

**Adopted Minutes
Spanish Fork City Council Meeting
November 18, 1997**

The meeting was called to order at 6:30 pm by Mayor Marie W. Huff. The Pledge of Allegiance was led at 7:03 pm.

Elected Officials Present: Mayor Marie W. Huff, and Councilmembers Matthew D. Barber, Sherman E. Huff, Thora L. Shaw, Clyde A. Swenson, and Rex Woodhouse. Mayor-Elect Dale R. Barney, Councilmember-Elect Lil Shepherd and Councilmember-Elect Everett Kelepolo were also present.

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; Dee Rosenbaum, Public Safety Director; Jack J. Swenson, Parks & Recreation Director; Dale Robinson, Assistant Public Works Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Lucas Harris, Devereaux Smith, Tyson Richins, Palmer Smith, Karen Swenson, Heidi Preston, Bruce Parker, Rulon Graham, Alice Graham, Ray Allen Swenson, Carol Swenson, Steve Leifson, Doug Barber, Kent Barber, Cory Lamb, Mark Francis, Evelyn Christensen, Lew Christensen, Kristy Butler, Brent E. Butler, Leon Thomas, Alan Abbott, Vincet Abbott, Talitha Hansen, Raul Christensen, Justin Kitchen, Jay Evans, *Chamber of Commerce*; Rodger Hardy, *Deseret News*; Roxanna Johnson, *Spanish Fork Press*; J. Ross Nielsen, and Mary Jane Nielsen.

Minutes

A **motion** was made by Councilmember Shaw to approve the minutes from the City Council meeting on November 11, 1997, and the public information meeting on November 12, 1997, as presented. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote.

Public Hearing - Amendment to Chapter 17.20.110 of the Zoning Ordinance by Adding a "Supervisory Care Facility" as a Use Subject to a Conditional Use Permit in the I-1 Zoning District.

Councilmember Shaw made a **motion** to open the public hearings at 7:07 pm. Councilmember Huff **seconded** the motion, which **passed** with a unanimous vote.

***NOTE: This public hearing was continued from November 4, 1997.*

Mr. Comstock reviewed background regarding a request received by Ms. Courtney Johnson to allow Supervisory Care Facilities in the industrial zone. Ms. Johnson's specific use would be a home for teenage boys. The Planning Commission feels Ms. Johnson's use does not qualify as a

Supervisory Care Facility under the City's current definition of these facilities. The Commission is looking at the possibility of broadening this definition at their December 3, 1997 meeting. Mr. Comstock stated until a new definition is in place, action on this issue would not be practical at this time.

Councilmember Swenson made a **motion** to continue the public hearing to the City Council meeting on January 20, 1998. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Public Hearing - Amendment to Chapter 17.20.110 of the Zoning Ordinance by Permitting Sexually Oriented Businesses as a Use Subject to Conditions in the I-1 Zoning District

The Planning Commission has requested further study of this issue and has not yet come up with a recommendation for the Council. It was recommended the City Council continue the public hearing until a recommendation from the Commission has been received.

Councilmember Huff **moved** to continue the public hearing concerning sexually oriented businesses until December 16, 1997, subject to additional information and a recommendation from the Planning Commission. Councilmember Woodhouse **seconded**, and the motion **passed** with a unanimous vote.

A **motion** was made by Councilmember Huff to exit the public hearings at 7:15 pm. The motion was **seconded** by Councilmember Shaw, and it **passed** with a unanimous vote.

Resolution 97-23: A Resolution Approving and Authorizing the Execution of an Interlocal Agreement for Planning and Coordination

Mr. Comstock introduced Mr. Bruce Parker from Planning and Development Services. Mr. Parker has been working with Mountainland Association of Governments on a South Utah County Region Interlocal Agreement for Planning and Coordination.

Mr. Parker explained the Agreement will help cities in South Utah County know what is going on in the County as well as neighboring cities. He reviewed the basic principles of the agreement including the requirement that each participating entity provide notice to neighboring communities about any zoning or planning changes.

Councilmember Swenson stated Spanish Fork City has been looking for this type of coordination between cities and the County. He made a **motion** to adopt and execute the Agreement by Resolution 97-23, as well as authorizing Mayor Huff to sign the Agreement. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

First Security Bank - Driveway Cut

The City has received a request from First Security Bank to widen their existing driveway at

99 North Main Street from 54 feet to 71 feet. The additional width would allow for removal of the walk-up ATM and installation of a drive-up ATM. The Development Review Committee feels the request should be denied because of the conflicting traffic situations which already exist as vehicles exit to Main Street. The Committee has provided the bank with an option to install the drive-up kiosk that they feel would be feasible without widening the driveway.

