

Adopted Minutes
Spanish Fork City Council Meeting
May 4, 1994

The meeting was called to order at 6:30 pm by Mayor Marie W. Huff for a preliminary review of the agenda. During this preliminary review session, the city council authorized the donation of 20,000 cubic yards of fill material from the city gravel pit for Barber Brothers' new facility. At 7:00 pm the pledge of allegiance was lead by local boy scout Matt Guilbert.

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

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

Citizens Present: Matt Guilbert, Darin G. Stephens, Robert L. Bearnson, John G. Peterson, Rommyn Skipper, Deseret News; Lois Haney, George F. Haney, Glen R. Larsen, Genevieve Larsen, Joe Harris, Rex E. Larsen, Maureen Rindlisbacher, Mary Harris, Bill Thompson, Ron Davis, Chris Child, Howard N. Creer, Val Simmons, Harry Davis, Jonathan Cope, Clint Harwood, LeAnn Moody, Daily Herald, Spanish Fork Press; and Cornelia deBruin, Daily Herald.

Minute Passage

Councilmember Woodhouse made a **motion** to accept the minutes of the April 20, 1994, regular city council meeting and presented warrants. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

Youth Recognition

Mayor Marie W. Huff awarded JaNaye Payne with a "Future is in Your Hands" award for her outstanding achievement in drama.

Citizen Request - Ron Davis

Mr. Davis approached the council regarding the city's plan to narrow Calpac Avenue. He said the road is already too narrow. He said he has been told the city will narrow the road because it is on the master plan and for economic reasons. Mr. Davis said it was his feeling the city will narrow that road because the power poles in that area are located in the road. He was informed that this road will be the same width as all other residential roads, which is 56 feet right of way, and 40 feet of asphalt. Councilmember Shaw said she was not uncomfortable with Calpac Avenue. Mr. Davis asked if the city planned to build a new road. Mr. Oyler said a new road, built to city standards, will be built this summer.

Public Hearing - Title 17, Conditional Use Ordinance

Councilmember Peterson made a **motion** to open the public hearing at 7:25 pm. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Mr. Oyler explained the conditional use ordinance had been in effect years ago, but after many problems, it was eliminated. After reviewing the zoning ordinance, he said a benefit of the conditional use ordinance would be the allowance of certain uses in areas with more restrictive conditions. He said the main problem in the past had been political problems. Mr. Oyler then reviewed the proposed Title 17, Conditional Use Ordinance. Questions were raised regarding the notification process of neighbors in a situation with conditional uses. Mr. Oyler explained a public hearing would be held by the council to determine conditions, and notification of that public hearing would be published according to State law. He also noted if the property owner did not comply with set conditions, the permit could be revoked. Mr. Oyler said the development review committee recommended the conditional use ordinance be approved. The planning commission recommended conditional uses be considered and determined by the city council.

Councilmember Chapple asked if other cities have conditional use ordinances. Mr. Oyler said most other cities do have a conditional use ordinance.

Councilmember Chapple made a **motion** to adopt Ordinance 15-94, Conditional Use Ordinance. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Discussion of this issue ended at 7:55 pm.

Public Hearing - Carter Annexation

Mr. Oyler reviewed the area requested for annexation. He said there are no city services in the area. He said the development review committee recommends that, with no city services available to the site, annexation would be premature. The planning commission recommended denial of the annexation.

No public input was received. Discussion of this issue ended at 8:00 pm.

Public Hearing - Comprehensive General Plan - Leland Area

Mr. Heap said several meetings with residents and businesses had been held concerning zone changes, and the planning commission had recommended the existing industrial areas be allowed to remain, that the area remain mostly agricultural, and the land near the off-ramp be set aside for commercial use. Mr. Oyler said this is the first of two public hearings and he reviewed the process of notifying the public of a public hearing. He said the Leland area is the only area not addressed in the master plan, and the object of the public hearing is to get input from the public.

Mr. Howard Creer, Leland, said he felt one acre lots are an ample size on which to build. He said to require a five acre lot and call it agricultural would be wrong because a person cannot make a living farming a five acre lot.

