

Adopted Minutes
Spanish Fork City Council Meeting
August 24, 1994

The meeting was called to order at 6:50 pm by Mayor Marie W. Huff for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was lead by Councilmember Kim H. Peterson.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Jerald M. Chapple, Kim H. Peterson, and Clyde A. Swenson. Councilmembers Thora L. Shaw and Rex Woodhouse were 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: Natalie Morris, Joel Burningham, Kathy Burningham, Kara Anderson, Blaine Evans, Karl Hansen, and Leann Moody, Spanish Fork Press.

Lynnbrook - Final Plat C

Mr. Heap said there will need to be a temporary turnaround at the end of the road, sidewalk curb and gutter along SR156, and the irrigation ditches will have to be piped or abandoned.

Councilmember Peterson made a **motion** to approve Lynnbrook - Final Plat C subject to the following conditions: 1) Sidewalk, curb and gutter are installed along SR156; 2) The irrigation ditches are either piped or abandoned; and 3) There is a temporary turnaround at the end of the road. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Councilmember Peterson then amended the motion to include the requirement of a 6' fence along SR214. The second was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Red Pine Estates - Preliminary

Mr. Heap said the developer has requested the original preliminary plat be reconsidered. It does not include the 23 feet to the rear along the ditch. He said since the last meeting, Mr. Hurst has told the developers that the 23 foot strip belongs to him. The developer is requesting the council reconsider the original preliminary plat and consider that the ditch is not adjacent to their development. He said the ditch is 23 feet away. The Development Review Committee recommends a 6 foot chain link fence be required along the back property line because of the liability issue. There are two lots that have access to Canyon Road.

A discussion ensued regarding the possibility of piping the ditch. Mr. Oyler said his main concern would be if in the future, the lots were enlarged to be adjacent to the ditch, who would be responsible to pipe the ditch? The developer mentioned the fact if Mr. Hurst was to sell peices of the 23 foot strip of land to the property owners so they could enlarge their lots, and be adjacent to the ditch, it would become an illegal subdivision.

Mr. Oyler said the precedence had been set by the council when they did not require Jack Perry to pipe the ditch 23 feet from his property. He said the irrigation company originally was satisfied with fencing ditches.

Councilmember Swenson made a **motion** to approve Red Pine Estates - Preliminary as presented subject to the following conditions: 1) Fencing be required along Canyon Road; and 2) Fencing be required along the ditch. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Mr. Oyler said the sewer on 600 East would have to be bonded for prior to recording a final plat. Mr. Hansen agreed the repair would be completed before any homes are hooked up to it.

Public Hearing - Blaine Evans Annexation

Councilmember Chapple made a **motion** to open the public hearing at 7:40 pm. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Mr. Heap showed on the map the area Mr. Evans was requesting be annexed. He said the area is in the affected area of Strawberry Electric Service District (S.E.S.D.). Mr. Oyler said it is not included in the lawsuit, but it is in S.E.S.D.'s service area.

Mayor Huff asked Mr. Evans why he was requesting annexation into the city. Mr. Evans said he originally wanted to be in the city because he had an offer to sell his property, but now he wants to be in the city for fire and police protection.

Mr. Heap said there is no sewer or water available to the area. Mr. Evans said the city garbage truck already goes through the area.

Councilmember Swenson asked Mr. Oyler to explain why the council could not annex any property into the area affected by S.E.S.D. Mr. Oyler said the council had passed a resolution that they would not consider any annexations in the affected area. Councilmember Peterson said anything annexed into the city within the affected area adds complication to the lawsuit. Mr. Evans said the council should do what they had to do.

Councilmember Chapple made a **motion** to close the public hearing at 7:55 pm. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Citizen Request - Parley Hall

Mr. Hall said he had talked to Mr. Heap and to the planning commission and the interpretation of the side street ordinance was brought to his attention. He said I-15 and SR214 are obviously not equal to other sidestreets in the city and he felt they should not be treated the same. He said he discussed the matter with Junior Baker, and found the sidestreet set back requirement is 20'. He said he felt in a C-2 zone, along I-15 or SR214 there would not be a problem with the city or UDOT if the requirement was 5 foot set back. Mr. Hall said the current interpretation was not always used. Mr. Hall stated he knew of a business that has a 5 foot set back.

