

**Adopted Minutes**  
**Spanish Fork City Council Meeting**  
**July 2, 2002**

The meeting was called to order at 6:30 pm by Mayor Dale R. Barney for a preliminary review of the agenda. Councilmember Christensen offered a prayer. At 7:00 pm the pledge of allegiance was led by Garrett Robarge, a member of the Boy Scouts.

Elected Officials Present: Mayor Dale R. Barney, and Councilmembers Sherman E. Huff, Roy L. Johns, Glenn A. James, and Paul M. Christensen. Councilmember Everett Kelepolo was excused.

Staff Members Present: David A. Oyler, City Manager; Kent Clark, Finance Director/Recorder; Richard Heap, Engineering Director; Dee Rosenbaum, Public Safety Director; Emil Pierson, Planning Director; and Connie Swain, Deputy Recorder.

Citizens Present: Janis Nielsen, *Spanish Fork Press*; Cary Robarge, Garrett Robarge, Vernal Shepherd, Christy Shepherd, Nick Curtis, Zac Hunsaker, Ryan Elliott, and Tim Vincent.

**Minutes**

Councilmember Huff made a **motion** to approve the minutes of the June 18, 2002 city council meeting, as presented. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

**Public Hearing - Zoning Text Amendment Request - Vernal Shepherd**

Councilmember Johns made a **motion** to move out of the regular session of city council meeting and into the public hearing portion of the meeting. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

Mayor Barney reviewed the procedures for a public hearing.

Mr. Pierson said, Vernal Shepherd built an awning connected to the side of his home without first obtaining a building permit. A member of city staff observed the awning and found it to be in violation of the zoning ordinance. Mr. Shepherd is the applicant requesting the council approve an amendment to the zoning ordinance allowing awnings on the side yard setbacks. Mr. Pierson recommended if the city council approves the amendment it include six requirements he has listed in the agenda packets.

Mayor Barney open the meeting for public input.

Mr. Shepherd presented council with pictures he had taken in town showing various awnings and brought with him several letters written by his neighbors supporting the amendment request. Mr. Shepherd said he has spoken with four members of council and he would like the council to consider

the proposal. Mr. Shepherd said he agrees with the six recommended requirements Mr. Pierson has presented. Mr. Shepherd said he missed the Planning Commission meeting because he was not aware of the date.

Mayor Barney asked how a fire truck would gain access to his back yard. Mr. Shepherd said a fire truck could not get to the back yard with or without the awning. Mr. Shepherd put the awning on the west side of the house due to the fact the roof line is higher.

Mr. Vincent said he has no problem with the awning and he lives in the house on the west side of Mr. Shepherd.

Mayor Barney closed the public input portion of the meeting and opened the meeting for council discussion.

Councilmember Johns asked how Mr. Shepherd was notified of the Planning Commission meeting. Mr. Pierson said Marlo Smith, Engineering Secretary, called Mr. Shepherd's home several times to notify him.

Mr. Shepherd said he talked to Mr. Shorts and he was told by Mr. Shorts he would be willing to come to council meeting and express his support for the ordinance change since surrounding communities have adopted similar changes. However, Mr. Shepherd was unable to contact Mr. Short.

Mr. Pierson said currently the zoning ordinance for Mr. Shepherd's neighborhood states if it is a detached structure it must be one foot from the property line. If the structure is attached to the home it must be five feet from the property line.

Mayor Barney said we should consider what is best for the city.

Councilmember James served on the Board of Adjustments and he is concerned with legal and safety issues.

Councilmember Huff said without legal problems we can change the ordinance without violating state law. Councilmember Huff said he talked to Mr. Shepherd but only gave him the proper procedures and did not mean to show he was in favor of the change. He has not decided. He will follow Planning and Development Review Committee recommendation unless convinced otherwise.

Mrs. Shepherd addressed council after Councilmember Christensen invited her to do so. Mrs. Shepherd said they were not notified of the meeting other than caller ID showing a call from the city.

Councilmember Christensen could not find the home to see it Councilmember Christensen said Mr. Shepherd put the awning in without a permit and it is against the ordinance.

Councilmember Huff asked of Councilmember Johns if they reviewed the surrounding cities zoning

ordinances. Councilmember Johns said yes they reviewed the information and part of the decision was made due to the fact Mr. Shepherd was not present.

Mayor Barney said we could allow awnings on homes with narrow lots since many of the older homes have narrow lots.

Councilmember Huff asked if the information Mr. Shepherd has to present could be rescheduled for Planning Commission meeting.

Mr. Pierson said the same information would be presented and he feels they would make the same decision with or without Mr. Shepherds attendance.

Councilmember Christensen said Mr. Shepherd should be able to make his presentation to Planning Commission.

Councilmember Huff said we should be decisive and support Planning Commission's recommendation.

Councilmember James made a **motion** to table the public hearing on the request by Mr. Shepherd to amend the zoning ordinance to allow the Planning and Zoning Commission to hear Mr. Shepherd's presentation. Councilmember Johns **seconded**, and the motion **passed** with a unanimous vote.

### **Public Hearing - Ordinance 02-02 - Title 16 Subdivision Ordinance Text Amendment**

Mr. Pierson said this item has been before council. It was not listed correctly on the previous agenda. It is before council to approve the ordinance and meet policy standards. Mr. Pierson said over the last couple of months several changes have been recommended along with policy 39, Construction and Development Standards.

Mayor Barney open the meeting for public input. None was given. Mayor Barney opened the meeting for council discussion.

Councilmember Huff made a **motion** to adopt Ordinance 02-02, an ordinance amending Title 16, Subdivision Ordinance, as presented. Councilmember Christensen **seconded**, and the motion **passes** with a unanimous vote.

Councilmember Johns made a **motion** to move out of the public hearing portion of the meeting and move into regular session of city council meeting. Councilmember Christensen **seconded**, and the motion **passed** with a unanimous vote.

### **Ordinance 03-02 - An Ordinance Prohibiting the Use of Fireworks in Certain Areas of Spanish Fork City**

Mr. Rosenbaum said last year an ordinance similar to this was adopted and this year it is much drier.

Mr. Rosenbaum said this is an ordinance that safety officials felt should be brought before council due to the fire hazards prominent at this time. Mr. Rosenbaum reviewed the ordinance and recommended council adopt the ordinance. Mr. Rosenbaum has asked the officers to vigorously enforce the use of illegal fireworks. Mr. Rosenbaum reviewed the guidelines defining illegal fireworks.

Mayor Barney also said those using illegal fireworks are liable for any damages they may cause.

Councilmember Johns made a **motion** to accept Ordinance 03-02, an Ordinance prohibiting the use of fireworks in certain areas of Spanish Fork City. Councilmember Christensen **seconded**, and the motion **passes** with a unanimous vote.

### **Change Order No. 2 - 16 Inch Water Well Projects - Canyon Road Well and Canyon Elementary Well.**

Mr. Heap said the best quality water for our pressurized irrigation and maybe future culinary use is from wells dug between 900 feet and 1000 feet. Staff has reviewed the screens for the wells and they recommend a louvered shutter screen in place of the Johnson screen. This change will reduce to total contract amount. The screens filter out the fine sands.

Councilmember Huff made a **motion** to approve change order no. 2 for the 16 inch water wells at Canyon Road and Canyon Elementary. Councilmember James **seconded**, and the motion **passed** with a unanimous vote.

### **Adjournment**

Councilmember James made a **motion** to adjourn. Councilmember Huff **seconded**, and the motion **passed** with a unanimous vote. The meeting adjourned at 8:00 pm.

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Connie Swain, Deputy Recorder

Approved: July 9, 2002