

**Adopted Minutes  
Spanish Fork City Council Meeting  
September 7, 1999**

The meeting was called to order at 6:30 pm for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led by Scoutmaster Chris Herbert from Troop 959.

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; S. Junior Baker, City Attorney; Richard J. Heap, Engineer/Public Works Director; Kent R. Clark, Finance Director/Recorder; Dee Rosenbaum, Public Safety Director; Nate Crow, GIS Specialist; and Gina Peterson, Deputy Recorder.

Citizens Present: Roxanna Johnson, *Spanish Fork Press*; Roy L. Johns, Glenn A. James, Pauline Webber, Don Phillips, Ron Davis, Paul Lofgreen, Ken Taylor, Robert A. Hutchings, Francis Milner, Lenore Carlson, Sharil Holt, Willy Marom, Sam Hadlock, Ed Carter, *Deseret News*; Reid Nielson, Paul Ogden, Greg Magleby, and Jesse Conway, *LEI Consulting Engineers*; Steve Grow, Dave Gardner, Dave Adams, and Steve Whittaker.

### **Minutes**

Councilmember Huff made a **motion** to approve the minutes of the August 3, 1999 meeting of the Spanish Fork City Council as presented. Councilmember Swenson **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Shaw made a **motion** to approve the minute of the August 17, 1999 meeting of the Spanish Fork City Council as presented. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Agenda Request - Chris Herbert - Community Scout Program**

Mr. Chris Herbert is the scoutmaster for a Community Scout Program. The Community Scout Program offers the scouting opportunity to all boys regardless of age or denomination.

Mr. Herbert discussed the growth of the program in recent years, and explained the need for a place to meet which has no affiliation with religion. Mr. Herbert felt the Memorial Building would be an ideal place to meet weekly and hold Court of Honors quarterly. He noted Steve Wilson from the American Legion has agreed to sponsor the community troop. The veterans have stated they would allow use of the building for a fee of \$100 per night. To promote the Community Scout program, Mr. Herbert requested the Council authorize use of the memorial building without the \$100 fee.

Councilmember Shaw asked why someone would join the community troop instead of the troop within the boundaries of the LDS wards. Mr. Herbert indicated local wards do not have scouting programs set up for boys over the age of 13. He stated a lot of parents have felt the community program is a way for older boys to still obtain their Eagle. Mr. Herbert also stated there is also a need in cases where the scouting program in an LDS ward is not functioning. He noted the community program is funded through its own fundraising projects.

Mayor Barney stated the City does not have control over who rents the Memorial Building as it is governed by a Veterans board. He directed Mr. Herbert to discuss this issue with the Veterans Board.

Mr. Ken Taylor, Chair of Veterans Memorial Council, stated the Veterans council manages and schedules the building. He indicated the building is scheduled to bring in revenue for the veterans. Rental fees have brought money to the veterans memorial at the cemetery. Money is also being set aside to build a gazebo at the new ballpark.

Councilmember Shaw feels it is unfortunate the community cannot meet the needs for the Community Scout Program. She stated the City owns the memorial building, but the veterans have a 99 year lease for the building. Councilmember Shaw indicated this issue presents another reason why the City needs a civic center.

### **Public Hearing - A04-99: An Ordinance Annexing Property Known as the Don Phillips Annexation**

Councilmember Kelepolo made a **motion** to open the public hearing at 7:30 pm. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

GIS Specialist Nate Crow reviewed the Phillips annexation. Don Phillips is requesting an annexation of approximately 54 acres north of Spanish Fork boundaries at 4000 North 100 West.

The City's general plan has a void in this area due to an amendment to the Annexation Interlocal Agreement which amendment was adopted on March 9, 1999. This amendment allowed Spanish Fork City to trade the Suntana Raceway property to Springville City in exchange for the Phillips property. The policy declaration boundaries were also changed at that time. Now, both the General Plan and the Growth Management Boundary will need to be amended. The City Planner feels because the portion of property outside the growth management boundary adjoins the current city boundaries and abuts Springville City's south boundaries, it would be appropriate to annex the property in order to create a perimeter between the municipalities.

It was noted City utilities are available in the area, but it will be the developer's responsibility to get utilities to the property. The Development Review Committee and Planning Commission have recommended approval of the annexation subject to conditions.

Staff recommends approval of the annexation subject to the following conditions:

1. 3450 North be extended through the property to Main Street in Spanish Fork;

2. All property annexed north of 3450 North will be General Commercial (C-2);
3. All property south of 3450 north will be Light Industrial (I-1);
4. All property within the proposed annexation west of Main Street will be Light Industrial (I-1);
5. All lots or developments adjacent to Main Street or 3450 North will have a 20 foot landscape strip instead of the required 15 feet;
6. No displaying of merchandise be allowed in front of the building or designated "front" of the lot;
7. All loading and unloading areas be accessed from the back or rear of each development;
8. All storage areas be hidden by a bermed mound, landscaping, and a sight obscuring fence approved by the City.

Mayor Barney opened the meeting for public input.

Mr. Steven Grow addressed the Council on behalf of Mr. McKay Winkel, purchaser of the property. He stated they would prefer all property be zoned I-1, because they feel there is a much greater demand for light industrial. Mr. Grow stated if there is no demand for commercial, he hopes the City will give consideration to changing the zone in the future. Mr. Grow also requested that the restriction for rear delivery entrances be limited to buildings which front Main Street and 3450 North.

