

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**July 6, 1994**

The meeting was called to order at 6:30 pm by Mayor Marie W. Huff for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was lead by local boy scout Daniel Robertson.

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

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: Willis Mattinson, Carl Johnston, Wendy Johnston, Daniel Robertson, Kim Rothe, Darlene Cowden, Bill Swadley, Warren Johnson, Wayne Peterson, Arlene Peterson, Bruce Jeppsen, Allan L. Davis, Connie M. Muhlestein, Richard Muhlestein, Frank Haymore, Robert Johnson, Clint Muhlestein, Rick Nielsen, Grant Jackson, Pam Jackson, and Bailey Butters.

### **Minutes**

Councilmember Peterson made a **motion** to accept the minutes of the June 1, 1994, regular city council meeting with noted corrections and presented warrants. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

### **Leland Area Industrial Zone Change**

Mr. Heap said a public hearing had been held on the Leland area industrial zone change. He said the Development Review Committe recommended IFA, Valley Asphalt, and the Leland Mill be zoned I-2. The Planning Commission made the same recommendation including H.E. Davis & Sons in the I-2 zone. Both the Development Review Committee and the Planning Commission recommended the two parcels on each side of Main Street, owned by Fritzi of Utah, be zoned C-2 and the remaining Fritzi property remain I-1.

Councilmember Peterson made a **motion** that IFA, Valley Asphalt (including the corner piece owned by Valley Asphalt), the Leland Mill, H.E. Davis & Sons, and Christensen Brothers be zoned I-2; the two parcels on each side of Main Street, owned by Fritzi of Utah, be zoned C-2 and the remaining Fritzi property remain I-1. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote. (See attached map).

### **Amendments to Standard Land Use Chart, Appendix A, Title 17 Rock Crushers, Animal Hospitals, Veterinarian Clinics, Feed Lots**

Mr. Heap explained rock crushers and feed lots need to be added to the standard land use chart. He said the standard land use chart should address which zone rock crushers, animal hospitals, veterinarian clinics, and feed lots should be in and if they should be permitted use, non-permitted use, or conditional use in the specific zones.

Councilmember Woodhouse asked if it would be possible to include in the zoning ordinance something to the effect if an industry wanted to put a rock crusher on their property, they would have to come before the council. Mr. Baker said the best way to do that would be to put a conditional use on that industry. Councilmember Woodhouse pointed out the fact that there are existing rock crushers in the area, but his concern would be with the getting too many rock crushers in an area. Councilmember Swenson said he felt the council shouldn't rezone property then put conditions on it. Councilmember Peterson said the main concerns with rock crushers would be noise and dust, and they are addressed in the noise and fugitive emissions and dust ordinances.

Mayor Huff said it was time to open the public hearing on other issues, and they would come back to amendments to the standard land use chart.

Councilmember Woodhouse made a **motion** to open the public hearing at 7:15 pm. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

### **Public Hearing - Jeppson Zone Change, R-A-1 to R-1-9**

Mr. Heap said the Planning Commission recommended approval of this zone change. Mr. Oyler said the area is not affected by the Strawberry Electric Service District (S.E.S.D.) lawsuit. He said if they were to develop the property, they may be required to upgrade a section of the sewer.

Mayor Huff asked for any public input. No comment was received from the public.

Councilmember Swenson asked how many homes were planned for the area. Mr. Bruce Jeppson said the proposed development would have 45 homes.

Councilmember Woodhouse made a **motion** to approve the Jeppson zone change from R-A-1 to R-1-9. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

### **Public Hearing - Nielsen Zone Change, R-2 to C-2**

Mr. Heap said the area is surrounded by 4-plex lots, and Mr. Nielsen is requesting a zone change from R-2 to C-2. He said the Planning Commission recommended approval of the zone change.

Mr. Rick Nielsen said he is proposing to build a specialty training facility in neurophysiology for health care providers. He said the exterior of the training center would be similar to the design of the 4-plex, but the interior would have a dormitory upstairs, and classrooms downstairs. Mayor Huff asked if there would be handicap access. Mr. Nielsen said they would follow the ADA guidelines. Mr. Nielsen then presented the floor plans of the training facility to the council.

Mayor Huff asked for input from the public.

Mr. Warren Johnson said he would be concerned with the traffic. Mr. Nielsen said there would be 12 students at the center at a time. He said the students would be shuttled from the airport, and they would not have cars. Councilmember Peterson said Mr. Nielsen would be required to have adequate parking whether the students have cars there or not.

Ms. Darlene Cowden asked if this type of facility would be appropriate for a neighborhood with children around.

Mrs. Wendy Johnston asked what kind of training would be done at the facility.

Mr. Nielsen said the training would be in diagnostic procedures used by physical therapists to look at nerve and muscle problems. He said there are 13 courses proposed for 1995. He said the maximum capacity would be 25 people, and that would include three faculty members that would live on site. He said the hours of training would be Monday through Saturday from 8 am to 5 pm.

