stephen Tibbs, Michael T. Adams, Stetsen Anderson, Bruce Gill, Joshua Terry, Corene Elliott.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Dallin Smith led in the pledge of allegiance.

Arts in the Community Award

No one was present.

Fiesta Days Recognition

Brad and Tina Gonzales presented the outgoing Fiesta Days Chair's Terry & Lil Shepherd. They have volunteered 3 years to the executive Fiesta Days committee. Mr. Gonzales presented a certificate of appreciation and a gift card to thank them for all they have done.

PUBLIC COMMENTS:

There was no public comment.

COUNCIL COMMENTS:

Councilman Scoubes thanked the Arts Council committee for their efforts in putting together the Harvest Moon Hoorah. Councilman Scoubes attended the solid waste committee meeting and they have been reviewing applicants for the full time manager position at the facility.

Councilman Dart attended the Parks & Recreation board meeting and the river trail is in the process of being paved and will be a fantastic amenity.

Councilman Leifson attended the UMPA meeting. The city has approved a rate study to see that the rates are fair. Also, at the UVPS meeting they are in the process of adding a new transformer at the Dry Creek substation to increase our power capacity.

Councilman Davis expressed how great the Vietnam Moving Wall was and to experience it. Councilman Davis thanked everyone that helped. The Airport Board is working on mitigating some wetland issues. Councilman Davis reminded the citizens that the City is replacing the trees on Main Street.

Councilman Nielson stated at the last SUVMWA meeting they are getting ready to pick an engineering firm to help recharge. This includes how we can save and reuse the runoff water.

Mayor Andersen announced that tonight between five and six o'clock we had a mock earthquake for an emergency preparedness drill. Mayor Andersen expressed that rather than just talk about preparedness we had an exercise. This helps us to be prepared in time of disasters. Residents need to know how to turn off the gas, water, and electricity in their homes. Everyone should receive a survey to complete. They will be collected and compiled to learn and be better prepared for when a disaster happens.

Seth Perrins pointed out that the City has some resources on the city website for the public. The City has made some short videos that teach you how to turn off the gas, water, or electricity.

Mayor Andersen thanked Don Thomas and the volunteers who helped with this drill.

Councilman Davis made a **Motion** to move into Public Hearing to discuss the Legacy Farms proposed Annexation and Preliminary Plat.

Councilman Dart **Seconded** and the motion **Passed** all in favor at 6:20p.m.

PUBLIC HEARING:

Legacy Farms proposed Annexation and Preliminary Plat approval, this proposal would approve the Annexation of approximately 480 acres and a Preliminary Plat containing 753 dwelling units located at approximately 2500 East 400 North.

Mayor Andersen stated that these plans have been going on for around 3 years. Many hours have been put in by the engineering firm, land owners, and city staff. This is the first single largest annexation for Spanish Fork.

Dave Anderson presented the two proposals. The first is the Annexation of 480 acres that would be zoned 4 different ways. The second is the preliminary plat of 270 acres with 753 dwelling units. The Development Review Committee and Planning Commission recommended approval.

Councilman Davis asked if these two items are being approved together.

Junior Baker replied yes.

Mayor Andersen invited any public comment.

There was no public comment.

Councilman Leifson made a **Motion** to move out of Public Hearing.

Councilman Davis **Seconded** and the motion **Passed** all in favor at 6:27p.m.

There was some discussion about the process decision of the Annexation & Preliminary Plat.

Greg Magleby, with LEI Engineering, walked through the plat that is being presented. One change is that Nebo School District has made an offer for 24 acres to build a junior high school.

Councilman Nielson asked for Mr. Magleby to talk about the phasing.

Councilman Dart asked for an update on the issues with SESD.

Greg Magleby said the problem is still ongoing but moving forward. The issue is who owns some of the lines.

Councilman Leifson asked if there could be more parking added to Park #1.

Greg Magleby replied that this item was just discussed last night, but he does not see a problem.

Councilman Davis expressed his opinion of the design guidelines. He prefers staying with the 5'/10' side lots, not 5'/5'.

Greg Magleby said that we were just trying to have the flexibility from the smaller homes and the larger homes.

