

Adopted Minutes
Spanish Fork City Council Meeting
February 8, 1995

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 Derek Weight.

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

Staff Members Present: 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, Deputy Recorder.

Citizens Present: Tawna Weight, Derek Weight, Dale Baum, and Harold Olson.

Minutes

Councilmember Shaw made a **motion** to accept the minutes of the February 1, 1995, regular city council meeting. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.

Citizen Request - M. Dale Baum

Mr. Dale Baum approached the council regarding the zoning ordinance requiring a ten foot side yard for a carport. Mr. Baum said he built a carport knowing he could not get a building permit because he does not have a ten foot side yard. He said he then went to the Board of Adjustment for a variance, but the board denied his request. He said the board informed him they had turned down several requests similar to his and recommended he appear before the city council to request an amendment to the zoning ordinance addressing plats A and B in the old City of Spanish Fork.

Attorney Baker indicated the city council is unable to overturn a decision made by the Board of Adjustment. He said the city council should determine if the zoning ordinance should be amended.

Mr. Heap listed reasons for the ten foot side yard requirement as follows: 1) Structures should be built at least twenty feet apart for fire safety purposes; and 2) Neighbors generally don't want structures built any closer to the property line.

Mr. Harold Olson, Chair of the Board of Adjustment, said the board has reviewed several requests made by citizens living in the old part of town similar to Mr. Baum's. He said the board recommends the ordinance be reviewed and possibly amended for that area of the city.

Councilmember Shaw pointed out the fact that Mr. Baum built the carport knowing he could not get a building permit, he failed to obtain a variance prior to building the carport, therefore, he defied the law. She expressed her feeling that the legal action the city had entered into be continued. Mr. Baum admitted he made a mistake by building the carport before he obtained a building permit. Mr. Baker said legal action would be tabled until a decision is made regarding the zoning ordinance amendment.

Mayor Huff told Mr. Baum the council would discuss the possibility of amending the ordinance.

Board Recognition

Mayor Huff and the council recognized Mr. Harold Olson for his five years of service on the Board of Adjustment. The council commended Mr. Olson for the time and effort he has spent serving on the board.

Sale of Property - Prestige Properties

Mr. Heap said two bids to buy the city property located at approximately 1050 East 600 North had been received. He said the high bid was from Prestige Properties in the amount of \$5,152.50.

Councilmember Chapple made a **motion** to authorize Mayor Huff to sign the deed to sell the property located at approximately 1050 East 600 North for the amount of \$5,152.50 to Prestige Properties. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

Purchase of Property - Dale Barney

Mr. Heap explained Mr. Dale Barney proposes selling his property south of the Bottoms Road at 3300 East Bottoms Road to the city and purchasing the city owned property north of the Bottoms Road. Mr. Heap said the amount the city will pay Mr. Barney is \$19,955.25.

Councilmember Swenson made a **motion** to approve the deed transaction with Mr. Dale Barney and to authorize Mayor Huff to sign the deed. The **second** was made by Councilmember Shaw, and the motion **passed** unanimously.

Non - Agenda Items

Mr. Heap reported the status of the South Utah Valley Water Association. He informed the council of a study done by Sunrise Engineering determining the cities in the SUVWA will not need to purchase water from the CUP. He explained the next study will be done to determine if the SUVWA will be able to transfer the water. Mr. Heap described projects the association will be working on in the future.

Mr. Rosenbaum said Spanish Fork City applied for a grant under the Crime Bill. He said one full-time officer was approved for Spanish Fork. He explained the grant would pay for three years wages and benefits for the officer.

Councilmember Shaw mentioned the art council's desire to commemorate the State Centennial by purchasing a statue for the Memorial Park. She said the art council would seek donations from the community and requested the city consider matching any funds collected by the art council. The council agreed they would match donations collected by the art council for the statue.

Adjournment

Councilmember Shaw made a **motion** to adjourn the meeting at 8:30 pm. The **second** was made by Councilmember Chapple, and the motion **passed** with a unanimous vote.