

Adopted Minutes
Spanish Fork City Council Meeting
April 1, 1997

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

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Matthew D. Barber, Sherman E. Huff, Thora L. Shaw, Rex Woodhouse, and Clyde A. Swenson.

Staff Members Present: David A. Oyler, City Manager; Richard J. Heap, Engineer/Public Works Director; Gregory A. Comstock, City Planner; S. Junior Baker, City Attorney; Kent R. Clark, Recorder/Finance Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Lynn Shepherd, Ryan Wride, JD Williams, Casey Muhlestein, Jeremy Shepherd, Weston Williams, Adam Baadsgaard, Blake Beck, Clint Betts, David Clark, Jordan Hales, Dave Herring, Paul Healey, Kyle Snyder, Charles R. Betts, Paul Bliss, Wesley Talbot, Marvin Blackburn, Patricia Blackburn, Kira Christensen, LuAnn Wride, Morgan Fife, Michelle Edwards, Adam Partridge, Jim Epps, Nathan Thomas, Stephen Ballif, Neil Thomas, Mike Ballif, Karen Payne, *Chamber of Commerce*; Jack Mackey, Carin Green, *The Daily Herald*; Roxanna Johnson, *Spanish Fork Press*; Jeff Christensen, Matt Christensen, and Leighton Shepherd.

Minutes

Councilmember Woodhouse made a **motion** to approve the minutes of the March 18, 1997, meeting of the Spanish Fork City Council as presented. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

Introduction of Spanish Fork Royalty

The new Miss Spanish Fork, Mandi Morley introduced Ms. Chanin Schaugaard - Third Attendant, and Ms. Karen Merrill - Fourth Attendant.

Transformer Bid

Mr. Heap informed the Council the Transformer Bid has been postponed until the next meeting.

Northeast Sidewalk Special Improvement District

Spanish Fork City has done an inventory for replacement of curb, gutter, and sidewalk in the northeast area of town. Mr. Heap stated the project was estimated at less than \$200,000. Of the ninety-four parcels involved, eighteen property owners were present at a recent meeting held to discuss the creation of a special improvement district. Eleven property owners were in favor of the special improvement district and four were opposed. The remaining citizens were undecided. Mr. Heap asked for the Council's direction on proceeding with the project. He stated Attorney Baker could pursue other options aside from the special improvement district. Many property owners would like replacement of curb, gutter, and sidewalk but do not want to pay for the entire project up front. The Council agreed to have Attorney Baker research the issue and return with more options of

funding the proposed project.

Appointment of Board of Appeals

Attorney Baker explained the Board of Appeals will address issues dealing with the Uniform Building Code. The City Council determined to wait on the ratification of appointments until Mr. Shorts returned later in the meeting with appointee names.

Public Hearing - Dave Herring Zone Change (Z-97-01)

General Plan Amendment (Ordinance 07-97: An Ordinance Making Amendments to the General Plan Zoning Designations)

A **motion** was made by Councilmember Barber to open the public hearing at 7:14 pm. The **second** was made by Councilmember Shaw, and the motion **passed** with a unanimous vote.

Mr. Comstock addressed the proposed zone change from C-2 to I-1 and general plan amendment from General Commercial to Light Industrial on property along 500 South, west of Main Street. Existing uses in the area include self-storage units, a clothing manufacturing facility, a plumbing shop, a trucking facility, open firewood storage, cellular towers, and several small repair and retail facilities. Mr. Comstock stated, with the recent adoption of the new zoning ordinance, most of these uses are no longer allowed in the C-2 district. He feels the zone change would more accurately reflect the existing development on the properties. The Development Review Committee and Planning Commission recommended approval of the zone change and general plan amendment. Mr. Oyler clarified the old C-2 zone allowed many of the existing uses, but the defined uses in the C-2 zone were changed with the new zoning ordinance. Councilmember Shaw stated it was not the City's intent to penalize current uses. Time was extended for public comment. Mr. Wallace Osborne and Mr. Dave Herring expressed comments favoring the proposed change.

Councilmember Barber **motioned** to adopt Ordinance 07-97: An Ordinance Making Amendments to the General Plan Zoning Designations. Councilmember Shaw **seconded**, and the motion **passed** unanimously.

Councilmember Barber made a **motion** to adopt the Dave Herring Zone Change from C-2 to I-1 in accordance with Ordinance Z-97-01. Councilmember Woodhouse made the **second**, and the motion **passed** with a unanimous vote.