Mr. Steve Leifson, contractor for the project, discussed the driveway cut with the Council and noted it has been approved by UDOT. Councilmember Barber asked if UDOT's approval was conditioned upon approval from the City. Mr. Leifson stated he was not sure what UDOT's conditions of approval were, but based upon their approval, he feels the City should approve the driveway cut.

Mr. Jay Evans, on behalf of the Chamber of Commerce, stated drive-in facilities are occurring in all types of business. He feels the Council should approve the driveway cut as an issue of convenience for residents. Mr. Leifson clarified that First Security will install the drive-up ATM with or without the driveway cut.

Councilmember Woodhouse stated the Council is trying to keep driveway widths along Main Street at a maximum of 32 feet. He expressed the concern if this driveway cut was approved other businesses would request the same type of access.

Councilmember Huff asked if the concept recommended by the Development Review Committee would restrict customer use of First Security Bank. Mr. Leifson stated he did not think so, but he was not qualified to say. Councilmember Swenson feels bank architects should look at the plan recommended by the DRC, in terms of traffic and pedestrian safety, and determine if they are willing to go along with it.

After additional discussion, Councilmember Barber made a **motion** to approve the sixteen foot extension subject to proper right-turn only signage being installed. Councilmember Shaw **seconded**, and the motion **carried** with a **majority** vote of 3:2. Councilmembers Huff and Woodhouse were opposed.

Spanish Trails Subdivision - 100 South Right-of-Way Design

The Planning Commission, City Council, and Development Review Committee reviewed and approved the preliminary plat and final plat of Spanish Trails subdivision wherein the 100 South cross-section contains a six foot planter strip. Mr. Vic Deauvono disagrees with the decision of the City concerning the design of the cross-section of 100 South at the entrance of the subdivision. Mr. Deauvono is now requesting the planter strip be eliminated and combination curb, gutter, and sidewalk be installed on 100 South. Mr. Heap explained his feeling that the planter strip provides a safety buffer between pedestrian traffic and the street and should not be eliminated from this project on 100 South. He noted that 100 South falls into the collector road category and eventually will be a highly traveled road.

Attorney Baker stated combination curb, gutter, and sidewalk is no longer allowed under the new

Construction and Development Standards. A change to these standards and the City's subdivision ordinance would have to take place in order for Mr. Deauvono's request to be approved. Councilmember Barber asked why the new sidewalk standard was not required for the Escalante subdivision. Mr. Heap explained the City would have liked to add planter strips at Escalante, but there was not enough room. He also stated new sidewalk standards are being required on all newly built subdivisions. The Escalante subdivision, which has existed since 1941, was a re-build.

Citizens expressed opposition to requiring planter strips as some trees on the south side of 100 South would have to be removed to accommodate the planters. Mr. Heap clarified citizens were not being required to install planter strips at this time, but Mr. Deauvono is being required to comply with the sidewalk ordinance because he is developing a new subdivision. Changes on neighboring residents sidewalks would not take place until they requested a building permit for remodeling or a similar situation.

Mr. Deauvono listed many reasons why the Council should not require his subdivision to comply with current sidewalk standards. Mr. Deauvono feels extending the width of the street will make it unsafe because people will travel at excessive speeds. Mr. Heap restated the road is designated as a collector road to handle heavier traffic. Mr. Deauvono stated he would put the same amount of money into beautification of the area, but his concern is doing what is right for 100 South, as well as safety for existing and future residents. A lengthy discussion ensued.

Mr. Cory Lamb requested the Police Department start enforcing the 30 MPH speed limit on 100 South. He and other citizens expressed the feeling that the street is a drag strip. Chief Rosenbaum stated officers will start running radar within the week.

Additional opposition to the planter strips was expressed by Mr. J. Ross Nielsen, Ms. Kristy Butler, Mr. Raul Christensen and Ms. Mary Jane Nielsen. Councilmember Shaw explained the requirement is part of City Ordinance.

Mr. Oyler stated the sidewalk standard was a City Council decision based on input received over numerous public hearings. If citizens want the standards changed, the public hearing process needs to begin again. Mr. Deauvono feels the City is not considering people's "rights". He stated he is happy to comply with the ordinance, but was just concerned about the neighbors.

After further discussion, it was the consensus of the Council that City Ordinance must be followed and Mr. Deauvono must comply with the sidewalk standard as was previously approved for his subdivision. Mayor Huff thanked the neighbors and Mr. Deauvono for their time.

Quit Claim Deed

Attorney Baker stated Ms. Alice Graham has requested a deed from the City on property at approximately 160 South 500 East. It was thought a small piece of property included in Ms. Graham's yard was in her ownership. The City actually has ownership of the small portion.

Attorney Baker recommended the City grant a Quit Claim Deed to Ms. Graham for the

property subject to reserving a utility easement through the middle of the property.

