

**Adopted Minutes  
Spanish Fork City Council Meeting  
July 21, 1998**

The meeting was called to order at 6:30 pm by Mayor Pro Tem Clyde A. Swenson for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led.

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

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

Citizens Present: Rodger Hardy, *Deseret News*; Cris Child, Vic Deauvono, Howard Creer, Todd Harrison, Kyle Harris, Greg Christensen, Roxanna Johnson, *Spanish Fork Press*; and Daryl Berlin, *URMMA*.

**Minutes**

A **motion** was made by Councilmember Kelepolo to adopt the minutes of July 14, 1998 City Council meeting with noted amendments. Councilmember Shepherd **seconded** the motion and it **passed** with a unanimous vote.

**URMMA Dividend**

Mr. Daryl Berlin, CEO of Utah Risk Management Mutual Association stated the Board of Directors has declared a dividend of insurance premiums to its members. He presented Mayor Barney with a check in the amount of \$41,925.46.

**Public Hearing - Bank of American Fork Zone Change (R-O to C-O)**

Councilmember Huff **moved** to open public hearing at 7:06 pm. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

A request has been received to amend the General Plan from Residential Office to Commercial Office and to rezone approximately 0.72 acres at the northwest corner of 600 North and Main Street from R-O to C-O. The applicant is proposing to construct a bank with a drive-up facility on the west side of the building. Mr. Comstock noted a bank would be permitted in the R-O district, but the drive-up facility is not, and requires the C-O zoning. He reviewed the recommendation for approval from the Development Review Committee and Planning Commission.

Mayor Barney opened the meeting for public comment.

Mr. Howard Creer, 91 East 200 North, feels his property was rezoned unfairly when the new zoning ordinance was adopted in November 1996. He stated his property was commercial for the last forty years and feels his property has been devalued and downzoned. Mr. Creer said he is glad to see Bank of American Fork utilizing the property.

Councilmember Huff expressed concerns with traffic flow and all discharge traffic being planned for 600 North. He stated it will cause a heavy increase in traffic flow on 100 West.

Councilmember Shaw stated residents have expressed concerns with removing one of the large sycamores on Main Street. Architect Kyle Harris noted the two concerns with the tree were visibility and the width to the next tree is only ten to twelve feet. He stated there is really no way to leave the tree, and commented they have tried compensate with the landscaping around the bank.

Councilmember Swenson asked if there would be any offensive lighting to adjacent residents. Mr. Harris stated it is bank policy to shut the lights off at 7:00 pm. It was noted the back parking lot will be minimally lit at all times for security reasons.

Todd Harrison, Bank of American Fork, stated a real concern is Dr. Sorenson's office nearby has no off-street parking and causes visibility issues because his patrons park on the street. Mr. Greg Christensen, Bank of American Fork, feels no matter what business locates on the corner, increased traffic will occur.

Councilmember Swenson **moved** to approve the Bank of American Fork zone change and General Plan amendment (Z-98-09) subject to the two properties being developed as one integral project. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Amendments to the Impact Fee Schedule**

Based upon comments received at the July 7, 1998 Council meeting, Mayor Barney recommended the impact fees remain the same until further review has been made.

Mayor Barney opened the meeting for public comment.

Mr. Vic Deauvono expressed support for Mayor Barney's recommendation.

Councilmember Shaw **moved** to table any amendments to the impact fee schedule until further study can take place. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Mr. Oyler stated the Council will probably revisit the issue in October. He also noted staff is willing to meet with citizens in the interim to take their input.

Councilmember Shaw **moved** to exit the public hearings at 7:50 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

**Ordinance 11-98: An Ordinance Authorizing the Public Works Director to Enforce the Provisions of the Spanish Fork City Municipal Code Dealing with Streets and Sidewalks and General Construction**

Attorney Baker reviewed the proposed changes to the streets and sidewalks section of the municipal code (Title 12). He stated the major change would give the Public Works Director or his/her designees the authority to issue citations for violations to the street and sidewalk ordinance. Staff members feel this will help enforce the code, and allow the police department to concentrate on more pressing matters.

Councilmember Shaw asked if warnings or conversation would take place before a citation would be issued. Mr. Heap answered people are generally given time to remedy the problem before significant action is taken.

Mr. Cris Child feels the ordinance is a big mistake because only police officers should be issuing citations. Chief Rosenbaum stated the officers welcome any help they can get.

Attorney Baker stated some people ignore warnings and requests. He also stated if the violation posed a safety issues, the City would step in to take care of the problem. Much discussion took place regarding the proposed amendment.

Councilmember Huff expressed the concern the City is extending police privileges to other departments. He asked if this change was even necessary. Chief Rosenbaum stated one of his department's enforcement challenges is the continuity of shift work. The officer that notices the problem can't always make contact with the people and then it gets lost in other activities as more pressing matters arise. Chief Rosenbaum stated the change would have to be monitored to make sure those that have the authority are not abusing it.

Councilmember Swenson **moved** to adopt Ordinance 11-98: An Ordinance Authorizing the Public Works Director to Enforce the Provisions of the Spanish Fork City Municipal Code Dealing with Streets and Sidewalks and General Construction, with the stipulation that it does not include citations from any other chapter of the code. Councilmember Kelepolo **seconded**, and it **passed** unanimously.

**Bid - Chappel Drive Fence**

Mr. Heap reviewed bids for Chappel Drive fencing and recommended approval of the bid from MJB Fence.

Councilmember Huff **moved** to approve the bid from MJB Fence in the amount of \$13,186 for Chappel Drive fencing conditioned upon checking with property owners in certain areas to see if fencing is still needed. Councilmember Shepherd **seconded**, and the motion **passed** with a

unanimous vote.

*Bids Received:* MJB Fence, \$13,186; American Fence Company, \$17,252.40; and Shippen Construction, \$24,343.29.

### **Other Business**

Mayor Barney reported on the trip made to Denver to meet with the EPA regarding the City's alleged sewer violations. He stated they did reach a settlement and the figures of the settlement will be released at a later date.

### **Adjournment**

A **motion** was made by Councilmember Kelepolo to adjourn the meeting of the Spanish Fork City Council at 8:30 pm. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.