

**Adopted Minutes
Spanish Fork City Council Meeting
September 18, 2012**

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

Staff Present: David Oyler, City Manager; Jason Sant, Assistant City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Chris Thompson, Public Works Director; Dale Robinson, Parks & Recreation Director; Kent Clark City Recorder/Finance Director; Steve Adams, Public Safety Director; Angie Warner, Deputy Recorder; Kelly Peterson, Electric Superintendent; Bill Bushman, Buildings & Grounds Maintenance Supervisor.

Citizens Present: Efren Bedolla, Blanca Sandoval, Richard T. Banks, Branden Kirk, Anthony Powell, Robyn Miller, Janalee Sermersheim, Colton Sermersheim, Todd Sermersheim, Creed Sermersheim, Jennifer Braithwaite, Clayton Ross, Susan Hayes Geduld, Brenda Messer, Jacob Atkinson.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Jacob Atkinson led in the pledge of allegiance.

PUBLIC COMMENTS:

Agenda Request - Bob Zahrt, Kiwanis Club

Mr. Zahrt said in 1921 the Spanish Fork Kiwanis Club was established. Mr. Zahrt read the objectives of the Kiwanis Club and what they stand for.

Colton Sermersheim said has been involved with the tennis recreation league for many years. There is an issue that has been happening at the courts for about a year. This gentleman has a business that teaches tennis lessons and is renting courts at the Spanish Fork facilities. He is reserving two courts at the indoor and outdoor courts at prime hours of the day and Saturday mornings. Our membership fees have not changed, but the availability for court times have been cut down drastically. When you pay your fee for a membership at the indoor courts you receive a key & pass, which none of his students have.

Mayor Andersen said we will have a meeting with staff and talk to some citizens and come to a conclusion.

Jennifer Braithwaite said her daughter plays tennis in Spanish Fork Recreation. She agrees with what Mr. Sermersheim presented. Ms. Braithwaite asked the council to get some feedback from the public that use the tennis facilities.

Clayton Ross said he plays at the indoor facility in the mornings. They appreciate being able to use the facility and the low fees. Mr. Ross commented that the gentleman taking up the public time on the courts to make money is not right. He asked the City to find a solution or other options.

Richard Banks commented how great the planter boxes look on Main Street.

COUNCIL COMMENTS:

Councilman Gordon reminded the citizens of the Farmer's Market on Saturday mornings and this Saturday will include the business fair.

Councilman Davis said the Aero planes, Trains & Automobiles event at the airport was great. They plan to have the event again in 2 years. The airport will be starting the construction for the expansion for the runway soon. Councilman Davis said last week the council and staff went to the ULCT conference to attend meetings and trainings.

Councilman Dart reminded the public that September is National Library Card Signup Month.

Councilman Scoubes reminded the public that this Saturday is the Harvest Moon Hoorah from 3-9pm at the City Park. There will be entertainment, booths, food and activities for all ages. Most things are free but some might have a fee.

Mayor Andersen met with the legislative policy committee that includes other city council and staff. They get together to discuss legislative items that will or might come up relating to cities.

SPANISH FORK 101: Dale Robinson, Parks & Recreation Director

Mr. Robinson said he just found out about the tennis issue a couple hours ago. Staff is working on the issue. Mr. Robinson thanked the citizen's for the information and staff will find a solution.

Mr. Robinson said Mr. Bill Bushman does the work for a grant that saves the city a lot of money. Mr. Robinson turned the time over to Mr. Bushman for a presentation.

Mr. Bushman gave a presentation on energy efficient projects for the buildings and grounds for Spanish Fork City.

Kelly Peterson gave a presentation on the electrical energy efficient projects.

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – September 4, 2012
- b. Fairgrounds Arena Priefert Ranch Equipment Change Order Ratification
- c. NRCS Emergency Watershed Protection (EWP) Program Amendment 4
- d. IHI Environmental Master Services Agreement

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

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

PUBLIC HEARING:

Proposed Amendment to Title 15 – This proposal would make churches a Conditional Use in the Commercial Downtown Zone.

Dave Anderson said that right now the Commercial Downtown Zone does not allow churches. This proposal tonight is to add churches to the list. The Commercial Downtown Zone runs from 100 North to 400 North. The Development Review Committee and Planning Commission

recommend approval.

Councilman Gordon made a **Motion** to move into Public Hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:07 p.m.

Mayor Andersen welcomed any public comment.

Brandon Kirk said he is requesting the change because the smaller churches do not have the funding to build so they usually find current buildings to rent or buy.

Susan Hayes owner of the Prim Rose building and would love to have this approved so she can sell her building to the church.

Councilman Dart made a **Motion** to move out of Public Hearing.
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:12 p.m.

Councilman Scoubes asked to clarify the area for the change.

Mr. Anderson showed on a map from 100 North to 400 North.

