

**Adopted Minutes
Spanish Fork City Council
January 6, 1998**

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. At 6:59 pm the pledge of allegiance was led by Mr. Matthew D. Barber.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Everett Kelepolo, Thora L. Shaw, Lillian J. Shepherd, and Clyde A. Swenson.

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

Citizens Present: Mark Binks, Aaron Binks, Nathan Binks, DeeAnn Binks, Matthew D. Barber, Vina Foster, Rod Barney, Roxann Barney, Ila Barney, Ronald Davis, Catherine Martin, Larry Brandon, Mary Lou Brandon, Riley Measom, Nikki Kelepolo, Blake D. Barney, Diane Barney, Amanda Barney, Kimberli B. Neff, Robert Barney, Craig Barney, Sandy Barney, Dan Barney, Jeana Barney, Rebecca Barney, Teresa Barney, Jerry Shaw, Dean S. Allan, Susan Bastian, Dick Bastian, Rodger Hardy, *Deseret News*; Tony Anderson, Linda C. Anderson, Roxanna Johnson, *Spanish Fork Press*; Kurt Whitehead, Dave Hood, Roy L. Johns, Jim Duncan, Pauline Webber, Ken Fakler, Karen Fakler, Marian B. Johnson, Arthur Johnson, Terry M. Shepherd, Sherman Bearson, Barbara Bearson, Todd Utzinger, and Ron Payne.

Oath of Office

Finance Director/Recorder Kent R. Clark administered oaths of office for the newly elected Mayor Dale R. Barney and Councilmembers Everett Kelepolo, Thora L. Shaw, and Lillian J. Shepherd.

Minutes

Councilmember Huff made a **motion** to approve the minutes of the December 16, 1997, and December 30, 1997, minutes of the Spanish Fork City Council meeting as presented. Councilmember Shaw **seconded** the motion, and it **passed** with a unanimous vote.

Appointment of Mayor Protempore

Mayor Barney recommended Councilmember Clyde A. Swenson be nominated as Mayor Protempore to serve in his absence.

Councilmember Huff **moved** to appoint Councilmember Clyde A. Swenson as Mayor Protempore for the calendar year of 1998. Councilmember Shaw **seconded** the motion and it **passed** unanimously. Councilmember Swenson abstained from voting.

Public Hearing - IHC Health Services Zone Change (Z-01-98)

Councilmember Shaw **motioned** to open the public hearings at 7:05 pm. Councilmember Swenson seconded the motion and it **passed** with a unanimous vote.

The City has received a request to rezone approximately 8.24 acres east of 600 East, south of 1000 North and west of U.S. Highway 6 from R-2 to C-2. IHC Health Services proposes the development of a medical clinic on the parcel, with possible additional retail, financial or office uses. Mr. Tom Uriona, Real Estate Manager for IHC Healthcare explained the details of the project.

The Development Review Committee and Planning Commission have recommended approval. Mr. Comstock noted the request is consistent with the General Plan designation of commercial.

Councilmember Swenson **moved** to adopt Ordinance Z-01-98: IHC Health Services Zone Change with the condition that the property be developed as one integrated project with shared parking, driveways, and common architectural styling, landscaping, signage, and fencing. Councilmember Huff **seconded** the motion and it **passed** with unanimous vote.

Public Hearing - Woolstenhulme Zone Change (Z-02-98)

Mayor Barney reviewed the request to rezone approximately 4.36 acres east of U.S. Highway 6 and south of 400 North from C-O to R-3. This issue was continued from the December 16, 1997 Council meeting.

Mr. LeGrand Woolstenhulme presented a draft site plan for the proposed residential townhome project (Davencourt). Mayor Barney noted the project would come back for City approval during site plan review.

Pedestrian access beneath the underpass was discussed. Councilmember Shepherd expressed concern regarding noise. A citizen stated the area is extremely noisy.

Discussion took place regarding use of the property if the zone change took place, and the density that would be allowed. Mr. Comstock noted a minimum of five units per acre is allowed in the R-3 zone.

Mayor Barney recommended approval of the zone change.

Councilmember Shaw made a **motion** to approve Z-02-98: Woolstenhulme Zone Change from C-O to R-3 with the stipulation that the property be developed as one project in accordance with the Master Planned Development requirements as recommended by the Development Review

Committee. Councilmember Swenson **seconded** the motion, and it **carried** with a **majority** vote of 3:2. Councilmembers Kelepolo, Shaw and Swenson were in favor of the motion, and Councilmembers Huff and Shepherd were opposed.

Public Hearing - Fakler Tire Zone Change and General Plan Amendment (Z-03-98)

Mr. Comstock reviewed a request from Fakler Tire for a General Plan Amendment from Professional Office to General Commercial, and to rezone 1.2 acres at the northwest corner of 700 North and 800 East from C-O to C-2.

The Development Review Committee expressed concern that the residents near the property be protected, allowing the only access to the property from 800 East, and all areas to the South of any building be completely landscaped. Mr. Comstock stated City staff believes if those conditions can be met, the property could be developed as a C-2 use.

Councilmember Huff asked maximum elevations allowed in the C-2 zone. Mr. Comstock stated the elevation could be as high as 42 feet but goes down as you get closer to residential properties

Mr. Blake Barney commented traffic in the area is already heavy. He stated he does not understand the concern with the additional access.

Mr. Ken Fakler presented preliminary a site plan designed to minimize intrusion on neighbors. He stated the height of the building would be no taller than 30 feet. He requested a locked, gated access off of 700 North to be used only to deliver supplies from semi-trucks. Without this access, Mr. Fakler feels the semi's will have to back out onto 800 East.