Councilmember Peterson made a **motion** to approve the Nielsen zone change from R-2 to C-2. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

### **Public Hearing - Mitchell Zone Change, R-A-1 to R-1-8**

Mr. Heap said this area is in affected area of the S.E.S.D. lawsuit.

Councilmember Chapple made a **motion** to deny the Mitchell zone change from R-A-1 to R-1-8. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

### **Public Hearing - Animal Regulations**

Mr. Oyler reviewed the recommendation of the animal control officer and planning commission. Councilmember Swenson said he felt limiting the number of cattle to four would not be sufficient, he said there are times when the number of cattle would exceed four.

Mayor Huff mentioned this ordinance protects the neighbor.

Mr. Richard Muhlestein said he feels the people in Leland should be left alone, they have had dairy barns and animals, they don't need any more restrictions.

Mr. Bailey Butters, said he feels this ordinance is less restrictive than the old ordinance, and he is in favor of the proposed ordinance.

Mr. Heap explained the old ordinance sets a limit on distance, but not on the number of animals. He said the proposed ordinance is less restrictive on distance, but does put a limit on the number of animals.

Mr. Warren Johnson said he feels every year it gets more restrictive. He said he feels he has had animals all of his life and feels he should be able to continue to have animals. Mr. Heap explained if a person currently has animals, they would not be forced to remove the animals from their property, they would be non-conforming, and if the animals were removed from the property for more than a one year period, they would not allow them to replace those animals.

Mr. Oyler suggested changing the proposed ordinance to limit distance but not number of animals in R-A-1, R-A-5, the public facility zone, and all industrial zones.

### **Public Hearing - Changes Amending Title 17.12, Non-Conforming Uses**

Mr. Baker said this is a follow up on the issue John Smith brought to your attention several weeks ago where we indicated if a non-conforming residence was over 50% destroyed, they would not be allowed to rebuild. He said this would change the ordinance to read if a residence is non-conforming because of area, frontage, or set-back, they would be able to rebuild. This would be limited to the residential zone.

Councilmember Woodhouse made a **motion** to adopt Ordinance 21-94: Changes Amending Title 17.12, Non-Conforming Uses with noted additions. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

### **Public Hearing - Canyon Ridge Phase II Zone Change, R-A-1 to R-1-9**

Mr. Heap said this is a continuation of the Canyon Ridge subdivision. He said the Development Review Committee and the Planning Commission recommended approval of the zone change.

Mr. Bearson said this development joins his property on the south and east and is developing west. He said he feels the developer should be required to put up a fence on the existing property line. Mr. Dave Olsen, the developer, said they would do that. Mr. Bearson said the developer was asking him to abandon 1100 feet of irrigation ditch. Mr. Olsen said if Mr. Bearson would be willing to abandon his irrigation ditch, the developer would install a sprinkler system.

Councilmember Swenson made a **motion** to approve the Canyon Ridge Phase II zone change from R-A-1 to R-1-9. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

### **Public Hearing - East Canyon Village - P.R.D. Overlay**

Mr. Heap said this particular site plan proposes 26 townhouses, but we recommends 24. He said this development is similar to Southgate. Mr Heap said the proposed zone change would be to R-1-6 with a P.R.D. overlay. The R-1-6 zone would allow duplexes and single family homes. He said they would be single family homes that are owner occupied. Mr. Warren Johnson asked what would be done with the roads. Mr. Heap said they would have to improve 500 North to 1000 East and they would improve the culdesac on 500 North, and access would be to 500 North at approximately 900 East. Mr. Warren Johnson asked if there would be any city roads. Mr. Heap said no, this would be a homeowners association, and they would have private roads.

Mr. Carl Johnston asked if the townhouses would be like condos. Mr. Heap said yes. Mr. Johnston asked the value. Mr. Olsen said they would sell for \$85,000 and up and would be 3 bedroom.

Mr. Oyler said the city had tried to obtain single family units that are owner occupied. Mr. Heap said the area will be maintained by the homeowners association. Mr. Johnston asked if the area would be fenced. Mr. Heap said the property along 214 would be required to have a fence put in.

Councilmember Woodhouse asked how the snow would be handled in the winter time. Mr. Oyler said the homeowners association would be responsible for plowing the snow. Councilmember Woodhouse said he feels there would be a potential problem with snow removal if the parking was designed the way they proposed. Mr. Olsen said there would be carports.

Ms. Darlene Cowden said she would prefer the townhouses to any more rentals in the area. She said traffic would be a concern, but she does not want anymore rentals in the area.