Councilman Leifson expressed that this is why we want to have these details so when we are not here later there are not questions of standards.

Dave Oyler asked the council if they had specific questions for city staff regarding utilities, parks, etc.

Mayor Andersen asked Mr. Magleby to comment on the 400 North and Slant Road negotiations.

Greg Magleby stated that within the first three phases 400 North and Slant Road would be widened and improved. Slant Road would be completely rebuilt once the sewer line goes in.

Councilman Leifson said he has spoken with city staff about this project and thinks this is going to be great.

Dave Oyler presented the agreement that has the phasing plan. He wants to make sure that there are no further questions.

Junior Baker stated that each time Legacy Farms is ready to start a phase a final plat will have to be presented for approval. Mr. Baker highlighted on the zoning, density bonus, and some of the minimum requirements for setbacks.

Discussion took place about the home requirements.

Junior Baker stated that Legacy will be reimbursed for oversized utility lines, the additional 13 feet of land cost in the major street, the storm drain basin in the northwest corner, and the improvements in the storm water basin in Park #2 from impact fees that the city collects as they

are presented. We have agreed that instead of tying up our utility capacity we will reserve it at the final plat.

Dale Robinson noted the amenities in park #1 were not upgraded when the two of the three parks were combined. Now that park #1 is larger we would like to switch the amenities at the two parks. This would put the larger amenities at the larger park.

Greg Magleby said that would just be moving chips around the board, it should not be a problem.

Councilman Scoubes asked about the City side of phasing. For example: when will the City phase in public safety to accommodate this development.

Dave Oyler stated that the land has been purchased for the future fire station in that area. And we do not know when that station would start construction. That would be a future decision.

Mayor expressed his support for this project.

Councilman Leifson made a **Motion** to approve the Legacy Farms Annexation with the following zoning in the area planned for development: Commercial 2, R-3, R-1-15, R-1-12; the remaining will be A-1 and with the condition that the Annexation Agreement be executed.

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

Councilman Nielson made a **Motion** to accept and authorize the Mayor to sign the Legacy Farms Annexation and Development Agreement with the inclusion of the amenities of Park #2 is moved to Park #1 and constructed in the phasing plan with Park #1.

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

Councilman Dart made a **Motion** to approve the Legacy Farms Preliminary Plat with the following conditions:

1. *That the applicant enter into an Annexation Agreement that incorporates a phasing plan and design guidelines.*
2. *That the applicant make any redline changes as indicated by the City Surveyor and Engineering Department.*
3. *That the applicant pay to the City the initial dollar amount that SESD gave to the applicant for the buyout realizing that the figure may change up or down.*
4. *That a decision be made on what needs to be done on RD6.*

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

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting - September 23, 2010
- b. Spanish Fork River Bottoms Trail System Bridge Construction Contract
- c. Expressway Lane to Chappel Drive Waterline Upgrade Change Order #1
- d. North Park connector Trail Change Order #3

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

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

NEW BUSINESS:

Cut Bridge RFP Contract

Chris Thompson presented the Cut Bridge RFP. Currently, the bridge does not meet clearance standards for Union Pacific Railroad. For this bid, the applicants may submit their RFP for widening or to rebuild the bridge.

Councilman Davis made a **Motion** to approve the Cut Bridge RFP Contract.
Councilman Dart **Seconded** and the motion **Passed** all in favor.

Consideration of acceptance of Movie Gallery Bankruptcy Plan

Junior Baker stated that this bankruptcy is from Movie Gallery (Hollywood Video) who owes the City approximately \$1,600.00 in utility bills. The plan is a liquidation plan which will return very little to the City, but the alternative is to receive nothing. I recommend the council authorize the Mayor to vote for this plan.

Councilman Nielson made a **Motion** to accept and authorize the Mayor to vote for the Movie Gallery Bankruptcy Plan.

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

Councilman Leifson made a **Motion** to adjourn to Closed Session to discuss Land Acquisition and Potential Litigation.

Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 8:22 p.m.

ADJOURN:

ADOPTED: October 19, 2010

Re-Adopted: July 19, 2011

Angie Warner, Deputy Recorder