Ms. Pauline Webber stated she has talked to quite a few neighbors in the area and they have noted they do not care if a gated access is placed on 700 North. It was noted involved citizens were not present at the Planning Commission meeting. Ms. Webber also commented the gated driveway could be used as an emergency vehicle access.

Mayor Barney feels the tire shop is more of a hazard at its current location on Main Street than it would be at the proposed site.

Building Official Doug Shorts does not feel the Development Review Committee would object to a gated access, but the main concern would be an enforcement issue of keeping the gate locked.

Mr. Kent Clark asked how often tires are received by semi-truck. Mr. Fakler answered, generally once a month. He stated old tires are taken away once a week by a recycler, but the old tires would be hidden behind a visual barrier fence.

A **motion** was made by Councilmember Shaw to approve Z-03-98: The Fakler Tire Zone Change and General Plan Amendment with recommendations of the Development Review Committee,

but that a locked gate on 700 North be considered for safety reasons. Councilmember Huff **seconded** the motion and it **passed** with a unanimous vote.

Public Hearing - Blake Barney Zone Change and General Plan Amendment (Z-04-98)

***NOTE: Mayor Barney excused himself due to potential conflict of interest. Councilmember Clyde Swenson conducted this portion of the meeting as Mayor Protem.*

The Planning Commission has initiated a request for a General Plan amendment from Residential Office to General Commercial and the rezoning of 0.525 acres at 733 North Main Street from R-O to C-2. This would allow the Barney's equipment rental business to become a legal conforming use as it was prior to November 1996, rather than the current non-conforming use in the R-O district.

The meeting was opened for public comment.

Councilmember Shaw clarified the rezoning is only taking place on property that was originally zoned C-2 before adoption of the new zoning ordinance in November 1996.

Mr. Blake Barney stated he has asked his neighbors to address him with any concerns they might have and he will fix the problem. Mr. Barney stated he does not agree with concept of R-O district.

Discussion took place regarding what part of Mr. Barney's property is commercial and residential, and the previous uses of the property.

Councilmember Shaw **moved** to approve Z-04-98: The Blake Barney Zone Change from R-O to C-2 and the General Plan Amendment. Councilmember Shepherd **seconded** the motion and it **passed** with a unanimous vote.

***NOTE: Mayor Barney returned at 8:11 pm and resumed conducting the balance of the meeting.*

A **motion** was made by Councilmember Huff to exit the public hearing at 8:12 pm. The motion was **seconded** by Councilmember Swenson and it **passed** with a unanimous vote.

Discussion - Airport Authority

Mr. Dean Allan, Chairman of the Airport Board was present to discuss the establishment of an Airport Authority for the Spanish Fork/Springville Airport. Mr. Allan stated some people feel the Authority would be more effective. It would have a budget and the power to make its own decisions. The Airport Board had voted unanimously to proceed with Airport Authority, but since that time, Mr. Tom Woodhouse, Airport Manager has become opposed to the Authority. Mr. Allan feels the Airport Authority will enhance the airport. Mr. Cris Child stated the Airport Authority will be a benefit.

It was noted the Salt Lake International Airport and the Bountiful Airport are the only other airports within Utah that currently have an airport authority.

Mr. Allan stated the only change from the way the Airport currently operates is they will be able to act, rather than react and take care of issues centrally rather than going back and forth to each City Council for a decision.

Councilmember Shaw stated more dialogue should have taken place between Spanish Fork City and Springville regarding the Authority.

Mr. Tom Woodhouse asked where the liability for the Airport will lie if the Authority is going to be a separate entity. He feels the current board can accomplish what is needed. Mr. Woodhouse stated the cities will still be the liable party and the funding party in the end, but they are giving up a lot of ground in the middle. Councilmember Huff agreed with concerns expressed by Mr. Woodhouse.

Councilmember Huff **moved** to table a decision on the Airport Authority until there is sufficient time to debate and discuss the agreement presented. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Acquisition of Water

City Engineer Richard Heap outlined an agreement with SUVMWA to purchase future water rights. The City would receive approximately 28 percent of the water (442 acre feet) at \$150 per acre foot with an interest rate of 3.22 percent. Mr. Heap stated the City does not need the water now, and the interest will not begin until the water is available and needed.

Councilmember Huff **moved** to authorize the City's support behind South Utah Valley Municipal Water Association to purchase future water rights from the Central Utah Water Conservancy District of 442 acre feet of water for Spanish Fork City. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Non-Agenda Item - Spanish Trails (Vic Deauvono)

Mr. Vic Deauvono approached the Council to ask if they would withdraw the \$1,311.64 interest imposed on the late payment for the sewer assessment. He apologized for the late payment and stated there was no documentation about any penalties.

Discussion took place regarding the Spanish Trails project and date the plat was recorded. Councilmember Swenson asked why the money for the sewer was not paid on July 5, 1997 when it was due. Mr. Deauvono stated he did not feel it was apropos to pay at that time.

After a brief discussion, Councilmember Shaw **moved** to waive \$1,311.64 interest payment from DJ Elite Development. Councilmember Huff **seconded** the motion and it **passed** with a unanimous vote.

Adjournment

Councilmember Swenson made a **motion** to adjourn the meeting of the Spanish Fork City Council at 9:16 pm. Councilmember Shaw **seconded** the motion and it **passed** with a unanimous vote.