

**Adopted Minutes
Spanish Fork City Council Meeting
December 20, 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 Howard Creer.

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

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

Citizens Present: Jack W. Leifson, Sherman E. Huff, Cleve Swenson, Howard N. Creer, Roy H. Miller, Kevin Scholz, JoAnne Jensen, and Jim Nielsen.

Minutes

Councilmember Swenson made a **motion** to approve the minutes of the December 6, 1995, regular meeting of the city council. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Citizen Request - Beautification Committee

Mr. Boyd Peterson updated the council on the status of the beautification committee's fund raiser for the beautification project at the fairgrounds. Mr. Peterson asked the council for their endorsement of the project, and for their financial support. The council offered ideas to raise funds for the project. They expressed concern with commencement of work on the statue before the total amount needed has been collected. Councilmember Woodhouse asked the beautification committee to meet with the council at the January 10, 1996, work session meeting to discuss the matter in detail.

Citizen Request - Roy Miller

Mr. Roy Miller explained he had presented a site plan for a 16-foot addition to his existing building located at Miller Trailer Sales to the Development Review Committee. At the meeting, he was informed upon site plan approval for remodeling of an existing building, city ordinance requires property be brought up to existing standards, which includes the requirement of a six-foot visual barrier fence between his commercial property and the adjacent residential use. Mr. Miller explained there is an existing chain link fence with slats, but the ordinance requires masonry, vinyl, or wood. Mr. Miller felt he should not be required to install a masonry, vinyl, or wood fence for the following reasons: 1) The existing commercial use has been there 25 years with no complaints from adjacent residents; 2) The proposed addition is 225 feet away from the residential use; 3) There is an existing fence which serves as a visual barrier; 4) The expense to tear down the existing fence, tear up the residents landscaping, and to build a new fence, which serves the same purpose as the old fence, would be unreasonable.

After some discussion, Mr. Miller was asked to bond for a fence in order to begin his addition, the council will consider his request to amend the ordinance.

Councilmember Woodhouse made a **motion** to table action on Mr. Miller's request. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

*NOTE: Councilmember Woodhouse left the room at 7:55 pm.

Public Hearing - Ordinance Z-119: Universal Campus Credit Union Zone Change (C-1 to C-2)

Councilmember Shaw made a **motion** to open the public hearing at 8:00 pm. The **second** was made by Councilmember Peterson, and the motion **passed** unanimously.

Mr. Heap reviewed the zone change request. He explained this zone change is a commercial designation change only and the property is located on Main Street where commercial development is anticipated. Mr. Heap said it is the recommendation of the Development Review Committee and the Planning Commission this zone change request is approved. Councilmember Shaw asked for the sign height requirement in the C-2 zone. Mr. Heap answered the requirement is the same in the C-1 and C-2 zones. He then asked for public input. Mr. Kevin Scholz introduced himself to the council as the architect for the credit union and offered to answer any questions. None were asked of him. Councilmember Shaw asked if the city would be responsible for relocating the residents currently living on the property. Mr. Heap said the city is not obligated to relocate the residents. No further input was received.

*NOTE: Councilmember Woodhouse returned at 8:05 pm.

Councilmember Shaw made a **motion** to approve Ordinance Z-119: Universal Campus Credit Union zone change from C-1 to C-2 on the property located on Main Street between 800 and 900 North. Councilmember Peterson **seconded** the motion, and it **passed** unanimously.

Councilmember Shaw made a **motion** to close the public hearing at 8:10 pm. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Mountain View Estates - Revised Preliminary

Mr. Heap reviewed the revisions to the plat. He said the Development Review Committee and the Planning Commission recommend approval of the revised preliminary.

Councilmember Swenson made a **motion** to approve the Mountain View Estates - Revised Preliminary. The **second** was made by Councilmember Woodhouse, and the motion **passed** unanimously.

Fire Protection

Attorney Baker explained the city has recently received building permit applications in areas without adequate fire protection. He discussed the city's liability if the city was unable to extinguish a fire because of the lack of fire protection. He then reviewed the fire code. The State legislature has given cities the option of modifying the fire code. He asked the council if they would like to adopt the existing fire code or if they would like the staff to work toward a modification of the fire code. The council directed Mr. Heap, Mr. Comstock, Mr. Baker, and Mr. Miller to draft a modification to the fire

code to present to the council. Mr. Heap noted Attorney Baker has drafted a waiver to release the city from liability in existing homes without adequate fire protection.

