

**Adopted Minutes  
Spanish Fork City Council Meeting  
November 16, 2010**

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

Staff Present: 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; Dee Rosenbaum, Public Safety Director; Angie Warner, Deputy Recorder.

Citizens Present: Richard Harris, Kathy Olsen, Bob Clark, Dustin Street, Casey Pratt Dennis Wilkinson, Matt Stewart, Brian Cole, John Dorny, Greg Magleby, Brian Gabler, Bunny Skyy, Cyndi Cerenzie, Larry Cerenzie, John Baadsgaard, Colton Bingham, Wyatt Haycock, Trint Pierce, Richard Thomas, Kyle Poppleton, Chris Nichols, Cary Hanks, James "Jim" Elliott, Chris Salisbury, Gordon Crane, Alan Sevy, Troy Richins, Steve Rawlings, Reed Smith, Jake Argyle, Taylor Oldroyd, Nichole Weiss, Jessica Weiss, Colby Stoker.

Councilman Leifson made a **motion** to **adjourn** to Closed Session to discuss Personnel. Councilman Dart **seconded** and the motion **passed** all in favor at 4:30 p.m.

Councilman Dart made a **motion** to move into City Council Meeting. Councilman Davis **seconded** and the motion **passed** all in favor at 5:50 p.m.

**CALL TO ORDER, PLEDGE, RECOGNITION:**

Mayor Andersen called the meeting to order at 5:55 p.m.

Councilman Scoubes led in the pledge of allegiance.

**PUBLIC COMMENTS:**

Mayor Anderson opened up for public comments from citizens .

Carie Hanks

Ms. Hanks, Director of the Chamber of Commerce invited everyone to attend the light parade. She also said there would be a sack lunch lecture on Thursday in the Council room at 12 noon and a luncheon meeting on Friday at the High Chapparal, 12 noon, cost is \$8.

**COUNCIL COMMENTS:**

Councilman Nelson had no comments. Councilman Davis had no comments

Councilman Leifson gave a 'shout out' to City employees. He explained that his brother was in town trimming trees and had a pile of limbs. A City crew came by and asked if they could haul them away. He express his thanks to the City employees for the great job they do.

Councilman Dart said that the library would be accepting food, in place of fines, until the 24<sup>th</sup> of the month. He encouraged residents to take of advantage of the food drive.

Councilman Scoubes reminded the citizens that on the 20<sup>th</sup> of the month there would be a performance at the American Legion building at 2 p.m.

Mayor Andersen reported that things were heating up in preparation for the State Legislature to convene again in January of 2011. He said that the items the City would be following were the spice legislation law, forms of government, alcohol reform, water and land use.

### CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting - November 2, 2010
- b. Sterling Drive Sidewalks, Curb & Gutter Change Order

Councilman Leifson made a **motion** to **approve** the consent items.  
Councilman Nelson **seconded** and the motion **passed** all in favor.

### NEW BUSINESS:

#### **Todd Graham Shade Tree Commission Appointment**

Mayor Andersen recommended that Todd Graham be appointed to the Shade Tree Commission.

Councilman Dart made a **motion** to **approve** the Mayor's appointment of Todd Graham to the Shade Tree Commission. Councilman Davis **seconded** and the motion **passed** all in favor.

#### **Upper Crab Creek Trunkline Contracts – Richard Heap**

Chris Thompson explained that as he looked into the Water Master Plan that it shows a need for a water line in this area. He said it would be best to install this line at the same time as the spring pipe. He further explained that the land had already been acquired and no easements would be required. He said he would need the Council to approve the engineering and contractor to install the line.

Councilman Leifson made a **Motion** to **approve** the Upper Crab Creek Trunkline Contracts.  
Councilman Dart **Seconded** and the motion **Passed** all in favor.

Richard Heaps explained that every year a meeting is held by Flood Plain and Storm Drain officials. He said that this year Spanish Fork City was awarded and he just wanted to let the public know that our employees are doing a good job. He said that they only handed out one award this year and it was to Spanish Fork City.

Mr. Baker explained that City staff had legally noticed, for the agenda, the Capital Facilities Plan and Impact Fees. Since that notice, City staff had heard concerns from home builders and developers and because of their concerns decided to cancel the public hearing on the Impact Fees in order to enter into dialogue with the home builders. He said that City staff had appropriately noticed the information. He explained the plan to proceed with the public hearing on the Capital Facilities. He said there were four that we would be addressing: electric, recreation, public safety and streets. He turned the time over to Comlink, who did the study on the electrical system, to explain the Electric, then Horrocks Engineering on the Streets, Dale Robinson the Director of Parks and Recreation to discuss Recreation and that he would be filling in for Chief Rosenbaum, who was not present, to discuss the Public Safety.

