

**Adopted Minutes  
Spanish Fork City Council Meeting  
November 3, 1998**

The meeting was called to order 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 City Engineer Richard J. Heap.

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

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; Jack J. Swenson, Parks & Recreation Director; Tadd Thorpe, Recreation Leadworker; Jill Thorpe, Public Safety Secretary; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Matt Barber, Ron Davis, Tyler Paice, Leslie Paice, Zachary Paice, Tresa Ahlin, Jana Wilson, Casey Stephens, Corbett Stephens, Amy Burns, Hadley Thorpe, Cooper Thorpe, Robert Jones, Aaron Morse, Clyde H. Nielsen, Rodger Hardy, Deseret News; Mark Miller, Weldon Hathaway, Shayne Ahlin, David Ludlow, Colin Ludlow, Sean Ludlow, Karen Payne, Roy L. Johns, Glenn A. James, and Larry A. Johnson.

### **Minutes**

Councilmember Huff made a **motion** to adopt minutes of the October 20, 1998 meeting of the Spanish Fork City Council as presented. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Employee of the Quarter**

The Mayor and Council presented Tadd Thorpe with the Employee of the Quarter award for the third quarter of 1998. Mr. Thorpe is a leadworker at the Spanish Oaks Golf Course. He is also responsible for helping set up the annual "Festival of Light's" display.

### **Agenda Request - Steve Boothe (Discussion regarding trees on Main Street)**

The Council previously discussed issues regarding the trees on Main Street blocking the signs of Main Street businesses. Mayor Barney turned time over to Mr. Steve Boothe for his agenda request.

Mr. Steve Boothe owns Radio Shack and the old movie theater located at 135 North Main Street. Mr. Boothe stated he is not a tree hater, but he has had a lot of customer dissatisfaction. He stated people seem to have trouble seeing and finding his place. Mr. Boothe feels Main Street should be beautified, but he stated the trees should be replaced with some sort of evergreen

shrubs. He noted the trees are messy because leaves are blown or tracked into his business. Mr. Boothe does not feel the visibility will improve if the trees remain. He stated he loses 15% of his business because of the trees.

Mayor Barney stated he has received a lot of comments regarding the subject. Two arborists that live in Spanish Fork have come forward saying they are interested in helping solve the problem. One arborist has said visibility can be improved by the way the trees are pruned. The Mayor also suggested the sign ordinance could possibly be amended to put business signs in front of the trees. Mr. Boothe stated he would prefer to get smaller landscaping and not put out additional money for another sign.

Mr. Larry Johnson, owner of Old Glory Flag Company stated a lot of people from out of town visit his business. He noted the trees do not affect him, but he can see how they would affect other businesses. He suggested every other tree be removed as a compromise.

Ms. Tresa Ahlin, owner of Angle Babies and Dirty Jo Punsters stated her business is blocked by trees. She stated she called in three work orders to have the trees trimmed and no action was taken. Ms. Ahlin feels her business has been hurt because of low visibility. She also feels the trees are a danger with the high speed traffic that travels on Main Street. Ms. Ahlin feels the Main Street business owners are being overlooked. She stated the trees were planted to beautify Main Street when it was dead. Now that businesses exist on Main Street, the trees are no longer needed.

Mayor Barney stated he feels Spanish Fork City has been really sensitive to the needs of the businesses with the upgrade and beautification of Main Street. He stated the trees are too big to live through a move. They either have to be cut down or pruned.

Councilmember Shaw stated the beautification of Main Street originally started because of the merchants. The merchants had asked the City to do something that would make Main Street attractive and draw people in.

Councilmember Swenson stated he has had dozens of calls from citizens stating they will shop elsewhere if the trees are removed. He feels the greater number of citizens want the trees to remain.

Taking into consideration the fact that the trees cannot be moved without killing them, Councilmember Huff feels confident that someone with proper training can thin the trees from the center out to provide increased visibility. He stated there are enough arborists in the community who are willing to help. He recommended giving the trees a growing season with proper maintenance and trimming. Mr. Boothe noted his willingness to try this solution for one year.