Ordinance 08-97: An Ordinance Amending the Zoning Ordinance Concerning Residential Nonconforming Uses

With the adoption of the new zoning ordinance in November, 1996 many changes were made concerning permitted uses, property development standards, and other similar regulations. Mr. Comstock noted one change has affected many residential properties which do not meet the new minimum lot size requirements for duplexes, twin homes, and other multi-family units. The lot size for these dwelling types were increased with the new regulations, making many existing dwellings non-conforming due to inadequate lot area. Should a non-conforming lot be destroyed by fire or other means, the proposed modifications to the zoning ordinance §17.04.050 would allow the residential units to be rebuilt provided they comply with current requirements such as landscaping, setbacks, and parking. Mr. Comstock reviewed the proposed modifications in the zoning ordinance

to which Council discussion took place.

A **motion** was made by Councilmember Shaw to adopt Ordinance 08-97: An Ordinance Amending the Zoning Ordinance Concerning Residential Nonconforming Uses. The **second** was made by Councilmember Barber, and the motion **passed** with a unanimous vote.

Councilmember Barber **motioned** to close the Public Hearing at 7:25 pm. The motion was **seconded** by Councilmember Shaw, and it **passed** unanimously.

Resolution 97-04: A Resolution Establishing An Interlocal Agreement Between Mountainland Association of Governments and Spanish Fork City

The Mountainland Association of Governments request the passage of Resolution 97-04 to reaffirm Spanish Fork City as a member of their association. Councilmember Barber asked what services are provided by Mountainlands. Mr. Oyler explained the Association assist cities and functions as a clearinghouse for grant applications. They also work with senior citizen programs and trails programs throughout various cities. Mayor Huff commented on the many beneficial programs sustained by Mountainlands. Mr. Oyler noted the organization is supported by Federal and State funds. Councilmember Woodhouse made a **motion** to adopt Resolution 97-04: A Resolution Establishing An Interlocal Agreement Between Mountainland Association of Governments and Spanish Fork City. Councilmember Swenson **seconded** the motion, and it **passed** with a unanimous vote.

Ordinance 06-97: Impact Fee Enactment Ordinance

A public hearing regarding the proposed impact fees was held on March 18, 1997. The Impact Fee Study has been reviewed at length in previous Council meetings. With adoption of Ordinance 06-97 the new impact fees will take effect immediately. The Council discussed various scenarios which would be affected by the new fees. Councilmember Shaw commented there is not much difference from the City's existing impact fees and the proposed impact fees. Attorney Baker explained this shows the City has been practical when setting fees in the past. Mr. Oyler stated the City is required to continually review these fees to ensure they correspond with the Capital Facilities Plan. The City will update the study as needed to keep impact fees fair and equitable.

A **motion** was made by Councilmember Swenson to adopt Ordinance 06-97: Impact Fee Enactment Ordinance. The motion was **seconded** by Councilmember Huff, and it **passed** with a unanimous vote.

Bradford Property Lease

Mr. Oyler reviewed the City's purchase of seventy-two acres for ballpark expansion. Previously, sixty acres of this property has been leased by Mr. Bartell Mortensen in the interim of ballpark construction. As construction will not take place this year, Mr. Oyler stated the property will again be available for lease. The City received a request from Mr. Mike Gardner to lease a portion of the property. Mr. Oyler asked for the Council's approval to renew the lease with Mr. Mortensen and enter into a lease agreement with Mr. Gardner. Councilmember Shaw expressed concern with the wording of Mr. Gardner's request. Mr. Oyler addressed these concerns. Councilmember Woodhouse made a **motion** to enter into a lease agreement for the future ballpark property with Mr. Bartell Mortensen and Mr. Mike Gardner. Councilmember Swenson **seconded**, and the motion

passed with a unanimous vote. Attorney Baker was directed to draft the lease agreements.

***Note: Building Official Doug Shorts arrived at 7:43 pm.*

Appointment of Board of Appeals

Mr. Oyler reviewed the proposed members to serve on the Board of Appeals as follows: Mr. Paul Larsen, retired Spanish Fork City building inspector; Mr. Dave Johnson, Salem City Public Works Director; and Mr. Dave Lewis. Spanish Fork City Building Official Mr. Doug Shorts will serve as a non-voting member on the Board. Mr. Shorts stated the Board will review appeals to his interpretation of the Uniform Building Code. Councilmember Woodhouse asked if residency in Spanish Fork was required to serve on the Board. Attorney Baker explained residency is not required, but board members are required to have a thorough knowledge of the Uniform Building Code. A **motion** was made by Councilmember Shaw to ratify the appointments of Paul Larsen, Dave Johnson, and Dave Lewis to the Board of Appeals as per §105 of the Uniform Building Code. The **second** was made by Councilmember Barber, and the motion **passed** unanimously.

Adjournment to Executive Session

Councilmember Shaw made a **motion** to adjourn the regular session of the Spanish Fork City Council at 7:47 pm and convene the executive session to discuss legal issues and the purchase of property. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote.