

**Adopted Minutes  
Spanish Fork City Council Meeting  
December 1, 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 Lillian J. Shepherd.

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; Gregory A. Comstock, City Planner; Richard J. Heap, Engineer/Public Works Director; S. Junior Baker, City Attorney, Dee Rosenbaum, Public Safety Director; Kent R. Clark, Finance Director/Recorder; Jack J. Swenson, Parks and Recreation Director; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Rodger Hardy, *Deseret News*; Allen Fink, Richard Nance, *Utah County Human Services*; Dave R. Herring, Glenn A. James, Alan Taylor, Cindy Hanks, Myrna Jackson, C. Leon Abbott; Wayne R. Boothe, Janet Good, Michael Findeis, *Utah County Human Services*; Roy L. Johns, Karen Payne, Allen Swenson, Alan Albright, Alan Albright Jr., and John D. McMullin, *Utah County*.

**Minutes**

A **motion** was made by Councilmember Shepherd to approve the minutes of the November 17, 1998 meeting of the Spanish Fork City Council as presented. The motion was **seconded** by Councilmember Kelepolo, and it **passed** with a unanimous vote.

**Public Hearing - Chip Farnsworth II Zone Change (R-R to C-2)**

Councilmember Shaw **moved** to open the public hearing at 7:03 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

A request has been received from Mr. Chip Farnsworth to amend the General Plan from Residential to General Commercial; and to rezone approximately 2.16 acres at 8200 South Main Street from R-R, Rural Residential to C-2, General Commercial. The applicant is proposing to develop mini-storage units on the property.

Mr. Comstock reviewed issues discussed by the Development Review Committee including concerns regarding the lack of public water and sewer in the area. The property is also outside of the 5 year Growth Management Boundary and is shown on the General Plan for very low density use. For these reasons, the Development Review Committee recommended denial of the request. The Planning Commission also recommended denial of the request based upon the Development Review Committee recommendation as well as opposition heard from several neighbors. Issues cited included traffic safety, lack of services, and incompatible land use with

adjacent residential properties.

Mayor Barney opened the meeting for public comment.

Mr. C. Leon Abbott asked if the property was in the City or in the County. He stated it was not included in his annexation in 1991. City Engineer Richard Heap noted this parcel was annexed into the City at a later date. Mr. Abbott stated he is opposed to the zone change.

The applicant, Chip Farnsworth stated he felt this would be an ideal area for the storage units because of the industrial property directly behind it. He feels the area will most likely be commercial in the future because it is on the main road going to Salem City. Mr. Farnsworth does not feel his project would increase traffic any more than a residential development. Mayor Barney indicated one of his concerns would be the ingress/egress traffic and not actually what takes place on property. Mr. Farnsworth stated there is not a lot of traffic associated with storage units on a daily basis.

Janet Good stated her mother owns property near the proposed zone change. She expressed concerns about traffic because vehicles travel at a high rate of speed on south Main.

Ms. Myrna Jackson and Mr. Wayne Boothe reiterated concerns regarding traffic and noted their opposition to the zone change.

Councilmember Shaw indicated the Planning Commission had a big concern regarding the lack of sewer and water facilities in the area. Mr. Farnsworth stated a waiver could be signed with regard to fire protection.

Councilmember Huff expressed concern regarding the wide variety of commercial use open to the C-2 zone.

Councilmember Shaw made a **motion** to deny the Chip Farnsworth II Zone Change Request following the recommendation from the Development Review Committee and the Planning Commission. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearing - A Request by Nextel and U.S. West Wireless for a Zoning Text Amendment by Ordinance 14-98: An Ordinance Amending the Zoning Ordinance of the City of Spanish Fork with Respect to Wireless Communication Facilities**

Mr. Comstock stated a request for a zoning ordinance amendment has been submitted by U.S. West Wireless and Nextel. The two requests are fairly similar. They both request that telecommunication towers and related facilities be allowed in residential districts. The ordinance drafted by City staff would allow such facilities on existing ballfield stanchions as well as a conditional use permit in the C-2 and R-R districts. Mr. Comstock explained this would allow the telecommunications industry a wide variety of possible locations for their facilities, provided they can hide them on existing buildings or structures. The Development Review

Committee and Planning Commission recommended approval of the ordinance as proposed.