Councilman Nelson made a **motion** to move into Public Hearing to discuss Ordinance #22-10 Capital Facilities Plan/Impact Fee Enactment – Electric, Recreation, Public Safety & Streets. Councilman Davis **seconded** and the motion **passed** all in favor at 6:11 p.m.

### PUBLIC HEARING:

Dennis Wilkinson from ComLink Engineering presented the Council with the information on the electric facilities. He explained how new facilities are determined and that they follow standard industry practice. He identified what facilities would need to be added with growth. He explained what new facilities were and identified them.

Councilman Nelson asked if Spanish Fork City was in a panic for new electric facilities. Mr. Wilkinson explained that the City had planned well and were not in a 'panic' situation.

Mr. Oyler said that all of the documents were available on the City's webpage.

Mayor Anderson expressed that it was the responsibility of the City to try and take the 'crystal ball' approach to try and plan what might happen in the future. The City hired people to help them master plan. The master plan identifies the need and the capital facilities addresses when they need to be implemented.

Ron Mortimer

Mr. Mortimer from Horrocks Engineering presented that the Transportation Master Plan was on a five year increment regarding the projects that would need to be constructed. He said the documents would need to be updated every 3 years. He explained it covered a broad prospective of time. He used the overhead to explain the funding sources.

Dale Robinson

Mr. Robinson, Spanish Fork City's Parks and Recreation Director briefly reviewed the Recreation and Trails Master Plan document that identifies our level of service and how to maintain the level of service. He said it was done in 2007 by Landmark Design and Lewis, Roberts & Burningham. The City Council adopted the document in 2008 and had been following it. The facilities portion deals with mainly parks and trails and explained how many current parks there were in the City and what the goals were. He also discussed a study that his department conducted and that the study showed that residents utilized parks that were close to them and within walking distance.

Half of the residents were utilizing the trail system which was minimal but priority brought out by the study was that they wanted the trail system to connect and be a transportation system.

Councilman Nelson asked how our acreage compares to other City's. Mr. Robinson said we were following a national standard.

Mr. Baker presented how many officers there were per our population. He then explained. We had dropped officers but to maintain our level of service that we needed a place for them to work from. He furthered explained Spanish Fork City's portion of the new Public Safety building and how there were empty spaces so we can grow into the building. Forty-three percent covers current use of the building and fifty-seven percent covers future need. They anticipate that the building will have a life span of more than 20 years. Total cost was just under 8 million dollars the portion for growth is just over 4 million. He then explained the Fire protection rating that determines fire insurance. He said that the lowest grading we can get without having a full time fire department was the need to be 5 road miles of each fire station. He said the City was not far from being outside of that range and the insurance cost could be substantially higher for our citizens. He said that the City had purchased property for a future electrical sub station and fire station and that we would need a new station by 2015. Councilman Nelson asked what the national standard was and Mr. Baker explained.

Mayor Anderson invited public comment and asked that people refrain from commenting on impact fees.

Trent Pierce

Mr. Pierce asked if the master plan was on the website.

Councilman Scoubes explained were you would need to go on the City's website to view the master plans.

Bob Clark

Mr. Clark expressed his frustrated with the City maintaining an existing level of service because he felt, due to the economy, that the public could not afford to pay to maintain the same level of service. He suggested that the Council discuss ways to figure out where you can increase but also decrease.

Greg Magleby

Mr. Magleby asked if the impact fee study would be entering into capital facilities. He expressed that he felt the bar had been raised with regard to development yet the economy could not sustain that level.

Mayor Anderson explained City processes and the need for everyone to shoulder responsible by participating in the entire process and not waiting until the last second and then get all emotional. He said that the City was trying to be responsible in how they spend the citizen's money and the level of service we provide. He said he will look forward to a partnership in coming together on these studies. Councilman Davis said the City has always had committees and experts before decisions are made.

Mr. Oyler explained how the recreation master plan was put together and that there was input from a lot of citizens as well as many open houses so citizens could participate.

Casey Pratt

Mr. Pratt said he was a contractor who had performed work in the City. He said that the City had a huge opportunity in this economy to have a positive affect. He expressed he felt that the City did not need to model after other City's but look at what our city needs. Councilman Nelson told Mr. Pratt that Spanish Fork City did not hire new Police Officers.

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

Councilman Dart **Seconded** and the motion **Passed** all in favor at 6:51 p.m.