Mr. Bill Thompson, Leland, said he would like to keep the agricultural atmosphere, and to do that, he felt the area should be zoned R-A-5.

Mr. Rex Larsen, Leland, stated he makes his living by farming. He gave examples of revenue received compared to money spent on agricultural areas. He said there is value to open green spaces. He also expressed concern with making the area near the off-ramp commercial. He said he felt it could become a high crime area. Councilmember Swenson suggested commercial use near the off-ramp shouldn't be considered.

Mr. Scott Sumsion, Valley Asphalt, said Leland has been a combination of agricultural and industrial area, and he feels the businesses and residents can continue to use the land together. He said both uses have smells and nuisances. He stated encouragement of further residential use of the area could lead to a conflict with the involved industrial zones. He feels everyone currently in the area would like to continue to combine residential and industrial.

Mr. Howard Creer asked if there were any areas zoned I-2 in Leland, to which Mr. Oyler said no.

Mr. Glen Larsen, Leland, said he wouldn't like to see commercial use near the freeway off-ramp. Councilmember Woodhouse said the reality of developing the area near the off-ramp right away is not feasible because of the lack of city services in that area. Councilmember Swenson asked the public if anyone was in favor of a commercial zone near the off-ramp. No response was received from the public.

Mr. Clint Muhlestein, Leland, said he doesn't agree the area should be zoned R-A-5. He thinks the area should be more open for development. He is opposed to industrial areas in Leland because of pollution.

Mr. Morgan Warner, Spanish Fork, said he is thinking of building in Leland, and his property is now zoned R-1. He asked if it will be required to be R-5 before he can build on it. Mr. Heap said the planning commission recommended leaving areas currently zoned, but changing new areas.

Discussion of this issue ended at 8:35 pm.

Public Hearing - Title 17, Zoning - Land Use Chart: Animal Hospital (8222) and Veterinarian Service (8221)

Mr. Oyler said animal use zones are currently permitted uses in a C-2 zone. Nebo Animal Clinic is currently nonconforming in a C-1 zone. The planning commission recommends changing the land use chart to allow animal hospitals and veterinarian services in a C-2 zone. This change would make the Nebo Animal Clinic conforming.

Councilmember Chapple said the only concern he would have would be expansion of the clinic. A discussion ensued regarding the allowed uses in a C-2 zone and the difference between permitted uses and conditional uses.

Councilmember Chapple made a **motion** to table Title 17, Land Use Chart: Animal Hospital (8222) and Veterinarian Service (8221) until the conditional use ordinance is in effect. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Councilmember Shaw made a **motion** to close the public hearings at 8:50 pm. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Bids - Golf Course Mowers

Mr. Clark reviewed the bids for mowers for the golf course. He said Swain was the low bid, but according to the city mechanics, Swain's mowers did not meet the specifications. The next low bid was Rocky Mountain Turf at \$8,000.00 per mower, for a total of \$16,000.00 for two mowers.

Councilmember Swenson made a **motion** to accept Rocky Mountain Turf's bid of \$8,000.00 per mower for a total of \$16,000.00. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote. Other bids: Swains, \$13,594.00; Wilson Supply, \$17,920.00; and Scotts, \$18,396.00.

Oaks Amended - Phase II - Plat F

Mr. Heap said the only changes on the plat are enlarging the size of Unit number 20 and the configuration of the club house. He recommended the Oaks Amended - Phase II - Plat F be approved based on the changes as submitted. The planning commission recommended approval of the amended plat.

Councilmember Shaw made a **motion** to accept Oaks Amended - Phase II - Plat F. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Southgate Plat A

Mr. Heap recommended the final approval of this plat be tabled until such time as negotiations are made between Spanish Fork City and Strawberry Electric Service District (S.E.S.D) regarding the ability to provide electric service. He then turned the time over to the developers.

The developer said he realized the power problem is still unresolved, but he wanted to take the opportunity to ask what could be done to prevent the item from being tabled.