Councilmember Swenson made a **motion** to change the zone to R-1-6 with a P.R.D. overlay and approve the preliminary plat subject to the following conditions: 1) The number of townhouses is changed from 26 to 24; and 2) Three of four unit buildings are separated to help with snow removal. There was discussion about the snow removal with the proposed parking. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Councilmember Peterson made a **motion** to close the public hearing at 8:45 pm. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

### **Amendments to the Standard Land Use Chart, Appendix A, Title 17 Rock Crushers, Animal Hospitals, Veterinarian Clinics, Feed Lots**

**Ordinance 22-94: Rock Crushers, 3275.** Councilmember Peterson made a **motion** to add rock crushers to the Standard Land Use Chart, and make them a permitted use only in the I-2 zone. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

**Ordinance 25-94: Veterinarian Services, 8221; and Animal Hospitals, 8222.** Councilmember Chapple made a **motion** to make Animal Hospitals and Veterinarian Clinics permitted uses in the C-1 zone. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

**Ordinance 26-94: Feed Lots, 8173.** Councilmember Chapple made a **motion** to add feed lots to the Standard Land Use Chart, and make them permitted uses in the R-A-1, R-A-5, industrial zones 1-3, and public facility zone. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

### **Ordinance 19-94: Noise Ordinance**

Councilmember Peterson said the Mayor and some of the Councilmembers went to Leland to monitor the noise level. He said he would be comfortable with 55 to 65 decibals at night and allowing 65 to 70 decibals during the daytime. Councilmember Woodhouse asked how the ordinance would be enforced. Mr. Oyler said if there was a problem, central dispatch could be called and a police officer would go down with the sound monitor and determine if the noise exceeded the level allowed for in the noise ordinance.

Councilmember Peterson made a **motion** to adopt Ordinance 19-94: Noise Ordinance. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

### **Ordinance 20-94: Fugitive Dust Ordinance**

Mr. Oyler said the state would monitor the air quality. He said if there was a concern with toxic fumes, it would be referred to the board of health, but the city would monitor the dust. He then reviewed the requirements of the application of water to control dust in the ordinance. A discussion ensued regarding keeping record of water application in the ordinance.

Councilmember Woodhouse made a **motion** to adopt Ordinance 20-94: Fugitive Dust Ordinance; with one amendment, limiting the record keeping requirement to including the date, time of day, and the amount of water applied. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

### **Spanish Fork Postmaster**

Mr. Scott Black, Spanish Fork Postmaster, presented information to the council about vinyl mailboxes that are installed in the curb. He said he was proposing these mailboxes for the rural delivery routes in Spanish Fork. He said because of the requirement by the postal service that on a rural route, a deliverer must deliver the mail from the vehicle, he felt these would be ideal, if it were not possible to install the vinyl mailboxes. The second option would be to install neighborhood boxes. The final option would be requiring the citizens in the rural delivery areas to get a post office box. He proposed changing the subdivision requirements to include requiring these mailboxes be installed.

Mr. Galen Palmer, Springville Postmaster, said Springville City has installed the mailboxes in the curb and they have worked well there for approximately three years. Ms. Bernice Drage, Salem Postmaster, said Salem will soon be getting home delivery, and they would be getting the vinyl mailboxes.

Councilmember Chapple asked who would be liable for accidents involving the mailboxes. Mr. Black said the post office would not be liable. A legal representative for the postal service, said there had been no cases involving the mailboxes, but in his research, he had found that the homeowner would be liable for any accidents caused by the mailboxes. Mr. Oyler said U.R.M.M.A. had come down and looked at the mailboxes in Springville City and said the mailboxes are on city property and increase the liability of the city.

Councilmember Chapple asked if snow was plowed in front of the boxes, would the mail be delivered. Mr. Black said if the delivery person was not able to deliver the mail from the vehicle, the mail would not be delivered.

Councilmember Woodhouse said it was his feeling the council would be unable to make a decision until they had had a chance to review the information and see the boxes actually installed in Springville.

### **Non-Agenda Item**

Mr. Heap said Mr. Jack Perry's development - Fairway Meadows is near a ditch. Mr. Perry wanted clarification of the city ordinance that a ditch must be piped if it is adjacent to property being developed. Councilmember Woodhouse said if the ditch is on the property or half on the property and half off, it would have to be piped. It was determined Mr. Perry would not have to pipe the ditch.

### **Spanish Fork Livestock Association**

Mr. Heap said the association has requested an easement off Stewart's Road along an old existing road to their property. They have also requested some proposed new fencing to separate the cattle from their property and our property. This fence would be along the top of the hill at Stewart's Overlook at the top of the slide. Mr. Oyler said he didn't see a problem with them installing a fence on the permanent boundary, but it would not give them right of ownership, also the easement should not be a recorded easement. The city council said they could use the property on top if the association pays and

installs the fence. The association could also use the old right of way, but the city would not give an easement.

### **Finch Annexation (RA-5 Zone)**

Councilmember Chapple made a **motion** to approve the Finch Annexation. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

### **Miscellaneous Items**

Mr. Heap said David Hughes asked if it would be possible to put up the money for a water line rather than installing the water line. The council decided he should install the water line.

Mr. Oyler said he, Mayor Huff, and Councilmember Swenson had met with John Pengree from UTA. He said Payson wanted to get UTA but they would not be able to get it unless Spanish Fork was serviced by UTA. Mr. Pengree had given three different options for the bus service. The councilmembers agreed to start the process to get the UTA issue on the ballot in November.

### **Adjournment**

Councilmember Chapple made a **motion** to adjourn the meeting at 11:00 pm. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.