

**Adopted Minutes
Spanish Fork City Council Meeting
December 16, 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 Chief Dee Rosenbaum.

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, and Councilmembers-Elect Everett Kelepolo and Lil Shepherd were also present.

Staff Members Present: David A. Oyler, City Manager; Richard J. Nielson, Assistant 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 and Recreation Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Ronald Davis, Robert Hutchings, Hank V. Kindell, Doug Barber, Susan Barber, Carol Swenson, Allen N. Swenson, Roxanna Johnson, *Spanish Fork Press*; Janice Woodhouse, Garrett Hurst, Heather Woodhouse, Robbie Horn, Rochelle Barber, Haleigh Barber, Brad Jensen, Kelly Johnson, Russil Boyack, Susan Bastian, Dick Bastian, Claire White, Jolynne Burnell, Angela Jackson, Heather Frost, Ron Payne, James DeMita, Shelina Way, and Representative Glenn Way.

Minutes

Councilmember Barber made a **motion** to approve the minutes of the December 2, 1997 and December 10, 1997, Spanish Fork City Council meeting as presented. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote.

Special Presentation

Special presentations were made to Mayor Marie W. Huff, Councilmember Matthew Barber, and Councilmember Woodhouse as they retire from their years of service to the City.

Public Hearing - Ordinance Z-97-04: Woolstenhulme Zone Change

Councilmember Woodhouse **moved** to open the public hearing at 7:24 pm. Councilmember Swenson **seconded** the motion, and it **passed** with a unanimous vote.

The City has received a request to rezone approximately 4.36 acres east of US Highway 6 and south of 400 North from C-O to R-3. The applicant proposes to change the zoning on this parcel to allow the development of a residential townhouse project. The Development Review Committee has recommended approval. Mr. Comstock noted the Planning Commission had a split vote and therefore did not make a recommendation. The Planning Commission expressed

concern about noise, safety and pedestrian links under Highway 6. Mr. Comstock stated the staff recommends approval as the request is consistent with the General Plan.

Mr. Kelly Johnson who lives east of the property expressed concerns with excessive noise, hazardous access and safety. He stated his opposition to the zone change.

The owner of the property, Mr. Bastian, expressed favorable views to the zone change. He stated Mr. Woolstenhulme builds very nice condo projects. Mr. Bastian requested the zone be changed back to high-density residential as it was previously.

Mr. Russil Boyack, a nearby resident to the property, restated concerns regarding noise and safety. He agreed Mr. Woolstenhulme builds nice homes, but he feels problems will occur in the future.

Mr. Hank Kindell expressed concerns regarding safety.

Access issues were discussed. Mr. Bastian stated UDOT may approve a right-turn only access to Highway 6. Councilmember Shaw feels traffic situations in the area have not improved from when the zone change was previously requested. Mr. Bastian stated access issues can be addressed during site plan approval. Mr. Comstock feels it is highly unlikely that UDOT will ever allow an interchange at 400 North and Highway 6.

Councilmember Swenson made a **motion** to continue the Woolstenhulme zone change public hearing until January 6, 1998. Councilmember Shaw **seconded** the motion and it **passed** unanimously. Councilmember Woodhouse stated he would like to see a comprehensive traffic plan for the area.

Public Hearing - Ordinance 21-97: Making Amendments to the General Plan Circulation Element

Mr. Comstock detailed the trails plan as recommended by the Planning Commission. He reviewed specific language regarding trails along the brow of the hill. With adoption of the Ordinance, homes would not be allowed to be constructed on hill brows beginning at 1100 East and continuing out. Mr. Comstock noted specific details of the trails will be drawn up in the engineering guidelines.

The meeting was opened for public comment of which none was received.

Councilmember Woodhouse asked how property would be acquired for the trails. It was stated a trail would be constructed in lieu of a sidewalk on the outside edge of the road at the brow of hills. Councilmember Woodhouse feels developers will oppose trails being built on the brow of certain hills because it may eliminate valuable scenic lots. Mr. Comstock noted the issue was recently addressed with the South Ridge Preliminary Plat. The developer, Mr. Dave Olsen, has agreed to modify lots on the brow of the hill in exchange for additional density.

Mr. Dale Barney feels the City may see the same types of problems with roads falling off the hill as homes almost have. He does not think anything should be constructed in the area.