Councilmember Shaw recommended forming a committee of business owners, City staff and arborists to try and find a solution.

Citizen Karen Payne stated she loves the trees and wants them to stay. She noted in another city she has seen uniform signs posted at eye-level on businesses. She stated this may be a solution to consider. Ms. Payne feels there is another alternative to removing the trees.

Councilmember Shaw stated there is a problem with lack of parking downtown. Ms. Ahlin agreed and added the speed on Main Street is in excess.

Mayor Barney stated he is sure a solution can be found that will address all needs. A committee will be formed to work together on the issue.

### **Bid - Bed, Sander & Snow Plow for Streets Department Truck**

Mr. Clark reviewed the bids to purchase a truck bed, sander and snow plow for a cab and chassis which the City purchased earlier. He recommended approval of the bids for the bed and sander from H&K Trucking in the amount of \$18,872 and the bid for the snow plow from AG Body Truck in the amount of \$11,790.

Councilmember Swenson made a **motion** to approve the bids for the bed, sander and snow plow from H&K Trucking and AG Body Truck in the total amount of \$30,662 as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Appointment to the Board of Adjustment**

Ms. Florence Canaan currently serves on the Board of Adjustment and has notified the City she will be moving. She has submitted a letter of resignation from the Board of Adjustment to the Mayor. Mayor Barney recommended the Council appoint Mr. Glenn A. James to fill the vacancy.

Councilmember Huff made a **motion** to accept the Mayor's recommendation and appoint Mr. Glenn A. James to the Board of Adjustment to fulfill Ms. Canaan's term. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Agenda Request - Larry Johnson**

Mr. Larry Johnson addressed the Council expressing concerns regarding the landing of hot air balloons in the City. A hot air balloon from the Bank of American Fork landed a few weeks earlier in the street near the Park School. Mr. Johnson owns property in the City and stated he is concerned about damage that could be done to property as well as safety issues with regard to power lines when a hot air balloon lands. He feel there should be some restrictions regarding this issue.

Mayor Barney asked Attorney Baker what regulations exist regarding the landing of hot air balloons. Attorney Baker stated, as a practical matter, the balloon could be charged with trespass if it landed on private property. He noted the City does not have a specific ordinance that addresses the matter.

Discussion took place on the issues. Attorney Baker was directed to see if the FAA has any regulations regarding the issue.

### **Work Session**

City Engineer Richard Heap gave a presentation about the GIS (geographic information system) System and the computer program Arch Info. The City will be able to access aerial maps of various areas in the City on the computer. This mapping will eventually include all utility lines throughout the City.

Mr. Heap reviewed the status of various projects throughout the City.

Mr. Clark reviewed a financial report on the new ballpark facility. To date, the City has spent \$500,000 of the \$800,000 profit made from the sale of the property west of the ballfield.

Mr. Clark noted with all the volunteer work and donated labor the City has been able to stretch their dollar. It is the City's goal to have this field complete and ready to use by the year 2000.

### **Other Business**

Councilmember Shaw stated a citizen expressed the concern that A-frame signs are not allowed in front of businesses, and yet the City uses an A-frame sign for the Farmers Market. Attorney Baker stated the Farmers Market sign is on City property. Citizen concerns regarding signs can be directed to Mr. Comstock.

Ms. Ahlin asked where the City draws the line regarding their right-of-way. She stated the City does not allow privately owned signs on the sidewalk because it is in the City's right of-way, and yet the business is personally liable if the sidewalks are not kept clear of snow or ice and someone were to fall. Mr. Oyler answered that although the City owns the sidewalk, ordinance requires the business owners to keep sidewalks clear.

### **Adjournment**

A **motion** was made by Councilmember Shaw to adjourn the meeting of the Spanish Fork City Council at 8:40 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.