

Adopted Minutes
SPANISH FORK CITY COUNCIL MEETING
March 16, 1994

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

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

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

Citizens Present: Paul Gardner, Kelly Emelly, Steve Garrett, Clay Packard, Joe Beaks, Jeff Thomas, George Haney, Lois Haney, Marty Warren, Rod Warren, Marlene Anderson, Robert Johnson, Robert Muhlestein, Connie Muhlestein, Allan Davis, Clint Muhlestein, Earl Davis, Johnathan Cope, Howard Dansie, M J McKell, Clois Christensen, Glen Cole, Lorraine Abbott, Ruth Hoffman, Ty Tingey, Clay Creer, Grant Tingey, Lew Christensen, Adam Mitchell, Randall Garbo, Bryan Jex, Bill Thompson, Chantal Thompson, Pete Schmidt, David Isaac, Rex Galloway, Ray Center, Stan Richardson, Burtian Carter, Curtis Ban, Scott Sumsion, Dick Bastian, Susan Bastian, Douglas Nielson, David Olsen.

Recreation Award - Festival of Lights

Councilmember Chapple announced to those present the City received an award at the State Recreation Conference for the City's "**Festival Of Lights**" held this past holiday season. Councilmember Chapple presented the plaque to the Mayor.

Minute Passage

Councilmember Shaw made a **motion** to approve the minutes of the March 2, 1994 regular session of the City Council Meeting. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

PUBLIC HEARINGS: I-2 Zone Change (continuation from February 16, 1994)

Councilmember Shaw made a **motion** to **open** the continued public hearing discussing the I-2 Zone Change. The **second** was made by Councilmember Chapple. The Motion **Passed** with a unanimous vote.

The Mayor welcomed those members of the community that were in attendance. The Mayor asked if there were any additional facts that should be documented in the public hearing from last meeting. Mr. Heap reviewed the purpose of the public hearing and history of the need to have this public hearing. Mr. Heap reviewed with those present the facts about conforming and non-conforming status.

Brent Sumsion (Valley Asphalt) stated he had some additional facts to present. According to Mr. Sumsion, the I-15 contract they have with U-DOT would require them to lay the asphalt at night. This would necessitate the plant to operate at night. To restrict the operation of the plant would hinder the company's bidding ability. Mr. Sumsion listed the following items he plans to do to help his neighbors

with the noise/dust of his business: Use more water on road for dust; make large landscaped sound berms near the homes.

Many local businesses stated they are favoring the zone change to help those businesses in the Leland area. Some of those business were: PDM, IFA, Diesel Repair, Christensen Brothers, Economy Steel, Spanish Fork Builders Supply.

Dale Barney stated the residents and businesses need to live and get along together.

Mrs. Thompson stated the I-2 zone is not compatible with residential zone and should be located next to each other.

John Cope stated in March 1993, the city down zoned them by changing the I-1 zone to something less.

Richard Mulstien stated that Valley Asphalt has been there for over 18 years. For the first 15 years things have been okay. The last 3 years they have been abusing their neighbors. The little landscaping planned will do little for the majority of the homes in the area.

A number of the employees of the Leland businesses voice their concerns about restricting their employers. Restrictions may cause changes in their employment.

Allan Davis asked the leland business to just keep the ordinance on Noise and Pollution.

Randy Gordon stated the residents in the leland area should thank those business for getting the water utilities in that area. Mr. Gordon plans to expand the IFA and would need the zone changed.

Connie Muhlestein stated she does not want the zoned changed to I-2.

The Mayor asked if the neighbors and business could just work together a little more.

Low Christensen stated the neighbors were trying to shut down businesses now. He asked what group would be next? Maybe the Farmer's noisy tractors?

Harry Davis was asked to represent the businesses in the area. Mr. Muhlestein was asked to represent the residents. The two sides were to get together and work out some solutions and report back to the council.

Councilmember Shaw made a **motion** to **close** the public hearing discussing the I-2 Zone Change. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

Council discuss the fact the Master Plan did not address the Leland area. In order to make a determination on the zone the Master Plan should be updated.

Councilmember Shaw made a **motion** to refer the issue back to Planning and Zoning for them to study the Master Plan in the Leland area. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote. The zone change would be tabled until the Master Plan addressed the Leland area.

