

**Adopted Minutes
Spanish Fork City Council Meeting
April 2, 2013**

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

Staff Present: David Oyler, City Manager; Junior Baker, City Attorney; Seth Perrins, Assistant City Manager; Dave Anderson; Community Development Director; Jered Johnson, Engineering Division Manager; Steve Adams, Public Safety Director; John Bowcut, IS Director; Angie Warner, Deputy Recorder; Don Thomas, Emergency Preparedness Officer.

Citizens Present: Tristan Buchanan, Benjamin Chidester, Rayce Tanner, Marden Pace, Iralee Pace, Travis Wilson, Brett McInelly, Nathan Roberts, Amy Roberts, Deann Sandage, JoseAnn Engle, Lana Creer Harris, Lynn Rindlisbacher, Cary Hanks, David Peterson, Jeff Yates, Kena Mathews, Bob Tandler, Rick McBride, Johnny McCoy, Doris Rusan, Krisel Travis, Hayden Nielsen.

CALL TO ORDER, PLEDGE, RECOGNITION:

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

Rayce Tanner led in the pledge of allegiance.

PUBLIC COMMENTS:

Agenda Request – Iralee Pace, Residential Kennel Permit Restrictions on Unaltered Animals

Iralee Pace asked the City Council to consider changing Title 6 of the City Code animals. Ms. Pace read the section regarding the number of unaltered animals at a home. Ms. Pace is requesting to have 4 unaltered animals for breeding purposes.

Mayor Andersen asked Ms. Pace to meet with Officer Mark Byers and City Planner Dave Anderson to see if a decision can be made to present back to the City Council for approval.

Cary Hanks Director Spanish Fork Salem Chamber of Commerce thanked the City Council for their support at the Easter Egg Hunt.

COUNCIL COMMENTS:

Councilman Gordon said the Youth City Council attended Utah State University for a conference where they won some individual awards. Councilman Gordon congratulated Katina Burt who was crowned Miss Spanish Fork.

Councilman Leifson said the City Council attended the UMPA conference, which was very informative and successful.

Councilman Dart said a few of the City Council attended the Parks and Recreation Conference. At the awards banquet Spanish Fork City received the "Outstanding Facility" for the new rodeo arena. Also there, city employee Bronco Hunter received a scholarship to further his education.

Councilman Scoubes gave an update from the solid waste board.

SPANISH FORK 101: Don Thomas – Great Utah Shakeout

CONSENT ITEMS:

- a. Minutes of Spanish Fork City Council Meeting – March 5, 2013
- b. Spanish Fork River Trail MAG Grant, Federal Aid Agreement
- c. Center Street 1150 East to US 6 MAG Grant, Federal Aid Agreement
- d. 200 East Center Street to 900 North Water Replacement Project, Change Order 4
- e. Powerhouse Road Diversion Line, Change Order 1

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

PUBLIC HEARING:

Donation in the form of a Fee Waiver for the Daughters of Utah Pioneers for installation & monthly SFCN Internet usage for the Memorial Building at 400 North Main Street.

Lana Creer Harris, representing the DUP asked the City Council to waive the fees for internet hookup and monthly service fees to have internet at the DUP museum. The DUP is creating a website for the public to be able to see what the museum has and also to be able to sell copies of historic photos. Ms. Harris has spoken with SFCN and they said they could do this if the Council approved it. Ms. Harris said they would like their website up and ready before Fiesta Days.

Councilman Dart made a **Motion** to move into Public Hearing.
Councilman Gordon **Seconded** and the motion **Passed** all in favor at 6:39p.m.

Mayor Andersen welcomed any public comment.

There was none.

Councilman Dart made a **Motion** to move out of Public Hearing.
Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 6:40p.m.

Councilman Gordon asked Mr. Bowcut the cost for installation & monthly internet.

John Bowcut said the business fee is \$55 per month and no installation costs.

Councilman Leifson commented that it would be a good thing.

Councilman Leifson made a **Motion** to **approve** the Donation in the form of a Fee Waiver for the Daughters of Utah Pioneers for installation & monthly SFCN Internet usage for the DUP at the Memorial Building at 400 North Main Street.

