

Adopted Minutes
SPANISH FORK CITY COUNCIL MEETING
March 17, 1993

The Meeting was called to order at 7 PM by Mayor Marie W. Huff. The pledge of allegiance was lead by Troy Mecham.

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

Staff Members Present: David A. Oyler, City Manager; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; Junior Baker, City Attorney; Paul Larsen, City Building Inspector;

Citizens Present: Leann Moody, Spanish Fork Press/Daily Herald; David Hayes, Marianne Hayes, Bonnie Bowen, Jean Hansen, Pam Nelson, Rachel Halverson, Mike Hawkins, Chet Blackham, Al Hobbs, Allison McKell, Marvin Mecham, Troy Mecham, Elaine Mecham, Richard Coxsen, Matt Barber, Doug Barber, Susan Barber, Jeff Nielsen, Blaine Evans, Cami Dalton, Alan Preston, Michelle Williams, Dan Williams, Kathy B. Johnson, Mark Johnson, Mark Doxey, Stacy Ludlow, Blake Baine, Wayne Anderson, Kevin Creer, Steve Shepherd, DeAnn Tuckett, John Tuckett, Deon Scott, Tul Scott, Lauraine Robinson, Joe Harris, Mary Harris, Howard Creer, Wayne Youd, Allen Ludlow, Clyde Bradford, Clint Harwood, Gary Johnston, Shane Hansen, David Isaac, Jay Rindlisbacher, Jeffery A. Tuttle, Kathy Neves, Lil Shepherd, Pauline Hughes Francis, Larry Hughes.

Minute Passage

Councilmember Woodhouse made a **motion** to accept the minutes of the March 3, 1993 regular session of the council meeting and the February 24, 1993 special council meeting. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

Councilmember Gordon made a **motion** to open the public hearing for the Cowden zone change request. The **second** was made by Councilmember Chapple. The Motion **Passed** with a unanimous vote.

PUBLIC HEARING - Cowden Zone Change Request from C-2 to R-1-6

Mayor Huff welcomed the public to the public hearing. After instructing those present how the hearing would be conducted, Mayor Huff turned the time for public comment:

Mrs. Elaine Mecham, spokes person for the Cowden Zone change, read a protest statement. Mrs. Mecham is requesting a zone change to disallow multiple dwelling units being built in her area. Dan Williams: Mr. Williams is against the requested zone change stating the down zone would lower the current property value.

Mark Doxey: Mr. Doxey is against the zone change stating he had purchased a piece of property within the zone change request area. He later found out about the zone change request and the moratorium established by the city council. This has created a extra burden on him.

Richard Coxsen: Mr. Coxsen, council for the Cowden Zone Change, stated he needed to correct some incorrect statements he felt were made. A discussion on the market value of property after being down zoned followed. Mr. Coxsen asked for the Planning Commission's recommendation to the City Council.

Jeff Nielsen: Mr. Nielsen is against the zone change. Mr. Nielsen asked questions about "Non-conforming use" if the zone change was passed. His property would be non-conforming if zone changed passed.

Mary Ann Hayes: Mrs. Hayes asked about "Spot Zoning". She asked about leaving existing multifamily dwellings as is and zone all other empty lots to not allow multifamily units. A discussion of spot zoning followed. Mrs. Hayes asked about the weight of the units and the water problems in the area. A discussion of water problems and solutions followed.

Mark Johnson: Mr. Johnson is against the zone change. Change will de-value their property.

Allan Hall: Told Council about the water in his back yard.

Councilmember Gordon explained the Planning Commission's recommendation. The recommendation would change some of the C-2 area to R-2. The remaining portion to the Northeast would remain C-2.

Elaine Mecham: Mrs. Mecham asked about how many new 4-plexes could be built assuming the new requirements being established by the City Council. Estimates of possible 4-plexes were discussed.

Mr. Oyler reviewed the new requirements for multi-family dwellings being considered by the council under Title 17.

Councilmember Gordon made a **motion** to close the public hearing for the Cowden Zone change. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

After an extensive discussion councilmember Gordon made a **motion** to amend or modify the Cowden Zone Change of C-2 to R-1-6 by adopting **Ordinance Z-89**. The **second** was made by Councilmember Woodhouse. The motion **Passed** with a unanimous vote.

Councilmember Gordon made a **motion** to open the public hearing for the Trojan Annexation. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

PUBLIC HEARING - Trojan Annexation

Mr. Oyler explained the annexation and the conversations with Mapleton. Councilmember Gordon commented about the mutual good feeling between Mapleton and Spanish Fork representatives working on the negotiations.

Councilmember Swenson made a **motion** to close the public hearing for the Trojan Annexation. The **second** was made by Councilmember Woodhouse. The motion **Passed** with a unanimous vote. (Motions on annexations can be made six days after public hearing)

Councilmember Chapple made a **motion** open the public hearing for the consideration of creating a Leland Special Improvement District. The **second** was made by Councilmember Gordon. The Motion **Passed** with a unanimous vote.

PUBLIC HEARING - Resolution 93-1: Leland Special Improvement District.

Mayor Huff turned the time to Mr. Gary Hansen to explained the special procedures to be followed while considering this resolution.

