

**ADOPTED MINUTES
SPANISH FORK CITY COUNCIL MEETING
OCTOBER 21, 1992**

The meeting was called to order at 7 pm by Mayor Marie W. Huff. Mayor Huff lead the pledge of allegiance after announcing that today was the one hundredth anniversary for the writing of the pledge.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Jerald M. Chapple, Sheldon W. Gordon, Rex Woodhouse, and Clyde A. Swenson. Councilmember Kim H. Peterson arrived at 8 pm.

Staff Members Present: David A. Oyler, City Manager; Kent R. Clark, Finance Director/Recorder; Richard J. Heap, City Engineer/Public Works Director; Dee Rosenbaum,

Public Safety Director/Chief; Paul Larsen, Building Inspector; Junior Baker, Attorney; and Mary-Clare Maslyn, Administrative Assistant.

Citizens Present: John Smith, Ross Butler, Janet Reese, Juanita Huish, Jay Halverson, and Leann Moody, The Press; Daily Herald.

Minute Passage

Councilmember Swenson made a **motion** to accept the minutes of the October 7, 1992, regular session of the city council meeting. The **second** was made by Councilmember Woodhouse. The motion **passed** with a unanimous vote.

Susan Self - Recycling Program

Susan Self, citizen, and Reiner Dahl, Recycling Corporation of America, approached the council regarding recycling. Mr. Dahl's corporation is one of the largest recycling plants in the state. Ms. Self and Mr. Dahl proposed the city begin a small recycling center to be manned by volunteers or appointed city employees. They suggested bins for different items such as glass, paper, and plastic be placed at a central site or throughout the city. Mr. Dahl said recycling is becoming more important as economic and environmental factors are weighed. The recycling program revenue would cover the cost of the bins and program costs.

Councilmember Rex Woodhouse reviewed the past history of recycling in the community and also provided information on the transfer station. He suggested Mr. Dahl approach the solid waste district with a proposal.

Mayor Huff thanked Ms. Self and Mr. Dahl for their time and concern.

Bid - Parks Pick-Up Truck

Mr. Clark reviewed the bids for the parks pick-up. Councilmember Gordon made a **motion** to accept the bid of Barber Brothers (Dodge) for the amount of **\$13,406.70**. The **second** was

made by Councilmember Chapple. The motion **passed** with a unanimous vote. Other bids: Barber Brothers (Chevy) \$14,416.00; Smith Auto (Ford) \$14,690.00.

Additional Election Judges

Due to additional workers needed for counting ballots for the public transportation system question, the county has requested additional district judges for the election. (Districts 1, 5, and 7 will not need additional judges.) Councilmember Chapple made a **motion** to accept the voting judges as follows. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote

<u>District</u>	<u>Judge</u>
2	June Bartholomew
3	Judy Tolman
4	Betty Park
5	Kay Bowles
6	Mary Isaac
7	Brenda Gillie

Public Hearings:

1 - Gravel Pits

2 - Manufactured Homes: R-1-6: 17.28.010 through 17.28.080.

3 - Home Occupation: 17.68.010 through 17.68.080.

4 - 84 Lumber Zone Change. S-C-1 to Industrial.

Councilmember Woodhouse made a **motion** to go open the public hearings for gravel pits, manufactured homes, home occupations and the 84 Lumber Zone Change. The **second** was made by Councilmember Gordon. The motion **passed** with a unanimous vote.

1 - Gravel Pits:

Mr. Paul Larsen reviewed the situation with the need for a gravel pits ordinance.

Recommendations of gravel pit owners mentioned that seven acres wasn't quite large enough for the pit itself. Some owners said \$1,600,00 per bond was steep; the planning and zoning commission thought the cost was in line. The commission also recommended passage of the proposed policy. Questions were raised as to specifics on the draft provided to the council, including the top soil requirement. Engineer Heap answered questions asked by the council including top soil requirements and bond requirements.

No public input was received on this item. No final decision was made on this item.

2 - Manufactured Homes

Mr. Larsen said he has received a lot of requests by individuals regarding manufactured homes in the city. Currently the city does not allow the homes. Mr. Larsen mentioned the city can place restrictions on the homes, such as requiring them to look like a permanent structured

home, width requirements, etc.; with the exception that nothing can be required of manufactured homes that is not required of ordinary homes.

Public input on the subject was received by Mr. Halverson, who stated that width requirements could be made to exceed the maximum on the highway. This would restrict modular home owners. No final decision was made on this item.

3 - Home Occupation

Councilmember Peterson arrived during this conversation.

The question was raised as to how the council wished to enforce Ordinance 17.68.010 through 17.68.080. The two main questions were: 1) no advertising in telephone directories, newspapers, radio or television, and 2) the electric rate policy for non-residential use. Although these items are in the code, enforcing them has not been consistent.

