

**Adopted Minutes  
Development Review Committee  
June 29, 2005**

The meeting was called to order at 10:05 a.m. by Richard Heap.

Staff Members Present: Richard Heap, Engineering/Public Works Director; Emil Pierson, Planning Director; David Oyer, City Manager; Christine Johnson, Assistant City Attorney; Richard Nielson, Assistant Public Works Director; Jeff Foster, Electric Department Superintendent; Shawn Jorgensen, Building Inspector; Ryan Bagley, Electric Department; Marvin Banks, Public Works Superintendent; Connie Swain, Deputy Recorder.

Citizens Present: Vic Deauvono, *DJ Elite Development*, Jerald B. Swenson, *West Fields Irrigation Co.*

**Minutes**

Mr. Pierson made a **motion** to table the minutes of the June 22, 2005 Development Review Committee meeting. Mr. Nielson **seconded** and the motion **passed** unanimously.

**Spanish Trails**

Mr. Pierson reviewed the conditions imposed by the Development Review Committee on April 27, 2005.

Mr. Pierson said Mr. Deauvono has met all of the conditions other than receiving a letter of approval from the irrigation company. The preliminary plat shows the trails, sewer easement, labeling of all parks and detention areas and the phasing plan. Mr. Pierson reviewed the phasing plan.

Mr. Nielson said the developer's engineer has indicated the irrigation pipe is to be removed between lots 11 through 26. Mr. Nielson said the pipe is to be relocated if needed and not removed.

Mr. Deauvono said they piped the irrigation ditch originally. They will not remove any piped irrigation ditches but may relocate them if needed.

Mr. Heap asked concerning the south ditch and Mill Race Canal.

Mr. Deauvono said he met with West Fields Irrigation Company and he also owns shares in the irrigation company. He said he is a ditch guy and a farmer and understands the importance of maintaining irrigation. There are ways to address ditches and allow them to be safe. Mill Race was never to be piped. He does not understand why they are demanding it be piped now. The ditch which runs adjacent to the ball fields is an open ditch.

Mr. Oyler said it is an overflow and not a ditch.

Mr. Deauvono said we talked with them about straightening the ditch. They had no objections to that. He said he also talked with Mr. Baker last week concerning liability. He also talked with Mr. Pierson concerning the still flow of the ditch and possibly widening the ditch. They also discussed possible walking bridges for the trail and a temporary trail consisting of gravel.

Mr. Pierson said they were brain storming to get the trail through now instead of waiting until the last phase. We can get the easement early but the location may not be determined at this time so a temporary trail could be constructed. The ditch may be moved or piped and the location of the trail may change.

Mr. Deauvono said they are not proposing to do the ditch work until the last phase of the development. He would like to start on the ditch work this fall once the watering season is over which is in mid-October. He feels they can get the ditch issues resolved within a year and a half including piping of the south ditch in the fall of 2006. That gives them the opportunity to watch the flow of the south ditch before piping to determine the pipe size needed. He said he also talked with Mr. Baker concerning possibly trading a corner of property for the ditch widening and straightening. By widening the ditch they can create a safe water feature that will still flow. They still want to put a fence up with the trail running along the fence instead of piping Mill Race.

Mr. Heap said the policy states the pipe size needed depends on size of the ditch.

Mr. Swenson said West Fields Irrigation Company is not comfortable with fencing the ditch due to safety and access issues. They want Mill Race to be piped.

Mr. Heap said the ditch is piped to the property.

Mr. Deauvono said the ditch is open all the way to the east.

Mr. Oyler said the ditch is open until it hits the Fairgrounds at which point it is piped.

Mr. Nielson said Roy Monk, the Water Master for West Fields Irrigation Company, said they need access points for cleaning the ditches.

Mr. Pierson said both of the Homeowners Associations have signed off on everything.

Mr. Nielson asked concerning the additional Homeowners Association.

Mr. Deauvono said there will be a Master Homeowners Association and a Sub Cottage Association who are responsible for the enforcement of keeping the grounds up and keeping up with the roads. Mr. Deauvono said the irrigation company claims liability concerns are the issue with an open ditch. He asked how many people are killed in open ditches around here.

Mr. Nielson said there are a few. The former Mayor lost a grandchild who drowned in an irrigation ditch.

Mr. Deauvono said in South Salt Lake last year two boys drowned in a covered ditch. Mr. Deauvono said his lawyer suggested having each homeowner sign a release of liability concerning the open ditch.

Mr. Nielson said the city does not own property south of Mill Race to be used for the realignment of Mill Race.

Mr. Heap said he cannot see shifting the ditch very far.