The City Recorder notified the City Council that the Notice of Intention to establish Spanish Fork City, Utah, Special Improvement District No. 93-1 (the "District"), authorized by the resolution adopted by the City Council on the 3rd day of February, 1993, had been published in the Spanish Fork Press, a newspaper of general circulation in the City, said notice having been published four times, once during each week for four consecutive weeks, the last publication being not less than five (5) nor more than twenty (20) days prior to March 17, 1993, and that the affidavit of publishing said Notice of Intention with a copy of the Notice as published was duly filed in his office; also that a copy of such Notice of Intention to create the District has been mailed by United States Mail, postage prepaid, to each owner of land affected by or specially benefitted by such improvements as said property is described in said Notice insofar as the names and addresses of said owners could be ascertained from the most recent available county assessment books and that it also has been mailed by the United States Mail, postage prepaid, to "Owner" at the street number of each piece of improved property to be affected by said assessment, said Notices having been mailed not later then ten (10) days after the first publication of the Notice of Intention; that the Notice of Intention has been on file in his office during all regular office hours from the 3rd day of February, 1993, to the 17th day of March, 1993, for the examination of any interested parties; that said Notice directed that all persons desiring to protest and oppose the creation of the District might appear and file in writing said protests and objections.

The City Recorder then presented a statement stating that written protests against the creation of the District and the making of the proposed improvements therein were received by him in his office by 5:00 p.m. on the 17th day of March, 1993.

The names of the protestants and descriptions of their property are as follows:

<u>Property Owner</u>	<u>Address</u>	<u>Number of Hook-Ups</u>
Jack & Mary Isaac **This letter does not apply.	P.O. Box 359 Spanish Fork, UT	1
Brandon Creer	310 West 900 South St. Anthony, ID 83445	1
Henry Harwood	RFD1 Box 326 Spanish Fork, UT 84660	1
John C. Robertson	1366 West 7300 South Spanish Fork, UT 84660	1
Bradley Creer	1639 West 1290 North Farmington, UT 84025-3038	1

Steven & Karen Shepherd	7244 South 1100 West Spanish Fork, UT 84660	1
Kevin & Susan Creer	1051 West 7300 South Spanish Fork, UT 84660	1
Wayne & Mary Stark	7300 West 1185 South Spanish Fork, UT 84660	1
Janice & Kevin Creer	1159 West 7300 South Spanish Fork, UT 84660	1
Rex Galloway	7695 South Mill Road Spanish Fork, UT 84660	1
Loran & Dora Glazier	881 West 7300 South Spanish Fork, UT 84660	1
Total number of hook-ups protesting creation of district or proposed improvements thereof:		<u>10</u>
Total number of hook-ups affected or to be benefitted:		<u>55</u>

The City Council then considered each and every protest so filed, whether written or oral, and heard each and every person who wished to be heard in protest against, or statement or question concerning, the creation of the District and the construction of said improvements therein.

After consideration of such protests and the statements and questions of those persons heard as aforesaid, it was determined that the total number of hook-ups represented by said protests is less than fifty percent (50%) of the total number of hook-ups to be assessed within the District and is a percentage insufficient to legally protest creation of the District.

Councilmember Woodhouse made a **motion** to close the public hearing for the creation Leland Special Improvement District. The **second** was made by Councilmember Gordon. The Motion **Passed** with a unanimous vote.

The Mayor then stated that the City Council should consider the adoption of a resolution creating the District.

Councilmember Swenson made a **motion** to adopt Resolution 93-1: Leland Special Improvement District. A resolution declaring the intention of the city council of Spanish Fork City, Utah County, Utah (The "City"), to install improvements on certain streets within or adjacent to the city consisting of the installation of water lines and all other miscellaneous work necessary to complete the improvements on a proper workmanlike manner; to create the Spanish Fork City, Utah Special Improvement District No. 93-1, to defray the cost and expenses of said Improvements District by special assessments to be levied against the property benefitted by such improvements; to provide a notice of intention to authorize such improvements and to fix a time and place for protests against such

improvements or the creation of said district; and related matters. Staff should have filed with the County Recorder within 5 days; notice of intention, transcript of resolution and list of properties. Staff should give property owners proper notice of the election pertaining to hook-up fees. The **seconded** was made by Councilmember Woodhouse. The motion passed with a unanimous vote.

Councilmember Peterson made a **motion** to authorize Mr. Heap to negotiate a contract for engineering services. The **second** was made by Councilmember Chapple. The Motion **Passed** with a unanimous vote.

PUBLIC HEARING - Barney Annexation

Councilmember Gordon made a **motion** open the public hearing for the Barney Annexation. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote.

Mr. Barney explained his need for the request for annexation. Requesting to be zoned C-2. Council discussed the options available. It was indicated that the property would be non-conforming if it were annexed into the city as C-2. No motion can be made for 6 days after the public hearing. Councilmember Woodhouse made a **motion** to close the public hearing for the Barney Annexation. The **second** was made by Councilmember Chapple. The Motion **Passed** with a unanimous vote.

PUBLIC HEARING - Title 17, Zoning Ordinance

Mr. Oyler reviewed with the Mayor, Council and public the revisions in the Title 17 zoning and Land Use Chart. The following items were discussed:

Zoning for Military units - recommended Public Facilities (PF)
Long/Short Term Juvenile - recommended it not allowed. (N)
Animals in Agricultural/Industrial - recommended they continue to allow animals.

Councilmember Peterson made a **motion** to close the Public Hearing on revisions in Title 17 and Land Use Chart. The **second** was made by Councilmember Gordon. The Motion **Passed** with a unanimous vote.

Councilmember Swenson made a **motion** to adopt ordinance 03-93 amending Title 17, Zoning Ordinance. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote.

Moratorium on Multiple Dwelling Units

Councilmember Peterson made a **motion** to lift the moratorium on multiple dwelling units after April 1, 1993. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

Adjournment

Councilmember Gordon made a **motion** adjourn the meeting at 11:30 pm.. The **second** was made by Councilmember Peterson. The motion **passed** with unanimous vote.