Mr. Oyler asked if the zoning ordinance is changed, what will the impact be on other areas of the city? Mr. Oyler gave an example of American Fork, he said on one side of I-15 are storage sheds with a zero

lot line and on the other side is a business park with landscaping. He said the council would have to decide what they would want people to see as they travel down I-15 or SR214.

Councilmember Swenson suggested turning the building around and have the front face I-15. Mr. Hall said because of egress and ingress, he would be unable to do that.

Mr. Hall said he feels because the zone is C-2 and industries are allowed in that zone, it should not be treated the same as McDonalds. Councilmember Peterson said Mr. Hall's piece of property is unusual, but he would not want to change the zoning ordinance for one unusual piece of property. He asked if the area would qualify for a variance. Mr. Heap said no.

Mr. Hall said he accepts the fact the configuration of the property makes it hard to work with. He said he may come back and request the property be re-zoned to residential, but he felt small storage sheds would work well in that area.

Councilmember Peterson said he would not like to change the overall zoning ordinance for one piece of property. Councilmember Chapple said he agreed with Councilmember Peterson, he said the zoning ordinance shouldn't be changed for one piece of land.

Mr. Hall said he would talk with Mr. Heap and discuss the options he might have to use that piece of property.

Dover Estates - Final Plats A,B,C

Mr. Heap said plats B and C are contingent on the completion of plat A, and plat C is contingent of the completion of plat B.

The developer said they planned to complete plats A and B together. Mr. Heap said there would be a connector agreement with Cambridge, for sewer replacement on 600 East, and the ditches would have to be piped or letters of abandonment would have to be received.

Councilmember Swenson made a **motion** to approve Dover Estates - Final Plats A,B, and C subject to the following conditions: 1) Temporary turnarounds are installed on lots 6 & 7, and lots 16 & 17 on Plat A, and lots 3 & 4 on plat B; and 2) The irrigation ditches are either piped or abandoned. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Ivan Hall Connector Agreement

Mr. Heap said this connector's agreement would allow the home owners who installed the water line along Powerhouse Road to get some reimbursement if someone connects onto the line over the next ten years. He said the council discussed and agreed to this idea when Mr. Hall was given permission to extend the line.

Councilmember Chapple made a **motion** to accept the Ivan Hall Connector Agreement. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

UTA Resolution

Mr. Oyler reviewed the notice of election and the proposed letter.

Councilmember Swenson made a **motion** to authorize Mayor Huff to sign the letter and approve the notice of election. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

A discussion ensued regarding the importance of attendance of the workshops held by UTA and the importance of publicizing the workshops. The council agreed the staff should be active in publicizing the meetings and workshops of UTA so the public has the opportunity of being educated on election day.

Utility Policies

Councilmember Swenson made a **motion** to table utility policies. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Miscellaneous

Councilmember Chapple reported some changes that had been made at the personnel meeting. It had been decided to hire an additional building inspector because of the growth within the city and the Fingerhut and Safety Facility buildings being built. He also reviewed the salary schedule. Mr. Oyler said the salary schedule is based on the salary survey done each year.

Councilmember Chapple made a **motion** to adopt the salary schedule. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

Councilmember Chapple said that the personnel committee recommends the city enter into employment contracts with approximately five at will employment positions. Mr. Oyler was instructed to draw up the contracts and have them ready for a future council meeting.

Councilmember Chapple also stated the personnel committee recommended that the vehicle allowance be increased to \$450.00 per month. The vehicle allowance has not been adjusted since it was implemented.

Councilmember Chapple made a **motion** to adjust the vehicle allowance to \$450.00 per month. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Mr. Heap advised the council of a meeting on Friday, August 26, 1994, at 3:00 pm, with Central Utah Concervancy District.

A discussion ensued regarding water and irrigation.

Adjournment

Councilmember Peterson made a **motion** to adjourn the regular city council meeting and go into the Executive Session of the Spanish Fork City Council at 9:30 pm. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.