Mayor Huff mentioned this area is not part of the lawsuit, but S.E.S.D. has set a dollar amount Spanish Fork City must pay in order to provide service to the area. A discussion ensued regarding the possibility of negotiating with S.E.S.D. Councilmember Shaw said it is unfortunate that S.E.S.D. has this kind of authority over Spanish Fork. Councilmember Woodhouse said he would like to table a decision at least until the next meeting of the city council so the council could meet with their attorneys and post bond with the court if feasible. Councilmember Swenson mentioned a special meeting of the city council could be held if the matter is resolved sooner. Mr. Oyler mentioned this plat could not be approved until the electric issue is resolved.

Councilmember Shaw made a **motion** to table a decision on Southgate Plat A until such time as a resolution is made with Strawberry Electric Service District. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Taylor Homes Zone Change

Mr. Karl Hansen, the developer, proposed Taylor Homes would replace a section of the sewer at 600 East from 200 South to Center Street with a connector's agreement if the council would agree to the zone change. Mr. Heap recommended the council address the zone change issue at this meeting, and if the zone change is approved, they address the sewer issue with the preliminary plat.

Councilmember Shaw made a **motion** to accept the Taylor Homes zone change from R-A-1 to R-1-9 as proposed. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Clifford Hales, Sale of Airport Property

Mr. Clifford Hales proposed buying a piece of property near the airport that is jointly owned by Spanish Fork and Springville. The property is approximately two acres, and sewer and water are available. Mr. Oyler said the airport board recommended selling the property.

Councilmember Woodhouse stated the property should not be sold until Spanish Fork and Springville get together and make a plan for the property. He also mentioned safety hazards. Mr. Heap mentioned there is a master plan for that area.

Councilmember Shaw made a **motion** to decline Mr. Hales' offer to purchase the airport property. The **second** was made by Councilmember Woodhouse. After reviewing the master plan and discussing safety hazards, the motion **passed** with a **majority** vote of 4:1; with Councilmembers Shaw, Woodhouse, Chapple, and Swenson voting in favor of the motion, and Councilmember Peterson voting opposed to the motion.

Ordinance 13-94: Title 16, Subdivisions - Amendments

Mr. Oyler reviewed the proposed amendments in Ordinance 13-94: Title 16, Subdivisions.

Councilmember Shaw made a **motion** to adopt Ordinance 13-94: Title 16, Subdivisions, with proposed amendments and additional amendments. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

Animal Control Shelter Contract, Utah County

Mr. Rosenbaum recommended the council authorize Mayor Huff to sign the Utah County Animal Control Shelter contract.

Councilmember Chapple made a **motion** to authorize Mayor Huff to sign the Animal Control Shelter Contract. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Ordinance 14-94: Title 6, Animal Regulations

Mr. Rosenbaum recommended the council table Ordinance 14-94: Title 6, Animal Regulations.

Councilmember Shaw made a **motion** to table a decision on Ordinance 14-94: Title 6, Animal Regulations, until the next city council meeting. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Extention of TCI Franchise Agreement

Mr. Oyler recommended the council extend the TCI franchise agreement.

Councilmember Peterson made a **motion** to extend the TCI franchise agreement to September 20, 1994. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

FY 95 Tentative Budget

Mr. Oyler presented the FY 95 Tentative Budget to the city council.

Councilmember Swenson made a **motion** to accept the FY 95 Tentative Budget. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Non-Agenda Item

Councilmembers Swenson and Peterson said the Rotary Club recently held a Rotary Golf Tournament in conjunction with the city's PGA Tournament. The money donated to the Rotary Club was to go toward a scholarship fund for the high school. The Rotary had to pay the city over half of the money donated for green fees and cart rentals. They felt because the Rotary had added to the PGA Golf Tournament, they should have gotten more money for the scholarship fund.

Councilmember Swenson made a **motion** to give the Rotary Club \$2,000.00 toward the Rotary Golf Tournament Scholarship. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote. Councilmember Woodhouse abstained.

Ekotek, EPA Agreement

Councilmember Shaw made a **motion** to authorize Mayor Huff to sign the Ekotek, EPA agreement. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Adjournment to Redevelopment Agency Meeting

Councilmember Shaw made a **motion** to adjourn the regular session of the council meeting and to go into a Redevelopment Agency meeting at 11:15 pm. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.