

**Adopted Minutes
Spanish Fork City Council Meeting
August 11, 1998**

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led by Councilmember Lil Shepherd.

Elected Officials Present: Dale R. Barney, Mayor, and Councilmembers Sherman E. Huff, Thora L. Shaw, Lillian J. Shepherd, and Clyde A. Swenson. Councilmember Everett Kelepolo arrived at 7:20 pm.

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

Citizens Present: Nathan George, Gary Nelson, Bonnie T. Bowen, Roy L. Johns, Roxanna Johnson, *Spanish Fork Press*; Warren Call and Mrs. Call.

Business License Revocation Hearing - Warren's In & Out

Approximately 3 years ago Warren Call moved his auto repair business to 1166 South Main in Spanish Fork. Mr. Call has operated this type of business in Spanish Fork for a number of years.

When the business was moved it changed the use of the building from retail lumber to an auto mechanic shop. Attorney Baker noted with any business that changes use of the property, there are site plan requirements that need to be met. Over the last three years the City has been working with Mr. Call to get the site plan improvements completed and the business in compliance with City ordinance. Mr. Call has been operating his business on a temporary license issued when he moved. Attorney Baker stated the City would like to see completion of curb and gutter, landscaping, paving, fencing, and elimination of the storage of unusable vehicles at the rear of the lot. City staff is requesting the Council's help in dealing with these issues or consideration of revocation of Mr. Call's business license.

It was noted the City has received complaints regarding the salvage yard at the rear of Mr. Call's lot. Attorney Baker stated a salvage yard is not permitted in that zone.

***Note: Councilmember Kelepolo arrived at 7:20 pm.*

Councilmember Swenson asked if a chain link fence with slats would suffice for the visual barrier fence. Attorney Baker stated Council has requested only three types of fences - vinyl, wood, and masonry, be allowed. The Council has previously turned down requests for chain link with slats.

Mr. Call was given time to respond. He stated he has been working on the fence and the north side is completely done. He hasn't completed curb and gutter because he would be the first one

on the road to have curb and gutter. Mr. Call cited the main reason for the delay of improvements as money and time. He stated he can only afford to spend \$20,000 a year on the improvements. Councilmember Swenson requested a timetable of when things would be finished.

Mayor Barney stated he is very sympathetic with Mr. Call and would hate to see him out of business, but the problem is having everyone comply with ordinances.

Councilmember Shaw stated the salvage yard bothers her the most. Councilmember Swenson asked if the salvage could be cleared. Mr. Call feels his lot does not look any worse than Ken's Service or Gas & Diesel. Ms. Bonnie Bowen stated you can't see any of the salvage from the road, but Attorney Baker stated the City has received a fair number of complaints regarding the salvage yard.

Councilmember Huff asked the intended use of cars on the property. Mr. Call stated they are cars needing repair, some are under his ownership, he fixes some, and sells others.

After further discussion the Council felt Attorney Baker and Mr. Comstock should work with Mr. Call to come up with a timetable and a definition of what is salvage. Cost estimates of the improvements will be worked out by the Engineering Department.

Mr. Call stated if he knew the improvements would be required he never would have bought the new place. He feels okay with the decision of the Council, but stated he is uncomfortable with someone that does not understand his business or motive telling him what to do. He feels that is communism. Councilmember Huff stated the timetable and definition of salvage needs to be a mutual agreement with Mr. Call and the City.

Councilmember Swenson **moved** to table the business license revocation hearing for Warren's In & Out until the September 8, 1998, Council meeting. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Report on Current Construction Projects

City Engineer Richard Heap reported on current construction projects throughout the City including the Crab Creek waterline, secondary irrigation, and the river bottoms sewer line.

Adjournment to Airport Facilities

A **motion** was made by Councilmember Shepherd to adjourn to the airport at 8:07 pm for a tour of the facilities. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.