PUBLIC HEARINGS: **Title 17**

1. **17.40.090. Open Pit Excavation**
2. **17.48.140. Site Plan Review Amendment**
3. **Additions to Land Use Chart, Appendix A**
 - a. **6345 - Gunsmithing**
 - b. **6642 - Wood Chipping and Grinding**

Councilmember Chapple made a **motion** to **open** the public hearing to discuss changes to Title 17. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

Mr. Oyler reviewed with the Mayor and Council the need for the amendments to Title 17. Last year title 17 was updated. The update omitted some areas that were originally addressed. Other areas just need to be added.

OPEN PIT: This amendment would put back in the code the requirements regarding open pit excavation. It was pointed out the acres were changed from 7 acres to 10 acres.

Councilmember Peterson made a **motion** to adopt **Ordinance 09-94** amending title 17.40.090. The **second** was made by Councilmember Swenson. The Motion **Passed** with a 4 to 1 vote. Councilmember Shaw voting against the motion.

SITE PLAN REVIEW AMENDMENT: This amendment would speed up the time for a site plan to be approved. The change would allow the Development Review Committee to review the site plan instead of the Planning and Zoning Commission. The Planning and Zoning Commission only meets once a month.

Councilmember Chapple made a **motion** to adopt **Ordinance 10-94** amending title 17.48.140. Councilmember Peterson requested to amend the motion to state the change would be for a 12 months trial basis. Councilmember Chapple concurred. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

Land Use Chart: Some areas were omitted from the Land Use Chart found in Title 17. This amendment would add **Gunsmithing** as a permitted use as a Home Occupation in residential zones and a permitted use in all zones.

Councilmember Peterson made a **motion** to adopt **Ordinance 11-94** amending the Land Use Chart for Gunsmithing. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

The Council discussed adding **woodchipping\grinding** to the Land Use Chart. Harry Davis stated he was very interested in starting a woodchipping\grinding division of his business. He stated there was a real need for it. After a lengthy discussion about conditional use status and the City's Chipping activities at the old landfill, Councilmember Swenson made a **motion** to **table** action on adding woodchipping\grinding to the Land Use Chart. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

Councilmember Swenson made a **motion** to **close** the public hearing discussing the Title 17 Changes. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

PUBLIC HEARING: Hughes Annexation

Councilmember Peterson made a **motion** to **open** the public hearing to discuss the Hughes Annexation. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

Mr. Hughes stated he desires to build one house. He is requesting the Main Street property be zoned C-2 and the other RA-5.

Councilmember Woodhouse made a motion to **close** the public hearing discussing the Hughes Annexation. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

{Must wait 6 days for action.}

Consideration of a Resolution 94-03 Authorizing (i) the creation of the Municipal Building Authority of Spanish Fork City, Utah; and (ii) Matters Relating Thereto.

Mr. Clark introduced Gary Hanson to the Mayor and Council. Mr. Hanson is the attorney from Callister, Duncan & Nebeker, helping the city with legal counsel. Mr. Hanson explained the Resolution to the Mayor and City Council. The Municipal Building Authority would be an entity the City Council could use to obtain funding to build a public building. This Resolution is creating the Municipal Building Authority.

Councilmember Woodhouse made a **motion** to approve **Resolution 94-03** - creating the Municipal Building Authority of Spanish Fork City. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

Consideration of a Resolution 94-04 Authorizing (i) the issuance by the City of Spanish Fork, Utah, of its water revenue refunding bonds, Series 1994, in an aggregate principal amount not to exceed \$3,250,000.00, "Bond", for the purpose of refunding certain of the city's outstanding water revenue bonds; (ii) the publication of a notice of bonds to be issued with respect to the bonds; and (iii) matters relating thereto.

Mr. Hansen and Mr. Clark reviewed with the Mayor and City Council the information pertaining to the Refunding Resolution. This would establish the parameters of the refunding and authorize the City to continue the refunding process.

Councilmember Swenson made a **motion** to approve Resolution 94-04. The **second** was made by Councilmember Chapple. The Motion **Passed** with a unanimous vote.

Keith Bradford Annexation

Mr. Heap explained the annexation to the those present. Because the annexation is less than 5 acres, there was no requirement to have a public hearing or a six(6) day waiting period. Mr. Bradford is requesting a C-2 zone within the city. Councilmember Swenson made a **motion** to approve **Ordinance Z-105 and Resolution A-6**. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

Chris Child Annexation

This annexation is also less than 5 acres.

