

Adopted Minutes
Spanish Fork City Council Meeting
June 19, 2001

The meeting was called to order at 6:30 pm by Mayor Pro Tem Sherman E. Huff for a preliminary review of the agenda. At 7:00 pm the pledge of allegiance was led by Councilmember Everett Kelepolo.

Elected Officials Present: Mayor Pro Temp Sherman E. Huff, and Councilmembers Glenn A. James, Roy L. Johns, Everett Kelepolo, and Lillian J. Shepherd. Mayor Dale R. Barney was excused.

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

Citizens Present: Tom Scribner, Pat Day, and Dave Olsen, *Hearthstone Development*; David Adams, *Hubble Engineering/Providence Development Group*; Les Allen, Lynne Aaron, Jewel Nelson-Beardall, and Lynn R. Stratford, *Dos Amigos*; Karen Payne, *Spanish Fork Area Chamber of Commerce*, Travis Bryner, Mike Allen, Jalen Clifford, Jason Murphy, and Malissa Murphy.

Agenda Review

The Mayor and Council reviewed each item on the agenda. No general discussion took place.

Minutes

Councilmember Kelepolo made a **motion** to approve the minutes of the June 12, 2001 meeting of the Spanish Fork City Council as presented. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

Agenda Request - Mike Allen and Jalen Clifford

City Planner Emil Pierson reviewed an agenda request from Mike Allen and Jalen Clifford. Mr. Allen and Ms. Clifford would like to convert a home at 86 West 100 North into an antique store and sandwich shop. The building was constructed approximately 1906 and therefore exhibits potential problems with bringing it current to the Uniform Building Code (UBC) as required by the City. The applicants were particularly concerned about the building code regarding ADA requirements in restroom facilities. Chief Building Official Doug Shorts recommended the applicants contact the Utah State Historical Society to discuss building issues on older structures.

The Historical Society has indicated that building officials can waive full conformance to all requirements of the UBC as a means for preserving and/or rehabilitating historic buildings, provided:

1. The building or structure has been designated by official action of the legally constituted authority of the jurisdiction as having special historical or architectural significance.
2. Any unsafe conditions in this code are corrected.
3. The restored building will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

Mr. Pierson and the applicants are suggesting the City create a Historic Committee to make recommendations and decisions in these circumstances.

Mr. Jason Murphy, Director of Downtown Development for Payson City, outlined information regarding historic preservation.

Councilmember Kelepolo asked what type of protection would be given to the building if it was designated as a historic building. Mr. Murphy stated the building could receive relief from the building code if it is designated historic locally. If a resolution is passed deeming the building as historic, the City can make whatever stipulations are wanted to the building.

Councilmember Johns asked if specific UBC codes waived would differ with each historic building. Mr. Murphy indicated all new construction or the full remodel of a building has to meet current codes. Waiver of ADA codes is only given on a reasonable basis.

Further discussion took place regarding the historical status of buildings and neighborhoods. Mr. Pierson indicated the future zoning designation of this property will likely be commercial.

Councilmember Kelepolo made a **motion** to proceed with the creation of a Spanish Fork Historic Committee to provide recommendations on historical buildings in Spanish Fork. The members will be chosen by the Mayor, City Council and staff. Councilmember Shepherd **seconded**, and the motion **passed** with a unanimous vote.

***Note: An official resolution creating the historical committee will be reviewed at the first Council meeting in July.*

Consent Agreement for the Assignment of Contract for Cross Parking

City Attorney Junior Baker reviewed the consent agreement. The City recently signed a cross parking agreement with Lane Henderson for a commercial center he is building on 300 North Main. The assignment of contract for cross parking provides that Zions Bank will step into Lane Henderson's position, in his absence, in the event of default. Attorney Baker recommends the contract be approved with minor deletions.

It was noted the commercial center is in the C-D zone in which off-street parking is not required. Zions Bank is requiring the developer to have their own parking because the bank is concerned businesses will not succeed without sufficient parking.

Councilmember James made a **motion** to authorize Mayor Barney to sign the Consent Agreement between Zions Banks and Spanish Fork City for the Assignment of Contract for Cross Parking excluding verbiage relating to the loan agreement and other loan documents. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

Adjournment to Executive Session

Councilmember Shepherd made a **motion** to adjourn the regular session of the Spanish Fork City Council at 7:37 pm and convene the executive session to discuss purchase of property. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.