Councilmember Woodhouse **motioned** to authorize Mayor Huff to sign the Quit Claim Deed. Councilmember Barber **seconded**, and the motion **passed** with a unanimous vote.

Library Construction Management - Kevin Madson

Mr. Kevin Madson reviewed the proposed plan for Library basement remodel and the construction estimate. He recommended the Council use construction management for this project. Mr. Madson reviewed the process and fee for a construction manager. Councilmember Swenson stated the Library Board is in favor of the construction management concept. He asked how long it would take to receive bids for the remodel. Mr. Madson answered approximately two weeks.

Councilmember Swenson **moved** to authorize Architect Kevin Madson to put out Request for Proposals for the library basement remodel and outdoor restrooms. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Executive Session

A **motion** was made by Councilmember Shaw to adjourn the regular session at 9:30 pm and convene the executive session to discuss legal issues. The motion was **seconded** by Councilmember Woodhouse, and it **passed** unanimously.

Adjournment of Executive Session

Councilmember Shaw made a **motion** to adjourn the executive session and reconvene the regular session at 10:30 pm. Councilmember Barber **seconded** the motion and it **passed** with a unanimous vote.

New Recreation Complex - Review of Public Hearing Input

The Council reviewed public input received at meetings held on November 11, 12, and 13, 1997 with City staff. Mr. Jack Swenson noted a lot of positive feedback was heard from citizens regarding the project.

The Council feels a bond election should be held at the earliest time possible. Councilmember Huff feels the Council should be wise enough to have the architect doing preliminary work anticipating that the bond election will pass. It was also the consensus, as received from public input, that the entire project be done at once.

Mr. Jack Swenson stated the timing of the park is critical. He said if the Council chooses to hold off construction until after the bond election, bidding of the project would not occur until May and costs would escalate.

Discussion took place on the education process needed to have favorable votes for the bond. Finances were reviewed.

Councilmember Barber noted citizens commented they want to feel ownership in the park by volunteering work. Mr. Swenson agreed and stated some areas in which the time of completion is not as critical could be areas where volunteer work can be used. It was also noted the majority of work should come from local contractors.

Further discussion took place after which the Council determined to proceed with preparations for a bond election in February. Consensus was also received to proceed with the earthwork and utilities on the project as they will remain constant even if the actual design changes.

Ordinance 20-97: Telecommunications Rights-of-Way Resolution 97-24: Model Franchise Agreement

Attorney Baker gave a brief background on the ordinance. He stated as some telecommunications companies move from city to city they find different requirements in each city. Because of varying regulations, these companies have lobbied to preempt local control of telecommunications and have it regulated by State Legislature. The Utah League of Cities and Towns drafted a model ordinance for cities to adopt.

Attorney Baker also reviewed the model franchise agreement drafted by the League. He noted both the ordinance and agreement are very well written, and recommended approval of both.

Councilmember Barber made a **motion** to approve Ordinance 20-97: Telecommunications Rights-of-Way. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

Councilmember Barber **moved** to approve Resolution 97-24: A Model Franchise Agreement. Councilmember Huff **seconded** and the motion **passed** with a unanimous vote.

Resolution 97-26: Acquisition of Right of Way on Chapple Drive

Councilmember Barber made a **motion** to table Resolution 97-26: Acquisition of Right of Way on Chapple Drive, until the December 2, 1997 Council meeting. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote. ****NOTE:** Councilmember Swenson abstained from voting.

Resolution 97-25: Approving and Authorizing the Execution of an Interlocal Cooperation Agreement for Mountainland Association of Governments

Councilmember Barber made a motion to approve Resolution 97-25: Approving and Authorizing the Execution of an Interlocal Cooperation Agreement for Mountainland Association of Governments. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Agreement - Utah County Activities Fund Grant

Mr. Clark explained Utah County has awarded the City a \$35,000 grant for use at the Veterans Memorial in the cemetery. An agreement needs to be signed with the County in order for funds to be disbursed.

A **motion** was made by Councilmember Woodhouse to authorize Mayor Huff's signature on the Agreement between Spanish Fork City and Utah County for a grant from the County Activities Fund. The motion was **seconded** by Councilmember Huff, and it **passed** with a unanimous vote.

Other Business

Mr. Heap asked if the City was willing to help with financing for people to hook onto sewer at Canyon Road. The City previously agreed to provide a financing mechanism for curb, gutter and sidewalk in certain areas. After discussion, it was the consensus of the City Council to not offer financing because the City is not in the lending business

The Council determined to leave Council meetings scheduled for the first three Tuesday nights of each month.

Chief Rosenbaum noted a four way stop has been placed at the 400 North 800 East intersection.

Adjournment

Councilmember Barber made a **motion** to adjourn the meeting at 11:55 pm. The motion was **seconded** by Councilmember Huff, and it **passed** unanimously.