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

Councilman Scoubes made a **Motion** to move into Public Hearing to discuss a zone change.
Councilman Leifson **Seconded** and the motion **Passed** all in favor at 6:43p.m.

Zone Change for property located at approximately 1500 North State Road 51. The proposal would change the zoning from Rural Residential to R-1-6 on approximately 44 acres. & Proposed Meadow Creek Preliminary Plat – This proposal would create 191 lots located on approximately 44 acres in the vicinity of 1500 North State Road 51

Dave Anderson said this proposal is located at approximately 1500 North State Road 51 and is on both sides of the road. The request is to change from Rural Residential to R-1-6. A road will be constructed in the future on the south of this development. If the City Council approves the zone change then the next item to discuss is the preliminary plat for this proposed subdivision. Staff, Development Review Committee and Planning Commission recommends approval of the zone change.

Dave Anderson said that when this property was annexed years ago, there was an issue with a buyout of Springville power in the area. This issue would have to be resolved before the property is developed. Staff, Development Review Committee and Planning Commission recommends approval of the preliminary plat.

Mayor Andersen welcomed any public comment.

There was none.

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

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

Councilman Scoubes asked if there are requirements or restrictions regarding wetlands, green space, or pollutants.

Dave Anderson said a while ago there was testing performed throughout the area. Nothing was found and there are no park requirements in the development.

Lynn Rindlisbacher said they acquired the property from the Forbush family. Mr. Rindlisbacher has not had any environmental testing done because the property has been farmed for years and he did not have any concerns.

Councilman Gordon made a **Motion** to **approve** the Zone Change for property located at approximately 1500 North State Road 51, changing the zoning from Rural Residential to R-1-6 on approximately 44 acres.

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

Mr. Rindlisbacher said he does not understand all of the Springville power issue, his attorney is going to meet with Mr. Baker. Mr. Rindlisbacher said regarding the offsite sewer geotechnical report that is still 1-2 weeks away.

Councilman Dart made a **Motion** to **approve** the Proposed Meadow Creek Preliminary Plat that would create 191 lots located on approximately 44 acres in the vicinity of 1500 North State Road 51 with the condition that the Springville Power issue be resolved.

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

NEW BUSINESS:

Fritzi Realty Contract Addendum

Junior Baker said the Fritzi Contract was an item on the last meeting agenda and Mr. Tandler was not present so the matter was continued. Mr. Baker, the Mayor and Mr. Tandler have had many meetings via phone to make this contract work. Mr. Baker reviewed the amendments to the contract.

1. *Section 4 of the Site Plan Phasing Agreement is stricken and replaced with the following:*

4. OWNER'S RESPONSIBILITY.

- 4.1 All required improvements, as shown on the approved site plan, shall be constructed by Owner within the time frame allowed herein.
- 4.2 The Site upgrade shall take place in four phases. The first phase shall consist of 75,000 square feet of space within the building which can be made available for use by Owner or one or more tenants. Owner may designate the 75,000 square feet to be in Phase 1. That designation may take place all at once, or in segments, as the Owner has opportunity to use various portions of the building. The second phase shall consist of an additional 35,000 square feet of space within the building which can be made available for use by Owner, or one or more tenants. Developer may designate the 35,000 square feet to be in Phase 2. That designation may take place all at once, or in segments, as the Owner has opportunity to use various portions of the building. The third phase shall consist of an additional 50,000 square feet of space within the building which can be made available for use by Owner, or one or more tenants. Developer may designate the 50,000 square feet to be in Phase 3. The fourth phase consists of usage of the balance of the square footage of the building, consisting of approximately 50,000 square feet.
- 4.3 The improvements required to be installed with Phase 1 are electrical upgrades to the entire building to satisfy life and safety concerns under the Fire Code and electrical upgrades to the portion of the building to be used to meet the needs of Owner and/or its tenant(s). In addition thereto, Owner will contribute to City the sum of \$30,000 which City will use, in conjunction with its standard streets maintenance program, to install curb and gutter along Cal-Pac Avenue along the frontage of Owner's property, together with installation of asphalt between the curb and existing asphalt, overlay the existing asphalt, modify the end of Cal-Pac Avenue to align at a 90 degree angle with Arrowhead Trail, and place a storm drain pipe under Cal-Pac Avenue near the north end of Owner's property. The obligation required with Phase 2 shall require Owner contributing to City the sum of \$20,000. City will use the funds to add sidewalk and landscaping in Cal-Pac Avenue along the frontage of Owner's property. The improvements required to be installed with Phase 3 include the improvements along Arrowhead Trail as shown on the site plan. The improvements required in Phase 4 are the balance of the improvements required in Cal-Pac Avenue, including installing an eight inch pressurized irrigation line and a fifteen inch storm drain line in the east side of the street in the current shoulder, a masonry wall between Owner's property and residential properties on the south and west as shown on the site plan, unless plans have been submitted to convert the current zoning and usage to residential, in which event, no walls will be required, and other improvements required by City's Ordinances which are not yet installed.
- 4.4 Any usage of the building beyond 75,000 square feet will trigger the Phase 2 improvements. Any usage of the building beyond 110,000 square feet will trigger the Phase 3 improvements. Any usage of the building beyond 160,000 square feet will trigger the phase 4 improvements.