An extensive discussion took place regarding the impact of these businesses in the community, the importance of supporting small business, Main Street businesses, and additional income for families through these businesses. The question was raised that if someone is running a business, why shouldn't they be able to advertise. The discussion continued as to why enforcement has not taken place and why it was inconsistent. It was mentioned that it is difficult to keep tabs on each kind of advertising done by business.

Councilmember Chapple made a **motion** to:

1) amend 17.68.020. as follows:

F. ~~To use any commercial telephone directory listing, newspaper, radio, or television advertising service.~~ (One name plate or identification sign no larger than eighteen inches by twenty-four inches located within five feet of the dwelling unit is permissible.)

2) amend 17.68.030 as follows:

Permitted Uses. Home occupations include such uses as: barbershop, beauty shop, accounting office, insurance sales office, real estate sale and appraisal office, studios such as piano, gymnastics, voice, art, etc., small electronic and appliance repair such as clocks, radios, televisions, watches, mail order business, etc.

3) amend 17.68.040 as follows:

Nonpermitted Uses. Home occupations shall not include such uses as: commercial welding, automotive repair, body shop, spray painting, massage parlor, industrial related uses, commercial stables or kennels, repair of major appliances such as dryers, washers, refrigerators, ranges, etc., ~~and mail order business.~~

4) Repeal Electric Rate Policy for Non-residential Use.

Electric Service Classification. Home occupation will change the classification of electric service to the service address indicated on the Home Occupation Permit. If the electric service rate is now residential, the Home Occupation Permit will change that rate to "General Service" ("GS"). The "General Service" power rate will go into effect the month following the date on the Home Occupation Permit.

The **second** was made by Councilmember Peterson. The motion **passed** with a **majority** vote: Councilmembers Chapple, Peterson, and Gordon voting in favor; Councilmembers Woodhouse and Swenson voting opposed.

Ordinance Z-85: 84 Lumber Zone Change: S-C-1 to Industrial

Councilmember Gordon made a **motion** to adopt Ordinance Z-85, 84 Lumber zone change from S-C-1 to Industrial. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

End Public Hearings

Councilmember Woodhouse made a **motion** to end the public hearings for 1) gravel pits; 2) manufactured homes; 3) home occupations; and 4) 84 Lumber Zone Change. The **second** was made by Councilmember Gordon. The motion **passed** with a unanimous vote.

Monte Vista Subdivision Preliminary Plat

Mr. Heap introduced the Monte Vista subdivision preliminary plat. Mr. Halverson, the developer, also spoke to the council regarding the plat. Mr. Heap said the canal company would like a 16 foot easement on both sides of the ditch, with six foot chain link fence along the entire length of both sides of the easement. Councilmember Woodhouse made a **motion** to accept the Monte Vista Subdivision preliminary plat as presented. The **second** was made by Councilmember Swenson and the motion **passed** with a unanimous vote. The council requested that a meeting be arranged with the East Bench Irrigation Company to discuss their request.

Irrigation Water Policy

Problems with irrigation water delivery is impacting development. In three particular cases, developers are being required to pay between \$5,000 - \$15,000 to allow delivery of water to one lot. Attorney Baker seemed to believe that the city was not legally bound to deliver the water, rather that the issue is policy related. Provo's current policy will be reviewed.

Councilmember Gordon made a **motion** to table the irrigation policy until a later meeting, thus providing time to received additional information. The **second** was made by Councilmember Swenson. The motion **passed** with a unanimous vote. Mr. Heap will plan a meeting to discuss the direction of the policy.

Barney Annexation Petition

Councilmember Chapple made a **motion** to deny the annexation petition. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

Towne and Country Estates - Final Plat "D"

Councilmember Gordon made a **motion** to table the Towne and Country Final Plat "D" as proposed so to wait for additional information on irrigation water concerns such as mentioned in the Monte Vista subdivision preliminary plat. The **second** was made by Councilmember Woodhouse and the motion **passed** with a unanimous vote.

Ordinance 06-92: Changes to the Municipal Code

Attorney Baker reviewed Ordinance 06-92. This is a culmination of minor changes made to all the current ordinances in preparation of the municipal code book completion. He thoroughly reviewed each section with the council. A **motion** was made by Councilmember Peterson to accept 06-92, Changes to the Municipal Code, as presented. The **second** was made by Councilmember Swenson. The motion **passed** with a unanimous vote.

Fairgrounds

Mr. Oyler mentioned a consideration of having someone live at the fairgrounds in a trailer to assist with caretaking, security, and to hinder vandalism opportunities. Recently a lot of vandalism has occurred at the facility.

Youth Council

Marie mentioned the current status of the youth court looks positive; nearly 80 youth have signed up to participate.

Adjournment

Councilmember Gordon made a **motion** to adjourn the meeting at 9:32 pm, with the **second** made by Councilmember Chapple. The motion **passed** with a unanimous vote.