

**Adopted Minutes
Spanish Fork City Council Meeting
August 10, 1999**

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Thora L. Shaw, Lillian J. Shepherd, and Clyde A. Swenson. Councilmember Everett Kelepolo arrived at 7:48 pm.

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

Citizens Present: Roxanna Johnson, Spanish Fork Press; Roy L. Johns, Glenn A. James, Cheryl McBride, and Scott McBride.

Call to Order

Mayor Dale R. Barney called the meeting to order at 6:00 pm at the City owned property on 350 North Main (previously owned by Smith Auto). The Council reviewed the future of the property including vacant buildings located on the property.

A preliminary review of the agenda took place at 6:30 pm at the Spanish Fork City Office, 40 South Main Street. At 7:00 pm, the pledge of allegiance was led by Finance Director Kent R. Clark

Agenda Request - OMally's (Cheryl McBride)

City Planner Emil Pierson reviewed the agenda request made by Cheryl McBride. Ms. McBride's agenda request is as follows:

"On Tuesday, July 27 (1999), I was informed the sign on the building I was leasing (1361 East Center) was going to have to be removed. The building belongs to Jim Nielsen who has had a sign in that same place the past 13 years. I just changed the cover to read "OMally's" instead of "Chester's Fried Chicken". Back in the spring of 1999 I went to the City asking what exactly I needed to do to open a business. I told them this was all new to me and I wanted to do everything right. I was never given any information on what signs you could or could not have. I paid a lot of money for this sign and it is my only way of advertising the traffic on Highway 6. We have seen other businesses in Spanish Fork which have advertising on their roofs and I don't feel it is hurting anything since it has been there for 13 years."

Mr. Pierson indicated the City's sign ordinance does not allow roof signs. Since the sign was in existence before the sign ordinance was amended in November 1996, the sign was allowed to remain with a non-conforming status. Section 17.28.010 (G) of the Spanish Fork Municipal Code deals with replacement of nonconforming signs. The ordinance indicates a sign must come into

conformance with change in a business name.

Mayor Barney turned time to Ms. Cheryl McBride. Ms. McBride reviewed her request in detail and distributed pictures of other nonconforming signs throughout the City, stating some have been recently installed. Ms. McBride expressed frustration because she was not told about the sign ordinance. She also stated the City was in-between City Planners at the time she applied for her building permit and business license.

Mayor Barney stated while he understands advertisement is essential for business, the Council has a commitment to follow the ordinances and laws of the City. Mayor Barney noted for the record a letter was received from the property owner Jim Nielsen in favor of the sign remaining.

Councilmember Shaw stated she does not find the sign offensive due to the location and the direction it faces. She admitted even she did not realize the sign was non-conforming. Councilmember Swenson agreed, stating commercial business is very competitive and this may be an area the Council should reevaluate.

Councilmember Shepherd feels it should have been the City's responsibility to notify Ms. McBride the sign was nonconforming before it was changed.

Mr. Pierson suggested alternatives to bring the sign into conformance. Ms. McBride feels the sign would be hidden if moved, and new electrical wiring would have to be installed. She indicated she would rather not move the sign.

After additional discussion, Councilmember Swenson made a **motion** to refer the issue to the Planning Commission for review of the sign ordinance with the involvement of the Chamber of Commerce. The Council requested the Planning Commission keep in mind the City is after signage which will generate sales while being aesthetically pleasing. Councilmember Shepherd **seconded** the motion, and it **passed** with a unanimous vote.

Mr. Pierson indicated he will issue a business license to OMally's to run the business conditioned upon getting the signage issue resolved.

Contract Approval - J. Lee Butler and Enoch Ludlow

Attorney Baker reviewed a contract with J. Lee Butler and Enoch Ludlow. The contract allows for elimination of the irrigation ditch so the City can widen 1400 East Street. In return the City will provide irrigation water to the Butler/Ludlow property through its secondary irrigation system at the City's pumping costs. Mr. Baker recommended approval of the contract.

Councilmember Huff asked if there would be any time the City didn't have water in the secondary system that Mr. Butler and Mr. Ludlow would want water. Mr. Baker indicated the contract obligates Mr. Butler and Mr. Ludlow to work with the City on scheduling.

Councilmember Shaw made a **motion** to authorize Mayor Barney's signature on the Contract with Enoch & Caroline Ludlow, and J. Lee & Diane Butler. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

Bid Approval - FY 2000 Cemetery Project

Mr. Heap reviewed bids received for the FY 2000 Cemetery Project west sidewalk and retaining wall. He recommended approval of the low bid from D.G. Concrete.

***Note: Councilmember Everett Kelepolo arrived at 7:48 pm.*

Councilmember Huff made a **motion** to approve the bid for the FY 2000 Cemetery Project from D.G. Concrete in the amount of \$98,000. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Bids Received: D.G. Concrete - \$98,000; K.R. Goble Construction - \$187,438.

Other Business

Chief Rosenbaum addressed a safety concern regarding the annual Fiesta Days Parade. Each year citizens place lawn chairs or folding chairs strung with rope along the City's right of way on Main Street to reserve places to view the parade. The 1999 parade was held on a Saturday, and chairs were placed out as early as Tuesday. Chief Rosenbaum noted safety problems, as well as problems with grounds crews being able to complete grooming work. He suggested the City look at an ordinance which prohibits reserving space up to a certain time. The Council directed staff to draft an ordinance addressing this issue for a future meeting.

Discussion Item - Arts Council

Councilmember Thora Shaw serves on the City Arts Council. She gave a brief overview of the Arts Council, including successful programs they have started such as the Spanish Fork Choir, and Spooky Story/Poem Contest.

Adjournment

Councilmember Shaw made a **motion** to adjourn the meeting of the Spanish Fork City Council at 8:14 pm. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.