Councilmember Woodhouse made a **motion** to approve **Ordinance Z-104 and Resolution A-5** for the Chris Child Annexation. The **second** was made by Councilmember Peterson. The Motion **Passed** with a unanimous vote. This annexation will add the property needed to finish the Lynnbrook Final Plat "B". The property will be zoned R-2.

Lynnbrook Final Plat "B"

Councilmember Woodhouse made a **motion** to approve Lynnbrook Final Plat "B". The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

Cambridge Estate Sewer Line Request

Mr. Doug A. Nielsen presented the city an option for correcting a section of sewer line. Mr. Nielsen would like to develop a subdivision but can not because of the sewer capacity in the line the subdivision would use. Mr. Nielsen stated he would construct a new section of the line if the cost of the construction could be repaid to him by a connectors agreement from others who benefit from the line replacement. He was concerned about the construction of the river bottom sewer trunk line. If the river bottom line went in, the benefit of his sewer line correction would be zero. Mr. Nielsen asked if he could post a bond and do the construction is a year or so when the capacity was near full. The Council stated they would want the construction done up front. The Council stated they had no problem with the connectors agreement.

Councilmember Woodhouse made a **motion** to request Mr. Neilsen to workout the details with Mr. Heap. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

Canyon Ridge Final Plat "D"

Councilmember Shaw made a **motion** to approve Canyon Ridge Final Plat D. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

Canyon Ridge Final Plat "E"

Councilmember Shaw made a **motion** to approve Canyon Ridge Final Plat E. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

River Bottoms Sewer Trunk Line Final Design Report

Bruce Hall of Hall Engineering presented the final design of the river bottoms sewer trunk line. The river bottoms had a steeper grade than thought. The steeper grade allowed for a smaller pipe to be used. The study assumed the river bottoms area would have 1 to 5 acre lots. The council had questions about the future of the river bottoms. The master plan would have to be reviewed regarding the residential use of the river bottoms. The revised cost of the project would be \$1,350,000. This would go from 900 North along 300 West, through the ball park and up the river bottoms to 1400 East, then back to Jex Subdivision. The cost of right-a-ways would be included for \$50,000. Mr Hall stated \$600,000 would get the project to the South Field Road at Main Street. The Council discuss the possibilities of adding a drainage pipe to the project along 300 West. Mr. Hall stated the cost would be an additional \$200,000. (2 pipes in 1 trench) No Motion.

Ordinance 07-94: Transport of Prisoners, Inmates, Suspects

Mr. Baker explained the ordinance. This ordinance should have been passed last summer when the county requested a zone change for the Jail. It is needed as part of the agreement.

Councilmember Peterson made a **motion** to adopt **Ordinance 07-94** Transport of Prisoners, Inmates, Suspects. The **second** was made by Councilmember Chapple. The Motion **Passed** with a unanimous vote.

Circuit Court Lease Amendment

Councilmember Shaw made a **motion** to approve Circuit Court Lease Amendment. The **second** was made by Councilmember Woodhouse. The Motion **Passed** with a unanimous vote.

J.S. Sawvill, Electric Cost of Service Contract

Councilmember Chapple made a **motion** to approve JS Sawvill to conduct a Cost of Service Study at a cost of \$33,000. The **second** was made by Councilmember Shaw. The Motion **Passed** with a unanimous vote.

EXECUTIVE SESSION - Legal Issue

Councilmember Chapple made a **motion** to enter executive session. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

Attendance: Elected Officials Present: Mayor Marie W. Huff, Councilmembers Jerald M. Chapple, Kim H. Peterson, Thora L. Shaw, Clyde A. Swenson, Rex Woodhouse.

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

Councilmember Chapple made a **motion** to enter regular session. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote.

Moratorium of Building Permits

Council discussed the recent legal ruling on the Strawberry Electric Case. Councilmember Swenson made a **motion** to adopt ordinance 08-94 a temporary zoning ordinance placing a moratorium on building permits in all zones affected by the Strawberry Water Users Association Litigation. The **second** was made by Councilmember Swenson. The Motion **Passed** with a unanimous vote. The moratorium would be for all new building permits applied for. Those in the office right now would be okay.

Adjournment

Councilmember Peterson made a **motion** to adjourn the meeting. The **second** was made by Councilmember Swenson. The Motion **passed** with unanimous vote.

Adjournment 11:15 pm