Mr. Paul Ogden from Wardley Better Homes and Gardens indicated they have some users under contract which have been led to believe the property would be zoned light industrial. He discussed the requirement of rear loading docks, stating industrial property generally means part of building is warehouse space and to insist that all doors be placed at the backs of building puts the buildings in the wrong shape. Mr. Ogden also suggested 3450 North have a bend in the road to lend itself to the aesthetics of the commercial zone as well as slowing down traffic.

Ms. Pauline Webber from ERA Mountainland Real Estate reiterated comments regarding rear entry doors for truck delivery. She noted Longview Fibre has front entrances.

Mr. Dave Gardner agreed with previous comments made regarding rear delivery entrances. He also noted the zoning may have to be readdressed if property owners cannot find a user for the Commercial property.

Mayor Barney closed the public input portion of the meeting.

Councilmember Huff noted the Council is not in a position to bind a future City Council to a decision about a possible zone change. A general discussion took place among the Council regarding the annexation.

Councilmember Swenson made a **motion** to adopt the Don Phillips annexation by Ordinance A04-99 subject to the following conditions:

1. 3450 North be extended through the property to Main Street in Spanish Fork, and

2. be constructed with the 1<sup>st</sup> phase of the project;
3. All property annexed north of 3450 North will be General Commercial (C-2);
4. All property south of 3450 north will be Light Industrial (I-1);
5. All property within the proposed annexation west of Main Street will be Light Industrial (I-1);
6. All lots or developments adjacent to Main Street or 3450 North will have a 20 foot landscape strip instead of the required 15 feet;
7. No displaying of merchandise be allowed in front of the building or designated "front" of the lot;
8. All loading and unloading areas be accessed from the back or rear of each development for those developments that front on Main Street or 3450 North, conditionally;
9. All storage areas be hidden by a bermed mound, landscaping, and a sight obscuring fence approved by the City;
10. The developer will be responsible for getting water and all other utilities to the property;
11. That an agreement be drafted by the City and signed by the petitioner regarding all conditions approved by the City Council before recording of the annexation can take place.

Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

Councilmember Huff made a **motion** to exit the public hearing at 8:07 pm. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Approval of Election Judges**

Mr. Clark outlined proposed election judges for the 1999 City Council election. He noted there are eight polling places which will house 11 districts.

Councilmember Huff made a **motion** to approve the proposed election judges as submitted. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Lease Agreement - Daughters of the Utah Pioneers (DUP)**

Attorney Baker reviewed the proposed lease agreement with the Daughters of the Utah Pioneers (DUP) for a portion of the Memorial Building. He noted the front portion of the Memorial Building is still in the control of the City and not the American Legion. The terms of the agreement will be identical to the agreement previously made.

Councilmember Swenson made a **motion** to authorize Mayor Barney's signature of the lease agreement with the DUP, and to extend the lease for another four years. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.

### **Development Agreement - Canyon Crest Subdivision**

Attorney Baker reviewed the conditions outlined in the Development Agreement for the Canyon Crest Subdivision. The subdivision is located at the old gravel pit, joining the bottoms road, and is now in the process of receiving final plat approval. This development agreement incorporates the major components from Preliminary Plat approval as well as the CC&R's.

The Council briefly discussed the condition in reference to guard rails on the street. It was determined that adequate safety measures and guard rails will be installed at locations subject to the Engineering and Public Safety departments. Developer Dave Adams agreed with this condition.

Councilmember Huff made a **motion** to enter into the development agreement for the Canyon Crest Subdivision subject to amendments that adequate safety measures and guard rails be determined by Engineering and Public Safety Departments, and that references to "*homeowners association*" be changed to "*architectural review committee*" as well as other minor changes noted by Attorney Baker. Councilmember Shaw **seconded**, and the motion **passed** with a unanimous vote.

### **Voicestream Telecommunications Tower - Co-location Site Lease**

Voicestream would like to co-locate on an existing telecommunications tower owned by U.S. West at 2550 East Canyon Road, near the City's substation. They would also like to lease ground from the City for a 375 square foot building to house their facilities. The Electric and Public Utility departments have no objections to the lease. Attorney Baker reviewed the lease indicating it is a fairly standard type of lease with the exception that Voicestream does not own the tower. Voicestream is proposing a lease payment of \$350 per month with 4% annual increase for the City property. Attorney Baker noted since the tower is approved as a Conditional Use Permit, Voicestream will also have to get a conditional use permit at a public hearing scheduled before the Planning Commission on October 6, 1999.

Councilmember Shaw made a **motion** to approve the Telecommunications Tower Co-location Site Lease with Voicestream subject to \$350 rental fee and approval of the Conditional Use Permit by the Planning Commission. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote.

### **Other Business**

The Mayor and Council discussed how requests to be placed on the City Council agenda should be handled. Consensus from the Council was for citizens to fill out a formal, detailed agenda request in order to be placed on the agenda. If items are not on the agenda, they will not be discussed.

Mayor Barney publicly thanked the Public Works Department for their hard work in fixing the water main break which occurred on August 31, 1999.

### **Adjournment to Executive Session**

Councilmember Swenson made a **motion** to adjourn the regular session of the Spanish Fork City Council and convene the executive session at 8:55 pm to discuss legal issues and the sale of property. Councilmember Kelepolo **seconded**, and the motion **passed** with a unanimous vote.