Mayor Barney opened the meeting for public comment.

Mr. Dave Herring, owner of Dave's Storage Units, raised concerns regarding competition between the City and local business owners. If a ball tower is approximately 80 feet tall and a wireless tower can extend up to twenty feet above that, it allow the City a 100 foot tower. An industrial business owner is only allowed to have a 60 foot tower on his property. Mr. Comstock stated industrial areas are limited to a 60 foot tower outright, but a Conditional Use Permit can be applied for to allow a tower at an unspecified height. He also stated the language regarding the twenty foot extension above ballfield light was in place to allow separation between the light facility and the wireless facility.

Mr. Comstock stated some cities actually require wireless towers to locate on city owned property. He noted an advantage of locating towers on ballfield stanchions is that when technology changes and wireless towers are no longer needed the ballfield light can remain instead of having an unusable tower.

Mr. Herring asked if an insurance policy would be provided in the event of injuries related to the towers. Mr. Allan Fink from Nextel indicated no report of injuries have been received to date, but the company does carry a one million dollar insurance policy for their's as well as the City's liability with relation to the tower.

Mr. Oyler clarified that if the ordinance is approved it is not a guarantee that towers will automatically be allowed on light structures. Attorney Baker agreed, stating approval would still have to be arranged with the owner.

Councilmember Shaw asked if liability issues would be reviewed during the Conditional Use Permit process. Attorney Baker answered yes.

Councilmember Swenson made a **motion** to adopt Ordinance 14-98: An Ordinance Amending the Zoning Ordinance of the City of Spanish Fork with Respect to Wireless Communication Facilities. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Ordinance 15-98: An Ordinance Amending the Zoning Ordinance Pertaining to the Uses Allowed in the I-1 Zone with a Conditional Use Permit**

Utah County currently has a program for alcohol and other substance abuse called the Foothill Treatment Center. This facility is located in Provo, but the County would like to relocate it to their complex around the jail facility at 3075 North Main. This use is not currently listed in the City's zoning ordinance, and staff recommends that it be added to the ordinance as a "Residential Treatment Center" with a specific definition attached. The use would be permitted under a conditional use permit status.

The Development Review Committee reviewed the request in October. Mr. Comstock stated

staff usually does not want to encourage these types of facilities in industrial areas, but this facility is more institutional in nature, and seem compatible with other operations in the immediate vicinity. This facility will be used as a short term (typically 30 day), 24-hour supervised residential treatment program for Utah County residents who are abusing alcohol and other drugs. Services include social detoxification; substance abuse education/coping/life skill classes; individual, group, and family therapy; case management; and relapse prevention planning.

Ordinance 15-98 would amend the zoning ordinance to make the use allowable with a conditional use permit in the I-1 zone.

Mayor Barney opened the meeting for public input. He also stated it was his feeling facilities similar to the Foothill Treatment Center are needed, and recommended its approval.

Ms. Karen Payne stated someone previously approached the City to establish a correctional facility for youth in the I-1 zone that would involve flying. She asked if approval of Ordinance 15-98 would allow this. Attorney Baker stated not necessarily because Foothill is geared more to the medical aspect rather than the corrections aspect. The facility is specifically for the treatment of alcohol and drug abuse for adults and participation is strictly voluntary. Attorney Baker indicated all uses would have to go through the conditional use permit process to obtain approval.

General discussion took place regarding the maximum beds for the facility and time frame for completion.

Councilmember Huff made a **motion** to adopt Ordinance 15-98: An Ordinance Amending the Zoning Ordinance Pertaining to the Uses Allowed in the I-1 Zone with a Conditional Use Permit. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Shaw made a **motion** to exit the public hearings at 7:52 pm. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Ordinance 16-98: Shade Tree Ordinance**

Mr. Heap explained the purpose of Ordinance 16-98 is to regulate the types of trees allowed in planter strips and near sidewalks to minimize damage to the curb, gutter, and sidewalks. The root systems of certain types of trees cause damage to sidewalks which create a serious safety and liability problem. The ordinance would also create a Shade Tree Commission to make recommendations to the City Council concerning the use and planting of trees on public property, together with the recommendation for their care and maintenance.

Mr. Heap indicated, once appointed, the Shade Tree Commission could probably come back with recommendation to improve the shade tree ordinance.