Mayor Huff - Appointment of Board and Committee Members

Mayor Huff made appointments to boards and committees (see attachment).

Councilmember Woodhouse made a **motion** to ratify the appointments to boards and committees. The **second** was made by Councilmember Peterson, and the motion **passed** unanimously.

Golf Course Rates

Mr. Oyler reviewed Spanish Oaks golf course rates in comparison to other golf courses in Utah County. He then presented a proposed golf course rate change for 1996. The proposed rates are as follows:

9 Holes	18 Holes	Jr / Sr 9 Holes	Jr / Sr 18 Holes	9 Holes Cart	18 Holes Cart	5 Day	7 Day
\$8.00	\$16.00	\$7.00	\$14.00	\$7.50	\$15.00	\$260.00	\$350.00

<i>Memberships</i>			
Jr / Sr 5 day	Jr / Sr 7 day	Joint 5 day	Joint 7 day
\$225.00	\$320.00	\$365.00	\$500.00

Councilmember Swenson made a **motion** to adopt the proposed golf course rate change for 1996. The **second** was made by Councilmember Woodhouse, and the motion **passed** with a **majority** vote of 3:1; with Councilmembers Swenson, Woodhouse, and Peterson voting in favor of the motion and Councilmember Shaw voting opposed to the motion.

Claude Williams Lease

Mr. Oyler reviewed the proposed lease with the council. The city will lease property located near the freeway, north of the city, from Mr. Williams for the city billboard for the amount of \$1,500.00 per year.

Councilmember Shaw made a **motion** to accept the five-year lease offered by Mr. Claude Williams for the amount of \$1,500.00 per year. The **second** was made by Councilmember Woodhouse, and the motion **passed** unanimously.

Ordinance 17-95: Ordinance Amending the City Parking Requirements

Attorney Baker reviewed Ordinance 17-95 with the council.

Councilmember Peterson made a **motion** to adopt Ordinance 17-95: An Ordinance Amending the City Parking Requirements. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

1996 Council Meeting Schedule

Mr. Clark reviewed the proposed schedule for 1996.

Councilmember Shaw made a **motion** to approve the 1996 Council Meeting Schedule. The **second** was made by Councilmember Swenson, and the motion **passed** with a unanimous vote.

Adjournment to Executive Session

Councilmember Shaw made a **motion** to adjourn the regular session of the Spanish Fork City Council meeting and convene the executive session at 9:20 pm. The **second** was made by Councilmember Peterson, and the motion **passed** unanimously.

Adjournment of Executive Session

Councilmember Shaw made a **motion** to adjourn the executive session of the Spanish Fork City Council meeting and reconvene the regular session of the meeting at 11:00 pm. The **second** was made by Councilmember Peterson, and the motion **passed** with a unanimous vote.

Sale, Lease, and Purchase of Property

Councilmember Peterson made a **motion** to authorize Mayor Huff to sign the amended earnest money agreement between Spanish Fork City and Bradfords. Councilmember Shaw **seconded**, and the motion **passed** unanimously.

Councilmember Woodhouse made a **motion** to offer to renew the lease with Spanish Fork Livestock Auction, Inc., with the following conditions: 1) The term of the lease will be five years; 2) The lease amount will be as follows: 1st year - \$750 per month; 2nd year - \$1,000 per month; with a 6 percent increase the 3rd, 4th, and 5th years; 3) The lease agreement will include an annual option for the Auction to terminate the lease with 60 days notice given to the City prior to the January renewal date; 4) The Auction will be responsible for general maintenance; 5) The Auction will be responsible for repairing any damage caused by their use of the facility; 6) A walk through inspection will be done annually by the public works director to determine the status of the building. Councilmember Peterson **seconded** the motion, and it **passed** unanimously.

Councilmember Woodhouse will contact Spanish Fork Livestock Auction, Inc., with the lease offer.

Adjournment

Councilmember Peterson made a **motion** to adjourn the Spanish Fork City Council meeting at 11:10 pm. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.