It was clarified that this item is not related to the Prim Rose Retreat building that Ms. Hayes commented. That is another item on the agenda.

Councilman Davis made a **Motion** to **approve** Ordinance #12-12 Making Text Amendments to the Commercial Downtown Zone making Churches a Conditional Use.
Councilman Leifson **Seconded** and the motion **Passed** all in favor with a roll call vote.

Proposed Zone Change – This proposal would change the zoning of a property located at approximately 900 North Expressway Lane from Shopping Center to Commercial 2.

Dave Anderson said this facility has been a roller skating rink, then a spa retreat. It is located in the Shopping Center zone and the request is to change it to Commercial 2 to be able to have a church at this location. The Development Review Committee and Planning Commission recommend approval.

Mr. Anderson said the Planning Commission suggested changing the zoning for the Wendy's as well. Staff will present that item at a future council meeting.

Councilman Scoubes made a **Motion** to move into Public Hearing.
Councilman Davis **Seconded** and the motion **Passed** all in favor at 7:21 p.m.

Mayor Andersen welcomed any public comment.

There was none.

Councilman Leifson made a **Motion** to move out of Public Hearing.
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:22 p.m.

Councilman Davis made a **Motion** to **approve** the Efren Bedolla Zone Change located at approximately 900 North Expressway Lane from Shopping Center to Commercial 2.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor with a roll call vote.

Proposed Amendment to Title 15 – This proposal would make a variety of changes that have been proposed by the City’s Engineering Department.

Chris Thompson said staff has added to Title 15 that new development will need to have a 50 foot easement along the river so staff is able to have access in emergency situations. Staff has also made other minor clean up changes in Title 15.

Dave Oyler pointed out on the map some areas along the river that have the 50 feet or more, where staff were able to access for flood control. This will also help provide adequate room for the equestrian trail in the future.

Dave Anderson said this is a 50 foot requirement from the bank. The City would compensate the land owner for the easement in some way.

Dale Robinson said staff has done research and the Provo River Trail has some issues now and does not have enough land in some spots to access the river. The Spanish Fork River Trail is very popular and is growing; we may need that footage in the future.

Councilman Leifson made a **Motion** to move into Public Hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:33 p.m.

Mayor Andersen welcomed any public comment.

There was none.

Councilman Davis made a **Motion** to move out of Public Hearing.
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 7:34 p.m.

Mayor Andersen commented that asking a property owner to just give up 50 foot easement does not seem right.

Councilman Davis asked if the footage is on both sides of the river.

Chris Thompson said yes they are requesting it on both sides. But only have the trail on one side.

Mr. Oyler reminded everyone of the flooding two years ago. Staff needs to be able to have access on both sides for flood control.

Discussion took place regarding the footage requirement.

Councilman Davis suggested 30 feet on both sides.

Mr. Oyler suggested 50 on the trail side, and less on the other side.

Mr. Thompson said 35 ft is adequate for flood control, but the 50 ft would give more room for future development.

Councilman Scoubes asked about public safety along the river trail. Is there graffiti or damage to the fences that border the trail; litter.

Chief Adams said that there is an advantage to have the open area around the trail so the public can see clearly around them.

Councilman Scoubes agrees to have a wider open area for the trails.

Councilman Dart thinks the footage could be less than the 50 feet.

Mayor Andersen commented to have equal footage on both sides.

Councilman Scoubes asked Mr. Thompson about clear vision for trees in Title 15. It says 14 feet for park strip trees; that seems high.

Mr. Thompson clarified that that footage is from the street up so tree limbs do not overhang in the street where they could be hit by vehicles.

Councilman Leifson made a **Motion** to **approve** the Amendments to Title 15 with a change of 40 Foot Easement on both sides of the river with the necessary changes to the tree standards discussed.

Councilman Dart **Seconded** and the motion **Passed** all in favor with a roll call vote.

NEW BUSINESS:

Proposed Skyline Preliminary Plat – This proposal would provide for the subdivision of an 80-acre site into 11 lots. The property is located at approximately 3400 North Main Street.

Dave Anderson said this property is an illegal subdivision. Years ago a property owner took the 80 acre property to Utah County and had it divided into 11 lots. This is a plan for future development so there could be amendments in the future. The Development Review Committee and Planning Commission recommend approval with the condition for a right-of way.

Mayor Andersen asked if there are any wetlands issues.

Mr. Anderson said if this is approved tonight then the applicant can have the area checked for wetlands.

Councilman Gordon made a **Motion** to **approve** the proposed Skyline Preliminary Plat with the following condition:

- 1. That the applicant modifies the plat as needed to include any planned right-of-way along the western boundary.*

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

ADJOURN:

Councilman Dart made a **Motion** to **adjourn**.

Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 8:29 p.m.

ADOPTED: October 2, 2012

Angie Warner, Deputy Recorder