Mr. Deauvono said they just want to straighten out the ditch.

Mr. Banks said the canal company should hold some responsibility. He suggested building the trail over the piped canal.

Mr. Heap asked Mr. Swenson if the irrigation company would approve building the trail over the canal.

Mr. Swenson said they can look at that possibility. He said the trail would actually protect the piping from other things being built on it.

Mr. Deauvono said that the trail over the piped ditch is a great suggestion.

Mr. Heap said he can see maintenance issues with fencing the ditch.

Mr. Baum asked if there is any difference between this and the canal near the fairgrounds. We maintain the area and keep it clean.

Mr. Deauvono said there are many ways to make it look nice.

Ms. Johnson said the ditch is not on Mr. Deauvono's property and she is concerned with requiring piping of the ditch.

Mr. Heap pointed out the small portion of the ditch not on his property

Mr. Pierson asked if the city will pipe the remainder of the ditch.

Mr. Deauvono said things can be done to make the ditch aesthetically beautiful with fencing verses piping.

Mr. Oyler asked for the ditches that have been fenced in the last 10 years.

Mr. Nielson said none. He pointed out the ditches piped throughout the city.

Ms. Johnson said if all other developments are required to pipe ditches then we need to be consistent.

Mr. Pierson asked for size comparisons of other similar ditches in the city.

Mr. Deauvono said when he purchased the property from the city it stated what ditches were to be piped. It said nothing about Mill Race.

The development agreement was reviewed.

Mr. Deauvono asked if this could be similar to Wild Flower in which he could pay half of the cost.

Mr. Heap asked if the Finch ditch referred to in the development agreement is the south ditch.

Mr. Swenson concurred.

Mr. Pierson said Mr. Baker has reviewed the development agreement.

Mr. Oyler asked Mr. Deauvono if he would care if the ditch were piped if he did not have to pay for it.

Mr. Deauvono said the ditch could be more aesthetically beautiful if left open.

Mr. Oyler said it will be fenced with chain link.

Mr. Nielson said the canal company owns the ditch and they would have to approve any aesthetic changes to the ditch.

Mr. Oyler asked what if the canal company does not approve his design.

Mr. Deauvono said then he would have a problem.

Mr. Oyler said the written agreement is what we follow and not past discussions.

Mr. Deauvono said he is ready to proceed and will work with the city to make the best possible solution.

Mr. Nielson said a written letter from West Fields Irrigation Company stating their position should be received before proceeding to the Planning Commission and the City Council.

Mr. Deauvono said the ordinance states the ditch piping requirements.

Mr. Heap said the ordinance also states that it is still at the discretion of the City Council.

Mr. Pierson said we need to get cost estimates for the city to pipe a portion of the ditch.

Mr. Deauvono said the cost is \$100 a foot.

Mr. Pierson said we have 160 feet of ditch outside of the development area. Mr. Deauvono's section will cost approximately \$50,000 for the piping.

Mr. Deauvono said in South Jordan they had a small area not on the property and they took impact fees to help pay for costs associated with this area.

Mr. Oyler said it would be similar to a connector's agreement. He asked Mr. Deauvono what portion of the piping he is willing to pay for.

Mr. Deauvono committed to paying half of the piping costs for the portion which runs through his property.

Mr. Oyler said we need to discuss the possibility with Mr. Baker before adding this item to the Planning Commission agenda. He can contact Mr. Baker today. West Fields Irrigation Company wants the ditch to be piped. The decision to be made is who will pay for the piping. Mr. Deauvono has committed to pay for half of the piping. Mr. Oyler and Ms. Johnson were excused to contact Mr. Baker.

Mr. Oyler and Ms. Johnson returned.

Ms. Johnson made a **motion** to approve the Spanish Trials Preliminary Plat Amendment subject to the following conditions:

1. Construct the playground and landscaping as per the plans signed off by the Homeowners Association,
2. Provide a letter of approval for the piping of the ditch from West Fields Irrigation Company,
3. The developer is to pay 100 percent of the cost to pipe the small ditch and pay 50 percent of the cost to pipe the portion of the Mill Race Canal which runs through the development property,
4. Both the small ditch and Mill Race are to be piped by March 1, 2007
5. Provide an easement adequate for the trail and piped irrigation.

Mr. Oyler **seconded** and the motion **passed** unanimously.

Mr. Deauvono requested to be allowed to work or bid on the piping of the ditch and canal to insure the work is completed well.

### **Adjournment**

Mr. Nielson made a **motion** to adjourn. Mr. Banks **seconded**, the motion **passed** unanimously and the meeting adjourned at 11:15 a.m.