Councilmember Kelepolo made a **motion** to adopt Ordinance 16-98: Shade Tree Ordinance with

the Shade Tree Commission to include seven members, a quorum would be constituted by the majority of the members. Chapter 12.08.020. Distance Restrictions (B) shall be amended to add junction boxes, transformers, or other electrical facilities. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

The Council was asked to begin thinking of citizens to serve on the Shade Tree Commission.

### **Agreement for Building Safety Services with BJY Incorporated**

City Engineer Richard Heap explained there are times when the City's building inspector has to be out of town on training or vacation. The agreement with BJY Incorporated would enable building inspections to still take place during times when the building inspector is gone. The agreement provides the City only pay for the time the inspector is on inspections and not travel time. The agreement also allows contractors to pay BJY inspectors separately if inspections are needed earlier than the 24 hour notice required by the City.

Mayor Barney noted these inspectors assume all liability associated with their inspections.

A general discussion about the agreement took place.

Councilmember Swenson **moved** to authorize Mayor Barney's signature to enter into the agreement with BJY to use their services as needed. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **MAG Contract for Aging Services - FY 98-99**

Mr. Clark stated each year the Senior Citizens and the City contract with Mountainland Association of Governments to help provide services at the Seniors Citizen Center. He indicated the contribution from MAG has increased slightly from previous years. The agreement is identical each year, the Council is just requested to authorize the renewal.

Councilmember Huff made a **motion** to authorize Mayor Barney to sign the contract with MAG for Aging Services. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Bid - Rotary Mower**

Finance Director Kent Clark reviewed the bids for a rotary mower to be used by the Streets Department.

Councilmember Shaw made a **motion** to accept the low bid from Heritage Tractor for a rotary mower in the amount of \$6,669. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

*Bids Received: Heritage Tractor - \$6,669; M&R Equipment - \$7,673.*

**FY 99 Golf Rates**

Mr. Jack Swenson reviewed the proposed golf rates. He stated the City tries to remain competitive with other golf courses in the area.

Councilmember Huff made a **motion** to approve the proposed Golf Rates and Green Fee amendments for the Spanish Oaks Golf Course as proposed. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

*New Golf Rates and Green Fees:*

5 Day Single	5 Day Joint	5 Day Jr./Sr.	7 Day Single	7 Day Joint	7 Day Jr./Sr.
\$375	\$530	\$325	\$475	\$680	\$430

GREEN FEES				CART FEES	
9 Holes	18 Holes	Jr./Sr. 9 Holes	Jr./Sr. 18 Holes	9 Holes	18 Holes
\$9 weekday \$10 weekend	\$18 weekday \$20 weekend	\$8.50	\$17	\$9	\$18

**Review of City Board and Committees**

The Mayor and Council reviewed people currently serving on various City boards, commissions and committees. Mayor Barney directed the Council to review impending vacancies and give him recommendations for appointments.

**Other Business**

Mayor Barney stated the LDS Church has approached him regarding the City's ordinance which mandates churches and schools locate on a collector road. The LDS Church would like to locate a building on the east side of the City, but the area is not on a collector road.

Mr. Oyler indicated the Development Review Committee reviewed the issue and felt locating a church or school on a 30 foot road was not sufficient. He indicated the Council could pursue changing the issue through the Planning Commission if desired.

Mayor Barney feels the ordinance should be changed. He stated the architect for the LDS Church indicated Spanish Fork is the only city in the County that has this type of an ordinance.

Councilmember Huff feels the width of road with regard to safety of children ought to be a prime concern. Councilmember Shaw stated she might not have a problem with a church locating on a smaller road but feels schools should definitely be on collector roads. She stated a 30 foot road is not wide enough to allow for school bus travel.

Mr. Oyler stated staff will pursue the possibility of changing the ordinance as well as working with the LDS Church to see if there is some way they could work with the site they are interested in.

### **Other Business**

Councilmember Huff discussed the activities of the Utility Board. He requested they be more involved in future decisions with regard to utilities.

### **Adjournment**

Councilmember Shaw made a **motion** to adjourn the meeting of the Spanish Fork City Council meeting at 9:00 pm. Councilmember Kelepolo **seconded**, and the motion passed with a unanimous vote.