2. INTEGRATION.

- 2.1 In all other respects, and except as specifically set forth herein, the aforesaid Agreement shall be in full force and effect without any change or amendment
- 2.2 This Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which together shall comprise but a single instrument.

3. COOPERATION.

- 3.1 The Parties shall cooperate together, take such additional actions, sign such additional documentation, and provide such additional information as is reasonably necessary to accomplish the objectives set forth herein.
- 3.2 In the event of any conflict between the terms of this Agreement and those of any document referred to herein, this document shall govern.

Mr. Tandler apologized for not being at the last meeting. Also, for forgetting the masonry wall; the residents did not want it so he just forgot about it. When Habitat for Humanity approached him, they thought it would be a great thing for the community.

Councilman Leifson asked if Fritz is in agreement with the cash contribution and the proposed contract.

Mr. Tandler replied yes, he has worked with staff to come to this agreement.

Mayor Andersen commented that he is glad that it was worked out and the improvements will be great.

Councilman Scoubes gave explanation that at the last meeting the city did not want to discuss the addendum to the contract with Habitat for Humanity because they are not the owner.

Mr. Oyler reminded Mr. Tandler that whoever moves into the building needs to follow the business regulations of the city.

Mr. Tandler said that it is already in the contract.

Councilman Leifson made a **Motion to approve** the Fritzi Realty Contract Addendum. Councilman Scoubes **Seconded** and the motion **Passed** all in favor.

Proposed McInelly Preliminary Plat – The proposal would create two lots at approximately 3000 East Spanish Oaks Drive on a 3.6 acre parcel

Dave Anderson said the property is zoned R-1-9. The two lots would share one driveway onto Spanish Oaks Drive and each of the lots exceeds 9,000 square feet. Development Review Committee and Planning Commission recommend approval.

Councilman Gordon made a **Motion to approve** the Proposed McInelly Preliminary Plat – creating two lots at approximately 3000 East Spanish Oaks Drive on a 3.6 acre parcel.

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

Proposed West Gate Manor Preliminary Plat – The proposal involves reapproving the existing West Gate Manor development to permit the completion of the last two phases

Dave Anderson said this property is located north of Spanish Fork High School. The preliminary plat has expired and needs reapproving to start over in the process. There are approximately 8-9 lots in the R-1-8 zone.

Councilman Dart made a **Motion to approve** the Proposed West Gate Manor Preliminary Plat – Reapproving the existing West Gate Manor development to permit the completion of the last two phases.

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

River Debris and Tree Removal Project, Change Order 1 & 2 to Extend Project to I-15 & through the Golf Course

Jered Johnson said the city received an NRCS grant and have not spent all of the money. Mr. Johnson pointed out on the map the extension to I-15 on the west side and through the Golf Course to Powerhouse Road on the east side that were added.

Councilman Leifson made a **Motion to approve** the River Debris and Tree Removal Project, Change Order 1 & 2 to Extend Project to I-15 & through the Golf Course.

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

ADJOURN:

Councilman Dart made a **Motion to adjourn** to Closed Session to discuss Sale of Property & Potential Litigation.

Councilman Scoubes **Seconded** and the motion **Passed** all in favor at 7:27p.m.

ADOPTED: April 16, 2013

Angie Warner, Deputy Recorder