Mr. Baker said they would start the dialogue in the next few weeks regarding the Impact fees. He explained that the Impact fees that were adopted in August would be suspended until the committee was finished. He said this meeting concluded the public hearing discussion for the Capital Facilities. He explained that the Capital Facilities was part of the General Plan but felt it would be wise to move them from the General Plan to there own document. He said he would prepare a binder containing all of them. He asked for a motion to adopt four plans into the booklet: electrical, streets, recreation and public safety.

Councilman Nelson made a **motion** to **approve** the Resolution #10-10 Adopting Capital/Impact Fees Facilities Plans for Electric, Recreation, Transportation, and Public Safety.

Councilman Davis **seconded** and the motion **passed** all in favor by a roll call vote.

Councilman Nelson made a **Motion** to **move** into Public Hearing to discuss Ordinance #23-10 Making Changes in Title 15 Concerning Accessory Structures, Fencing, Clear Vision Areas, and Organizational Changes. Councilman Leifson **seconded** and the motion **passed** all in favor at 6:58 p.m.

Mr. Anderson explained the ordinance combined all of the changes in one ordinance. The first set of changes involved changing the requirements for accessory structures. Primarily changes involve loosening our regulations for accessory structures on corner lots. People can construct them in areas where previously they were not allowed to. This change came about from resident Wann and the City had some changes as well. He said that staff feels that the proposed changes clarify the rules, are less subject to interpretation and more clear. The second set of changes is to consider changing the setback for what our ordinance defines as structures that are open on three sides. He explained that right now we require structures that are attached to the dwelling to meet the same setbacks of the structure; which is a 10-foot setback from the property line. He said this change was initiated by a citizen. He explained the last set of changes involves a clarification of our requirements for fencing. He said we regulate where fencing can be constructed if they are solid and six feet tall because they might obscure someone's vision on a neighboring property or corner. One other issue on fencing is that we do not require people to obtain a permit. He expressed that he felt there was some value in giving a resident an opportunity to come in and get written guarantee that the fence they are constructing meets the City's standards to avoid expense for a resident to remove a fence that does not meet the standards. He also said there was a change making all accessory structures obtain a permit and that the reasoning was so that residents, who invest a lot of money in the structure, will not be at risk with their investment if it needs to be moved.

Council discussion was held regarding permits.

Councilman Dart asked about the structure being behind the front wall plane of the house. And what did it mean. Mr. Anderson said behind the front of the house.

Mayor Anderson opened for public comment.

Kathy Olsen

Ms. Olsen said she sells carports and agreed with the permitting process. She explained she had a customer that did not meet the setbacks and asked if there was a way to take into consideration the lot that they are on.

Mr. Baker said as the ordinance is written that there is not an exception.

Mayor Anderson asked if there was a grandfather clause for structures that had already been there. Mr. Baker said that for repairs yes, but if they tear it down than no.

Larry Cerenzie

Mr. Cerenzie said he is directly affected and asked that the changes be adopted. He explained his situation and that the new setbacks would be a benefit to him. Allow him to keep his house protected.

Discussion was held regarding building height meeting setback requirements.

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

Councilman Dart **seconded** and the motion **passed** all in favor at 7:21 p.m.

Councilman Scoubes asked about relocation if the structure is over an easement and asked if there was a grandfather clause.

Mr. Anderson said that accessory structures built on a utility easement would be at the owner's expense if the structure had to be moved and that with the additional language in the code that we were just putting people on notice for what is already in place.

Councilman Scoubes asked the change meant with regard to 'structures are architecturally compatible'. Mr. Anderson said he spent time talking about a good way to measure whether or not the building fits ascetically. He explained that Bryon Wann built a building to the property line on a corner lot and that he built the accessory structure with the same roof pitch and materials as the primary structure on the lot but contrast that with another resident that had a fluorescent accessory structure which would not be okay. Councilman Scoubes asked about tree planting and if there was a time allowance regarding clear vision for trees to mature. Mr. Anderson said that he felt with a young tree you could still have a corridor and exercise reason.

Councilman Davis expressed that he felt everyone should have the right to build a structure on there property and feels that there should be uniformity. He said that the ordinance would help people with buildings and protect neighborhoods. He said he thought it was a good idea to get a permit than staff could tell you what was required.

Councilman Scoubes asked about enforcement on accessory structures. Mr. Baker said they would be given time to comply.

Councilman Dart made a **motion** to **approve** the Ordinance #23-10 Making Changes in Title 15 Concerning Accessory Structures, Fencing, Clear Vision Areas, and Organizational Changes. Councilman Leifson **seconded** and the motion **passed** all in favor by a roll call vote.

**ADJOURN:** Councilman Davis moved to adjourn. Councilman Scoubes seconded and the meeting adjourned at 7:37 p.m.

ADOPTED: December 7, 2010

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Shelley Hendrickson, Planning Secretary