Mr. Comstock stated the City would make sure the utilities and road are put in a safe location. Much discussion took place on the subject. Councilmember Huff feels the concept is valuable, but stated the City needs Geotechnical studies before trails are developed.

A **motion** was made by Councilmember Shaw to adopt Ordinance 21-97: Making Amendments to the General Plan Circulation Element. The motion was **seconded** by Councilmember Barber and it **carried** with a **majority** vote of 4:1. Councilmember Woodhouse was opposed.

Public Hearing - Ordinance 22-97: Amending the Zoning Requirements Concerning Sexually Oriented Businesses

Ordinance 22-97 was reviewed. The zoning ordinance will be amended, restricting the location of Sexually Oriented Businesses to certain industrial parts of the City. Mr. Baker detailed the need for the ordinance.

A general discussion took place amongst the Council regarding the ordinance. Mr. Oyler asked if a westerly boundary should be added to the ordinance at the City's location of 600 West. Mr. Baker stated the westerly boundary is currently established by City boundaries. When additional property to the west is annexed, a western boundary will be addressed.

Councilmember Swenson made a **motion** to adopt Ordinance 22-97: Amending the Zoning Requirements Concerning Sexually Oriented Businesses, with the amendment that condition three state "[a sexually oriented business]. . . may not be located within 1000 feet of a church, school, or *group home* . . ." The **second** was made by Councilmember Woodhouse, and the motion **passed** with a unanimous vote.

Resolution 97-27: A Resolution Providing for a Special Bond Election to Be Held on February 3, 1998, For The Purpose of Submitting to The Qualified Electors of Spanish Fork, Utah, The Question of The Issuance of Not to Exceed \$7,955,000 General Obligation Bonds; Consolidating Voting Precincts; Approving The Form of And Directing The Publication of a Notice of Election And a Sample Ballot; And Related Matters

Mr. Oyler stated Resolution 97-27 puts into motion the many months of planning that have taken place on the proposed Recreation Facility. The resolution would enable a bond election to take place on February 3, 1998. Mr. Carl Empey, from the Public Finance Division of Zions Bank, explained the bond election process, stating the resolution formalizes the bonding process. The formal bond election process and resolution were reviewed.

Public awareness was discussed. It was noted the key things people will focus on is the benefit of the sports complex, and what the total price and impact to each resident will be.

Mayor Huff asked for any public comment. None was received.

Councilmember Huff made a **motion** to adopt Resolution 97-27: A Resolution Providing for a Special Bond Election to Be Held on February 3, 1998, For The Purpose of Submitting to The Qualified Electors of Spanish Fork, Utah, The Question of The Issuance of Not to Exceed \$7,955,000 General Obligation Bonds; Consolidating Voting Precincts; Approving The Form of And Directing The Publication of a Notice of Election And a Sample Ballot; And Related Matters. Councilmember Woodhouse **seconded** the motion, and it **passed** with a unanimous vote.

Public Hearing - FY 98 Budget Hearing - Revision #1

Mr. Oyler reviewed revisions to the FY 98 Budget.

Councilmember Huff **moved** to adopt the revisions to the FY 98 Budget, including the rate adjustments. Councilmember Swenson **seconded** the motion, and it **passed** unanimously.

Councilmember Shaw made a **motion** to exit the public hearings at 9:30 pm. Councilmember Huff **seconded** the motion, and it **passed** with a unanimous vote.

Other Business

The Council discussed other business.

Representative Glenn Way reported on a recent visit he and Mayor Huff made to the legislature regarding the danger of Spanish Fork Canyon. Due to funds being expended to the reconstruction of Interstate 15, Representative Way stated any money budgeted for other highway work has been put on hold. He noted the State is willing to listen to anything the City can do to partnership funds for work on U.S. Highway 6. Representative Way expressed appreciation to Mayor Huff for her service to the community.

Councilmember Shaw suggested adjusting speed limits in the Canyon as well as fines associated with breaking the speed limits.

The Council discussed Utah County's use of the Spanish Fork Fairgrounds.

Mr. Oyler updated the Council of the Strawberry Lawsuit.

Adjournment

A **motion** was made by Councilmember Barber to adjourn the meeting of the Spanish Fork City Council at 9:50 pm. The motion was **seconded** by Councilmember Huff, and it **passed** unanimously.